



DRAFT LAWS ON STRENGTHENING OF WOMEN'S RIGHTS DISCUSSED DURING THE 9TH CONVOCATION OF THE PARLIAMENT

In comparison with the previous convocation, the 9th convocation of the Parliament (2016-2020) is actively working towards providing gender equality and strengthening women's rights. In this regard, the following important legislative amendments were carried out in 2016-2017:

- The new Constitution stipulates that the State provides equal rights and opportunities for men and women. **The State takes special measures to ensure the essential equality of men and women and eliminate inequality**¹.
- The Parliament ratified the **Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)**. Based on this Convention, a number of amendments were made in the legislation to improve women's rights.

Hearings on the important legislative initiative on women's rights is underway in the Parliament, including introduction of gender quotas and prohibition of sexual harassment. Work on parts of the legislative amendments are carried out within the Gender Equality Council².

It is important for the discussions around these issues not to be delayed and for the amendments to be timely adopted. We hope that the legislative amendments related to providing gender equality and bolstering women's rights (including political rights) will enjoy broad support from within the Parliament.

The authors of the draft laws on women's rights are mainly female MPs. The same tendency was observed during the 8th convocation of the Parliament. This should be taken into account when deliberating on the relevance of participation of women in politics.³

1 Article 11.3 of the Georgian Constitution, will go into force after the oath taken by the President elected through the next elections. <https://goo.gl/EtVMfB> The current Article of the Constitution state sthe following for right of equality: Everyone is born free and is equal before the law regardless of race, colour of skin, language, sex, religion, political or other opinions, national, ethnic and social affiliation, origin, property or social status, place of residence.

2 According to Article 12.2 of the Law of Georgia on Gender Equality, the Parliament creates the Gender Equality Council to ensure systematic and coordinated work regarding gender issues. <https://goo.gl/Q3Kf2F> .

3 The 8th convocation of the Parliament adopted: the [Law](#) of Georgia on the Elimination of All Forms of Discrimination; [Initiative](#) on Prohibition of Child Marriages; [Amendments](#) to the Local Self-Government on Events to be Carried out Against Domestic Violence. **The following legislative initiatives and proposals were not adopted:** [Gender Quotas](#) in Party Lists; [Criminalization](#) of Femicide; [Proposal](#) for Supporting Gender Equality in Labor Relations (including sexual harassment); [Initiative](#) on Supporting Participation of Women through Party Financing.

Legislative Amendments Envisaged by the Action Plan of the Gender Equality Council

The drafting of a legislative initiative on supporting participation of women in politics and carrying out respective amendments in the Labor and Criminal Law legislation is defined in the [Action Plan](#) of the Gender Equality Council.

The Council works on a number of initiatives, including:

- Introducing **quota system** for increasing representation of women in party lists;
- Amendments to the Labor Code, which envisages introducing regulations, including related to sexual harassment⁴;
- Amendments to the **Criminal Code** on the introduction of the definition of femicide

Ongoing hearings in the 9th convocation of the Parliament

▶ Initiatives on increasing representation of women in politics

Non-governmental organizations, initiative and working groups have repeatedly called for the introduction of gender quotas as a special temporary mechanism. Discussions are ongoing on this issue within the Parliamentary Gender Equality Council.⁵

During the 8th convocation of the Parliament, an initiative and legislative proposal on gender quotas was actively discussed and supported by a number of political officials.⁶ According to the legislative initiative by the MPs from the parliamentary majority⁷, **every third person** in the proportional party list was supposed to a member of the opposite sex, while according to the legislative proposal presented by the Women's Initiative Group, **every second person** in the proportional list was supposed to be a member of the opposite sex.

The Legal Issues Committee did not support⁸ the legislative initiative of the MPs from the parliamentary majority, while the final voting wasn't held during the plenary session.⁹ As for the legislative proposal by the Women's Initiative Group, the Human Rights and Civic Integration Committee [supported](#) it, however it was rejected by the Legal Issues Committee. Therefore, it didn't become a legislative initiative.

In 2017, the Parliament was presented with an initiative by 30 000 voters on gender quotas.¹⁰ The initiative¹¹ (Working Group on Participation of Women in Politics - Task force) envisaged including a member of the opposite sex for every second person in the party list for the parliamentary and local self-government elections.

4 Parliament of Georgia, Meeting of the Consultative Group on Labor Rights in the Parliament 19.10.2017, <https://goo.gl/KSzeil> .

