



PERFORMANCE OF THE 9TH CONVOCATION OF THE PARLIAMENT (2016-2020) ON GENDER EQUALITY

2016-2020

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CONTENTS

| | |
|--|----|
| Introduction | 4 |
| Chapter 1. Main Findings | 5 |
| Chapter 2. Functions and Activities of the Gender Equality Council | 6 |
| Chapter 3. Legislative activities in the field of gender equality | 8 |
| 3.1 Adopted initiatives | 8 |
| 3.2 Initiatives not supported by Parliament | 11 |
| 3.3 Gender Analysis of Legislative Initiatives | 12 |
| Chapter 4. Exercise of Parliamentary Control | 13 |
| 4.1 Hearing of Reports | 13 |
| 4.2 Thematic Inquiry Groups | 13 |
| Chapter 5. Assessment and Recommendations | 14 |

INTRODUCTION

The report has been prepared in the framework of Transparency International Georgia's parliamentary monitoring project and covers the activities of the 9th convocation of the Parliament on gender equality issues (reporting period: January 5, 2017 -...). The report covers the legislative activities of the Parliament, as well as its exercise of oversight.

The report is based on public information, retrieved from the Parliament, also data published on the official web page of the Parliament and observations of our organization. The report was conducted using normative research method, according to which method the recent amendments to legal framework were studied. Furthermore, the research includes the poll findings carried out by the Caucasus Research Resource Centers (CRRC).¹

¹ Field work dates: February 27 - March 18, 2020. The survey is representative: Adult population of Georgia (18 years and older), except for areas densely populated by ethnic minorities and occupied territories. Number of people interviewed: 1763 respondents. Average error: 2.2%.

CHAPTER 1. MAIN FINDINGS

In comparison to the previous convocation, the 9th convocation of the Parliament was active in ensuring gender equality and the empowerment of women.

The following legislative activities should be assessed positively:

- The Constitution stipulates that the state ensures equal rights and opportunities for men and women. The state takes special measures to ensure equality of men and women and to eliminate inequality;
- The Parliament ratified Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), which amended legislation and improved the rights of women;
- The Parliament supported important legislative changes such as: gender quotas, punishment of sexual harassment, electronic surveillance of persons convicted of abuse, criminal liability for harassment;
- The activities of the thematic inquiry groups by the Council in the exercise of parliamentary control should be positively assessed.

The challenges in the 9th convocation of the Parliament were as follows:

- The issue of implementation of such important activities as envisaged by the Action Plan adopted by the Gender Equality Council of the Parliament, including a gender analysis of legislation, as well as the gender analysis of the budget;
- The reporting on the activities of the Gender Equality Council of the Parliament of Georgia was problematic in terms of accountability;
- In terms of exercise of oversight, there were issues in the Council's submission of reports on the fulfillment of its international commitments on gender equality, as well as hearing of accountable persons;

CHAPTER 2. FUNCTIONS AND ACTIVITIES OF THE GENDER EQUALITY COUNCIL

The Gender Equality Council is a permanent body established in the Parliament of Georgia, the activities of which play an important role in promoting and improving the process of gender equality in the country.

The Council was established on January 5, 2017 in the 9th convocation of the Parliament. As a result of the changes in the parliamentary majority, Tamar Chugoshvili resigned as Chairperson on November 18, 2019. The Council has since then not had a Chairperson. The members of the Gender Council:



TAMAR CHUGOSHVILI
Independent MP



EKA BESELIA
Independent MP



TINATIN BOKUCHAVA
Faction National Movement



KHATUNA GOGORISHVILI
Faction „European Georgia – Movement for Freedom”



NINO GOGVADZE
Independent MP



RATI IONATAMISHVILI
Faction „Georgian Dream”



SOPO KILADZE
Faction „Georgian Dream”



ADA MARSHANIA
Faction „Alliance of Patriots and Social Democrats”



GUGULI MAGHRADZE
Faction „Georgian Dream”



ENDZELA MACHAVARIANI
Faction „Georgian Dream”



