

საია-ს შეფასება ქალთა უფლებრივი მდგომარეობის შესახებ

GYLA'S ASSESSMENT OF WOMEN'S RIGHTS

March 8 is International Women's Day, which is more than a century old and this day is linked with the women's struggle for political, economic and social equality. In Georgia, one of the most important challenges is the protection of women's rights and the achievement of gender equality. Article 11 of the Constitution of Georgia states that the state shall ensure equal rights and opportunities for men and women. According to this record, the State has strengthened the issue of equality between men and women at the level of the Constitution and has undertaken the obligation to take special measures to ensure the substantial equality between men and women.

It is noteworthy that despite various steps taken by the State in recent years in this regard, gender equality remains a problem and needs to be addressed in many aspects.

The weakness of the prevention-oriented policy of the State is the increased cases of gender-based crime – "femicide". According to current data, in 2020, eight women were killed by a family member, ex-spouse or partner. Such tragedies demonstrate the absence of a strong, effective and coordinated preventive state policy. Any

activity carried out by the State agency for prevention purposes is largely chaotic and unsystematic, reducing the efficiency coefficient of preventive works.

It is also particularly important to investigate the nature of gender-based crimes, to develop effective protection mechanisms of the victim and to increase access to justice for women and girls. To determine the gender motive in the case, the investigating authorities and the court must have the appropriate knowledge and clear vision of what should be considered a gender motive. Effective and swift response from specific authorities to specific facts is essential. The prosecution and then the court will determine the motive of a crime, which will result in imposing appropriate responsibility on the person.

Women and girls with disabilities belong to a special risk group. The problem is the low rate of referral to law enforcement bodies by women and girls with disabilities. They find it difficult to obtain evidence, they are in a frightening and stressful situation because they realize that by recognizing a case of violence they may lose the support of their relatives and the community.

The issue of rehabilitation of women and girls with disabilities is problematic. There are no rehabilitation centers tailored to the specific needs of persons with disabilities who receive a victim person with disabilities.

Despite the ratification and commitment of the Istanbul Convention, the legislation does not regulate the issue of forced abortion and punishable acts determined by criminal law. Under Article 39 of the Istanbul Convention, forced abortion means performing an abortion on a woman without her prior and informed consent;

In the country, early marriage is one of the most acute problems, especially in the regions of the ethnic minority where it still is a practice of forced marriage and engagement. In some ethnic groups, the age of early marriage is 13-15 years, with the age of marriage in the general population - 16-17 years. It is also noteworthy that in 2018, 715 minor mothers and 23 minor fathers were registered as parents. The number of unregistered marriages is even higher. In terms of problem prevention, the main challenge is the low level of public awareness and an inefficient supply of services.

In Georgia, sexual harassment in public space and labor relations was regulated by legislation in 2019. The mechanism for the enforcement of sexual harassment in the

public space has been assigned to the relevant authorities of the Ministry of Internal Affairs of Georgia, while the mechanism for enforcement of sexual harassment in the labor relations assigns to the Public Defender of Georgia.

An important and positive step is the amendment to the Law of Georgia on Public Service and the Labor Code of Georgia, according to which the employer is obliged to take appropriate measures to ensure the principle of equal treatment of persons. This implies the development of non-discriminatory provisions in the internal regulations or other documents of the agencies. Unfortunately, most employers still do not have such a kind of documentation.

The absence of a behavior correction program of the violator is another issue that hampers the prevention of a crime. According to the amendments made in 2019, the protective order provides for the violator to undergo a mandatory training course on the correction of violent attitude and behavior. The court cannot fulfill the obligation due to the non-adoption of the relevant resolution and the failure to determine the procedure for its enforcement.

The abovementioned issues are an incomplete list of problems identified by GYLA over many years of work.

Accordingly, GYLA calls on the Government and Parliament of Georgia:

- Establish a systematic prevention mechanism to plan preventive measures for equality of women, including on the issues of domestic violence, sexual harassment, early and forced marriage.
- Introduce and implement appropriate vocational training programs to strengthen women economically.
- Establish a legal advocacy system to prevent violence against girls and women with disabilities that will enable law enforcement agencies to conduct timely and evidence-based investigations.
- Develop rehabilitation services tailored to the needs of persons with disabilities.
- Criminalize forced abortion and abortion by force and comply with the requirements of the Istanbul Convention.

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



- Develop timely mechanisms of internal legal appeal for sexual harassment and discrimination, both in private institutions and in the public sector.
- Introduce and develop timely behavior correction programs for violators against whom protective orders are issued for domestic violence.