



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
24 July 2014

Original: English

Committee on the Elimination of Discrimination against Women

Concluding observations on the combined fourth and fifth periodic reports of Georgia**

1. The Committee considered the combined fourth and fifth periodic reports of Georgia ([CEDAW/C/GEO/4-5](#)) at its 1227th and 1228th meetings, on 8 July 2014 (see [CEDAW/C/SR.1227](#) and 1228). The Committee's list of issues and questions is contained in [CEDAW/C/GEO/Q/4-5](#) and the responses of Georgia are contained in [CEDAW/C/GEO/Q/4-5/Add.1](#).

A. Introduction

2. The Committee appreciates that the State party submitted its combined fourth and fifth periodic reports, albeit late. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group and welcomes the oral presentation by the delegation and the responses to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party for its delegation, which was headed by the Head of the Gender Equality Council of the Parliament of Georgia, Manana Kobakhidze, and included representatives of various ministries, government structures and the Permanent Mission of Georgia to the United Nations Office and other international organizations in Geneva. The Committee appreciates the dialogue that took place between the delegation and the Committee.

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2006 of the State party's combined second and third periodic reports ([CEDAW/C/GEO/2-3](#)) in taking legislative measures, in particular the adoption of the following:

- (a) Act on the Elimination of All Forms of Discrimination, in 2014;

* Reissued for technical reasons on 18 September 2014.

** Adopted by the Committee at its fifty-eighth session (30 June-18 July 2014).



(b) Act on Internally Displaced Persons — Persecuted from the Occupied Territories of Georgia, providing for protection of the rights of internally displaced persons and their reintegration, in 2014;

(c) Amendments to the Labour Code, enhancing the protection of the rights of women in the workplace, in 2013;

(d) Amendments to the Criminal Code, introducing provisions defining the scope and categories of domestic violence, in 2012;

(e) Amendments to the Election Code and the Organization Act on the Political Unions of Citizens, providing for financial incentives to political parties that nominate women candidates for parliamentary elections, in 2011 and 2013, respectively;

(f) Act on Gender Equality, defining legal mechanisms and conditions for the implementation of equal rights and opportunities of women and men, in 2010;

(g) Amendments to the Criminal Code, criminalizing the use of services of (statutory) victims of trafficking in persons, in 2007.

5. The Committee welcomes the State party's efforts to improve its policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption or establishment of the following:

(a) Strategy of Health Protection System 2014-2020, aimed at promoting the health of mothers and children;

(b) National Action Plan on Gender Equality for 2014-2016;

(c) National Action Plan for the Implementation of the Gender Equality Policy for 2007-2009;

(d) National human rights strategy and action plan for the period 2014-2015;

(e) Action Plan for Combating Domestic Violence and Implementing Measures for the Protection of Victims of Domestic Violence for 2013-2015;

(f) National action plan for the implementation of Security Council resolutions [1325 \(2000\)](#), [1820 \(2008\)](#), [1888 \(2009\)](#), [1889 \(2009\)](#) and [1960 \(2010\)](#) on women and peace and security, covering the period 2012-2015;

(g) Gender Equality Council, as a standing parliamentary body, in 2009;

(h) Permanent Inter-Agency Coordination Council for the Prevention of Domestic Violence, in 2008.

6. The Committee welcomes the State party's accession to the following international instruments:

(a) Convention on the Rights of Persons with Disabilities, in 2014;

(b) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2010;

(c) 1954 Convention relating to the Status of Stateless Persons, in 2011;

(d) United Nations Convention against Transnational Organized Crime; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women

and Children; and the Protocol against the Smuggling of Migrants by Land, Sea and Air, in 2006.

C. Principal areas of concern and recommendations

Parliament

7. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites Parliament, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.

Visibility of the Convention, the Optional Protocol and the Committee's general recommendations

8. The Committee notes that, under article 6 (2) of the Constitution, the Convention or other international treaty endorsed by the State party is to take precedence over national law unless it contradicts the Constitution. The Committee is concerned, however, about the lack of visibility and direct application of the Convention, the State party's efforts to raise awareness of its provisions notwithstanding. The Committee is also concerned that there are no cases involving sex- and gender-based discrimination before the national courts.

