



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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against Women**

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**Responses to the list of issues and questions with
regard to the consideration of the combined second
and third periodic reports**

Georgia*

* Issued without formal editing.

Answers to the list of issues and questions with regard to the consideration of the combined second and third periodic reports

General Note: After the Rose Revolution of November 2003 major structural and institutional changes occurred in the Government of Georgia. The joint second and third reports submitted to the CEDAW Committee in 2003 were prepared by the previous administration, however the newly established Governmental Commission for Gender Equality (GCGE) as well as Gender Equality Advisory Council under the Chairperson of the Parliament of Georgia did their best to retrieve information in order to provide adequate responses to the CEDAW committee.

1. In February 1999 a State Commission on the Elaboration of the State Policy for Advancement of Women was established by the presidential order # 48, which ceased de facto existence after the Rose Revolution in November 2003. Due to the fact that the 1999 Commission was coordinated by the National Security Council, the apparatus of the Council assisted the Commission in the preparation of second and third periodic reports. The information was collected from different state structures and NGO community. The final reports were accepted by the commission and the Security Council, there was no other formal procedure of the adoption of the report either by the Government or the Parliament in place.

2. Georgian Constitution is the supreme legislative document of the country. It was adopted in August 1995, when the country was already part of the Convention. According to article 6, paragraph 2 of the Constitution, "The legislation of Georgia corresponds with universally recognized norms and principles of international law. International treaties or agreements concluded with and by Georgia, if they do not contradict the Constitution of Georgia, take precedence over domestic normative acts". Thus, priority is given to the international law over the domestic as long as the country is part of it and it does not contradict with the Constitution. In accordance with article 6 of the Constitution of Georgia:

In compliance with article 19, the Law of Georgia on Normative Acts, the following order of precedence is legally valid:

- (a) The Constitution of Georgia, the Constitutional Law of Georgia;
- (b) Constitutional Agreement of Georgia;
- (c) International Contract and Agreement of Georgia;
- (d) Organic Law of Georgia;
- (e) The Law of Georgia, Regulations of the Parliament, Decree of the President;
- (f) Order of the President of Georgia;
- (g) Resolution of the Parliament of Georgia, Resolution of the Government of Georgia.

The Convention has not so far been referred to in any court case.

3. This initiative was not realized as the changes that took place in the country in November 2003 resulted in the new priorities and developments. Instead of an amendment to the Constitution the Parliament of Georgia is considering a draft State Concept of Gender Equality that has been

elaborated jointly by the GCGE and the Parliamentary Council. The Concept introduces definitions of key gender equality terms and will serve as a policy framework.

4. The elaboration of these draft laws was terminated since the elaboration of the State Concept for Gender Equality started in the Parliament of Georgia. In the period of 2004-2006 following laws have been prepared and in Georgia: the Law of Georgia on the Elimination of Domestic Violence, Protection and Assistance of the Victims of Violence, the Law on Combating Human Trafficking.

5. On the grounds of articles 142 and 142⁽¹⁾, the Criminal Code of Georgia, no criminal case of discrimination on the basis of sex has been prosecuted due to the absence of complaints and appeals to the courts. However the criminal Code of Georgia allows for the right of the victims of offense to enjoy compensation for the damage incurred. Particularly, according to part 1, article 30 of the Procedural Criminal Code of Georgia, «a person, who incurs property, physical or moral loss, is authorized to demand indemnification for damage during a criminal case proceeding and present a civil lawsuit with this purpose».

It should be noted that all laws of Georgia in general contain a provision on the prohibition of discrimination on the basis of sex; The article 14 of the Constitution of Georgia; clause «b», article 1 of the Law of Georgia on the Legal Status of Foreign Citizens; clause «j», article 10 of the Law of Georgia on Employment; clause 2, article 17 of the Labor Code of Georgia; article 1153 of the Civil code of Georgia; article 13 of the Law of Georgia on General Education; sub-clause «h», clause 2, article 3 of the Law of Georgia on Higher Education, article 4 of General Administrative Code of Georgia, etc.

6. The actions that were to be taken pursuant to the Plan of Action for Improving Women's Conditions in Georgia (2001-2004) have not been implemented due to the fact that the Commission of 1999 was not equipped with sufficient financial and human resources to ensure national coordination, monitor and encourage implementation of this plan. The major reason for failure of this and other Gender Equality plans of action¹ was the lack of political will to enhance substantive gender equality. However, several other actions have been planned and implemented with the purpose of improving women's conditions. In compliance with the resolution no. 51 of the Government of Georgia of March 17, 2005 and the resolution of the Government of Georgia No 59 of March 16, 2006 on Providing Social Assistance to the Families Below Poverty Line, the Ministry of Labor, Health and Social Protection of Georgia has been implementing the National Program for Identification of the Families below Poverty Line, Evaluation of their Social-economic Conditions and Formation of a Database. The program aims at securing effective social assistance for the families living in extreme poverty with the purpose of improving their living conditions. Social assistance is allocated according to the social-economic indicator of a family. Any family, registered in the common database of socially vulnerable families and assigned the rate score lower than the Poverty Threshold established by the Government of Georgia, is entitled to receive social assistance. High coefficients are assigned to pregnant women, nursing mothers and single mothers using this methodology.

