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I. Executive Summary:

Due to deep patriarchal culture, religious and other traditional attitudes women are seen as second-class citizens in Georgia. Present joint statement addresses three areas of concern related to women’s situation in Georgia:

- Women suffer from violence, especially from domestic violence and femicide¹ in Georgia;
- Extremely low numbers of women are represented at the decision making bodies;
- Marginalized women (sex workers, LBT, homeless, drug user women) suffer multiple discrimination in silence.

Each area of concern is followed by number of recommendations prepared by the coalition for the government of Georgia.

II. Normative and institutional framework

1. Georgia ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1994. Georgia has signed Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) in 2014, but has not ratified the convention yet.
2. Georgia also joined the Beijing Declaration and Platform for Action², one of the components of which is strengthening women’s participation in political life. The

¹ “Femicide is generally understood to involve intentional murder of women because they are women, but broader definitions include any killings of women or girls”.

http://apps.who.int/iris/bitstream/10665/77421/1/WHO_RHR_12.38_eng.pdf

² <http://www.un.org/womenwatch/daw/beijing/platform/declar.htm>, Georgia adopted the Declaration in 1995

- Beijing Declaration urges state parties to create concrete national mechanisms in this regard.³
3. The chapter on sexual crimes in Criminal Code of Georgia is outdated and contains post-soviet crimes and mentions homosexuality, lesbianism and other perverted actions. There is no definition of stalking and sexual harassment in Georgian legislation. In 2010 Law on Gender Equality was adopted by the parliament of Georgia, but the law lacks enforcement mechanism and thus exists only on paper. Law on Domestic Violence is in force since 2006, according to it economic violence and psychological violence are forms of violence, but economic violence is not prohibited and some types of psychological violence is criminalized. Despite the facts that Law on Domestic Violence envisages rehabilitation centers for offenders of domestic violence, none of such centers has ever existed in Georgia. State shelters for the victims of domestic violence are not accessible for such marginalized women as women with substance addiction, women with mental health problems, commercial sex-workers.
 4. Since 2008 Gender Equality Council was established in the Parliament of Georgia, the council became passive since 2012 and rarely holds meetings.
 5. On the raise of femicide in the end on 2014 Ministry of Internal Affairs (MoIA) initiated state strategy on prevention of violence, including domestic violence. MoIA on its own elaborated the mentioned strategy with very little engagement of other state institutions and civil society. The strategy is not yet adopted, but is highly criticized for its stereotypical attitudes.

III. Achievements in upholding the rights

6. In 2014 Georgia adopted Law on Elimination of All forms of Discrimination. The mentioned law defines direct and indirect forms of discrimination, though omits harassment.
7. In 2014 Georgian Women's Movement (GWM) collected signatures for the petition regarding violence on women and submitted it to the Parliament of Georgia. In response to the petition working group on violence against women was created under the Human Rights Committee involving activists of GWM, the working group conducts public hearings of state representatives in the committee meetings and is planning on drafting recommendations for the executive branch by the end of Spring 2015.
8. In 2012 an amendment was introduced into Georgian Criminal Code, according to which crimes committed based on hate, including on sexual orientation and/or gender identity is considered as a ground for imposing higher sanction.⁴ Though the article is not implemented in practice as chief prosecutor's office claims that as sanctions are applied by the judges, implementation of this article is upon judiciary; on the other hand, the judiciary claims that prosecutors are in place of proving the motive of hatred during the process, in the end of the day neither prosecutors, nor judges apply the mentioned article.

³ <http://www.un.org/womenwatch/daw/beijing/platform/>

⁴ Article 53¹, Amendment to Criminal Code of Georgia, March 27, 2012;

