

GENDER EQUALITY AND WOMEN'S RIGHTS

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PUBLIC
DEFENDER
OF GEORGIA



PUBLIC DEFENDER
(OMBUDSMAN) OF GEORGIA

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INTRODUCTION

Achieving gender equality still remains a serious challenge in the area of human rights protection in Georgia. Society still lives in stereotypical environment, where in most cases violence against women in families is justified, the number of early marriages is high, women constitute a minority at the level of decision-making and cases of the violation of rights due to gender identity and sexual orientation are frequent.

Women's rights are violated mostly in families – a place where a person must feel herself most protected. In the reporting period the scale and severity of violence against women and domestic violence has been disturbing. In the previous year 17 women have been killed as a result of domestic violence¹.

Numerous steps taken by Georgia's government and parliament for women's rights and gender equality regulation are commendable. A number of recommendations by the Public Defender of Georgia have been taken into account. Nevertheless, it must be noted that the majority of recommendations provided by the parliamentary report of 2013 have not been met.

Regardless of the fact that the Public Defender of Georgia called for the transformation of early marriages into an issue needing special attention, no efficacious steps have been taken to improve the existing practice. It is true, that Parliament of Georgia criminalized forceful marriage, but implementation of existing regulations in practice still remain a main challenge.

It is commendable that in 2014 the status of single parent was defined, legislation of domestic violence was refined, and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence was signed. The National Strategy of Violence Prevention was elaborated, which covered different areas of violence, but with respect to the specifics of the issue, it would be better to create a document separately addressing strategy of prevention of gender-based violence against women.

We praise the initiative of the President to declare 2015 as women's year, since this initiative will strengthen public interest and bring the issue to the forefront. However, it would be more important if the year 2015 brings real improvement in the condition of women's rights along with its symbolic meaning.

It must be noted that efficacious steps have not been taken towards encouragement of women's political participation; none of the recommendations on the improvement of rights of LGBT people has been considered. Economical empowerment of women still remains a challenge, especially economic activity and participation in country-wide processes of economic development of women living in rural areas, IDP women, and conflicts affected women.

1. Chief Prosecutor's Office of Georgia; Letter # 13/16016; 17/03/2015

In 2014 Georgia presented the 4th and 5th united report to the Committee on Elimination of all Forms of Discrimination against Women, which was discussed by the committee at the 58th session. The Public Defender of Georgia used for the first time his right endowed by the status of the national institute on human rights protection to present an alternative report to the committee. Also, shadow reports were presented by non-governmental organizations. The committee expressed in a set of conclusive recommendations² its concern with the absence of temporary special measures for encouraging women's political empowerment, the especially high index of femicide cases by husbands or partners, and the lack of effective steps for the improvement of all the above mentioned.

2. Information is available at the webpage: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fGEO%2fCO%2f4-5&Lang=en > [last seen on March 15th of 2015].

GENDER MAINSTREAMING IN THE OFFICE OF THE PUBLIC DEFENDER OF GEORGIA

Integration of gender equality issues in all types of activities is a matter of serious importance. The Office of the Public Defender of Georgia is a first state institution, which created a structural unit on gender equality issues – the Department of Gender Equality - and pays special attention to integrate gender equality issues in human rights protection activities.

It must be noted that the practice of the Public Defender of Georgia attracts attention on the international level and is exemplary for other institutions. In 2014, the Geneva Center for the Democratic Control of Armed Forces (DCAF) published the guidance note on the Public Defender's office for the best practice in creating and developing Department of Gender Equality in the field of human rights institutions³.

After discussion of the 4th and 5th united reports of Georgia the Committee for Elimination of All Forms of Discrimination against Women underlined the importance of the activities of the Public Defender's Office of Georgia in its recommendations and called on the state **to allocate sufficient resources for the Office of the Public Defender of Georgia**.⁴

Activities of the Public Defender of Georgia in the field of gender equality cover both, internal institutional development, as well as contribute to the process of achievement of gender equality. For achievement of the set goal, the Public Defender of Georgia worked out a gender equality strategy and action plan for the 2014-2016 years. It is noteworthy that the Public Defender's Office of Georgia is a leading institution based on the index of women's promotion to high positions. Among the deputies of the Public Defender of Georgia the gender balance is 50%; women occupy 55.6% of head positions and 62% at the level of specialists. Overall, the gender balance of staff is 60.4% women and 39.6% men.

The Public Defender of Georgia pays great attention to the capacity building of employees in the field of gender equality, which can be confirmed by the successfully implemented training – “Gender, Stereotypes and Equality,” in which 86 employees of the Public Defender's Office participated, including technical-administrative personnel.

On November 25th of 2014 the Public Defender of Georgia approved the policy-defining document for prevention of sexual harassment. With this initiative, the Public Defender of Georgia decided to support and emphasize the importance of prevention of sexual harassment at workplace, to create environment free of sexual harassment for its employees and make this experience available for interested parties. The integration of gender equality issues in the activities of the

3. Information is available at the webpage: < <http://www.dcaf.ch/Publications/Integrating-Gender-into-Oversight-of-the-Security-Sector-by-Ombuds-Institutions-National-Human-Rights-Institutions> > [last seen on March 15th of 2015].

4. Conclusive statutes on the 4th and 5th united periodic reports of Georgia: The Committee for Elimination of All Forms of Discrimination against Women

Public Defender of Georgia significantly encouraged the inculcation of principles of equality in the general activities of the office.

Considering the condition of women's rights and gender equality in the country, it is important for the state as well as for private organizations to share successful practice of the Public Defender of Georgia and inculcate principles of equality in activities, documents of policy implementation and strategies.

An important step towards gender mainstreaming is the appointment of the Assistant to the Prime Minister on Human Rights Protection and Gender Equality Issues. Activity of the Council on Gender Equality of the Georgian Parliament deserves a special esteem. The strengthening of these institutions by means of administrative and financial resources and enhancement of inter institutional coordination would be very important for effective implementation of the country's gender policies. It is no less important to support and develop structural units responsible for gender equality issues at the level of ministries.

It must be noted that in some regions the person responsible for the issue of gender equality is appointed at the level of the local municipalities, but the creation of a structural unit would underwrite the institutionalization these issues, initiate an institutional memory and further support the orientation toward gender politics.

ROLE OF MEDIA IN THE FIELD OF WOMEN'S RIGHTS PROTECTION AND ACHIEVEMENT OF GENDER EQUALITY

In the process of the eradication of gender inequality and discrimination, the role of media is very significant. By signing the Convention on Elimination of All Forms of Discrimination against Women, Georgia clearly expressed the direction chosen by the country and also took responsibility for the implementation of the principles of the convention. The convention stems from the goals of the United Nations – to strengthen the belief in the basic rights of human beings, in humans, in the dignity and value of the person, and in equality of rights of women and men. Already many steps have been taken in this direction, although awareness raising and informing the population is a continual process which can be completed only with the involvement of the media.

In the latest period, the media intensely covered facts related to violence against women. It is the result of this work that so many cases were exposed and public interest has increased significantly. Although, it must be noted that domestic violence is a sensitive issue and correct coverage is important for people who face this problem right now. They must see the way out and experience hope in the possibility of change for the better. Also, the issue of victim confidentiality is very important since we should bear in mind the threats and stereotypes that are faced by these people.

The dissemination and publishing of sexist remarks and ads is especially worrisome. For example, on the 9th of December of 2014 the Public Defender of Georgia

addressed JSC Bank of Georgia regarding the sexist content of its advertisement and appealed to them to refrain from publishing ads of sexist content and to support as much as possible respect for women's dignity and their depiction as equals to men.⁵

The most widespread stereotypes in the media are related to woman's gender role. Women are depicted as housewives who are busy with housework: they advertise detergents, food, and other household products. Frequently, the advertisement affirms the view that for women the most valuable and important asset is their beauty. As for men, in advertisements they are characterized as educated and having authority.

According to Article 5 of the Convention on Elimination of All Forms of Discrimination against Women, participant states are to take measures to eradicate practices based on the idea of inferiority or superiority of one or the other gender and stereotypical perceptions of male and female roles.⁶

In order to crush negative stereotypes and increase gender equality, resolution 1751⁷ of the European Council's Parliamentary Assembly of 2010 calls on states to introduce changes in their legislation which aim at combating gender stereotypes. According to the same resolution sexist stereotypes used in media have an unfortunate influence on public opinion and especially on the formation of opinion among youth. These stereotypes immortalize simple, unchangeable, caricatures of women and men; they justify daily sexism and discriminatory practices and can facilitate and justify gender-based violence. Also, the European Council called on states with recommendation 1555 of 2002 – "Woman's Face in Media"⁸ – to inculcate a concept of "sexism" defined as ignoring human dignities based on sex.

According to the resolution⁹ of European parliament of March 12th of 2013 on "Elimination of Gender Stereotypes", gender based discrimination occurring in media, broadcasts and the advertisement field facilitate transfer of gender stereotypes, especially when they depict women as sexual objects, as a stimuli to making a purchase. According to the same resolution, children come across gender stereotypes in media from a very early age, which affects their perception of themselves, their family members, and the outer world. Stereotypes played in the media decrease respect toward women and support violence against them.

Unfortunately, Georgian legislation doesn't contain articles on prohibition of sexist

5. Information available at the webpage: < <http://www.ombudsman.ge/ge/recommendations-Proposal/winadade-bebi/saxalxo-damcvelma-ss-saqartvelos-banks-diskriminaciis-tavidan-acilebisa-da-mis-winaagmddeg-brdzo-lis-sakitxe-zogadi-winadadebit-mimarta.page> > [Last viewed on March 15th of 2015].

6. Information available at the webpage: < <http://www.ohchr.org/Documents/ProfessionalInterest/cedaw.pdf> > [Last viewed on March 15th of 2015]

7. Information available at the webpage: < <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta10/ERES1751.htm> > [Last viewed on March 15th of 2015].

8. Information available at the webpage: <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta02/EREC1555.htm> [Last viewed on March 15th of 2015]

9. Information can be viewed on the webpage: < <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2F%2FEP%2F%2FTEXT+TA+P7-TA-2013-0074+0+DOC+XML+V0%2F%2FEN> > [Last viewed on March 15th of 2015].

advertisements. According to part 2 of Article 63 of the law of Georgia on Broadcasting the allocation of advertisements that are inappropriate, unconscientious, unreliable, unethical, misleading or that breach requirements posed by Georgian legislation in terms of content, time, place, or rule of dissemination are prohibited.

Considering challenges existing in the field of achievement of gender equality and responsibilities taken by the signing of international agreements, it is important to have a corresponding regulation in Georgian legislation that will regulate the expression of sexist opinions in the process of preparation and transmission of ads in TV.

WOMEN'S PARTICIPATION IN DECISION MAKING PROCESSES

Georgia has had no progress according to the index of women's political activity. According to data from local government elections, women made up 11.1% of elected officials. The percentage of women among Georgian government is only 12%.

