

GEORGIA

CEDAW A/54/38/Rev.1 (1999)

70. The Committee considered the first periodic report of Georgia (CEDAW/C/GEO/1, Add.1 and Corr.1) at its 427th and 430th meetings, on 8 and 11 June 1999 (see CEDAW/C/SR.427 and 430).

(a) Introduction by the State party

71. The representative of Georgia described the political, economic and social situation of her country, which is in the process of transition to a market economy. She noted that in spite of the difficulties that this presented, the Government of Georgia attached great importance to the international human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women, to which Georgia had acceded in 1994, without reservations. She indicated that before and after acceding to the Convention, Georgia had enacted laws to facilitate the implementation of the provisions of the Convention.

72. The representative indicated that the principal State institutions responsible for implementation of policies in the areas addressed in the Convention were the Ministries of Education, Health, Internal Affairs, Social Protection, Labour and Employment, Refugees and Resettlement Issues. Concerns of women and children were dealt with by a group located in the Office of the Ombudsman.

73. The representative highlighted initiatives that had been undertaken after the submission of the initial report in 1998, including, in particular, the establishment, by Presidential decree of 20 February 1998, of the Commission for the Elaboration of a State Policy for the Advancement of Women and the adoption, on 18 June 1998, of the National Plan of Action for the Advancement of Women for 1998-2000. The representative noted that the establishment of the national machinery, the increase of women's participation in decision-making, the protection of women from violence and the improvement of women's health had been identified as important national priorities and were necessary for the implementation of the Beijing Platform for Action.

74. The representative emphasized that owing to the complex financial situation in the country there were limited resources for the implementation of the National Plan of Action. Efforts were being undertaken to find additional sources for its financing.

75. The representative informed the Committee that there were currently approximately 70 non-governmental organizations concerned with women's issues. NGOs had published the text of the Convention in Georgian, while representatives of 52 women's NGOs had taken an active part in the work of the Commission for the Elaboration of a State Policy for the Advancement of Women during April 1999. NGOs had also issued an appeal to political parties to include more women amongst the candidates for parliamentary election, which will take place in November 1999, so that at least 30 per cent of the new Parliament would be composed of women.

76. The representative noted that the current economic and social conditions had brought about a decline in the standard of living, high rates of unemployment, continuing high rates of infant and maternal mortality, increased prostitution, especially amongst young girls, and an increased number of women drug addicts. To address the decline in health-care services, the Government adopted the law on the protection of the health of the population in 1997, and had developed a draft national policy in the area of health care to the year 2010. The draft emphasized special measures to improve the health of women and children. She also noted that single mothers with under-aged children were entitled to free medical insurance and their income was tax exempt.

77. The representative also noted that women's situation at the labour market was a serious concern. At the end of 1998, women constituted 55 per cent of the unemployed in the public sector. Among the explanations for women's unemployment was the closing of light, food and chemical industry enterprises that had traditionally been spheres of female employment. Women had also lost their jobs as a result of reforms in the health and education sectors. In addition, a series of sociological surveys had revealed an extremely low level of female participation in entrepreneurial activities. The Government had elaborated a draft national employment programme, which incorporated a comprehensive programme relating to female employment, to address these problems.

78. The representative noted that the Government had recognized that greater efforts were required to address violence, including domestic violence, against women. Persistent traditional stereotypes were obstacles to the establishment of effective monitoring systems and systems to gather data and information about the incidence of violence. A confidential "hotline" had been established, but shelters and services for battered women were limited.

79. The representative mentioned severe conditions in the penitentiary system of Georgia and the necessity for the allocation of additional financial resources for its improvement. Nevertheless, the position of women convicts can be described as "positive discrimination". The conditions in women's facilities are better with respect to sanitary conditions, food and health care.

80. In 1998, the President of Georgia exercised his constitutional right to pardon 90 women convicted for minor criminal offences. The representative noted that there were no cases of execution of women since the repressions of 1937.

81. The representative indicated that the Government of Georgia was particularly concerned about the large number of refugees and displaced persons in the country, of whom the majority were women, children and the elderly. Refugees received State subsidies, and were exempt from income tax and utility bills.

82. The representative concluded by assuring the Committee of the willingness of the Government of Georgia to continue in its efforts to implement the principles of the Convention.

(b) Concluding comments of the Committee Introduction

83. The Committee expresses its appreciation to the Government of Georgia for submitting a comprehensive and frank initial report which follows the guidelines of the Committee and includes information the Government received from women's NGOs. It also commends the Government on

its oral presentation of additional information to update its submission and for the replies to the questions posed by the Committee, including the provision of some data disaggregated by sex.