GIORGI TUGUSHI
Faction „European Georgia – Movement for Freedom”



IRINE PRUIDZE
Independent MP



DIMITRI TSKITISHVILI
Independent MP



NINO TSILOSANI

Faction „Georgian Dream”



ELENE KHOSHTARIA

Faction „European Georgia”



TAMAR KHULORDAVA

Independent MP



MARIAM JASHI

Faction „Our Georgia - Independent MPs”

The Council convened 8 times during the reporting period. The main purpose of these meetings was to develop legislative initiatives.²

During the reporting period, the Council adopted the Action Plans for 2017 and 2018-2020. In regard to the action plans' implementation report, the Council submitted its 2017 and 2018 Activity Reports.³ Furthermore, the Gender Equality Council developed [recommendations](#) on COVID-19, which covered 2 areas: economic empowerment of women, and the prevention and response to violence against women and domestic violence.

During the reporting period, the Council issued 4 statements on cases of high interest.⁴ It is noteworthy that the Council issued a public statement on the private life recordings only after public protest and pressure. In 2019, as it was the case in previous years, there were numerous cases of blackmail and intimidation attempts against socially active women, on the topic of which the Gender Equality Council did not issue a public statement.⁵

² For more, see our report: Performance Assessment Report of the Gender Equality Council (July 29, 2018 - 31 July 31, 2019), 2019, <https://bit.ly/3jdlhSu> ; Gender Equality Council Performance Assessment Report (January 2017 - July 2018), 2018, <https://bit.ly/2T9t8XB> .

³ For details on the implementation of the commitments under the Action Plans, see our reports: Assessment of the Gender Equality Council (July 29, 2018 - July 31, 2019), 2019, <https://bit.ly/3jdlhSu>; Gender Equality Council Performance Assessment Report (January 2017-July 2018), 2018, <https://bit.ly/2T9t8XB>.

⁴ Statement on the alleged fact of sexual harassment of a student by a lecturer (May 28, 2019) <https://bit.ly/34tG69d> ; Statement on the dissemination of personal life footage (31 January 2019) <https://bit.ly/3moplIP> ; The Statement of the Council dated January 12, 2018 on Domestic Violence Case <https://bit.ly/3kGROmg>; Statement of the Council dated 18 July 2017 regarding the violent statements made on the social network against the former representative of the youth of Georgia to the UN <https://bit.ly/3e1cLG7>.

⁵ For more see: The Challenges That Female Public Figures Face in Georgia, Transparency International Georgia, November 5, 2019, <https://bit.ly/2HyQ0h3>

CHAPTER 3. LEGISLATIVE ACTIVITIES IN THE FIELD OF GENDER EQUALITY

3.1 ADOPTED INITIATIVES

3.1.1 AMENDMENT TO THE CONSTITUTION OF GEORGIA

As a result of the amendment made to the Constitution, a new provision was added to ensure that the state provides equal rights and opportunities for men and women. The state takes special measures to ensure the substantial equality of men and women and to eliminate inequality.⁶ It is clearly positive step forward for the state to have defined this issue as an obligation.

3.1.2 GENDER QUOTAS

The Parliament passed an [amendment](#) to the Electoral Code on gender quotas in 2020, namely that every fourth seat in a party electoral list should be allocated to a person of an opposite sex. This regulation applies to the parliamentary elections of 2020, 2024 and any extraordinary elections during these years. As for the October 28, 2028 parliamentary elections and the following parliamentary elections until 2032, at least one person out of three on the party electoral list should be of the opposite sex.

Gender quotas have repeatedly been the subject of discussion in 9th convocation of the Parliament. A citizens' petition has even been submitted on this issue, but there was no support for it until 2020.

The introduction of gender quotas was also opposed by the non-parliamentary opposition,⁷ who took it for an appeal to the Constitutional Court of Georgia. The court ruled that the quota is in accordance with the Constitution, [noting](#) that it was unconstitutional for men (at least one out of every four persons on the party list must be a man), while at the same time ruling that the quota for women is in accordance with the Constitution.

