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Tbilisi 2007

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ISBN: 978-9941-9009-0-7

**GENDER AND DEMOCRATIZATION:
THE CASE OF GEORGIA 1991-2006**

Tamar Sabedashvili

**Tbilisi
2007**

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PREFACE

What role have women played in Georgia's transition to democracy?

What is the formal and legal framework for gender equality in Georgia; how and by whom has it been put into practice?

What role does civil society play in democracy building and the advancement of gender democracy?

What factors support and hinder the process of establishing equal rights and opportunities for women and men?

What impact – positive or negative – can international organizations and foundations make in this process?

“Gender and Democratization: the Case of Georgia 1991-2006” examines these questions.

The South Caucasus Regional Office of the Heinrich Böll Foundation (hbf), together with its Head Office in Berlin, commissioned Tamar Sabedashvili to draw up this analytical survey in order to obtain a picture of the status of gender democracy in Georgia and of the specific challenges that need to be addressed in order to further support democratization processes in the country.

In addition, we believe that the methodology, build-up and applicability of this situation analysis can serve as a useful tool in the context of hbf's worldwide democracy-building work.

Gender democracy is one of hbf's main tenets. It means social emancipation and equal rights for women and men. Within the Foundation, gender democracy is a cross-cutting task, i.e. it is an integral part of all our activities. There is no such thing as a textbook for promoting gender democracy - instead it is a work-in-progress aimed at improving our organization as well as society as a whole. Concepts for gender democracy have to be reworked and relived again and again, always with deference to the concrete social and cultural environment.

The case study of Georgia was presented at hbf's International Conference for all worldwide offices in Lahore, Pakistan on 2-10 March 2007. There, it served as an example of how to reveal the potentials and challenges of consistent and precise integration of gender-sensitive approaches into democracy-building activities.

As far as our concrete work in the South Caucasus office is concerned, the situation analysis has helped us reassess and reflect upon our previous activities and priorities in the fields of gender equality and democracy-building and, consequently, given us recommendations for the further development of our programmes.

Ms Sabedashvili gives a concise and critical overview of the current situation in Georgia with regard to gender and democratization processes.

Many of the findings and statements presented in the survey offer valuable food for thought and present challenges that must be tackled:

- The de jure basis for gender equality has been laid in Georgia, but a considerable lack of de facto implementation and enforcement exists. The performance of both pre- and post-rose revolution governments has been indicative of this.
- The lack of political will, traditional perceptions about gender roles and stereotypes, and a low level of public awareness constitute the principal barriers to the substantive establishment of gender equality.
- At present, the society as a whole is not represented effectively on the political arena. In an environment of generally weak political representation, people consider gender equality issues irrelevant.
- International actors working in the field of women's rights and empowerment often fail to carefully plan and coordinate their programmes, which leads to duplication of work and unhealthy competition among local women's NGOs.

Although the study was initially commissioned for hbf internal use, it can also prove useful to other actors involved in democracy-building in Georgia. It can be particularly helpful as a needs assessment document in the planning phase of new programmes and activities. In addition, it makes an absorbing read for anyone interested in democratic processes in Georgia.

We look forward to receiving your feedback,

Mira Sovakar

Project Manager

Heinrich Böll Foundation

South Caucasus Regional Office

INTRODUCTION

The South Caucasus Regional Office of the Heinrich Böll Foundation has commissioned this research for its internal use. The study has two main goals: on the one hand, it aims to inform the future policy and programme work of the Heinrich Böll Foundation in Georgia through identifying existing gaps and needs for development intervention in the field of gender equality and on the other hand, it seeks to shed light on the uneasy interrelation between the level of gender equality and the level of democratization of the country. Accordingly, the analysis has potential to also be of external use for the foundation and other interested organizations or individuals.

The first decade of the country's independence had a profound effect on trends in the democratization process in general and the development of women's movements, as well as state policy-making in the field of gender equality. Therefore, this analysis takes a retrospective look at the developments of 1991-2003. Special attention is paid also to the post-rose revolution period from the end of 2003 until 2006.

This research attempts to answer three key questions: 1. How has the transformation process to democracy affected the status of gender equality in the country? 2. What is the status of gender equality issues in legislation and policies in light of the democratization process in Georgia? 3. What role have women's movements played in the democratization process? While answering these questions, the dynamics between broader global (i.e. international) and local (i.e. national) levels from the standpoint of the flow of values and ideas with regard to women's rights as well as ethnic, religious and class differences between women will be taken into consideration.

In order to understand the dynamics between gender equality issues and democratization processes, this research accepts a wider definition of democracy, one which sees its significance beyond the political system understood narrowly as institutional arrangements. I share the view of Georgina Waylen who argues: "a narrow focus on democratization is insufficient for understanding its interaction with gender relations, as institutional democratization does not necessarily entail any wider changes."¹ The research demonstrated that this argument is true in Georgia's case - from the orthodox view of democratization, progress is obvious and in Georgia's political system "its most powerful collective decision-makers are selected through periodic elections in which candidates freely compete for votes and in which

¹ Georgina Waylen, "Women and Democratization: Conceptualizing Gender Relation in Transition Politics", *World Politics*, April 1994, v. 46 n3 p327 (28), 4.

virtually all the adult population is eligible to vote.”² However, gradual progress towards such a political system has not automatically brought about either improved women’s representation in positions of power or increased social and economic equality.

The methodology used for the research constitutes a desk review of existing materials and 10 subject-based interviews with experts and researchers in the field of political studies and/or gender equality. At the desk research stage, I reviewed publications regarding the state of gender equality in Georgia undertaken predominantly by non-governmental organizations and independent researchers. I have examined governmental as well as alternative reports submitted to the CEDAW committee and some of the country’s main laws and regulations. I have reviewed some of the most recent publications on the democratization process and the state of civil society in today’s Georgia. The majority of the materials are available in English and on-line. I have also used NGO and scholarly publications available only in Georgian that I have collected from various NGOs throughout my years of work in the field of women’s rights.

The choice of the experts for the subject-based interviews is a result of these years of work in the field of women’s rights and development in general. I shared the candidatures of the respondents with the Heinrich Böll Foundation in Georgia, as they too know the stakeholders very well. The group of respondents was comprised of researchers, scholars who are also activists, and NGO activists. I chose this spectrum of interviewees in order to learn the opinions of people (i) who observe and study social developments, (ii) who study these processes but at the same time want to make positive change and (iii) who are working for development and greater gender equality.

I developed a set of guiding questions that I used in each interview.

One can observe more similarities in the responses of the three sub-groups of interviewees than differences. This is striking and is indicative of the fact that the development of academia and the development of activism go hand in hand. Individuals from both fields are dependent on foreign funding and experience and work in a fragmented rather than continuous manner. Moreover, local actors in both fields are seeking to import Western (the US and Western Europe) theories, concepts and tools.

² Samuel P. Huntington, “Will More Countries Become Democratic?” *Political Science Quarterly* 99, Summer 1984, 195.

WOMEN IN GEORGIA'S TRANSITION TO DEMOCRACY

The absolute majority of respondents interviewed for this research stressed that the process of democratization, although clearly observed after the break-up of the Soviet Union, was already coming to the fore with Gorbachev's perestroika in the late 1980s. The respondents named the improved conditions for freedom of speech, fairer elections and more transparency in public governance as key indicators of this democratic awakening.³ The late 1980s are considered a period of belated but significant movement towards the deconstruction of totalitarianism in the Soviet Union: "the image of omnipotence and total control was already an illusion, even if it would take another few years for this to be proven in practice."⁴

In Georgia's case, the process of the break-up of the Soviet Union was accompanied by a strong national opposition movement. This factor is considered by many scholars to be one of the most significant preconditions for the beginning of the transition towards democracy rather than authoritarian rule in the post-Soviet period, which did not occur in many other former Soviet republics.⁵ Women actively participated in the national movement in Georgia. "Women demonstrated incredible political activism in this period: in the tragedy of 9 April 1989⁶ more women died than men, not only because they were physically weaker but also because there were a great number of women among the protesters - as many as men, if not more. Women who had been locked in their homes got an unprecedented chance to engage in political activism and they took advantage of it."⁷

Although the absolute majority of leaders of the national movement were men, women's participation in the peaceful street demonstrations and protests demanding Georgia's independence from the Soviet Union in 1989-

³ Interview with Nana Sumbadze, Researcher, Institute for Policy Studies (IPS), conducted on 15 January 2007; Interview with Lela Caprindashvili, Researcher in Cultural and Gender Studies, conducted on 15 January 2007; Interview with Gia Tarkhan Mouravi, Researcher, Institute for Policy Studies (IPS), conducted on 17 January 2007.

⁴ Jonathan Wheatley, *Georgia from National Awakening to Rose Revolution*, Ashgate: Aldershot, 2005, 19.

⁵ See Steven M. Eke and Taras Kuzio, "Sultanism in Eastern Europe: The Socio-Political Roots of Authoritarian Populism in Belarus," *Europe-Asia Studies*, 52/3, 2000, 523-47. See also Kathleen J. Mihailisko, "Belarus: Retreat to Authoritarianism", in Karen Dawisha and Bruce Parrott, *Democratic Changes and Authoritarian Reaction in Russia, Ukraine, Belarus and Moldova*, Cambridge University Press: Cambridge, 1997, 223-281.

⁶ On 9 April 1989 the Soviet Army harassed peaceful demonstrators in front of the Parliament building on Rustaveli Avenue in Tbilisi. As a result of this massacre 20 individuals mostly women and girls were killed and almost 4000 injured. Reportedly along the physical violence the Soviet Army used toxic gas. The tragedy of 9 of April 1989 further radicalized Georgian independence movement.

⁷ Interview with Nana Sumbadze, Researcher, Institute for Policy Studies (IPS), conducted on 15 January 2007.

1991 is quite noteworthy. It is important to stress that although women's experiences of activism in the national movement differed from those of men in terms of leadership, decision-making powers, physical endurance and visibility, both women and men were united by the idea of freedom and demanded independence for the country. At no stage of the national movement was special stress placed on women-specific issues or issues related to greater gender equality.

"The fact that individual women participated in the national movement did not mean that women's issues were raised more emphatically. Certain women, for instance Tamriko Chkheidze, played a significant role in the movement, especially in 1978, when society rose up against the proposed abolition of Georgian as the state language. However, the issues voiced by the national movement leaders were by no means women's or gender equality issues."⁸

This situation is not surprising. Belief in the success made by the Soviet government in the field of gender equality was well rooted in the citizens' consciousness. And although this grand narrative of success so touted in state propaganda was not groundless, very few examined it in light of women's unique characteristics or the actual political and economic opportunities and powers possessed by women. Barbara Evans Clements expressed her hope in 1991 that women in the disintegrating Soviet Union would be empowered enough to make their voices heard and place their priorities and issues high on the agenda of their new governments. However, due to the Soviet legacy that considered women's needs important to any reform process Clements could not help but be wary of future developments in this regard: "It will be ironic if the very achievements of the Soviet period prove to be a liability, enabling opponents to argue that no more change is necessary."⁹ Indeed, the recent histories of the newly independent states have proven this fear well-founded, as gender equality issues have so far not got adequate attention from policy makers. In Georgia's case, this is partly because women's movements did not manage to consolidate and articulate their concerns effectively and partly because policy-makers continue to believe that the battle for gender equality was won, and that this is an area where no more improvement is needed.

"... both women and men were united by the idea of freedom and demanded independence for the country."

⁸ Interview with Gia Tarkhan Mouravi, Researcher, Institute for Policy Studies (IPS), conducted on 17 January 2007.

⁹ Barbara Evans Clements, "Later Developments: Trends in Soviet Women's History, 1930 to the Present", in Barbara Evans Clements, Barbara Alpern Engel, Christine D. Worobec (eds), *Russia's Women: Accommodation, Resistance, Transformation*, University of California Press: Berkeley, 1991, 278.

