

PUBLIC DEFENDER OF GEORGIA

**WOMEN'S RIGHTS AND
GENDER EQUALITY**

2015



PUBLIC DEFENDER
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INTRODUCTION

The protection of women's rights and the achievement of gender equality remains a challenge in Georgia. Despite positive steps taken by the state, the situation in a number of spheres requires special attention. There is a problem of effective implementation of legal regulations and national action plans.

Despite numerous recommendations by the Public Defender of Georgia, efforts of the state to prevent early marriages are insufficient; the scale of domestic violence and violence against women is extremely large; the situation with the protection of LGBT rights has not virtually improved; women's participation in decision-making processes remains low at every level.

An initiative of President of Georgia to declare 2015 as the women's year was a welcoming step. It has further enhanced public interest towards the issues and strengthened its importance. Yet another welcoming development was the appointment of women as the Chairman of Supreme Court of Georgia and the Minister of Defense. This underlines the role and importance of women in the process of democratic development and ensuring peace and security in the country.

Public Defender of Georgia has repeatedly underlined Georgia's signing of the Council of Europe's 2011 Convention on Preventing and Combating Violence against Women and Domestic Violence as a positive step. We firmly believe that the ratification of the Convention will significantly improve the ways of combatting the violence against women and domestic violence; however, the ratification package of the Convention has not been submitted to the parliament yet.

A significant event was the adoption of amendment to the law by the Parliament of Georgia on 16 December 2015, which was drafted on the basis of a legislative proposal submitted by the Public Defender of Georgia. The amendment provides for a new rule of marriage registration of persons aged between 17 and 18, requiring that such marriages be permitted by a court alone.

Information campaigns and retraining of police officers conducted by the Ministry of Internal Affairs of Georgia have resulted in increased exposure of incidents of violence against women and domestic violence. More frequent application of protective measures has shown once again the importance of raising public awareness and efficient provision of services.

GENDER MAINSTREAMING: EXISTING PRACTICE AND CHALLENGES

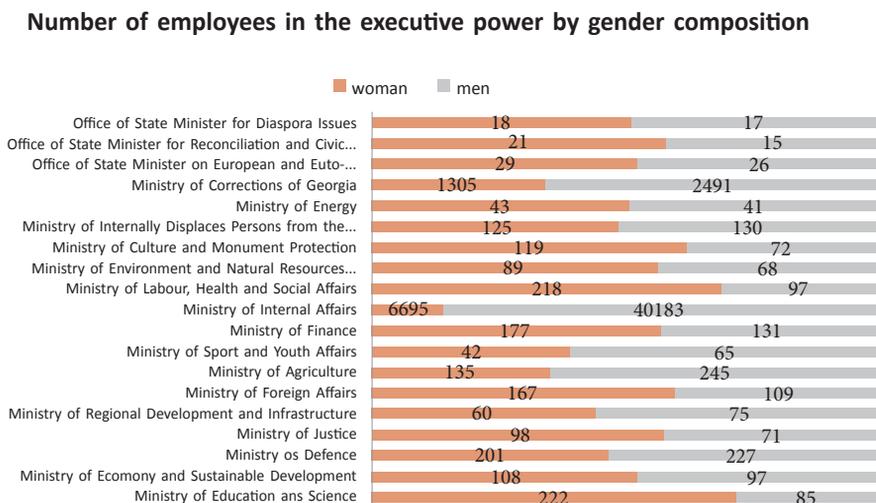
Integration of gender equality issues in all types of activities is a matter of great importance. International practice has proved that organizations and institutions pursuing gender mainstreaming policies are distinguished for their high level of organizational development.

This has been proved by a successful practice of the Office of Public Defender of Georgia too. In addition to the activity of the Department of Gender Equality, the Public Defender's Office pays a great deal of attention to the career advancement of women and the enhancement of internal institutional mechanisms such as gender equality strategy and its action plan as well as the document on preventing sexual harassment for employees of the Public Defender's Office of Georgia.

To study the existing practice and challenges of gender mainstreaming, the Office of Public Defender has analyzed activities of executive power and local self-government bodies, including the gender composition of employees at all levels and the existence and operation of a person or a structural unit in charge of gender equality issues.

Gender mainstreaming also involves the assessment process, attaching a special importance to availability of segregated gender statistics. It is therefore very important to ensure that all state entities collect and analyze such data and scrutinize revealed shortcomings. According to the findings of the study, a number of ministries and local self-government bodies do not collect information about gender composition of their personnel, let alone analyze and publish it.

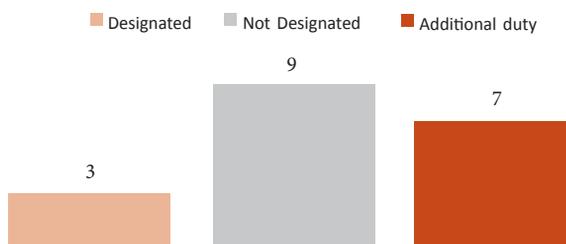
The study has shown that women represent the majority of employees in the offices of ministries and state ministries, however, their representation at a managerial level is not that strong. This must be attributed to the so-called glass ceiling, an unacknowledged barrier to the career advancement of women or their involvement in decision-making process. The gender composition on the executive power level looks as follows:



Most striking in the above presented findings is the data of the Ministry of Internal Affairs and the Ministry of Corrections where the number of male employees significantly exceeds that of female employees, fully reflecting gender stereotypes widespread in the society.

When integrating gender equality issues, it is very important to establish and enhance a structural unit or, in the absence thereof, designate a person responsible for this task. The results of the study has proved that none of the ministries has set up a structural unit (a department, a center) on gender equality; only three ministries have designated persons to do this job whilst the remaining entities either assign this task to a person as an additional duty or when need be, designate a person for this task.

Number of persons in the executive power, responsible for gender equality issues

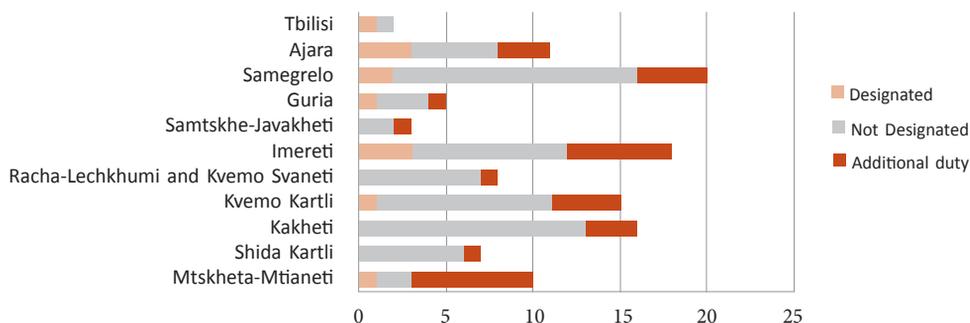


Designating a person for gender equality issues would be a step forward in the activity of each entity. On the one hand, it would enable to collect relevant information and to build an institutional memory and on the other hand, it would have a positive impact on the implementation of state policy in the area of gender equality.

It is also very important for the executive power to have a single interagency mechanism on gender equality issues because the activity of a number of working groups, commissions and councils, having been set up and involving largely the same people, lacks systematization and focus.

On the positive side, the number of those local self-government bodies that designated a person for gender equality issues – an advisor on gender, increased in 2015. It should be noted here that the analysis of information provided by local self-government bodies shows poor representation of women on managerial positions although women comprise the majority of employees of local councils, executive bodies or mayor’s offices.

Persons designated for gender equality issues at local self-government lever



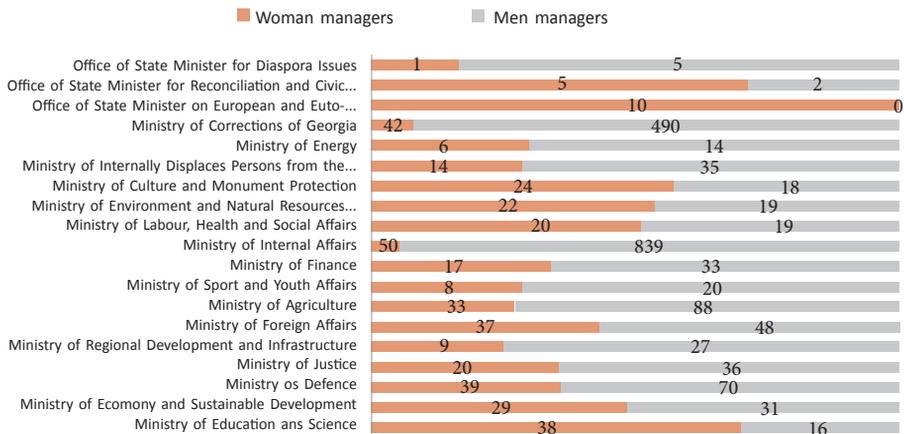
WOMEN'S PARTICIPATION IN DECISION MAKING PROCESSES

Women continue to suffer from unequal treatment and discrimination in various spheres of life, which becomes highly visible when assessing their involvement in decision making processes. Stereotyped attitudes and faulty opinions existing among society as well as the lack of special measures create barriers to women's participation in political and social life of the country.

The issues of equal participation of women in politics remains one of key challenges in protecting women's rights and achieving gender equality. According to the 2015 Global Gender Gap Report,¹ Georgia ranks 114th by women's political participation and 117th by women's representation in the parliament among 145 countries. By the data of inter-parliamentary union,² as of 1 December 2015, Georgia is 111th among 150 countries.

It is important that by the indicator of women on managerial positions Georgia is 49th among 145 countries.³ This is proved by the findings of the study conducted by the Public Defender's Office, showing that the majority of employees of the executive power comprise women though their representation on managerial positions is quite low.

Number of employees at managerial positions in the executive power



During information meetings held by the Public Defender of Georgia in the accounting period, a special attention was paid to mainstreaming gender issues in the rural development programs and the issue of women in general. According to local population, women do not participate in any of the stages of planning and implementation of desirable projects with the amounts allocated within the rural development program. The reason of this is that, on the one hand, women's participation in these processes

1 The information is available at: <http://www3.weforum.org/docs/GGGR2015/cover.pdf> [Last accessed on 1 March 2016].

2 The information is available at: <http://www.ipu.org/wmn-e/classif.htm> [Last accessed on 1 March 2016].

3 The information is available at: <http://www3.weforum.org/docs/GGGR2015/cover.pdf> [Last accessed on 1 March 2016].

are perceived negatively by society and, on the other hand, representatives of local self-government body do not invite women to meetings.

The above said has been proved by the information sent by the Ministry of Regional Development and Infrastructure in response to our request to provide gender statistics of participants in the process of planning and implementation (community meetings, et cetera) of rural development programs; unfortunately, the Ministry⁴ does not have the mentioned information and it provided only a list of implemented projects.

The analysis of provided information makes it clear that issues related to infrastructure are considered a priority: the purchase of transportation means, the arrangement of ceremony houses, the improvement of public places, the construction of irrigation systems. These issues are defined as priorities mainly by men because they hold decision-making positions. Little consideration is given to issues that fall within the scope of interest of women. For example, the absence of kindergarten remains a problem for a number of villages as well as the issue of water supply which is not limited to irrigation systems alone but implies the supply of drinking water to residential houses – something that is a very serious problem for rural women.