¹The following plans of action were adopted by Shevardnadze's administration: the Plan of Action for Improving Women's Conditions in Georgia in 1998, the Plan of Action for Combating Violence against Women in 2000.

The following activities are proposed under national health programs to improve the condition of women in the country:

- Out-patient service for pregnant women within the out-patient assistance program;
- Obstetrical assistance within the in-patient assistance program.

The following activities have been planned with the support of various international organizations:

- Improving safe motherhood, women's health, family planning services;
- Improving women's reproductive health using the fact-based, best practice-oriented approaches in family-planning, antenatal care, safe delivery and other related areas;
- Reducing the scale of sexually transmitted infections (STI) and human immunodeficiency virus (HIV) in urban areas of Georgia;
- Introduction of a common quality control system in the prenatal surveillance programs;
- Supplying 80 % of existing primary healthcare centers with relevant equipment for ensuring the provision of quality ante-, and postnatal services (including infant nutrition, parent/family education and consultation services);
- Training the staff of each maternity house, women's consultation centers and children's polyclinics (gynecologists, obstetricians, neonatologists, nurses) on the issues related to obstetrical and infant management (including HIV prevention and infant nutrition);
- A School for Parents; family planning center has been established offering education for parents and consultations on the issues related to using contraceptives, prevention of abortion and gynecological STIs;
- National legislation, policy and standards regulating and defining reproductive and maternal and children health comply with international standards and instructions.

7. As it was mentioned in the response to the question # 1 this Commission has not been operational since the end of 2003. Recent developments in Georgia have facilitated state interest to gender equality issue that has resulted in the creation of gender equality mechanisms in legislative as well as executive branches of government. Also, gender equality specialists operate on local levels in certain regions of Georgia. Ad Hoc working group for developing recommendations on the creation of an efficient institutional mechanism for gender equality was created on August 30, 2004 by the decree of the State Minister of Georgia on European Integration. The Gender Equality Advisory Council under the Chairperson of the Parliament of Georgia was established on October 27, 2004 by the decree No 105/3 of the Speaker of the Parliament of Georgia and the Governmental Commission for Gender Equality by the Decree No. 109 of the Government of Georgia on June 28, 2005. The council is composed of the Members of the Parliament and NGO representatives; the Public Defender of Georgia, Deputy Minister of Labour, Health and Social Protection, representatives of the National Security Council, State Minister's Office on European and Euro-Atlantic Integration also take part in the operation of the Council. The Council is chaired by the Chairperson of the Parliament of Georgia. The Commission is composed of deputy ministers, a member of the Parliament and NGO representatives. The operation of the Commission is coordinated by Office of the State Minister of

Georgia on European and Euro-Atlantic Integration and Chaired by the Deputy State Minister. An advisory council composed of 19 local experts on gender equality issues was established on July 14, 2005; the council facilitates the operation of the Commission. On May 22, 2006 the Supreme Council of the Ajara Autonomous Republic created the Gender Equality Council under the Speaker of the Council by the Decree No. 62.

A joint working group composed of the members of the Advisory Council on Gender Equality at the Parliament of Georgia, the Governmental Commission for Gender Equality² has elaborated a National Gender Equality Strategy (GES). The GES consists of: (i) Gender Equality Concept of Georgia – a policy framework setting document that is already submitted to the Parliament for adoption, (ii) National Plan of Action – derived from the priorities of the Concept provides a concrete roadmap for the advancements of gender equality in the years 2007-2009, the Plan is to be adopted and implemented by the executive branch of the government and (iii) Package of Recommendations on the establishment of effective gender equality mechanism in the country that accompanies the NAP for the government's consideration. The United Nations Development Program (UNDP), United Nations Population Fund (UNFPA) and United Nations Development Fund for Women (UNIFEM) provided extensive support to the joint working group in the elaboration of the Strategy. The GCGE and the Parliamentary Council made sure that the process of the GES preparation is participatory and involves different stakeholders, especially the women's groups targeted by the Project. (on April 18, 2006 a conference was organized where the GES was shared for comments and inputs from the women's movement; as a follow up to the Conference series of meetings and consultations were held in April-May 2006).