The post-Soviet Georgian government's lack of political will to address gender equality issues and utilize the potential of women for the benefit of society has been observed both by local as well as international experts.¹⁰

After the break-up of the Soviet Union in 1991, Georgia started to experience the transformation processes from centrally planned to market based economy and from communism to democracy. Two internal ethnic conflicts (in Abkhazia and South Ossetia) and one civil war resulting in a coup-d'état accompanied this transformation process. Thus, already in the early 1990s Georgia turned from a popular holiday destination of the Soviet Union into a post-conflict transitional country with about 270,000 internally displaced persons (IDPs) and high unemployment and poverty rates.¹¹ The Soviet era, with its state-sponsored gender equality, was over. Society struggled for survival and stood defenceless in front of huge political and economic challenges, lacking the knowledge and skills necessary to cope effectively with the new developments.

The turbulence of the first few years of independence disappointed and discouraged civic activism. The two ethnic conflicts and the civil war were extraordinarily violent, with thousands of civilian casualties.¹² Women especially suffered trauma and violence on all sides of the conflicts, regardless of their ethnic affiliation. Rape, forced rape,¹³ physical violence, psychological torture and humiliation were widespread. Sexual violence and especially rape were used by soldiers from both conflicting parties "as a tool of ethnic cleansing."¹⁴ Actual rape numbers are not available because many women have refused to seek assistance for psychological and physical trauma owing to the cultural stigma that such treatment would invite.

"...women's movements did not manage to consolidate and articulate their concerns effectively..."

¹⁰ See the most recent publication by Lia Sanikidze, Tamar Pataridze, Irma Aladashvili, Mari Meskhi, Violeta Neubauer etc. Reality: Women's Equal Rights and Equal Opportunities in Georgia, Poligraph +: Tbilisi, 2006.

¹¹ The unemployment and poverty rates tend to increase in Georgia. According to the State Department of Statistics the percentage of the population living in extreme poverty was 9.9% in 1997 has risen to 16.9% by 2004, while the percentage of the population below the poverty line increased from 46.2% in 1997 to 52.7% in 2004. The official unemployment data tend not to reflect the real situation, as only few unemployed people register as such, still the percentage of unemployed individuals from 7.5% in 1997 increased to 12.6% in 2004. (Source: State Department for Statistics, cited in Millennium Development Goals in Georgia, Government of Georgia, Tbilisi, 2004, 25 and in Millennium Development Goals in Georgia: progress report for 2004-2005, Government of Georgia, Tbilisi, 2004, 8).

¹² According to researcher Feride Zurikashvili, out 5,000 civilian casualties in Georgian-Abkhaz ethnic conflict, approximately 2,000 were women and children.

¹³ There have been reports of cases where soldiers forced men to rape female members of their own families, especially teenage girls. For more on this see: UNHCR, The Dynamics and Challenges of Ethnic Cleansing: The Georgia-Abkhazia Case, available on-line at: <http://www.unhcr.org/cgi-bin/texis/vtx/publ/opendoc.htm?tbl=RSDCOI&id=3ae6a6c54&page=publ>, last visit - 11 November 2006.

¹⁴ Thomas Buck with Alice Morton, Susan Allen Nan, and Feride Zurikashvili, Aftermath: Effects of Conflict on Internally Displaced Women in Georgia, Working Paper No. 310 September 2000, 5. Available on-line at: http://pdf.dec.org/pdf_docs/PNACJ947.pdf, last visit - 12 November 2006.

Women comprise 55% of all IDPs¹⁵. Many of them, because they are ethnically Georgian or married to Georgians, feared physical annihilation and fled from Abkhazia in 1993 during the final stages of the conflict. “Many were trekking on foot across snow-covered mountainous terrain for over a month. Among the IDPs themselves, this escape route became known as the death trail.”¹⁶ According to researchers, between 250 and 350 IDP women and children likely died on this route from hunger, cold, and illness. Some of the women who could not endure this path were pregnant and died during childbirth.¹⁷ Although these incidents of wartime gender-based violence have not been widely discussed and addressed yet, they have clearly left their mark on the individual as well as collective memory of the IDPs.¹⁸ The trauma of conflicts manifests itself in the high incidence of suicides and neural and heart diseases among the IDP population. Overall, their health status can be qualified as worse than that of the rest of Georgia’s population.¹⁹

Women have played an active role in people-to-people diplomacy initiatives attempting to rebuild trust and promote a culture of peace among Georgian, Abkhaz and Ossetian youngsters. However, their participation in the formal conflict resolution process has been limited. With the support of UNIFEM, women formed a peace network called “Unity of Women for Peace” uniting over one hundred organizations and individual members throughout the country with the aim of “achieving a positive and sustainable peace with women’s participation and gender equality”.²⁰

“Women have played an active role in people-to-people diplomacy initiatives attempting to rebuild trust and promote a culture of peace among Georgian, Abkhaz and Ossetian youngsters.”

The network demanded the better implementation of UN Security Council Resolution 1325 on “Women, Peace and Security”²¹ and in late 2005 successfully lob-

¹⁵ The Ministry of Refugees and Accommodation, IDP’s Reference Book, Association “Migrant”, UNHCR, 2002.

¹⁶ Thomas Buck with Alice Morton, Susan Allen Nan, and Feride Zurikashvili, *Aftermath: Effects of Conflict on Internally Displaced Women in Georgia*, Working Paper No. 310 September 2000, 5. Available on-line at: <http://pdf.dec.org/pdf_docs/PNACJ947.pdf>, last visit - 12 November 2006.

¹⁷ *Ibid*, reference to Feride Zurikashvili, *The Socio-Economic Status of Women with Children among Internally Displaced Persons in Contemporary Georgia*. Tbilisi, Georgia: Women’s Studies Centre at Tbilisi State University, 1998.

¹⁸ It needs to be noted that in some parts of Abkhazia, especially in ethnically Georgian Gali region, the acts of violence continued long after the ceasefire agreement was reached.

¹⁹ Walter Kälin, *Specific Groups and Individuals: Mass Exoduses and Displaced Persons: Report of the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons*, E/CN.4/2006/71/Add.7, 12, 24 March 2006.

²⁰ Unity of Women for Peace network, Memorandum, 2004, 1.

²¹ UN Security Council Resolution 1325 was adopted in 2000 and is the only resolution that acknowledges the impact of armed conflicts on women and girls and demands that the secretary-general as well as UN member states include women in all stages of conflict transformation and resolution processes.

bied for a representative of the network to have a presence in the Office of the State Minister for Conflict Resolution. This mechanism of cooperation between women's groups and a state institution is new to Georgia and so far has contributed to the improved exchange of information and consultations between women's groups and the government agencies working on conflict settlement. However, it is far from succeeding in getting women involved in the formal conflict resolution process, which remains fragmented and open only to high-ranking state officials who are predominantly male and lack gender sensitivity.

Internal conflicts and the civil war were followed by an economic crisis with high rates of inflation and unemployment. Because of extremely low salaries that have been far below minimum living wage and not sufficient even to cover transportation costs to the workplace, throughout the 1990s many workers, especially women, were forced to quit their jobs. Women were dismissed en masse and gradually shifted from their professional occupations to the informal labour market, where they faced abysmal working conditions and remuneration rates. Employment in the informal labour market has on the one hand contributed to their lack of qualifications and on the other exposed them to violence because when their rights are impinged, they have no tangible response mechanisms.

In many impoverished families, women have taken on the role of breadwinners by not refusing low-paid jobs. This has given them a certain degree of empowerment through increased economic independence, though it has also subjugated them to gender-based violence both in the domestic as well as public domains. The majority of women who remain employed in the formal sector work in the low-paying fields of agriculture, education, healthcare and light industry.²² The vertical and horizontal gender segregation of the labour market is obvious from the high concentration of women in lower positions in the less profitable sectors of economy. As a result, according to the State Department of Statistics, in 2004 the average nominal monthly salary of women in all fields of the economy and all sectors was 60% that of men.²³

Many fields employing predominantly women are undergoing privatization processes, which has led to many women being made redundant or having their pay cut. Unfortunately, no research exists on the impact of privatization on women in the education and healthcare sectors, but as the respondents of the focus groups conducted by Lia Sanikidze and Mari

²² According to 1989 data 50.2% of employed in agriculture, 77.4% in healthcare and 70.4% in light industry were women. See Gender Development Association, *Status of Women in Georgia*, Tbilisi, 1999, 7.

²³ Ministry of Economic Development of Georgia, State Department of Statistics, *Woman and Man in Georgia*, Statistical publication, 2005 Tbilisi, 58.

Meskhi for the assessment of de facto and de jure gender equality in Georgia revealed, the privatization process of healthcare and educational institutions in many instances has not been transparent and has been damaging to

“In many impoverished families, women have taken on the role of breadwinners by not refusing low-paid jobs.”

the interests of the employees.²⁴ According to the State Department of Statistics, 12.5% of employed women and only 3% of employed men worked in the field of education in 2004. This means that

women comprised 80% of employees in the education sector. Five per cent of employed women and only 1.4% of employed men worked in the field of healthcare and social services, i.e. women accounted for 77% of all employees in the fields of healthcare and social services.²⁵

According to the researchers, the lack of employment opportunities in the public as well as private sectors led many to seek self-employment;²⁶ the self-employed account for 67% of all employed individuals and the percentage of self-employed men is twice that of women.²⁷ The majority of the self-employed perform heavy physical labour (85% of self-employed women and 74% of men work in the field of agriculture and 10% of women and 12% of men are involved in trade).²⁸ Despite the fact that the concentration of women in the field of agriculture is high, their average monthly income is 58% of what men earn. Self-employed women in the trade sector earn monthly an average of 68% of men’s equivalent earnings.²⁹

These developments have created a new turbulent environment where women’s participation and voices have been limited and are not of decisive importance. Although women have become the primary breadwinners in many households, they have yet to make the transition from the private to the public domain. One can argue that breadwinning alone is not one hundred percent emancipative for women and may even escalate male aggression, but the fact that these women are not economically dependent on their spouses for survival makes them more bold and likely to challenge the traditional notion of patriarchal subordination and submission. Thus, the pro-

²⁴ Lia Sanikidze, Tamar Pataridze, Irma Aladashvili, Mari Meskhi, Violeta Neubauer etc. *Reality: Women’s Equal Rights and Equal Opportunities in Georgia*, Polygraph +: Tbilisi, 2006, 13.

²⁵ *Ibid.*, 59.

²⁶ See Lia Sanikidze, Tamar Pataridze, Irma Aladashvili, Mari Meskhi, Violeta Neubauer etc. *Reality: Women’s Equal Rights and Equal Opportunities in Georgia*, Poligraph +: Tbilisi, 2006. Also see Charita Jashi, *Gender Economic Issue: the Georgian Case*, UNDP/SIDA: Tbilisi, 2005.

²⁷ Among self-employed entrepreneurs women make up 13.8% and men make up 86.2%. See Ministry of Economic Development of Georgia, State Department of Statistics, *Woman and Man in Georgia*, Statistical publication, 2005 Tbilisi, 54.

²⁸ Ministry of Economic Development of Georgia, State Department of Statistics, *Woman and Man in Georgia*, Statistical publication, 2005 Tbilisi, 54-55.

²⁹ *Ibid.*, 59-60.

cess that many name as a return to traditional, patriarchal behavioural patterns and practices does not occur without modifications, where women are not all victimized, or deprived of the agency to shape their own fates.

Even though the transformation process has brought about more chances for women to realize their potential, the scale and quality of women's involvement in the political life of the country did not change much from that of the Soviet period. However, as the interviews with the experts reveal, women are not the only group that is not adequately represented in the political arena. Political scientist Gia Zhorzholiani questioned the country's progress towards democratization in terms of political representation:

"If we look at the democratization process from the standpoint of representation, the first elections of 1991 were democratic, as the idea of independence that had massive support was effectively represented by Gamsakhurdia's government. Unfortunately, the replacement of this government with that of Shevardnadze, which was far more isolated from the population, did not happen through democratic means, i.e. through elections. This indicates that democratic institutions have not been formed in Georgia. In an environment of generally weak political representation, gender equality issues become irrelevant... if there is weak representation of different segments of society, I think that for the time being not only women as a group but also men are not represented; the society as a whole is effectively not represented on the political arena."³⁰

"...women are not the only group that is not adequately represented in the political arena."

