



Gender Equality Policies and
EU Integration – Experience of
Visegrad for EaP Countries



GENDER EQUALITY POLICIES AND EU INTEGRATION – EXPERIENCE OF VISEGRAD FOR EAP COUNTRIES



Fund of Women Entrepreneurs
Kutaisi, 2016

Presented collection of analytic article is published in the framework of the project: Gender Policies and EU Integration: Visegrad Countries Experience for EaP Countries. Project is financed by the International Visegrad Fund.



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Women NGO – Fund of Women Entrepreneurs, 2016

Publishing House “UNIVERSAL”, 2015

19, I. Chavchavadze Ave., 0179, Tbilisi, Georgia ☎: 2 22 36 09, 5(99) 17 22 30
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ISBN 978-9941-22-791-2

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FOREWORD

This collection of analytic articles was prepared by the Women NGO – “Fund of Women Entrepreneurs” within the project: *Gender Policies and EU Integration – Visegrad Countries Experience for EaP Countries*. The aim of the publication is to give the analytic assessment of gender equality situation in two EU Eastern Partnership Countries: Georgia and Ukraine. At the same time its primary goal is to share the experience of Visegrad Four – Poland, Slovakia, Czech Republic and Hungary in the sphere of gender equality policies and undertaken reforms.

High priority agenda of Georgia and Ukraine is the integration with the European Union that in its turn entails the continuous reformation processes. The reformation processes itself envisages different directions, among them the issues of human rights are of top importance. More specifically the main pillar of this direction is achieving the equal social status of men and women, receiving equal treatment and to live in the gender equal environment.

The latter is significant not only from the viewpoint of justice but also from the perspectives of pure economic efficiency. In places and in countries where men and women have equal possibilities for using their abilities and resources are usually better developed countries than others. Such an outcome results in sustainable economic growth and development. This relation and the priority of the question is acknowledged officially in Georgia and in Ukraine. Nevertheless to judge on the current reality of these countries, there are still problems that can be qualified as fundamental problems of gender equality. Such assessment is especially evident from the perspectives of EU countries.

In making the policy frameworks and decisions we should account of those experience that already exists in comparably advanced countries. In this publication is given the research products of Georgian, Polish, Slovak, Czech, Hungarian and Ukrainian experts. It

includes interesting overviews of undertaken reforms in V4 countries. Aspiration to EU membership poses the necessity of legal and institutional reforms in the sphere of gender equality for Ukraine and for Georgia. In planning and pre assessment of such reforms, decision makers and stakeholders should know those challenges, obstacles and learned lessons that relatively “new members” of EU has gone. Using such strategy will mitigate the risks of potential failures and unexpectedness that are usual companions to the strategic reformation processes.

Presented collection of analytic articles is the assessment of current situation and the overview of lessons learned that is worth to know and to account in reformation process. Publication will be useful as for policy practitioners as well as for civil society members, researchers and to all interested for whom gender equality issues are part of everyday thinking and actions.

Authors of the publication, project partner organizations are expressing their frankly willingness here to receive all the opinions, remarks and suggestion that may arise among the readers of the publication. Received messages will be accounted for future publications of the Fund of Women Entrepreneurs.

Women NGO: Fund of Women Entrepreneurs, 2016

I. Civil Society and Gender Equality Policies in Georgia

Meri Gelashvili
Head of the Women NGO Fund
of Women Entrepreneurs

1. Introduction

If we look back into history of women's status, we can clearly see that women's right infringement has always been caused by the stronger's rights. The stronger's rights are not destroyed and will never be destroyed in the near future. But it is certain that eventually justice defeats the rights of power, and hopefully, one at a time will destroy it completely. "

*Mikheil Javakhishvili, "History of Women's Movement",
Newspaper „Iveria“, 1906*

Building a democratic Georgian state is highly dependent on women's full and equal participation in politics, economics and social development. However, much more remains to be done for unlimited realization of full gender equality and women's rights and freedoms with international standards. This goal can be achieved by the joint efforts of civil society and the state, and the influence on each other, when civil society is helping the state in establishment of democratic institutions, and the government is trying to develop civil society, strengthen the various (especially women) civic groups, and plan the prospects of long-term cooperation with them.

Georgian government officials often speak of the Georgia's obligations, including the signed the EU Association Agreement directed on improving the gender-related legislation and policies, and increasing of women's social participation.

One of the last demonstrations of the political will was the position of the prime-minister, Mr.Giorgi Kvirikashvili: *"We are the generation*

who will finally eliminate discrimination of women based on the principles of gender equality and women's rights. I am confident that through concerted efforts we will achieve the common goal".¹

It should be noted that, in recent years, the government of Georgia has made significant steps towards promoting gender equality and women's rights; "The *Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence*" was signed in 2014; Georgia signed the EU Association Agreement, which includes an article obliging the government to improve women's human rights situation and increase the representation of women in senior management positions; in March 2015, the President and Chairman of the Parliament of Georgia supported the introduction of mandatory quotas for increasing women's political representation; the President of Georgia, Giorgi Margvelashvili, declared 2015 the Year of Women.

Gender equality supporters often explain that gender equality is not an ultimate goal, but it is a prerequisite to create a stable environment, achieve a positive rate of economic growth, develop the equity culture and put all democratic values into actions that can bring prosperity to any country. They recognize that women are the world's largest and hitherto unused economic resource. The leading economic experts also believe that the greatest wealth of the developing countries is not gold or oil fields, but women who have never had the opportunity to establish themselves on the labor market and thus contribute to their families' income growth and the country's economic development. In fact, these women are half of the world population and are considered to be the most realistic prospects of the global poverty reduction in the future. More reforms are needed to create optimal gender-responsive climate. Perhaps the most fundamental shift that has to happen is

¹ *An international conference "Achieving Gender Equality – Challenges and Opportunities in European Neighborhood Policy Region", Tbilisi, November 10, 2015*

changing of public attitude towards equality. It is fact that attitude change is a long and difficult process and requires multilateral and agreed measures, including state policy, legislation, public awareness-raising, education, the purposeful actions of the state and private institutions.

Obviously, the goal to change the public consciousness of gender equality is a long-term process and it is unlike to get quick results.

In these conditions, it is very important to identify the role of civil society in gender policy implementation and how can influence the effectiveness of the gender policy, how the government fulfills its international obligations and what is the current situation of establishing the effective gender policy for cooperation between civil society and government.

This publication is ordered by the women's NGO "Fund of Women Entrepreneurs" and is aimed at analyzing the gender equality policy situation in Georgia and assessment the civil society's, as a full-fledged actor's, contribution to the process of building equal and fair society, identifying the challenges and future prospects existing in the context of the state policy and practices.

2. Aspects of Formation and Development of Civil Society in Georgia

Researchers consider that the civil society formation process in the Post-Soviet Georgia started in *90s* of the *20th Century*. The international organizations have given main impetus to this process. They encouraged the country's democratization process and contributed to (financial and technical assistance) the civil unions, mainly non-governmental organizations, initiatives of which have been directed on promoting and establishing democratic and liberal values in Georgia.

According to the EU's policy documents, a civic organization is "a non-government, non-profit structure, impartial, non-violence,

where people join together to achieve common goals and implement ideas, be it political, cultural, social or economic. Civil organization actively cooperates with the citizens and the government and influences policy and decision-making process. “

People unite to achieve goals easily, which serves not only to certain groups, but brings wider benefits that everyone can use in some way.

There is no significant quantitative and qualitative research on the non-governmental (NGO) sector. According to data provided by the Department of Statistics, there are around 9,000 registered NGOs in Georgia, but, hypothetically, 90 percent of them are not active. The statistics of NGO development in Georgia is as follows: in 1992-1998, around 1 500 NGOs were founded, in 1999-2002 – 1 500, and in 2003-2008 – 6 000. The increasing number of new organizations is, in fact, an indicator of the chaotic process rather than of a well-considered activity based on a consideration of the society’s needs.²

Currently, 9000 organizations are registered in Georgia. Their regional distribution is as following: Tbilisi - 4326, Samegrelo - 739, Imereti - 691, Adjara - 450, Kakheti - 364, Samtskhe-Javakheti - 348, Shida Kartli - 311 Other - 1771.

Based on the conducted researches, the main sources of funding non-governmental organizations are grants from donors. Only few NGOs in Georgia have membership fees and do not exceed 5 percent of its budget. Budgets of organizations working in Tbilisi are much larger than those of regional NGOs. However, in general, the financial conditions of the NGOs are not stable, given that to a great extent, it is dependent on international donors. Only 18% of business sector representatives have the experience of cooperation with NGOs and charitable activities. They are uncertain whether their donations will reach the target groups. For their part, civil society organizations are

² *Democracy and Citizenship, Civil Education Student Course Reader, Greer Burroughs, Zaza Rukhadze, Marine Kvatchadze, Lela Gaprindashvili, Levan Izoria, Tbilisi, 2011, pg 267*

not able to provide the private sector with initiatives designed in an understandable and acceptable language for them.

For the NGO sector, the sphere of education, trainings, and publishing are the main priority. The spheres of educational services are as follows: women's problems, civic education, health care, socially vulnerable groups, psychological rehabilitation, and youth. Less attention is paid to economic development and small business development. But this is not their choice, as the mentioned spheres are priority for the donors.

Unfortunately, it is considered that the civil sector does not have a significant impact on the government in Georgia, but the growth of accountability and a fairly wide area of intervention in civic education are evident from the government's part. However, with regards to direct satisfaction of citizen's needs and impact on the formation of public policy, the effect of its activity is very weak

In general, organizations work most actively on the promotion of democracy, human rights and the supremacy of law.

Based on the above, civil society faces important challenges, which could be put together as follows:

1. Cooperation between NGOs is low; 2. They are more likely to unite most frequently and effectively in campaigns dealing with rights protection, fighting violence and introducing a culture of tolerance, and very rarely in activities aimed at social security and fighting poverty, while poverty and problems in civil service are the main concern of a large portion of the citizens. Based on the researchers' assessment, the needs of the active part of civil sector do not coincide with the needs of citizens. Therefore, the Georgian civil society should by all means adjust its agenda to the most urgent requirements of the broader sections of the society. They consider that inter-sector relations of the civil sector are more or less developed, and citizen participation is rather low. Therefore, it could

be stated that the civil sector is standing apart from society and thus feeling more comfortable. However, in order to increase its influence, the civil sector should strive to establish close relations with government, as well as with the broader sections of society.³

The civil society situation in Georgia is often assessed by the international institutions as well. We can say that this is one of the cornerstones of relations between Georgia and the European Union. “Association Agenda between the European Union and Georgia” article „Equal treatment“ gives concrete directions for the development of civil society:

- Enhance gender equality and ensuring equal treatment between women and men in social, political and economic life;
- Approximate to European standards as regards health and safety rules, rules on the protection of maternity, rules on the reconciliation of parental and professional responsibilities as envisaged by the Association Agreement.
- Strengthen the implementation of legislation against domestic violence, including awareness-raising of both the general population and of specific professional groups, such as the police, and in particular in rural and minority areas. Increase the access of victims to counseling services and shelters.⁴

Based on the annual Civil Society Organization Sustainability Index by the USAID, the civil Society in Georgia remains in the sustainability category in the last three years, which “rotates in a circle”, without moving in positive or negative direction.

The researchers’ assessment is interesting on civil society key actors’ capacities and needs in terms of influencing on public policy-making

³ *Democracy and Citizenship, Civil Education Student Course Reader, Greer Burroughs, Zaza Rukhadze, Marine Kvatchadze, Lela Gaprindashvili, Levan Izoria, Tbilisi, 2011 (271)*

⁴ “Association Agenda between the EU and Georgia”, pg. 8.

and policy monitoring. In their view, if we talk about how well Georgia's civil society can conduct political dialogue with the authorities, its goal should be to contribute to developing common political perspective, identify the ways for solving problems, and reconcile the goals, ideas and views. The political dialogue can promote and lead directly to political action, as well as development and implementation of political programs.

A number of researchers believe that the civil society organizations are important actors in policy-making. They influence the formation of policy agenda, its control and monitoring. One of the functions of a strong civil society is an inclusive and participatory process, where the ideas of all stakeholders will be shared and reflected in the political decisions, laws, regulations and strategies. But there are other positions, such as that to achieve the abovementioned results and influence, the civil society organizations need relevant experience, skills, internal consolidation and public confidence, which sometimes is not enough and this has objective and subjective reasons.

Based on the recommendations to the civil society, the civic organizations are not able to perform their functions effectively if the society does not know about it or do not support it. Every organization needs to adequately inform the society in order not to distance from the public interests. Such problems will arise when financial resources are scarce, the implemented projects are short-term, project geographic area is limited and human resources are unstable.

It is recognized that the specificity of the civil society is conditioned by the fact that Georgia is a multi-ethnic country. The ethnic minorities - Armenians and Azerbaijanis - mostly live in two regions. Georgia faces the challenge of integration of ethnic minorities. Also, a significant problem remains with integration of 250 000 IDPs from the conflict zones. The significant gender equality index with regard to the civil society's sustainable development also shows the

inequality problem between men and women in Georgia. 52.31% of the Georgia's population is women, and 47.69% - men.

The United Nation's Gender Inequality Index for 2012 ranked Georgia 81st of 148 countries. In 2014, Georgia was ranked 86th. In 2015, based on the Global Gender Inequality Index, Georgia is ranked 82nd of 145 countries.

General environment and conditions in Georgia are profitable and have positive dynamic for the civil organizations to participate in public policy-making. This observation is confirmed as well by the data of a variety of surveys. Based on these surveys, the organizations participants of the survey positively assess the environment in which they work.

According to the Civil Code, non-registered civil unions are allowed to operate as well. This right was additionally strengthened by the amendments to the Electoral Code in 2014, according to which the citizens' initiative groups have been given the right to nominate independent candidates for the elections. Indeed, in the 2014 local elections, 15 thousand citizens nominated 3 000 candidates in total.

The central government does not have a systematic approach to decision-making process with regard to civic participation. Formally, civil organizations are involved in public policy debates. They are invited in the public committees existing with different ministries. Civil organizations are also involved in some of the platforms that are supported by the EU and other donors.

In 2012, the Parliament of Georgia and 160 civil society organizations signed a Memorandum of Understanding, which aims to anticipate recommendations and proposals of the civil society regarding the public policy. Mainly, the civil society representatives focus on the positive tendency of communication with local and central.