In the elaboration of the GES the GCGE and the Parliamentary Council utilized the draft Gender Equality State Policy and the Gender equality National Action Plan for 2006-2011 developed by Women's NGO community with OSCE/ODIHR support, Assessment of Women's De Facto and De Jure Rights Conditions in Georgia developed by women's NGOs and independent experts with UNIFEM support as well as other relevant resources available.

8. The Center for Women's Rights was established within the Office of the Public Defender of Georgia in January 2002. Its aims included the protection of women's rights, promoting equality between women and men, supporting women's participation in political, socio-economic and cultural life of the country. The complaints concerned the cases of domestic violence, human trafficking, abductions with the purpose of marriage, rape, sexual violence.

In September 2002 the representatives of the Office of the Public Defender and a non-governmental organization started the project National Center for the Protection of Women and Children from Violence. The project aimed at introducing the new practice for the protection of women and children from violence, networked, coordinated operation with governmental and non-governmental agencies. The project report was based on the statements, complaints, telephone calls of citizens' material obtained from various governmental and non-governmental organizations. The project operated until the end of 2003.

² Members of the GCGE and Council from NGO community were also present in the joint working group.

Since 2004 gender equality issues are addressed by the Department of Equality and Freedom at the Office instead of previously existing Center for the Protection of Women's Rights. The activities undertaken include:

- Analysis of the problems according to CEDAW requirements and elaboration of relevant recommendations, assumptions and proposals;
- Gender analysis of the existing laws and draft laws proposed and elaboration of relevant recommendations, assumptions and proposals;
- Studying the statements and complaints submitted to the Office of the Public Defender, elaborating recommendations and proposals based on their classification and analysis;
- Preparation of situational analysis for the annual report of the Public Defender.

9. Due to scarce financial resources the State Department of Statistics of Georgia cannot yet fully capture the statistical data from gender perspective. With the support of Swedish statistical units the Department has taken a number of important measures to improve the situation. Particularly, several indicators were added to the statistical survey forms, resulting in the publication of a handbook Women and Men in Georgia in 1999, 2003 and 2005.

In 2005 the Department of Statistics, within the UNDP project Gender and Politics in the South Caucasus, undertook a research on the Participation of Women in Local Self-Governance Bodies. The results of the research were included in 2005 publication.

The 2006 publication of the handbooks Women and Men in Georgia will capture the information on remunerated and non-remunerated labour, use of time budget. Additional support will be required to further enhance the data and include children's protection indicators according to age and location structure, occurrence of certain diseases according to age groups, frequency of visits to doctors, number of professional physicians, availability of drinking water, rate of offenses according to the type of offense, victims of violence according to the type of offense, trafficking, rate of visiting movie theatres, theatres, libraries, churches, sports centers, concert halls, number of smokers according to age (e.g. among 9th form school students) and marital status, number of voters, etc.

The above-mentioned issues require special statistical study. Certain indicators are present, but not from gender perspective. It should also be noted that, the demand on the statistical information concerning gender equality has increased; and the range of users of the information has broadened.

10. Unfortunately these recommendations were not taken into account in the previous years. Currently the issue is being dealt with greater care and attention. One of the six major goals identified by the Governmental Action Plan for Gender Equality is Promoting Full and Equal Participation of Women at All Levels of Decision-making.

For the time being share of women in the Parliament of Georgia is 9.5 per cent and the share of women in local self-governance bodies is 12.2 per cent.³

11. Most of the occurrences of violence against women take that are declared and recorded are manifested in the form of trafficking or domestic violence. In order to prevent and eliminate such cases the Law on the Elimination of Domestic Violence, Protection and Assistance of the Victims of Domestic Violence and the Law on Combating Human Trafficking were adopted by the Parliament during this spring session.

Family violence is one of the most widespread problems in Georgia. However it is a tabooed topic which remains perceived widely as a personal family problem, and not as an acute social issue.

The analysis of the statements and complaints submitted to the Public Defender's Office has made it clear that the victims of domestic violence address the Office very often. Domestic violence is mainly a problem in villages and small towns of Georgia.

Since currently there does not exist national referral mechanisms for the protection of victims of domestic violence in the country (consultation-rehabilitation centers, shelters, etc.), various departments of the Ministry of Internal Affairs (patrol service and district divisions of regional departments) are responsible for the protection of victims and recording the cases of violence.

The Office of the Public Defender of Georgia and non-governmental organization consultation center "Sakhli" jointly monitor the operation of the above-mentioned bodies. The aim of this monitoring is to determine the handicaps of the process, to find out whether there are functional mechanisms for victim protection in place and identify the factors that can facilitate efficient implementation of these activities. The material obtained through conversations and questionnaires shall draw a realistic picture of the existing situation and reveal potential drawbacks; it will help evaluate legal aspects of the issue and contribute to the improvement of victim protection mechanisms.