The struggles for power that have dominated the Georgian political scene have on the one hand prevented the government from thinking about tangible ways to ensure improved representation and inclusiveness and on the other hand discouraged many individuals, especially women, from engaging in politics. Thus, activism at the national awakening stage of the country, active involvement in Georgia's labour force and even in the rose revolution of 2003 did not ensure women's active involvement in the political life of the country.

My analysis of the system for electing members of the parliament of Georgia suggests that it is extremely hard for women to be elected from single-mandate constituencies. The dominating masculine political culture, along with the single-mandate election districts, provide male candidates with better chances of being elected. Thus, being included in the party lists is the only means by which women can be elected to parliament. Accordingly, women's

³⁰ Interview with Gia Zhorzholiani, Political Scientist, conducted on 22 January 2007.

participation in politics depends on internal party regulations and decisions that rarely work in a manner that advances opportunities for women.³¹ The fact that at present women account for 9.4% of MPs is indicative of these legislative and internal party barriers (in the parliaments elected in 1995 and 1999 women comprised 6.4% and 7%, respectively, of total MPs).

The majority of women in the parliament of Georgia became MPs through the ruling party's lists, though they have still been a small minority in comparison with male candidates who won seats from these lists. The data of the last three parliamentary elections is the following:³²

Elections	Party	Number of seats	Men	%	Women	%	Total Number of women in parliament
1995	Citizens' union of Georgia	106	95	90%	11	10%	17
1999	Citizens' union of Georgia	132	121	92%	11	8%	16
2004	National Movement - Democrats	93	77	83%	16	17%	22 ³³

Out of 13 parliamentary committees, women chair only two; and among the 26 deputy chairpersons of the committees there are only 5 women, i.e. women occupy roughly 18% of high- and middle-ranking positions in the Parliament of Georgia³⁴, though it should be pointed out that Parliament Speaker Nino Burjanadze and parliamentary majority leader Maia Nadiradze are both women. In many ways, their presence in these high-ranking positions in the parliament preconditioned and encouraged the establishment of the Gender Equality Advisory Council under the Speaker of the Parliament of Georgia in 2004. It was followed by the adoption of a number of legal and policy instruments in favour of enhanced gender equality already in 2006, such as the State Concept for Gender Equality (see annex #1), the law of Georgia on the Elimination of Domestic Violence, Protection of Victims of Domestic Violence and Providing them Assistance, and the law of Georgia on the Battle against Human Trafficking.

“...the number of women in local self-governance bodies tends to decrease from election to election.”

³¹ Tamar Sabedashvili, *Women in the Decade of Transition*, Lega: Tbilisi, 2002, 23.
³² Tamar Sabedashvili, *The Historic Aspects of Women's Rights*, Course, The Centre of Social Sciences, Tbilisi, 2005, pages 119-120.
³³ As of January 2006.
³⁴ The Ministry of Economic Development, State Department of Statistics, *Woman and Man in Georgia*, Publication, 2005, Tbilisi, 63.

Despite the above-mentioned progress made through legislative initiatives, the number of women in local self-governance bodies tends to decrease from election to election. From 14% after the local elections of 1998, the percentage of women dropped to 12% in 2002. According to data of May 2006 no cities in Georgia had women as mayors, none of the 66 local administration heads (*gamgebeli*) were women, and only 5.5% of the chairs of local councils (*sakrebulo*) were women (among 989 chairpersons there were only 54 women).³⁵ As a result of the 5 October 2006 elections, which were held according to the new election law on local self-governance, only 195 out of 1,750 elected individuals, i.e. 11.14%, are women.

According to Tamar Bagratia who has analysed local self-governance reform from the viewpoint of women's participation, the new law, although has more positive features than the previous one in terms of establishing a stronger and more independent self-governance system, is not favourable for women's participation in the bodies of local self-governance. Bagratia's prognosis that the number of women holding local office would decrease after the 2006 elections proved right. This happened partially due to the abolition of smaller self-governing units and their unification into larger *sakrebulo*s, and partially due to introduction of the system by which some MPs are elected to represent single-mandate election constituencies.³⁶

The rose revolution of November 2003 nurtured new hopes for the increased participation of women in the political life of the country. In fact, the first announcements and appointments made by new President Mikheil Saakashvili did look promising in this regard. However, three of the four female ministers lost their posts shortly after being appointed. Thus, at present out of 14 ministers only one, State Minister for Social Integration Zinaida Bestaeva, is a woman (she is also the only representative of an ethnic minority (Ossetian)). Out of 46 deputy ministers only nine, i.e. 20% are women.

The majority of the population see men as better politicians than women; 47% of the 1,100 individuals surveyed in 2006 in the frames of the Georgian society's values and value orientations research stated that men were better political leaders. At the same time, the respondents were convinced that women and men should have equal access to education and that women should have equal chances for realizing their potential through employment. According to the data of this research, more gender equality can be observed in fields of public life other than politics, which remains clearly male-dominated.³⁷ Very

³⁵ Lia Sanikidze, Tamar Pataridze, Irma Aladashvili, Mari Meskhi, Violeta Neubauer etc. *Reality: Women's Equal Rights and Equal Opportunities in Georgia*, Poligraph +: Tbilisi, 2006, 17.

³⁶ See Tamar Bagratia, *Elections of the Bodies of Local Self-Governance and Women's Participation*, Discussion Paper, Gender Development Association, September 2006.

³⁷ Levan Tarkhnishvili, *sakartvelo da tanamedrove ghirebulebebi* (Georgia and Contemporary Values), *kartuli sazogadoebis ghirebulebebi*, Open-Society Georgia Foundation, Tbilisi, 2006, 25.

few individuals in political circles acknowledge that “women bring their own style to politics and in some fields women’s voices are much more important and effective than that of men.”³⁸ Due to this male-dominated political culture, the potential of women is underused in the political life of the country.

The judicial branch of the government seems to be more promising: out of a total 270 judges, 120 or 44% are women.³⁹ Mikheil Saakashvili, in his article “Judicial Reform as a Mirror of Georgian Revolution”, written while he was justice minister in Shevardnadze’s government, proudly states: “It is noteworthy that in an environment of fair selection, women account for almost half of the new corps of judges. This is happening against the background of

“The majority of the population see men as better politicians than women.”

“...neither the pre- nor post-rose revolution governments in Georgia have understood the relevance of gender equality issues for the development of society.”

absolute patriarchal domination in the other branches of the government.”⁴⁰ This abstract clearly indicates the sensitivity of then-Minister Saakashvili to gender equality issues, at least in terms

of women’s participation in the government, and it is indeed surprising and unfortunate that this awareness has not been reflected in the human resource practices of the executive branch of the government during his presidency.

Thus, the analysis of the impact of Georgia’s transition to democracy on women allows us to conclude that both women and men have undergone hardships caused by economic crises and armed conflicts. However, women’s participation in the redistribution of power through their involvement in the legislative and executive branches of the government and economic life has been insignificant. Like many men who lacked access to information and social connections, the absolute majority of women have not gained access to any significant channels that would allow them to contribute to the democratization process of the country in significant ways.

³⁸ Interview with Davit Darchiashvili, Political Scientist, conducted on 29 January 2007.

³⁹ Lia Sanikidze, Tamar Pataridze, Irma Aladashvili, Mari Meskhi, Violeta Neubauer etc. Reality: Women’s Equal Rights and Equal Opportunities in Georgia, Polygraph +: Tbilisi, 2006, 17.

⁴⁰ Mikheil Saakashvili, “sasamartlo reforma, rogorc kartuli revolutsiis sarke” (Judicial Reform as the Mirror of Georgian Revolution), in Mikheil Saakashvili, gadamtsqveti brdzola sakartvelostvis (the Decisive Battle for Georgia), Tbilisi, 2001, 21.

GENDER EQUALITY ISSUES IN GEORGIA'S LAWS AND POLICIES

This paper attempts to argue that (i) gender equality issues have no priority on the governmental agenda, which (ii) hinders the full-fledged democratization processes of the country, as representatives of more than half of the population are not encouraged to engage actively in political life. This reality is problematic from the viewpoint of fair representation and indicates the inability of the ruling elites to meet the requirements of different groups that are marginalized from political processes, such as women and various minorities. National interests, the personalities of the leadership members, pressures from international and national actors and unforeseen man-made or natural developments all complicate the process of moulding the governmental agenda. According to the experts interviewed for this research, neither the pre- nor post-rose revolution governments in Georgia have understood the relevance of gender equality issues for the development of society. If at all sensitive to these issues, they have tended to consider them in the context of compliance with internationally acknowledged standards and principles. However, accession to various international human rights and gender equality legal and policy instruments is only the first step and cannot bring about positive change unless followed by relevant implementation at local levels.

One of the most recent assessments of the gender equality situation in the country, *The Reality – Women's Equal Rights and Equal Opportunities in Georgia*, concludes that “despite the fact that it is hard to observe any formal manifestation of gender discrimination in terms of laws and policies, gender equality is far from being achieved in Georgia.”⁴¹ The assessment outlines the lack of political will, traditional perceptions about gender roles and stereotypes and the low level of public awareness as the principal barriers to substantive gender equality. I also think that the confluence of these factors creates an environment favourable to gender equality problems being repeated and reinforced without being properly addressed and remedied.

A clear indicator of the lack of political will to address gender equality issues is the status of gender equality mechanisms and the dynamics surrounding the elaboration and implementation of gender equality policies in the country throughout 1991-2006. In this context, the driving forces for developments in the field of gender equality were the fact that the country joined CEDAW without reservations in 1994, a Georgian delegation partici-

⁴¹ Lia Sanikidze, Tamar Pataridze, Irma Aladashvili, Mari Meskhi, Violeta Neubauer etc. *Reality: Women's Equal Rights and Equal Opportunities in Georgia*, Poligraph +: Tbilisi, 2006, 8.

pated in the Fourth World Conference on Women and joined the Beijing Platform for Action in 1995, and the United Nations Development Programme launched the Women in Development project in 1997.

A large number of policy documents adopted in Georgia after 1995 do formally reflect the Beijing Platform for Action. On 20 February 1999, Order #20 of Georgian President Eduard Shevardnadze established the State Commission for the Elaboration of a State Policy for the Advancement of Women. The Order stated:

“Having signed the final document of the IV World Conference held in Beijing, the government of Georgia undertakes the obligation to implement the recommendations of the conference.

In order to support and improve the conditions of women in Georgia, it is necessary to elaborate state policy and strategy and draw up a plan of action.”

The discourse of the Order indicates the direct impact made by the Beijing Conference. As stipulated by the order, this intra-agency commission consisted of twenty-seven members (twenty-one women and six men). Rusudan Beridze, the deputy secretary of the National Security Council of Georgia at that time was the chair. Members of the commission were individuals occupying high positions such as the minister of environment, the deputy ministers of finance and education, the human rights ombudsman, representatives of local and international NGOs and the media. The commission had a hard time coordinating its meetings and relevant activities because the members were busy with their mainstream obligations, which did not include women’s issues. However, the commission did manage to elaborate a draft for Presidential Decree #511 (signed on 28 August 1999) “on Measures for Strengthening the Protection of Human Rights of Women” and a number of other policy documents which were strongly influenced by the Platform for Action.