2015 was marked with the launch of parliamentary debates on the establishment of quota system. This issue was initiated in the parliament of Georgia by MP Nana Keinishvili and Women’s Movement. The Public Defender of Georgia supported the 50/50 initiative of Women’s Movement, which implies the alternation between male and female candidates on party lists. Unfortunately, at a committee hearing, the parliamentary committee for legal issues did not support any of the quota initiatives. Moreover, the number of parliament members disapproving of the recommendation adopted after the consideration of 4th and 5th combined periodic reports of Georgia by the Committee on Elimination of All Forms of Discrimination against Women,⁵ calling on the state to adopt temporary special measures, including statutory quotas, in accordance with Article 4 (Paragraph 1), Article 7 of the Convention and general recommendations 23 and 25 of the committee, is quite high.

In his opinion submitted to the Parliament of Georgia in this regard, the Public Defender noted that the quota system is a real solution to the existing inequality and a possibility to provide equal opportunity to representatives of both sexes to participate in decision making processes.

WOMEN, PEACE AND SECURITY

World practice combines three directions of women participation in a new model of war and peace: protection of women during armed conflicts, involvement of women in the prevention and avoidance of armed conflicts, and women’s participation in decision making process concerning all the above mentioned issues.

4 A letter of the Ministry of Regional Development and Infrastructure #01/181. 25/01/2016.

5 The information is available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fGEO%2fCO%2f4-5&Lang=en [Last accessed on 1 March 2016].

On 31 October 2000, the UN Security Council unanimously adopted the resolution #1325 on “Women, Peace and Security” which, together with accompanying resolutions, recognizes a special importance and the needs of girls and women in conflict and post-conflict situations. Despite the adoption of the resolution, peace building negotiations over the period from 1992 to 2011 involved a mere 9 percent of women⁶ - a very low figure showing disregard of women’s role.

The steps Georgia have taken in the area of women, peace and security are worth to be mentioned. On 27 December 2011, a national action plan was approved and a national coordination group was set up which, in parallel to the implementation of the action plan, worked under the parliamentary council on gender equality, first, and then, under the secretariat of Prime Minister of Georgia.

The Public Defender’s Office was involved in the activity of national coordination group with a consultative voting power. Moreover, in 2015, the Department of Gender Equality conducted the monitoring of the implementation of the national action plan with the aim to review the fulfilled objectives set in the national action plan.

The first stage of the monitoring envisaged the collection of information about carried out activities from relevant entities; the second stage of the monitoring involved the planning of in-depth interviews and the conduct of focus-group meetings whilst the third stage was dedicated to meetings with internally displaced persons (IDPs) living in compact settlements and people living in villages along the occupation line – Perevi, Tirdznisi, Urulu and Octomberi.

The results of the monitoring showed that the action plan had not actually benefitted the population having special needs in this regard. Women living in villages along the occupied territories and in compact settlements of IDPs face numerous problems, however, the lack of targeted protection or rehabilitation measures is apparent.

The majority of state entities responsible for the implementation of national action plan fulfilled only formal obligations. They did not plan and implement any special measure that would contribute to the fulfillment of requirements set forth in the resolution #1325.

The only entity that reflected in its activity the objectives specified in the plan was the Ministry of Defense. In 2014, an institution of gender advisors was established within the framework of gender equality strategy adopted by the Ministry. Moreover, a gender equality monitoring group was set up and tasked to support the implementation of the state action plan. Increase was seen in the involvement of women in peacebuilding missions with 219 women having participated in the missions in Iraq and Afghanistan and the share of women in armed forces comprising 7 percent.⁷

It has been revealed that women, in most cases, do not have military education which impedes their appointment to managerial positions. Despite the work carried out by

6 The information is available at: <http://www.unwomen.org/en/what-we-do/peace-and-security/facts-and-figures> [Last accessed on 1 March 2016].

7 A letter of the Ministry of Defense #MOD 0 15 00874317; 22/10/2015.

the Ministry in terms of gender equality, it is assumed that many men still disapprove of women holding managerial positions and this attitude is also an impediment to women's involvement. Consequently, there is a need to raise awareness and make a stronger focus on civil education.

Meetings held in regions⁸ showed significant problems faced by internally displaced women living in villages bordering the conflict-affected regions. The involvement of women at the local self-government level is quite high in the communities with self-assistance centers⁹. Members of self-assistance groups in the villages of Perevi and Tirdznisi actively participate in the planning of the budget, assist local populations to get involved and bring their needs to the forefront. Women lobby issues of accessibility to children services and are more active in this area than men. However, the same does not hold true for other bordering villages.

Challenges in the health care sphere need to be mentioned. The information provided by IDPs and conflict-affected population makes it clear that they badly need psychological assistance programs. The national action plan envisaged this activity, but the Ministry of Labor, Health and Social Affairs failed to fulfill this obligation.

A number of important problems were outlined during the meetings in terms of access to health care programs, which impede the use of these programs: the absence of dentist that makes it difficult to get this service especially for children; the absence of family doctor in several villages and the need to walk five or six kilometers in order to reach a family doctor in another settlement; the problem of getting emergency medical service as the villages are located far from the center and it takes quite long for an ambulance to get there. According to local population, screening of women which is delivered to the villages and compact settlements of IDPs is of formal nature as the time allocated for the provision of this service is so short that half of those willing to get this health service fail to receive it.

The monitoring showed the absence of rehabilitation program for victims of sexual violence. Consequently, questions arise about the competence and conformity of the entities that are responsible to implement objectives set in the national action plan.

Access to justice is a serious challenge, especially for displaced and conflict-affected women. Despite the activity carried out by the LEPL Legal Aid Service, the level of awareness of services in the country and personal rights is low among IDPs and conflict-affected population. Women are unaware of the national mechanisms against domestic violence, the types of services they can receive from state entities. Therefore, it is necessary to organize the system in such a way as to make protection measures and justice easily accessible for women and to make this happen, it is especially important to thoroughly study problems, impeding factors and challenges faced by women.

A matter of great dissatisfaction¹⁰ among people living in the territories¹⁰ bordering occupied regions is the formal nature of classes on civil defense, taught during one

8 Villages Perevi, Tirdznisi, Urulu, Octomberi.

9 Self-assistance groups set up with the assistance of Taso Foundation.

10 An information meeting in Tirdznisi and Octomberi.

semester from grade 6 to grade 12.¹¹ Participants in the meeting noted that the course contains very little and only formal information.

The monitoring revealed that when implementing the national action plan, a number of entities, which considered planned activities mismatching their mandates, failed to delegate the obligations thus leaving such activities unfulfilled. It should be noted that all relevant entities were involved in the development of national action plan and one may wonder why the conformity of activities was not reviewed and powers were not delegated before the action plan was adopted as such issues could have been discussed within the framework of the national coordination council. The problem that emerged despite the involvement and participation in the processes of delegation of powers provides the ground to assume that responsible entities failed to properly assess the importance of the implementation of UN Security Council resolutions.

Yet another serious challenge was the lack of specific activities. A number of entities reflected some activities defined in the national action plan in their daily activities and the principle of Women, Peace and Security focus has been lost. It is therefore necessary to develop such a national action plan in future that will directly envisage the needs of target groups. Moreover, it is important to plan new directions based on the study of shortcomings in the implementation of the action plan.

WOMEN'S ECONOMIC ACTIVITY AND LABOR RIGHTS

Step up in women's economic activity and protection of women's rights are crucial in achieving gender equality and improving women's rights. Women's economic independence and strength is in direct correlation with women's empowerment and dignified life, especially in case of domestic violence.

Women actively participate in the economic development of the country, their share in the labor market is high, but the issues of equal pay for equal work, prohibition of discrimination and career advancement remain a problem.

According to 2015 Global Gender Gap Report,¹² Georgia belongs to a lower-middle income group. According to this source, Georgia is 60th among 145 countries by women's economic participation and opportunity and 83rd by the labor force participation where men (79) exceed women (61).

According to the same data, Georgia ranks 25th by the indicator of wage equality for similar work. The ratio of average income indicator differs by sexes with Georgia ranking 100th among 145 countries. An average annual income of man is twice as many as that of a woman, amounting to 10,272 USD as compared to 5,183 USD earned by a woman on average.

11 A letter of the Ministry of Education and Science of Georgia # 2 15 00821510; 27/08/2015.

12 The information is available at: <http://www3.weforum.org/docs/GGGR2015/cover.pdf> [Last accessed on 1 March 2016].

The Public Defender of Georgia has repeatedly issued recommendations about the improvement of women's labor rights. Nevertheless, the second wave of legislative reform designed to improve women's labor rights have not resumed yet. Nor were any active steps taken towards the prevention of sexual harassment at workplace and its legislative regulation. The process of ratifying the Maternity Protection Convention №183 of the International Labor Organization has not started yet.

MATERNITY, CHILDBIRTH AND CHILDCARE LEAVE

The rule of using the right to maternity, childbirth and childcare leave, guaranteed under Article 27 of the Labor Code of Georgia, seems to equally apply to parents of both sexes; however, the situation is different in practice. A problem is the attitude of employers towards the use of childcare leave by men, on the one hand, and on the other hand, stereotypes existing in society, according to which childcare is a "woman's job" and a man, undertaking this "job," may even become an object of derision thus discouraging men to use the right guaranteed by the Georgian legislation.

Moreover, the rule determined in the decree of the Minister of Labor, Health and Social Affairs, which allows the reimbursement of a maternity, childbirth and childcare leave to women alone remains a problem. This provision conflicts with the right guaranteed to employees under Article 27 of the Organic Law of Georgia the Labor Code and a key principle of gender equality, which implies shared obligations and responsibilities for the upbringing and development of children, also with the rule established by international treaties which Georgia is party to.

According to information provided by the Ministry of Labor, Health and Social Affairs, the work has begun on the amendments and addenda to the above mentioned decree in accordance with the Public Defender's recommendation; however, the issue remains unresolved.

SEXUAL HARASSMENT AT WORKPLACE

Sexual harassment at workplace represents the most widespread and at the same time, underreported problem negatively affecting the quality of performed work, endangering the wellbeing of women and men and undermining the degree of gender equality. Studies prove that in countries of the European Union some 40%-50% of women experience unwanted sexual treatment, physical contact or other forms of sexual violence at workplaces.¹³

¹³ The information is available at: http://endviolence.un.org/pdf/pressmaterials/unite_the_situation_en.pdf [Last accessed on 1 March 2016].

Article 6 of the Georgian Law on Gender Equality stipulates the issue of gender equality in labor relations and provides a general definition of harassment, but the law does not provide for legal response to sexual harassment at workplace. Article 40 of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) sets the obligation to states to take all measures to make any form of sexual harassment punishable under a national law. Unfortunately, a set of legislative changes drafted by the Ministry of Justice of Georgia for the ratification of this Convention does not provide the definition of sexual harassment.

It must be noted that in implementing obligations assumed under international documents, a special importance, in addition to legislative regulations, is attached to the establishment by employers of internal institutional response mechanisms. The practice of successful countries show that the establishment by employers of mechanisms preventing sexual harassment is way more effective and less costly in terms of reinstatement of violated rights. In this regard, one must note the adoption by the Public Defender of a document on the prevention of sexual harassment, which serves the aim of creating sexual harassment-free environment for employees of the Public Defender's Office of Georgia.