According to the Global Gender Gap¹⁰ in 2014 Georgia was in the 94th place among 142 countries according to women's political participation. According to the data¹¹ of women's representation in parliament, Georgia holds 107th place. According to data of inter-parliamentary Union, Georgia is in the 106th place among 190 countries as of the 1st of February of 2015.

On July 29, 2013 paragraph 7¹ was added to article 30 of organic law of Georgian on political unions of citizens, which provided for additional 30% on party funding in case if in the party list submitted by the party, 30% of every ten members would be opposite sex. Regardless of this change, the gender statistics¹² of the results of local government elections published by the Elections' Administration of Georgia show that steps taken by parties for achievement of gender equality are not noticeable. In particular, only 2 were women among the 14 candidates for the Tbilisi mayoral position; in self-governing cities, among the registered candidates for mayoral positions the gender composition was as follows: 65 men, 8 women. Also it is important to consider discrimination of candidates in party lists presented by election subjects; among 1129 candidates only 427 were women. In Majoritarian System of elections the gender composition of registered candidates was as follows: among 5707 candidates only 846 were women. Accordingly, in elections of local self governance organs we have particularly deplorable results: there are no women mayors and among 59 governors, only 2 are women.

10. Information can be seen on the webpage: <http://www3.weforum.org/docs/GGGR14/GGGR_CompleteReport_2014.pdf> [last seen on the March 15th of 2015].

11. Information can be viewed on the webpage: <<http://www.ipu.org/wmn-e/classif.htm>> [last viewed on March 15th of 2015].

12. Information can be viewed on the webpage: <<http://www.cesko.ge/uploads/other/29/29124.pdf>> [last viewed on the March 15th of 2015].

Analysis of women's political participation of the last decade makes clear that the process is static. It must be noted that the political system which excludes or doesn't support the equal participation of both genders in decision making processes can not be considered successful because on the path toward democratic development the most important is to use women's talent, experience and possibilities in the inculcation of principles of justice and equality. It can hardly be considered an achievement when women represent 53% of the country's population, but their voice in decision making processes barely reaches 20%.

It is noteworthy that according to data¹³ of Global Gender Gap, Georgia is in 61st place among 138 countries. It is noteworthy that the level of education of girls in higher education institutions is higher (31) than of boys (25). Yet they are not represented at the decision making level.

In parliamentary reports of 2012 and 2013 of the Public Defender of Georgia, special attention is paid to recommendations on the facilitation of women's political participation in Georgia; they have unfortunately not been taken into account. During 2014 the Public Defender of Georgia repeatedly responded to the current processes in the country and talked about the necessity of inclusion of women in decision making processes, but the data existing for this period still cause hopelessness and concern.

Considering all the aforementioned, it is inevitably important to start work on the creation of temporary special measures which will help the state to overcome this unequal situation. It must be noted that the experience of many developed countries with high democratic values shows that gender balance can be achieved by means of a quota system. An example of the success of a gender-based quota system is the practice and experience of Scandinavian countries, which are currently the leading countries according to the Index of Women's Political Participation regardless of the fact that the system of quotas doesn't exist anymore in these countries.

In 2014 discussing the 4th and 5th united reports the Committee on Elimination of All Forms of Discrimination against Women expressed its concerns with the absence of mandatory quotas and measures. The committee is concerned that these mechanisms are not applied to reach real or de facto equality between women and men in all aspects provided by the convention. Committee gave the recommendation to the state to take temporary special measures, including statutory quotas, in accordance with the Article 4 (1st paragraph), Article 7, and general recommendations 23 and 25 of the committee, as part of a necessary strategy to accelerate the achievement of substantive equality of women and men

The 25th general recommendation¹⁴ of the Committee for Elimination of Discrimination against Women calls on participants to facilitate the increase of women's participation by means of the creation of special temporary mechanisms. They shall estimate

13. Information is accessible at the webpage: <http://www3.weforum.org/docs/GGGR14/GGGR_CompleteReport_2014.pdf> [Last viewed on 15th of March of 2014].

14. Information is accessible at the webpage: <<http://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20%28English%29.pdf>> [Last viewed on March 15th of 2015].

national context and select a corresponding mechanism that will be oriented toward the achievement of de-facto equality. The general recommendation 23 immediately deals with women's participation in political and public fields. This recommendation calls on participant parties to eradicate discrimination against women in public and political fields, as well as to provide equal participation in voting and decision making processes.

WOMEN, PEACE AND SECURITY

Women's role in the peace-building process is immeasurable. The spectrum of problems which women and girls face in conflict and post-conflict situations is very wide. A number of conflicts in Georgia, consequent displacements and territorial occupation have affected women as a group.

The role of women's organizations who work with girls and women affected by conflicts and living in border villages as well as in the peace-building process is commendable. They gather information about identified needs and problems which are to be taken into account and reflected in political documents as much as possible.

In 2000, the United Nations Organization adopted resolution 1325 which emphasized the needs of women and girls in conflict and post-conflict situations and called on states to inculcate gender sensitive approaches in their policies and programs, ensure protection of women's and girls' security from sexual and gender violence and use every means to listen to women's voices in decision making processes.¹⁵

Considering events taking place in the world, the United Nation's Organization adopted additional resolutions by means of which it is possible to regulate specific issues.

Countries expressed their commitment to implement the resolution by adopting action plans. In Georgia on December 27th of 2011 the National Action Plan (further referred as №1325 resolution action plan) for 2012-2015 was adopted to implement UNSC resolutions NN 1325, 1820, 1888, 1889, and 1960 "On Women Peace and Security".

The action plan covers all aspects of resolution 1325: prevention, participation, protection and assistance. Among the implementers of the Action Plan the most important role is imposed on the Ministry of Defense of Georgia and the Ministry of Internal Affairs. In this direction both institutions took important steps but many issues still remain unsettled.

In the frames of the Action Plan, The Ministry of Defense of Georgia is obligated to provide overview of physical normatives (considered in physical fitness tests) to stimulate women's participation in subdivisions of the armed forces and as peacekeepers and in case of need, implement related changes. And the Ministry

15. 1325 Resolution 1325 of the UN Security Council.

of Internal Affairs of Georgia is responsible to conduct relevant training on gender issues and UNSC resolutions № № 1325, 1820, 1888, 1889 and 1960, especially on prevention, exposition and response to gender violence against women and girls.

It must be noted that women's representation remains low and one of the most important aspects of the action plan for supporting women's participation requires a special approach.

The Public Defender of Georgia requested statistical information on women's representation¹⁶ in the Ministry of Defense of Georgia. The received figures are:

- There are no women among the 3 deputies of the Minister of Defense;
- In the Ministry of Defense there are 400 employees, among them only 182 are women;
- Among 116 offices with leading positions only 34 are women;
- Among 132 officers with leading positions in the Armed forces of Georgia only 4 are women;
- Among 22614 participants of peacekeeping missions (Kosovo, Iraq, Afghanistan, Africa) only 219 were women.

As for women's participation in the Ministry of Internal Affairs, statistics are as follows¹⁷:

- Among 5 deputies of the Minister of Internal Affairs none are women;
- Among the persons occupied in the ministry 15.2% are women; and in leading positions – 4.4%;
- Among persons occupied in territorial subdivisions 16.5% are women.

In 2014 with support of the UN Women's organization, an independent expert conducted intermediate assessment of the implementation of the National Action Plan for Resolution 1325 to outline main trends. According to this assessment, quality of completion of the National Action Plan is different for different directions and responsible institutions. It was outlined that high quality of implementation was observed in institutions where regulation of implementation of commitments in the frames of the National Action Plan is achieved through specific documentation or dedicated official's appointment¹⁸. Exactly for this reason, it is very important for institutions to work out a strategy and action plan for completion of responsibilities assumed in the frames of the National Action Plan.

It must be noted that there was an interagency coordination group established by the initiative of the Gender Equality Council of the Georgian Parliament, which is responsible for coordination of implementation of the action plan and reporting on implementation. It is important that since 2015 the noted group will be moved

16. The Ministry of Defense; Letter #MOD415 00196918; 13/03/2015.

17. The Ministry of Internal Affairs; Letter #619126; 23/03/2015.

18. Assessment document of National Action Plan for UNSC Resolution 1325

structurally to the subordination of the Office of the Prime Minister of Georgia. It is necessary to enhance activities of coordination group and elaborate reporting mechanisms to support an effective implementation of the action plan.

As noted above, it is of special importance to appoint a staff unit responsible for gender equality issues in each state institution, to coordinate completion of different national action plans or international obligations, and to report and analyze data fully.

Since at this stage, the responsibility for the implementation of the plan has been imposed on the Georgian Parliament and Government, the initiative of the office of the Public Defender of Georgia in 2015 is to conduct the monitoring of the implementation of the Action Plan within the frames of an authority entitled by the legislation.

WOMEN'S ECONOMIC ACTIVITY AND LABOR RIGHTS

Women's economic independence is in direct correlation with existing gender inequality in the country: in 2014, economic activity of women and their participation in economic life of the country has not improved. According to the data¹⁹ of "Global Gender Gap", Georgia is in the 66th position among 142 countries. According to this source, in 2006 Georgia occupied the 41st position, after which the condition has worsened significantly. According to data from 2013, Georgia was in the 64th position; and in 2012, 57th.

By regions, in Europe and Central Asia Georgia occupies the 85th place among 125 countries according to the index of women's economic activity. Georgia occupies the 29th place according to equal pay for equal work index. According to the ratio between annual income of men and women, Georgia moved from 114th place to 112th. Mean income differs based on gender. Man's annual income exceeds annual income of woman twice and constitutes 9,567 USD when woman earns 4,348 USD in average.

According to the data from 2013 obtained from the National Statistics Office of Georgia, the average nominal pay of hired employees according to activity type and gender is 773.7 GEL; from which – 585.0 is pay for women and 920.3 – for men. As for the business sector, annual income differs by gender as well woman with 566.7 GEL, and man with 881.0 GEL.²⁰

It must be noted that regardless of the repeated calls made by the Public Defender of Georgia, the Union for Professional Development and other organizations, no steps have been made by the state to improve on the labor rights of women who have family obligations. It is true, that with initiative of the Ministry of Justice of Georgia the second wave of improvements of women's labor rights has started,

19. Information is accessible at the webpage: < http://www3.weforum.org/docs/GGGR14/GGGR_CompleteReport_2014.pdf > [last viewed on March 15th of 2015].

20. Information is accessible at the webpage: The information available at the webpage: < http://www.geostat.ge/cms/site_images/_files/georgian/qali%20da%20kaci.pdf > [Last viewed on 15th of March of 2015].

but the process has been stalled until now and the specific date of its re-launching remains unknown.

In the report presented in 2013 by the Public Defender of Georgia, special attention was paid to the ratification of the 183rd convention of the International Labor Organization on “Protection of Maternity”, as well as to the importance of implementation of a number of directives of the European Union. However, effective steps haven’t been made in this direction either.