3. Role of Civil Society in the Process of Reinforcing Institutional Mechanisms for Gender Equality

3.1 National Legislation on Gender Equality and International Obligations

In order to assess the role and function of civil society in the important process of achieving gender equality - the process of establishing and strengthening its institutional mechanisms - the current **political framework** is interesting to be briefly assessed:

Gender equality and non-discrimination is anticipated by the constitution and other basic legal documents.

Georgia is a participant of the UN's Fourth World *Conference on Women* and its Platform for Action; the country has signed the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); Georgia has already submitted its five reports to the CEDAW Committee.

Today, Georgia works on implementation of the Gender Agenda. This process is dictated by the country's international obligations and performed with the support of the international donors. In this matter, the role of state and civil society is still crucial.

All believe that development of gender equality policy in Georgia and adjusting it to the country's social-political situation has been achieved with the efforts and enthusiasm of women's rights experts and activists.

In 2000, Georgia signed the "Millennium Development Goals" and amended the MDG 3 ("Promote gender equality and empower women) by adding two main sections - (1) Ensure gender equality in employment, and (2) Ensure equal access to activity in political domain and all levels of management.

In May 2006, the Parliament adopted the "Law of Georgia on Elimination of Domestic Violence, Protection and Support of Victims

of Domestic Violence”. This law is being implemented through the Action Plans.

Georgia signed The *Council of Europe Convention on preventing and combating violence against women and domestic violence* (Istanbul Convention) and performed the relevant legislative changes. The Istanbul Convention was ratified in 2014. Today, the Convention ratification “Accompanying Package” is ready and, after discussions by the general public, has been submitted to the Parliament, which anticipates changed in about 20 laws, in order to harmonize the legislation with the Istanbul Convention gender and domestic violence issues.

In 2006, as a result of the government's international obligations and the close cooperation with the non-governmental organizations, the country adopted the “Law of Georgia on Combating Human Trafficking”; the Interagency Coordination Council and “The State Fund for Protection and Assistance of Victims of Human trafficking” were established; in 2013, “The National Action Plan to Combat Human Trafficking 2013-2014” was adopted.

In 2009, the Interagency Council (which unites the representatives of the relevant ministries, the UN agencies and non-governmental organizations) developed a National Referral Mechanism Agreement, which calls for the cooperation of the above-mentioned organizations in the prevention of domestic violence and protection/rehabilitation of victims of violence.

In March 2010, the Parliament adopted the Law on Gender Equality. This law has been developed and adopted with the support of the women's rights NGOs, UN agencies and the Gender Advisory Council. The law aims to eliminate discrimination and achieve gender equality in areas such as political participation, employment, education, health and social protection.

In 2013, the Gender Equality National Action Plan for 2014-2016 was adopted. Georgia also takes responsibility on a number of other important framework documents, which regulates the issues of

gender equality. These are: “European Neighborhood Policy Action Plan for 2006-2011” and the National Action Plan for implementation of the UN Security Council Resolutions #1325, 1820, 1888, 1889 and 1960 on “Women, Peace and security”, adopted in 2011. The aim of this NAP is the active involvement of women in peace, conflict resolution and in the protection of conflict-affected people. The NGOs has monitored its implementation very intensively.

It is worth to assess the country’s existing institutional framework relevant to this political framework:

In this regard, **the Gender Equality Council of the Parliament of Georgia** is worth mentioning, which has the mandate to work on gender issues in accordance with the Law on Gender Equality. The Council elaborated and, in February 2014, approved the National Plan of Action for Gender Equality 2014-2016.

The Department of Gender Equality of the Public Defender's Office was established in 2013. The Department is responsible to observe the facts of abuses women’s rights and gender equality principles.

In 2013, **the PM’s advisor for human rights and gender equality issues** was appointed. (It would be fair to say, that this institution has had an important impact in terms of gender policy implementation). In addition, various ministries appointed advisors on gender issues. In many cases, they do not work only on gender issues and their functions are distributed among the various areas (gender and human rights, gender and children's rights, communication with non-governmental organizations, educational activities).

In 2014, **the Interagency Coordination Council for Human Rights** was established under the chairmanship of the **Prime Minister of Georgia**, as a part of which the working group on gender issues was formed.

At the local level, the Gender Advisory Councils are operating and a position of Gender Advisor adopted in some pilot municipalities. The advisors’ functions include mainstreaming of gender issues and

promoting women's participation in local governance decision-making and planning processes.

The main challenge for these institutions is lack of necessary financial resources to implement their functions. Most of them depend on the support from international donors, as no legal or political commitment exists to perform these functions and, in some cases, only the goodwill of local authorities is decisive.

Before 2006, not a single political documents and discussions in Georgia had had an agreed definition of what gender equality constitutes.

It is fact that the understanding of gender issues has evolved in Georgia. In the Law of Gender Equality (2010) the gender equality is defined as a " part of human rights referring to equal rights and obligations, responsibilities and equal participation of men and women in all spheres of personal and public life"⁵. Woman is gradually presented not only as a political actor, but as the equal to man and responsible for the policy-making and implementation.

"Today the Parliament heard the reports from the state agencies, Ministries on implementation of the Action Plan for 2014-2016. In this period, quite a lot of measures have been undertaken to improve the rights of women. In legislative terms, changes were adopted to more than 10 drafts to harmonize with EU standards, Istanbul Convention standards, namely in terms of elimination of all forms of discrimination and violence against women, domestic violence, protection of victims"⁶.

"We adopted the change to the Criminal Code when declared forceful marriage as crime. This is the unprecedented step made in this direction. I think the Government has made steps forward in improvement of rights of women, though there are the issues

⁵ *Source - Discussion of the Heinrich Boell Foundation*

⁶ *Source: TV-interview : Manana Kobakhidze, Vice-Speaker of the Parliament of Georgia, the Gender Equality Commission Head*

requiring improvement. We started working in terms of improvement of gender aspects in budget formation course and I hope that the next year budget will be gender-sensitive and appropriate indicators will be considered to evaluate the level of equality and adequacy of consumption of state funds as for men so for women deriving from the programs considered under the state budget”.

Manana Kobakhidze, the First Vice-Speaker of the Parliament of Georgia, the GEC Chair.

An important phase of Georgia's national institutional mechanism for ensuring gender equality began when a group of local women organizations introduced an initiative to the government on establishing the **Gender Equality Commission**. The United Nations Development Programme (UNDP) new project “Gender and Politics” aimed to establish the “**Advisory Council of Gender Equality**” within the Parliament. As a result of the great efforts in both directions, it was for the first time in Georgia, when the structure on gender equality worked at government executive and legislative branches.

In parallel to the initiative of establishing the state commission, a group of institutional mechanism of the NGOs’ coalition working on women and gender equality issues, implemented the project supported by the OSCE mission, under which a **new national action plan for gender equality** was developed.

The Gender Equality National Action Plan outlined the main gender problems and strategic goals, the main directions of gender policy implementation. The most important issue is the institutional mechanisms for gender equality budgetary provision. As a result, in the target ministries, gender units should be established to implement gender expertise of ministry activities, projects and programs, as well as develop recommendations and integrate gender approaches in ministry policy. This was a result of the efforts of civil society organizations, but, unfortunately, the largest part of the plan remained on paper.

To develop the legislation for supporting gender equality, the most important moments was adoption of the domestic violence, trafficking, and migration laws. It was crucial and painful issue to improve the Draft of the Labor Code. The gaps in the draft, submitted by the state, were subject of public debates.

One of the most important directions of gender policy is the support to the **gender budgeting** principles introduction in the state and local budgets. The concept of gender budget is relatively new and anticipates gender analysis of the budget, which shows the different impact of the budgetary costs on women and men and contributes to the budget planning, which proved equal access of both men and women to budget resources. This issue is still intensively lobbied by non-government sector and qualified national experts.

The document on elimination of discrimination against women periodically give positive assessment to the state efforts to promote gender equality, but in parallel, the shadow reports of leading actors of civil society focus on shortcomings in the implementation of the gender policy, for example the absence of political will and gaps in fulfillment of its commitments by the state. In the end, it would be reflected in the international documents, such as **“Final Comments on the Government of Georgia”** was about provision of shelters and crisis centers for victims of violence, which was postponed for later and the Committee urged the Government to undertake the appropriate awareness-raising activities for public officials, especially law enforcement, judiciary, health workers, social workers, so that they are well aware of the practical application of the law, sensitive to all forms of violence against women and adequately respond to them”.⁷

Unfortunately, these recommendations are still actual today. A number of private non-governmental organizations or networks and

⁷ *International Conference – “Manifold Angles of Gender: Looking Through a Magnifying Glass” materials, November 26-27, Tbilisi, 2012 pg. 22*

experts, on the background media's special activities, with the permanent campaigns seek to draw attention to the gender-sensitive issue of domestic violence to impact on policies and behavior. In parallel to alarming facts of femicide, it is their merit that the state has declared clearly irreconcilable attitude to gender and domestic violence problems, initiated a number of legislative changes, which leads to greater protection from gender-based violence. But it is certain that their efforts have not been enough to implement these policy mechanisms. It is fact that states again (until 2017) postpones the state of protection from domestic violence programs.

For years, civil society leading actors have raised the fact that National Gender Policy's important direction should be introduction of gender parameters in the socio-economic development process, which anticipates the promotion of gender equality in the labor market, small business development and empowering women entrepreneurs, promoting the state employment policies with gender parameters, development of gender-sensitive social protection policies and demographic policies. Their position was backed up by the qualified research and recommendations and proposals for the implementation of target group needs. But, at the state level, solving this issue, unfortunately, has not gone beyond the scope of the declaration.

3.2. Gender Equality and Women's Rights

Tamar Sabedashvili - Georgia's recognition of gender inequality is the first important critical step to start a debate about the desired positive changes in terms of gender equality and women's rights. Such debates should be initiated by those who are critical to the

issue and become critical in all areas - be it public or private space, non-governmental organizations or government”⁸

International Conference – “Manifold Angles of Gender: Looking Through a Magnifying Glass” materials, November 26-27, Tbilisi, 2012, pg 24

On 26 March 2010, the Parliament adopted the Law on Gender Equality, which aims at strengthening the gender equality principle on the legislative level and establishing corresponding legal guarantees for achieving gender equality. The Law emphasizes recognition of gender equality in different spheres of social life, such as labor relations, education, healthcare and social protection, family relations, access to informational resources, equal voting rights, etc. In order to promote achievement of gender equality as declared by the law, it is important to ensure gender equality in the sphere of education, as the school disciplines play a key role in instilling of gender stereotypes and changing these stereotypes as well.

A handbook “Gender and Politics” (author: L. Khomeriki) gives explanations to all the basic terms and concepts to understand gender equality and women's rights:⁹

Equality – is an essential quality of a harmonious society based on the principles of social justice. Gender equality means that women and men have equal conditions and life chances for full realization of their potential, are equally involved in the political, economic, social, cultural development processes and have equal access to the public benefits, opportunities and resources.

Gender equality does not mean that women and men are identical, on the contrary - a democratic pluralistic society recognizes that people have different values and goals, different needs and lifestyle, however, their interests should equally be taken into account at all

⁸ *International Conference – “Manifold Angles of Gender: Looking Through a Magnifying Glass” materials, November 26-27, Tbilisi, 2012, pg 24*

⁹ *Source - Lela Khomeriki, Gender and Politics, Tbilisi, 2007*

levels, they should enjoy equal rights and opportunities and have the same responsibilities and obligations.

When gender equality is concerned, we must not forget that on the one hand, it is a matter of democracy and human rights, and on the other hand, the same gender equality is an important condition for prosperity. Diversity itself is a value, which leads to prosperity.

Inter-Parliamentary Council emphasizes the importance of the cooperation between woman and man built on differences:

“The achievement of democracy presupposes a genuine partnership between men and women in the conduct of the affairs of society in which they work in equality and complementarity, drawing mutual enrichment from their differences.”¹⁰

The handbook “Gender and Politics” comprehensively explains the understanding of women's rights in the context of gender policy:

Gender policy - a policy that takes into account gender parameters and is directed towards ensuring gender equality. There are different levels of implementation of gender policy.

Gender-blind policy - gender “blind” policy, programs, projects ignore the different needs of women and men. “We treat everyone equally.”

In such cases:

Needs of woman and man, their priorities and interests are not considered. Population, working team or other groups are considered as a homogenous group;

No separate statistics is produced: for example, who occupies the highest positions, which has opportunities of training and increase of qualification.

¹⁰*Universal Declaration of Democracy, Inter-Parliamentary Council, 1997*

Gender-neutral policy - this policy is sometimes helpful for short-term solutions to problems.

Such approach focuses on strategic needs but not on practical needs of women;

Distribution of resources and responsibilities remains the same.

Gender-conscious policy - gender consciousness means to look at the reality with the new “eyes” and see the gender differences. This approaches is characterized by:

Understanding and recognition that there are differences;

Gender-sensitive data collection;

Consultations with both men and women.

Gender-transformative policy anticipates:

Study of existing differences, needs, causes of discrimination;

Identification and considering practical and strategic needs of both sexes;

Critical apprehension of existing gender roles and traditions;

Improving cooperation between women and men;

Capacity-building of women and men, including equal chances for hiring and training. If not implemented transformational politics: the unfair distribution of resources and responsibilities will remain unchanged; Consciousness cannot be improved and awareness will not be raised that there are gender differences in society and a half of the population cannot to fully realize their capacities;

Gender approach - gender approach means different opportunities in the field of gender independent policy implementation strategies;

Stages of the gender approach implementation can be the following:

Understanding of gender specific (gender inequality) problem;

Studying the situation through information gathering, research and

¹¹ Source - Lela Khomeriki, *Gender and Politics, Tbilisi, 2007*

analysis;
 Development of the gender transformation strategy;
 Development of the strategy implement action plan;
 Implementation of the action plan. ¹¹

The situation in Georgia in terms of women's rights was reflected in the CEDAW report. One of the issues mentioned in the report is early marriage. In the recommendations to the Georgian government, the Committee recalls that the state to study the number and results of early marriages, to take the necessary measures to ensure the prevention of early marriage of girls among all ethnic groups, to provide the target audience, parents, religious leaders with information and awareness-raising of negative impact of early marriages on girls, especially on their health and development, to promote attendance of the ethnic minority girls at school, especially in high school, and to take measures to remove the barriers that would prevent their access to education, such as early marriage.¹²

3.3. Assessment of Women's Needs and Priorities

“Non-governmental and grass-roots organizations have a specific role to play in creating a social, economic, political and intellectual climate based on equality between women and men. Women should be actively involved in the implementation and monitoring of the Platform for Action.”