It is crucial to define sexual harassment on a legislative level and determine corresponding system of sanctions. Besides, public or private institutions must establish an internal institutional mechanism of preventing sexual harassment and responding to facts that occur.

RIGHTS OF SINGLE AND MULTI-CHILDREN PARENTS

Among challenges faced in the process of achieving gender equality, social and economic situation of single and multi-children mothers is especially grave. Despite the definition of a status of single parent, special measures of protection and assistance are not implemented while a status of multi-children parent remains undefined.

Pursuant to Article 5 of the Convention on the Elimination of All Forms of Discrimination against Women, states parties shall take all appropriate measures to ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases. According to the same Convention, the upbringing of children requires a sharing of responsibility between men and women and society as a whole.

Nevertheless, a single motherhood in Georgia is associated not only with the neglect by father of a child and responsibilities towards him/her but also disregard on the part of society and the state. Stereotyped attitudes existing in society, on the one hand, and absence of state assistance programs, on the other hand, contribute to an extremely difficult situation of single mothers in terms of their rights and economic conditions.

On 16 June 2015, a joint decree (#79/#01-18n) of the Ministry of Justice and the Ministry of Labor, Health and Social Affairs determined the Rule of Establishing a Status of Single Parent and Maintaining Data on Corresponding Persons. However, the implementation of relevant programs is no less important than the maintenance of data.

According to the Justice Ministry, the electronic database of the Public Service Development Agency on births in 2015, shows only the data of mothers in the section about parents in 1,393 birth records. Despite the determination of the status of single parent, there are no special programs developed to alleviate the burden of upbringing a child to a single parent. According to effective legislation, single parents are eligible to all state programs and are treated as priority for sub-programs; however, the existing programs are not sufficient to ensure social wellbeing of a single parent.

One should also note a shortcoming in the grounds for the abolition of the status of a single parent: the Civil Code of Georgia stipulates marriage of a person as a ground for abolishing the status of a single parent, though this does not automatically give rise to responsibilities of a step-father or a step-mother towards the child.

On 25 May 2015, within the scope of powers granted by the law, the Public Defender of Georgia submitted a legislative proposal to the parliament of Georgia, on amending the legal grounds of the abolition of a single parent status. According to the proposal, the above mentioned legal ground should be modified so that the status of single parent is abolished on the ground of an entry in a child's records about the emergence of another parent or legal representative and not on the ground of marriage.

Problems are faced by multiple-children parents too. The data provided by the Ministry of Justice shows that in 2015, some 11,787 women became mothers of three and more children. According to the Ministry of Justice, no statistics is maintained about the number of multiple-children parents in Georgia because the law does not provide for the status of multiple-children parent. Consequently, it is important to define the status of multiple-children parent in the Georgian legislation, also, to devise special programs and social allowances facilitating the improvement of social and economic condition of multiple-children families.

ROLE OF MEDIA IN THE ESTABLISHMENT OF GENDER EQUALITY

Gender equality and violence against women remains a serious challenge in Georgia. Stereotyped attitudes and discriminatory practices are deeply rooted in society, often resulting in violation of fundamental rights of women. Especially dangerous are the rules disguised as traditions and cultural customs, which rest on double moral standards (what is pardonable for men is not pardonable for women) and violate rights and freedoms of women. Society does not fight against such discriminatory practices but often even sympathizes with offenders.

Media outlets and their editorial policies play one of main roles in changing public awareness and establishing correct attitudes. They can reach each family and show them the gravity real problems and their consequences, contribute to the establishment of such values that ensure respect of basic human rights and freedoms.

The right to freedom of speech and expression is a fundamental right, but reporting violence against women and domestic violence requires extreme caution so as not to further strengthen existing discriminatory stereotypes and practices. According to Article 5 of the Convention on the Elimination of All Forms of Discrimination against Women, states parties shall take all appropriate measures to eliminate practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.¹⁴

The Council of Europe has been addressing this issue over the past years. To eliminate negative stereotypes and enhance gender equality, the resolution #1751 of the Parliamentary Assembly of Council of Europe, adopted in 2010, calls on states parties to include provisions in gender equality legislation, aimed at combating sexist stereotypes. The same resolution notes that the impact of sexist stereotypes in the media on the formation of public opinion, especially among young people, is disastrous.

To improve legislation in gender equality, in 2015, the Public Defender of Georgia submitted a legislative proposal to the parliament, regarding sexist advertisements in broadcast media; the proposal offers to specify the definition of sexist advertisement in the Law of Georgia on Advertising and to introduce relevant sanctions in the Law of Georgia on Broadcasting.

At the same time, the Public Broadcaster's activity is especially important in the area of women's rights and gender equality issues. When talking about the increase in women's participation in decision making process, we must not forget about the need to show active, successful, leader women. At the same time, it is necessary to properly highlight existing problems and promote the idea and spirit of equality in shaping a public opinion. The Public Defender of Georgia deems it important for the Public Broadcaster to integrate gender equality issues in its editorial policy.

RIGHTS OF WOMEN HUMAN RIGHTS DEFENDERS

Numerous women human rights defenders throughout the world experience oppression and violence for their activity as it is almost always associated with discussing tabooed topics, breaking the culture of silence and modifying established stereotypes.

It is noteworthy that in 2013, the organization Women's Fund in Georgia established an award for women human rights defenders, naming it after Kato Mikeladze, a Georgian feminist, activist and publicists of the early 20th century.

¹⁴ The information is available at: <http://www.ohchr.org/Documents/ProfessionalInterest/cedaw.pdf> [Last accessed on 1 March 2016].

On 4 November 2013, the UN Security Council adopted a resolution on protecting women human rights defenders.¹⁵ The resolution emphasizes threats and risks faced by women human rights defenders. It also notes that women human rights defenders are at risk of sexual violence and suffer violations of their fundamental rights to life, to psychological and physical integrity, to privacy and attacks on reputation.

The resolution also describes widespread methods of abuses and violence against women human rights defenders such as information-technology-related violations: online harassment, cyberstalking, violation of privacy, censorship and hacking of e-mail accounts, mobile phones and other electronic devices, with a view to discrediting women human rights defenders.

The resolution calls on states to take concrete steps to prevent threats, harassment and violence against women human rights defenders. To this end, the resolution offers the states to review the implementation of internal legal practice to identify the extent of protection guarantees in the regulations given to women human rights defenders.

Although the above issue does not seem topical in Georgia, the Public Defender's Office of Georgia has learned about a number of incidents. Moreover, naming a problem is crucial in order to avoid underreporting of facts or confusing them with other types of incidents.

In 2015, the Department of Gender Equality of Public Defender's Office studied several incidents of threatening women human rights defenders for their activity. The study of these incidents revealed that representatives of law enforcement bodies find it difficult to properly evaluate facts of threatening of, and risks faced by, women human rights defenders.

Incident #1: the case of A.A.

A video file containing threats to a woman human rights defender A.A was uploaded on www.youtube.com. The threat and abusive statements against A.A. were made because of A.A.'s statements about the problem of early marriage. The addressee of the threat did not feel secure because she often had to speak and make public statements about tabooed topics and existing vice practices.

We addressed the Unit of Fight against Cybercrime of Central Criminal Police Department of the Interior Ministry of Georgia. According to the response received from it, the unit studied the case but did not launch the investigation as it had not established signs of criminal offence. It should be noted that the Unit did not take any steps to establish the author of the video.

¹⁵ The information is available at: http://www.un.org/ga/search/view_doc.asp?symbol=A/C.3/68/L.64 [Last accessed on 1 March 2016].

Incident #2: the case of F.B.

Threats of harming the health and destructing the property were made against F.B., her child and the organization she represents. According to the applicant, the threats were made because of her activity in the area of reproductive and sexual health as well as the protection of women's rights and LGBT rights.

We addressed the Interior Ministry of Georgia. It is more than a year that this case has been investigated but no concrete results have been known yet.

It must be noted that representatives of law enforcement bodies do not treat threats against women human rights defenders seriously; however, considering attitudes in Georgia one may say that such threats are often real and the above applicants do feel unsafe. It is therefore especially important to take active steps for the implementation of UN Security Council resolution and review the implementation of the national legislation and improve the practical implementation of responsive measures by relevant entities.

REPRODUCTIVE AND SEXUAL HEALTH AND RIGHTS

Reproductive and sexual health is part of fundamental human rights and requires special attention. According to the Program of Action of the International Conference on Population and Development program (ICPD, 1994),¹⁶ reproductive health rights are based on the right of couples and individuals to decide without discrimination and coercion the number and spacing of their children and to have the information for making such a decision. According to the program,¹⁷ the state shall ensure easy accessibility of medical services, including for the protection of reproductive health which implies family planning and sexual health, high-quality services and freedom of choice.

It is important that the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) sees a link between discrimination and reproductive capacity of women and points to freedom of choice in terms of the number and spacing of their children. According to Article 12 of the Convention,¹⁸ states parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

The exercise of the right to reproductive health largely depends on the availability of quality medical services. No less important is the access to information enabling to exercise this right. Unfortunately, these issues remain a problem in Georgia. Information

16 The information is available at: http://www.unfpa.org/sites/default/files/pub-pdf/programme_of_action_Web%20ENGLISH.pdf [Last accessed on 1 March 2016].

17 The information is available at: <http://en.calameo.com/read/004110021f6f489646537> [Last accessed on 1 March 2016].

18 The information is available at: <http://www.supremecourt.ge/files/upload-file/pdf/aqtebi9.pdf> [Last accessed on 1 March 2016].

meetings and field trips to the regions organized by the Public Defender's Office of Georgia prove that the level of public awareness and information about reproductive and sexual health and rights as well as services and programs available in the country remains low.

Information vacuum and low awareness give rise to a whole set of problems and require special attention from the state as exercising the right to reproductive health largely affects social, economic or political development of the country. A particular need of access to various services and information was revealed in regions populated by ethnic minorities as along with other problems, the lack of information results from the language barrier. Moreover, a possibility to receive information about reproductive health in formal education programs is very limited.

Meetings with youth organized by the Department of Gender Equality of Public Defender's Office made it clear that youth lack information about access to contraception and abortion, existing regulations, family planning services. It is therefore very important to integrate mentioned issues in a school education program, which will also contribute to the prevention of early marriages and early motherhood.

Educating and informing adults is no less important and in this endeavor, along with the state, civil organizations or media outlets have to play an important role. Taboo and unhealthy attitude towards the issue among society results in stigma. A meeting with teachers showed that due to incorrect information parents often go against the conduct of seminars to their children on the issues of reproductive and sexual health, HIV/AIDS and other similar topics.

It is therefore important that specialists introduce and implement training/seminars for adults and youth on sexual and reproductive health and rights because parents fail to perform this function due to alienation with children and often, ignorance of these issues.

CHALLENGES OF FAMILY PLANNING

According to data of World Health Organization,¹⁹ around 225 million women across the world would like to terminate pregnancy however they do not have access to various methods of contraception and family planning. Restricted access to services and lack of information is in direct correlation with the termination of pregnancy and associated risks. Moreover, it is important to provide women with relevant information and consultation about the use of contraception and associated consequences.