3.1.3 SURVEILLANCE OF ABUSERS AGAINST WOMEN WITH ELECTRONIC BRACELETS

According to available official information, a total of 10,266 restraining orders were issued in 2019 and 7646 were issued in 2018. These figures are on the rise every year.⁸ As a result, the implementation of effective measures is always on the agenda. The Parliament of the 9th convocation supported the initiative of the Government that aimed to increase the effectiveness of restrictive measures applied to the perpetrators of violence, as well as to increase the protection of victims and to make state policy more strict in this regard.

According to the adopted law:

- Electronic surveillance of the perpetrator of abuse is allowed with the consent of the victim or their legal/procedural representative;
- In case the abuser accidentally gets close to the victim in any other territory, except for the locations prohibited for the abuser as provided by the electronic surveillance protocol,

6 Constitution of Georgia, Article 11(3), <https://goo.gl/EtVMfB>

7 Political Union of the Citizens - "New Political Center", Herman Sabo, Zurab Girchi Japaridze and Ana Chikovani v. the Parliament of Georgia

8 For more, see MIA's statistics on domestic violence: <https://info.police.ge/page?id=102>

an employee of LEPL “112” has the right to contact the victim/abuser and make a request for them to leave the territory, as to avoid an accidental meeting;

- Deliberate evasion by the abuser of electronic surveillance or failure to abide by a warning for violating the rules of operation of the electronic means shall be criminally punishable;
- The term of the protection order increased - instead of 6 months, a protection order can be issued for up to 9 months.⁹

3.1.4 SEXUAL HARASSMENT

In February 2019, members of the Gender Equality Council submitted an initiative on sexual harassment to Parliament. According to the proposed law:

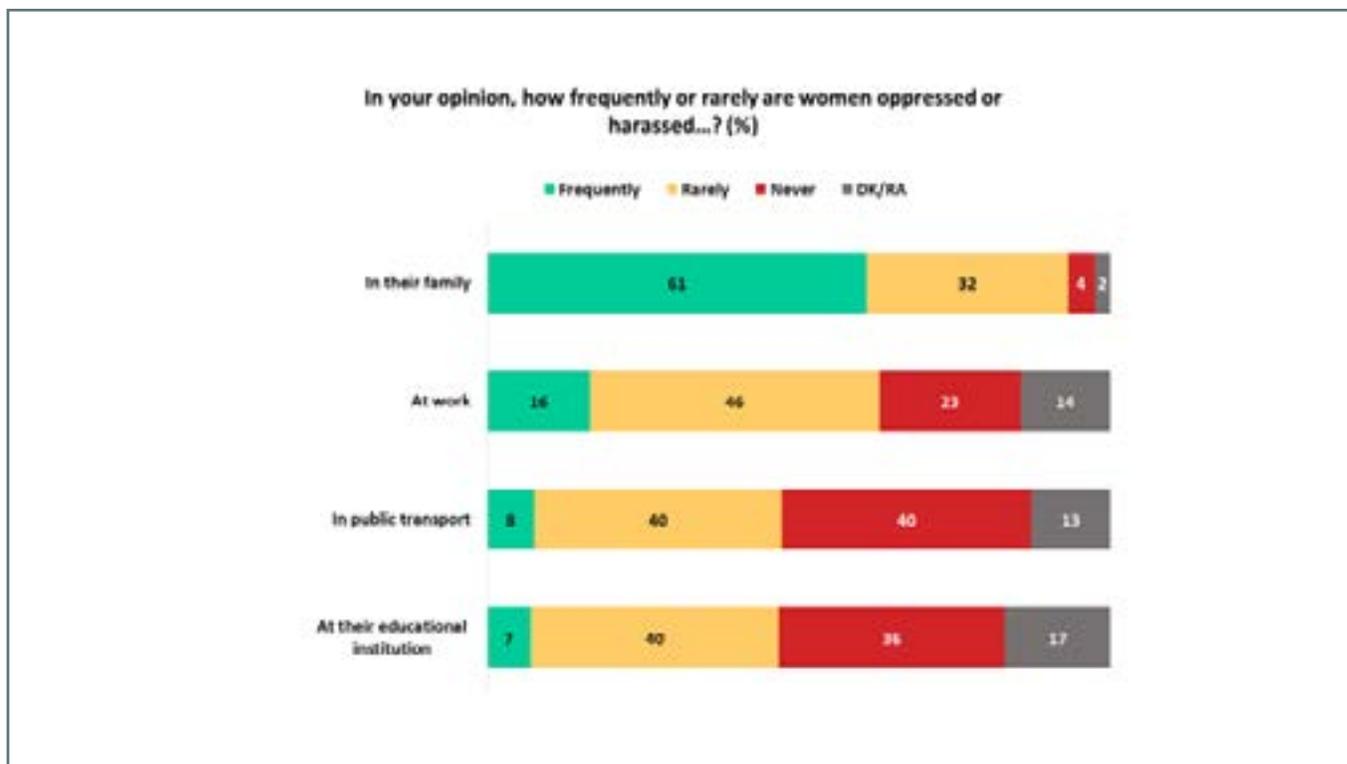
- The concept of sexual harassment in public space and administrative liability for it was defined in the Administrative Offences Code of Georgia;
- Definition of sexual harassment, which refers to unwanted sexual behavior towards a person, which is aimed at and/or causes a violation of his or her dignity and creates a hostile, degrading or abusive environment for him/her;
- The power of the Public Defender has the right to file a lawsuit and request the implementation of the recommendation issued by him/her if a legal entity and other subjects of private law have not taken into account or responded to his/her recommendation. Individuals and legal entities, other subjects of private law, are bound by law to provide all necessary information, documents and other materials to the Public Defender;
- The time limit for appealing to the court has also been increased. Namely, it is possible to file a lawsuit within a year after the person has heard or should have heard about the circumstances that is considered to be discriminatory.¹⁰