IV. Main issues of concern:

1. Violence against Women

9. Georgia accepted the recommendations during the first Universal Periodic Review in 2011 to intensify efforts combating violence against women and domestic violence.⁵
10. 2014 was unprecedented year for Georgia, there were up to 30 cases of violence on women, which resulted in death.⁶ Although there is a problem of collecting and analyzing statistics on femicide, numbers provided by law enforcement agencies differ. In addition, there is undefined number of cases of suicides driven by systematic violence on women, including force marriages. Despite the fact that in the cases of suicide the investigation is initiated, none of these cases are brought to the prosecution during 2014-2015. A couple of notorious cases include: i) a case where a Muslim woman in the village was being beaten up for over 5 hours in public before anyone called the police, and who committed suicide the next day;⁷ ii) a case of university professor Maka Tsivtsivadze killed in a murder-suicide in front of her students at the corridor of university. The victim asked for help from police several times during one month, but received no help;⁸ iii) a case of a police officer himself killing his 19 year old ex-wife Salome Jorbenadze who he married as a minor.⁹ Cases of domestic violence when perpetrators are employees of MoIA are inadequately investigated.
11. Similar to other societies, in Georgia family violence against women is one of the most insidious forms of violence women experience. There are serious problems of implementation of law. Freedom from violence is guaranteed by number of legislative pieces, but when the statistics are analysed it is obvious that laws are not used to protect victims of violence. For example, studies show that 1 in 3 women suffer abuse from partner and 1 in 11 suffer physical violence.¹⁰ Despite the fact that police was called in more than 5447 cases of domestic conflict, only

⁵ Report of the Working Group on the Universal Periodic Review of Georgia, 16 March 2011 (A/HRC/17/11), recommendations: 105.14, 105.24, 105.39, 105.40, 105.42, 105.43, 106.19, 106.28.

⁶ See the link here: <http://humanrightshouse.org/Articles/20553.html>

⁷ 30 years old woman were brutally beaten in front of the whole village and then victim committed suicide. See the link here: <http://intermedia.ge/vid/378512-სოფელ-ლამბალოში-მომხდარი-შემზარავი-თვითმკვლელობის-ფაქტი/>

⁸ On October 17, 2014, the ex-husband shot his wife in the Ilia State University's building and then killed himself. See the link here: <http://dfwatch.net/man-shoots-ex-wife-then-kills-himself-at-tbilisi-university-98859>

⁹ On July 25, 2014, police officer killed his ex-wife in city Zestaponi. See the link here: <https://iwpr.net/global-voices/georgian-murders-highlight-violence-against-women>

¹⁰ Chitashvili, M., et al (2010). *National Research on Domestic Violence against Women in Georgia. Final report.* <http://www.genderbasedviolence.ge/en/content/show/12/research.html>;

- 212 protective orders had been issued in 2013 and over 300 investigations have been commenced.¹¹
12. As practice of union “Sapari” shows, victims of violence in almost all cases complaint that police officers do not provide adequate help in cases of domestic violence. Policemen still consider domestic violence as domestic issue and not as an issue of public interest. They stop investigations when the victim withdraws her statement without considering the reasons for withdrawal. Often, perpetrators see inadequate police actions and the violence becomes worse. Altogether, it is extremely rare that victims are satisfied with the help they receive from the police.¹² Most cases of femicide had long-lasting history of violence but the police was rarely informed, which demonstrates public lack of trust in police.

Recommendations:

- Ministry of Internal Affairs of Georgia should establish specialized unit on gender-based violence.
- Georgia should develop prevention strategies on gender-based violence and rehabilitation services for victims of violence.

2. Lack of Women's Political Participation

13. Georgia accepted the recommendations during the first Universal Periodic Review in 2011 concerning adoption of political, legislative and administrative measures guaranteeing a higher representation of women in decision-making, as well as in senior positions in all areas of the public administration.¹³
14. Over the last decades, women representation in politics and leadership positions has not improved in Georgia. As of 2013, women constitute 25.6% of members of parliaments throughout the world¹⁴, with Georgia significantly lagging behind as following the 2012 parliamentary elections women were able to secure only 11% of mandates. Consequently, Georgia is ranked number 115 among 185 countries of the world.¹⁵ Gender imbalance is evident in the executive authorities as well where only 3 of 19 Ministers are women.¹⁶
15. The 2014 local self-government elections have painted an alarming picture of gender imbalance. All of the Mayors in 12 local self-governing cities are men, while out of 69 Gamgebelis (executive heads of the local municipalities)

¹¹ See the statistic of the Ministry of Internal Affairs here:

http://www.gurianews.com/view_left_wide.html?item=21121&title=ოჯახური+ძალადობის+სტატისტიკა&cat_id=74&lang=ka

¹² Interview with executive director of union “Sapari” Babutsa Pataraiia (18.02.2015.), the organization provides legal consultation and psycho-social and medical rehabilitation to victims of domestic violence since 2001.