In 2014, the office of the Public Defender of Georgia found out facts about possible discrimination. In particular, from the video recording of the meeting of Kareli Municipality Board the person in charge of territorial organ is seen stating that according to the order of the Minister single female doctors should not be hired in villages to outpatient centers (ambulatories), because after they finish trainings they get married and leave their jobs. In the process of the study it became clear that this was merely that person’s opinion and that it has not yet found any reflection. Nevertheless, for elevation of awareness of staff members and implementation of preventive measures, the Public Defender of Georgia called on Governor of Kareli Municipality to provide trainings to staff members on gender equality issues. It is commendable that the board took into consideration the recommendation of the Public Defender of Georgia and a special advisor on gender issues was appointed to the board, as well as training conducted for staff members.

Sexual Harassment at Workplace

Sexual harassment at workplace represents the most frequent and at the same time underreported violation of women’s rights. In the countries of the European Union 40-50% of women face unwanted sexual treatment, physical contact and other forms of sexual violence at workplaces²¹. 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 noted law does not allow legal action regarding the fact of sexual harassment at the workplace.

Article 40 of the Convention on Prevention and Combating Violence against Women and Domestic Violence (Istanbul Convention) by the Council of Europe sets obligations to states to take all measures and make punishable all exposed forms of sexual harassment. It is noteworthy that the noted convention was signed by the Minister of Justice of Georgia in 2014 and in the nearest period we hope that the prevention of sexual harassment will be defined too as a follow up to the process of ratification.

It must be noted that in the process of fulfilling obligations stipulated by the international documents, the prevention of sexual harassment at places of employment is the most important target; but, in this process inculcation of interior institutional response mechanisms has a great importance too. The practice

21. Information available at the webpage:< http://endviolence.un.org/pdf/pressmaterials/unite_the_situation_en.pdf
> Last viewed on 15th of March of 2015]

of successful countries shows that inculcation by the employers of preventive mechanisms of sexual harassment is much more effective in terms of cost effectiveness and recovery of violated rights.

Sexual harassment remains a stigmatized theme, which is not usually discussed. In 2014 an occurrence of sexual harassment in the Department of Environmental Protection and Natural Resources of the Adjara Autonomous Republic became known to the Public Defender of Georgia. In the process of investigation the fact was confirmed and the Public Defender of Georgia addressed the head of the department with a recommendation to work out preventive mechanisms towards sexual harassment, with systems of relevant sanctions, which would create a safe and sexual harassment-free working environment for employees and reduce the risk of sexual harassment to a minimum; also it must be noted that the institution expressed its full readiness to share the practices of the public defender.

Right on leave for child care (paternity leave) for men

In 2014 a group of men addressed the Public Defender of Georgia. They were encountering impediments from their employers in using their right to a paternity leave as provided by Article 27 of the Code of Labor of Georgia.

According to Article 27 of the Labor Code of Georgia, an employee is entitled to the right of a leave related to childcare or childbirth upon request in the amount 730 calendar days; 183 of these calendar days are payable and in the case of a complicated childbirth and the delivery of twins this number becomes 200 calendar days. On the basis of part 3 of Article 3 of Georgia's Labor Code, an employee is a person who performs specific work for an employer based on a labor contract. Accordingly, the directive in Article 27 of this law, that employee can use the right to a leave related with childcare, means that employees of both genders legitimately can take the leave because of childcare.

Also, Order N231/N of the Minister of Labor, Health and Social Protection of 25th of August of 2006 "On Reimbursement of leave for Pregnancy, Childbirth and Childcare, also for adoption of a newborn child" regulates the assignment, calculation and remittance of assistance and compensation for employees and public officers. Regardless of the above mentioned, according to Article 6 of the same order, only a document issued by a hospital can be considered as a basis for the remitting of assistance for pregnancy, childbirth and childcare, also for adoption of a newborn child. According to Article 5 of the Order N232/N of the Minister of Labor, Health and Social Protection, a hospital notice can be issued by an obstetrician-gynecologist from the 30th week of pregnancy for 126 days. And this notice can be given to a father or any other caregiver in case the mother dies as a result of childbirth. Consequently, caregiver unequivocally is a mother and father has an obligation of caring for the child only in case of absence of mother.

The noted record contradicts the rights guaranteed by Article 27 of the Labor Code of Georgia. It also contradicts the important issue of gender equality which provides equal distinctions of responsibilities and obligations for child care and development.

Also it contradicts the rules set by international agreements, a participating party of which is Georgia as well.

It must be noted, however, that it is very important to elaborate records from Article 27 of the Labor Code of Georgia due to the many obscurities caused by its cumulative character. The Public Defender of Georgia addressed the Minister of Justice of Georgia to consider the abovementioned issue in the second wave of changes directed toward the improvement of women's labor rights. Also the defender addressed the Minister of Labor, Health and Social Protection with a recommendation to work out relevant changes in order N231/N of the minister. It must be noted that the Ministry of Labor, Health and Social Protection took into consideration the offer of the Public Defender of Georgia and the work has been launched to regulate the noted issue.

REPRODUCTIVE HEALTH AND RIGHTS

The concept of reproductive health does not refer only women, but men as well, because it implies a possibility of making independent decisions regarding safe sex practices, reproduction and other related issues. Couples have the rights to make decisions regarding reproduction free from discrimination, pressure and violence.

In the world, a vast amount of people can not exercise their right to reproductive health, which is caused by the lack of adequate education on the sexual life and reproductive health of human beings, by the lack of appropriate services, or by the low quality of existing services. Random sex contacts can be considered a risk as well and diminish the right to reproductive health. Teenagers represent an especially vulnerable, in fact unprotected, group as they do not have access to information and relevant services.

The level of awareness of our population in the direction of reproductive and sexual health and rights is quite low. Unwanted pregnancies, their termination and the frequent facts of complications as a result of termination among teenagers is related exactly to the lack of access to information, low level of public education on sexual and reproductive health rights, and a widespread negative opinion toward gender equality. It is noteworthy that information campaigns mostly take place in big cities and information rarely reaches regions. Also, spreading information fully is quite difficult because only NGOs work on awareness raising campaigns and they do not have the appropriate resources for coverage of all the regions. Additionally, an information vacuum is more observable in regions populated by ethnic minorities.

According to the research on reproductive health, in 1995-2009 the level of usage of contraception in Georgia (including contemporary methods) has been gradually increasing and in 2010 this indicator made 32%. Increase of index of application of contraception has been due to increase of application of contemporary methods (by 8.9%).²²

22. Information is accessible at the webpage: < http://www.ncdc.ge/AttachedFiles/2013_geo.pdf > [Last viewed on March 15th of 2015].

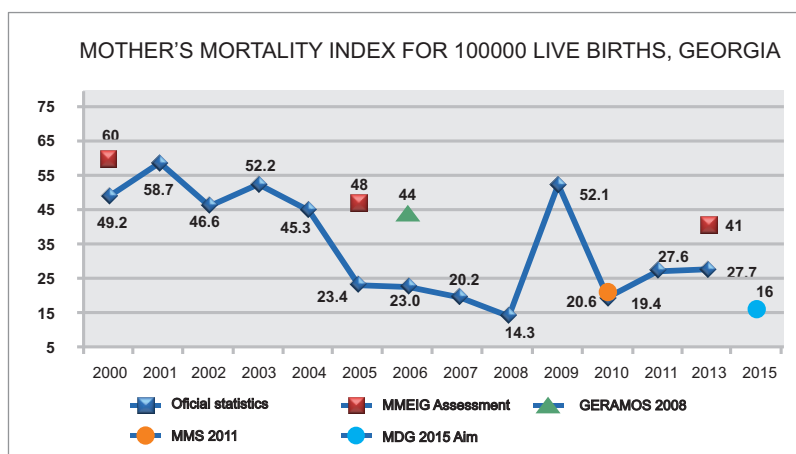
Data on Mothers and children Mortality

According to the main challenges to world development, member states agreed at the UN Millennium Summit to achieve eight goals of millennium development before 2015. These goals also cover gender equality and the increase of women's rights, decrease of child mortality, and the improvement of mothers' health.

On the 26th of December of 2014, Georgia approved the State Concept of Health Protection System of Georgia for 2014-2020 years – “Universal Health Protection and Quality Management of Protection of Patients' Rights”²³. According to this document, one of the priorities of state policies is “promoting the health of mothers and children”, which means accounting for mothers' and children's mortality and stillbirths, defining the reasons for death, the improvement of obligatory messaging (notification) system for improvement of the analysis, and the involvement of an active mechanism of supervision.

According to statistics, in 2003-2008 mothers' mortality rate exhibited decreasing dynamics. For improvement of data quality on mothers' mortality rate, reconciliation work of data received on the basis of the order N01-30/N issued by the Minister of Labor, Health and Social Protection in 2013 “On the form and rule of obligatory reporting of mothers' and children mortality/still birth cases” was launched in 2013.

The UN Interagency Group for Assessment of Mothers' Mortality annually publishes assessed indices of mothers' mortality, which as a rule differ from countries' national statistics. In Georgia for many years assessment indices were quite high compared to official as well as research data. According to calculations made in 2012 by the UN Interagency Group for Assessment of Mothers' Mortality, mothers' mortality assessment index in 1990 was 92 and in 2000 was 113. Preliminary assessment index for 2012 is 77.²⁴



23. Information is available at the webpage: < <https://matsne.gov.ge/ka/document/view/2657250> > Last viewed on 15th of March of 2015].

24. Information is accessible at the webpage: information is accessible at the webpage: < <http://en.calameo.com/read/0007135297b8958ebd678> > [Last viewed on 15th of March of 2015].

According to the latest data of the World Health Organization, in comparison to other countries, mortality rate of mothers in Georgia exceeds data of European, EU and some CIS states.

Accessibility of Abortion Services

In 2013, 37 000 abortions were registered in Georgia. The major share of these abortions – 34 881 was accounted for the age group 20-44; however, during last years cases of abortions doubled for girls younger than 15 years – 34 abortions. Also, abortion index has increased for women of the age of 45 and older – 270 abortions.²⁵ As for the statistics of 2014, based on the information²⁶ requested by the Ministry of Labor, Health and Social Protection 31 908 abortions were registered among them 26 013 were artificial abortions. The highest number of abortions is registered in Tbilisi (11 938), followed by Imereti (4903), Shida Kartli (3835) and Adjara (3 629). It must be stressed that in 2014 number of abortions has decreased compared to 2013 almost in all age groups, including adolescents.

Starting from the August 1st of 2014, new rules of interviewing of pregnant women and 5 day reflection period have been introduced before medical intervention for abortion purposes. An exception to 5 day reflection period is provided for the cases when due to the pregnancy term (12th week) the legal abortion period expires after 5 days and service delivery shall be limited. As a result, reflection period can be reduced to no less than 3 days.