The issue of sexual harassment has frequently been the subject of debate in the 9th convocation of the Parliament. It is important for the legislative to support this initiative.

The findings of the public opinion poll on the issue of oppression and harassment of women are interesting - the majority of respondents consider that this is a very frequent occurrence in families.

⁹ For more, see: Electronic Bracelets Will Be Used For Offenders Involved In Domestic Violence, Transparency International Georgia, 13.12. 19, <https://bit.ly/3kitsiH>

¹⁰ For more, see: Sexual harassment becomes punishable, Transparency International Georgia, 19.02.19, <https://bit.ly/3iAyTI6>



3.1.5 CHANGES FOLLOWING THE RATIFICATION OF THE ISTANBUL CONVENTION

Council of Europe [Convention](#) on preventing and combating violence against women and domestic violence (the so-called “Istanbul Convention”) is an important international act for the protection of women’s rights. It enshrines the responsibilities of states to ensure the prevention of women and domestic violence and to combat specific crimes. In this regard, the ratification of the Convention by Georgia was a clearly positive step forward.

The ratification of the Istanbul Convention was followed by amendments in existing laws. In particular, in accordance with the amendments to the Law On Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence, the scope of the law was changed and now includes not only domestic violence, but also violence against women in general.¹¹ Amendments to the Criminal Code were carried out in several areas, including:

- Criminal liability for forced sterilization was established;
- Female genital mutilation was criminalized;
- Criminal liability for stalking was established;
- The obligation to appear in court within 24 hours of the entry into force of a restraining order has been revoked. A police officer can issue a restraining order that immediately enters into effect;
- Gender intolerance was defined as an aggravating circumstance for a crime;
- An amendment to the Law on Gender Equality established The Inter-Agency Commission on Gender Equality, Violence against Women and Domestic Violence

¹¹ For more on our evaluation, see the Assessment of Activities of Parliament of Georgia of the Ninth Convocation (November 18, 2016 - December 31, 2017), Transparency International - Georgia, 2018, p. 24 <https://bit.ly/2ID3dWb>

3.1.6 FATHERS LEAVE FOR CHILD CARE

A significant amendment was made in the Labor Code to give fathers the right to childcare leave. In particular, according to the old version of the Labor Code, only the mother was entitled to compensation for maternity leave and paternal leave. According to the adopted law, paternal leave is differentiated from child care leave.¹² Due to this amendment, the father is entitled to take a parental leave.