9. The Committee recommends that the State party:

(a) **Continue raising awareness among women about their rights under the Convention and on the procedures under the Optional Protocol to the Convention;**

(b) **Encourage women to report sex- and gender-based discrimination to the relevant judicial and quasi-judicial bodies;**

(c) **Ensure that the Convention, the Optional Protocol, the Committee's general recommendations and the Committee's views on individual communications and inquiries, in addition to relevant national legislation, are made an integral part of the legal education and training for all judges, prosecutors and lawyers, with a view to enabling them to apply the provisions of the Convention directly and interpret national legal provisions in the light of the Convention.**

Legal framework for non-discrimination and equality

10. The Committee notes that discrimination based on sex and gender is prohibited by the Constitution, the Act on Gender Equality, the Act on the Elimination of All Forms of Discrimination and other relevant legislation. The Committee is concerned, however, at the poor implementation of those laws owing to the absence of effective enforcement mechanisms and the lack of public awareness about their provisions. The Committee also notes that the Office of the Public Defender, the body responsible for the implementation of the Act on the Elimination of All Forms of Discrimination, lacks the resources necessary to carry out its work effectively and that the envisaged increase in its budget is rather moderate.

11. The Committee calls upon the State party:

(a) **To ensure the effective implementation of its laws on the elimination of all forms of discrimination and gender equality and to take measures to enhance implementation through effective enforcement mechanisms;**

(b) **To raise awareness about the provisions of its legislation on the elimination of all forms of discrimination and gender equality among the public, in particular among women;**

(c) **Allocate sufficient resources to the Office of the Public Defender to ensure the effective implementation of the gender equality legislation.**

Applicability of the Convention

12. The Committee takes note that Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, remain outside the effective control of the State party, which has impeded the implementation of the Convention there. The Committee is particularly concerned about the violation of the right of large numbers of internally displaced persons and refugees, including women, to safe return.

13. The Committee notes the State party's commitment to ensuring that human rights are adequately protected throughout its territory. The Committee encourages the State party to continue its efforts, through the special inter-agency commission, and initiate cooperation with the de facto authorities of Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, and other relevant stakeholders so that women in those areas can fully and equally enjoy their rights.

National machinery for the advancement of women

14. While noting that the Gender Equality Council has successfully advocated several gender-sensitive legislative initiatives, the Committee regrets that the Council lacks adequate substantive, technical and administrative support and resources. The Committee also notes that a position of human rights and gender equality adviser was created in the Office of the Prime Minister in 2013, but is concerned about the absence of a comprehensive mechanism in the executive branch for the coordination, implementation and monitoring of gender equality policies.

15. The Committee recommends that the State party:

(a) **Strengthen the Gender Equality Council by providing it with adequate human, technical and financial resources, increasing its visibility and efficiency and strengthening its capacity, in addition to ensuring that it enjoys sufficient political support to carry out its functions effectively;**

(b) **Establish a comprehensive national mechanism within the executive branch to coordinate, effectively implement and monitor gender equality policies and provide that mechanism with a strong mandate to ensure the effective application of gender mainstreaming in all government policies and programmes and with adequate human, technical and financial resources.**

Temporary special measures

16. The Committee is concerned about the State party's lack of understanding of the purpose and need for temporary special measures in accordance with article 4 (1) of the Convention. In this regard, it is concerned about the absence of mandatory quotas and other measures for achieving substantive or de facto equality of women and men in all areas under the Convention, as well as of temporary special measures targeting disadvantaged and marginalized women who are subjected to multiple forms of discrimination, such as rural women, women belonging to ethnic minorities, women with disabilities and older women.

17. The Committee recommends that the State party adopt temporary special measures, including statutory quotas, in accordance with article 4 (1) of the Convention and in line with the Committee's general recommendation No. 25 on the subject, as part of a necessary strategy to accelerate the achievement of substantive equality of women and men. It also recommends that the State party establish temporary special measures targeting disadvantaged and marginalized groups of women, evaluate the impact of such measures and make its findings, including gender-relevant statistics, available to the public.

Stereotypes and harmful practices

18. The Committee regrets that, notwithstanding the efforts by the State party to implement the recommendations contained in its previous concluding observations ([CEDAW/C/GEO/CO/3](#), para. 18), patriarchal attitudes and stereotypes regarding the roles and responsibilities of women and men in the family and in society remain deeply rooted and are exacerbated by the increased sexualization of women in the media, which undermines the social status, participation in public life and professional careers of women. The Committee is concerned that child marriage continues to be practised among some ethnic groups and that research on the scale, causes and consequences of the phenomenon is lacking.