Beijing Declaration and Platform for Action, paragraph 289.

State policy in the field of gender equality and women's problems:

Introduction of approaches to ensure gender equality in local government policies still require considerable efforts. Actualization

¹² *Concluding observations on the combined fourth and fifth periodic reports of Georgia-CEDAW – 2014; pg.30*

of gender inequality problem is still prevented by a lot of unresolved social and economic problems, which are perceived as most important by both the political spectrum, as well by the majority of the community. At the same time, it is not properly thought out that for policy-making of any area, the introduction of gender approaches is essential is essential for the success of the national or local level program.

International organizations and western countries have long recognized that gender mainstreaming, i.e. systematic integration of gender parameters in implementation, monitoring and evaluation process will not only contribute to the achievement of gender equality, but also is an important condition for the effectiveness of any policy. Introduction of gender approaches, i.e. revealing of different needs and problems, considering of a diversity of experiences and views, of course, is very valuable and contributes to the socially sensitive policy based on public interest. The modern concept of sustainable development is impossible without taking into account the principle of gender equality.

Many countries recognize that there are gender and women problems, the solution of which requires specific strategies and special measures. In this regard, Georgia has a certain policy and practice, which often is not in conformity with each other and leads to fair criticisms of the civil sector. On the one hand, as was mentioned above, there is a declared will, at least in the legislation and on the other hand – the lack of approaches, appropriate mechanisms and programs that take into consideration these needs.

The state programs directed on resolution of women's and gender issues are diverse, but if we extrapolate, it is possible to distinguish very similar components, such as:

Full-fledged gender statistics;

A comprehensive scientific study of the problems;

Wide distribution of statistical data and research results, holding

information campaigns, public awareness-raising of women's and gender issues;

Development of the national strategy based on the statistical data and researches to tackle gender and women's issues;

Legislative proposals for further improvement of the legislation;

Establishment and development of the institutional basis of the state program specific activities (social services, crisis centers, monitoring services);

Establishment of the state agency working on equality issues;

Creating of women's databases.

As a rule, the state program directed on improving women's conditions include the following topics:

Support to motherhood and family (the nature and volume of such programs, how they are financed);

Support to single parents and large families;

Domestic violence and violence against women (What is the legislation, are there any assistance services, the quality and volume of services they can provide, the quality of responding of law enforcement agencies to the violence and court cases, are there held any preventive measures);

Ensuring women's participation in decision-making process;

Trafficking;

Prostitution;

Healthcare Programs – pregnant women, infant and maternal, child healthcare, reproductive health, including contraception, abortion issues, feminine organ diseases (including cancer).

The state politics on gender and women's rights is assessed in so-called “**Progress Report**” (a working document of *the Implementation of the European Neighbourhood Policy in Georgia Progress in 2014 and recommendations for actions*). It reflects the positive assessment

of the changes in terms of legislation, but the criticism is also given on mechanisms of putting in action these changes.

“Despite controversy and prevailing social prejudices, in May 2014 parliament unanimously adopted the Anti-Discrimination Law, which covers all modern grounds for discrimination and provides for embedding an anti-discrimination on mechanism in the PDO. The adoption of this law brought Georgia closer to the next level in the visa liberalization process.

A national action plan on gender equality (2014-16) was adopted and all existing gender and women’s rights action plans were integrated into the human rights action plan (2014-15). In June, Georgia signed the Council of Europe’s Istanbul Convention on preventing and combating violence against women and domestic violence. Inter-sectoral coordination and cooperation remained a challenge for the government. There is a continued need to step up efforts to combat violence against women, address the needs of women from different minority groups and introduce special measures to enhance women’s participation in politics.

In 2014, at least 26 women died as a result of domestic violence. The Ombudsman noted the problem of girls marrying early and dropping out of school.

The institutional arrangements to protect labour rights remained unchanged. There is a broad consensus between the government and the social partners about inspections of safety at work, but the creation of broader labour inspections (linked to the AA/DCFTA) remained a contentious issue.”¹³

The main source of the progress report is the information provided by the civil society.

¹³ *Implementation of the European Neighbourhood Policy in Georgia Progress in 2014 and recommendations for actions*

Based on the researches, conducted by the Georgia's local and international organizations, the labor legislation and the practice shows the special need of protection measures for vulnerable groups, such as women, the disabled and children, by taking into account the positive activities and through the creation of additional guarantees. However, recent legislative changes include the issues of creating and strengthening of legislative protection mechanisms for the aforementioned groups, for example - better realization of women's labor rights facilitates the gender-based violence / domestic violence protections.

A right of women workers, in the context of labour rights, is still a major challenge at both the legislative and practical levels. Recent research reveals the discriminatory practices against women and pre-contractual relations, dismissal, maternity leave and other matters. (Source – protection of labour rights, a report of 15 NGOs. It presented the recommendation on necessary and timely measures in this regard).

Labor market discrimination of women is emphasized in on other studies as well: “Women job seekers often experience age and gender discrimination. As they say, a hidden age requirement exists when getting a job... The gender discrimination against women causes concerns, most of all when the job high-paid.

Women are concerned about the lack of employment benefits and support to nursing mothers and women who have children with disabilities in the Georgia's Labor Legislation.”¹⁴

Women's needs assessments often indicate on the necessity of developed social infrastructure for women, especially for pre-school education services ¹⁵, which has a double-gender meaning - on the one hand, families with social and economic protection is supported

¹⁴ *Ekaterine Gamakharia, Assessment of Women's Human Rights Security in Western Georgia, Kutaisi, 2015*

¹⁵ *The Millennium Development Goals National Report 2014, only 46% of children have access to pre-school education*

and on the other hand, a woman is given the opportunity to use freed up time for her professional and social potential realization and contribute to increasing of her family and the state budget.

When speaking of women's needs, the following issues are often raised - the long-term impact programs, small business promotion, access to resources for women, protection from gender-based violence. Specialists justify a different impact of the state budget on women. The budget is usually gender neutral, so in has a different impact on women and men, who have different needs.

Unpaid labor or activities have no market value, which means that the public activities or household labor remains undervalued in the state assessment systems. Unpaid work is carried out mainly by women, including bringing up of children, looking after the elderly and vulnerable, preparing meals, cleaning house and other family activities; Therefore, the problem of unpaid work in the sex problem, as a large part of women's work is not reflected in the state statistical reports. Because of this misconception arises from the fact that women are not economically active, or men's and women's economic activity is disproportionate (but nearly half of women are engaged in half productive and major reproductive labor).¹⁶

To some extent, this issue is related to the problem of women's migration, which needs serious study with its economic, political, demographic and personal aspects.

Speaking of women's needs, according to existing data, the women interviewed outside the country assess negatively women's migration, as they think this is the reason of destruction of families, psychological/emotional problems of children, depressions of migrant

¹⁶ <http://csrdg.ge/upload/editor/file/genderi2010/Gender.pdf> - *Aspects of Gender Budgeting*, pg.4

women and demoralization of their family members (especially of husbands). *“Women migrate abroad for long periods and often do not return home even when they have invested significantly in the future of their children as they will often be required to then support their grandchildren’s wellbeing. It is also possible that migrant women gain some emotional satisfaction and advancement on their self-esteem by being economic donors of the families and guarantors of the financial stability of their children.”*¹⁷

“Women in Georgia are confronted with challenges similar to those of women in many other parts of the world. These include, among others, lack of formal employment, lack of property and other economic resources, low income (social assistance and old-age pensions constituting the primary sources of household income). This category of women needs to be freed from the state assistance and long-term development perspective. Based on the existing statistics, 2343348 women receive the state assistance.”

When assessing women's access to financial resources, strengthening their economic and entrepreneurial opportunities, one of the important factors in assessing the availability of financing. This component is an important prerequisite for the start-up and development of entrepreneurship, not just for women. In particular, access to finance contributes to entering of new companies in the market, creating competitive business environment, demanding for new labor force and decreasing unemployment rate, which are the main priorities for our country.

¹⁷

<http://www2.unwomen.org/~media/field%20office%20georgia/attachments/publications/2014/women%20residing%20in%20high%20m>, pg.18 *Women’s Needs and Priorities in High Mountainous Regions of Georgia, Tblisi, 2014, Center For Social Sciences (CSS) for UN Women / EU Project “Innovative Action for Gender Equality” (IAGE)*

Women constitute 52% of the population of Georgia (2 349 100 individuals), more than a half of them are economically active (57% of women) and more than the third of economically inactive women (352 365 individuals) are housewives.¹⁸

Speaking on the matter, the position of the adequate non-governmental sector is observed: *“In Georgia, as in other countries, women, basically, represent micro and small businesses and, as a rule, often face financial difficulties. They need to get more financing, though for a woman entrepreneur it is related to additional difficulties. Resulting from the fact that, as a rule, immovable property is registered under the name of the head of the family and their basic part, especially in rural areas, (69,4%) is represented by men, it becomes difficult for women to secure credit with property, at least, without permission given by a man.”¹⁹*

Women-entrepreneurs represent the segment neglected by financial institutions.

In Georgia, the state is implementing various programs to support business development. Though, none of them is specifically considering supporting women-entrepreneurs from the point of view of increasing availability of finance for them.

They introduce the international practice when increasing of availability of finance for women-entrepreneurs will not be less favorable and beneficial for finance institutions as they are also trying to attract consumers and increase income, which can be achieved through offering favorable conditions to women-entrepreneurs.

¹⁸ Source – *Women’s Economic Opportunities and Challenges, Young Economists Association publication , 2014, pg. 24*

¹⁹ Source – *Women’s Economic Opportunities and Challenges, Young Economists Association publication , 2014, pg 28*

In the financial institutions of the world, which have developed special approaches for women entrepreneurs, there is noticed increasing of the number of women. The experience of such organization as the Global Bank Alliance for Women, Consortium of Financial Institutes, having obligation of servicing women segment, shows that providing bank service to women is profitable and sustainable for any financial institute.²⁰

Speaking of women's needs, we cannot avoid the problem of gender-based violence against women, which in recent years, due to the alarming statistics, has become in focuses of the local civil society and international institutions. Women's personal security protection and the necessity of the state programs in this regard, is one of the fundamental issues for gender policy, which is permanently put on the agenda of local NGOs (especially - women's organizations).

3.4 Activities of Local Government and Applying Gender Mainstreaming Approaches

“The right and the ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population”. Implementing and promoting the right to equality must be at the heart of this concept of local self-government.

„The European Charter for Equality of Men and Women in Local Life”, the Council of European Municipalities and Regions (CEMR)

Based on the generally recognized norms, implementing and promoting the right to equality must be at the heart of this concept of

²⁰ Source – *Women’s Economic Opportunities and Challenges, Young Economists Association publication , 2014, pg.31*

local self-government. Local or regional democracy must allow the most appropriate choices to be made concerning the most concrete aspects of daily life, such as housing, security, public transport, the world of work, or health. Moreover, the full involvement of women in the development and implementation of local and regional policies allows their life experiences, know-how and creativity to be taken into account.

As the spheres of governance closest to the people, local and regional authorities represent the levels best placed to combat the persistence and the reproduction of inequalities, and to promote a truly egalitarian society. They can, through their competences, and through co-operation with the whole range of local actors, undertake concrete actions in favor of equality of women and men.

The Council of Europe's Charter of Local Self-Government of 1985, signed and ratified by the large majority of European states, including Georgia, emphasizes *the right and the ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population*".

*"If we are to achieve a society based on equality, it is essential that local and regional governments take the gender dimension fully into account, in their policies, their organization and their practices. And in today's and tomorrow's world, the real equality of women and men is also key to our economic and social success – not just at European or national levels, but also in our regions, towns and local communities."*²¹

„The European Charter for Equality of Men and Women in Local Life”, the Council of European Municipalities and Regions, CEMR's General Assembly, Innsbruck May 2006:

²¹ „The European Charter for Equality of Men and Women in Local Life”, the Council of European Municipalities and Regions, CEMR's General Assembly, Innsbruck May 2006

Article 14 – Health

- (1) The Signatory recognizes the right of everyone to the enjoyment of a high standard of physical and mental health, and affirms that access to good quality health care and medical treatment and preventative health care for women and men is essential for the realization of this right.
- (2) The Signatory recognizes that in securing equal opportunities for women and men to enjoy good health, medical and health services must take account of their different needs. They further recognize that these needs arise not only from biological differences, but also from differences in living and working conditions and from stereotypical attitudes and assumptions.
- (3) The Signatory commits itself to take all reasonable actions, within the range of its responsibilities, to promote and secure the highest levels of good health of its citizens. To this end, the Signatory undertakes to carry out or promote, as appropriate, the following measures: Incorporating a gender based approach to the planning, resourcing and delivery of health and medical services; Ensuring that health promotion activities, including those aimed at encouraging a healthy diet and the importance of exercise, include a recognition of the different needs and attitudes of women and men; Ensuring that health workers, including those involved in health promotion, recognize the ways in which gender affects medical and health care, and take into account women's and men's different experience of that care; Ensuring that women and men have access to appropriate health information.

Article 15 – Social Care and Services

- (1) The Signatory recognizes that everyone has the right to necessary social services and to benefit from social assistance in the event of need.

- (2) The Signatory recognizes that women and men have different needs which may arise from differences in their social and economic conditions and other factors. Therefore in order to ensure that women and men have equal access to social care and social services the Signatory will take all reasonable measures to: Incorporate a gender based approach to the planning, resourcing and delivery of social care and social services; Ensure that those involved in the delivery of social care and social services recognize the ways in which gender affects those services, and take into account women’s and men’s different experience of that care.

Article 16 – Childcare

- (1) The Signatory recognizes the essential role that good quality, affordable childcare, available to all parents and carers, whatever their financial situation, plays in promoting true equality between women and men, and in enabling them to reconcile their work, public and private lives. The Signatory further recognizes the contribution that such childcare makes to the economic and social life and fabric of the local community and of society at large.
- (2) The Signatory commits itself to make the provision and promotion of such childcare, directly or through other providers, one of its priorities. It further undertakes to encourage the provision of such child care by others, including the provision of, or support for, child care by local employers.
- (3) The Signatory further recognizes that the upbringing of children requires a sharing of responsibility between men and women and society as a whole, and undertakes to counter the gender stereotype according to which child care is seen as being mainly the task or responsibility of women.