3.1.7 EXPANSION OF THE MANDATE OF THE LEGAL AID SERVICE TO PROTECT VICTIMS

The Parliament of Georgia supported the initiative (initiator: Tamar Chugoshvili, Chairman of the Council, Author: LEPL Legal Aid Service) to amend the Law on Legal Aid and the Law on Lawyers to improve the legal status of victims of violence. The amendments extended the mandate of the Legal Aid Service to protect victims of domestic violence in civil and administrative cases that are related to domestic violence.

3.1.8 INITIATIVE ON NATIONAL REFERRAL PROCEDURES

The Parliament supported the initiative of the members of the Gender Council to amend the Law on Violence against Women and/or Elimination of Domestic Violence, Protection and Support of Victims of Violence, which provided a legal basis for the government to adopt a Resolution on national referral procedures¹³. In addition to domestic violence, issues related to violence against women were also included in the legal framework.

3.2 INITIATIVES NOT SUPPORTED BY PARLIAMENT

During the reporting period, a number of petitions were submitted to Parliament to protect women's rights, including an initiative of 30,000 voters related to gender quotas, a petition on sexual harassment. These petitions were rejected. Nevertheless, the issues outlined in the petitions later turned into a legislative initiative and were subsequently adopted.¹⁴

The initiatives introduced in the Parliament addressed the following issues: sexual harassment, gender quotas, [criminalization of femicide](#). With the exception of the latter, all the initiatives were adopted by the Parliament. The legislative initiative of 30,000 citizens regarding gender quotas, in contrast to the already adopted law, stipulated an obligation of the parties in the parliamentary and local self-government elections to have an opposite sex representative as every second person on the party list.¹⁵

Furthermore, in the context of women's rights, it is noteworthy that at the end of the term of the 9th Convocation of the Parliament, Aleksandre Erkvania initiated [draft amendments](#) to the Law on Healthcare, according to which voluntary termination of pregnancy should be allowed only if the continuation of the pregnancy poses a danger to the woman's life. According to current law, pregnancy may be terminated up to 12 weeks. This proposal should

12 For more, see Legislative package on amendments to the Labor Code and accompanying laws <https://bit.ly/3kyax3q>

13 Primary identification and determination of victims of violence against women and/or domestic violence, their protection, support, rehabilitation and for these purposes, timely and coordinated (mutual) activities of state authorities and other relevant entities shall be determined by the national referral procedures for identifying victims of violence against women and/or domestic violence, for their protection, support and rehabilitation, which shall be approved by the Government of Georgia.

14 For more, see: Gender Equality Council Performance Assessment Report (January 2017 - July 2018), 2018, pp. 15-16, <https://bit.ly/3dFCLa1>

15 For more, see: Gender Equality Council Performance Assessment Report (January 2017 - July 2018), Transparency International Georgia, p. 15, <https://bit.ly/3juBzaB>

be viewed negatively in the context of women's rights. It is particularly advisable to discuss such initiatives in the framework of the Gender Equality Council.

3.3 GENDER ANALYSIS OF LEGISLATIVE INITIATIVES

In the framework of a pilot program, gender impact analysis was carried out on 2 draft laws in 2017: On the Draft Law on Drug Policy and amendments to the Labor Code.¹⁶ In the following period, the action plan envisaged gender analysis of draft laws to be carried out at the committee level, which was also not completely fulfilled. From July 29, 2018 to July 31, 2019, only 5 parliamentary committees fulfilled this obligation.¹⁷

In December 2019, the Parliamentary Budget Office prepared a gender analysis of the 2019-2020 state budget. Gender analysis of the budget was a commitment of the Gender Equality Council in its 2018-2020 Action Plan.

¹⁶ The 2017 Action Plan provided for a pilot gender analysis of five legislative proposals or initiatives related to gender equality and women's rights.