19. The Committee recommends that the State party further strengthen its efforts to overcome stereotypical attitudes regarding the roles and responsibilities of women and men in the family and in society and continue to implement measures to eliminate gender stereotypes by promoting the substantive equality of women. The Committee also recommends that the State party study the scale and consequences of child marriage and take urgent measures to prevent such marriage among all ethnic groups by taking comprehensive information and awareness-raising measures targeting the public, parents and religious and traditional leaders about the harmful impact of the practice on girls, in particular on their health and development potential.

Violence against women

20. The Committee notes the adoption of legislation on elimination of domestic violence, including protection of and assistance to victims, in 2006, the criminalization of domestic violence in 2012 and the adoption of an action plan to combat domestic violence and implement measures to protect victims, covering the period 2013-2015. The Committee also notes that the State party has signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and will ratify it in the third quarter of 2014. It is concerned, however, at the:

(a) Growing number of women who are murdered by their husbands or partners and of women who are victims of other forms of violence, including psychological, physical, economic and sexual violence;

(b) Low rate of reporting of cases of sexual and domestic violence against women owing to stigma and fear of the perpetrator, in addition to lack of trust in law enforcement agencies, which sometimes refuse to register complaints of domestic violence;

(c) Lack of State-funded crisis centres and shelters for women who are victims of domestic violence, especially in rural areas;

(d) Fact that women are sometimes subjected to virginity tests in violation of their right to privacy.

21. Recalling its general recommendation No. 19 on violence against women, the Committee urges the State party:

(a) **To take measures to prevent the growing number of murders of women by their husbands and partners and other forms of domestic violence;**

(b) **To encourage women to report acts of sexual and domestic violence by raising awareness about the criminal nature of such acts, to ensure the effective investigation of cases of violence against women, to prosecute and punish perpetrators with sanctions commensurate with the gravity of the crime and to provide victims with adequate compensation for damages suffered;**

(c) **To ensure that all women who are victims of violence have access to effective protection and assistance, including State-funded shelters, and to improve cooperation with relevant non-governmental organizations in this respect;**

(d) **To prohibit and adequately sanction the practice of virginity tests carried out on women in violation of their right to privacy.**

Trafficking in women and exploitation of prostitution

22. While noting the establishment of mobile trafficking inspection groups in 2013, the Committee remains concerned at the:

(a) Decreasing number of prosecutions and punishment of traffickers in recent years;

(b) Lack of effective mechanisms to identify women and girls who are victims of trafficking, especially among foreign women in prostitution, and of information on witness protection programmes for them;

(c) Lack of support and rehabilitation programmes for victims of trafficking, including in partnership with civil society;

(d) Impunity enjoyed by many traffickers owing to corruption and the requalification of the crime of trafficking under other provisions of the Criminal Code, such as the crime of forced prostitution, with less severe sanctions.

23. The Committee recommends that the State party:

(a) **Ensure that all reports of trafficking in women and girls are promptly and effectively investigated and perpetrators prosecuted and adequately punished;**

(b) **Establish effective permanent mechanisms to identify victims of trafficking, especially among foreign women in prostitution, and allocate sufficient resources to rehabilitation and reintegration programmes for such victims, in addition to ensuring that victims have access to witness protection programmes;**

(c) **Provide financial and other forms of support to civil society organizations working with women who are victims of trafficking in order to facilitate their rehabilitation and reintegration;**

(d) **Combat impunity of perpetrators by investigating reported cases of corruption and ensuring that perpetrators of trafficking-related crimes are punished under the articles of the Criminal Code that match the seriousness of the offence of trafficking;**

(e) **Ensure that, during raids of brothels and individual establishments, victims of trafficking and forced prostitution are not treated as offenders.**

Participation in political and public life

24. The Committee notes the voluntary quota system adopted by Parliament, which provides 30 per cent more funding if at least three representatives of the minority sex are included among each 10 candidates in the list of political parties. The Committee is concerned, however, that women remain significantly underrepresented in the legislative and executive branches, in particular in senior and decision-making positions, and that the number of women in local legislative bodies is continuously decreasing. The Committee is also concerned about the limited involvement of women in peace negotiations to implement the national action plan for the implementation of Security Council resolutions [1325 \(2000\)](#), [1820 \(2008\)](#), [1888 \(2009\)](#), [1889 \(2009\)](#) and [1960 \(2010\)](#) on women and peace and security, covering the period 2012-2015, especially at high-level meetings.