Article 17 – Care of other Dependants

- (1) The Signatory recognizes that women and men have responsibilities to care for dependants other than children and that this responsibility may affect their ability to play a full role in economic and social life.
- (2) The Signatory further recognizes that such caring responsibilities fall disproportionately on women and are therefore a barrier to equality of women and men.
- (3) The Signatory commits itself to counter this inequality by, as appropriate: Making the provision and promotion of high quality, affordable care for dependants, directly or through other providers, one of its priorities; Providing support and promoting opportunities for those suffering social isolation as a result of their caring responsibilities; Campaigning against the stereotype which assumes that caring for dependants is primarily the responsibility of women;

Article 18 – Social Inclusion

- (1) The Signatory recognizes that everyone has the right to protection against poverty and social exclusion and furthermore that women, in general, are more likely to suffer from social exclusion because they have less access to resources, goods, services and opportunities than men.
- (2) The Signatory therefore undertakes, across the full range of its services and activities, and working with social partners, to take measures within the framework of an overall co-ordinated approach to:

Based on the Local Self-Governmen Code of Georgia, local government has exclusive authority for promoting gender equality²²,

²² *Local Self-Government Code, Article 16 , Paragraph 4*

fulfillment of which depends on wish and initiative of local governments. *According to researchers, "such sentence in the law would be sufficient for the countries of the rich tradition of self-government, but the government of Georgia is still in initial state and speaking about self-government initiative and "voluntary" authority literally means the non-compliance."*²³

According to the Gender Equality Law of Georgia „*In compliance with the Organic Law of Georgia on Local Self-Governance and other legislative acts, local self-governing bodies shall develop and implement interventions for identifying and resolving gender disparities locally;*“²⁴. The next paragraph indicates on concrete obligation of the local self-government „Budget of the local self-governance units, priorities of socio-economic development, municipal programmes and plans shall be developed in a manner that it eliminates any form of discrimination“.²⁵

Quite often, the national and international experts voiced their recommendation that local council on gender equality be provided at the legislative level, which would give local officials the possibility of taking into account local conditions, proper planning and implementation of gender equality policies.

In accordance with the Gender Equality Law, the institutional structure, which ensures gender equality in Georgia, is established with the Parliament of Georgia and the Supreme Council of the Adjara Autonomous Republic, as well as at the executive branch, where the *Interagency Coordination Council for Human Rights* executes the government action plan of human rights protection. In

²³ *Research „Institutional Mechanisms of Promotions Gender Equality at Local Level, The project of Women's Information Center "Promoting gender equality through women's political engagement" is implemented with the support of Georgian representatives of Great Britain charity organization OXFAM, pg.13*

²⁴ *Gender Equality Law of Georgia, Article 13, Paragraph 1*

²⁵ *Gender Equality Law of Georgia, Article 13, Paragraph 2*

addition, a public defender has certain supervisory powers in this area.

Civil sector has often criticized the fact that gender equality is only declared and there is lack of effective mechanisms to ensure gender equality in fact. To this end, the local government gains particular importance, because they are in daily communication with the population, they are not only aware of open and hidden forms of discrimination, but also have the ability to find the most optimal mechanisms to eliminate discrimination.

Today, on the background of the permanent advocacy of these issues by the civil society, the country's parliament discusses legislative initiatives, which comparatively specify the powers and responsibilities of local government in the implementation of the gender policy, including the protection of gender violence, gender aspects of implementation of the budget, the services of a local gender in terms of institutionalization. This is necessary in order to achieve institutional sustainability of gender equality. According to past experience, this only depends on the goodwill of high-ranking officials and at local lever we have not the equality institute based on the national legislation.

Background to the chronology of the beginnings of institutional mechanisms for gender equality is interesting at the local government level, which, in almost all cases, has been introduced by the efforts of the international institutions and local non-governmental organizations:

In 2004-2008, the ministries were given relevant recommendations. Gender advisors were appointed in 24 self-governments. (For eight years, the program was implemented by the British Council, UNDP, and the Swedish International Development Agency).

In 2004-2006, gender advisors were appointed additionally in four regions with the goodwill on Sakrebulo head and are not the staff members.

The work started on gender budgeting with the support of the OSCE \ ODIHR.

Under the project, “Gender and Politics”, the gender advisors have been appointed.

In 2013, in three municipalities of Georgia: Samtredia, Tetrtskaro, Zugdidi, UN Women supported to the establishment of special groups working on gender budgeting. They cooperated with local gender groups with the purpose of working on introducing gender equality in local budgets and social projects.

In 2013, a gender advisor of the Minister of Regional Development and Infrastructure was appointed. In 45 municipalities, advisors were appointed at the local level.

After local elections 2014, gender advisors were appointed in Gori and Akhmeta.

In 2013-2015, in Zugdidi, Senaki, Ozurgeti and a number of other municipalities, a Department of Youth Affairs and Gender Equality was established which has become the basis for the strengthening of gender perspectives in the executive branch.

With the regard of promoting institutionalization of gender structures at the local level, an interesting practice has been created since August 2014 in four cities, where women’s NGO Fund “Sukhumi” established Gender Advisory Councils (GACs) with the support of the UN Women and the US State Department. The GACs are comprised of the representatives of local Sakrebulo and civil society. GACs’ functions include: participation in developing of gender-responsive municipal programs, policies and budgets; monitoring and assessment of municipality work performed or being performed in terms of gender perspective; supporting cooperation with the society and citizens’ gender needs assessment; developing gender-responsive recommendations and legislative initiatives and advocating for them.

On June 30, 2015, on basis of the GACs the Network of Gender Advisory Councils of Georgia was established, which planned

generalization of the GACs' experience and, together with the partner organizations, lobbying the issue of institutionalization of these pilot models at the legislative level. The network actively cooperates with the Gender Equality Council of the Parliament of Georgia. As experts point out, the network's activity is a practical illustration of the necessary legislative changes, which means amendments in Gender Equality Law of Georgia and Local Self-Government Code of Georgia with regard to institutionalizing the local gender councils.

The gender analysis of the local budgets conducted by the researchers (we are aware the conducted gender assesment of local budgets in Tbilisi, Ozurgeti, Senaki, Batumi, Zugdidi, Kutaisi) shows that a significant portion of the local budget covers the costs of gender (mainly - social security, education, health). On the one hand, this is due to the social solidarity commitments taken after the elections by the government toward the vulnerable groups citizens (for this reason, it is sometimes a subject to the criticism of a number of local and international institutions because of the short-term effects of these measures, which is a heavy burden on the state budget). For example - social security and health care concludes an average 6% - 12% of the local budget. But the problem is that the cost is not considered in accordance with the needs assessment and studying of the impact on the implemented budget.

Local officials often express discontent when they are pointed on necessity of gender budgeting. They think that they have enough programs to ensure the social protection of women, helping families with many children, single mothers, the vulnerable, the elderly, etc. At first glance, this is the case, but studies show that the majority of our citizens do not sufficiently consider the current state of his one-time effects of the programs and wish to be part of their more self-sustainable socio-economic development. In this regard, local experts' considerations are interesting:

Often *“the municipal programs and local government budget are not gender responsive and do not indicate any gender specific approach.”*²⁶

One more hindering factor is that gender budgeting most often refers to increase of budget allocated for women. Meanwhile, it also implies the prioritization. “Gender is not only about social politics and assistance-oriented budget (which sometimes is urgent to many social groups. For example, the helpless elderly, disabled persons), which cannot give a positive result in the long run. More such projects and programs are needed, which will contribute to socio-economic empowerment and recovery of women and other groups.”²⁷

Indeed, the local budget often include the programs to support women, young people, IDP groups, the elderly, ethnic minorities, disabled groups. But it is important to define the nature and the scale of such programs, how they are financed, how fairly the budget is allocated, what was its impact on the situation of the groups.

Often, it turns out that the budget allocation of funds among the various institutions does not reflect the exact needs of the beneficiaries. It is an attempt to correct this defect of gender budgeting, which is the main feature of budget planning based on the needs assessment and as transparent as possible after the adoption of the budget programs, which will be discussed with the active participation of citizens. “As for the gender-responsiveness of Kutaisi budget 2015, it is not gender-oriented. And it should not be surprising, that in the process of reviewing the budget at the City

²⁶ *Gender Analysis of Batumi city budget, Cultural-Humanitarian Fund “Sukhumi”, 2015, Kutaisi*

²⁷ *Source - Research - Kutaisi, Senaki, Ozurgeti Civic groups gender needs for integration into the local budget, Cultural-Humanitarian Fund “Sukhumi”, June 2015, Kutaisi*

Mayor's Office, for instance, there was announced that the budget would not be considered in this regard."²⁸

Local officials often consider that gender-neutral budget provides the needs of all groups. "We believe that gender budget means that it is equally focused on the needs of both sexes. Accordingly, if the budget will be focused on the society as a whole then it will also be focused on the needs of both sexes."²⁹

On this, the active part of civil society, especially women's organizations respond, that this approach does not meet the challenges of promoting gender equality that exist at the local level. Therefore we should take into account that the gender sensitive budget recognizes the different impact of the budget on women and men. It shows the unequal distribution of resources and contributes to the imperfection of the budget as a tool that reduces gender disproportion.

Such an approach will contribute to the structural perfection of local budget by fair funding of priorities of men and women, **other groups in society**. The important areas, such as employment, health care, education, social assistance and other, require in-depth and specific changes oriented on ensuring gender equality in the nearest future. First of all - the legislative changes should be implemented, which will anticipate existence of gender equality of Gender Advisory Councils at the local self-government level.

²⁸ *Source - Research - Kutaisi, Senaki, Ozurgeti Civic groups gender needs for integration into the local budget, Cultural-Humanitarian Fund "Sukhumi", June 2015, Kutaisi*

²⁹ *Same Source*

3.5 Gender Equality in Decision-making

"Women prepared to be members of parliament will always have such self-esteem and sense of civility not to commit anything harmful their children ..."

Newspaper "Voice of Georgian Woman", 1917

"Today women are demanding equal rights with men. It's better to be given, or not, what do you say? I will not give you a long-standing answer, and will not investigate what was woman's role in the country's history, her importance for the family and so on ... I'll just say: it is greatly needed to satisfy the needs of women. I believe and nobody can make me change this belief. Today, if women were in highly bureaucratic circles, take influential posts of ministers and other, we would soon see necessary reforms. "

- Vazha Pshavela

Civil society activists and women's rights activists in Georgia often refer to the fact that women's participation in political life is one of the fundamental human rights, and gender balance in elected bodies is the basic principle of democracy. The low level of women's representation in elected bodies decreases the level of government representation, as well as the quality of political debates and effectiveness of the institute.

Experts emphasize the political, social, economic, cultural and psychological reasons preventing the increase women's role women in politics.

Among the political obstacles that women face, the following feature prominently:

the prevalence of the 'masculine model' of political life and of elected government bodies;

Men dominate the political arena; men formulate the rules of the political game; and men define the standards for evaluation.

Political life is organized according to male norms and values, and in some cases even male lifestyles.

Politics is often based on the idea of ‘winners and losers’, competition and confrontation, rather than on systematic collaboration and consensus, especially across party lines.

Women perceive politics as a ‘dirty’ game. This has jarred their confidence in their ability to participate in political processes.

Lack of party support, for example, limited financial support for women candidates,

Despite the political systems’ barriers, other various factors should be emphasized:

An inequitable distribution of household responsibilities and lack of social services for women in unequal conditions in terms of needed time for the political activity.

The media do not adequately represent women’s political voices, their views, and demand for leadership. Therefore, women have not their own political identification model.

Women's low income and economic status, perception that woman's income should be spent for the family needs as a whole, creates unequal financial starting conditions for women and men.

Private and public forms of violence and control that are used against women, control and inhibit women’s behavior, especially where there is needed to make decisions in risky situations.³⁰

Women's participation in politics at the local level: rate of women's participation in the local self-government in Georgia is not beneficial: after the last municipal elections of 2014, 11% of women and 89% of men are elected in local Sakrebulo. Women's participation quality differs by regions as well. The lowest percentage of women is presented in the local Sakrebulo of the regions resided by ethnic

³⁰ Source: G. Ashword, *A practical guide to the implementation of gender approaches*, UNDP

minorities. Experts strongly recommend that a *“in order to increase women’s representation in local self-government, the urgent task is to implement programs promoting women candidates during the pre-election period. It is important to conduct a serious work with political parties, in order to form a clear and prescribed procedure for the selection of candidates in the parties which will cover the gender perspectives. It is good if women’s organizations, with joined efforts, monitor the number of women candidates nominated by different parties. It is also important to implement programs of civic education of women voters, in order to speed up a clear formulation of their interests and demands that would force political parties to pay more attention to promoting women candidates and including gender issues in the pre-election programs”*.³¹

There are a number of hindering factors to increasing women's participation in Georgian political parties; one of the most important is the general lack of internal party democracy. Under the circumstances, that the parties' organizational structure is not democratic and internal party election system is incomplete, it is very difficult for women to advance in the party hierarchy. Based on the above-mentioned survey conducted by the Caucasian Institute, the relationship between the members of the political parties is based on the informal, personal trust to each other and less attention is paid to the generally accepted principles and formal procedures. According to the majority of party members their relationship is similar to the family relationships.

Women's non-governmental organizations believe that anticipating gender issues in the political agenda is hindered by the fact the interests of women, as a specific group of voters, have not been outlined and the consolidation around these interest. This would force political parties to recognize the women's and gender issues and get involved in their programs. In parallel to the near-permanent

³¹ *Khomeriki Lela: Gender and Politics, Tbilisi, 2007*

election in Georgia they have an attempt to contribute to decrease on gender imbalance by working with women candidates and women voters, but this still does not give the desired result.

The campaigns to promote quota system have been unsuccessful. Neither Parliament nor the political parties nor the society nor the female candidates and even women voters do not still see Georgia's expediency of quota system in Georgia. Even good practice in the world could help the popularization of this issue.

Experts describe the benefits of gender quotas and difficulties:

The successful quota system is followed by :

- *Parties' active policy in order to attract qualified women candidates;*
- *Women are encouraged to influence the decision-making process;*
- *Critical number of women comes in politics, which can affect the political norms and culture.*
- *Implementation of the quotas has the following advantages for the party:*
 - *The party has the new resources and a number of active women members of the party increases;*
 - *The party works best with women voters; accordingly, the number of women supporter of the party increases.*

The introduction of quotas is accompanied by difficulties:

- *The introduction of quotas is needed to strengthen women, but if women have not certain power, they will not reach introduction of the quota because, as a rule, there are many who are against quota system.*
- *For the effective functioning of the quota system it is necessary to attract women candidates. It is not difficult to convince women, who are active in politics, to be advanced to the top positions. It is difficult to attract interest of women for the first time to participate in the in politics at the local level.*
- *Experience shows that three elections are needed, that the quota system is fully operational.*

- Many of supporters of the quotas believe that arguing and conflict around quotes are temporary phenomenon, and will soon disappear upon its adoption, but experience shows that such debates are continued.