Decree #511 clearly states that various state institutions should ensure the protection of women’s human rights in Georgia “in order to implement

“...the lack of political will, traditional perceptions about gender roles and stereotypes and the low level of public awareness as the principal barriers to substantive gender equality.”

the provisions of the Constitution of Georgia, international human rights documents, the Beijing Platform for Action and the recommendations of the Committee on the Elimination of Discrimination against Women”.⁴² Presidential Decree #511 has sixteen provi-

⁴² President Shevardnadze, Decree # 511, “On Measures for Strengthening the Protection of the Human Rights of Women”, 28 August 1999, 1.

sions and charges thirteen governmental bodies with different tasks concerning the advancement of women's rights and improvement of women's conditions in the country. The tasks are highly influenced by strategic objectives and actions addressing the critical areas of concern of the Beijing Platform for Action. For instance: the Ministry of Justice is ordered to carry out a gender analysis of Georgian legislation and make relevant suggestions about how to improve the existing legislation to meet international legal norms.

The Ministry of Agriculture was charged with developing special programmes for women in rural areas and paying special attention to the participation of women in ongoing agricultural programmes. The Ministry of Internal Affairs and the Prosecutor-General's Office "shall collect and process data on incidents of violence against women [and] shall ensure the registration of incidents of domestic violence and carry out special measures for exposing and eliminating such violence".⁴³ As one can judge from these examples, the range of issues covered by the decree was truly wide and addressed the needs of women. However, while the conceptual quality of state documents was satisfactory, their implementation was lacking. The deputy secretary of the National Security Council on Human Rights Issues was tasked with the coordination and control over the implementation of Decree #511.

Decree #511 assigned the above-mentioned State Commission to monitor the implementation of the National Plan of Action (NAP) for Improving Women's Conditions for 1998-2000 (approved earlier on 18 June 1998 by Presidential Decree #309. This NAP was extended by another presidential order, #1406, approved on 29 December 2000, until 2004. It was almost unaltered, as it had not been implemented). The NAP set forth seven priorities followed by relevant objectives, implementation strategies and timelines. The seven priorities of the NAP were again based on the Beijing Platform for Action - this gave it high conceptual value, but the special department on women's issues was not created and the equal participation of women and men in power structures has not been achieved, to say nothing of the fulfilment of the provision on "preventing the increase of poverty among women caused by the transition period, reducing women's unemployment caused by the transition period [or] involving women actively in all decision-making processes concerning armed conflicts".⁴⁴

On 25 February 2000, President Shevardnadze issued another Decree, #64, approving The Three Year Plan on Combating Violence against Women; it covered the years 2000-2004 and was a product of the work of the above-mentioned Commission for the Elaboration of the State Policy for Advance-

⁴³ Ibid, 1.

⁴⁴ National Plan of Action (NAP) for Improving Women's Conditions for 1998-2000, objectives for priorities 4 and 5.

ment of Women. The monitoring of the implementation of this plan has shown that 95% percent of it was not implemented.⁴⁵

The implementation of these policy documents was either missing completely or was of a very low quality. According to the second governmental report submitted to the Committee on the Elimination of Discrimination against Women, the Ministry of Justice, as assigned by Decree # 511, undertook a gender analysis of national legislation and stated that in the current legislation of Georgia “there are no provisions stipulating discrimination against women”.⁴⁶ However, at that time no effective legal norms existed to combat domestic violence or to address issues of sexual harassment at the work place (especially hostile work-environment); a special law on human trafficking or on gender equality was not given any consideration by the analysis.

The review of policy documents and their implementation during Shevardnadze’s administration indicates formal and not substantive policy-making around gender equality issues. These institutional arrangements and NAPs were put forward for the sake of political correctness without sufficient financial and human resources to ensure their implementation. Political will to address women’s issues and mainstream gender into state’s policy-making was declaratory and not actual. The only positive impact of these developments, as outlined by Charita Jashi, an expert in gender and economics and coordinator of UNDP’s Women and Development Project throughout 1998-2002⁴⁷, lies in the fact that the state structures and society at large started to hear and hopefully think more about women’s rights and gender equality concerns.⁴⁸

Overall, the fact that the governments of newly independent states of the Soviet Union ratify major human rights, including women’s rights documents, as part of their efforts to integrate with the international community is a positive challenge. It is a challenge, as ratification needs to be followed by harmonization of international legal provisions in local legislation and, more importantly, the implementation of these provisions. On 22 September 1994, by the decree of the Georgian parliament, the country joined CEDAW without reservations. It came into force on 25 November 1994. This event gave a green light to women’s rights activists, women’s NGOs, and legislators to further protect and raise awareness about women’s rights and create a firm groundwork for women’s development and self-realization. Below I will briefly examine to just what extent the legal status of women in Georgia

⁴⁵ Women’s Advice Centre “Sakhli”, Monitoring of the Plan of Action for Combating Violence against Women, Oxfam GB, Tbilisi, 2004.

⁴⁶ The Second Report of Georgia to the Committee on the Elimination of Discrimination against Women, 9.

⁴⁷ The first phase of UNDP’s project was called “Women and Development” (1997-98) and the second phase “Gender and Development” (1999-2002).

⁴⁸ Interview with Charita Jashi, expert in gender and economics, conducted on 22 January 2007.

complies with the requirements of the Convention. The analysis is based on a comparison of governmental reports with the shadow reports of Georgian NGOs submitted to the Committee on the Elimination of Discrimination against Women (CEDAW).

According to Georgian legislation, women have equal rights with men in terms of access to education and healthcare. Also with respect to the legal capacity to conclude contracts, manage and inherit property, legislation treats both sexes equally in all stages of procedure in courts and/or tribunals. However, despite the equality of the sexes before the law, traditions and the lack of women's awareness of their rights still give men priority. The initial report of the government submitted to the CEDAW Committee admits: "[i]n spite of the non-discriminatory provisions that exist in Georgian legislation, the asymmetry of men's and women's social roles, with the prevalence of the male principle, persists especially in daily life".⁴⁹ The NGO report in relation to de jure and de facto inheritance rights states that despite legal equality, "by tradition women are considered as secondary heirs. In practice, women have fewer rights than men in the division of inherited property".⁵⁰

"Political will to address women's issues and mainstream gender into state's policy-making was declaratory and not actual."

The paradox that we are witnessing in these cases is the ineffectiveness of more or less advanced legislation in comparison with customary law. Although the convention encourages states to regulate discriminatory customs and traditions, the elimination of traditional forms of discrimination against women requires more than legislative efforts. To analyze this situation further we may borrow the logic of R. J. Vincent about what happens to human rights if they are not enforced. He refers to Jack Donnelly, who introduced the notion of "the possession-paradox",⁵¹ which is when one's car is stolen but one still has ownership rights on the car. Vincent points out that it is "characteristic of human rights ... to have a right to something without the right being enforced".⁵² We have a similar situation in relation to legal and actual equality of men and women in Georgia, in many fields, they are legally equal to men but the data depict a different reality.

The Georgian Constitution is the supreme legislative document of the country. It was adopted in August 1995, when the country was already part of

⁴⁹ Consideration of Initial Report Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Article 5, paragraph 33.

⁵⁰ Report of Non-governmental Organizations on the Status of Women in the Republic of Georgia under CEDAW Articles, 6.

⁵¹ R. J. Vincent, *Human Rights and International Relations*, Cambridge University Press: Cambridge, 1986, 10, citing Jack Donnelly, *The Concept of Human Rights*, 16-17.

⁵² Vincent, 10.

the convention. According to Article 6, Paragraph 2 of the Constitution, “The legislation of Georgia is in compliance 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”. However, international law cannot be exercised directly in a country if it is not manifested in that country’s legislation. With this in mind, let us look at how the provisions of the Women’s Convention were reflected in Georgian legislation.

The embodiment of the principle of equality of men and women in national constitutions is the first requirement of the Convention (Part I, Article 2, paragraph (a)). In the Constitution of Georgia, we find article 14, which states: “Everyone is born free and is equal before the law, regardless of race, skin colour, language, sex, religion, political and other beliefs, national, ethnic and social origin, property and title of nobility or place of residence”. Here “sex” is listed among other variables upon which a person cannot be discriminated against before the law. There is no special mention of men and women having equal rights and fundamental freedoms; the Georgian Constitution uses “person”, “citizen” or “individual” for both sexes, for instance in Article 18, Paragraph 1: “The freedom of a person is inviolable”. In the document legislators put “person”, “citizen” or “individual” as an embodiment of both sexes, with

“...despite the equality of the sexes before the law, traditions and the lack of women’s awareness of their rights still give men priority.”

the indication that there is no need to differentiate citizens based on their sex. However, we know from the history of legal thought that mostly men have been considered

as subjects of law and sometimes it is more helpful to state “women and men” instead of inclusive names, such as “citizen”, “individual” and “person”.⁵³

In the Constitution, women are mentioned only twice; in article 30, paragraph 4: “the working conditions of minors and women are determined by the law”. This mention of women together with minors which underlines the need for the state protection of their labour rights by special legislation indicates that although it is not explicitly stated, the creators of the Constitution acknowledge that women, like minors, need special protection. The second mention of women – though only as spouses and mothers – comes in Article 36, which states that: “marriage is based upon the equality of rights and free will of spouses” and below, Paragraph 3 states: “the rights of mothers and children are protected by law”. Here for the second time women are

⁵³ None of the following historical documents were referring to women explicitly, but to men: Declaration of the Rights of Men and of the Citizen (Approved by the National Assembly of France, August 26, 1789); Virginia Declaration of Rights (drafted by George Mason and adopted unanimously on June 12, 1776 by Virginia Convention of Delegates); The US Declaration of Independence (July 4, 1776); The US Bill of Rights (ratified on December 15, 1791).

mentioned along with minors as needing state protection. This is the second indication that although there is no particular attention paid to equality between the sexes, as if it is implied, women, like children, need special protection - in other words, according to the Constitution, the state becomes the guarantor for equality among men, women, and children in these two fields. These are clear examples of how paternalist attitudes are articulated in the country's supreme legal document. The content and style of these two references to women also indicates that although no direct emphasis is put on the issue of equality of the sexes, the problem of inequality exists.

Analyzing and comparing the Report of Non-governmental Organizations on the Status of Women in the Republic of Georgia under CEDAW Articles with the Initial Report of States Parties, one notices an inconsistency in the information concerning the protection of equality. The NGO report states that despite the above-mentioned Article 14 of the Constitution, "there are no specific laws that will prohibit discrimination against women on the basis of sex and marital status". Contrary to this statement, the Initial Government Report states that the criminal code "establishes sanctions for acts that violate the equality of citizens; such sanctions take the form of a fine or imprisonment for a period of up to two years. If a crime of this nature involved the abuse of one's official position, or if it had serious consequences, it is punishable by imprisonment for a period of up to three years; in such cases, the person found guilty may be deprived of the right to hold a specific post for a period of up to five years".

This inconsistency between the two reports is not accidental: it is one thing to have such a provision in the Criminal Code⁵⁴ and another to implement it. The fact that such an article exists is already a positive development, but, as is often the case in Georgia, the problem is not the lack of legislation but the lack of its implementation. If we could determine the number of cases brought before the court under this article, we could see more clearly that in such cases legislation remains firmly on paper and is rarely put into practice. This is partly due to the lack of people's awareness of their rights and partly because of the widespread syndrome of impunity, especially during Shevardnadze's administration. Citizens felt they could get away with their wrongdoings with the help of corruption; and this feeling was stronger if the person enjoyed a high position on the official ladder of government or business, or simply if a person was "well connected" with people in high places.

"...paternalist attitudes are articulated in the country's supreme legal document."

⁵⁴ Criminal Code of Georgia, CHAPTER XIII, Crime Against Human Rights and Freedoms, Article 142. Violation of Equality of Humans.