5 See B. Patarai, "Politics without Females – Quotas as a solution" 2015, <https://goo.gl/2bHX8x> ; „Gender Quotas are still on the agenda”, Radio Liberty, June 12, 2017, <https://goo.gl/UrqnUC> .

6 See: <https://goo.gl/GBf5kf>; <https://goo.gl/NnXMHQ> .

7 Initiators: MPs from the parliamentary majority – N. Keinishvili, T. Chkuaseli

8 Parliament of Georgia, Session of the Legal Issues Committee, 02.12.2015, <https://goo.gl/AwiwcT> .

9 Parliament of Georgia, Plenary Session, 25.05.2016, <https://goo.gl/gWfQSc>.

10 An initiative by no less than 30 000 voters on the amendments to the Labor Code on the presentation to the Parliament by the Education and Informative International Center for German and Georgian Women (M. Kuprava-Sharvashidze): <https://goo.gl/hetKY8> .

11 Initiative by 30 000 voters (authors: Task Force on Participation of Women in Politics) on amendments to the Electoral Code of Georgia: <https://goo.gl/E5KVtN> .

The Legal Issues Committee approved¹² the aforementioned initiative and moved it up with remarks¹³ for a hearing at the plenary session. Discussions on gender quotas were also carried out at the working meeting of the Gender Equality Council.¹⁴

► **Initiative on Female Victims of Violence**

An initiative¹⁵ on amendments to Legal Aid and Lawyers to improve the legal rights of female victims of violence was presented to the Parliament. According to this initiative, the mandate of the Legal Aid Agency is expanded to victims of domestic violence defined by the law on administrative and civil cases. These type of disputes can be domestic, related to real estate, etc. The presented draft law will allow female victims of violence, whether it's instances of violence to public or private life, to use the services of the state-funded legal aid. Therefore, females will be protected in both the domestic and public domain¹⁶.

► **Citizen's Petition on Prohibiting Sexual Harassment**

Citizen's petition on the prohibition of sexual harassment¹⁷, as one type of discrimination on the basis of sex, was presented¹⁸ to the Parliament. International agreements also stipulate for the regulation of these issues. Namely, the EU Directive defines harassment as an instance 'where unwanted conduct related to the sex of a person occurs with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment'¹⁹. The matter of accepting the aforementioned petition for analysis and hearings was discussed by the Human Rights and Civic Integration Committee. According to its conclusion, the matter was sent to the Gender Equality Council to be prepared content-wise²⁰.

Laws Adopted by the 9th Convocation of the Parliament

► **Constitutional Amendments on Gender Equality**

The addition in 2017 of the Constitutional provision stating that the state should provide equal rights and opportunities for men and women should be positively assessed. The State takes special measures to ensure the essential equality of men and women and eliminate inequality²¹.

► **Ratification of the Istanbul Convention and Respective Amendments to the Legislation**

The ratification of the **Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) on June 19, 2014 was an important step forward.** Violence against women, particularly domestic violence, is one of the most serious human rights violation in Europe²². The ratification of the Convention was followed by a number of different amendments to the existing legislation, including:

12 Parliament of Georgia, Session of the Legal Issues Committee, 05.10.2017 <https://goo.gl/ztHg17>.

13 Parliament of Georgia, Remark Paper on Amendments to the Electoral Code of Georgia <https://goo.gl/Trb2uf>.

14 Parliament of Georgia, the Gender Equality of Georgia discussed Gender Quotas, 16.08.2017, <https://goo.gl/TRFbRE>.

15 Legislative initiative on amendments to the Legal Aid and Lawyers, 07.12.2017, <https://goo.gl/m3vtTV>.

16 See more of the legislative initiative <https://info.parliament.ge/#law-drafting/14876>

17 Sexual harassment is defined as "any type of undesirable interaction, which rests on the gender identity (or perceived gender identity), sexual orientation or gender self-expression, and is aimed at harassing, disturbing, scaring, humiliating and/or inflicting violence on the victim. See more "Safari": Sexual harassment in public: Analysis of the Legislative Practice, Tbilisi, 2017, <https://goo.gl/dP732G>

18 See. <http://netgazeti.ge/news/228323/>

19 See: DIRECTIVE 2006/54/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:204:0023:0036:en:PDF>

20 Parliament of Georgia, Session of the Human Rights and Civic Integration Committee, 07.11.2017 <https://goo.gl/F65Mm5>

21 Constitution of Georgia, Article 11.3, will go into force after the oath of the President elected through the next Presidential elections