"Quota is a remedy for the illness, but it also has side effects. Quota can lead to establishment of a kind of upper for women's participation. Also, it may not automatically lead to the development of political culture." Christine Pinto, Inter-Parliamentary Union

In 2003, the Parliament of Georgia did not support the quota system initiative despite of the 29th, 34th and 35th recommendations of the Committee of Elimination of Discrimination Against Women, which obliges the government to take special temporary measures, in particular initiating the quota for women's participation in the political life. A draft law of Gender Equality Law of Georgia adopted by the Parliament of Georgia in 2010, anticipated the lobbying of quota system by the NGOs, but the initiative has not been considered by the parliament.

Local civil society organizations try to achieve the impact with the support of international institutions so that the political parties are encouraged by the regulations on political parties and make their agencies comply with international standards of gender equality. The Election Code, the law on political parties, party finances and the proper distribution of the state resources can encourage and, moreover, ensure equal representation of men and women by the party.

Changes made in the Election Code in 2012, which anticipated financial incentives for the parties for ensuring gender balance, was considered as insufficient, but as a justified step for improvement of existing situation (although it must be said that a number of representatives of the civil society were seriously critical to this this regulation from the very beginning and forecasted that it would have any effect). Based on the changes, a party which *will* have at least

two women among every ten candidates of its party-list will receive additional 10% of state funding. However, this regulation has not brought a significant improvement in the 2012 parliamentary elections, because the majority of the political parties did not provide gender-balanced list.

OSCE Ministerial Council Decision No. 7/09 on women's participation in the political and public life, urged the participating countries to take appropriate measures to provide a more “balanced participation of women and men in political and public life, especially in the decision-making process.”

Based on the assessment of the Georgian government of women's political participation – *“As a result of the Parliamentary elections in October 2012, 17 women won the seats out of 150 MPs, making 11% of the members. In the Parliament of 2008 convocation women made only 6.4%.”*

Around 15% of single mandate nominations from all parties were women in 2012, compared to 12% in 2008. As a result, in the current Parliament there have been elected 7 women as majoritarian MPs to represent single-mandate election districts of different regions of Georgia, compared to 1 in 2008 and 2 in 2004.

In 2013 the Prime Minister appointed Assistant on Human Rights and Gender Equality Issues in his apparatus that will substantially contribute to gender equality and women’s empowerment policy in Georgia.

49 gender focal points were appointed at the municipal level charged with the responsibility to ensure that all its actions promote and protect gender equality and women’s empowerment.

In 2013 a Gender Equality Department was established as a standing unit within the Public Defender’s Office that has elaborated Action Plan for 2014-2015 as well as Strategy for better mainstreaming gender into the PDO’s work.³²

³²Source - *Georgia National Report on the Progress towards Achieving the Millennium Development Goals, 2014 - pg.14*

3.6. Women's Rights Advocacy Opportunities in Georgia

In the special books, the term “Advocacy” is described as a set of organized political process, which anticipates joint efforts of citizens and is aimed at changing policies, practices, ideas and values that resulting in inequality, intolerance and isolation.”³³

Experts acknowledge specific strategies for advocacy processes to take account of gender equality.

External level:

- gender-specific assessment to see the consequences of different laws, policy or program for women and men, in all areas and all levels.
- Including gender analysis in the advocacy planning cycle: development, implementation, monitoring and evaluation.
- Revealing like-minded high-ranking men and women, who are engaged in advocacy on gender equality;
- Women empowerment support during the entire process;
- Including events oriented on positive results for women, as necessary;
- Strengthening cooperation with the organizations promoting gender equality;
- Engaging men in activities supporting gender equality.

The internal level:

- Implementing internal gender studies, including women's positions;
- Ensuring gender equality promotion by the organization's management;
- Awareness-raising and capacity building of the organization's employees on gender equality;

³³ Source -Veneklasen, L., Miller, V., 2007. *New Weave of Power, People & Politics: The Action Guide for Advocacy and Citizen Participation. Just Associates. Stylus Publishing*

- Allocating resources within the organization for the institutionalization of gender issues;
- Establishing a practice of balancing working and personal life of men and women;
- Ensuring women's participation in all levels of the organization (if necessary - taking positive measures);
- Men's involvement in such activities, which ensure gender sensitivity within the organization.

An example of advocacy campaign from Georgia: "Calm down, I made my make-up already!" This large-scale advertisement campaign, which was published by the insurance company GPI Holding, was immediately followed by the online campaign by women's rights advocates and many well-known people. Within the campaign, the women were asked to take and post a photo with strict make-up holding posters which read this message. This was the response by the insurance company to the stereotype that women cannot drive as well as men, they use car mirrors in order to check their make-up and so while they try to correct the make-up they may have accidents which results in a stained face.

A facebook campaign organized by an independent group of feminists. See: <https://www.facebook.com/media/set/?set=a.393473790689163.77892.393429824026893> & t ype = 3 "Do not kill women!"

In 2013, after the murder of Tea Metreveli by her husband, a separate group of feminists developed a petition within the framework of the work carried out to prevent domestic violence. People were asked to take and upload a picture of the hand with written word "STOP".

For women's rights advocacy, the materials from the women's NGOs Forum are very important, which was conducted on June 6, 2014, which say:

“Achieving gender equality in all spheres of life is a necessary condition for the implementation of democratic values. Georgia firmly stands on the way towards Europe, but the challenges of gender equality are still problematic. Women's participation is still not in line with democratic standards parity at all levels of government, political and economic decision-making. The discrimination against women is conditioned by gender inequality and stereotypical attitudes in the society to the problem.”³⁴

The forum participants emphasize that women's NGOs have an important contribution to the development and implementation of gender policy of the Georgian state. Women's NGOs initiated and implemented major activities for gender equality, but regardless of their efforts gender equality is still not considered a priority for the country and do not have broad public support. In their view, absence of coordinated work and the lack of consolidation between women's NGOs, in many cases, lead to the final results of their work fragmentation and less efficiency of final results. There is no common vision for solving a number of problems facing the society that hinders the issues of advocacy and lobbying, and in this way the possibility of achieving gender equality.

The forum spirit was as follows: “We, the members of the Women's Forum, believe that to promote women's non-governmental organizations strengthening is necessary condition for achieving gender equality. Only partnership cooperation, the consolidation of power and mutual support makes it possible to participate in country's democratic development process.”³⁵

³⁴ Source – *Women's NGOs Forum materials, Tbilisi, June 6, 2014*

³⁵ Source – *Women's NGOs Forum materials, Tbilisi, June 6, 2014*

They presented the recommendations, which, in their view, contribute to women's issues advocacy:

Development the political platform of the organizations working on Gender equality and creating a common civil space, which will act with new initiatives and joint opportunities by evolutionary development of women's organizations and sharing many years of experience;

Strengthening of the cooperation of NGOs, working of gender equality and united around the political platform, with other civil platforms;

Development of co-participation strategy based on a parity basis, partnership and mutual trust, transparency and accountability, ethical norms and principles of mutual respect;

Considering public demand by reconciled views and attitudes, human rights protection, timely and competent reaction to severe political and socio-economic problems, development of constructive recommendations and proposals on gender equality strategic goals;

Joint gender analysis and monitoring of the government's commitments and activities of the different government agencies;

Coherent analysis of the studies on gender equality issues and conducting important researches by using academic and scientific resources using;

Supporting activities of new groups in terms of organizational as well as financial mobilization;

Support to strengthening of gender institutions, development of objective and rational cooperation between the government and civil society;

Support to women's organizations administrative and organizational development by diversification of financial support and improving forms of relations with donors.

Enhancing capacity and competence of experts' groups in women's organizations, their participation in the international as well as local projects implementation.

Although the forum materials emphasized the “Considering public demand by reconciled views and attitudes of the women’s NGOs, human rights protection, timely and competent reaction to severe political and socio-economic problems, development of constructive recommendations and proposals on gender equality strategic goals ”, some of researchers outline main shortcoming of the current activities in this field being distant from and having inaccurate agenda of the most vital needs of women and other social groups, which often creates alienation of women’s most vulnerable groups and the “Elite” NGOs and academic groups.

Women's issues advocacy is important to strengthen this group, which combines a sensitive attitudes towards women's issues. In this regard, experts consider it important to teach the gender issues qualified course. According to them, female students are mainly interested in studying gender issues. According to their recommendation, it is necessary to introduce educational programs to introduce gender-sensitive in the society. For example, students must see that these issues are extremely important for comprehensive study of human rights.³⁶

In 2013, capacities for advocacy of 41 women’s organizations working in nine regions of Georgia were studied “Women’s Rights Evidence-based Advocacy”. (UN Women / EU project “Innovative Action for Gender Equality in Georgia” (IAGE)).

During the study, three groups of NGOs were formed: 1) NGOs, which act as mediators between citizens and the government, for which they use their contacts with the local government bodies and provide beneficiaries with one-time assistance. 2) Organizations that use a wide range of local advocacy strategy: explore the local needs, inform decision-makers about the problems and monitor the

³⁶ Source - International Conference – “Manifold Angles of Gender: Looking Through a Magnifying Glass” materials, November 26-27, Tbilisi, 2012 pg. 16

problem resolution process. This type of advocacy is usually carried out within the projects funded by the donors. 3) NGOs, which are engaged in advocacy at the national level, they have well-established relationships with the Parliament, the executive authorities, the media and other organizations. They can elaborate legislative proposals and lobby them. These types of events are often carried out within the long-term programs.

This report provides the examples of advocacy by civil organizations at the local or central level:

Examples of local level advocacy: local budget monitoring in terms of gender-responsiveness; signing of a memorandum of cooperation with the local government agencies; lobbying of separate programs in the local budgets. Successfully implemented measures include: establishment of a unit in the local municipality working on gender issues or local government involvement in the implementation of gender programs.

Examples of NGOs' activities at the central level influencing policy-making: participation in the meeting of the Gender Equality Council of the Parliament of Georgia or in the meetings devoted to the problems of people with disabilities; lobbying of legislative initiatives or amendments (defining a status of a single mother or considering parent's DNA tests procedures in the Civil Code); or to develop recommendations for the decision-making bodies (decentralization and local government strategy development).

Finally, the study revealed the internal and external problems related to implementation of advocacy by NGOs:

Lack of public awareness on their rights;

Lack of skills of planning advocacy and strategies combining;

Lack of co-operation and networking skills;

Difficulties related to data collection and the inefficient practice of

³⁷ Source - "Women's Rights Evidence-based Advocacy Manual", ---2014, authors: Ana De Mendoza, Carmen Gonsales, Nana Berikashvili, Tbilisi, pg.52

disseminating information about the revealed facts (one-time demonstration in a small group);

Improper skill of cooperation with legislative / executive bodies and lobbying;

Lack of media interest to social, human rights and women's issues;

Inefficient work of social media (especially in rural areas).³⁷

In terms of women's rights advocacy the annual simultaneous actions in cities and regions were important, which were conducted by the women's organizations in Georgia within the 16 days of activism against gender-based violence, for the promotion of women's equal political participation (including the Fund "Sukhumi", Fund of Women Entrepreneurs, "AVNG", Gender Equality network, etc.).

In September 2000, at the Millennium Summit, which was held in New York, 191 states, including Georgia, took the responsibility to achieve the development goals and objectives by 2015. The agenda included the two tasks – ensuring gender equality in the field of employment, and ensuring women's participation in the politics and at all levels of management. The activities implemented toward promoting gender equality and women's empowerment largely conditioned fulfilling the obligations by the government, including the issues related to women's labor rights. Government report says:

“The Labor Code includes anti-discrimination and protection clauses. Amendments to the Code that are in force from 1 January 2014 concern official leave during pregnancy, child-birth, and child-care. These amendments implicate the increase of leave from existing 477 calendar days to 730 calendar days, out of that paid leave increased from existing 126 calendar days to 183 calendar days. Also, the state compensation for all the paid 183 calendar days has increased to GEL

1,000 (USD 625) in comparison to GEL 600 (USD 375) for the previously mandated 126 calendar days.³⁸

However, the NGOs' studies have given different assessment to government's activities: the Georgian Young Lawyers Association and the "Partnership for Human Rights" implemented by the joint research, which states: "The existing situation of gender equality is not showing the dynamics. Exactly the same barriers were fixed in 2011 that seem have not been eradicated or reduced in accordance with the Action Plan for 2011-2013, as the same measures are planned in 2014-2016. This indicates that there is continuity between the action plans and development, which would be one measure of their success."³⁹

And again quota: on December 2, 2015 the Legal Affairs Committee did not support the legislative initiative on gender quotas submitted by the working group of women's political participation on June 10, 2015. The proposal anticipated 50% gender quota in the parties' proportional lists during the parliamentary and local elections that meant at least 25% representation of women in the parliament and increased number of women in local Sakrebulo.

"We, the NGOs initiators of this legislative proposal disapprove the Legal Affairs Committee's complete disregard of this initiative. We believe that the committee's position is at odds with the government's international and national obligations. Neglecting the quota system by the Committee, also, is contrary to the desire of a large part of the constituencies on the introduction of gender quotas – according to the NDI's survey 2014, 68% of the population supports gender quota system and wants to see more women in politics."⁴⁰

³⁸ *Source - Georgia National Report on the Progress towards Achieving the Millennium Development Goals, 2014*

³⁹ *Analysis of the Action Plan on Women's Employment Assistance, Tbilisi 2014, within the project : "Women's Empowerment against Labour Discrimination and Combating Gender Equality " - financed by the European Commission, pg.35*

⁴⁰ <http://www.ginsc.net/home.php?option=article&id=33508&lang=ge#.VrHv7NJ94dU>

They called on the Parliament of Georgia to meet its international commitments, the international community and local civil society recommendations and, before 2016 elections, take appropriate legislative amendments on gender quotas, "to ensure women's more adequate and fair representation in the parliament."

4. Conclusions and Recommendations

To summarize the results of our analysis, the conclusion is that despite the universally declared political will and a relatively complete legal framework to promote gender equality, a real gender policy in Georgia is still developing. Proof of this is not only low quality of women's representation and obvious gender imbalance in decision-making structures, but also still weak impact of civil actors on the public attitude to the issue.