According to the number of institutions where abortion services are accessible Tbilisi is in the leading position. According to the information²⁷ requested by the Minister of Labor, Health and Social Protection, the worst situation in this regard is in Racha-Lechkhumi, where abortion services are accessible only in Ambrolauri and Lentekhi.

According to the information²⁸ provided by the Ministry of Labor, Health and Social Protection, medical institutions have no obligation to send any report about abortion procedures or to use any other information transferring option, except of cases when the fact of violence is observed. This is defined by the united Order # 152/N-#496 - #45/N of 31st of 2000 by the Minister of Labor, Health and Social Protection “on Providing Operative Information from Medical Institutions to the Ministry of Internal Affairs”. In this regard, we were informed that during 2014 in structures subordinated to the Ministry of Labor, Health and Social Protection no information indicating violence against a minor has been transferred for abortion referral cases, and 2 cases of pregnancy of minors were registered.

During discussion of abortions it is important to pay a special attention to the form of abortion which is related to gender selection, which means termination of

25. Information is accessible at the webpage: < http://www.geostat.ge/cms/site_images/_files/georgian/qali%20da%20kaci.pdf > [Last viewed on March 15th of 2015].

26. Ministry of Labor, Health and Social Protection of Georgia; Letter #01/17833, 13/03/2015 .

27. The Ministry of Labor, Health and Social Protection of Georgia; Letter N01/17833; 13/03/2015.

28. The Ministry of Labor, Health and Social Protection of Georgia; Letter N01/17833; 13/03/2015.

pregnancy according to the gender of the fetus. Gender-biased sex selection is widespread mostly in the countries, where dominating patriarchal culture prevails, gender equality is breached and priority is given to the male gender. In Georgia there is no official statistics on selective abortions, which is caused by the fact that nobody indicates gender selection as a reason for abortion. As for the legislation, according to the Order 01-74/N of October 7th of 2014 by the Minister of Labor, Health and Social Protection, “on Adoption of the Rules of Artificial Termination of Pregnancy”, medical intervention for pregnancy termination for gender selection purposes is prohibited.²⁹

VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE

The scale of violence against women and domestic violence is disturbing; we felt the whole gravity of the problem in 2014 when 17³⁰ women were killed as a result of domestic violence. Frequently we hear the argument that it is hard to identify domestic violence, because it takes place in a closed social circle. However, it has been long time since the violence against women went beyond the limits of this closed circle. It is disturbing that often the victims had not addressed the law enforcement organs for help prior to the incidents.

Ineffective implementation of the protection and assistance activities represents the major challenge along with indifference of the general public. Frequently, for protection mechanisms for victims of violence provided by the law aren't used and respectively, their appeal for assistance is disregarded by law enforcers.

Numerous facts of domestic violence were studied by the Public Defender of Georgia in 2014. In the frames of this study monitoring of femicide cases and related services were rendered. Results of the study show that the problem of domestic violence and violence against women needs the complex approach which includes: elevation of public awareness and cooperation between the sectors for timely identification, protection and assistance to victims. The Public Defender of Georgia welcomes signing of the Council of Europe 2011 Convention On “Preventing and Combating Violence against Women and Domestic Violence” by the Minister of Justice on behalf of Georgia, which is one of the steps forward in combating violence against women.

In 2014 important changes were introduced in the legislation of Georgia, which improved mechanisms of protection from violence. The new form of violence such as “neglect” was added to the forms defined by the law of Georgia on “Elimination of Domestic Violence, Protection of and Support to its Victims“, which means unfulfillment of physical or psychological needs of a child, incompleteness of rendering of necessary medical or other types of services to a child by a parent or other legal representative, if a parent/representative has an access to a relevant service.

29. Information is accessible at the web-page: < <https://matsne.gov.ge/ka/document/view/2514236> > [Last viewed on March 15th of 2015].

30. General Prosecution of Georgia; Letter N13/16016; 17/03/2015.

The change, which increased the duration of the status of the domestic violence victim to 18 months, was very significant; although the term of shelter service has been left unchanged and it still remains 3 months.

Activities implemented by the Ministry of Internal Affairs in the field of combating domestic violence and violence against women are noteworthy. Among them are: giving authority to inspector-investigators of territorial organs to issue restrictive orders³¹ (which makes activities for victim protection more flexible), training of policemen, enhancement of cooperation with nongovernmental organizations, preparation of information video clip and its release in media, informative meetings with youth etc. However, there still are remaining issues which need a complex approach and an active inter-agency coordination.

The scale of violence against women became a subject of concern for the UN Committee for Elimination of All Forms of Discrimination against Women. In particular, at the 58th session of 2014 as a result of discussion of the 4th and 5th united reports of Georgia, the committee called on Georgian state to take urgent measures for combating increasing number of femicide by husbands or partners and other forms of domestic violence.

Among the problems existing during 2014, suspension of activities of the Group Determining of the Status of Domestic Violence Victim must be singled out, which significantly damaged (affected) persons in need of shelter, because the group represented one of the most effective mechanisms of inclusion of victims in the state services.

As a result of the study of the Public Defender of Georgia, it was established that there was no legal basis for suspension of the group's activities. It is true, that the Georgian State had to approve the rule of identification of victims before the 1st of April, and this date was set as the deadline for the activities of the existing group. However, at the same time Georgian law on "Elimination of Domestic Violence, Protection of and Support to its Victims" provided continuation of the activities of the existing group until the approval of the new rule by the Georgian government. The reason for suspension of the group's activities as we were informed³² from the State Chancellery is unknown. Unfortunately, suspension of the activities of the group had a very negative effect on the protection of domestic violence victims.

Acquisition of the statistical data from the relevant institutions was quite complicated for the office of the Public Defender of Georgia. Regardless of the obligations provided by the law, provision of statistical data took place with a delay, in incomplete and incomprehensive manner. The noted makes it clear that the relevant structures do not process them adequately. It must be noted that the statistical data presented in the report is processed by the office of the Public Defender of Georgia on the basis of data analysis received from different sources.

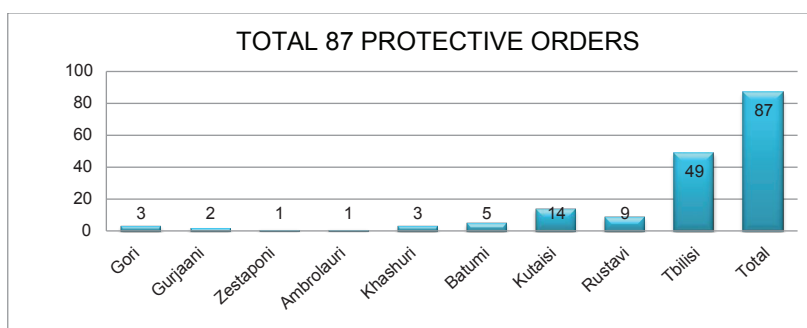
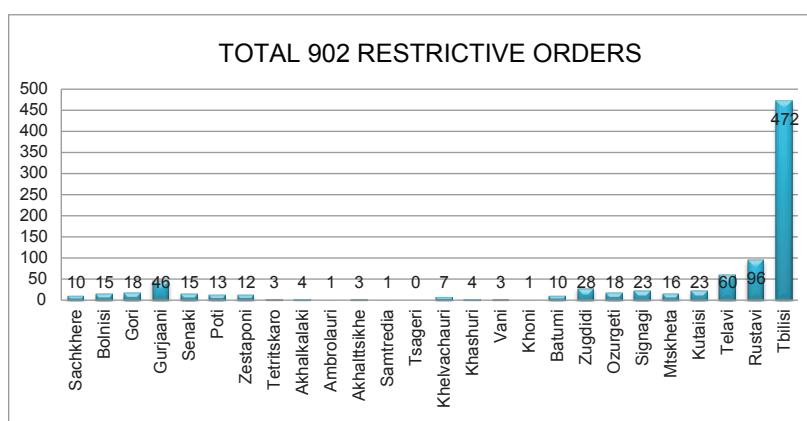
31. Order of the Minister of Internal Affairs №491/ 02.07. 2014.

32. Chancellery of the Government of Georgia; Letter N 3803011/11/2014.

According to the information provided by the Ministry of Internal Affairs, in 2014, number of calls received on domestic violence/conflict in Urgent Assistance Control Center LEPL of MIA “112” was 9290³³. Although noted data represent only initial (first hand) information and information on real situation discovered by the authorized response services has not been processed.

For assessment of the effectiveness of the protection mechanisms the Department of Gender Equality of the Office of the Public Defender of Georgia requested from general and magistrate courts of Georgia statistics on approved protective and restrictive orders. According to the statistics, 87 protective and 902 restrictive orders have been issued countrywide, among which 4 protective orders and 17 restrictive orders were denied or weren't approved for legitimate reasons.

The detailed statistics of approved protective and restrictive orders looks is as follows:

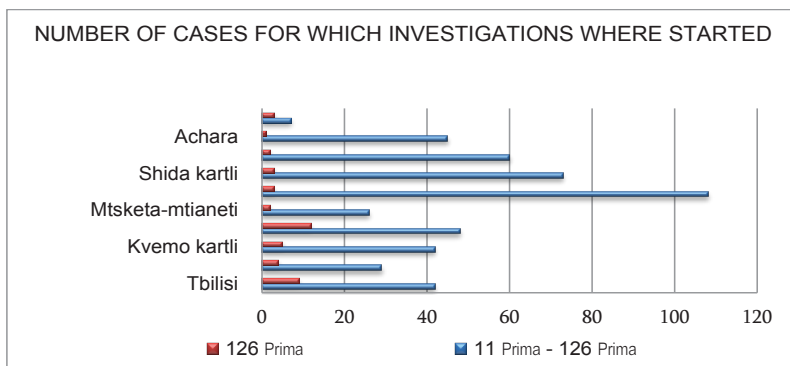


33. Data include data of December-October of 2014/ the Ministry of Internal Affairs / N2376761 ; 24/11/2014.

Composition of the statistical data on the response of relevant services on breaching of conditions of restrictive and protective orders is also quite interesting. According to the data of divisions of the Ministry of Internal Affairs of Georgia, during 10 months of 2014, 39 infringements of law were registered according to the part one of Article 175² of Criminal Code of Georgia, 15 infringements were registered according to the second part of this article³⁴ and 5 prosecution cases were started for infringement of Article 381¹ (incompletion of conditions or/and obligations provided by protective or restrictive orders) against 5 persons³⁵. Statistical data differs by gender for restrictive orders and is following:



As for the statistics of application of the Criminal Code's mechanisms on facts of domestic violence, according to the information provided by the Chief Prosecutor of Georgia, prosecution cases were started against 17 persons according to Article 126¹ of the Criminal Code of Georgia, and according to 11⁻¹–126¹ against 33 persons. In total, there are 495 registered victims of domestic violence³⁶. And based on the information provided by the Ministry of Internal Affairs, 480 prosecution cases were started according to Articles 11⁻¹–126¹ of the Criminal Code of Georgia, and 44 prosecution cases were started for Article 126¹; prosecution cases for abovementioned articles were started against 479 men in total (among them one junior) and 37 women, and 525 women among them 32 juniors, 135 men, among them 18 juniors were recognized as victims.³⁷



34. The Ministry of Internal Affairs of Georgia; N176433 / 26.01.15.

35. The Ministry of Internal Affairs of Georgia; N 564736 / 16.03.15.

36. The General Prosecution Office of Georgia; N13/79703 / 23.12.2014.

37. The Ministry of Internal Affairs of Georgia; N541888/ 12.03.2015.

Mechanisms of Protection and Assistance

The problem of domestic violence needs an effective involvement of thematic institutions and a complex approach. Unfortunately, regardless of repeated recommendations, issue related to the role of social workers in the response to facts of domestic violence still remains open. Considering the essence of the problem, inclusion of the law enforcement agencies is not always sufficient and needs additional assistance from the specialists.