25. The Committee recommends that the State party ensure the full and equal participation of women in political and public life, especially at the senior and decision-making levels, including in local legislative bodies. In particular, it recommends that the State party introduce mandatory quotas for political parties in order to significantly increase the representation of women in national and local legislative bodies. Furthermore, the Committee recommends that the State party involve women in the implementation of its action plan and policies aimed at settling conflicts and promote the active participation of women in high-level meetings in this regard.

Education

26. While noting the overall high enrolment rate among girls in primary, secondary and tertiary education, the Committee remains concerned at the:

(a) Low level of school attendance among children belonging to disadvantaged and marginalized groups, such as street children, children with disabilities, children in foster care and children in correctional institutions;

(b) Significant rate at which girls are dropping out of secondary school, reportedly owing to child marriage, and the disproportionately low secondary school attendance rate among girls belonging to ethnic minorities;

(c) Exclusion from education after the ninth grade of girls and boys who do not possess Georgian citizenship or identity documents;

(d) Gender imbalance among teaching professionals, with most teachers being women owing to the low salaries paid, while senior school administration positions are predominantly held by men;

(e) Absence of age-appropriate sexual and reproductive health and rights education.

27. The Committee recommends that the State party:

(a) **Ensure full-time school attendance at all levels by disadvantaged and marginalized children, in particular street children, children with disabilities, children in foster care and children in correctional institutions;**

(b) **Promote school attendance by girls belonging to ethnic minorities, in particular at the secondary level, and take measures to remove barriers to their access to education, such as child marriage;**

(c) **Abolish the requirement for Georgian citizenship or identity documents for gaining access to education beyond the ninth grade;**

(d) **Take measures to ensure gender balance among teaching professionals, both at the level of teachers and within the senior levels of school administration, by providing the necessary incentives, including career mobility;**

(e) **Introduce age-appropriate sexual and reproductive health and rights education, including on responsible sexual behaviour, at all levels.**

Employment

28. The Committee is concerned about the disproportionately high unemployment rate of women, the significant gender wage gap and the continued horizontal and vertical segregation in the labour market, where women are concentrated in low-paid jobs. While noting the State party's efforts to improve pregnancy and maternity protection through the amendments to the Labour Code in 2013, the Committee remains concerned about the lack of childcare facilities. The Committee also notes with concern the poor enforcement of laws prohibiting sexual harassment in the workplace and protecting maternity owing to a lack of national labour inspectorates or similar enforcement mechanisms.

29. The Committee recommends that the State party:

(a) **Take measures to increase the participation of women in employment and effectively address the concentration of women in low-paid jobs;**

(b) **Adopt measures to implement the principle of equal pay for work of equal value in order to narrow and close the gender wage gap, consistently reviewing the wages of men and women in all sectors;**

(c) **Facilitate the reconciliation of professional and private life for women and men, including by expanding the number of childcare facilities and encouraging men to equally participate in family responsibilities, and ratify the Maternity Protection Convention, 2000 (No. 183), of the International Labour Organization;**

(d) **Strengthen measures to prevent and combat sexual harassment of women in the workplace by establishing labour inspectorates for effective labour law reporting and enforcement mechanisms.**

Health

30. While noting the new State programme on universal health care that provides health insurance to all citizens free of charge, the Committee remains concerned about the:

(a) Lack of access to family planning services and contraceptives by women, especially in rural areas, who often resort to abortion as a method of contraception;

(b) High number of sex-selective abortions, as reflected by the sex ratio of newborn children;

(c) Limited access to sexual and reproductive health services by adolescent girls and young women owing to cultural stigma;

(d) Lack of gender-sensitive, accessible and evidence-based drug treatment programmes for women.

31. **The Committee urges the State party to improve women's access to high-quality health care and health-related services, in line with its general recommendation No. 24 on women and health, in particular by:**

(a) **Providing access to family planning services and affordable contraceptive methods, including all modern forms of contraception, especially for women in rural areas;**

(b) **Taking measures to eliminate the practice of sex-selective abortions resulting from prenatal sex discernment;**

(c) **Ensuring access by adolescent girls and young women to sexual and reproductive health services by eliminating prejudices, training medical personnel and enhancing the number of obstetric health facilities and their equipment;**

(d) **Conducting a nationwide study to establish the number of women who use drugs, including while pregnant, in order to inform strategic planning;**

(e) **Providing gender-sensitive and evidence-based drug treatment services to reduce harmful effects for women who use drugs, including harm reduction programmes for women in detention.**

Rural women

32. The Committee notes the establishment in 2013 of municipal platforms for women to discuss community-related issues. It is, however, concerned about the inequalities between the State party's urban and rural women with regard to their access to social and health-care services, access to economic opportunities and participation in political and public life, including in decisions relating to the agricultural sector. The Committee is also concerned about the lack of childcare facilities in rural areas and of shelters and other services provided to victims of domestic violence. Furthermore, the Committee regrets the lack of sex-disaggregated data on land ownership.