Another requirement of the Women's Convention to the states parties is stated in Article 2, Paragraph (f): "[States should] take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women". One example of how the state can regulate such customs and practices was Article 134 of the previous Criminal Code, which criminalized the old tradition of bride kidnapping. According to the tradition a man with the intention of marriage kidnaps a woman; "This crime limits woman's freedom to choose whom to marry. Such an action as kidnapping already implies an act of violence, either physical, sexual or psychological".⁵⁵ Bride kidnapping has become less popular in the past decade due to general decrease in marriages, which in turn is a consequence of the difficult economic conditions. Maybe this serves as an explanation for the fact that there is no mention of kidnapping with the intention of marrying in the current Criminal Code. One only

"Despite the fact that bride kidnapping was punishable under Soviet legislation, the majority of cases still ended in marriage registration bureaus rather than courts."

finds article 144, which defines kidnapping as "hostage-taking which is aimed at coercing an organization or a person to carry out or not carry out this or that action by setting a condition for the re-

lease of the hostage", and lists aggravating circumstances. There is no mention of intention to marry. Despite the fact that bride kidnapping was punishable under Soviet legislation, the majority of cases still ended in marriage registration bureaus rather than courts. In some cases this was because the women wanted to marry the kidnapper and others because a woman's reputation was considered tarnished after she was kidnapped.

"Public opinion makes its point - many people consider that return of the kidnapped woman to her family is as compromising for the latter as much as for the former".⁵⁶ To make the situation more understandable I have to mention that in Georgia the demand for women's virginal purity at marriage is still strong, so when a kidnapping does not end in marriage, it casts a shadow on the woman's reputation no matter whether she had any sexual relations with the kidnapper or not. This is the case when de jure protection of women's rights is de facto ineffective due to strong cultural institutions. The demand for virginal purity at marriage and this moral double standard is a product of the male-dominated society that violates the principles of women's freedom and equality. These cultural issues are not regulated effectively by the state

⁵⁵ Khatuna Madurashvili, "Women's Rights and their Protection by Georgian Criminal and Labour Legislation", Almanakhi, GYLA, 1998, 31.

⁵⁶ Lali Kipshidze, "Family Violence and Social Problems of Women", Almanakhi, GYLA, 1998, 21.

because they are not considered acute by the political decision-makers and are not spoken about by individual women or women's groups.

“...de jure protection of women's rights is de facto ineffective due to strong cultural institutions.”

The rose revolution of 23 November 2003 resulted in a change of the government. The new government, under the leadership of President Saakashvili, declared its readiness and eagerness to strengthen the democratization process of the country. And several significant steps were made in this direction. Namely, the totalitarian regime of Aslan Abashidze in the Adjara Autonomous Republic was replaced by more democratic forces and the fight against corruption in government as well as crime in general was launched with a new force. Despite some positive developments, much remains to be achieved and gender equality is one of the topics that still need to be successfully integrated into state's policy agenda.

The year 2006 was noteworthy from the perspective of the adoption of gender-sensitive legislation: the parliament adopted laws against trafficking in human beings⁵⁷ and domestic violence.⁵⁸ The government adopted the Action Plan to Combat Human Trafficking again in 2006, the draft Plan of Action on Domestic Violence has been waiting for approval for over four months. Given the resistance of the government to reviewing the Plan of Action on Domestic Violence, as well as the ironic attitude and cynicism demonstrated by the majority of the male MPs during the plenary hearings of the domestic violence law, it can be argued that the decision-makers subscribe to these legal and policy instruments more for the sake of political correctness than an actual acknowledgement of their necessity. Unfortunately, it can also be argued that in the longer run “the effective implementation of these laws will not be ensured as long as adequate finances are not secured for these purposes.”⁵⁹

After the rose revolution, the Commission for the Elaboration of the State Policy for Advancement of Women ceased to exist. An ad hoc working group for developing recommendations on the creation of an efficient institutional mechanism for gender equality was created on 30 August 2004 by the decree of the State Minister of Georgia on European and Euro-Atlantic Integration. On 28 June 2005 by Decree #109 of the government of Georgia, the new Governmental Commission for Gender Equality (GCGE) with a temporary mandate was established. With the support of the UNDP, by

⁵⁷ Law of Georgia on Combating Human Trafficking, 2006.

⁵⁸ Law of Georgia on Elimination of Domestic Violence, Protection of Victims of Domestic Violence and Providing them with Assistance, 2006.

⁵⁹ Lia Sanikidze, Tamar Pataridze, Irma Aladashvili, Mari Meskhi, Violeta Neubauer etc. Reality: Women's Equal Rights and Equal Opportunities in Georgia, Poligraph +: Tbilisi, 2006, 12.

Decree #105/3 of the parliament speaker of 27 October 2004, the Gender Equality Advisory Council under the Parliament Speaker was established. It will exist for the remainder of the term of the current convocation of parliament. Scholars wrote already in 2006 that “financial support rendered by

“...financial support rendered by donor organizations plays an instrumental role...”

donor organizations plays an instrumental role in the sustainable functioning of both institutional structures.⁶⁰

Their sustainable long-term existence is not ensured by relevant normative acts.”⁶¹ Both GCGE and the Council include representatives of women’s movement of the country. The GCGE was established for the period of one year with the task to elaborate a national concept and plan of action for gender equality - a task that the GCGE accomplished in partnership with the Council. In February 2006, the GCGE and the Council established a joint working group that received financial and technical support from UN agencies (UNIFEM, UNDP and UNFPA). The working group comprised of the nominees from the GCGE and the Council and included representatives of NGOs working on women’s issues, representatives of the executive and legislative branches of the government, as well as of the Office of the Human Rights Ombudsman.⁶² After a series of working meetings and broader consultations with civil society, governmental structures and development organizations, the working group put together a package entitled the Gender Equality Strategy of Georgia (GES). The GES comprised of three interlinked documents - 1. the State Concept on Gender Equality (adopted by the Parliament in July 2006), 2. a three-year plan of action for the implementation of the concept and 3. recommendations to the legislative and executive branches of government for the adoption of permanent gender equality mechanisms to monitor and coordinate gender equality issues. The elaboration of the GES focused very much on inter-governmental and civil society dialogue, which are not so frequent in today’s Georgia.⁶³

⁶⁰ United Nations Development Fund for Women (UNIFEM), United Nations Development Program (UNDP), and United Nations Population Fund (UNFPA) provide technical and financial support to the state structures.

⁶¹ Lia Sanikidze, Tamar Pataridze, Irma Aladashvili, Mari Meskhi, Violeta Neubauer etc. Reality: Women’s Equal Rights and Equal Opportunities in Georgia, Poligraph +: Tbilisi, 2006, 9.

⁶² The Centre for Women’s Rights was established in the Office of the Human Rights Ombudsman of Georgia in January 2002. Its aims included the protection of women’s rights, promoting equality between women and men and supporting women’s participation in the political, socioeconomic and cultural life of the country. The complaints received by the centre concerned cases of domestic violence, human trafficking, abductions with the purpose of marriage, rape and sexual violence. Since 2004, due to restructuring at the Ombudsman’s Office, gender equality issues are addressed by the Department of Equality and Freedom instead of the previously existing Centre for the Protection of Women’s Rights.

⁶³ More on the process of GES elaboration can be seen in Answers to the Issues and Questions with regard to the Consideration of a Periodic Report of Georgia, pre-session working group, 36th session, 7-25 August 2006.

In July 2006, the Parliament of Georgia adopted the State Concept on Gender Equality, a political statement of will that introduces definitions for “gender”, “gender equality”, “direct and indirect discrimination”, “gender mainstreaming” and other important terms based on CEDAW and Council of Europe definitions. The concept does not have legal force, but since it was approved by parliament, it should be regarded as a document setting a policy framework for the executive branch of the government. Parliament Speaker Nino Burjanadze tasked the government of Georgia with adopting a plan of action for the implementation of the State Concept on Gender Equality by January 2007, which has not happened as of now (February 2007).

The final decision to disband the GCGE was made by the government of Georgia at the end of 2006. Responsibility for coordinating gender equality issues in the executive branch of the government was transferred to the Office of State Minister for Reforms Coordination Kakha Bendukidze upon his request. Prior to the abolition of the GCGE, its chair, Ms Tamar Beruchashvili, who at the same time serves as deputy state minister for European and Euro-Atlantic integration, presented the draft of the three-year national action plan (NAP) on the implementation of the State Concept on Gender Equality to the cabinet of ministers in September 2006.

The government reviewed the draft NAP and tasked the Office of the State Minister for Reforms Coordination with further elaborating it, again on the request of Minister Bendukidze. With this decision, the bulk of recommendations provided in the third document of GES – recommendations on the establishment of a permanent gender equality mechanism have been ignored, as has the adoption of the draft NAP postponed for an indefinite period of time.⁶⁴

“...for the time being there exists no mechanism on gender equality issues in the executive branch of the government...”

Thus, one can conclude that for the time being there exists no mechanism on gender equality issues in the executive branch of the government responsible for policy-making and coordination in this field.

At the September 2000 Millennium Summit in New York, Georgia was among 191 countries of the world that committed itself to reaching the Millennium Development Goals (MDG) by the year 2015. The eight identified MDG have been adjusted to the Georgian context and relevant targets have been elaborated for each goal. In spring 2004, the Government of Georgia, with the support of the UNDP, published the first national report Millennium Development Goals in Georgia, which according to then-Prime Minister Zurab Zhvania, clearly defined “the directions that the development

⁶⁴ This argument is based on the analysis of interviews with experts in the field of gender equality and author’s personal observations of the absence of any significant developments in the executive branch of the government in the field of gender equality.

policy of the country should take".⁶⁵ The report adjusts global Goals and Targets to local priorities and needs, providing indicators for measuring progress towards their achievement. The report suggests country-specific indicators in the fields of poverty elimination, education, gender equality, healthcare and the environment. Representatives of women's groups took part in the five working groups set up by the government for the preparation of the above-mentioned report. As a result of this participation, and also due to the fact that the global MDG framework provided the opportunity to pay special attention to gender equality issues, according to MDG 3 the Georgian government undertook responsibility to a) ensure gender equality in employment and b) ensure equal access of women and men to activities in the political domain and at all levels of management.⁶⁶ These two targets are to be met by 2015. So far, no significant progress towards their implementation can be perceived.

The Georgian government finalized its Poverty Reduction Strategy Paper (PRSP) - the Economic Development and Poverty Reduction Programme of Georgia (EDPRP) in 2003. In theory, the EDPRP was to have served as a roadmap for the achievement of the MDG. However, in practice the EDPRP predated the MDG endorsing report and later on no tangible links were established between the two documents. What is even more problematic is that the government of Georgia has so far not demonstrated substantive commitment to and ownership of the EDPRP.⁶⁷ The Georgian PRSP document represents a description of gender factors that the programme aims to address. However, this has not been reflected in the actual state programmes that were to be implemented in the frames of the EDPRP. If the existing low gender sensitivity and resistance to gender equality agenda of public servants is not overcome and gender is not emphatically put on the agenda of policy and decision makers, there is sufficient grounds to suppose that neither PRSP priorities in this respect nor Georgia's adjusted Goal 3 and its Targets will be achieved by 2015, not to mention the possibility of mainstreaming and receiving satisfactory data on sex-disaggregated indicators of other MDG.

Interesting dynamics occurred also in relation to the process of developing the European Neighbourhood Policy (ENP) Action Plan from the viewpoint of participation of civil society, especially gender equality advocates.

⁶⁵ Government of Georgia, UNDP, Millennium Development Goals in Georgia, Tbilisi, 2004, 2.

⁶⁶ Government of Georgia, Millennium Development Goals in Georgia, Report of Implementation 2004-2005, Tbilisi, 2006, 6.

⁶⁷ The initial EDPRP was prepared by Shevardnadze's administration. Therefore, the post Rose Revolution government felt alien to the Program. It is my observation, based on my work as Policy and Program Officer at Oxfam GB responsible for awareness raising on MDG and overall institutional accountability that even basic awareness about EDPRP and MDG among the state officials is lacking.