It is clear that "gender sensitive" policy in Georgia could not have gone beyond the perception of women as an object of care and still cannot perceive her as a full-fledged actor of the local and central policy planning and implementation process. State officials, in gender programs, mean only "one-off allowances" for different categories of women and are less focused on their long-term socio-economic development programs, including small businesses, social entrepreneurship, capacity building, etc.

Georgia has clearly drawn international obligations, but the state programs are very slow for their realization.

The international organizations are closely watching the political developments for equality policy and explicitly record the achievements and the stagnation in this regard. To date, this process is led by the civil society, in particular it one segment of the NGOs, which implement these activities with the supported of international organizations.

But if we consider the fact that the Georgian society as a whole always agrees with the equality, justice, necessity of the policy

anticipating needs of different human groups, but is not able to realize and takes the idea of gender as unusual – the weak communication of supporters of gender equality is much more problematic than the "non-acceptance of gender equality" by the society. It seems that all of them cannot speak a language understandable to the public and is sometimes distanced from it.

As a weakness of CSOs is considered the fact that their main source of funding remains to be only international donors support. Membership fees, donations and government funding are only of secondary importance sources for their work. Individual or corporate donations, according to the researchers, have not yet become the significant sources of funding the NGOs and, as it has often been said, direct funding from the business are very rare.

Because of the funding of this nature, the non-governmental sector has to "adapt" to donors' priorities. Therefore, they appear to work outside these areas: poverty reduction, social entrepreneurship, small business support is not their choice, but "avoiding" of donors' priorities the areas, which most of all respond to the citizens' real needs. Therefore it is not surprising that in some cases, unfortunately, the civil society's confidence to NGOs is not high.

However, it is not doubtful that the non-governmental sector has high potential in terms of promoting gender equality and women's issues. Civil organizations and their experts are considered as partners by the media on (and not only on this) issue. Media covers positions of NGOs on different issues and often invites their leaders to the TV and the radio debates.

If we again analyze the existing opinions on the civil society organizations capacities to have an impact on public policy, which is the most important aspect of gender perspectives, and to monitor its implementation, we get the following picture:

In terms of civic engagement, civil society organizations face a major problem that the general public does not have a clear understanding

of what is a non-governmental organization; because of the economic situation and high unemployment rate, the number of potential beneficiaries is much more than civil organizations capacities to support them (the surveyed organizations indicate the economic situation and unemployment as the important area of concern); low visibility of NGOs has a negative impact on their, as a participator of the social agenda and the decision-making process, image. Finally, in terms of opportunities and resources available to them, the NGOs in capital city are different from the ones in the regions, which are reflected negatively on their impact on the political involvement and interaction with the communities.

It has often been announced that gender statistics, gender budgeting, gender mainstreaming are essential issues for gender policy implementation, introduction of which, in the first place, depends on the political will, then on the ability of civil society to have productive and constructive cooperation with the government.

Importance of implementing gender equality policy at the central, as well as at the local level should be emphasized. Even more - it would be better if gender perspectives introduction process started from regions, as the most of the gender needs are revealed there, as well as the "recipes" which dictate the needs and practice. But, as a rule, there are not enough resources in the scarce local budget, and most more importantly, even in case of the political will the local officials are too "cautious" and try not to take initiatives (which is generally a gap in self-government) to promote this unpopular issue and often justify themselves by the absence of the relevant laws or "directives from above."

In these conditions, it is essential that civil society can dictate policy to set the agenda, as it has been proved in practice. For example – it should be especially mentioned that the government commission on gender issues was set up by local organizations. This was the initiative "from the bottom", which was quite unusual precedent. The success of this initiative indicated that women's organizations, compared

with the previous period, have moved to a qualitatively new stage of development.

Another interesting precedent is establishment of local “Civil Advisory Councils”, with even more pronounced gender vector - pilot examples of Gender Advisory Councils, which is an attempt of institutionalization this level and is “dictated from the bottom” too. Such initiatives are especially important in the condition when the government only declares gender equality and does not prioritize it in practice. To ensure sustainability of institutional mechanisms and their effective work, it will be a deciding factor how public sector can manage to mobilize resources in order to strengthen all new structures and support the government in the implementations of their obligations, which will bring the society not only to the door of the European family, but will also enable the majority of the society members to protect their rights and get long-term development perspectives.

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II. Legislative Aspects of Gender Equality Issues in Georgia

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1. Introduction

In many countries, gender equality is protected by the supreme legal power of the state – the Legislation, as it is the case in Georgia. The main law in Georgia stresses prohibition of discrimination on various grounds, including sex-based discrimination:

“Everyone is free by birth and is equal before law regardless of race, colour, language, sex, religion, political and other opinions, national, ethnic and social belonging, origin, property and title, place of residence”.

(The Constitution of Georgia, Article 14)

According to the local legislation and State Concept of Georgia on Gender Equality (2006), in 2006, the concept gender equality was defined as “an integral part of human rights [referring] to an equal presentation, rights, responsibility and participation of women and men in all spheres of private and public lives as “an integral part of human rights. It refers to an equal presentation rights, responsibility and participation of women and men in all spheres of private and public life”⁴¹.

However, historically speaking, formation and implementation of the gender agenda has been dictated by the country's international commitments. Before 2006, when the Parliament of Georgia approved the "State Concept of Georgia on Gender Equality", a

⁴¹ The state concept of Georgia on gender equality, 2006
<https://matsne.gov.ge/ka/document/view/44014>

number of key international documents were ratified by the state as early as in the 1990s.

2. Existing international political framework documents in the field of gender equality in Georgia

As noted above, basis for the creation of political framework of gender equality in Georgia was promoted with adopting important international documents, including the 1995 *Beijing Declaration* as one of the important ones.

Beijing Platform for Action, 1995

Georgia is a participating country in the Beijing Fourth World Conference (1995) on Women and its framework for action. Beijing Declaration and its Framework for Action (1995) are important international documents in consideration of gender equality politics and agenda.

Mentioned Beijing conference is one of the four global conferences⁴² organised by the United Nations (1975-1995). Each of them aimed at inclusion of gender equality issues in the global agenda and significant increase in attention about these issues.

Beijing women's conference was devoted to the issue of empowering women and received unprecedented international attention. The conference passed Beijing Declaration and Platform for Action, which is essentially agenda for women's empowerment.

Beijing Platform for Action concentrates on 12 critical areas and issues that represented obstacles to the advancement of women and required specific reactions from governments and civil societies. Beijing Platform has identified the following priority areas:

- women and poverty;
- education and training of women;

⁴² Mexico City (1975), Copenhagen (1979), Nairobi (1985) and Beijing(1995) Conferences

- women and health;
- violence against women;
- women and armed conflict;
- women and the economy;
- women in power and decision-making;
- institutional mechanism for the advancement of women;
- human rights of women;
- women and the media;
- women and the environment.

Since Georgia adopted Beijing Declaration and Platform for Action in 1995, along with the other UN member 189 countries, it stood by those countries that had expressed their commitment to add the gender dimension in all the institutions, policy planning and decision-making processes. Accordingly, since 1994/95 all the Georgian strategies, action plans, concepts, the Legislation – together with all the other international acts that are integral part of the Georgian Legislation - including the issues related to implementation of gender equality policies (especially related to the areas prioritised in Beijing Platform for Action) are based on Beijing Declaration and the Platform for Action⁴³.

For example, the Parliament of Georgia approved “the State Concept of Georgia on Gender Equality”. The concept text stresses that the document, along with other international documents, is based on Beijing Declaration.

It should be noted that the concept - *gender equality* was defined in the Georgian state concept for the first time as ‘an integral part of human rights that refers to an equal presentation rights, responsibility and participation of women and men in all spheres of private and public life.’”

⁴³ GEORGIA – Beijing +20, National Review of the Implementation of the Beijing Declaration and Platform for Action (2014)
http://www.unwomen.org/~media/headquarters/attachments/sections/csw/59/nation_al_reviews/georgia_review_beijing20.ashx?v=1&d=20140917T100730

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) by the UN

Among existing international political documents in the field of gender equality, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) by the UN represents the most complete and comprehensive document. It is called the Women's Convention.

Women's Convention is an international treaty that is a composing part of the UN human rights protection system. The Convention aims at establishing equality between men and women in economic, social, cultural, civil and political rights and targets improving women's status.

CEDAW Convention on the "Elimination of All Forms of Discrimination against Women" is the an international agreement adopted by the UN Assembly in 1979 that entered into force on 3 September. 188 countries have signed it. Georgia ratified the Convention in 1994, and the additional protocol to the Convention - in 2002, expressing its readiness to take appropriate measures to prevent all forms of discrimination against women along with all the other countries⁴⁴.

It should be noted that the Women's Convention is an integral part of the legal system and its performance is mandatory in nature.

Women's Convention is believed to provide the most comprehensive definition of discrimination against women. According to the Convention, discrimination against women is:

"any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human

⁴⁴ The UN Fund for Women: "Convention on the Elimination of All Forms of Discrimination against Women" question-and-answer format.

rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”

According to the Convention, the Women's Rights are "human rights, which determine women's social, economic, cultural, civil and political statuses and opportunities."

Implementation of the Convention is monitored by the committee composed of thirty-three independent experts working in various areas of the Convention.

This committee reviews the national reports and issues the concluding remarks.

State parties undertake to prepare national reports (the initial report) within one year after the ratification of the Convention; and thereafter in every four years. The UN CEDAW Committee of Georgia has already submitted its five reports (the official government reports, as well as shadow reports by some non-governmental organizations) to CEDAW Committee.

Georgian authorities submitted their initial report in 1998 (with 3 years delay). The second and third periodic reports were sent in 2003-2004.

In parallel to the national reports, local non-governmental organizations send alternative (“shadow”) reports.

Considering the creation and development of a gender policy agenda of the states that joined the Convention, recommendations made by the CEDAW Committee are important. Based on these recommendations, action plans on gender-related issues are made to be fulfilled in the country; e.g. in Georgia, the majority of the documents developed at the local level were made on the basis of recommendations set by the CEDAW Committee for Georgia.

In 2012, the recommendations and comments to the official and “shadow” reports, published in 2013, concentrated on both positive and negative trends. These trends include early marriages and variety of measures to eliminate them, including age appropriate sex and

reproductive health education, as well as countering gender stereotypes.

The final provisions stress the issues such as low rate of women's political participation. For its enhancement, the Committee calls on 'to introduce mandatory quotas as an effective tool and to include more women in conflict resolution, especially at high-level negotiations and meetings'⁴⁵.

Georgia shall submit next, the sixth periodic report, in July 2018.

The United Nations Security Council Resolution No.1325 on women, peace and safety (and following resolutions: 1820, 1888, 1889 and 1960)

The UN Security Council Resolution 1325 was adopted on October 31, 2000. It specifically focuses on women's significant role in conflict prevention and resolution, as well as peace-building. The resolution stresses the importance of all the efforts aimed at equal participation of men and women and their full engagement in peace-keeping. The Convention emphasizes the need to strengthen the role of women in armed conflicts-related issues, particularly in the decision-making processes. Article 8 of the Convention calls on state parties to employ the gender-sensitive / gender-based approach in the state negotiation processes⁴⁶.

In May 2011, The Parliament of Georgia approved the 2012 – 2015 national action plan on "women, peace and security" of the UN Security Council Resolution No.1325, 1820, 1888, 1889, 1960. Georgia started working on the national action plans of Resolution 1325 from 2002.

In the implementation process of the action plan, which was completed in 2015, the institutions such as the National Security Council, Ministry of Foreign Affairs, Ministry of Justice, the Georgian

⁴⁵ CEDAW concluding provisions about Georgia October, 2013
<http://www.refworld.org/publisher,CEDAW,,GEO,52dd3b1a4,0.html>

⁴⁶ UN Security Council Resolution 1325 (2000)

State Minister's Office for Reintegration, the Gender Equality Council and others were involved. The 2011-2015 action plan included the following objectives:

1. Participation: participation of women at decision-making level in conflict elimination, prevention and management processes;
2. Prevention: Consideration of women's needs in conflict prevention and elimination of all forms of violence against women;
3. Consideration of women's needs in conflict prevention and eliminating all forms of violence against women, especially sexual and gender based violence;
4. Protection: Protecting conflict affected women's human rights; ensuring their physical, social, economic and political security;
5. Relief and Recovery – Addressing special needs of women in war/conflict and post-conflict situations⁴⁷.

Over the past several years, the UN Security Council adopted several resolutions subsequent to Resolution 1325. For example, Resolution 1820, which was adopted in June 2008, also stresses the women's important role of in conflict prevention / settlement and peace-building, also condemns the use of sexual violence as a weapon of war and tactics on women and girls during an armed conflict⁴⁸.

3. Gender equality in the national political framework Documents

Law of Georgia on Gender Equality

The Law of Georgia on Gender Equality was adopted in 2010. The aim of the Law is “to ensure prohibition of all kinds of discrimination based on sex in all spheres of social life, create appropriate conditions for

⁴⁷ The National Action Plan on women, peace and security for the implementation of UN Security Council Resolutions 1325, 1820, 1888, 1889 and 1960 for the time frame of 2012-2015

⁴⁸ Resolution 1820(2008)

implementation of equal rights, freedoms and opportunities of women and men, support prevention and elimination of all kinds of discrimination based on sex”.

The law contains definitions of terms such as gender, direct and indirect discrimination, equal opportunities, equal treatment. For example, the term “special measure” – a measure was intended for correction of results induced by an act of discrimination and targeted at the group of people in need of special protection due to gender characteristics”⁴⁹.

The law focuses on the recognition of gender equality in different areas of social and public, such as labour relations, education and science, health care and social services, family relationships, use of information resources, the realization of election rights, etc. Also, another important aspect is that in labour relations “any type of unwanted verbal, nonverbal or physical act of sexual nature that is aimed at or induces impairment of a person’s dignity or creates humiliating, hostile or abusive conditions for him/her” are inadmissible (Chapter 2, Article 6). Furthermore, the focus on gender equality in education and science is made clear. In particular, Article 7 stresses the state's obligation to ensure creation of the equality of men and women in education and equal access to education. The second section details gender equality issues in family relations, in particular, the identity of equal rights of men and women in marriage and divorce, free choice of family name, profession and occupation, ownership, purchase, management, use and disposal of property, free choice in possessing, purchasing and disposal of the property. In this chapter, the focus is on equal obligation of domestic labour or child-rearing issues in the social sphere of men and women.

⁴⁹ Law of Georgia on Gender Equality
<https://matsne.gov.ge/ka/document/view/91624>

Institutional mechanisms of supervision

Introduction and establishment of institutional measure of supervision over protection of gender equality is given in Chapter 3.