In 2005 the employees of the patrol police registered 3 254 family conflicts. Currently the state department of statistics collects data only on rape. Following the adoption of the Law on the Elimination of Domestic Violence, Protection and Assistance of the Victims of Violence it is expected to develop special methodologies for collecting and processing data on other forms of violence against women.

The tradition of abduction of women with the purpose of marriage is still present in Georgia, mostly in remote regions. This is a criminal offense and should be punished by law. However very often this is not yet considered a crime by society. Families often negotiate which results in concealing the case or arranging forced marriages.

³Source: Women and Men in Georgia, Statistical Abstract, Ministry of Economic Development of Georgia, Department for Statistics, Tbilisi, 2005.

12. 62 cases of rape and 118 cases of illegal deprivation of freedom were registered in 2004. 58 and 118 out of them respectively resulted in convictions. 141 cases of rape and 431 cases of illegal deprivation of freedom were registered in 2005. 58 and 118 out of them respectively resulted in convictions.

13. The Law on the Elimination of Domestic Violence, Protection and Assistance of the Victims of Violence was prepared and adopted on May 25, 2006. Its aim is to create foundation for the protection of the rights and freedoms of family members recognizing the equality of their rights, physical and psychological security, legal guarantees for the protection of family values, as well as protection and rehabilitation of the victims of violence. The law outlines the main characteristics of domestic violence, specifies legal and organizational issues for the identification and elimination of domestic violence, as well as guarantees for social and legal protection and assistance of the victims of domestic violence. The drafting process involved an active Georgian NGO – Georgian Young Lawyers' Association (GYLA) with the support from the American Bar Association's CEELI program.

The Law aims at:

- a. establishing strong legislative guarantees for physical and psychological security of family members, recognizing the equality of their rights and for the protection of domestic values;
- b. supporting the family development, harmonious cohabitation of its members;
- c. create efficient legislative mechanisms for identification, elimination and prevention of domestic violence;
- d. ensure the availability of public justice for the victims of domestic violence;
- e. create the basis for the protection, assistance and rehabilitation of the victims of domestic violence;
- f. ensure the establishment of a social partnership system with the purpose of prevention and elimination of domestic violence.

Apart from this, a draft law on introducing amendments and additions to the Administrative Procedural Code of Georgia has been prepared. It proposes the introduction of a separate chapter to the Code on issuing a protective order specified by the Law on the Elimination of Domestic Violence, Protection and Assistance of the Victims of Violence. The draft regulates the rules and procedures of issuing the above-mentioned, as well as basis for lodging complaints in detail. Prevention of domestic violence as well as efficient operation of the victim protection mechanisms will be made possible following the adoption of both drafts by the Parliament.

The law also mandates the government to adopt an Action Plan for combating domestic violence, which is now drafted by a working group that includes GYLA and members of Parliament. A draft State Plan of Action to Combat Domestic Violence is under preparation.

14. Laws on professional violence (including sexual harassment at workplace) have not yet been adopted. However article 138 (on sexual violence) of the Criminal Code of Georgia contains a

provision establishing the sanction in the form of imprisonment for six to nine years for sexual violence, involving the abuse of one's official position. Article 142 of the Criminal Code contains a provision establishing sanctions in the form of a fine, or imprisonment for up to two years; if such crime involved the abuse of one's official position, or if had grave consequences, it is punishable by a fine or imprisonment for the period of up to three years; a person found guilty may be deprived of the right to hold a specific post for a period of up to three years.

15. The Law on Combating Human Trafficking was developed and adopted on April 28, 2006 with the purpose of preventing and eliminating human trafficking, as well as protecting, assisting and rehabilitation of the victims of trafficking. The law sets out the national policy for combating human trafficking; specifically it regulates in detail the scope of competences of each governmental agency regarding preventing and combating trafficking, identifying people involved in trafficking and systematizing the information on them; it proposes the formation of a unified information bank, as well as the national foundation for the protection of the victims of trafficking. The law specifies in detail the mechanisms of protection, assistance and rehabilitation of the victims of trafficking, namely through providing medical, psychological, legal and other type of assistance. The establishment of temporary residences (shelters) is planned within the system of the Ministry of Labour, Health and Social Protection, providing material assistance for victims, elaboration and implementation of the mechanisms and programmes for indemnifying physical, moral and property losses incurred.

In order to eliminate human trafficking and its causes a national action plan for combating human trafficking for years 2004-2006 was adopted on December 29, 2004 by the Presidential Decree No. 623. Along with other issues it includes the activities aimed at the protection and rehabilitation of the victims of trafficking, namely elaboration of protection and rehabilitation programmes, creating shelters for them and providing psycho-medical assistance.

A special interagency commission for the coordination of activities against human trafficking and efficient implementation of the action plan was established on February 1, 2005 by the Presidential Decree No. 50.