¹³ Report of the Working Group on the Universal Periodic Review of Georgia, 16 March 2011 (A/HRC/17/11), recommendations 106.32, 106.33, 106.34, 105.23, 105.24.

¹⁴ Retrieved from www.ipu.org

¹⁵ Retrieved from <http://www.ipu.org/wmn-e/classif.htm>

¹⁶ As of September 2014

- throughout the country only two are women (including one appointed in Tbilisi). In local self-government bodies (Sakrebulo) elected through 2010 local self-government elections throughout Georgia, women accounted for 11% of members¹⁷. There have been no improvements following the 2014 local self-government elections, as women account for 11% of Sakrebulo members.
16. In view of the serious gender imbalance in executive and legislative authorities of Georgia both at the local and the central levels, it is urgent to initiate legal changes tailored to the local context by sharing successful international experience and harmonizing Georgian legislation with international obligations and recommendations issued specifically for Georgia. There is no legal mechanism of mandatory gender quoting in Georgian legislation. The organic law of Georgia on Political Union of Citizens provides for a financial incentive for voluntary compliance. Pursuant to para.7¹ of Article 30 of the law, *“the election subject receiving funding from the state budget in accordance with rules prescribed by this Article, will receive from the state budget 30% of supplement, if in the nominated party list (local self-government elections – all party list) it includes at least 30% of different gender in each 10 candidates”*. As proven by a number of parliamentary or local self-government elections have revealed, the foregoing stipulation is completely insufficient to improve the gender balance to a significant extent. It is worth mentioning that none of the ruling parties have ever used the mentioned financial incentives.
17. Pursuant to the July 18, 2014 concluding observations of the Committee on the Elimination of Discrimination against Women on Georgia's periodic report on the women's rights situation in the country, serious steps need to be made to ensure equality. The Committee is concerned about lack of the mandatory quota system¹⁸ in the country and recommends that Georgia adopt statutory gender quotas to improve women participation in the public realm and improve the integration of disadvantaged and marginalized groups of women. The Committee is also concerned that women remain significantly underrepresented in the legislative and executive branches, in particular in senior and decision-making positions. Therefore, the Committee recommends that Georgia adopt statutory quotas to address the issue.¹⁹

Recommendation:

- Georgia should introduce legislative mandatory gender quotas for parliament and local self-government bodies.
- Georgia should develop strategy on increase of women participation in decision-making positions in all three branches of government.

3. Marginalized Women

¹⁷ <http://www.isfed.ge/main/653/geo/>

¹⁸ Ciommittee on the Elimination of Discrimination against Women, 18 July 2014, point 16.

¹⁹ Ciommittee on the Elimination of Discrimination against Women, 18 July 2014, point 24 and 25.

Homeless Women

18. Georgia accepted the recommendations during the first Universal Periodic Review in 2011 concerning the protection and promotion of rights of women and especially those who are socially vulnerable.²⁰ In its interim report the Government of Georgia asserted that it had taken steps in order to implement these recommendations through introducing amendments to the methodology of socio-economic conditions of families, as well as through various measures dedicated to the improvement of the protection of women.²¹ These measures have not been effective, as they do not adequately address the problems that lead to the homelessness of women and their poor living conditions that do not comply with the right to adequate housing.²²
19. Factors contributing to homelessness of various vulnerable groups, specifically women are systematic. It can be explained inter alia with the lack of gender sensitivity of programs of social protection and healthcare systems, as well as the economic hardship of women in the country. In many instances the homelessness of women is caused due to the inequality of men and women in family relations, especially in economic aspects; women cannot participate in the decision-making process of alienating the property that led to homelessness. At the same time, there are many cases of female victims of domestic violence becoming homeless, as they had to leave the house. The existing stigma and stereotypes in the society regarding divorce prevents women from returning to their parents and leaves them without a place to live. Economic hardship of single mothers is also a significant contributing factor. Lower salaries for women in employment and inequality of women in inheritance issues causes poverty of women, which results in homelessness.²³
20. Homeless women are discriminated not only due to their gender, but also due to socially vulnerability; this further contributes to their marginalization. They are forced to live in empty buildings or tents organized for temporary use, which does not comply with the minimal standards of adequate housing.