In Georgia, the Ministry of Foreign Affairs and the Office of the State Minister for European and Euro-Atlantic Integration coordinated the elaboration of the ENP Action Plan. With the support of the Open Society Georgia Foundation, the Heinrich Böll Foundation and the Eurasia Foundation, about 60 NGOs took part in different working groups throughout 2005-2006 to draw up a package of recommendations on the ENP Action Plan. The working groups “elaborated concrete recommendations for reforms in areas such as the rule of law, good governance, regional cooperation, economic development, social development and environmental security.”⁶⁸ According to gender equality advocate Shorena Dzotsenidze, who was involved in this process, very few of the 60 NGOs worked on gender equality issues or demonstrated gender sensitivity. Shorena Dzotsenidze recalled that it was very hard to lobby gender equality priorities on the working group level, as other civil society representatives did not regard them as important or urgent enough.⁶⁹ The weak women’s NGO representation in the process can be explained by the fact that most women’s NGOs are not aware of ENP-related processes, which in turn is indicative of their marginal location in the mainstream NGO community. Unfortunately, not even the minor recommendations that women’s rights advocates managed to lobby at the civil society working group level were reflected in the final governmental ENP Action Plan.

The experience of the Georgian government with regard to development policies (e.g. the EDPRP) has also delineated the lack of its institutional and legal capacity

“The weak women’s NGO representation in the process can be explained by the fact that most women’s NGOs are not aware of ENP-related processes, which in turn is indicative of their marginal location in the mainstream NGO community.”

to ensure coherence in the state’s policy agenda and implementation of the agreed policies. In addition, the whole process of policy-making has traditionally been more prescriptive and less participatory. Therefore, unless clear normative and institutional measures are taken to manage⁷⁰ development programmes and overall state policy, Georgia will not be in a position to achieve the MDG or successfully implement the ENP Action Plan, especially in such cross-cutting fields as gender equality.

⁶⁸ Eurasia Foundation Georgia Office, available on line at: <<http://www.eurasia.org.ge/page.cgi?csinfo=15>> last visit 15 February 2007.

⁶⁹ Interview with Shorena Dzotsenidze, Gender Equality Advocate, Conducted on 15 February 2007.

⁷⁰ Under management of state programs we mean 1) analysis, 2) formulation, 3) implementation, and 4) performance mon07.

DEMOCRATIZATION, GENDER AND CIVIL SOCIETY

As many respondents interviewed for this research outline, the lack of opportunities and space for the development of civil society characteristic to the Soviet Union preconditioned many of the weaknesses of different interest groups and civil society in general in the post-Soviet period.⁷¹ Fears associated with the freedom of speech and expression, strong state control over public and private lives and the general degeneration of opportunities for dialogue between the government and the governed deprived the citizens of the Soviet Union of a tradition of civic activism.

With independence, the immediate survival needs rose so strongly that the majority of the population found neither the strength nor the desire to gain necessary skills and mobilize in order to uphold new values and principles. According to Giga Zedania, a researcher working on the values and value orientations of Georgian society, the absolute majority of the 1,100 individuals surveyed prioritize physical and economic security over post-materialistic value-orientations such as democratic inclusion and other liberal values.⁷² Zedania sees a clear link between the value orientations of a society and the emergence of civic political culture. The emergence of the latter depends on a “transformation from a democracy ruled by elites to a stable mass democracy. . . industrialization and urbanization support the formation of diverse political parties and trade unions that finally cause a society to develop more active forms of the public’s inclusion in political decision-making.”⁷³ This development forecast is well grounded, but due to coexistence and the influence of various factors, no transformation process can be either linear or highly predictable.

The same research presented an interesting picture with regard to Georgian society’s attitudes towards the Orthodox Church: 81.2% of the respondents consider themselves religious but only 17% attend religious services at least once a week, while only 13% read religious literature. More than

“The emergence of civic political culture depends on a transformation from a democracy ruled by elites to a stable mass democracy.”

⁷¹ Interviews with Nana Sumbadze, Gia Takhan-Mouravi, Nino Tsikhistavi, Davit Darchiashvili. See Stephen F. Jones, “Democracy from Below? Interest Groups in Georgian Society”, *Slavic Review*, Vol 59, N1, (Spring 2000), Jonathan Wheatley, *Georgia from National Awakening to Rose Revolution*, Ashgate: Aldershot, 2005.

⁷² Giga Zedania, “ghirebulebebis sistemuri da shedarebiti kvleva”, (Systemic and Comparative Research of Values), *kartuli sazogadoebis ghirebulebebi*, Open-Society Georgia Foundation, Tbilisi, 2006, 13.

⁷³ *Ibid*, 14.

half of the respondents do not think that the family has a role to play in the religious upbringing of children. A small group of the respondents believes that the Orthodox Church provides adequate responses to the social and economic challenges that they face.⁷⁴ According to one of the researchers of the above-mentioned study, Levan Tarkhnishvili, "It can be concluded that religion and the Church in Georgia are upholders of traditional values; the Church is more a traditional rather than up-to-date civil institution."⁷⁵

One can also conclude that the values of Georgian society represent an amalgam of traditional religious and secular/rational values; and it is not yet clear which of the two orientations will prevail in the longer term.⁷⁶ For the time being, Georgia remains a country ruled by political elites while the values and principles of a liberal democracy have not been internalized by the majority of the population. In this context, the lack of effectiveness of civil society in general and of women's groups in particular becomes understandable.

Stephen Jones does not mention women when he speaks about the different types of interest groups in Georgia that emerged only in the late 1990s (industrialists, journalists, blue-collar workers, ethnic groups, etc.). Either the author could not recognize them as such or decided to omit them due to their limited influence.⁷⁷ Jones rephrases some of the arguments voiced in the paragraph above while naming factors that have hindered the development of strong interest groups in Georgia; "the absence of clear social cleavages, a limited consciousness of common interests, organizational inexperience, the existence of more traditional loyalties to kin and patrons, and ignorance of new laws."⁷⁸ I think that the confluence of these factors, along with the state of the country's democratization - which remains highly controlled by the ruling elites, have made civic mobilization and activism insignificant.

Many representatives of civil society that were especially active and popular during the rose revolution days joined either the government or the opposition after Shevardnadze resigned and new parliamentary and presidential elections were held. Due to these developments, a crisis caused by the "depopulation" of civil society has become highly noticeable. The governmental report Georgia's Democratic Transformation: An Update since the Rose Revo-

⁷⁴ Levan Tarkhnishvili, "sakartvelo da tanamedrove ghirebulebebi" (Georgia and Contemporary Values), kartuli sazogadoebis ghirebulebebi, Open-Society Georgia Foundation, Tbilisi, 2006, 20-21.

⁷⁵ Ibid, 21.

⁷⁶ See Open-Society Georgia Foundation, kartuli sazogadoebis ghirebulebebi: angarishebi, analizi, rekomendaciebi #7, Tbilisi, 2006.

⁷⁷ "In 1992, a survey by the National Democratic Institute for International Affairs concluded that there were no NGOs in Georgia. By the summer of 1997, more than 3,000 NGOs were registered. Only a few hundred of those are active." Stephen F. Jones, "Democracy from Below? Interest Groups in Georgian Society", *Slavic Review*, Vol 59, N1, (Spring 2000), 68.

⁷⁸ Stephen F. Jones, "Democracy from Below? Interest Groups in Georgian Society", *Slavic Review*, Vol 59, N1, (Spring 2000), 45.

lution argues that “Georgia’s civil society is actively participating in the country’s various reform and monitoring processes.”⁷⁹ The report mentions that the president granted 21 representatives of civil society access Georgia’s prisons and that consultative advisory boards consisting of civil society members have been created to monitor the work of public institutions.⁸⁰

However, it has been the impression of the majority of respondents that these measures of the government to enhance dialogue with civil society

“...the values of Georgian society represent an amalgam of traditional religious and secular/rational values; and it is not yet clear which of the two orientations will prevail in the longer term.”

are formal and highly selective rather than substantive and open. The interviewees stressed that although civil society had its momentum during the rose revolution, recently it has sunk into oblivion. Against this general background, NGOs that work on women’s rights are viewed as marginal groups that only achieve success in particular areas (for instance domestic violence) rather than becoming strong players in Georgian civil society.⁸¹

I would like to label the unity of the non-governmental organizations (NGOs) working on women’s issues as women’s movements of Georgia, but I do acknowledge that several decisive factors which tend to determine social movements, such as consolidated action and solidarity, cannot be perceived in this case. Thus, the term “women’s movements” is applied to mark different fragmented forms of activism of non-governmental organizations that employ predominantly women and declare that they are working on women’s issues. Regarding the timeframe, the development of women’s NGOs⁸² coincides with the Beijing conference and launching of the Women in Development project by the UNDP in 1997. By 2000, the number of women’s NGOs already exceeded 70⁸³. At present there are over 200 registered women’s NGOs, though not more than 80 of them are active and functioning.⁸⁴

According to the Initial State Report submitted to the Committee for the Elimination of Discrimination against Women in 1998, at that time the ma-

⁷⁹ Government of Georgia, *Georgia’s Democratic Transformation: an Update since the Rose Revolution*, January 2007, 58.

⁸⁰ *Ibid.*, 58.

⁸¹ Interview with Gia Zhorzholiani, Political Scientist, conducted on 22 January 2007; Interview with Nana Sumbadze, Researcher, Institute for Policy Studies (IPS), conducted on 15 January 2007; Interview with Lela Gaprindashvili, Researcher in Cultural and Gender Studies, conducted on 15 January 2007; Interview with Gia Tarkhan Mouravi, Researcher, Institute for Policy Studies (IPS), conducted on 17 January 2007.

⁸² Under women’s NGOs here I mean NGOs that declare to be working on women’s issues and predominantly employ women.

⁸³ International Helsinki Federation for Human Rights, *Women 2000: An Investigation into the Status of Women’s Rights in Central and South-Eastern Europe and the Newly Independent States*, 2000, 182.

⁸⁴ Data of NGO Women’s Information Centre.

jority of women's NGOs were involved in "charity, job placement, cultural and educational work, [and there were] no exclusively feminist organizations in Georgia."⁸⁵ The initial shadow report in on this issue outlines that although the main interests of women's NGOs' activities are related to the economic and social fields, the number of NGOs working on feminist issues is also increasing.⁸⁶ Thus the report drew a line between NGOs comprised of women but not working for women's empowerment and gender equality and NGOs comprised of women and working on feminist issues. Resistance to being called "feminist" is still strong among the NGOs that have clearly feminist agendas; such NGOs outnumber the NGOs comprised only of women and not working on women's issues.

"...although civil society had its momentum during the rose revolution, recently it has sunk into oblivion."

"The isolation of women belonging to ethnic minorities is stronger than that of ethnic Georgian women..."

In 1998, the NGO International Centre of Civic Culture (ICCC) studied thirty-seven women's NGOs, looking at the period of their functioning, membership size, scope of

activities and attitude towards the term feminism/feminist. The study revealed that there were only six women's NGOs created from 1991 through 1994, but about twenty-five women's non-governmental organizations were established in 1994-1998. The reasons for this increase may be attributed to the fact that on the one hand the country joined CEDAW in 1994 and became more involved in the international processes in relation to women's rights and gender equality and on the other hand, more and more multilateral and bilateral donors began to enter the country or shift the focus of their programmes from humanitarian assistance to development work, creating an attractive environment for the emergence of NGOs working on gender equality.

The absolute majority of the organizations researched showed antagonism towards the term "feminism" and did not identify themselves as feminist. According to the ICCC, women's membership in those thirty-seven NGOs totalled 27,000, with the majority of the members concentrated in eight big NGOs: the Women's Council of Georgia (about 10,000 members), Women for Peace and Life (5,000 members), the Soldiers' Memory Foundation (4,500 members), White Scarf (4,000 members), Georgian Women for Elections (2,500 members), the Tbilisi Women's Council (2,000 members), the Association of Women with Large Families (1,500 members) and the International Association of

⁸⁵ Consideration of Initial Report Submitted by States Parties under Article 18 of the Convention on the Elimination of All forms of Discrimination against Women, paragraph 15.

⁸⁶ Report of Non-governmental Organizations on the Status of Women in the Republic of Georgia under CEDAW Articles, 3.