¹⁷ For more, see: Gender Equality Council Performance Assessment Report (January 2017 - July 2018), Transparency International Georgia, 2019, p. 13 <https://bit.ly/3kfEi9g>

CHAPTER 4. EXERCISE OF PARLIAMENTARY CONTROL

4.1 HEARING OF REPORTS

The functions of the Gender Equality Council are as follows:

- Oversight of the gender equality related activity of the Government of Georgia;
- If necessary, summon of the representatives of the Ministries and State Agencies to the Parliament and obtainment of the information.

During the reporting period, the following information/report was heard from the representatives of the executive government:

- On June 13, 2017, the Council heard at its meeting information on the state of implementation of the 2016-2017 National Action Plan of Georgia for Implementation of the UN Security Council Resolutions on Women, Peace and Security;
- On June 13, 2017, the Gender Equality Council heard an interim report on Resolution 1325 on the Action Plan for 2016-2017. The report was submitted by the Head of the Human Rights Secretariat of the Government Administration;
- On April 2018, the Council heard the report by the Human Rights Department of the Ministry of Internal Affairs on the prevention of femicide and violence;
- During the session of January 17-18, 2019, Sopho Japaridze, the Chairperson of the Interagency Commission on Gender Equality, Violence against Women and Domestic Violence, presented to the Council the 2018 report of the Interagency Commission.

The Council has not evaluated or issued recommendations on any of the issues presented to it through reports.

4.2 THEMATIC INQUIRY GROUPS

The new Rules of Procedure of the Parliament allows for the possibility of establishing thematic inquiry groups by the Council as part of its oversight function. During the reporting period, by the initiative of the Gender Equality Council, after the enactment of the new Rules of Procedure, two thematic research groups were established, which is an important novelty and significant tool for parliamentary control. The research groups related to the following two topics:

- Participation of women in state economic programs;
- Access to vocational education for women's economic empowerment.¹⁸

On October 2, 2019, the Council [shared](#) the recommendations of the thematic inquiry groups with the respective ministries. During the reporting period, there was no follow-up in regard to these recommendations.

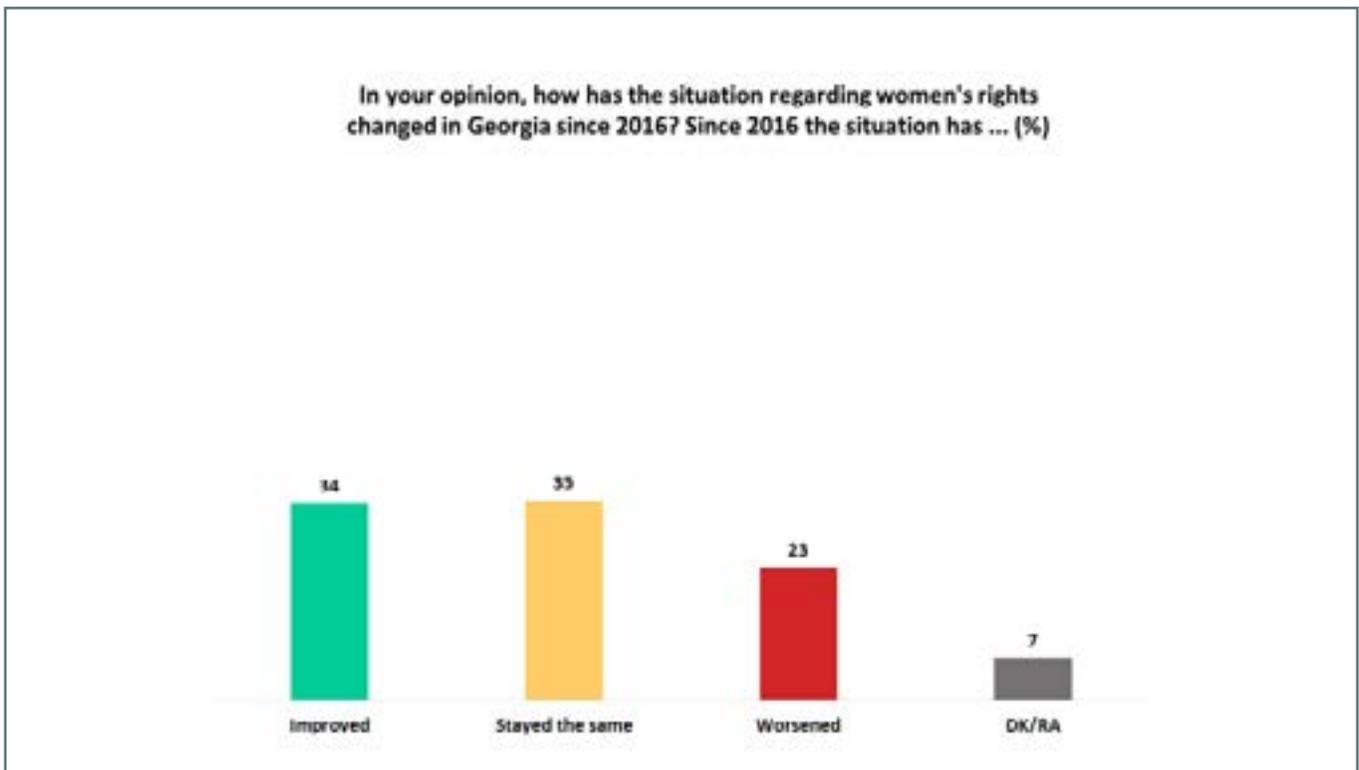
¹⁸ For more on activities of thematic inquiry groups, see: Gender Equality Council Performance Assessment Report (July 29, 2018 – July 31, 2019), Transparency International Georgia, 2019, p. 16, <https://bit.ly/3dl91sZ>