The Programme for Psycho-Medical Assistance of the Victims of Trafficking was developed in the Ministry of Labour, Health and Social Protection. The activities planned under the Programme include providing the identified victims of trafficking with medical diagnostics, treatment (including psychotherapy) and necessary medications.

16. The Law of Georgia on Combating Human Trafficking specifies legal and organizational bases for the prevention and elimination of trafficking; authorities and obligations of public officials, governmental bodies and legal entities and the regulations for the coordination of their activities regarding human trafficking, as well as legal status of the victims of trafficking, guaranties of their social and legal protection.

The goal of the law is to:

- a. Support the process of prevention and elimination of human trafficking with full respect of the rights of the victims;
- b. Ensure the protection, assistance and rehabilitation of the victims of human trafficking;
- c. Determine the peculiarities of criminal procedures against the cases of human trafficking;
- d. Outline the basic principles for the cooperation of governmental agencies, international organizations and legal entities in the activities related to the prevention and elimination of human trafficking, as well as protection, assistance and rehabilitation of the victims of human trafficking.

The National Action Plan against Human Trafficking was adopted by the Presidential Decree for the years 2005-2006 with the aim to coordinate the activities for eliminating trafficking. The establishment of a special interagency commission by the National Security Council of Georgia served the same purpose. Following the improvement of the indicator of fight against trafficking Georgia moved to Category Two from the supervisory list as a result of the US State Department report of 2005. Prosecutor General of Georgia was appointed the head of the Commission with the Presidential Decree No. 965 of November 29, 2005.

In order to efficiently implement the activities proposed for the elimination of trafficking, the scale of illegal labour migration and human trafficking should be adequately evaluated. Consequently, full and detailed information has to be obtained. A unified database of the persons involved in human trafficking and organization of illegal labour migration has been created in the Ministry of Internal Affairs.

17. Current situational analysis of the labour market demonstrates that the structure of women's employment and income contains elements of inequality. These have to be taken into account while developing state employment and income regulation policy.

In spite of the fact that the number of women over 15 exceeds the number of men almost 1.2 times, the level of economic activity of men goes far beyond that of women. According to the official data from 2004 the number of unemployed women has increased by 4.5 per cent compared to 2002 and 2003 while the number of unemployed men has decreased by 7.9 per cent during the same period of time.

The Labour Code of Georgia specifies in detail the rules of taking maternity leaves and unpaid day-offs during maternity, delivery and infant care; conditions for hiring and dismissal, the privileges that pregnant women and mothers of the children less than three years of age have.

Many women are employed in the informal sector, which is characterized by the lack of regulations and allowances; labour security conditions are not always fully observed in this sector.

The Labour Code of Georgia regulates public as well as private sector. Despite this, anti-discriminatory legislation is almost not applied in private sector.

One of the six basic goals identified under the Governmental Action Plan for Gender Equality is *Encouraging full and equal participation of women in economic activities*. More specifically, one task is the *Integration of gender equality principle in employment policies*.

18. Systematic analysis of labour market has not been undertaken in Georgia during last several years. Household surveys carried out by the State Department for Statistics of Georgia cannot reveal a clear picture on the trends existing on the labour market. Under such conditions it is very difficult to plan and implement any concrete activities. Accordingly, labour market research is the issue of foremost importance and it is included in the Mid-Term Expenditure Framework (MTEF) of the Ministry. Systematic researches of labor market will take place starting from 2007 which will allow us analyze the existing situation and carry out specific actions.

19. «Economically active» refers to the persons over 15 years of age regardless of sex who are unemployed or unemployed during the reporting period.

A person is considered “employed” if she/he worked during 7 days prior to the survey (at least for an hour) with the purpose of earning income (salary, profit, etc.), helped other household members without any remuneration or was not present at work due to certain reasons, but was officially registered as an employee.

“Employed in households without reimbursement” refers to the persons employed in a market-oriented enterprise, which belongs to a member, or a relative of the household. A relative working without reimbursement and potentially living in the household belongs to the same category.

“Economically inactive” refers to the persons over 15 years of age regardless of sex who are neither employed nor unemployed during the survey week, i.e. do not have a job, are not seeking it and are not ready to work. The following categories are usually classified as “economically inactive”: students, pensioners, permanently deprived the capacity to work, housewives, etc. provided they satisfy all the above-mentioned conditions.

20. One of the most important aspects of the reforms going on in general education system is providing schools with the textbooks compiled in accordance with new national teaching curricula. The scope of authority of the Ministry of Education and Science regarding this issue is described in the Law of Georgia on General Education and the draft decree of the Minister on assigning qualification to textbooks. Both documents are based on the National Goals of General Education adopted by the resolution of the Government of Georgia (No. 84, 18/10/2004). Starting from the academic year 2006-2007 the new textbooks will be used at public schools of Georgia and teaching will be based on new national teaching curricula. The above-mentioned draft decree of the Minister contains guidance for the future authors of textbooks (including those on gender equality). Implementation of these activities shall ensure the compliance of school textbooks with CEDAW requirements.