22 See more: <https://goo.gl/krMX9y>

- According to the amendments to the [Law on Prevention of Domestic Violence and Protection and Support of Victims of Domestic Violence](#), the scope of the law was expanded to include not only domestic violence, but violence against women. Moreover, violence against women is defined as violence committed on grounds of gender, which can incur damage or torture on women, whether the violence is committed in the public domain or domestically. The requirement to present the **restraining order** in a 24-hour period to the judge was annulled. From 2022, victims of violence against women and/or domestic violence, in instances defined by the law, will be able to demand compensation for incurred damages by the state.
- Amendments to the [Criminal Code](#) were carried out in several different directions, including: **criminal liability was defined for forced sterilization; as well as criminalization for mutilation of female genitalia; criminal liability was defined for stalking**. Intolerance on the grounds of gender will be considered as an aggravating circumstance.
- According to the amendments to the [Law of Georgia on Gender Equality](#), an **Inter-Agency Working Group** on Violence Against Women and Domestic Violence was created to provide systematic and coordinate work related to gender equality.
- According to the amendments to the [Administrative Offenses Code of Georgia](#), violence against women was added as a cause leading to an administrative arrest.
- According to the amendments to the [Civil Procedure Code of Georgia](#), court mediation will not take place in disputes related to violence against women and/or domestic violence.
- According to the amendments to the [Labor Code](#), the basis for halting a labor agreement is not only domestic violence, but in general placing victims of violence against women in shelters or crisis centers, when it is impossible for them to perform their job duties. In this case, the labor agreement can be halted for up to 30 calendar days during a year.
- According to the amendments to the [Local Self-Government Code](#), the municipality has the right to carry out prevention of not only domestic violence but violence against women, as well as protect and help victims of violence against women.
- The Parliament also supported the initiative²³ on the amendments to the Law on Violence Against Women and/or Prevention of Domestic Violence and Protection and Support of Victims of Violence. According to this initiative, a legislative basis was created by the Government for adopting a Decree on national referral procedures²⁴. In addition to domestic violence, the legislative framework includes violence against women.

²³ See more: <https://goo.gl/7VYSNT>

²⁴ The timely and coordinated work of the state agencies is the cornerstone for revealing victims of violence against women and/or domestic violence, ensuring their protection, support and rehabilitation in the framework of the national referral procedures.

Representation of Women in the Legislature

As a result of the 2016 elections, there are 23 female MPs out of the total 150. This means that women make up 15.3 of the Members of the Parliament, and according to the Global Index for Gender Equality, Georgia is on the 94th place out of 144 countries²⁵.

The ratio of female MPs to male MPs in the Parliament was significantly lower from 1992 to 2008²⁶.

Chart 1. Distribution of MP mandates during 1992-2008 by sex

Year	Distribution			
1992	14 females		212 males	
1995	14 females		207 males	
1999	16 females		207 males	
2004	21 females		204 males	
2008	9 females		141 males	
2012	18 females		132 males	
2016	24 females		126 males	

There are periodic amendments to the legislation to improve participation of women in politics, namely additional funding was allocated to political parties on the basis of presenting candidates of different sex. Up until 2011, an electoral subject received an additional 10% in funding if at least 20% of female candidates are included every subsequent 10 candidates.²⁷

According to existing legislation, parties will receive bonus of 30% of the basic funding if in the election list at least 30% of female candidates are included in the first, second and every subsequent 10 candidates.²⁸

In spite of this, this cannot strengthen the participation of women in politics.

25 World Economic Forum, The Global Gender Gap Report 2017, <https://goo.gl/SEoSJt>.

26 See more: CEC, Elections – Gender Statistics, 2016, <https://goo.gl/C25rL5>.

27 Organic Law of Georgia on Political Unions of Citizens, December 28, 2011 <https://goo.gl/1bo8kE>.

28 Article 30(7) of the Organic Law of Georgia on Political Unions of Citizen <https://goo.gl/YEXumq>.

Chart 1. Information on the 30% bonus in funding of electoral subjects after the 2016 Parliamentary Elections

Political Party / Electoral Subject	30% Bonus for Gender
Christian-Conservative Party of Georgia	90,000
Political Union “Free Democrats”	90,000
Shalva Natelashvili – Labor Party of Georgia	90,000
Political Union United National Movement	90,000
Democratic Movement – United Georgia	45,000
Political Union United Democratic Movement	180,000
David Tarkhan-Mouravi – Patriotic Alliance of Georgia	15,000
Traditionalists	15,000
Kakha Kukava – Free Georgia	15,000
Freedom – Zviad Gamsakhurdia Movement	15,000
Political Movement of Georgia’s Veterans and Patriots	15,000
New Christian-Democrats	15,000

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