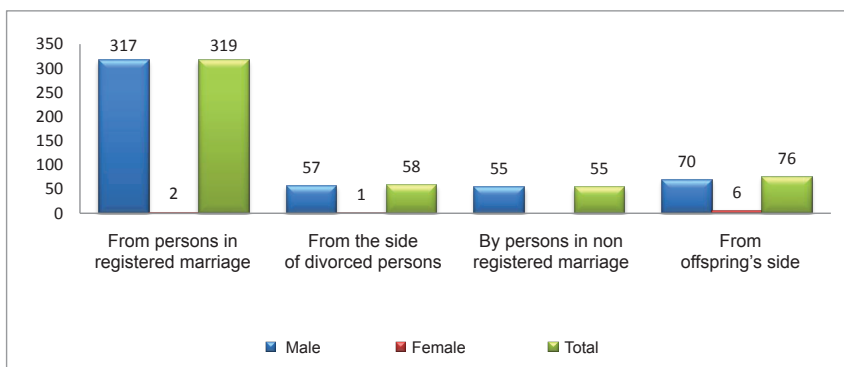
Regardless of the fact that there is a very precise instruction on what kind of measures shall be applied by the law enforcement organs in response to the facts of domestic violence, significant trends outlined in the reporting period point to the insufficient completion of the activities provided by the law.

From number of cases studied by the Public Defender's Office of Georgia, it is established that during response to the facts of domestic violence representatives of the law enforcement organs used so called receipt (letter) of promise. This form is not listed among the judicial mechanisms of protection from violence. The studied cases showed that the receipt of promise is a completely ineffective measure and doesn't ensure victim's protection because it has no accompanying lawful results. It doesn't provide prevention of repeated violence or can not hold a person responsible for already committed violence.

The work made by the Ministry of Internal Affairs for training of policemen, also for placement of persons responsible for cases of domestic violence in every division, are commendable but institutionalization and creation of special structural units for issues of violence against women and domestic violence still is very crucial. In this regard, sharing of the practice of the Public Defender can be very beneficial, when the special department will be created on gender equality issues.

In measures of prevention of domestic violence, protection of victims of domestic violence and their assistance involvement of the institute of social worker is important. 1st of September of 2015 was announced as the day of inaction of responsibilities of social workers according to the Law of Georgia "Elimination of Domestic Violence, Protection of and Support to its Victims". However, due to limited resources, the Ministry of Labor, Health and Social Protection doesn't plan addition of social workers specialized in issues of violence. Instead, training of existing resources in the issues of domestic violence is planned together with the addition of several tens of people. It is noteworthy, that although the spectrum of responsibilities and issues of social workers is very wide, their number and resources are too limited. Respectively, without additional empowerment their work on issues of combating domestic violence will be ineffective.

The Department of Gender equality of the Office of the Public Defender of Georgia processed data on protective and restrictive orders retrieved from courts in 2014. According to this assessment, the most frequent type of violence among the facts of domestic violence was violence from a current partner. Although violence from former partners is also quite frequent. Statistical data by restrictive orders is as follows:



As it was mentioned above, orders issued for women are significantly less and perpetrators are mostly men.

As a result of the analysis of protective and restrictive orders, it can be seen that in the most cases they are issued in situations where both types of violence - physical and psychological, are present (total of 881) and sexual violence cases are the least reported, only 7 restrictive orders are issued for this form of violence.

The ratio of restrictive and protective orders is striking. Restrictive orders on facts of domestic violence exceed number of protective orders by 91% (ratio 9%).

We can assume that after expiration of the term of restrictive order, not everybody will have a desire of using longer protective mechanisms, however, this difference between order types can be caused by order issuance and approval rules. Restrictive order is a proactive measure taken by the patrol police for victim's protection, which is their obligation by the law. When it comes to protective orders, a victim has to apply herself (himself) (or with help of an assisting person) to a court. Not many citizens know about this procedure. Thus, elevation of awareness level and inculcation of preventive measures shall strengthen victims' protection.

Femicide

The department of Gender Equality of the Public Defender's Office of Georgia monitored the cases of femicide. The year 2014 was very tragic due to cases of femicide in Georgia. According to the information provided by the Ministry of Internal Affairs³⁸, in 2014 13 women were killed by husbands, ex-husbands, partners (criminal offences defined in Articles 108, 109, 117 of the Criminal Code). In one case father-in-law killed a daughter-in-law and in two cases mothers were killed by their children. In total, 17 women were killed in a family circle. Crimes (in a non-family environment) defined in the 108-109 Articles of Criminal Code of Georgia were committed towards 17 women.

38. Ministry of Internal Affairs of Georgia; N541888/ N541934 / 12.03.2015.

According to the information provided by the Chief Prosecutor's Office of Georgia³⁹ court trails are over for 9 cases out of the committed 17 criminal cases, for 3 cases substantial trails are underway, criminal proceedings of 5 cases were suspended by the court for various reasons (1- death of accused, 2 – suicide of accused, 2 – accused turned out to be deranged).

34 women were killed during 2014, although due to unavailability of information in some cases it becomes impossible to identify some of these crimes as gender based. 50% of the women killed in 2014 died as a result of domestic violence. According to the statistics the highest number of femicide happened in partner relationships. Unfortunately, it's impossible to count cases in which women were driven to suicide because, as informed by the Ministry of the Internal Affairs⁴⁰, in crime stories the crime circumstances, including information about victims, are not always indicated in details. The registered criminal offences classified under Article 115 (Bringing to the Point of Suicide) of the Criminal Code of Georgia represent a large volume data and their detailed study can't be accomplished.

Often society is aware about the act of violence; however people avoid informing law enforcement authorities and leave victims face to face with perpetrators. Awareness rising concerning the issues of women's rights is yet another precondition for the prevention and reduction of tragic cases. So far based on the practice we can say that society was even accusing victims and in some cases justifying perpetrators in murder cases covered by the media. The motive of violence generally stems from gender inequality. In cases of crimes committed by ex-husbands issues such as jealousy and defense of a male dignity were discussed, while nobody mentioned women's rights and their right to live in liberty.

During the process of research two cases were identified when victims before being killed addressed the law enforcement authorities regarding the acts of violence against them, but due response hasn't followed. There was one case of wounding when victim informed the police beforehand. The tragic cases that took place clearly show possible consequences of ignoring of the defense mechanisms and leaving acts of violence without a response. Active work is necessary in order to reinforce response to domestic violence cases, and to make law enforcement authorities realize their responsibility in defense of victims.

The case of M.Ts.

On 16th of October 2014 the ex-husband of M. Ts. shot her and then killed himself. Police was aware about the permanent violence towards M. Ts. from her ex-husband. The victim addressed law enforcement authorities twice for defense measures, although in both cases police limited its action to a warning and a receipt (letter) of promise to stop violence. Restrictive order was not issued.

39. Chief Prosecutor's Office of Georgia; N13/16016; 17/03/2015.

40. The Ministry of Internal Affairs of Georgia; N541934 / 12.03.2015.

The case of T. M.

On 20th of May 2014 ex-husband stabbed 52 years old T. M. in forearm and chest. Before this fact on 5th of May 2014 T. M. informed Gori Regional Office of the Ministry of Internal Affairs regarding the fact of threats by E. M. with a cold weapon. The Ministry of Internal Affairs did not apply efficient measures such as issuance of a restrictive order. The crime was committed after 2 weeks from the notification. Restrictive order was not issued.

The case of S. Z.

S. Z. was killed by her ex- husband by means of fire-arm. Patrol police has been called many times concerning the facts of violence from the side of husband who was a policeman himself. But protective mechanisms were not applied by the authorities regardless multiple addressing.

Issue of a crime qualification by investigation organs needs to be noted. On 15th of May 2014 ex-husband shot several times towards ex-wife S. Z. and her brother T. Z. S. Z. died before being delivered to the hospital. A. Ts. was accused in crime according Article N11-117, part 8, and Article N118 part 1 of the Criminal Code of Georgia – which is intentional infliction of heavy physical damage, which lead to the death of S. Z. As a preventive measure A. Ts. was imprisoned. Assigning of qualification to committed crimes goes beyond the competences of the Public Defender; although it's evident that assignation of qualification has a decisive importance. Such interpretation of the death of the young woman leaves impression of a very loyal disposition towards the violator.

Study of the issue by the Public Defender of Georgia revealed that definition of crimes driven by gender motives and respective inexistence of such practice is an important challenge. Profound research and analysis is needed in this direction. The committed acts of violence make it evident that crime motives stem from gender inequality, existing ideas on women's gender roles and stereotypical attitudes. Thus, it's important to introduce the practice of definition and analysis of acts of violence committed with gender motives.

Suicides

The Department of Gender Equality of the Public Defender's Office of Georgia studied cases of women suicides which according to the spread information were possibly committed due to systematic domestic violence. During the investigation it became evident that often qualifying such cases as "Bringing to the Point of Suicide" was not possible because acts of violence were unknown to the law enforcement authorities before the death of victims.

On 19th of March 2014 the Public Defender of Georgia found out about the suicide of 16 years old girl. The possible reason of the suicide was evasion of a forced by her parent's marriage. Telavi Regional Office of the Ministry of Internal Affairs ceased proceedings on this case due to insufficient evidences (inexistence of actions) foreseen by the Criminal Code. However, according to mass-media it

was known that the precondition of the committed suicide was either violence or forced early marriage.

On October 9, 2014 the Public Defender of Georgia found out about the suicide of Kh. J. According to the spread information the deceased was severely beaten by the relatives of her husband. Shortly after this she hanged herself. We were informed through the correspondence of the Kakheti Regional Office of the Ministry of Internal Affairs that above-mentioned case was ceased due to inexistence of actions (insufficient evidences) foreseen in the Procedure Code of the Criminal Law. However, mass-media later identified facts that were unknown to criminalists and correspondingly investigation of the criminal case was resumed. It's still under way.