Gender analysis of school textbooks was first paid attention at the national level in 1998. The issue was included in the action plan for 1998-200 for the improvement of women's conditions in Georgia; however its implementation was delayed.

As for the Presidential Decree No 511 of 28.08.1999 referred to in para. 54 of the report (see CEDAW/C/GEO/2-3), the Ministry of education and Science undertook the examination and review of textbooks in April-June 2005.

A working group on Women and Education of the women's NGO coalition started working on this issue within the scope of the OSCE/ODIHR supported project in 2004. The group carried out a gender analysis of the primary school textbooks to determine the gender-sensitivity of textbooks. Several meetings with the representatives of the Ministry of Education and Science took place in order to introduce the findings of the research. The Ministry of Education and Science entered the requirement to integrate gender parameters in the textbooks into the standards for textbooks.

In 2006 new material was added to the research and currently a booklet Gender Analysis of School Textbooks is under preparation. Gender analysis of primary school textbooks has revealed the content of a number of stereotypes in textbooks.

The study of the textbook characters has demonstrated that while girls and boys are perceived as doing a lot of common activities, adult women and men are no longer seen as performing same roles and functions, i.e. the division of roles from gender perspective and gender segregation of labour is stronger.

Therefore one of the goals identified by the Governmental Action Plan for Gender Equality is the Promotion of Gender Studies, including gender mainstreaming of educational programmes and textbooks.

21. The State Concept for Gender Equality as well as the Governmental Action Plan for Gender Equality include provisions aimed at the elimination of stereotypical representation of women and taking relevant measures to create a positive and non-stereotypical image of women.

22. The Sexually Transmitted Diseases (STD) component is present in the national programme for Health Protection, Disease Prevention and Control of Epidemics, in the sub-programme – Prevention of Socially Hazardous Diseases. Within the scopes of this component commercial sex workers taken to relevant medical institutions by the employees of various departments of the Ministry of Internal Affairs are offered free and anonymous medical examination. The aim of this component of the programme is the prevention of STDs in high risk groups, taking relevant epidemic control measures and implementing methodological and practical activities. The programme has been operating since 1998 within the Scientific Research Institute of Dermatological and Venerological Diseases. The methods of diagnostic and treatment are in full compliance with the recommendations of the World Health Organization. However it should be noted that no cases of bringing commercial sex worker women by the police to medical institutions have been recorded during the last three years. They address these institutions mostly on voluntary basis.

As for the protection of women's rights during this process, it should be mentioned that the principles of prevention of all forms of discrimination are set out in the Constitution of Georgia regarding citizens in general as well as in the Law on Healthcare and the Law on the Patients' Rights.

The Law of Georgia on Healthcare (article 76) states that in order to validate the substantiated doubt on the presence of a "particularly dangerous transmitted disease, citizens are required to have any necessary examinations carried out; citizens' dignity and their basic rights shall be observed during the process of examination". Article 6 of the same Law states that "patients shall not be discriminated on the basis of race, colour, language, sex, religion, political or other opinion, national, ethnic or social origin, property, birth and place of residence, sexual orientation or negative personal disposition". Article 4 of the same law specifies "the protection of human rights and freedoms, recognition of honour, dignity and autonomy of a patient in healthcare" (provision "b") as well as "the implementation of universally recognized norms of medical ethics in the field of healthcare" (provision "f") as the basic principles of state healthcare policy. The Law of Georgia on Patients' Rights also bans patient discrimination "on the basis of race, colour, language, sex, religion, political or other opinion, national, ethnic or social origin, property, birth and place of residence, sexual orientation or negative personal disposition" (article 6.1). Article 15 of the same law states that "a patient has the right "to demand the respect of his/her dignity, religion and personal values from the provider of medical service".

Non-governmental organizations "Tanadgoma" and "Bemoni", with the support of Save the Children Federation provide high quality consultation service, testing, diagnostics and treatment of commercial sex worker women (fieldworks). Basic behavioral and biomarker research as well as the study of the efficiency of preventive measures was done among this population in 2004 within the scope of the project (for additional information see annex 1).

23. Based on the data from April 6, 2006, 959 cases of infection with AIDS virus have been registered in the Center for Infectious Pathology, AIDS and Clinical Immunology. Out of the total number 755 are male, 204 are female. Most of the patients are from 25 to 40 years old. 381 patients developed AIDS and 201 patients died.