84. The Committee commends the fact that Georgia acceded to the Convention without reservations, as well as its efforts to publicize the Convention, such as through the translation and dissemination of the Convention in the Georgian language.

85. The Committee also commends the Government of Georgia for sending a high-level delegation, which was headed by the Deputy Secretary of the National Security Council and Chairperson of the Commission for the Elaboration of State Policy for the Advancement of Women, accompanied by two deputy ministers.

Positive aspects

86. The Committee commends the efforts made by the Government of Georgia to formulate a new constitution, which, inter alia, provides for the equality of all people regardless of sex, for ratifying a number of human rights conventions, as well as for being engaged in an ongoing legislative reform in many areas, including the Civil Code, the Law on Nationality and the Patients' Rights Act. It also commends the fact that some training of officials in the field of human rights has started, that the new legislation has been instituted and the new judges have assumed office. These new legal instruments as well as the new personnel are expected to help secure the de jure equality of women and men.

87. The Committee commends the Government of Georgia for setting up various institutional mechanisms to advance and strengthen the status of women, such as the establishment of a group within the office of the Ombudsman for Human Rights dealing specifically with the issues of women and children, including the establishment of a confidential hotline for women victims of violence, and of the Commission for the Elaboration of a State Policy for the Advancement of Women in collaboration with the United Nations Development Programme and the World Bank. It also applauds the fact that a commitment has been made to set up a department of women's affairs after the next election in the spring of 2000.

88. The Committee commends the Government of Georgia for the recent adoption of the National Action Plan for the Advancement of Women for 1998-2000 in order to implement the Government's commitments to the Beijing Platform for Action.

89. The Committee commends efforts of the Government of Georgia in addressing the situation of refugee and displaced women through such measures as State subsidies and exemption from paying taxes and utility bills.

90. The Committee appreciates the efforts of the Government of Georgia for having begun a gender analysis of textbooks used in primary education.

91. The Committee commends the Government's efforts at improving the situation of rural women through land reform credit unions and special programmes for the mountainous regions.

92. The Committee welcomes the active involvement of NGOs in the implementation of many of the governmental efforts to improve the situation of women.

Factors and difficulties affecting the implementation of the Convention

93. The Committee considers that ongoing economic restructuring creates an obstacle to the full implementation of the Convention. It also notes that the civil war has had a serious impact in some parts of the Country, and that as a consequence there are large numbers of internally displaced people, the majority of whom are women and children.

Principal areas of concern and recommendations

94. The Committee expresses concern at the lack of real understanding of discrimination against women as contained in the Convention, which includes both direct and indirect discrimination. Such indirect discrimination is reflected, in particular, in the sex segregation of the labour market and in the high maternal death rate. It further notes the absence of comprehensive strategies and policies directed at indirect discrimination and the lack of policies and strategies to combat discrimination in the private sector.

95. The Committee recommends incorporation of the principle of the equality of women and men in the constitution. It further recommends that education and awareness-raising campaigns be initiated utilizing, *inter alia*, the large number of women in mass media and education. Efforts should be made to obtain a clear understanding of indirect discrimination so as to accelerate its elimination and to put in place new legislation addressing the issue of indirect discrimination. Training of lawmakers and the judiciary, health professionals and the mass media in this respect is also recommended.

96. The Committee is concerned that the National Action Plan has not yet been implemented. This Plan addresses major areas for the improvement of Women's situation, including the issues of gender evaluation of all legislation; the collection of sex-disaggregated data; the enhancement of the role of women in decision-making processes; strengthening women's role in the economy and their position in the urban and agricultural labour markets in order to reduce current poverty levels; including women in peace negotiations and making special efforts for women refugees and victims of armed conflicts; efforts to protect women's health; and securing the human rights of women through information, training and publication of relevant texts. The Committee recommends that measures be put in place to initiate implementation of this plan.

97. The Committee expresses concern that a number of concepts and provisions that are beneficial to the advancement of the equality of women which were formerly in use are currently being disregarded.

98. The Committee recommends the review of the negative attitudes towards such concepts and provisions such as, for example, temporary special measures, including quotas in the areas of political participation and in employment.

99. The Committee notes with concern the persistence of a patriarchal culture, the prevalence of stereotyped roles of women in Government policies in the family and in public life based on patterns

of behaviour and attitudes that overemphasize the role of women as mothers. It also notes with concern that the report itself promotes the role of man as breadwinner.