The use of contraception in Georgia has increased compared to previous years; nevertheless, many women do not use it and apply less effective methods of family planning which result in unplanned pregnancy and represent a serious problem for

¹⁹ The information is available at: <http://www.who.int/mediacentre/factsheets/fs351/en/> [Last accessed on 1 March 2016].

women. After the abortion very few women receive consultation and corresponding service. Unequal access to services is especially striking among rural residents who lack education and information.

As mentioned above, the use of contraception in Georgia has improved but only up to 53%; the third of these use traditional methods which are mainly ineffective and often end in abortions.²⁰ This is proved by the data of National Statistics Office of Georgia, which show an upward trend in the use of hormonal contraception with four-fold increase in 2014 as compared to 2000.²¹

In recent years Georgia has seen a step up in information campaigns to raise awareness of contraception, but the general picture prompts that this is not sufficient. Information about the use of contraception should be provided by competent and professional personnel and this service should not be limited to the provision by international or local nongovernmental organizations alone.

MOTHER AND CHILDREN MORTALITY

Mother and child health is a priority for the entire world. One of main causes of deaths of women of reproductive age is antenatal and postnatal complications. The use of relevant services is impeded by such factors as poverty, lack of access to information, cultural factors, et cetera.

According to the World Health Organization data, up to 830 women died in 2015 because of antenatal and postnatal complications. Such cases are 19 times higher in developing countries than in developed ones and the majority of them could have been prevented through early detection of risk and corresponding interventions.²²

There is a direct correlation between maternal mortality and infant health and vice versa. The fourth goal of millennium development is the reduction of by two thirds. The highest child mortality rate is observed in underdeveloped countries, due to infectious diseases, malnutrition and problems related to environmental factors.²³

At the same time, the under-five mortality rate is eight times higher in developing countries. By the World Health Organization data, the global maternal mortality rate is quite high though it has showed the decrease by 43% over the period from 1990 to 2015.²⁴

20 Women's reproductive health in Georgia, John Ross; UNFPA, 2012.

21 The information is available at: http://www.geostat.ge/cms/site_images/_files/georgian/health/Qali%20da%20kaci_2015.pdf [Last accessed on 1 March 2016].

22 The information is available at: <http://www.who.int/mediacentre/factsheets/fs348/en/> [Last accessed on 1 March 2016].

23 The information is available at: http://apps.who.int/iris/bitstream/10665/200009/1/9789241565110_eng.pdf?ua=1 [Last accessed on 1 March 2016].

24 The information is available at: http://apps.who.int/iris/bitstream/10665/200009/1/9789241565110_eng.pdf?ua=1 [Last accessed on 1 March 2016].

According to the data of UN Maternal Mortality Estimation Inter-Agency Group, Georgia belongs to so-called B group countries; it is a country which lacks comprehensive system of registering maternal mortality.²⁵ Consequently, huge efforts must be undertaken to tackle challenges existing in this regard and to develop measures supporting mother and child health.

A report on assessing the efficiency of health system of the Ministry of Labor, Health and Social Affairs²⁶ reads that the registration of maternal mortality remains a problem. It should be noted that studies on maternal mortality are mainly conducted with the assistance of international organizations and independent experts, which indicates about unpreparedness of the state to timely and efficiently confront the challenges existing in this regard in the country. Besides, relevant guidelines and protocols must be introduced in practice in order to help retrain and equip service personnel with necessary knowledge.

ABORTIONS

According to the World Health Organization data, some 40-50 million abortions are registered every year worldwide. This figure means 125,000 abortions per day.²⁷ Accurate information about abortions is difficult to obtain and its accuracy depends on the quality of provided service; the reduction in the artificial abortion rate mainly depends on the use of contraception and the level of awareness.

According to preliminary data provided by the National Center for Disease Control and Public Health,²⁸ some 29,551 abortions were performed in Georgia in 2015, showing a downward trend compared to previous years. By regional indicators, the highest abortion rate is seen in Tbilisi (11,018), which is followed by Imereti (4,128) and Ajara (3,774). By age indicators, the highest number of abortions is observed among women belonging to the 25-29 age category (8,465). An important piece of information is that 10 abortions were performed in 2015 on girls aged under 15 with four of them from Kvemo Kartli, two from Tbilisi and the rest from Kakheti, Samegrelo, Shida Kartli and Samtskhe-Javakheti.

Sex-selective abortion remains a problem in Georgia. This trend is especially alarming in the South Caucasus region where parents give priority to boys; as a result, increasingly less girls are born annually, the gender imbalance widens and gender inequality increases. Roots of gender-biased sex selection must be sought in the culture where males are regarded as successors of family name whereas women in this culture are considered inferior, someone having no value. This practice, when it becomes of systemic nature,

25 The information is available at: <http://ncdc.ge/Category/Article/2804> [Last accessed on 1 March 2016].

26 The information is available at: <http://www.healthrights.ge/wp-content/uploads/2013/01/jandacvis-sistemis-efekturobis-angarishi.pdf> [Last accessed on 1 March 2016].

27 The information is available at: <http://www.worldometers.info/abortions/> [Last accessed on 1 March 2016].

28 A letter of the Ministry of Labor, Health and Social Affairs of Georgia #06/382,26/01/2016.

leads to gender inequality, increase in violence against women, imbalance in population and violation of human rights.

The Georgian legislation prohibits termination of pregnancy on the basis of sex selection. However, according to data of 2015 Global Gender Gap index,²⁹ Georgia is 138th among 145 countries by the sex ratio indicator.

In 2015, with the assistance of the World Bank, the UN Population Fund conducted a study on gender-biased sex selection in Georgia, which was prompted by a growing concern about potential sex imbalances at birth in several East-European countries. According to the study, sex-selection abortions in Georgia has three reasons: giving priority to a son, decrease in birth rate since 1990s, and access to reproductive technologies. As the study shows, a decrease in sex imbalances at birth has already been observed in Georgia, which creates a favorable ground for the state to review those cultural norms and stereotypes which impede the achievement of gender equality in the country and diminish the role of a women in society.

The 2011 resolution of the Parliamentary Assembly of the Council of Europe³⁰ about prenatal sex selection calls on states and international agencies to join forces in the fight against gender-biased sex selection. Moreover, in 2014, when considering the 4th and 5th combined periodic reports of Georgia, the Committee on Elimination of All Forms of Discrimination against Women³¹ expressed its concern in final recommendations about a high number of sex-selection abortions and called on the state to take measures against this practice.

EARLY MARRIAGE

Prevention and case management of early marriages remains a problem in Georgia. Unfortunately, forced marriages as well as forced engagements are practiced. The monitoring of measures implemented by state entities, which was conducted by the Department of Gender Equality of Public Defender's Office, has shown that effective response to early marriages and fulfillment of the requirements of law remain a challenge. Yet another problem is that early marriage is considered an accepted practice by society.

On 16 December 2015, the parliament of Georgia held the third reading and adopted an amendment to that law, which was drafted on the basis of a legislative proposal submitted by the Public Defender of Georgia. With this amendment a new rule of registration of marriage of persons aged between 17 and 18 has been introduced, allowing the court

29 The information is available at: <http://www3.weforum.org/docs/GGGR2015/cover.pdf> [Last accessed on 1 March 2016].

30 The information is available at: <http://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewPDF.asp?FileID=13158&lang=en> [Last accessed on 1 March 2016].

31 The information is available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fGEO%2fCO%2f4-5&Lang=en [Last accessed on 1 March 2016].

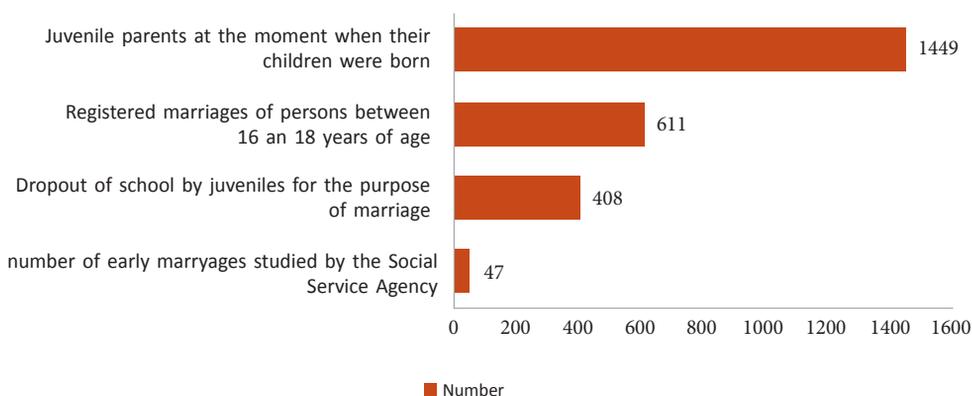
alone to permit such marriages. Justifiable circumstances of registration of a marriage were also specified and the term of validity of the provision was defined for one year.

Yet another positive development was a change initiated by the Ministry of Education and Science, according to which a ground of child's dropping school, must be indicated. This change made it partially possible to see a scale of early marriages.

In 2015, a working group was set up on the issues of early marriage. The group will work within the Interagency Council Implementing Measures to Eliminate Domestic Violence and it includes representatives of relevant public entities, members of gender thematic group (international and donor organizations) and representatives of nongovernmental organizations.

Although an accurate number of early marriages in Georgia is not known, the Department of Gender Equality of Public Defender's Office collected the data which were registered by various entities within the scope of their powers.

Table #1: Data on early marriages (2015)

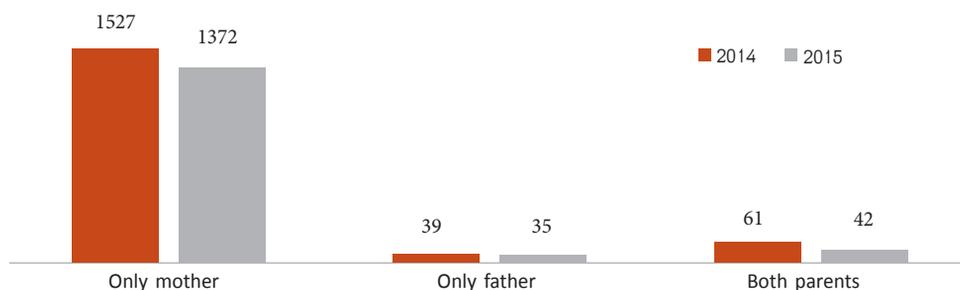


According to the information provided by the Ministry of Justice,³² 2015 saw the registration of 611 marriages of minors whilst the corresponding indicator in 2014 stood at 665. Of this indicator 95% of minors were girls. It is clear that in case of early marriage we speak about girls though there are early marriages among boys too. The data of the Ministry of Justice is three times higher³³ when it comes to the number of underage parents at the moment of childbirth. 2014-2015 data are almost identical, but well exceed any other indicator available about early marriages.