CHAPTER 5. ASSESSMENT AND RECOMMENDATIONS

There have been improvement in the activities of the 9th convocation of the Parliament in the field of women's rights in comparison to the previous convocation.

We took interest in the public opinion on how the situation in the field of women's rights has changed since 2016. 35% of respondents responded that the situation remains the same, while 34% believe that it has improved.

Diagram 2. Results of a public opinion poll on the situation with regard to the protection of women's rights after 2016



Over the past 4 years, both positive trends and challenges have been identified. We present recommendations for the promotion of gender equality, women's empowerment, and the activities of the Gender Equality Council in the 9th convocation of the parliament. The legislature should consider taking these recommendations into account.

Legislative process:

- The legislation should define the implementation of the analysis in the direction of the gender impact of the legislation as one of the responsibilities of the Gender Equality Council. Furthermore, it is advisable to strengthen the Council's institutional setup so that it capably of fully analyzing important draft laws/reforms. Moreover, if the format of cooperation with the parliamentary committees is maintained in the process of gender analysis of initiatives, it is important for all committees to follow through with this commitment;
- The provision of information on the impact on gender equality (if any) should be one of the required components of the explanatory note in the Rules of Procedure of the Parliament;
- It is advisable for the Council to publish periodic information on gender impact analysis

on the Parliament website that was carried out by parliamentary committees on the draft laws;

- Gender analysis of the draft budget should be carried out annually, in a timely manner;
- As far as legislation is concerned, especially femicide, it is important for the Council to take more interest in the challenges in this area and take effective oversight steps, including drafting an appropriate bill that would introduce femicide as a special norm in the Criminal Code of Georgia.

Recommendations for the activities of the Gender Equality Council:

- The Council should improve and strengthen its oversight of the executive government's gender-related activities, summon authorized persons to its sittings, issue recommendations and monitor their implementation;
- The Council should receive regular information and analyze challenges that exist at the municipal level in regard to legislative amendments and systemic problems. The Council should be more active in writing announcements as well as publishing special reports. The Council should periodically submit to the Parliament the methodology for monitoring the implementation of international and local commitments in the field of gender equality;
- The Council shall submit periodic reports session on its activities to the Parliament's plenary at session;
- A specific implementation period should be defined for all indicators outlined in the Gender Council Action Plan.