In 2002 a strategic action plan for the elimination of HIV/AIDS problem was developed for years 2003-2007 with the technical support of UNAIDS and UNICEF. The state coordination structure was set up the same year, which developed the national project for Intensifying the measures for the Prevention and Control of HIV/AIDS. The Global Foundation allocated 12 million US dollars for the project (2003-2007). Within the scope of the programme financed by the Global Foundation all the HIV-infected persons with AIDS diagnosis will be offered highly active antiretroviral therapy, as well as testing against antiretroviral-resistant strains. The main aspects of the Global foundation project include:

- Advocacy and development of an adequate legislative basis;
- Prevention of HIV/AIDS among the users of injection drugs;
- Prevention of HIV/AIDS among commercial sex worker women, homosexual men and their partners;

- Prevention of HIV/AIDS among teenagers;
- Safety of blood and blood products;
- Treatment, care and support for the HIV/AIDS infected;
- Prevention of the transmission of HIV infection from mothers to children.

As for the stereotypes related to HIV/AIDS, discrimination of sick people is not characteristic of Georgian socio-cultural and traditional norms. However it shall be noted that 95 % of the people infected with HIV/AIDS are unemployed and live in extreme poverty. They require not only the disease-related treatment, but psycho-social support of this sub-population is also of crucial importance.

The activities aimed at the elimination of stigmas are planned under the Global Foundation project for intensifying the measures for the Prevention and Control of HIV/AIDS. The measures include adopting new legislation or introducing amendments in the existing legislation on HIV/AIDS prevention.

Several seminars, press-conferences, roundtable discussions, formal and informal meetings have been organized within the scope of this project. Informational-education campaign was implemented for public awareness-raising, specifically:

- 7000 IEC material were published and distributed;
- 5 TV and 10 radio programmes were prepared and broadcasted.

Local non-governmental organizations HIV/AIDS Infected Support Center and Georgian+Group” are operating the network of HIV/AIDS infected patients with the support from UNAIDS/UNICEF within the scope of the Global Foundation project.

The National Programme for Healthcare Support, Disease Prevention and Epidemic Control for 2005 was adopted by the Decree No 62/N of the Minister for Labour, Health and Social Protection of Georgia on March 2, 2005. One of the components of the programme is the support of healthy way of life, prevention of socially dangerous diseases. The following activities are planned under this component:

- (a) AIDS prophylactics:
 - (i) Standard diagnostics of risk groups on HIV/AIDS;
 - (ii) Organization and implementation of epidemic supervision, organizational-methodological activities.

Antiretroviral treatment is available for all the patients since 2005.

- (b) Providing safe blood for population target groups:

In 1997 the State assumed the obligation to ensure the safety of blood and blood preparations through the implementation of the National Programme of Safe Blood. The programme involves obligatory testing of all the blood donors on HIV/AIDS, B and C hepatitis virus and syphilis. The programme is financed by state budget within the scope of public health programme.

(c) The programme aims at the prevention and control of HIV/AIDS as well as parenteral hepatitis, providing consultations, testing educational activities and promoting the health way of life. The programme consists of the following components:

- (i) Epidemic surveillance and organizational-methodological and practical activities;
- (ii) Standard diagnostics of donor blood;
- (iii) Supporting the operation of donor information bank.

The Safe Blood Programme is one of the most efficient and successful among all the national healthcare programmes. Implementation of this programme made it possible to significantly reduce the occurrences of HIV infections, as well as post-transfusion diseases with B and C hepatitis virus (namely, the number of post-transfusion infection with HIV in 2000-2005 is 10).

Prevention of the transmission of HIV infection from pregnant mother to embryo is one of the components of the national programme. The Global Foundation project involves testing pregnant women on HIV/AIDS and providing consultations for them throughout Georgia, as well as free preventive antiretroviral treatment of HIV infected mothers and infants. Besides, a non-entrepreneurial charity foundation Vishnevskaya-Rostropovich Foundation in Georgia for Health and Future of Children (USA) has been operating since 2005 and within the specialized out-patient assistance component of the National Programme for Out-Patient Assistance has been supplying diagnostic tests for HIV infection.

World Vision International has been implementing an HIV/AIDS Prevention Project with the financial aide provided by the British Petroleum grant in the adjacent territories of Baku-Ceyhan pipeline (in Georgia). The project involves the promotion of education activities for HIV/AIDS prevention and safe sexual behavior among local population and foreign workers.

Preventive educational activities for youth are being implemented through the joint efforts of the National Anti-AIDS Center and local NGOs. These activities include voluntary and confidential consultations and testing, IEC (information, education, communication) methodology, peer education programmes, cultural-educational activities and the promotion of the use of preservatives.

24. In accordance with article 3 of the Constitutional Agreement between the State of Georgia and Orthodox Church of Georgia the State shall acknowledge marriage registered at the church in accordance with the regulations established by law. State marriage registration data shall be used in legal procedures.