In the law on gender issues and maintenance of gender equality, the Parliament of Georgia and the Council on Gender Equality, formed by the Parliament, have the main functions.

The Council is the main authority, which is authorized to monitor implementation of action plan on gender equality "perform analysis of the legislation of Georgia and develop proposals to eliminate existing gender inequality in the legislation; plan certain activities to achieve gender equality and develop and introduce a monitoring and assessment system".

The Law on Gender Equality also deals with involvement of local self-government bodies in the field of protecting and maintenance of gender equality. According to Article 13 of the law "local self-government bodies shall develop and carry out activities to ensure detection and elimination of discrimination locally".

According to Article 14 of the Law of Georgia on gender equality, the Public Defender of Georgia, within the scope of his/her authority, shall monitor the protection of gender equality and provide appropriate response in cases of violation⁵⁰.

Apart from the Parliamentary Council for Gender Equality, it is noteworthy that since 2013, several institutes were founded; Their jobs are to monitor violations of women's rights and principles of gender equality.

In 2013, at the Public Defender's Office the Department of Gender Equality⁵¹ was established. Its responsibilities include supervision of

⁵⁰ Arjevanidze, N. (2011) Gender equality – review of Georgian and international legislation. Center for Social Sciences.

⁵¹ ***The Public Defender. Department of Gender Equality***
<http://www.ombudsman.ge/ge/specializirebuli-centrebi/genderulitanasworoba/genderuli-tanasworobis-centris-sheaxeb>

human rights and protection of freedoms in consideration of gender equality, and taking appropriate measures to raise the public awareness.

In 2013, special adviser to the Prime Minister for human rights and gender equality issues was appointed, while in 2014, state inter-agency coordinating council for human rights protection at the Prime-Minister's Office was created (UN Women Organization, 2014).

On January 24, 2014, the Parliament of Georgia approved the next *2014-2016 Action Plan*. Non-governmental organizations; local and international experts, the Council for Gender Equality; corresponding committees, the Council of the parliament of Georgia for Gender Equality, Interagency Commission for Gender Equality, supreme justice council/court of Georgia. The main objectives of the action plan are: creation and development of institutional mechanisms for gender equality, creation of the legislation considering gender equality aspects.

4. Gender quota and issues related to women's participation in politics

Finland was the first country where female members of the parliament were elected by universal suffrage and with significant representation in 1906 (Shedova, 2005). However, this case of Finland is an exception. Globally this process has been progressing very slowly and it took year for women to be elected as legislators in other parts of the world.

After the fall of authoritarian regimes in the 90s, the women's parliamentary representation has fallen significantly, the lack of women in decision-making positions indicated 'democracy deficit'.

Gradually the number of women legislators has become an indicator of the quality of democracy of the country. Today, the proportional representation of women in the legislative institutions is an indicator

of equal opportunity and expresses legitimacy of parliamentary institutions.

Electoral quota is a type of strategies used by the states apply to eradicate democracy deficit, so that women are able to participate in decision-making process together with men.

Quota is a special measure, in a number of countries it is a temporary measure, which is usually valid until obstacles for women to participate in politics are overcome, until women are able to be fully involved in political process and their systematic isolation from politics is eliminated. However, there are countries where this measure is not limited in time and is not limited with time frames.

Gender quotas shall be defined by the legislation, or by the party itself internally, i.e. they can be established by the political parties. One type of quota is so called reserved seats.

Quota system aims at increasing the total representation of women to at least 'critical number' (30% or 40%). Currently, the critical 30% representation is not considered sufficient, a number of countries with the gender balance demand 50-50% representation of both sexes, as in any country, women are half of the population, which is part of the fairness argument.

As Anna Phillips said, the quota system supporters may be divided into four groups: a successful female politician - as an argument for role model, argument for protecting the justice principles between genders, women-specific / determined interests argument (which are ignored, if women do not represent them / argue for them and different approach of women to politics - which means that the question of how women's involvement will change the political agenda.

Anna Phillips's main argument for gender equality is to protect the principles of justice, as for her it is 'grotesquely unfair of men to monopolise representation'. (185) That is why it is important to eliminate structural discrimination. She asks the question, whether

there is any 'natural superiority, talent, ability, experience or genetic distinction, which makes the men dominate in political positions?

There are different attitudes of gender researchers (Dahlerup and Freidenvall 2005; Phillips 1995, Fraser 1997) about the so-called women's specific interests and different experience, but it is impossible to ignore that women do have some specific interests (aspects of reproductive function, or their vulnerability to sexual violence in mind).

To sum up arguments of the opponents, they talk about the lack of democracy, in particular they indicate that the gender quota system is incompatible with the principles of equal opportunities, as women are given advantage because of their sex and gender, and not the qualifications. This event is also considered undemocratic because the opponents claim that the voters should make their decision about their choice.

Inter-parliamentary Union (IPU) does systematic monitoring on the level of representation of women in national parliament, as well as on the introduction of a quota system. A number of studies in this regard confirm key role of the electoral systems in women's proper representation. However due to the relative nature of the electoral systems (advantage of the majority and proportional systems), this issue is still controversial in gender and political fields: it is disputed whether the electoral system can be considered decisively influential (the IPU evaluations also show that).

The issue is complex, as the proportion / representation of women in national parliament are affected not only by the electoral system, but also other variables (cultural, political or socio-political).

During the last ten years, several initiatives on introduction of the quota system failed in Georgia. However, the following amendments made in the 2012 electoral code and amendments in the Organic Law "about political unions of citizens" could be considered positive.

The party gender quotas for the introduction of a number of initiatives on hold, however, positively could be considered in 2012,

the electoral code and the "Political Unions of Citizens", despite the fact that the parties that gained seats in the legislative body failed to use the amendments about financial incentives.

Article 115 of the Election Code, which deals with the submission of party lists, states that:

The rules for drawing up the party lists can be defined by the parties and election blocs. While drawing up the party lists, it should be taken into consideration that the gender balance is related to extra funding outlined by the Organic Law of Georgia on "Political Unions of Citizens".

As for the Organic Law of Georgia, Article 30 on "Political Unions of Citizens":

"The party receiving funding under this article, shall receive supplementary funding of 30% of basic funding if the party or the election bloc submits the party list at the election (local self-government elections - all in the party list), based on what it received funding for, that represents at least 30% of different sex in the first, the second and every following groups of ten candidates".

The analysis of the enactment results of this article is given in the study "gender analysis of elections of local representatives and executive bodies 2014", which stated the parties that received funding at parliamentary election of 2012 could not overcome the election threshold and, therefore, none of the women could be represented at the Parliament, while in 2014, funding for 30% gender balance was received by the election subjects „United National Movement" and "Christian Democratic Movement. They received annual bonuses of GEL 180 000, [...] but the ratio of women elected by these two election subjects among the total number of the elected women is much smaller.⁵²

According to the author, in spite of the fact that this norm in some ways affects the list formation process, it does not show any

⁵² T. Bagrati, Gender Analysis of Elections of Local Representatives and Executive Bodies 2014

substantial effect in terms of gender representation, so different ways of determining the amount of the percentage of the norm is desirable. Furthermore, it is important to determine the target of the amounts received by the political parties. The amounts should be spent for raising gender awareness and finance programs for women empowerment (p. 22)

5. Human Trafficking (Trafficking) and its gender dimension

Human trafficking (trafficking) is a gross violation of human rights. It can be referred as a modern form of slavery and categorized as serious crime. In human rights, according to the important international agreements, including the so-called UN Women's Convention (CEDAW), sexual trafficking is considered a form of sexual discrimination and violation of human rights. Nowadays, Trafficking women and children for sexual exploitation is the fastest growing criminal acts in the world. This, despite the fact that the international law and the laws of 134 countries criminalize sex trafficking.⁵³ Sexual trafficking both within and outside the country - is a violation of basic human rights.

Gender dimension of human trafficking is important, as the world's data show, the majority of victims are women and girls. Sexual exploitation is the most common goal in women trafficking. Women trafficked for commercial sexual services are involved violently. This is conditioned by several factors, including the most obvious - the level of vulnerability of women and girls; that is why gender dimension of human trafficking received more attention in recent years.

The problem is closely linked to prostitution, for example, the EU member states have taken different approaches in this regard: some of

⁵³ https://www.unodc.org/documents/data-and-analysis/glotip/GLOTIP_2014_full_report.pdf

them criminalized prostitution, while others resorted to regulatory measures.

The approach of the EU countries are noteworthy. It is more oriented on the victims of trafficking and at the same time recognizes that the victim support, protection and planning / implementation of preventive measures should be considered in terms of gender.

The International Labor Organization estimates that 21 million people worldwide are victims of trafficking according to data of 2012, of whom 11.4 million are girls and women. According to UNODC 2014 report, this is the problem for the world's 152 countries, which is indicative of the nature of the global human trafficking ⁵⁴.

It is alarming that the number of trafficked women and girls is growing every year: in 2004, 10% of the total number of victims were the women and girls of the total, while in 2011 the figure reached 21%.⁵⁵ As for the country's statistics, the information given on the website of the Ministry of Justice, sex of the victims is not specified. It could be important to reveal the overall trend. The data at this point is gender-blind.⁵⁶

"The fund for protection and assistance of statutory victims of Human Trafficking⁵⁷" does not show differentiated information about sex of the victims on its website either, but according to the data of 2010, the number of victims of sexual exploitation is increasing every year. Considering the global trend, we have to assume that most of them belong to the female sex.

Georgia is a country of origin, transit and destination as well as place of exploitation for the victims of human trafficking, For several years,

⁵⁵ European Parliament. 2015. The gender dimension of human trafficking. [http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/577950/EPRS_BRI\(2016\)577950_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/577950/EPRS_BRI(2016)577950_EN.pdf)

⁵⁶ Ministry of Justice of Georgia. Anti-trafficking policy <http://www.justice.gov.ge/Ministry/Index/357>

⁵⁷ The legal entity of the public law was founded according to the Law of Georgia on Combating Human Trafficking

Georgia has been undertaking measures to suppress trafficking and has provided specific legislative measures, as well as carried out relevant steps towards effective implementation of relevant normative base.⁵⁸

According to the latest report of the US State Department, Georgia is a source, transit and destination country of trafficked women and girls. Women and girls are the victims of sex trafficking both within the country and outside its borders. For example, the most frequent destination is Turkey; much fewer numbers are in China, Egypt, Greece, the United Arab Emirates and Russia. Women from Central Asia and Azerbaijan are involved in forced prostitution in the tourist region - Ajaria, mostly in Batumi and Gonio. The report also highlights that the majority of young victims identified are foreign citizens who have become victims in their job search processes. (US Department of State, 2015)

As mentioned above, in Georgia a number of measures were planned and implemented in order to ensure effective fight against, prevent and investigate trafficking.

Apart from this, according to the Law of Georgia “On Combating Human Trafficking”, a state fund for protection and assistance of statutory victims of Human Trafficking was established. It provides shelter and relevant rehabilitation programs to the victims of the trafficking.

As for developing the national legal basis and measures, first of all, the law adopted in April 2006 should be noted: it defines legal and organizational grounds for preventing and combating human trafficking, powers and obligations of state bodies, officials and legal persons in taking measures against human trafficking, and the procedures for coordination of their activities, as well as the legal

⁵⁸ <http://www.justice.gov.ge/Ministry/Index/309>

status of victims of human trafficking and guarantees the social and legal protection in Georgia.⁵⁹

Since 2006, after adoption of the mentioned law, a number of action plans have been elaborated. Last year, in 2015, Parliament approved the 6th action plan to counter human trafficking. Non-governmental organizations were actively involved in elaborating on the action plan.⁶⁰

As for the international legal base, while developing the national legislation, it has also ratified some important international treaties, including - Council of Europe Convention on action against Trafficking in Human Beings, the UN Convention against transnational organized crime and Palermo Protocol.

Trafficking in Persons⁶¹ of the US State Department, published in July 2015, reflects the positive steps taken by the 2015 report published in July. This report evaluates the measures taken by the states against human trafficking around the world.

6. Violence against women

According to the data of Ministry of Internal Affairs for the period of 2015 and January 2016, statistics of domestic violence (according to the restraining order) is as follows:

"In 2015, total number of 2726 domestic violence restraining orders were issued involving 5106 persons. The majority of offenders were men - 2283, while the number of women was 185. Most of the cases of domestic violence in Georgia included physical (1208) and psychological violence (2556)"⁶².

⁵⁹ Law of Georgia "On Combating Human Trafficking",
<http://www.justice.gov.ge/Ministry/Index/344>

⁶⁰ Anti-Trafficking Action Plan. <http://www.justice.gov.ge/aboutus/Council/242>

⁶¹ US. Department of State. Trafficking in Persons Report 2015

<http://www.state.gov/j/tip/rls/tiprpt/>

⁶² Ministry of Internal Affairs. Domestic violence 2015 (according to the restraining order)

The national research, 2009⁶³ - the first comprehensive nationwide study - on the issue of violence against women was conducted. The poll is based on quantitative and qualitative research. According to survey, results revealed various forms of domestic violence: "emotional violence, reported by 14% of women respondents; acts intended for controlling women (35%), e.g. 29% of women are not allowed to have relations with family, 11,6% need permission to use medical services and husbands of 11,1% of women get angry if they talk to another man." Number of physical violence against women in the family is alarming. In particular, among the women, who had been ever married, one in every eleven women is a victim of physical violence, 34.7% have had several body injuries.

In recent years number of murder of women, increasing femicide statistics. In the 2015 special report⁶⁴ by the Public Defender, 2015 "Violence against Women and Domestic Violence in Georgia", which is based on the findings of the monitoring on the state services on issues such as violence against women and domestic violence in 2014, it is noted that "female homicide has increased by 62% in 2014 comparing to the data of 2013, the cases of killing wives by a husband increased by 57% and crime committed against women in the family (killing) has increased by 53% comparing to the previous year data."

In order to fight back against the mentioned problems, a number of activities were carried out in Georgia, which unfortunately has not been enough. However, there really has been a noteworthy advancement.

In May 2006, Parliament passed the Law of Georgia "on Elimination of Domestic Violence, Protection of and Support to Its Victims"⁶⁵.