On September 16th of 2014 the Public Defender of Georgia learnt about suicide of 21 years old G. U. According to the spread information the deceased had a permanent conflict with her husband, who was using physical violence and verbal insults against her. Investigation of the criminal case of bringing G. U. to the point of suicide was conducted by Isani-Samgori Department in Tbilisi. It was established by the investigation that acts of violence had not taken place in the family. The regional office of the police never received any complaints regarding acts of violence neither from the deceased nor from the relatives of the deceased.

Above mentioned as well as other cases of suicide studied by us allows us to suppose that Bringing to the Point of Suicide is yet another grave result of violence against women, but the most unfortunate tendency is the difficulty of punishing of culprits; investigations cease as a result of insufficient evidences. Here we return to the attitude of the general public towards the domestic violence. Very often neighbors or relatives are aware of possible acts of violence but they refuse to cooperate with investigation and prefer to keep silence. Result of such attitude, as it becomes clear, may be deplorable. Exactly this is why it is necessary to continue to work on awareness-raising of the population; measures foreseen by the legislation for withholding information on crime from corresponding authorities shall be undertaken. This is when a person knows about acts of violence and refuses to provide the information to the authorities.

Evaluation of the existing services offered to victims of domestic violence

The Department of Gender Equality of the Public Defender's Office of Georgia with support of the UN Women's Organization conducted monitoring of shelters for victims of domestic violence and the hotline. The aims of the monitoring were: to control three state shelters and hotline services, to evaluate existing situation and to identify needs of beneficiaries.

Establishment of state shelters significantly improved and facilitated mechanisms of protection of victims from domestic violence. However, regardless of these positive sides it is clear that these services need constant refinement. The monitoring was carried out exactly in order to estimate existing gaps and shortages which need to be eliminated in order to improve the services.

Monitoring of three state shelters was carried out in Tbilisi, Gori and Kutaisi. All adults living at that time in the shelters were interviewed. Special questionnaire aiming to collect general information was compiled for the shelter management. The monitoring revealed the gaps and positive aspects of the management process. The living spaces were visually examined and their compliance with existing standards was checked.

STATISTICS OF SHELTER TURNOVER

The legal basis for acceptance into a shelter is following: any victim of domestic violence who is in need of a shelter will be accepted. According to the shelter routines any member of a family can be considered as a victim of domestic violence if this person experiences physical, psychological, sexual, economic violence or compulsion from other family members and who was already given a status of victim by an authorized institutions such as: relevant authorities of the Ministry of Internal Affairs of Georgia, and/or the court (protective or restrictive orders); and/or the Group Determining of the Status of Domestic Violence Victim. According to the information provided by the management of these shelters, two persons were accepted to the Gori shelter on the basis of court's decision.

It should be noted that in comparison to 2013, number of persons who used shelter services was 38% less during 2014⁴¹. Since 1st of April of 2014 the Group Determining of the Status of Domestic Violence Victim temporarily stopped functioning, this hampered acceptance of victims to shelters. If closely observed, the statistics of the legal basis of the reception of victims to shelters shows that the number of victims protected with restrictive order increased significantly (by 175%), while number of victims with this status obtained from the Group Determining of the Status of Domestic Violence Victim decreased (by 53%). It's clear that this is caused by the temporary suspension of the work of the status determining group.

Increased involvement of the patrol police and application of measures foreseen by the law for cases of possible violence by the patrol police is important. As mentioned above, compared to 2013 the number of cases of addressing shelters on the basis of restrictive order has increased by 175% during 2014, which is an indicator of a very sound tendency, although much remains to be done in this direction. The Public Defender of Georgia studied several cases in which patrol police used letters (receipts) of promise as preventive measures to stop violence instead of measures foreseen by the law. At the same time almost all respondents remarked that before being accepted to the shelter they addressed police (patrol as well as police officers of their districts) several times and did not get support from them; restrictive order was issued on the first call only in one case. Others underlined deriding attitude of the police staff towards them.

Based on the analysis of the gathered information it's possible to say that decreasing number of beneficiaries in 2014 is a negative tendency, because this didn't happen due to decrease of the number of victims in general but due to inflexibility of

41. Data received by comparison of data of 2013-2014.

procedures. We hope that these services will be offered to any person in need because work of the commission and status determining group has resumed.

LIVING CONDITIONS

The shelters are well furnished; they are clean and warm, equipped with all the necessary living conditions. Rooms are furnished; children beds are provided, sanitary norms are met.

According to the law locations of the shelters must be kept confidential and can't be divulged in order to protect security of victims. This is regulated by the statute of shelters. For protection of victims an iron door and 24 hour guard is necessary. It is noteworthy that in the regions addresses of shelters are known to any interested party; it's very difficult to keep it confidential in small towns due to the specifics of the environment there. That's why it is reasonable to enhance the security measures. The Gori shelter doesn't have an iron door which is against standards.

The Kutaisi shelter is adapted to the needs of disabled persons in wheelchair. This shelter can accept only one disabled person in wheelchair. One room as well as toilet, and dining room are adapted to the needs of such person, although these shelters can not accept persons with other disabilities (psychic, limited eyesight, etc.).

PERSONNEL

During the monitoring 14 persons were working in Gori, 11 in Kutaisi and 17 in Tbilisi shelters. All of them were trained on the issues of domestic violence. Their tasks are described in detail in the statutes of the shelters.

Gori and Kutaisi shelters don't have a lawyer, although when legislative consultations are needed local nongovernmental organizations are addressed: they are providing consultation services and if needed they also defend interests of victims at courts. The Kutaisi shelter doesn't have a social worker. According to the guidelines for functioning of domestic violence victims' shelters obligatory composition of personnel should be as follows: a shelter manager, a social worker, a psychologist, a medical personnel-nurse, a doctor on duty. The Kutaisi shelter was opened in May of 2014 and its staff is in the process of formation, it is expectable that a social worker will be hired soon and added to the list of the personnel.

MAJOR FINDINGS

Based on the results of monitoring it becomes evident that duration of stay in shelters needs to be reconsidered because at the present time it's impossible to talk about rehabilitation and psycho-social adaptation of victims. Moreover, at the present time it's impossible to resolve issues of primary importance for victims to continue life after leaving the shelter. It is clear from the results that the term is being prolonged for almost every case. Moreover, prolongation of the term longer than provided by the law is frequent, and this happens on the rational grounds when victim is not ready for independent life due to existing situation.

Problems related to food and medication provision were exposed as well. Specifically: lack of diversified menu which is necessary for kids' and infants' healthy development - respondents complained that they have no possibility to buy diverse food and the shelter management doesn't take into account specificity of children diet. As for provision with medications shelter buys medicines prescribed by doctors according to rules of the state purchase, which is a long procedure and thus, timely provision of medications is delayed. It is necessary to elaborate more efficient rules for provision of medications because such treatment is a violation of human rights.

Yet another important issue revealed by the monitoring results concerns possibilities to hire a baby-sitter or mother's helper. In order to make it possible for victims with children to find jobs and to participate in different programs it's necessary to give them a possibility to leave children at least for a short time, since getting jobs and/or taking trainings are vitally important to them.

HOTLINE

4 persons were working on the hotline during the monitoring. They were changing one another in every 4 days; one working day lasted 24 hours depending on the character of the service.

The hotline service covers the following types of services: crisis aid, legal advice, psychological aid, informing, and referral to the shelter or consultation center, also call to police or in case of necessity to ambulance only after consent of the respondent.

Personal data of callers to hotline are confidential, only a gender and age are asked during a telephone conversation. However, respondents said that in most cases they themselves give out their names. In average, one person needs to call 2-3 times in order to get the consultation and to make a final decision about what kind of service to apply for. Several persons remarked during the shelter monitoring that they learnt about existence of the shelter and were given instructions on reception regulations exactly from the hotline.

In 2014 total amount of calls to Hotline is 766, among them 659 were from women and 107 from men. It's remarkable that the four persons who answer calls do not speak foreign languages and thus it's less probable that they will be able to give consultations to non-Georgian speaking persons.

Acts of physical violence were the most frequently registered types of violence through the Hotline in 2013-2014. It followed by psychological violence according to the frequency of calls, which in turn is followed by sexual and economic violence, and the last is compulsion. Most frequently these are women who call the Hotline in order to inform about an act of violence, they are followed by neighbors or relatives, men and children apply to this service very rarely. Duration of a call is not limited.

The hotline staff had several internal trainings, they are lawyers by profession.

For the total monitoring of the hotline it's necessary to check calls by using so called "mystery user" method in order to check the staff's qualification and efficiency of their consultations in practice.

EARLY MARRIAGES

Early marriage is an officially registered or unregistered union between two persons when one of them has not yet reached the adulthood. Early marriage destroys children's health, education, equality, the right to live in an environment free from violence and exploitation. These rights are reserved by the Declaration of Human Rights of the UN, the Convention on the Rights of the Child and the Convention on Elimination of All Forms of Discrimination against Women.

Globally, more than 700 millions of women get married in juvenile age; about 250 millions of girls were not even 15 years old when they got married. Very often girls who marry before 18 don't continue attending school and stop education. They belong to the group at high risk of becoming victims of domestic violence. It's known that pregnancy and birth-giving hold high risks for teenage girls, because very frequently their bodies are not yet ready for such strain. Fatal cases are twice as high for 15-19 years old persons than for persons older than 19. Teenage pregnant persons as well as their newborn infants belong to the risk group. According to the conducted studies such new born infants are underweight and have diverse health problems⁴².

Early marriages of persons who are not yet 18 years old make 18% in Georgia, and of those under 15 – 1%⁴³. Precise data are not known because collection of statistical information at schools and other interested organizations regarding school abandonments and early marriages is not going on.

It is remarkable that at the end of 2014 change was made to the Criminal Code of Georgia and Article 150^{1 44} –and which criminalized forced marriage. The mentioned change will become effective only as off the 1st of April, 2015. It should be acknowledged that the Ministry of Education and Science made a change according to which indication of the reasons of school abandonment has become obligatory.

In 2014 the Department of Gender Equality of the Public Defender's Office of Georgia studied cases of early marriages and kidnapping of teenage girls. The

42. Information is accessible at the web-page: http://www.cfr.org/peace-conflict-and-human-rights/child-marriage/p32096?cid=ppc-Google-grant-infoguide_child_marriage-understanding_ad&gclid=CjwKEAjw56mo-BRD8_4-AgoOqhV4SJADWWVCctba3hsxexTq-yNGGBQtPCj3C-kyPiuwaxFfnZPbOFRoCBgHw_wcB#/ > [Last Viewed on March 15th of 2015]

43. Information is accessible at the web-page: < http://www.cfr.org/peace-conflict-and-human-rights/child-marriage/p32096?cid=ppc-Google-grant-infoguide_child_marriage-understanding_ad&gclid=CjwKEAjw56mo-BRD8_4-AgoOqhV4SJADWWVCctba3hsxexTq-yNGGBQtPCj3C-kyPiuwaxFfnZPbOFRoCBgHw_wcB#/> [Last Viewed on March 15th of 2015]

44. Information is accessible at the web-page: < http://www.cfr.org/peace-conflict-and-human-rights/child-marriage/p32096?cid=ppc-Google-grant-infoguide_child_marriage-understanding_ad&gclid=CjwKEAjw56mo-BRD8_4-AgoOqhV4SJADWWVCctba3hsxexTq-yNGGBQtPCj3C-kyPiuwaxFfnZPbOFRoCBgHw_wcB#/> [Last Viewed on March 15th of 2015]

measures and activities undertaken in this direction by relevant authorities were monitored as well.