According to article 1 106 of the Civil Code of Georgia marriage is a voluntary union of a woman and a man registered in the territorial unit of the public register agency – a legal entity under the Ministry of Justice.

25. Statistical data on the health conditions of rural women are not available yet. They as well as every citizen of Georgia enjoy the benefits of medical services provided by National Healthcare Programmes.

The share of girls studying at schools in rural areas was 48 % of the total number of students during academic year 2003-2004. The share of women teachers in rural areas was 79 % the same year.

The share of girls in pre-school institutions was 49 % in 2002 and 2003 and 48 % in 2004.

According to 2002 census the share of illiteracy has reduced compared to the previous census and constituted only 0.3 per cent instead of 1.04 per cent in 1989. Almost 64 per cent illiterate people are over 55. At the same time they are mostly rural population in remote areas and the number of illiterate women is 1.9 times more than that of illiterate men.

26. Particular discrimination of the women belonging to various ethnic minorities or the violation of their rights with regards to the provisions of the Convention does not take place. Annex 2 shows sex- and age-disaggregated data.

27. Target programmes for rural women to be financed by the state budget are not planned. The state provides assistance regardless of origin, sex, religion and age. National programmes to be implemented in 2006 include: social assistance programme for vulnerable families, social assistance programme, programme for the compensation of power taxes, social integration and adaptation support programme for people with limited abilities.

Apart from the above-mentioned local self-governance bodies are implementing minimal social package programmes, for which 5 % of respective local budgets is allocated.

Representatives of ethnic minorities enjoy the same services and rights as other citizens of Georgia.

28. The Organic Law of Georgia on Citizenship does not contain any discriminatory provision against women. By the time when the periodic report was submitted, the Constitution of Georgia did not allow foreign nationals to become citizens of Georgia. Following the amendment entered into the Constitution of Georgia in February 2004, citizenship of Georgia may be granted to a foreign citizen by the Presidential Decree.

Annex 1

Statistical information on commercial sex workers in Tbilisi

The difficult economic situation which has been present in the country since 1990 turned out to be an encouraging factor for the development of commercial sex in the country. Most of commercial sex workers consider this activity as the sole source of income for them.

Below presented are the data from the survey made by a non-governmental organization Tanadgoma in Tbilisi:

Age distribution of target groups:

- 17-25 – 25 %
- 26-45 – 69 %
- over 45 – 6 %

Marital status:

- single – 11 %
- married – 7 %
- co-residence – 33 %
- widow – 8 %
- divorced – 54 %
- has a child – 49 %
- unidentified – 1 %

Level and quality of specialized education

- incomplete secondary – 25 %
- technical college – 5 %
- higher education institution – 12 %
- secondary school – 52 %
- incomplete higher education – 5 %
- other (uneducated) – 1 %

Social status

- IDP – 2 %
- visitor – 66 %
- local – 31 %
- homeless – 1 %

Reasons for engaging in sex-business

- financial considerations – 98 %
- unemployment – 71 %
- forced engagement – 2 %
- preference – 1 %

Main forms of violation of laws and human rights:

- beating – 20 %
- humiliation – 23 %
- rape – 7 %
- scaring – 50 %

Cases of violence

- client – 4 %
- partner – 2 %
- police – 1 %
- stranger – 2 %

According to statistical data of NGOs 800 commercial sex worker women are registered in Georgia (400 in Tbilisi)

Annex 2

Sex- and age-disaggregated statistical data on the national minorities living in Georgia

According to the data obtained from the State Department of Statistics (*) in Georgia by January 17, 2002 the number of women over 15 years of age in Georgia (excluding non-controlled territories of Abkhazia and South Ossetia) is 1 864.6 thousand (854.2 thousand reside in rural areas), and by January 1, 2005 – 1 883.1 thousand. According to the data of Sociological Research Institute of the Academy of Sciences of Georgia (**) the number of women over 15 was 1 736.4 thousand and 1 706.4 thousand at the same periods of time.

Ethnic composition (thousand) Excluding non-controlled territories of Abkhazia and South Ossetia

Year	Total	Including									
		Georgian	Armenian	Russian	Azeri	Ossetian	Greek	Abkhaz	Jew	Kurd	Ukrainian
2002 (17.01)	4371.5	3661.2	248.9	67.7	284.8	38.0	15.2	3.5	3.6	18.3	7.0
2005 (01.01)	4289.1*	3593.8	242.1	63.8	284.1	36.1	14.8	3.3	3.5	18.4	6.3
	3899.3**	3286.1	211.0	64.8	231.1	35.6	14.6	2.9	3.8	16.3	5.5

According to 2002 census 9.9 % of the population of Georgia is Muslim, 88.6 % is Christian (including 3666233 orthodox, i.e. 83.9 % of entire population).