Recommendations:

²⁰ Report of the Working Group on the Universal Periodic Review of Georgia, 16 March 2011 (A/HRC/17/11), recommendations 105.12, 105.14, 105.21, 105.42, 105.43, 106.19 and 106.27.

²¹ Universal Periodic Review (UPR), Mid-Term Progress Report of Georgia on its Implementation of Recommendations, Elaborated in January 2011, Ministry of Foreign Affairs of Georgia, 2013.

²² 'Social and Economic Rights: Right to Adequate Housing and Right to Work', Individual Contribution of Human Rights Education and Monitoring Center (EMC) for the 2nd Cycle of the Universal Periodic Review of Georgia, 2015.

²³ 'Non-Recognition, inactivity and Repression Substituting a Home – Analysis of State Policy and Human Rights Situation of Vulnerable Homeless Families Occupying State-Owned Property', Human Rights Education and Monitoring Center (EMC), 2014, available at: <http://emc.org.ge/2014/08/27/non-recognition-inactivity-and-repression-substituting-a-home/>, last visited on March 15, 2015, pp 35-36.

- Georgia shall take all necessary steps with the purpose of empowering women in economic, social and family relations and to eradicating factors contributing to the homelessness of women.
- Study the needs of homeless women and elaborate gender sensitive strategies and methodologies that adequately respond to these challenges.

Sex Worker Women

21. There are approximately 14,469 female sex workers (hereinafter FSWs) in Georgia, which is 0.6% of entire population. 21% of FSWs in Tbilisi, capital of Georgia, work in the street, while in largest touristic city Batumi 40% of FSWs in street.²⁴ Most of the FSWs do not work in the cities were they come from, approximately 72% of FSWs in Tbilisi and 93% FSWs in Batumi are not locals. For the vast majority of FSWs at both survey locations commercial sex represents the only source of income (83.7% in Tbilisi and 87.5% in Batumi). Besides, the vast majority of FSWs (90% in Tbilisi and 83.3% in Batumi) has financial dependents.²⁵
22. Prostitution is an administrative offence in Georgia. Though it is not criminalized, but sex work is highly stigmatized. The illicit nature of sex work creates barriers to the access to police, to justice, to appropriate health care etc. As most of the sex workers hide their work because of prejudices and negative public attitudes they are extremely vulnerable to violence and discrimination. In most of the cases sex workers do not seek for assistance when they face problems, including when they become victims of violence. Sex workers become victims of police violence, including blackmail, providing sexual services for free, money extortion. As sex workers fear fines under administrative code and in general, as they try to avoid problems with law enforcers, violations of the rights of sex workers remain unaddressed.²⁶

Recommendations:

- Georgia should decriminalize prostitution and remove it from Code of Administrative Offences of Georgia.
- Georgia shall take all necessary steps to protect rights of sex workers including right to be free from violence by police and others, right to access healthcare, education and housing.

²⁴ "Population Size Estimation of Female Sex Workers In Tbilisi and Batumi, Georgia 2014" - by Tanadgoma, Curatio International Foundation, August, 2014, <http://new.tanadgomaweb.ge/upfiles/dfltcontent/3/150.pdf>

²⁵ "HIV risk and prevention behaviors among Female Sex Workers in two cities of Georgia. Bio-behavioral surveillance survey in Tbilisi and Batumi." Study report. by Tanadgoma, Curatio International Foundation July, 2014. <http://new.tanadgomaweb.ge/upfiles/dfltcontent/3/146.pdf>

²⁶ "Study on Identification of Sex-workers' Needs and Factors Causing Discrimination" – by Association "HERA-XXI", 2015.