33. The Committee recommends that the State party ensure that rural women have adequate access to social, health-care and other basic services and economic opportunities, in addition to equal opportunities to participate in political and public life, in particular in decisions relating to the agricultural sector. The Committee also recommends that the State party ensure the availability of nurseries, in addition to shelters and other services for victims of domestic violence, in rural areas. It further recommends that the State party provide sex-disaggregated data on land ownership in its next periodic report.

Disadvantaged groups of women

34. The Committee is concerned about the:

(a) Lack of a gender-based approach in services provided to internally displaced persons;

(b) Lack of access to adequate health, education and employment for women belonging to ethnic and religious minorities and women with disabilities;

(c) Limited access to prolonged family visits for women in detention;

(d) Lack of access to shelters and support services for older women who have lost or been abandoned by their families;

(e) Physical violence and harassment faced by lesbian, bisexual and transsexual women and restrictions on obtaining identity documents for transgender persons.

35. The Committee calls upon the State party:

(a) To ensure a gender-based approach in all services provided to internally displaced persons, in particular women;

(b) To take further measures to provide women belonging to ethnic minorities and women with disabilities with access to appropriate health-care services, inclusive education and employment;

(c) To provide access to prolonged family visits for women in detention;

(d) To increase the number of homes and strengthen care services for older persons without family support;

(e) To take measures to address violence against and harassment of lesbian, bisexual and transsexual women and to abolish restrictions for transgender persons with regard to obtaining identity documents.

Marriage and family relations

36. While acknowledging that, under the Civil Code, the marriage of a person below 18 years of age is void, the Committee notes with concern:

(a) That article 1108 of the Civil Code, which allows for the marriage of a person at 16 years of age in exceptional circumstances with the consent of the parents or other statutory representatives or by decision of a court if there are legitimate reasons, provides room for forced child marriage;

(b) The continuing practice of unregistered marriage, including by the Orthodox Church, which leaves women in such marriages in a vulnerable economic situation and may also result in impunity for sexual intercourse with a person below 16 years of age.

37. **The Committee urges the State party:**

(a) **To amend the Civil Code to allow marriages between 16 and 18 years of age only by judicial authorization in exceptional circumstances and to ensure that such court decisions are made only upon expressed consent by a child in person before the court so that this does not result in forced marriage;**

(b) **To prevent the practice of unregistered marriage and, if such marriages occur, to ensure that they are not used to sexually abuse girls below 16 years of age. Furthermore, the State party should take all legislative measures necessary to safeguard the economic rights of women in such marriages.**

Beijing Declaration and Platform for Action

38. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

Millennium Development Goals and the post-2015 development framework

39. **The Committee calls for the integration of a gender perspective, in accordance with the provisions of the Convention, into all efforts aimed at the achievement of the Millennium Development Goals and into the post-2015 development framework.**

Dissemination

40. **The Committee recalls the obligation of the State party to systematically and continuously implement the provisions of the Convention. It urges the State party to give priority attention to the implementation of the present concluding observations and recommendations between now and the submission of the next periodic report. The Committee therefore requests that the present concluding observations be disseminated in a timely manner, in the official language of the State party, to the relevant State institutions at all levels (local, provincial and national), in particular to the Government, the ministries, Parliament and the judiciary, to enable their full implementation. It encourages the State party to collaborate with all stakeholders concerned, such as employers' associations, trade unions, human rights and women's organizations, universities, research institutions and the media. It recommends that the present concluding**

observations be disseminated in an appropriate form at the local community level to enable their implementation. In addition, the Committee requests the State party to continue to disseminate the Convention, the Optional Protocol thereto and relevant jurisprudence, in addition to the Committee's general recommendations, to all stakeholders.

Ratification of other treaties

41. The Committee notes that the adherence of the State party to the nine major international human rights instruments¹ would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party.

Follow-up to the concluding observations

42. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 21 and 25 above.

Preparation of the next report

43. The Committee invites the State party to submit its sixth periodic report in July 2018.

44. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents ([HRI/MC/2006/3](#) and Corr.1).

¹ The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.