100. The Committee recommends comprehensive measures to eliminate gender stereotypes through a number of efforts, including the review of textbooks beyond primary education, the sensitization of teachers, the creation of awareness and understanding through research into the rich heritage of women's positive role in Georgian history for policy planning and as role models, and the formulation of positive symbolic messages at the highest political level concerning the equality of women in all areas of life.

101. The Committee notes that the report provides very little information on the issue of violence and on gender-based violence in particular. It expresses concern that there may well be a high level of violence against women in Georgia. The Committee is also concerned that the current policy of not criminalizing procuring for the purpose of prostitution has created an environment in which women and young children are not protected from sexual exploitation in sex tourism, cross-border trafficking, and pornography. It is also concerned at the increase in prostitution and trafficking of women, especially among girls, which is largely due to their poverty.

102. The Committee recommends that laws specifically addressing violence against women and criminalizing rape in marriage be put in place. It also recommends that Georgia consider amendment of the Penal Code to impose severe penalties for sexual violence and abuse of women and girls. It also recommends the design and implementation of policies and programmes to address violence against women. In particular, it recommends the establishment of a network of crisis centres and the expansion of consultative services so as to render the necessary assistance to women victims, especially girls, both in urban and rural areas. Programmes of rehabilitation and reintegration should be developed for the victims of sexual exploitation in prostitution and cross-border trafficking. The Committee urges gender-sensitive training for law enforcement officials and agencies and collection of information and statistical data. It also recommends that advantage be taken of the fact that women make up the majority of judges and journalists. In all these efforts, active collaboration with national and international NGOs should be sought, in view of their extensive experiences in addressing these issues.

103. The Committee is concerned that there have been no efforts to employ temporary special measures to improve the situation of women in various areas.

104. The Committee recommends that the Government consider introducing a broad range of measures within the framework of article 4.1 of the Convention to accelerate the improvement of the position of women in all areas and particularly in regard to political representation.

105. The Committee expresses concern at the number of women living in poverty, and the increasing representation of women among the unemployed, due to the differential impact on women of the restructuring and privatization of the economy, to women being clustered in certain sectors of the labour market and the persistence of sex-role stereotypes in the labour market. It is concerned that poverty and unemployment of women will also have a long-term negative impact on the health of women and children.

106. The Committee recommends the implementation of comprehensive measures aimed at the improvement of women's economic status through training and retraining, as well as the introduction of quotas for women in the governmental job creation schemes. It also recommends programmes to encourage women to participate in modern sectors of the national economy, as well as in entrepreneurship.

107. The Committee is concerned at the persistence of a gap between the wages of women and men, even in the public sector.

108. The Committee urges the Government of Georgia to identify the causes of the wage gap, particularly between female- and male-dominated public labour market sectors, and recommends consideration of innovative measures, such as the introduction of provisions for equal pay for work of comparable value.

109. The Committee expresses concern that existing occupational health standards relating to women will result in discrimination against them in a labour market that is based on a market economy.

110. The Committee recommends that existing occupational health standards be amended and that all such standards that directly or indirectly discriminate against women be repealed.

111. The Committee is concerned about the situation with regard to women's health and health care, including the high rate of infant and maternal mortality and the high number of abortions, which are used as a means of contraception. It also expresses concern that the privatization of health care has negatively affected women by restricting their access to the necessary medical services and reducing jobs for women as nurses and doctors.

112. The Committee recommends the enhancement of family planning programmes and the dissemination of various forms of contraceptives, and that Georgia take advantage of assistance available from international agencies in this regard. It also recommends the creation of insurance plans that sufficiently cover women patients in hospitals and in ambulatory medical care.

113. The Committee notes with concern the lack of statistical data in the report, as well as the lack of reference to the general recommendations of the Committee. The Committee recommends that the Government of Georgia devote special attention to the achievement of lasting peace, and to this end that it ensure that women are fully involved in the peace process. It also recommends that the needs of internally displaced people, particularly women and children, be given special attention.

114. The Committee recommends the collection of sex-disaggregated data as the basis for any planning for the advancement of women and asks that they be included in the next report. It also recommends a thorough study of the Committee's general recommendations and the incorporation of their contents in future policy planning.

115. The Committee recommends that the Government of Georgia provide further information in its next periodic report, describing measures taken to address the concerns outlined in these concluding comments.

116. The Committee requests the wide dissemination in Georgia of the present concluding comments in order to make Georgian people, and particularly the Government, administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and the further steps required in that regard. The Committee also requests the Government to continue to disseminate widely, and in particular to women's and human rights organizations, the Convention, the Committee's general recommendations and the Beijing Declaration and the Platform for Action.