The study conducted by the office of the Public Defender about the mentioned issue revealed that the major challenge is the low level of consciousness of the public and an inefficiency of mechanisms of access to the relevant services.

The Gender Equality Department organized information meetings in different regions of Georgia in order to profoundly study this issue. Meetings were aiming at collection of information about early marriages, on site studying of causes and problems related to this practice. During visits school teachers, other service providers and school pupils were interviewed. As a general conclusion, several major problems related to early marriages were identified: the population including children is not informed that early marriage is illegal, the principle 'family affair' remains very crucial – and as a result different stakeholders avoid to be involved in 'family affairs', school teachers don't feel responsible and upon learning about facts of early marriage do not act according to the norms foreseen by the law. Moreover, the absolute majority of teachers attending meetings didn't even know that this kind of legal obligation existed.

Correspondingly, consciousness rising of the population is one of the major issues in combating early marriages. Involvement of all interested structures (stakeholders) defined by the law is necessary, and compliance with described instructions is needed. Information regarding reproductive health and contraception is not sufficient. According to the results of the meetings it's evident that one of the major causes of early marriages is pregnancy - youth (even persons younger than 16) get married in order to fit in. According to the situation in the country it is advisable to explain matters of reproductive health and contraception to youth, in order to help them to realize possible outcomes and to evaluate risks that they face.

The Committee for the Elimination of All Forms of Discrimination against Women underlined the problem of early marriages in the resolutions issued after discussion of the 4th and 5th united reports of Georgia and called on the state to make relevant amendments to the Civil Code according to which marriage of 16-18 years old persons will be possible only through the court decision⁴⁵.

CASE MANAGEMENT

Cases of early marriages should be considered as type of violence. In the order of 31st of May of 2010 'on Adoption of Children's Protection Referral Procedures' obligations and responsibilities of the Ministry of Internal affairs, the Ministry of Education and Science and the Ministry of Labor, Health and Social Protection are stipulated in detail for solving cases of violence against children. Although studies of the Public Defender's Office reveal that in case of early marriage the referral procedures are almost never followed.

45. Summarizing statutes on the 4th and 5th united periodic reports of Georgia; the Committee for the Elimination of All Forms of Discrimination against Women.

As it was already mentioned, one of the crucial rings in the chain of early marriage prevention are school teachers. It's their responsibility to inform relevant authorities upon learning about a case of early marriage. After interviews it became evident that school teachers think that identification of the children belonging to the risk group and informing relevant authorities is beyond their competencies. They think that they can't be involved in family affairs and issues that are not related to school. Also they can't count on confidentiality after such involvement. As a result they are passive. Referral mechanism is ignored with such disposition and school teachers refuse to fulfill their legal obligations⁴⁶.

According to the information received from the LEPL (Legal Entity of Public Law) Social Service Agency⁴⁷ in 2014 they haven't received any notification on early marriages from schools or the Ministry of Internal Affairs. The several cases which were studied by them became known to them from the Public Defender's Office, about one case they learnt from hospital.

The practice of the Department of Gender Equality of the Public Defender's Office of Georgia shows that referral procedures are ignored by the relevant authorities:

On 21 February 2014 in Kutaisi M.S. disappeared for several days. The criminal investigation started on this case for the crime classified by Article 140 of the Criminal Code. According to the letter from the Social Service Agency LEPL dated 13th of May of 2014, they received information about the disappearance of M. S. from the letter of the Public Defender's Office of Georgia and not from the law enforcement authorities.

Also, on 7th of May 2014 it became known to the Public Defender of Georgia that in Lagodekhi region Kh. U. was kidnapped and raped. The kidnapper deprived freedom to a girl and achieved sexual intercourse with her through physical force. Two persons were arrested in relation to this case, as a preventive measure they were imprisoned, while search was announced for the third person. According to the letter dated 28th of May of 2014 from the Lagodekhi Regional Department of the LEPL Social Service Agency they started to investigate this case on the basis of the correspondence sent by the Public Defender's Office of Georgia, having no information about this fact prior to this.

On April 10th of 2014 the Public Defender's Office of Georgia learnt about the case of deprivation of liberty of S.G. living in Marneuli. Investigation was started on the crime classified under the subparagraph'd' of the 3rd part of Article 143. According to the information provided on 24th of April of 2014 by the Marneuli Regional Department of the LEPL Social Service Agency, they have not received any information regarding the mentioned case.

The Public Defender's Office according to rules provisioned in the law informed Territorial organs of Guardianship and Care on all above mentioned cases in order

46. Information meeting in Samtskhe-Javakheti Region; 13/03/2015 Information meeting in Samtskhe-Javakheti Region;

47. The Ministry of Labor, Health, Social Protection; letter N04/16119; 09/03/2015

to let them respond correspondingly and to defend interests of under aged persons. Apparent trend is that in none of the above mentioned cases did the authorities of the Ministry of Internal Affairs of Georgia provide information to the relevant services of the Social Service Agency, the latter found out about these cases exclusively from the Public Defender's Office.

SERVICES OFFERED TO REPRESENTATIVES OF ETHNIC MINORITIES

During 2014 while studying different cases of non-Georgian speakers, existing gaps in the access to services became apparent. For example, in number of cases local Social Service Agencies don't have a possibility to hire interpreters. Specifically, in ethnic minority communities depending on circumstances of the case it's necessary to speak face to face with a person speaking foreign language. One such example is the case of Kh. U. which was studied by the Gender Equality Department:

On 25th of March Kh. U. when she was returning to home from school was kidnapped from the street by A.S. and his friends who was living in the village K. Girl was put into the car by force and was taken to the forest of the village Chiauri of the Lagodekhi region, where she was kept during two days. A. I. had a forced sexual intercourse (raped her) with Kh. U.

After the study of the case it became evident for the Social Service Agency that the language barrier was a major communication problem with the Azeri community of the village K. The Agency employees had a difficulty to find trustable person who spoke Azeri and Georgian languages and would help them during the visit to the family of Kh. U. The person who agreed could not speak Georgian well. The Social Service Agency representatives listened to K. U. - the brother of Kh. who spoke with them about the condition/situation of Kh.

In the letter of the Social Service Agency we read that: "regardless of the aid of two interpreters, it was difficult to speak openly and face to face with Kh. U. After a several-hour meeting with her and her family, we did guess about the emotions of the child and about the attitude of the family members towards her."

The case proceeding started on the 7th of May of 2014 in the Public Defender's Office. According to the information received from the Social Service Agency we learnt that the service is provided without difficulties, although it is a fact that during 7 months no psycho-social rehabilitation program has been carried out for the rape victim.

Existing situation made it evident that the Social Service Agency has difficulties to carry out activities foreseen by the law in regions inhabited with ethnic minorities. Language barrier significantly hampers the work process and causes lack of services. As a result, a vulnerable group - such as children victims of violence, is suffering. The Public Defender of Georgia addressed the Ministry of Labor, Health and Social Protection regarding the mentioned issue with a recommendation.

HUMAN TRADE (TRAFFICKING)

While discussing one of the forms of gender based violence - human trade (trafficking), we must stress that the major challenge faced by Georgia in this area is sex trafficking. According to the report of 2014 of the US State Department⁴⁸, the state can not complete minimum standards required for elimination of sex trafficking; There are problems regarding identification of cases and persons involved in it. According to the report, girls and women from Georgia are victims of sex trafficking inside of the country as well as outside of it. They are involved in forced prostitution in touristic places like Batumi and Gonio. In such cases response measures from the state are insufficient.

Initiatives taken in the field of combating of human trade, elevation of awareness of the public and service providers are welcome. It is noteworthy that the interagency council on the meeting of February 12th of 2014 approved the strategy of combating trafficking and the action plan for 2014-2015.

The state fund of protection and assistance to the victims of human trade (trafficking) offers different services to victims and affected by human trade population: hotline, judicial consultation, medical service, provision of shelter. In 2014 thirty four (34) beneficiaries were enrolled in the fund's service: 121 calls were registered on hotline, consultation was given to 19 persons and 5 beneficiaries used an institution (shelter) for victims.

In the Division of Combating Illegal Migration and Trafficking of the Second Division of Criminal Police Department for the purpose of exposing facts of trafficking four mobile groups composed of the representatives of law enforcement organs were created. In January of 2014 the Division of Combating Illegal Migration and Trafficking was created in Adjara Division of the Central Department of Criminal Police. The division is comprised with eight detective-investigators.

According to the data of the Ministry of Justice of Georgia, as a result of measures taken by the mobile groups in 2014 investigations were launched for three criminal code cases on facts of trafficking. In overall, by the Central Department of the Criminal Police investigations were started for 13 criminal code cases. 5 persons were charged for 7 facts of trafficking.

It is noteworthy that although important steps were made for prevention, still in many touristic places, where the risk of sex trafficking is high, case identification measures are not sufficient.

48. Information is available at the web-page: < <http://www.state.gov/documents/organization/226846.pdf> > [Last viewed on 15th of March of 2015].

LEGAL STATE OF LGBT PERSONS

No effective steps have been made in the direction of improvement of legal status of LGBT people in Georgia. Together with homophobic attitudes existing in the public, conduction of timely, effective and accountable investigation of hate crimes still remains a great challenge. No legal results have been achieved on the facts of violence of 17th of May of 2013 and nobody has been punished for committing hate based physical violence.

On 17th of May of 2014 when the world celebrated the day of combating homophobia and transphobia, the Georgian Orthodox Church and its parishioners announced a day of Family Strength and Respect of Parents. The 17th of May was not celebrated by the representatives of LGBT community and human rights activists in 2014, because based on the experience of the past year they knew, that the state couldn't ensure their safety.

Discussions, signature collection campaigns and other forms of expression of public opinion which took place prior to the adoption of the law on Elimination of All Forms of Discrimination were disturbing. General attitude was that the sexual orientation and gender identity shouldn't be covered by this law. This points to the tenacity of existing clichés and shows the need of the complex approach to the elevation of awareness.

In the parliamentary report of the Public Defender of Georgia of 2013 the detailed information for improvement of the conditions of rights of LGBT people was presented, but none of the recommendations were completed and no significant steps were made in this direction.

In researches and reports⁴⁹ reflecting conditions of LGBT people in Georgia it is acknowledged that the needs of transgender people are not sufficiently met in the legislation. This situation in some cases ends with breaches of their fundamental rights.