32 Letters of the Ministry of Justice of Georgia: #7264; 23/09/2015; #01/14677; 25/01/2016.

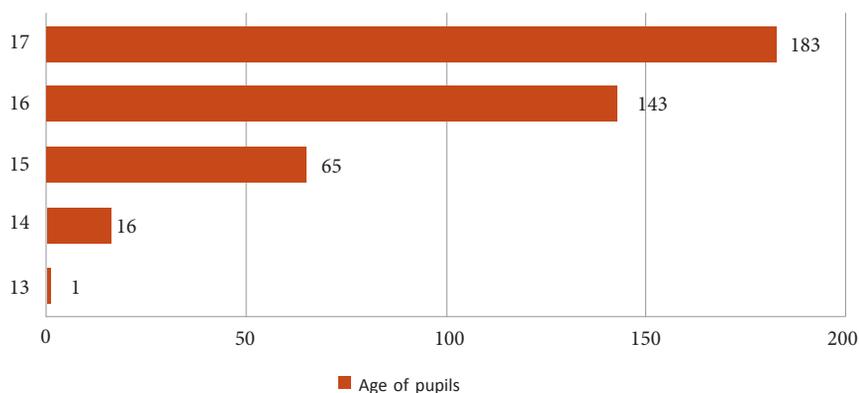
33 Letters of the Ministry of Justice of Georgia: #7264; 23/09/2015; #01/14677; 25/01/2016.

Table #2: Underage parents at childbirth.



It is worth noting that underage persons often drop education because of early marriage. A matter of extreme concern is the abandonment of school before the graduation of the basic education level. According to the data provided by the Ministry of Education and Science,³⁴ in 2015, because of marriage school was abandoned by 408 schoolchildren aged between 13 and 17 years and 168 schoolchildren having reached 18.

Table #4: Indicator of abandonment of school because of early marriage (2015)



These indicators must not be accurate as meetings held by the Public Defender’s Office in settlements of Kvemo Kartli municipality revealed that teachers and school directors were unaware of the obligation to maintain statistics about the reasons of abandonment of school by pupils and to make a corresponding notification.

The decree on Approval of Child Protection Referral Procedures (hereinafter referred to as referral procedures), dated 31 May 2010, details responsibilities and obligations of the Ministries of Labor, Health and Social Affairs; Internal Affairs; and Education and Science in case of violence against children. However, the results of the activity of Public Defender’s Office show that issues envisaged in the referral procedures in relation to early marriages are not actually implemented.

³⁴ Letters of the Ministry of Education and Science of Georgia # MES 7 15 00971410; 25/09/2015. MES 8 16 00046633; 21/01/2016.

The study proves that, in teachers' opinion, identifying children belonging to a risk-group and notifying relevant entities exceed their competence and they cannot interfere in the so-called "family affairs", the issues that go beyond school. Moreover, in case of interference they fear that their confidentiality will not be observed which results in their passivity. By acting in such a way, teachers ignore the referral mechanism and refuse to fulfill obligation imposed by the law.

The Gender Equality Department of the Public Defender's Office studied the quantitative data on the response of law enforcement bodies to facts of early marriage. Under Article 140 of the Criminal Code of Georgia, sexual intercourse with a person under 16 is a punishable act. According to information provided by the Chief Prosecutor's Office of Georgia, the response to the wrongdoing envisaged in this article has notably increased which is a positive development. Compared to 2014, the indicator of 2015 of criminal proceedings instituted under Article 140 of the Criminal Code increased by 74%; in 2014, such criminal proceedings were instituted against 33 persons whilst in 2015 against 129 persons.³⁵

It must be noted, however, that the accounting period showed a loyal treatment towards alleged wrongdoers envisaged in article 140 and the neglect of requirements of the law on the part of law enforcement bodies. The study of cases revealed instances when an investigation into a fact of sexual intercourse with under-16 person was terminated without any ground or an investigation was conducted in such a way as to clear a wrongdoer of charges.

Article 143 of the Criminal Code of Georgia provides punishment for illegal imprisonment, including illegal imprisonment of a minor which might be a kidnapping for the aim of marriage. It should be noted that the indicator of prosecution of persons for a crime envisaged in Article 43 of the Criminal Code has increased by 82% - 60 cases in 2015 compared to 11 in 2014. Of these cases three criminal proceedings were initiated in the first half of 2015 with all the three criminal cases involving the illegal imprisonment for the aim of marriage,³⁶ while the remaining 57 such incidents occurred in the second half of 2015. The latter indicator, however, does not imply the illegal imprisonment of minors alone because according to the Prosecutor's Office of Georgia,³⁷ they were not able to identify that.

One must mention the problem of inadequate response to cases of early marriage on the part of the LEPL Social Service Agency. Unless a forced marriage is apparent, the Social Service Agency finds it difficult to identify early marriage as a problem. The Social Service Agency often emphasizes a voluntary nature of early marriage and does not carry out measures envisaged by the law, proceeding from true interests of a child. In 2015, the Social Service Agency studied the total of 47 cases of early marriage, which is a very small number especially compared to cases of early marriage registered by other entities.³⁸

35 Letters of the Chief Prosecutor's Office of Georgia #13/60324; 25/09/2015; #13/5363; 23/01/2016.

36 A letter of the Chief Prosecutor's Office of Georgia #13/60324; 25/09/2015.

37 A letter of the Chief Prosecutor's Office of Georgia #13/5363; 23/01/2016.

38 Letters of the Ministry of Labor, Health and Social Affairs of Georgia #04/71601, 22/09/2015; #04/3552; 18/01/16.

The information meetings held by the Public Defender's Office in the regions³⁹ revealed a very low level of awareness about the problem of early marriage, solutions of this problem and existing obligations. Youth lack information about sexual and reproductive health and rights. They do not know how to act in case of pregnancy, are unaware of their rights, the access to abortion, an issue of confidentiality, et cetera.

The results of the study proved that the Social Service Agency as well as schools find it difficult to carry out the activity considered in the law in such regions that are populated by ethnic minorities as the language barrier significantly impedes the working process and results in the lack of services. This most negatively affects such a vulnerable group as child victims of violence.

VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE IN GEORGIA

The problem of violence against women and domestic violence is very grave, especially alarming is femicide. Given the scale and acuteness of the problem more efforts are needed to ensure that each citizen feels safe.

It is very important to involve social workers in the prevention of violence against women and protection against domestic violence, which has not been implemented yet. A recommendation of the Public Defender of Georgia points to the importance of strengthening and supporting social workers since a small amount of such workers coupled with a heavy burden of work make any efficient work in this new direction almost impossible.

The study of this topic by the Gender Equality Department of Public Defender's Office showed the increase in the indicator of identifying instances of domestic violence as compared to the previous year. This is a positive trend in itself but, at the same time, indicates about the need for the monitoring of repeated incidents and the implementation of protective measures.

One should especially note the steps taken by the Interior Ministry and the Chief Prosecutor's Office in detecting and preventing domestic violence. The conduct of information campaigns and the improvement of response mechanisms positively affected the identification indicator of incidents.

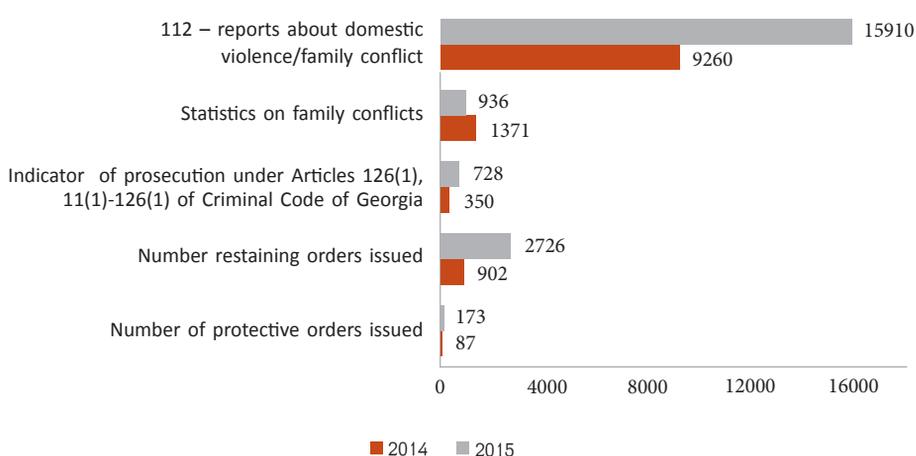
The parliamentary committee on human rights and civil integration also triggered a significant process by setting up a thematic group on the issues of violence against women. On the basis of special address prepared by the Women's Movement within the framework of the working group, parliamentary hearings of relevant entities were held

³⁹ Meetings were held in Samtskhe-Javakheti, Kvemo Kartli, Kakheti regions, also mountainous villages of Autonomous Republic of Ajara. The total of 30 meetings were held in 22 cities and villages with the participation of 750 persons.

and a set of recommendations were developed. The Public Defender’s Office was involved in the activity of the working group as well as the drawing up of recommendations.

The Gender Equality Department of the Public Defender’s Office collected and analyzed statistical data on incidents of domestic violence in 2015.

Table #1: Incidents of domestic violence (2014-2015)

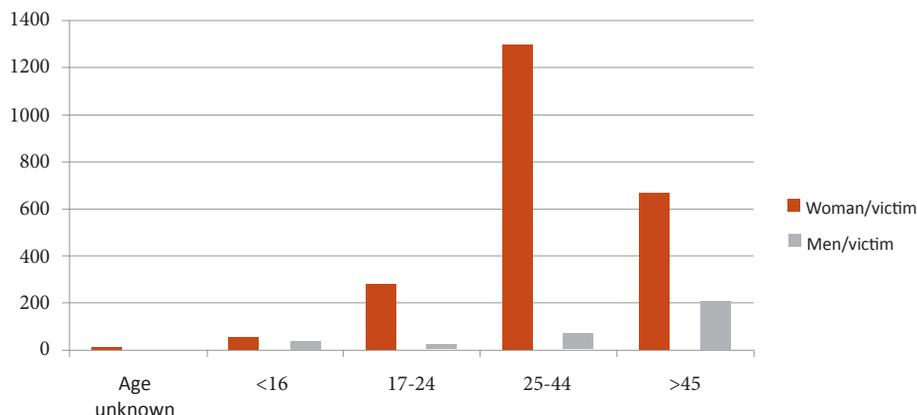


It is noteworthy that in 2015, the number of reports to LEPL 112 Emergency and Operative Response Center about possible domestic violence/conflicts made up 15,910, though this data is only primary information which, despite repeated recommendations from the Public Defender of Georgia, has not been analyzed.

As the Interior Ministry data on restraining orders issued in 2015 show, some 2,726 facts of domestic violence were registered with 5,106 persons involved in them. The statistical data on offenders and victims show⁴⁰ that 93% of offenders are men whereas 87% of victims are women. A positive trend of reduction in the indicator of family conflicts, which are not qualified as domestic violence, is seen compared to the previous year (see Table #1). By age groups the highest risk groups are those of women aged between 25 and 44 (56%) and men above the age of 45 (61%).

⁴⁰ A letter of the Ministry of Internal Affairs of Georgia #355030/ 12.02.2016.

Table #2: Age distribution of victims by restraining orders



The data on the distribution of victims by age groups allows to identify risk categories and to plan preventive measures. Moreover, it is assumed that persons under 24 rarely turn to relevant services for help and there is a need to strengthen work in this direction. The analysis of data shows that reporting domestic violence remains a problem in regions. The indicator is especially low in Racha-Lechkhumi, Mtskheta-Mtianeti, Samtskhe-Javakheti and Guria regions.