LBT women

23. Homophobic and transphobic environment in Georgia creates serious obstacles in implementation of human rights of for L(G)BT persons. One of the most acute problems this group faces is lack of exercising the right to freedom of expression and assembly guaranteed by the Constitution of Georgia²⁷. In 2012-2013 years peaceful rallies dedicated to the International Day against Homophobia and Transphobia persons were violently disrupted by religious extremists. The measures taken by police forces were insufficient.²⁸ The State did not conduct thorough and efficient investigation regarding the attacks that had taken place on May 17, 2012 and 2013 and did not punished the culprits.²⁹ According to official information, 28 persons were injured during the attack on peaceful IDAHOT demonstration on May 17, 2013. In the days following May 17, WISG documented increased violent attacks on members of LGBT community³⁰. Negative experience made it impossible to mark IDAHOT in 2014.
24. Transgender persons in Georgia do not have access to legal recognition of their gender without sex-reassignment surgery. "Sex change" and changing one's name and last name is guaranteed under Georgian legislation³¹, but the Law does not define "sex change" itself. The State Services Development Agency states that the legal gender could be adapted when providing a Certificate issued by a medical institution confirming the change of sex. Which means that a person has to undergo irreversible sterilization, hormonal treatment, and preliminary surgical procedures to receive a medical "sex change" certificate allowing for their legal gender identity to be adapted.³² Apart from personal distress, inconsistency of an official sex record with an individual's gender self-expression often serves as basis for discrimination of transgender persons in labor relations and state and private institutions, where submitting personal identification documents is required.³³
25. In 2014, the CEDAW Committee examined this issue and called on the state to "abolish restrictions for transgender persons to obtain identity documents".³⁴ In

²⁷ Constitution of Georgia, Article 25.

²⁸ T. Hammarberg, Georgia in Transition.

http://eeas.europa.eu/delegations/georgia/documents/virtual_library/cooperation_sectors/georgia_in_transition-hammarberg.pdf

²⁹ <http://emc.org.ge/2015/01/26/ertoblivi-media-ngo/>

³⁰ Situation of LGBT persons in Georgia, Public policy document, 2013

³¹ Article 78 (g), the Law of Georgia "on Civil Acts", which states that changing a sex is one of the grounds for amending a civil act record.

³² Response letter of the Ministry of Justice, N. 26948, Date: 26.06.2012.

³³ Until recently, it was impossible to obtain a repeated higher education diploma, which would indicate a changed sex. Such practice created significant problems for transgender persons, especially in the job searching process. Pursuant to the 26 June 2012 Order (№120/n) of the Minister of Education and Science of Georgia allowed to issue a duplicate of a diploma if a person submits a document confirming the change to name and/or surname.

³⁴ CEDAW/C/GEO/CO/4-5. Concluding observations on the combined fourth and fifth periodic reports of Georgia. Adopted by the Committee at its fifty-eighth session (30 June – 18 July 2014): „Para. 34. The Committee is concerned about: [e] Physical violence and harassment faced by lesbian, bisexual and transsexual women and restrictions to obtain identity documents for transgender persons; Para. 35. The

2013, the Public Defender's Office also recommended the Government to "introduce a rapid, transparent and accessible procedure for transgender persons to indicate their gender identity in all key documents ... by introducing new administrative practices based on the gender dysphoria diagnosis".

Recommendations:

- Georgia should without further delay and efficiently investigate the events that have taken place on May 17 2012, 2013 and hate crimes that took place shortly after.
- The Ministry of Labor, Healthcare and Social Affairs should work in coordination with Ministry of Justice in order to establish fast, transparent and accessible new administrative practice allowing transgender persons to change their gender markers in all the documents issued by state and private institutions without requiring sex-reassignment surgery from transgender people.