According to the recommendations worked out on European Ministerial about "Measures of Combating Discrimination Based on Sexual Orientation and Gender Identity": "member states shall adopt adequate measures, to make it possible to legally acknowledge sex change in all spheres of life. Precisely, the states must make it possible to change name and gender in official documents quickly, transparently, and in easily accessible way; also in case it's needed, they must provide acknowledgement of change of sex recognized by non-governmental units and other related changes in main documents like diplomas confirming education and workbooks."⁵⁰

Existing in Georgia situation doesn't correspond to the requirements set by the

49. Condition of LGBT people in Georgia. WISG. Tbilisi 2012. View <http://women.ge/wp-content/uploads/2012/12/WISG_situation-of-lgbt-persons-in-Georgia_GEO-www.pdf> [Last viewed on 1.02.2014].

50. Recommendation of the European Ministerial Council's Committee to the member states "On Measures of Combating Discrimination Based on Sexual Orientation and Gender Identity" – CM/REC(2010)5. Item 21.

recommendation. Transgender people face problems in changing gender in civil papers, which on its part is an impeding factor in the process of education and employment. Georgia's law "On Civil Acts" (Article N78), defines list of circumstances, which may become a basis for making a change in civil acts. One of the circumstances is "change of sex – if person wants to change a name and/or last name consequent to sex change". Nevertheless there is no list of documents which person should present for making such a change in a civil act. Also it is not defined what is considered as a "sex change". On the basis of the established practice, for a legal change of sex it is necessary to undergo a whole procedure of gender re-giving including special surgical procedures.

In the reporting period protection of the rights of transgender sex workers was a serious challenge. In 2014 transgender sex workers repeatedly addressed the Public Defender of Georgia. They pointed to the possible facts of pressure and demonstration of homophobic attitudes from the side of policemen exhibited during the police control. They noted that the demand from the side of police to leave a place of gathering was not understandable to them, because they didn't breach any law. When we addressed the Department of Patrol Police of the Ministry of Internal Affairs regarding the noted fact we were notified that measures are taken systematically for crime prevention in high risk districts of Tbilisi including territories adjunct to the Circus.

According to Article 172³ of Code of Administrative Offences of Georgia, prostitution is a punishable action and foresees warning and penalty in the amount of half of the reimbursement, but the established practice usually is limited to the demand from police to leave a place. This measure is followed by measures of administrative responsibilities, like penalty or administrative imprisonment for public order offenses or/and incompleteness of legal demands of police.

It is important that during conduction of preventive measures or other activities clear explanation to sex workers of aims of their activities is necessary from police. Also, facts of insulting of sex workers and inappropriate conduct shall be eliminated as much as possible; in case of transgender sex workers, manifestation of homophobic attitudes shall be eliminated.

RECOMMENDATIONS

GENDER MAINSTREAMING

To the Government of Georgia

- Implementation of gender mainstreaming must be supported through enhancement of the mandate of structural units on gender equality issues, as well as of human and financial resources;
- Among the staff members of ministries people responsible for gender equality issues shall be identified, who will be immediately involved in ongoing processes of improvement of women's rights and gender equality issues;
- The Successful practice of the Public Defender shall be shared and institutional mechanisms of prevention of sexual harassment at workplaces shall be implemented;

To the local self-government organs:

- The work shall be started for creation of structural units on gender equality issues; on the level of the city council persons responsible for gender equality must be defined;

THE ROLE OF MEDIA IN WOMEN'S RIGHTS PROTECTION AND ACHIEVEMENT OF GENDER EQUALITY

To the Parliament of Georgia

- The sexist advertisement shall be defined in the law on Advertisement and Broadcasting of Georgia as prohibited with relevant system of sanctions;

To the Public Broadcaster of Georgia

- Measures directed to raising of public awareness regarding women's rights and gender equality issues shall be enhanced;

WOMEN PARTICIPATION IN DECISION MAKING PROCESS

To the Government of Georgia; To the Parliament of Georgia

- Recommendation by the Committee of Elimination of All Forms of Discrimination against Women shall be considered and the work on temporary special mechanisms – such as quota system, shall be launched;

To the local self government organs

- Involvement of leader women in self government processes shall be encouraged, especially involvement of women representatives of ethnic minorities shall be a focus of a special attention;
- Women participation shall be ensured at all stages of implementation and assessment of programs of village development, and/or communities' priority projects;

WOMEN, PEACE AND SECURITY

To agencies responsible for implementation of the Action Plan for 2012-2015 years for implementation of №№ 1325, 1820, 1888, 1889, 1960 resolutions of the UN Security Council “On Women, Peace and Security”:

- For completion of obligations taken according to the action plan a special strategy/order shall be processed and approved in which planned activities will be stipulated with identification of responsible for completion persons;.
- Ensure official rule of definition of responsible officials who shall be involved in completion of taken responsibilities and in reporting processes;

To the Office of the Prime Minister of Georgia:

- Reporting system of completion of the action plan shall be refined. Agencies responsible for completion shall be entrusted with periodic reporting, to enable measurement of the progress of a completion of the plan;
- Enhance interagency coordination to ensure effective exchange of information and planning of result-oriented measures;

To the Public Broadcaster:

- For raising public awareness it is necessary to integrate and inculcate principles of resolution 1325 and gender equality in TV-radio broadcasts of public broadcaster;

WOMEN'S ECONOMIC ACTIVITY AND LABOR RIGHTS

To the Ministry of Justice

- The work on changes for improvement of women's labor rights shall be resumed, which will contribute greatly to the improvement of existing labor legislation, including provision of labor rights of women according to existing international standards;
- Relevant procedures shall be started for further ratification and signing of the convention N183 of the International Labor Organization on “Protection

of Maternity”, also participation of all stakeholders shall be provided in the discussion process;

- Sexual harassment at work places shall be defined and the adequate system of sanctions shall be worked out;

To the Ministry of Labor, Health and Social Protection

- In the nearest future rule for pregnancy leave, leave for child birth and child care reasons and reception of consequent allowances shall be revised to exclude cases of discrimination by gender;

REPRODUCTIVE HEALTH AND RIGHTS

To the Ministry of Labor, Health and Social Protection

- Measures raising public awareness on reproductive and sexual health and rights must be planned and implemented;
- The monitoring of compliance to the pre abortion reflection period by medical institutions shall be performed;
- The issue of an access to abortions and other gynecological services free from geographic, financial and language barriers shall be evaluated. The special attention shall be paid to the accessibility of services for women living in rural areas and ethnic minority representatives;
- Measures for prevention of gender selection shall be planned and implemented;

To the Ministry of Education and Science

- Studying of main topics of reproductive and sexual health and rights shall be implemented for school pupils;
- In cooperation with local medical institutions seminar trainings shall be arranged for school pupils on matters of reproductive and sexual health;

VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE

To the Parliament of Georgia

- Ratification of the Council of Europe 2011 Convention on “Preventing and Combating Violence against Women and Domestic Violence” shall take place in the nearest future after a presentation from the Ministry of Justice;

To the Ministry of Internal Affairs

- Collection of a detailed statistical data on violence against women and domestic violence shall be provided;

- Work on elevation of awareness shall be enhanced and law enforcement organs shall be entrusted with a task of spreading information on protective mechanisms and services provided by the existing law during response to facts of domestic violence;
- A specialized structural unit shall be created which will be immediately responsible for response to the gender based and domestic violence crimes;

To the Government of Georgia

- Collection of the united statistics shall be implemented on facts of violence against women and domestic violence;
- Duration of placement of people in shelters shall be revised and they shall be adjusted to the terms established by the procedures of determining the status of victim defined by the law;

To the Ministry of Labor, Health, and Social Protection

- According to the changes made to the law on “Elimination of Domestic Violence, Protection of and Support to its Victims”, training of social workers specialized on issues of domestic violence shall take place and they shall be endowed with relevant authority and work conditions;
- In cases of placement of socially vulnerable persons in shelters suspension of their allowances shall take place so that after leaving the service allowances shall be resumed automatically;
- Methods of spreading information on shelters shall be revised and enhanced, patrol police or district inspector shall be asked to inform victims at crime places about the existing state services;
- Special guidelines shall be provided to the representatives of the medical field on identification of domestic violence and obligatory reporting;

To the Chief Prosecutor’s office

- In-depth analysis of incidents of violence against women shall take place for distinction of gender-based crimes and conduction of the relevant response;

EARLY MARRIAGES

To the Parliament of Georgia

- Recommendation of the Committee on Elimination of All Forms of Discrimination against Women shall be taken into account and a relevant change to the Civil Code of Georgia shall take place according to which marriage of persons less than 16-18 years can be possible only by court’s decision;

To the Ministry of Education and Sciences

- Awareness raising among teachers shall be provided on existing legal obligations regarding issues of early age marriages;
- Coordination between Social Service Agency and the Ministry of Internal affairs defined by the referral document on children protection shall be supported and adherence to the obligation on notification of the responsible structures provided by the order shall be supervised;
- Organization of lessons/seminars on reproductive and sexual health and rights which will be delivered by specialists shall be provided in schools;
- During teaching the subject of civil education the special place shall be allocated to the provision of information on existing in Georgia issues of early marriages, or other cases of gender inequality;

To the Ministry of Labor, Health and Social Protection of Georgia

- Search of psychologists speaking languages of ethnic minority groups shall be performed to ensure an adequate response to the facts of violence against children or other similar cases;
- Strategy shall be worked out to enable fulfillment of obligations provided by Georgian or international judicial acts including provision of services forseen for early marriage cases to representatives of ethnic minorities;

To the Ministry of Internal Affairs of Georgia

- Implementation of the coordination between the Social Service Agency and the Ministry of Education and Science provided by the referral document on children's protection and completion of relevant obligation on exchange of notifications between them shall be supported;
- Working out of guidelines of response to early marriages and enhancement of the role of district inspectors shall be provided for informing local communities (especially representatives of ethnic minorities) and offering consultations on issues of early marriages;

HUMAN TRADE (TRAFFICKING)

To the Government of Georgia:

- Enhance measures for raising awareness, including spreading information on available services especially in territorial units characterized by high migration and touristic areas;

To the Ministry of Internal Affairs

- Enhance and strengthen measures of identification of sex trafficking in high risk territorial units;

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- For exposing of people involved in sex trafficking implementation of preventive measures shall be activated in tourist places and different types of institutions where women citizens of foreign countries and local women are employed;

LEGAL STATE OF LGBT PERSONS

To the Ministry of Internal Affairs:

- Timely, effective and accountable investigation of hate crimes and other incidents motivated by hate shall be implemented;
- Police when implementing preventive measures or other activities shall inform transgender people on aims of conducted activities and manifestation of homophobia shall be prevented as much as possible;

To the Ministry of Justice:

- Quick, transparent and accessible procedures shall be implemented for reflection of gender identity of transgender people in documents issued by the state and non governmental institutions;
- Process of re-giving of gender shall be regulated so that transgender people could effectively access medical services of universally acknowledged international standards;