Table #3: Distribution of issued restraining orders by regions



As regards the response to domestic violence as to a criminal offence, in 2015 criminal proceedings were instituted against 728 persons under Articles 11¹-126¹ and 126¹ of the Criminal Code whilst 858 persons were recognized as victims, according to the data of Prosecutor's Office. These indicators also show a positive trend in that they show that in 2015, relevant agencies regarded domestic violence as a criminal offence more times which will eventually improve the situation in terms of protective measures of victims.

According to the data concerning the failure to fulfill the requirements under protective and restraining orders, investigations were launched into 36 cases under Article 381¹ of the Criminal Code and 271 cases of administrative offence, envisaged by Article 175² of Administrative Procedures Code, were registered.⁴¹ However, an effective monitoring of enforcement of protective orders remains a problem. It is important to establish a monitoring mechanism that will enable relevant entities to monitor the families where facts of violence occurred and at the same time, to build a database which will provide very important information for planning preventive measures in future.

In addition to the analysis of statistical data, no less important is the analysis of systemic shortcomings which the Gender Equality Department of Public Defender's Office identified when studying cases of domestic violence in 2015.

A problem is the coordination and exchange of information among bodies authorized to respond to domestic violence. The study of cases revealed shortcomings in the assessment of measures implemented by law enforcement bodies and the Social Service Agency. On certain occasions, the information provided by both entities were contradictory and it was difficult for the Public Defender's Office to establish the truth.

In some cases representatives of law enforcement bodies applied a warning mechanism instead of restraining orders. On the one hand, there is a problem in assessing a concrete case by law enforcement bodies, especially when it does not involve physical violence but only a psychological violence, police officers find it difficult to take decisions on the issuance of restraining orders. On the other hand, representatives of law enforcement bodies justify the drawing up of a warning protocol by a desire of the victim not to issue a restraining order but merely warn the offender.

The mentioned argument cannot be considered justifying as a victim is not informed of the essence of a restraining order and is not explained that a warning mechanism does not imply legal consequence and does not protect a victim from a repeated violence. Moreover, given the emotional or physical state of a victim, a representative of law enforcement body has a special role to help the victim realize the threat so that she does not reject the measure which serves to protect her.

The cases studied by the Gender Equality Department of Public Defender's Office also revealed the instances where law enforcement officers ignore a characteristic feature of domestic violence – regularity and continuity. The history of reporting to law enforcement bodies by a victim often covers several years but each report is viewed as a separate case. Report on a separate case might seem less important but in its entirety, the violence against a victim over the period of several years prevents the victim from living peacefully which results in developing a grave psychological condition.

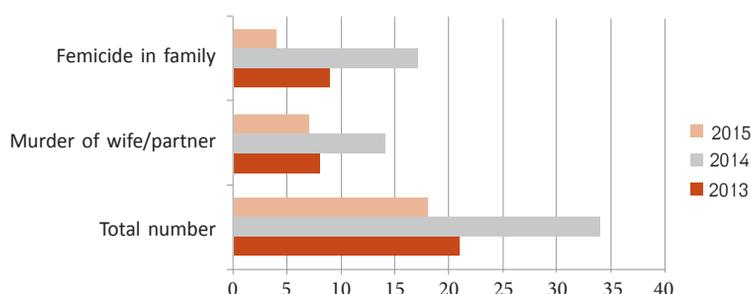
41 A letter of the Ministry of Internal Affairs of Georgia #646505, 15/03/2016.

FEMICIDE

According to the data of Chief Prosecutor's Office of Georgia, in 2015, investigations were launched into 26 criminal cases of femicide and attempts of femicide. Fourteen of these crimes were committed in the condition of domestic violence whilst 12 crimes seem to have other motives. Two incidents of harming the health of family members ended in death. Consequently, 28 cases of femicide or attempted femicide were registered in 2015.⁴²

The data on femicide or attempted femicide showed that the majority of these crimes were committed by partners, former partners or persons who were denied partnership. Some 50% of femicides or attempted femicides were committed by husbands or because of nonreciprocal love; 25% of crimes were committed by other members of family whilst the remaining 25% were committed in other circumstances such as mugging or neighbor conflicts.

Table #4: Data on femicide (2013-2015)



The analysis of femicides is especially important as such analysis would provide a basis for planning further steps. Law enforcement bodies as well as courts should be involved in the collection of detailed information. In this regard, the analysis carried out at the initiative of the Chief Prosecutor's Office of Georgia is worth to be mentioned.

The Public Defender of Georgia fully supports the statement made by Dubravka Šimonović, the United Nations Special Rapporteur on violence against women, its causes and consequences, on 23 November 2015, in which she called on all the States to establish a "Femicide Watch", and to focus on the prevention of gender-related killing of women and to publish data on femicides on each 25 November.

Alongside cases of femicide, special attention must be paid to those women suicides which, according to reports, might be caused by systemic nature of domestic violence. For example, it has been two years now that the investigation into a fact of possible incitement to suicide of Kh.J. has been in progress and the status of investigation of the case is still unknown.

⁴² A letter of the Chief Prosecutor's Office of Georgia #13/11306; 24/02/2016.

A number of cases studied by the Public Defender’s Office show that cases cannot be often qualified as the incitement to suicide because law enforcement bodies are not aware of facts of violence before the death.

The above cited suicides as well as similar cases studied by the Public Defender’s Office provide the ground to think that the incitement to suicide is yet another gravest consequence of violence against women while difficulties in punishing offenders is the most unfortunate trend.

ASSESSMENT OF SERVICES AVAILABLE FOR VICTIMS OF DOMESTIC VIOLENCE

There are three public service institutions – shelters operating for victims of domestic violence in Georgia. Considering the scale and acuteness of the problem of domestic violence, this service is of crucial importance. It should be noted that much more victims of domestic violence used shelter service in 2015 than in 2014. The detailed statistics is the following:

Legal basis for admitting to a shelter	2013	2014	2015
On the basis of restraining order	4	11	37
On the basis of protecting order	1	0	7
By identification group	15	7	9
By patrol police protocol	9	0	0
Based on report of victim	0	0	4
Total	29	18	57

In 2014, the Gender Equality Department of Public Defender’s Office carried out the monitoring of shelters for victims of domestic violence. It is worth noting that it was the first such monitoring ever and it was aimed at assessing the existing situation and identifying those needs which would improve the situation of service beneficiaries. In 2015, we assessed the implementation of those recommendations that were drawn up as a result of the monitoring.

The assessment showed that the State Fund for the Protection and Assistance of Victims of Human Trafficking studied the recommendations of Public Defender and implemented some of them. The list of food products was revised and extended to include products necessary for child nutrition. Also, a position of a nurse was introduced in each structural unit of the Fund and duties and responsibilities of a nurse were defined. The mentioned

recommendation was issued by the Public Defender for the aim to improve conditions of beneficiaries and to provide opportunities for work and professional retraining as mothers of little children were deprived of such possibility due to inability to leave their children with anyone even for a short period of time.

It should be noted that the Fund was not able to fully consider a number of recommendations. For example, the Fund has no capacity to react to the termination of social allowance to socially vulnerable persons that are admitted to a shelter since the issue of termination and resumption of allowance falls within the competence of the Social Service Agency; however, the Fund expressed its readiness to get involved in the discussion of this issue. It is necessary to step up the activity in this regard and with the involvement of all stakeholders, to draw up a special rule concerning the termination and the resumption of allowance to victims of domestic violence as it is very important for the rehabilitation of victims and improvement of assistance procedures.

Yet another important issue related to the quality of shelter service rendered to victims of domestic violence was a problem of timely supply of medications. The Fund supplies medications to its units in accordance with the Law of Georgia on Public Procurements. The central office of the Fund take efforts to supply medications immediately or within the shortest possible time span in accordance with the procedures specified in the Law of Georgia on Public Procurements.⁴³ However, the monitoring revealed that performance of these procedures may take some time making it impossible to immediate supply medications; it is therefore important to revise the rule of supply of medication and develop new regulations that will enable the administration to instantly supply beneficiaries with needed medications.

AWARDING A STATUS OF VICTIM OF DOMESTIC VIOLENCE

In July 2015, a group for defining a status of victim of domestic violence, existing at the Interagency Council Implementing Measures to Eliminate Domestic Violence, resumed its activity. Since then the total of 27 alleged victims of domestic violence applied to it; 18 of them were awarded the status, six applicants were denied the status whilst the remaining three applications were left unconsidered because they fell short of the criteria for the consideration of case by the group.

The activity of group increases the referral by alleged victims of domestic violence and provides the possibility to help those persons escape violent environment, who, for various reasons, refrain from addressing the police or other relevant state bodies. As a result of obtaining a status, a victim of domestic violence has the right to use existing state services, shelters, psychological or legal assistance and advice.

A representative of the Gender Equality Department of the Public Defender's Office has the right to attend meetings of the group and use its consultative voting power.

⁴³ A letter of the State Fund for the Protection and Assistance of Victims of Human Trafficking #07/841, 17/08/2015.

This is important because it allows improving the activity of the group and revealing shortcomings therein.

Although the operation of the group had a positive impact on the processes of identification of and assistance to victims of domestic violence, a number of factors were revealed in the course of work, which impede effective operation of the group and might even cast doubt on decisions taken by the group.

On certain occasions, nongovernmental organizations carrying out procedures necessary for the establishment of the status of victim of domestic violence submitted incomplete information about victims, thus complicating a decision making process and significantly increasing the probability of error.

Moreover, the need for a procedure of abolishment of the status was outlined. Where it is established that the information submitted by a victim does not reflect the reality and the person obtained the status of victim of domestic violence by fraud, there is no procedure for the abolition of this status.

One of important and very acute problems is the response to violence against children. A special rule needs to be drawn up which, taking into account Article 1198¹ of the Civil Code of Georgia and referral procedures, will enable the group, the Public Defender of Georgia and nongovernmental organizations to protect interests of a child on the basis of obtained information. At present, the information submitted to the group is confidential and can be used only for the procedure of determining the status; in certain instances the information contains facts evidencing direct or indirect violence against minors.

RIGHTS OF WOMEN DRUG USERS

According to the World Drug Report,⁴⁴ a one out of three drug user is a woman. However, women drug users face double barriers in the access to treatment or harm reduction programs. This is further aggravated by a number of systemic, social, cultural or other barriers. Various surveys indicate that women start using drugs mainly under the influence of their partners; at the same time, drug use is often linked to poverty and commercial sex work.⁴⁵

According to studies, out of 40,000 drug users in Georgia 10% are women.⁴⁶ However, the availability of accurate statistical data is a problem because drug abuse is a social stigma. Child factor is also decisive for women as stripping drug users of parental rights is a punishment which is often applied. This forces women drug users to refrain from

44 The information is available at: http://www.unodc.org/documents/wdr2015/World_Drug_Report_2015.pdf [Last accessed on 1 March 2016].

45 United Nations Human Rights Council's Universal Periodic Review, coalition report on women's rights Women who Use Drugs.