Women Who Use Drugs

26. It is estimated that there are 40 000 injecting drug users in Georgia, out of which 10% are women.³⁵ Drug use among women is often associated with poverty and sometimes with commercial sex work.³⁶ Women who use drugs are among the most hidden and underserved groups and majority of them are not involved either in treatment or in harm reduction services.³⁷
27. According to the Georgian legislation illegal drug consumption is punished by administrative³⁸ and criminal penalties³⁹. The stringent legislation covering drug related crimes is applied strictly. Since 2012 application of punitive measures has been raising significantly.⁴⁰ Despite the fact that 83% of convicted persons resume drug consumption after the imprisonment Georgia's policy towards fighting drug abuse is mainly punitive.
28. The researches conducted with women drug users show that strict national drug strategy and legislation are seen as a barrier for women drug users to seek treatment and receive services.⁴¹ One of the major problems is lack of

Committee calls upon the State party to: ... [e] Take measures to address violence and harassment of lesbian, bisexual and transsexual women and abolish restrictions for transgender persons to obtain identity documents."

³⁵ Sirbiladze, T., *Estimating the prevalence of injecting drug use in Georgia: Consensus report*. Bemoni Public Union, 2010.

³⁶ Union "Step to Future", *Violence in families of drug dependent women in Georgia*, 2012, pp. 8-9

³⁷ Kirtadze et. al., *Twice Stigmatized: Provider's Perspectives on Drug-Using Women in the Republic of Georgia*, Journal of Psychoactive Drugs, Vol. 45 (1) January – March 2013, p. 1

³⁸ art. 45, Administrative Code of Georgia, 2005

³⁹ art. 276, Criminal Code of Georgia,

⁴⁰ Unethical Drug Policy – the analysis of national legislation and practice, Human Rights Education and Monitoring Center (EMC), 2014 at: http://emc.org.ge/2014/05/27/araetikuri_narkopolitika/

⁴¹ I. Kirtadze, D. Otiashvili, K. O'Gradi, W. Zule, E. Krupitsky, W. Wechsberg, H. Jones, *Risk and stigma in seeking care and policy implications*, 2013 <http://www.slideshare.net/IrmaKirtadze/risk-and-stigma-in-seeking-care-and-policy-implications>

confidentiality. Engagement of woman drug users in available services creates high risk that police will be interested in woman drug user and initiate criminal proceedings against her.⁴² Moreover, for the abovementioned reason women drug users refrain themselves to contact police even when they become victims of violence.⁴³

29. Recent research from Georgia found that over 80% of women who use drugs have suffered violence in their homes.⁴⁴ Domestic violence against women who use drugs is most often justified. This stems from the norms of “morality” the Georgian society is upholding and gives men double power to exercise control over women.⁴⁵ Consequently, because of their “nontraditional” and “unacceptable” conduct, which is tolerated in case of men, they are seen as fallen and unworthy women and are abused and cast away, even by their families.⁴⁶
30. As it was noted in the focus group conducted with 14 drug using women in the organization Aceso on 17.05.2014, stigma and discriminatory attitude from the society is a significant instigator of violence in the family. If not such attitude, there would be far less domestic violence and women would not subject themselves to self-stigma, leading to the belief that they deserve to be beaten,⁴⁷ making violence against these women an ordinary and routine thing.⁴⁸

Recommendations:

- Georgia should decriminalize consumption of narcotic substances.
- Georgia should develop gender focused treatment and harm reduction services and make them accessible for women drug users.

⁴² Union “Step to future”, *Violence in families of drug dependent women in Georgia*. Georgia-Gori, 2012. p. 22

⁴³ *ibid.*

⁴⁴ Step to Future, p.11. On the question who is more frequent aggressor in their family – 55% of women answered that husband, 19% named permanent partner, 17% - mother or father in-law, 7% - other relatives and 2% - society.

⁴⁵ Drugs, Gender and Stereotypes, Working Paper, Elene Japaridze, Center for Social Sciences, April 2014, p. 8

⁴⁶ Step to Future, p.20

⁴⁷ This was noted in the focus group with 14 drug using women in the organization Aceso on 17.05.214. *See also* Drugs, Gender and Stereotypes, Working Paper, Elene Japaridze, Center for Social Sciences, April 2014, p. 10

⁴⁸ Kirtadze et. al., *Twice Stigmatized: Provider's Perspectives on Drug-Using Women in the Republic of Georgia*, Journal of Psychoactive Drugs, Vol. 45 (1) January – March 2013, p. 1