Georgian Widows (1,500 members). The membership of the remaining twenty-nine NGOs averaged sixty-five members.⁸⁷ The study also revealed that there was a big difference between the number of active members and total membership; the number of active members in the thirty-seven NGOs altogether totalled 711 out of 27,000, which is 3% of the total.

The Women's Council of Georgia is the Georgian heir to the only former Soviet Union-wide women's organization, which was established in 1948. Because it was the only women's organization for decades, its membership remains the largest but the most passive. Women for Peace and Life was headed by the then first lady, Nanuli Shevardnadze. It united mainly wives of the political elite and their friends and was financially the most powerful women's organization. At present no single women's NGO can be named as the most influential, either politically or in terms of membership. The majority of NGOs are concentrated in the capital, Tbilisi, where access to information and opportunities has been the best in the country. Only a few NGOs have been set up in the regions of Georgia.

This applies especially to regions with a high percentage of national minorities. The isolation of women belonging to ethnic minorities is stronger than that of ethnic Georgian women,

“...more and more multilateral and bilateral donors began to enter the country or shift the focus of their programmes from humanitarian assistance to development work, creating an attractive environment for the emergence of NGOs working on gender equality.”

even though women from both sub-groups experience diverse and often similar forms of gender-based discrimination. Ethnic minority women are detached from public life due to the fact that they – even more than the men of their respective groups – tend not to speak Georgian and often, not even Russian. Naturally, neither ethnic and religious majorities, nor women belonging to ethnic or religious minorities form homogenous groups. Apart from ethnicity and age, economic and social positioning or other class affiliation of these women and their families also have an impact on the level of their emancipation.

The low level of the country's democratization in the wider meaning of the process is obvious also from society's widespread antagonism and aggression towards sexual minorities. Of the 1,100 respondents interviewed for the values and value orientations study, 79.2% said they did not want to have a homosexual neighbour. Homosexuals are the least tolerated groups of the society followed by drug addicts and alcoholics (77.5% and 64.5% of

⁸⁷ International Centre of Civic Culture, on-line at: <http://www.osgf.ge/iccc/> last visit - 10 January 2002.

respondents refused to live next door to a drug addict or an alcoholic, respectively).⁸⁸ The first lesbian, gay, bisexual and transsexual (LGBT) magazine *Me ("I")* was published in 2006 by the Inclusive Foundation, an NGO that was founded the same year. The establishment of the foundation and the periodical are the very first steps in the emerging LGBT movement in Georgia. In the longer run the progress of the democratization of the country and the level of its openness will depend in large part on the society's acceptance of individual rights and freedoms, among them freedoms in the area of sexuality.

In 1998, Horizonti Foundation undertook an assessment of the needs of women's NGO's in Georgia, Armenia and Azerbaijan through organizing two-day workshops in the capitals of these countries. In Tbilisi, Georgia, twenty-two women's NGOs participated in the workshop (twenty NGOs from the capital and two NGOs from the regions). During the workshop, the NGOs identified the problems influencing the effectiveness and development of their activities, described the form and structure of their organizations and identified common grounds for future cooperation in order to improve women's conditions in Georgia as well as in Armenia and Azerbaijan.⁸⁹ Among the factors hindering their activities, representatives of Georgian women's NGOs particularly outlined the frequent changes of national legislation which require re-registration of their organizations and cost them significant amounts of money.⁹⁰ Apart from this, the NGOs have not experienced significant problems with regard to registration in Georgia.

The experts interviewed for this study named a lack of consistent support and scarcity of resources as one of the major causes of the ineffectiveness of women's NGOs. The fact that many donors working in the field of gender equality prioritize short-lived projects and do not support the infrastructural and administrative development of NGOs undermines their work results.⁹¹ Gender equality advocate Nino Tsikhistavi thinks that "in each concrete case donor organizations have made a big positive impact, but the role of the donor community in general in the field of gender equality has not been all that positive because unhealthy competition among donors for areas of work and resources has created unhealthy competition among the NGOs."⁹² The overall scarcity of resources in this field strengthens this

⁸⁸ Levan Tarkhnishvili, *sakartvelo da tanamedrove ghirebulebebi (Georgia and Contemporary Values)*, kartuli sazogadoebis ghirebulebebi, Open-Society Georgia Foundation, Tbilisi, 2006, 25, Table 17, 72.

⁸⁹ Horizonti Foundation, *Needs' Assessment of Caucasian Women's NGOs: June-September 1998*, 2.

⁹⁰ Horizonti Foundation, 12.

⁹¹ Interviews with Mari Meskhi, Lawyer and gender equality expert conducted on 16 January 2007. Interview with Charita Jashi, expert in gender and economics, conducted on 22 January 2007. Interview with Nino Tsikhistavi, Expert in the field of gender equality, conducted on 22 January 2007, and interview with Lela Gaprindashvili, Researcher in Cultural and Gender Studies conducted on 15 January 2007.

⁹² Interview with Nino Tsikhistavi, expert in the field of gender equality, conducted on 22 January 2007.

harmful competition among the NGOs. Furthermore, one can argue that the lack of coordination among the donors and NGOs on the one hand and the non-existence of a state mechanism for gender equality on the other create fertile grounds for the duplication of work and low sustainability of results.

There have been two top-to-bottom (i.e. from international donor/development organizations to local women's NGOs) attempts to consolidate women's movements in Georgia. The Coalition of Women's NGOs in Georgia was founded in 2000 with the support of OSCE/ODIHR. At present the coalition unites 80 organizations; the organizational structure of the coalition is horizontal; members form different subgroups that work on increasing the role of women in political decision-making, economic and peace-building processes, on issues of healthcare, education, environment, and information technologies.⁹³ OSCE/ODIHR supports periodic meetings of the coalition members, provides technical and financial support in the organization of coalition-wide conferences and funds the field-specific initiatives of the coalition members. The scope of interests of the coalition is wide and very much in compliance with the critical areas of concern identified by such international instruments as CEDAW and Beijing Platform for Action.

With the support of UNIFEM's regional project "Women for Conflict Prevention and Peace-Building in the South Caucasus", the other women's network, Unity of Women for Peace, was established in 2002. At present, the network unites over one hundred women's organizations, women's groups and individual women and has a more developed representation

"The fact that many donors working in the field of gender equality prioritize short-lived projects and do not support the infrastructural and administrative development of NGOs undermines their work results."

in the regions of Georgia than the coalition. The Coordination Board of the network is comprised of nine members elected to two-year terms. The Coordination Board members are elected from the six regions of Georgia (including Abkhazia's Gali District) where the network has members. The primary field of the network's activity is the enhancement of a sustainable peace with women's participation and the achievement of greater gender equality.

The active members of the coalition and the network were nominated as civil society representatives to the Parliamentary Council for Gender Equality⁹⁴ (2004) as well as to the Governmental Commission for Gender Equality⁹⁵ (2005). The coalition and the network share a great number of members. Al-

⁹³ For more see Gender Information Network of the South Caucasus, available on line at <http://www.ginsc.net> last visit - 7 February 2007.

⁹⁴ The council consists of 16 members 5 of whom are representatives of women's NGOs.

⁹⁵ The GCGE consisted of 15 members 4 of whom were representatives of women's NGOs.

though competition among the unions is commonplace, with significant support from UNIFEM, UNDP and UNFPA, they managed to consolidate their forces while working on the elaboration of the draft Gender Equality Strategy of Georgia (GES), which thus far has been only partially adopted by the government. NGO representatives participated not only in the GCCGE and the council's joint working group formed for the elaboration of the GES, but the wider membership of both the coalition and the network, along with the government representatives were given a number of opportunities to comment and provide their feedback on the GES documents. This partnership of governmental and non-governmental sectors was particularly stressed by the CEDAW committee in its concluding comments to the second and third periodic reports of Georgia in 2006: "The committee welcomes the state party's continued collaboration with women's non-governmental organizations in the elaboration of plans and other activities aimed at eliminating discrimination against women and promoting gender equality."⁹⁶

Despite these positive experiences, the ability of the two above-mentioned state gender equality mechanisms to influence the political agenda of the government has been extremely weak and has resulted in the disbandment of the GCCGE. Furthermore, women's movements are thus far failing to consolidate and advocate for the maintenance or establishment of even stronger state mechanisms for gender equality in the executive branch of the government. The experts interviewed for the research stressed that in today's Georgia, where interest groups capable of influencing policy planners find it hard to form organizations, the issue of consolidating women's groups cannot be solved merely through top-to-bottom approaches i.e. international donor / development organizations' import of priorities, conditions and tools to local groups. Such an approach in this case is detrimental, as actors locally learn to comply with the demands of international donor organization instead of finding the resources and strength to first look around and identify their own context-specific priorities.⁹⁷ According to Lela Gaprindashvili, researcher in cultural and gender studies, women's rights advocates in Georgia need to learn how to speak with their

"... women's rights advocates in Georgia need to learn how to speak with their own voice and be less affected by imported Western or former Soviet influences."

own voice and be less affected by imported Western or former Soviet influences:

⁹⁶ CEDAW, Concluding Comments of the Committee on the Elimination of Discrimination against Women: Georgia, 25 August 2006, 2.

⁹⁷ Interviews with Mari Meskhi, lawyer and gender equality expert conducted on 16 January 2007. Interview with Charita Jashi, expert in gender and economics, conducted on 22 January 2007. Interview with Nino Tsikhistavi, Expert in the field of gender equality, conducted on 22 January 2007, and interview with Lela Gaprindashvili, Researcher in Cultural and Gender Studies conducted on 15 January 2007.

“Because we do not know the history of women’s movements in Georgia prior to the Soviet occupation and accordingly lack identification with the problems that are acute in this country, our efforts remain formal and largely futile. ... One reads some feminist texts, feels empathy for the fates of women belonging to other cultures, and starts to see similar problems around her. However, this does not mean that she knows how to change the picture. For this it is not enough to know what has happened in England, the US or Mexico. In order to make a really positive change it is critical to know the history of the development of your own society and be capable of observing the present developments.”⁹⁸

“The government of Georgia ... is dedicated to ensuring civil society involvement in governance, and will continue to find new ways to encourage civil society efforts.”

Despite the shortcomings outlined above, certain progress achieved through the work of women’s NGOs is obvious. This progress is noticeable especially in the fields of raising the awareness of law enforcement and other state officials regarding human trafficking and domestic violence, the dissemination of information on women’s rights and overall gender equality. However, the interviews revealed that the gender equality experts were dissatisfied with the overall performance of women’s movements even though they themselves are part of it. Almost all the interviewees stressed that given the general stagnation of civil society after the rose revolution, when the majority of influential individuals from the civil society joined the government or the political opposition, the voices of the representatives of women’s movements are not heard. Marina Tabukashvili, coordinator of Women’s Programs of Open Society - Georgia Foundation, stressed: “We have been striving to partner with the government as we could achieve better results together, but the achievement of this partnership continues to be an impossible mission. The longer we go without having a dialogue with them, the deeper differences in our understanding will be and the harder it will be to bridge the growing gap.”⁹⁹ Indeed, the longer the delay in constructive collaboration between women’s movements and the government, the less contribution and impact women will make in the democratization process of the country. The government of Georgia, in its turn, also acknowledges the vacuum created by the rose revolution in civil society in general

⁹⁸ Interview with Lela Gaprindashvili, Researcher in Cultural and Gender Studies conducted on 15 January 2007.

⁹⁹ Interview with Marina Tabukashvili, coordinator of Women’s Programs of Open Society - Georgia Foundation, conducted on 23 January 2007.

and declares that it “is dedicated to ensuring civil society involvement in governance, and will continue to find new ways to encourage civil society efforts.”¹⁰⁰ This is a promise that as yet remains unfulfilled.

One can conclude that women’s movements in Georgia are still in the process of formation and that as of now their achievements are limited to concrete fields such as domestic violence and human trafficking. In the broader picture, women’s movements in Georgia have not succeeded in lobbying for the effective integration of gender equality issues on the governmental agenda, especially with regard to women’s political and economic empowerment. The low-level of development of women’s movements and the lack of political will to address gender equality issues from on the part of the government are interlinked factors that also reinforce each other. It is predominantly due to these factors that the inclusion and influence of women in the democratization process of the country remain insignificant.