46 Estimating the prevalence of injecting drug use in Georgia; consensus-report, 2010.

receiving various services and joining state programs even in cases when they experience violence from their partners.

An indicator which shows that around 80% of women drug users belong to a group of victims of domestic violence is alarming.⁴⁷ In this light, the admittance of drug user victims of domestic violence to shelters represents a problem as shelters fail to provide services tailored to their needs.

Yet another barrier is double standard of society towards women and men drug users, where the support of a family in case of men drug users is large. Women drug users, however, are absolutely unprotected and stigmatized by their families and society at large.

Against this backdrop the problem is that the state strategy for combatting drug abuse does not consider gender aspects and existing programs do not meet women's needs. It should also be noted here that a methadone substitution treatment program is not implemented in penitentiary institutions for women. If a prisoner was engaged in the mentioned program before incarceration, she is taken out to a treating facility to complete the program. Otherwise, a patient is visited by a doctor who administers treatment on the spot. In case of aggravation, an accused/convict is taken to a treating facility.

In 2014, Georgia submitted 4th and 5th combined periodic reports to the Committee on Elimination of All Forms of Discrimination against Women, which was considered by the Committee at its 58th session. In its final recommendations, the Committee expressed concern about the absence of gender-specific medical services which should be oriented on the reduction of harm and would make services more accessible to women.

It is noteworthy that in the 24th general recommendation, which concerns women's access to high-quality health care and health-related services, the Committee urges the states to conduct a nationwide study to establish the number of women who use drugs, including while pregnant, in order to inform strategic planning. Moreover, the state should provide gender-sensitive treatment services to reduce harmful effects for women who use drugs, including for women in detention.

HUMAN TRAFFICKING

Human trafficking is a modern form of slavery and a gross violation of human rights. Millions of people become victims of trafficking annually across the world. Along with labor trafficking, among other forms of women trafficking is sex trafficking.

Since 2003, in Georgia, trafficking is a crime punishable under the Criminal Code;⁴⁸ Georgia has the law on human trafficking; an action plan of measures to be implemented for combatting trafficking, protecting and assisting victims of trafficking; at the institutional

47 The Union Step Towards Future, Violence in Families of Women Using Drugs, 2012.

48 The Criminal Code of Georgia, Articles 143¹ and 143².

level, the State Fund for the Protection and Assistance of Victims of Human Trafficking which provides various services to victims of trafficking. These services include: hotline, legal consultation, medical service, shelter. The statistical data of 2015 on victims of human trafficking⁴⁹ is the following:

Investigations launched into crimes envisaged in Articles 143 ¹ and 143 ² by number of persons	Number
Alleged sexual exploitation	10
Alleged labor exploitation	7
Alleged purchase and sale of minors	1
Total	18

Two shelters for victims of human trafficking operate in Georgia – in Tbilisi and Batumi. They are structural units of the State Fund for the Protection and Assistance of Victims of Human Trafficking and are financed from the budget.

The shelters are service institutions established for the protection and assistance of victims of human trafficking, ensuring the protection of rights and interests of beneficiaries; in particular, they provide support in health and social protection, psychological rehabilitation and social integration; also, in creation of environment conducive to the exposure of talent, capacities and potential of beneficiaries.

The statistical data on users of shelters in 2015 are the following:

Data on service to victims of human trafficking	Individual	Dependent
Use of shelter on the basis of permanent group status	3	1
Use of shelter on the basis of recognition as victim	3	1
Number of hotline consultation users	189	
Number of persons having received compensation	18	

In 2015, the Gender Equality Department of Public Defender’s Office conducted the monitoring of service institutions (shelters) of victims of human trafficking. The monitoring revealed that the situation in the shelters is reliable. However, a number of problems were also identified, tackling of which would improve the quality of service.

The shelters do not have standards which they would follow in organizing the living space and defining rules of rendering service. There are infrastructural problems too. None of the shelters is adapted to persons with disabilities and in case of need, it will be actually impossible to admit such persons. The admittance to the shelters of people with contagious infectious diseases is problematic too.

⁴⁹ The information is available at: <http://www.atipfund.gov.ge/images/stories/pdf/statistika/2014/statistika2.pdf> [Last accessed on 1 March 2016].

The State Fund for the Protection and Assistance of Victims of Human Trafficking agreed to some recommendations and notified us that a wheelchair ramp will be installed in the second shelter by the end of 2015. It should be noted, however, that the wheelchair ramp is not sufficient to ensure full accessibility for disabled persons and that it is important to fully adapt at least one shelter so that in case of need disabled persons will receive comprehensive service.

The problem of rendering service to persons with contagious infectious diseases remains unsolved. The shelters do not have appropriate space to isolate people with such diseases and therefore, it is impossible to admit such persons to the shelters. A special report contained a corresponding recommendation about rendering service to persons with contagious infectious diseases by means of arranging an individual living space or a separate shelter, but the recommendation has not been fulfilled yet. Yet another recommendation concerning the arrangement of yards of shelters has not been fulfilled too as the location of the shelters does not allow for that.⁵⁰

To protect the rights of beneficiaries and improve the service provided to them, the administration of the State Fund for the Protection and Assistance of Victims of Human Trafficking expressed its readiness to assess and consider recommendations of the Public Defender of Georgia. The Gender Equality Department of the Public Defender's Office intends to carry out the monitoring of the service institutions of victims of human trafficking in the future too.

LEGAL STATE OF LGBT PERSONS

According to the Universal Declaration of Human Rights, all human beings are born free and equal in dignity and rights. Freedom of expression, the right to freedom of peaceful assembly and association are those basic values that a democratic development of a country rests upon.

The events that unfolded in Georgia clearly demonstrated a close link between homophobic attitudes and a general level of social and cultural tolerance in society. Violent actions motivated by hate were undertaken against people who gathered to exercise their constitutional right on 17 May of 2012 and 2013. The police failed to protect health and safety of participants in a peaceful rally. On 17 May 2014, LGBT community and LGBT rights defenders decided not to mark the International Day Against Homophobia and Transphobia because based on the experience of previous years they believed that the state would not be able to ensure their security.

Despite a number of calls on state entities to take effective steps to raise public awareness and build a culture of tolerance, no such steps were taken. Timely, effective and responsible investigation of hate crimes remains a problem. Three years have passed and unfortunately, none of the facts of violence has been punished.

50 A letter of the State Fund for the Protection and Assistance of Victims of Human Trafficking #07/831, 12/08/2015.

One should note the ruling of the European Court for Human Rights of 12 May 2015 on the case *Identoba and Others v Georgia* in which the court established the violation of Article 3 (prohibition of inhuman or degrading treatment) and Article 11 (freedom of assembly and association) in conjunction with Article 14 (prohibition of discrimination) of the European Convention on Human Rights. According to the judgment, the state must guarantee the exercise of fundamental rights and freedoms by its citizens and must be responsible for ensuring life and health of citizens in the process of exercising these rights.

The marking of the International Day Against Homophobia and Transphobia on 17 May 2015 in a peaceful environment was a welcoming fact. It should be stressed that interested persons were able to exercise their constitutional right to assemble and express their solidarity with LGBT representatives and to condemn violence. The action was held in the conditions of extraordinary mobilization of law enforcement bodies and special protection measures.

Throughout the day, representatives of the Public Defender's Office monitored the developments in the country. The monitoring of three actions were conducted and the hotline operated throughout the day, but no incident of violence, interference in the actions or violation of human rights was detected.

POSSIBILITY TO CHANGE ENTRY ON SEX IN CIVIL RECORDS

A possibility for transgender people to change the entry on sex in civil records remains a problem. This, in turn, is an impending factor in obtaining education, job or any other endeavor. Some 73% of transgender respondents in a survey conducted by the European Union think that simplified procedures of legal recognition of gender will enable them to live in a more comfortable environment.⁵¹

Gender identity concerns each individual's deep, internal and personal experience of gender which may not coincide with the biological sex. Legal recognition of gender is an official recognition of gender identity and name of a person in legal documents. The European Court for Human Rights has repeatedly deliberated on the importance of legal recognition of gender identity in conjunction with the protection of rights of transgender people.⁵²

Apart from the above said, a legal recognition of gender is important as much as documents contain the information identifying the name and the sex; consequently, when transgender persons are denied a possibility to change an entry on sex in their civil documents, the use of these documents increases the risk of their discrimination and the probability that they may become victims of improper treatment or violence.

It is worth noting that the Georgian legislation provides for the change of entry about sex; namely, Article 78 of the Law of Georgia on Civil Status Acts envisages the change

⁵¹ Legal recognition of gender, textbook, December 2013, p.8.

⁵² Legal recognition of gender, textbook, December 2013.

of sex as one of grounds of making changes to the civil records; however, it does not specify a list of documents a person must submit to make a corresponding change in civil records; nor does it specify what change of sex means for the purposes of this article.

The European Court for Human Rights notes⁵³ that the absence of a detailed procedure for the exercise of a right may lead to a breach of a person's right. Although the Georgian legislation recognizes a possibility of legal change of sex, a large segment of transgender persons cannot exercise this right in practice due to the absence of a corresponding procedure.

The Public Defender's Office studied an application of A.Kh. whose request for the change of sex in a document of identity was rejected. In regards with this case, the Public Defender of Georgia, within the scope of his competence granted under Article 21 of the Law of Georgia on Public Defender, submitted a proposal (#08/3703) to the Ministry of Justice on 18 May 2015. The proposal was about the drafting and adoption of a procedural rule of change of sex in civil records. Despite the proposal of the Public Defender, the existing practice has not changed and a legal status of transgender persons has not improved.

The legislation or legal practice of various countries is directed towards enabling transgender persons to quickly and easily change entries on the name and sex in official documents. Moreover, a great deal of attention is paid to eliminating unjustified restrictions which are associated with the procedure for the change of sex.

In its final recommendation after the consideration of 4th and 5th combined periodic reports of Georgia,⁵⁴ the Committee on Elimination of All Forms of Discrimination against Women called on the state "To take measures to address violence against and harassment of lesbian, bisexual and transsexual women and to abolish restrictions for transgender persons with regard to obtaining identity documents."

Recommendation of the Committee of Ministers of Council of Europe on measures to combat discrimination on grounds of sexual orientation or gender identity (CM/Rec(2010)5) defines requirements for gender reassignment and legal recognition: "Member states should take appropriate measures to guarantee the full legal recognition of a person's gender reassignment in all areas of life, in particular by making possible the change of name and gender in official documents in a quick, transparent and accessible way."⁵⁵

According to the same Recommendation, abusive requirements for legal recognition of a gender reassignment, including changes of a physical nature, should be removed. Besides, states should take appropriate measures to ensure that transgender persons have effective access to appropriate gender reassignment services, including psychological, endocrinological and surgical expertise in the field of transgender health care, without being subject to unreasonable requirements; no person should be subjected to gender

53 CASE OF MALONE v. THE UNITED KINGDOM (Application no. 8691/79), 2 August 1984; Para. 79-80.

54 4th and 5th combined periodic reports of Georgia at CEDAW Committee.

55 Recommendation CM/Rec(2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity. Para. 21.

reassignment procedures without his or her consent.⁵⁶

The Explanatory Memorandum to the Recommendation notes that in some countries access to gender reassignment services is conditional upon procedures such as irreversible sterilization, hormonal treatment, preliminary surgical procedures and sometimes also proof of the person's ability to live for a long period of time in the new gender. The Memorandum notes that for some persons it may not be possible, for health reasons, to complete every hormonal and/or surgical step required. Consequently, disproportionate requirements should be reviewed.⁵⁷

An interesting opinion was expressed by the Commissioner for Human Rights Thomas Hammarberg⁵⁸ regarding the situation of transgender persons. As Thomas Hammarberg notes, although the number of transgender persons is small, the transgender community is very diverse. It includes pre-operative and post-operative transsexual persons, also persons who do not choose to undergo or do not have access to operations. He also notes that in some cases sex reassignment surgery is not justified for health reasons; moreover, such a procedure may not fit transgender persons' own wishes and personal health needs. The opinion noted that a group of transgender persons is the only one in Europe that are subject to forced sterilization.

RECOMMENDATIONS

GENDER MAINSTREAMING

TO GOVERNMENT OF GEORGIA:

- A structural unit should be established at the level of executive power, which will work on the issues of gender equality and fight against violence. The mandate, human and financial resources of the unit should be defined
- Ministries should support the implementation of gender mainstreaming through establishing a special structural unit or designating/approving persons responsible for gender equality issues
- The development and implementation of internal institutional policy documents (strategy, action plan, concept) on gender equality issues should be supported

TO LOCAL SELF-GOVERNMENT BODIES:

- Powers, scope of work and resources of persons responsible for gender equality issues at the level of local executive bodies should be strengthened
- The establishment and sustainability of a structural unit on gender equality issues should be supported at the level of local legislative councils

56 Recommendation CM/Rec(2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity. Para. 20, 35.

57 Recommendation CM/Rec(2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity. Para. 20-21.

58 The information is available at: <https://wcd.coe.int/ViewDoc.jsp?id=1476365> [Last accessed on 1 March 2016].

WOMEN PARTICIPATION IN DECISION MAKING PROCESS

TO GOVERNMENT OF GEORGIA:

- Gender statistics of employees should be maintained and analyzed for the identification and elimination of barriers to career advancement of women

TO PARLIAMENT OF GEORGIA:

- Recommendation by the Committee of Elimination of All Forms of Discrimination against Women should be considered and a temporary special mechanism – quota system should be adopted

TO LOCAL SELF-GOVERNMENT BODIES:

- Women's engagement and participation should be ensured at every stage of planning, implementation and assessment of rural development programs or community priority projects
- Gender statistics of employees should be maintained and analyzed for the identification and elimination of barriers to career advancement of women

TO THE MINISTRY OF REGIONAL DEVELOPMENT AND INFRASTRUCTURE:

- Women's participation should be supported at every stage of planning and implementation of rural development programs
- Planned programs should be analyzed and in identifying priorities, special attention should be paid to the consideration of gender aspects

WOMEN, PEACE AND SECURITY

TO THE OFFICE OF PRIME MINISTER OF GEORGIA:

- The vision and needs of internally displaced persons and conflict-affected population should be studied in the process of the development of national action plan
- Internally displaced persons and conflict-affected population should be informed and involved at every stage of the implementation of national action plan
- The degree of the involvement of persons responsible for the implementation of obligations assumed under the national action plan should be supervised; reporting system should be improved

TO MINISTRY OF EDUCATION AND SCIENCE:

- Civil defense studies at general educational institutions should be revised and improved

TO THE MINISTRY OF LABOR, HEALTH AND SOCIAL AFFAIRS:

- Psychological assistance programs should be planned for internally displaced persons and conflict-affected population
- The planning and implementation of rehabilitation programs for victims of sexual violence should be supported

LEPL LEGAL AID SERVICE

- Measures designed to increase access to justice for women should be enhanced; when providing legal aid to internally displaced persons and conflict-affected population, special attention should be paid to informing them about the issues of domestic violence

WOMEN'S ECONOMIC ACTIVITY AND LABOR RIGHTS

TO THE MINISTRY OF JUSTICE:

- Work on changes towards the improvement of women's labor rights should be resumed
- The definition of sexual harassment at workplace should be determined and the system of adequate sanctions be developed

TO THE GOVERNMENT OF GEORGIA:

- Relevant procedures for the signing and further ratification of the Maternity Protection Convention №183 of the International Labor Organization should be launched

TO THE MINISTRY OF LABOR, HEALTH AND SOCIAL AFFAIRS:

- The rule of the use of maternity, childbirth and childcare leave and associated compensation should be revised in the nearest future in order to exclude cases of discrimination on the ground of gender

RIGHTS OF SINGLE AND MULTIPLE-CHILDREN PARENTS

TO THE GOVERNMENT OF GEORGIA:

- The term multiple-children parent should be defined and corresponding legal amendment be adopted
- Special programs, social allowances should be developed for the improvement of social and economic situation of multiple-children families

TO THE MINISTRY OF LABOR, HEALTH AND SOCIAL AFFAIRS:

- Measures directed towards assisting single and multiple-children parents should be introduced, including by incorporating them in the existing system of social allowances

TO LOCAL SELF-GOVERNMENT BODIES:

- The implementation of targeted programs for the assistance of single and multiple-children families should be supported

THE ROLE OF MEDIA IN THE ESTABLISHMENT OF GENDER EQUALITY

TO THE PUBLIC BROADCASTER:

- Gender equality issues should be integrated into the editorial policy, the production of informative and educational programs on women's rights and gender equality should be supported

RIGHTS OF WOMEN HUMAN RIGHTS DEFENDERS

TO THE GOVERNMENT OF GEORGIA:

- Measures to protect women human rights defenders should be defined in existing gender equality action plans and strategies, including the issues of implementation of UN General Assembly resolution

TO THE MINISTRY OF INTERNAL AFFAIRS

- Sensitive attitude towards possible violations of rights of women human rights defenders should be developed; their perception of real threat alongside an increased risk due to their activity should be taken into consideration

REPRODUCTIVE AND SEXUAL HEALTH AND RIGHTS

TO THE MINISTRY OF LABOR, HEALTH AND SOCIAL AFFAIRS:

- Awareness raising measures on reproductive and sexual health should be planned and implemented
- Awareness raising campaigns on the use of contraceptives and family planning services should be supported, including through active involvement of rural outpatient clinics
- Measures of preventing sex-selection abortions should be planned and implemented, including informational and educational meetings in the regions of Georgia

TO THE MINISTRY OF EDUCATION AND SCIENCE:

- Course on basic issues of reproductive and sexual health and rights should be introduced for schoolchildren
- In cooperation with local medical institutions, seminars on the issues of reproductive and sexual health should be organized for schoolchildren

EARLY MARRIAGES

TO THE MINISTRY OF EDUCATION AND SCIENCE:

- The level of awareness of teachers about the obligations concerning the issues of early marriage and compulsory implementation of response procedures should be ensured
- In case of early marriage, coordination with the subjects participating in referral, which is envisaged by the child protection referral procedure, should be implemented
- Monitoring should be conducted on the registration of causes of dropping school by children, especially in regions densely populated by ethnic minorities where shortcomings in such registration are observed

TO THE MINISTRY OF LABOR, HEALTH AND SOCIAL AFFAIRS:

- Facts of early marriages and neglect of early marriages by parents should be studied in a comprehensive manner and response to early marriages should be implemented as provided in the legislation
- A strategy should be developed for representatives of ethnic minorities in order to implement obligations provided in Georgian and international legal acts, including to render existing services in case of early marriages

TO CHIEF PROSECUTOR'S OFFICE:

- Every instance of crime envisaged under Article 140 of the Criminal Code of Georgia should be handled in accordance with the law

- Preventive measures should be undertaken for the prevention of crime envisaged under Article 140 of the Criminal Code of Georgia, including in the regions populated by ethnic minorities

TO THE MINISTRY OF INTERNAL AFFAIRS:

- The coordination with the Social Service Agency and the Ministry of Education and Science, as defined in the child protection referral document, should be supported, including the fulfillment of the obligation to notify
- The guidelines for the response to early marriage should be developed and the role of district inspector should be strengthened in order to inform local communities (especially those of ethnic minorities) and offer consultations on issues of early marriage

VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE

TO THE GOVERNMENT OF GEORGIA:

- A system of monitoring women's homicide on the ground of gender should be established in accordance with the recommendation of UN Special Rapporteur on violence against women, its causes and consequences and the analysis of statistical data should be published annually

TO THE MINISTRY OF INTERNAL AFFAIRS:

- Strict adherence to measures envisaged in the law by employees of the Ministry of Internal Affairs in cases of domestic violence should be monitored
- A specialized structural unit responsible for the response to crimes committed on the ground of gender and domestic violence should be created
- The risk assessment and monitoring mechanism of response after a domestic violence should be introduced
- Statistical data on cases of inciting women to suicide should be maintained and all necessary data about such facts should be analyzed
- Reports to LEPL 112 service regarding alleged domestic violence and family conflicts should be analyzed

TO THE STATE FUND FOR THE PROTECTION AND ASSISTANCE OF VICTIMS OF HUMAN TRAFFICKING:

- Access to hotline service for representatives of ethnic minorities should be ensured
- The rule of providing medications should be revised and such regulations developed which will allow the administration to immediately supply needed medications to beneficiaries

TO THE MINISTRY OF LABOR, HEALTH AND SOCIAL AFFAIRS:

- In case of admitting a socially vulnerable person into a shelter, the allowance should be terminated so that it is automatically resumed once the person leaves the shelter
- Coordination and cooperation with the Ministry of Internal Affairs should be enhanced for the aim of effective response to cases of domestic violence

- The role and involvement of social workers should be strengthened for the response to violence against women and domestic violence

RIGHTS OF WOMEN DRUG USERS

TO THE GOVERNMENT OF GEORGIA:

- Gender specific treatment services should be developed and implemented, which will be oriented on harm reduction and will increase access for women
- A national study should be conducted to identify the number of women drug users, including the number of women needing treatment as well as harm reduction, sexual and reproductive health services
- Gender specific aspects and women's needs should be considered in the state strategy combatting drug abuse

TO THE MINISTRY OF LABOR, HEALTH AND SOCIAL AFFAIRS:

- The need of ensuring shelter to women victims of domestic violence who use drugs should be studied and corresponding changes should be made to ensure a special service at shelters

HUMAN TRADE (TRAFFICKING)

TO THE STATE FUND FOR THE PROTECTION AND ASSISTANCE OF VICTIMS OF HUMAN TRAFFICKING:

- Access to shelter services should be ensured for persons with disabilities
- A service for people with contagious infectious diseases should be provided through organizing an individual living space or a separate shelter
- Yards of shelters should be arranged, special attention should be paid to full observance of security standards
- Standard of service in service institutions for victims of trafficking should be developed and introduced, which will ensure the improvement of operation of shelters

LEGAL STATE OF LGBT PERSONS

TO THE MINISTRY OF INTERNAL AFFAIRS:

- Timely, effective and responsible investigation into hate crimes should be carried out

TO THE MINISTRY OF JUSTICE:

- A fast, transparent and accessible procedure of reflecting gender identity of transgender persons in documents issues by public and non-public institutions should be established.