¹⁰⁰ Government of Georgia, *Georgia’s Democratic Transformation: an Update since the Rose Revolution*, January 2007, 59.

CONCLUSION AND RECOMMENDATIONS

The research has shown that gender equality issues have thus far not received adequate attention from the country's policy-makers. This is partly because women's movements have not managed to consolidate and articulate their concerns effectively and partly because policy-makers lack the political will to address these issues and continue to believe that the battle for gender equality has been won.

Recent political and economic changes have had a strong impact on women. Despite the fact that in many households women have become the primary breadwinners, their better adaptability and survival skills have not facilitated their transition from the private to the public domain. The transformation process brought more chances for self-realization but the scale and quality of women's involvement in the political life of the country did not change much since the fall of the Soviet Union. Women's participation in the redistribution of power through their involvement in the legislative and executive branches of the government and the economic life of the country has been insignificant. Just as many men who lacked access to information and social connections, the absolute majority of women did not gain access to any significant channels that would have allowed them to contribute to the democratization process of the country in any meaningful way.

Without engaging women or representatives of other excluded and marginalized groups of the population, democratization processes - as understood in a broader sense rather than as structural or system reform - are doomed to fail. Although fair representation and inclusion are already sufficient arguments, the benefit derived from the utilization of the potential of different segments of society needs to be considered as well. The thoughts of ordinary citizens about democratic processes and institutions are crucial for the success of the latter. "Determining which particularities and nuances of the universal principles of human rights are valuable or acceptable for Georgians is not less relevant for the success of democracy than the adoption of a perfect constitution. The constitution and laws work only if a society fully shares the values and philosophy that lie behind them. Otherwise we

"Without engaging women or representatives of other excluded and marginalized groups of the population, democratization processes ... are doomed to fail."

¹⁰¹ Davit Darchaishvili, "shesavali ghirebulebata kvlevistvis" (Introduction for Research on Values), kartuli sazogadoebis ghirebulebebi, Open-Society Georgia Foundation, Tbilisi, 2006, 4.

will get a dual – hypocritical political and social system.”¹⁰¹ In relation to the status of gender equality issues in today’s Georgia, one can clearly observe a hypocritical approach: while on the surface international norms and standards with regard to women’s rights are acceptable for the government, actual measures in support of gender equality, such as the existence of an effective state mechanism to ensure gender equality in the policy-making process is lacking. In order to address this uneasy situation the following recommendations should be taken into consideration:

1. The government of Georgia has to demonstrate significant political will to address gender equality issues through the implementation of the Gender Equality Concept, establish a sufficient state mechanism in the executive branch of the government and improve of policy-making in the field of gender equality;

2. Adequate state funding should be provided for the functioning of the gender equality mechanism, implementation and monitoring of state policies and plans for the achievement of greater gender equality;

3. The government of Georgia should establish the institution of Gender Equality Ombudsperson (or strengthen this service within the current structure of the Office of the Human Rights Ombudsman) who should collect individual complaints in the field and react accordingly;

4. The government of Georgia has to carefully consider and fulfil the obligations it has undertaken in the field of gender equality before the United Nations and the Council of Europe. In particular, the government should take into consideration the Concluding Comments of the CEDAW to the second and third periodic reports for Georgia (2006);

5. Women’s NGOs need to learn more about the previous historical development of Georgian society, be more context-specific and attentive to the needs of their constituencies and make international development and donor organizations as well as the government listen to the concerns of different groups of women;

6. Women’s movements in Georgia should think through and prioritize women’s and gender equality concerns and think of more creative ways for winning wider public support;

7. International development organizations (hereinafter development organizations) and NGOs should think of new and creative ways for lobbying gender equality issues with the government;

8. Development organizations working in the field of gender equality need to improve coordination between their programmes in order to avoid duplication of work and support healthy competition among women’s NGOs;

9. Development organizations need to collaborate with women's NGOs and identify work priorities together with these NGOs rather than dictating to them directions and fields of work. To this end, NGOs should have more freedom to come up with context-specific projects and initiatives;

10. Development organizations should engage in longer-term partnerships and support the administrative and infrastructural development of women's NGOs;

11. Development organizations should ensure the participation of women's groups in civil society's activities related to the ENP, MDG, PRS or other strategic development frameworks;

12. Development organizations should empower women's NGOs and other marginal groups to make them significant players in civil society through supporting their partnership with stronger NGOs and/or the government within the framework of joint initiatives.

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LIST OF INTERVIEWS

1. Interview with Nana Sumbadze, Researcher, Institute for Policy Studies (IPS), conducted on 15 January 2007;
2. Interview with Lela Gaprindashvili, Researcher in Cultural and Gender Studies, conducted on 15 January 2007;
3. Interviews with Mari Meskhi, Lawyer and gender equality expert conducted on 16 January 2007;
4. Interview with Gia Tarkhan Mouravi, Researcher, Institute for Policy Studies (IPS), conducted on 17 January 2007;
5. Interview with Gia Zhorzholiani, Political Scientist, conducted on 22 January 2007;
6. Interview with Charita Jashi, Expert in gender and economics, conducted on 22 January 2007;
7. Interview with Nino Tsikhistavi, Expert in the field of gender equality, conducted on 22 January 2007;
8. Interview with Marina Tabukashvili, General Director of TASO Foundation (women's fund & memory research center), conducted on 23 January 2007;
9. Interview with Davit Darchiashvili, Political Scientist, conducted on 29 January 2007;
10. Interview with Shorena Dzotsenidze, Gender Equality Advocate, Conducted on 15 February, 2007.

THE STATE CONCEPT ON GENDER EQUALITY

1. Introduction

According to the Constitution of Georgia, every human being is born free and is equal before the law without differentiation of any kind, such as race, colour, language, sex, religion, political or other opinion, national, ethnic or social origin, property and place of birth or residence;

The State Concept on Gender Equality (hereinafter referred as 'the Concept') is based on the international acts and instruments to which Georgia is a signatory and which represent an integral part of Georgian legislation:

- Universal Declaration of Human Rights;
- International Covenant on Civil and Political Rights;
- International Covenant on Economic, Social and Cultural Rights;
- Convention on the Elimination of All Forms of Discrimination against Women;
- European Convention on Human Rights and Fundamental Freedoms;
- Beijing Declaration and Platform for Action;
- Programme of Action of the Cairo Conference on Population and Development;
- The UN Security Council Resolution 1325;
- Millennium Declaration and Millennium Development Goals.

The Concept aims to encourage the equal and effective implementation of the rights and opportunities of women and men. The Concept recognizes the principles of gender equality in all spheres of public and social life and provides relevant measures for the prevention and elimination of all forms of discrimination on the grounds of sex as well as for the advancement of gender equality.

The Concept determines the state's obligation to provide the relevant legislative and other measures in order to amend the legal framework dealing with the fight against discrimination on the basis of sex, and to ensure its implementation.

2. Definition of Terms

Gender - Gender refers to cultural expectations towards the behaviour, attitudes, personal traits, and physical and intellectual capabilities of women and men.

Gender Equality - Gender equality is an integral part of human rights. It refers to equal representation, rights, responsibility and the participation of women and men in all spheres of private and public life.

Discrimination on the Grounds of Sex - Direct discrimination on the grounds of sex occurs when a difference in treatment relies directly and explicitly on the distinction based exclusively on sex and the characteristics of men and women, which may not have an objective justification. Indirect discrimination occurs when a law, policy or programme does not appear to be discriminatory, but has a discriminatory effect when implemented.

Special Measures - Special measures are tailored actions aimed at reducing disadvantages and gender stereotypes. The special measures include the elaboration and implementation of legal reforms, educational programmes and other specific strategies and projects in order to secure the equal improvement of the situation for men and women.

Incorporation of the Gender Equality Principles (Gender Mainstreaming) - Gender Mainstreaming is the consideration and implementation of principles of gender equality in all spheres and at all levels of policy-making.

3. Major Directions for Achieving Gender Equality

At present, gender equality is becoming one of the major priorities of the Georgian state policy which is aimed at providing conditions conducive to the equality of women and men and securing this equality.

The Georgian government commits itself to ensuring the effective implementation of equal rights and opportunities for women and men in political, economic and social spheres. The Georgian government will elaborate and implement a government strategy based on the main directions determined by this Concept. The creation and implementation of the reporting and monitoring systems represent an important factor in the process of implementing the international obligations, national law and administrative and other statutory documents and implementing the state strategic programmes related to gender equality.

4. Mechanisms for the Implementation of the Main Areas of Gender Equality

In order to implement the main areas of gender equality the Georgian government employs the relevant mechanisms and measures aimed at ensuring equality between women and men in Georgia.

The government of Georgia recognizes that the elaboration, implementation and monitoring of the government gender equality strategy should be carried out through effective cooperation and partnership between the government and civil society, thus facilitating increased public awareness on the value of gender equality

One of the most important and primary measures of ensuring gender equality envisages the development of a relevant legal framework. When forming government strategies in various spheres, special attention should be paid to the consistent incorporation of gender principles and the elaboration and implementation of specific programmes, including the regular implementation of special measures, gathering and analysing statistical data, as well as promoting the research and education on gender issues.

Today there are two interim structures – the Gender Advisory Council under the Parliament Speaker and the Governmental Commission working on gender equality issues in Georgia. But, due to the priority of gender equality, it would be preferable to establish permanent national mechanism and ensure its effective operation in both the legislative and executive branches, on central and local levels.

5. Political sphere

By supporting the rose revolution the citizens of Georgia expressed their will to build a democratic state. The implementation of gender equality principles is one of the most essential parts of the democratic processes. Every citizen – woman or man - is equally responsible for the establishment of a transparent and accountable political system based on the principles of the rule of law and equality of citizens before the law.

In order to achieve these goals it is necessary to:

- promote the full and equal participation of women and men at all levels and in all branches the government;
- encourage the equal participation of women and men in political parties and within their executive and oversight structures;
- encourage the full and equal participation of women and men at all levels of the conflict resolution and peace-building processes.

6. Economic Sphere

Economic development is the major priority of the population of Georgia. The government of Georgia aims to provide a suitable environment for the sustainable development of a market-based economy. Ensuring the equal participation of women and men is an important mechanism in the implementation of the policy of economic security, which will facilitate the achievement of this goal.

The integration of gender equality perspectives into state programmes for economic development and poverty reduction, as well as in employment policy, will stimulate gender balance on the labour market, especially in

entrepreneurial activities. Equal access of women and men to fiscal, credit and production resources is one of the key mechanisms for the development of the private sector and for the creation of jobs.

The Georgian government should pay particular attention to the development of gender-sensitive, social justice-oriented budgets at both the national and local levels.

7. Social Sphere

The government of Georgia is actively implementing reforms in the social sphere. The incorporation of gender principles in the social policy will encourage the establishment of social justice in the society. To achieve this goal, the state should elaborate and implement programmes aimed at achieving gender equality in the healthcare and social security systems. The Georgian government should recognize and give proper consideration to the work of those who care for children, elderly people and other members of the family in its social strategy.

In the process of implementing the education reforms the government should ensure the equal access of women and men to the basic, vocational, higher and continuous education, as well as to information and communication technologies.

8. Concluding Provisions

To implement the State Concept on Gender Equality, the government of Georgia should:

- elaborate special measures, including legislative ones, aimed at achieving gender equality;
- integrate gender equality principles into every strategy and programme;
- exercise monitoring, reporting and evaluation of the Gender Equality National Action Plan, elaborated and adopted by the government of Georgia;
- secure the development of the existing gender equality national mechanisms and their effective operation at the legislative and executive branches, as well as at the national and local levels.

The state and local budgets are the major source of funds for the implementation of the State Concept on Gender Equality together with the financial and technical support of international and local organizations.

The State Concept on Gender Equality was amended and adopted by parliamentary resolution.