⁶³ National Research on Domestic Violence against Women in Georgia, 2010. <http://en.calameo.com/books/000713529177c100783a5>

⁶⁴ Special Report Violence against Women and Domestic Violence in Georgia 2015 <http://www.ombudsman.ge/ge/reports/specialuri-angarishebi/specialuri-angarishebi-galta-mimart-dzaladoba-da-odjaxshi-dzaladoba-saqartveloshi.page>

⁶⁵ Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims <https://matsne.gov.ge/ka/document/view/2555086>

The law is being implemented through action plans. So far five action plans have been elaborated⁶⁶ and implemented. Currently, the new project of “developing 2016-2018 action plan on measures to be implemented for combating violence against women and protection of victims⁶⁷” is under way. Non-governmental organizations are involved in the process.

In 2008, the Inter-Agency Council on Domestic Violence, has been established. It is composed of the relevant ministries, UN agencies and non-governmental organizations. The Council is responsible for their support and implementation of the law on domestic violence. After the law came into force, the referral mechanism for victims of domestic violence have been developed which was approved by the Inter-Agency Council on Domestic Violence in 2009. The National Referral Mechanism cooperates with the above-mentioned organizations to protect / rehabilitate the victims (Development Women’s Fund, 2014; United Nations Women's Organization, 2014). It should be noted that in terms of providing services to victims of human trafficking, state Fund for Protection and Assistance of Statutory Victims of Human Trafficking plays an important role in terms of providing service to the victims of human trafficking, as well as domestic violence.

In June 2014, Georgia signed one of the important agreements in the field: Convention on Preventing and Combating Violence against Women and Domestic Violence of the Council of Europe, which is known as Istanbul Convention. The Convention binds the European countries to create joint legal mechanisms and legal norms against violence. “The signatory countries undertake to ensure protection of women from domestic violence on legislative level, collect statistics

⁶⁶ Action plans on measures to combat domestic violence and protect victims of domestic violence

<http://www.atipfund.gov.ge/index.php/ka/legislation/action-plans>

⁶⁷ The process of developing 2016-2018 action plan on measures to be implemented for combating violence has started

http://gov.ge/index.php?lang_id=geo&sec_id=288&info_id=52326

of cases of violence against women; ensure public awareness on domestic violence, and rehabilitation and protection of the victims".⁶⁸ The Ministry of Justice has developed a package of legislative amendments,⁶⁹ after the approval of what ratification of Istanbul Convention is planned.⁷⁰

6.1 Early Marriage

Early marriage is quite a common practice in Georgia, a cause of which is the hidden nature of the problem as well as absence of comprehensive statistical data.

Georgia takes the second place in the region by 17% of the early marriage rate. European countries, Georgia and Moldova (19%) have the highest rates of early marriages in Europe (UNFPA, 2012). However, since the early marriages are not registered and many cases remain beyond the statistics, the data cannot guarantee an accurate picture.

The Public Defender's 2012 report for the time frame from October 2011 until January 2013 estimates that more than 7 000 girls dropped out of schools before completing the basic level. To a great extent it was due to marriage at an early age. Situation is alarming in Kvemo Kartli and Tbilisi regions (UNFPA 2014).

In order to prevent marriages of minors, the Parliament of Georgia passed the law on limiting marriage registration of minors on 16 December 2015. The mentioned change was made to the Civil Code of Georgia and "about civil acts" of the Law of Georgia.

⁶⁸ Deputy Minister of Justice Attends Conference on Istanbul Convention. 2014. <http://www.justice.gov.ge/News/Detail?newsId=4654>

⁶⁹ <http://www.interpressnews.ge/ge/politika/367064-sofo-jafaridzem-gaero-s-momkhsenebels-ojakhshi-dzaladobis-tsinaaghmdeg-brdzolaze-informacia-miatsoda.html?ar=A>

⁷⁰ (According to the information of the web-site of the Ministry of Justice, ratification was planned at the end of 2014: The Parliament of Georgia plans to ratify the convention later this year.)

The information sheet states that "The goal of the law project is to prevent unwanted and forced marriages of minors aged 16-18 based on Article 1108 of the Civil Code. Such marriages are very common on the basis of a permit issued by the parents."

The change allows a person to marry from 18 years of age. 16 years old minor can marry on the basis of the court's consent in some situation that needs reconsideration, such as pregnancy and child birth.⁷¹

Before the changes to the Civil Code, the marriage of 16-years-olds minor were allowed based on prior written consent of parents or guardians.

6.2 Unequal pay - discrimination in the labor market

According to the National Statistics Service of Georgia, in 1999-2012, the average monthly salary of employed women amounted to 54% of the average salary of men (UNDP, 2013). 2015 data points to the same trend. In 2015, the average salary of employees amounted to GEL 864.4. For the same period, the average salary of employed men was GEL 1226.5, while the same figure for women was – GEL 759.7. Thus, the Georgian men earn an average of GEL 467 more than the women.⁷²

Georgia is not an exception in this case: as in most countries of the world, here too women are compensated less for the similar work as men.

The study to determine the level of gender discrimination in Georgian labour market⁷³ which was conducted based on representative survey in all over Georgia and included people in labour market in 1364 urban areas (Center for Social Sciences, 2014)

⁷¹ *Law of Georgia on civil acts* <https://matsne.gov.ge/ka/document/view/3122416>

⁷² National Statistics Office of Georgia

http://www.geostat.ge/?action=page&p_id=148&lang=geo

⁷³ "Gender discrimination in Georgian labour market"

http://css.ge/index.php?lang_id=GEO&sec_id=93&info_id=1043

also revealed an unequal distribution of wages between men and women. According to the mentioned study, "average salary for the majority of employed female respondents (33%) varies between 251-400 GEL whereas in men's case the average salary ranges between 401-700 GEL". Furthermore, there are remarkably large differences in consideration of bonuses, additional benefits and compensation issues.

"...there are large differences in case of financial benefits. [...] 66% of men (who have been eligible for bonuses/compensations) have got bonuses, while among women, this indicator is almost twice lower with 34%. Also 60% of men have got bonuses, while the same experience has been for 41% of women" (Center for Social Sciences, 2014).

"[...] 66% of men (who belonged to the bonus / compensation) received a bonus, while the figure for women is almost two times lower and is equal to 34%. Also, 60% of men have paid a premium, while only 41% of women had a similar experience." (Center for Social Sciences, 2014)

It should be noted that Georgia is a member of International Labour Organization (ILO) and has ratified 16 ILO Conventions, including the Convention #100. With joining this Convention, Georgia made the commitment to ensure equal pay for women's and men's work. Nevertheless, this is not sufficiently reflected in Labour Code of Georgia of 2006⁷⁴.

6.3 Anti-discrimination law

Over the past few unequivocal success of the anti-discrimination law, which, despite shortcomings, representatives of non-governmental organizations and the civil society consider to be a step forward and success. They positively assessed the fact that despite the opposition

⁷⁴ Article 42 of the Constitution. The shadow report of the fourth and the fifth combined periodic overview for the committee working on eradicating discrimination against women, Session 28, July 2014.

and pressure from the Patriarchate and a large part of the society, the terms “sexual orientation” and “gender identity” were not removed from the list of discrimination acts in first article of the law because in order to ensure constitutional principle of equality, it is necessary to exclude the exceptions, guarantee equality rights to everyone and not just to some separate social groups” (Kaikhosroshvili, 2014). At the same time, they note that the government's draft law was amended by the government administration without informing them. They think which made the draft law “significantly weaker”, which is particularly associated with the removal of the fines.⁷⁵

"Transparency International - Georgia" also considers adoption of this law a step forward for human rights and the fight against discrimination in terms, but notes that in order to achieve the objectives of this the law, it is necessary to made corresponding resources available ("Transparency International - Georgia", 2014).

6.4 Stereotypes and raising awareness

In terms of combating discrimination on any grounds, it is important to raise public awareness, in which both the government and the community have important roles.

Widespread prejudices and stereotypes in Georgia are often bases for discrimination cases. The role of the education system is important in elimination of stereotypes, fighting against discrimination based on gender identity and sexual orientation, raising awareness about gender equality.

In its conclusive provisions⁷⁶, The UN CEDAW Committee calls on Georgian government to implement relevant sex and reproductive education in schools, to promote fight against gender stereotypes by means of media and school programs.

⁷⁵ Topnews, Mediamall, “NGOs publish concluding evaluation about antidiscrimination law”. <http://topnews.mediamall.ge/?id=105543>

⁷⁶ CEDAW conclusive provision about Georgia. October, 2013
<http://www.refworld.org/publisher,CEDAW,,GEO,52dd3b1a4,0.html>

It should be noted that according to 2015-2016 national curriculum, a new subject "Society and I" was planned to be introduced. This subject was to follow the above-mentioned purposes. The new, independent subject, "Society and I" in 3rd and 4th grades was planned to be implemented within the social sciences education in schools. In this subject, the focus was on the environment (family, school, community), a healthy way of life, safety, violence, tolerance, social skills development, the government, the environmental issues and more.⁷⁷ The initiative of the Ministry of Education caused a lot of controversy in the society, as a result teaching of the subject did not start in 2015.

2015-2016 academic year was supposed to be pilot year for the subject. Pilot training was planned in some school in Tbilisi and regions. From 2016-2017 academic year, the subject "Society and I" was planned to be taught across the country, both in public and private schools. Deputy Minister of Education, Lia Gigauri, said that this issue would continue to be reviewed and deadlines would also be postponed⁷⁸.

Regarding the issue, the Public Defender's statement on the subject is uniquely positive. Ombudsman recommends that the Ministry of Education and Science bears the difference, through the new subject that implies tolerance of a something strange and different. According to his faith, the subject "Society and I" would undoubtedly contribute to the culture and raising awareness of tolerance in schools.⁷⁹

⁷⁷ See working version of the standard of bases for social sciences: <http://www.mes.gov.ge/uploads/News/standartis%20temebi%20da%20sakitxebi.pdf>

⁷⁸ Teaching new subject "Society and I" at schools has been postponed, **September**, 2015 <http://edu.aris.ge/news/skolebshi-axali-sagnis-me-da-sazogadoeba-swavleba-gadaido.html>

⁷⁹ The public defender applies to the Ministry of Education about the subject "Society and I", **February, 2016** <http://edu.aris.ge/news/saxalxo-damcveli-sagnis-me-da-sazogadoeba-shehexeb-ganatilebis-saministros-rekomendacii-mimartavs.html>

7. Conclusions and Recommendations

The present study demonstrates that Georgia is really working on implementation of the gender agenda, planning of which was dictated by the international commitments. First of all, the gender equality is guaranteed by the Constitution of Georgia. Georgia has been involved in important international and national political frameworks, and now implementation processes of action plans in the field of gender politics are under way. In terms of the institutional framework, establishing a number of institutions is a step forward. One of the objectives of these institutions is monitoring on facts involving violation of women's rights and gender equality rights.

Despite the above-mentioned progress, Georgia still holds 82nd place out of 145 countries in global gender gap ranking 2015 of the World Economic Forum⁸⁰. Economic Forum's ranking of gender gap is drawn up according to the women's participation in the economic, health, education and political fields.

In addition, women are under-represented in the legislative body. According to the latest data of the Inter-Parliamentary Union⁸¹, Georgia, in terms of women's political representation, takes 141st place among 191 countries. Apart from this, women have less economic capabilities. As shown in this paper, women get less income than men in the labour market.

In order to strengthen gender equality and effectively implement it in the legislation, it is necessary to work on elimination of existing gaps and take series of measures:

- ✓ In order to improve the low rate of the women's participation in politics, it is necessary to adopt the law about mandatory quota

⁸⁰ World Economic Forum. Global index 2015

<http://www3.weforum.org/docs/GGGR2015/cover.pdf>

⁸¹ Inter-Parliamentary Union. Women's representation in the parliament. 2016

<http://www.ipu.org/wmn-e/classif.htm>

which will ensure increase of the women's representation rate at the decision-making level.

- ✓ The state should provide financial resources for the effective implementation of action plan measures in the field of gender policy implementation.
- ✓ For effective implementation of the legislation about gender equality, it is necessary to strengthen and provide sufficient financial resources to the institutions in the field (Council for Gender Equality, the Gender Equality Department at the Public Defender's Office).
- ✓ in order to eliminate gender discrimination, as well as early marriage cases, it is important to introduce the subject "Society and I" to public schools as planned according to 2015-2016 academic year curriculum – it is necessary to introduce issues of the students' age-appropriate sex and reproductive health education
- ✓ in order to raise awareness of gender equality issues, it is important to support the implementation of appropriate measures serving for the benefit of the government's fight against gender stereotypes
- ✓ in order to combat gender discrimination in the labor market, it is important that the conventions, - especially the convention #100 - of the international Labour Organization ratified by Georgia are reflected in the Labour Code of Georgia, that concerns obligation of equal labour pay for both women and men.
- ✓ In order to eliminate human trafficking, it is necessary to pay more attention to gender dimension of trafficking while planning and implementing the measures.
- ✓ Considering the increased incidence of femicide, it is necessary to conduct comprehensive nationwide study on the issue of violence against women.

- ✓ In order to ratify the Convention on Preventing and Combating Violence against Women and Domestic Violence of the Council of Europe (Istanbul Convention), it is necessary to make corresponding legislative changes in the near future.

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III. Women’s labour rights in Georgia: Patterns of gender discrimination and inequality in labour market

Ekaterine Gamakharia,

1. Introduction

The worldwide recognition of the importance of gender equality led to some positive changes in terms of achieving gender equality in Georgia. Following its independence, Georgia ratified a variety of human rights instruments and thereby, committed itself to promoting respect for human dignity and to achieving gender equality and equity in all spheres of life.

Georgia adopted significant institutional and legal framework on gender equality over the past decade. At the normative level, the parliament adopted the Law on Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence (2006), the Law on Gender Equality (2010), and Law on the Elimination of All Forms of Discrimination (2014), which form the legal foundation for promoting gender equality. The government also approved a National Action Plan on Gender Equality (2014-16) and integrated all existing gender and women’s rights action plans into the Human Rights Action Plan (2014-15). In June 2015, Georgia signed the Council of Europe’s Istanbul Convention on preventing and combating violence against women and domestic violence.

At the institutional level, the government established a Commission on Gender Equality and Gender Equality Advisory Council under the Chairperson of the Parliament of Georgia. Under the Association Agreement, signed between EU and Georgia in 2014, Georgia committed to promote gender issues as a priority, set in the title 6 of the Association Agreement - *“The parties shall strengthen their dialogue and cooperation on promoting the Decent Work Agenda, employment policy, ...gender equality and anti-discrimination...”*.

Despite some progress, implementation of national laws and state policies to ensure gender equality in practice remains an uphill struggle. According to Gender Inequality Index in Human Development Report,

2015 developed by the UNDP, Georgia is ranked 76th out of 188 countries.⁸² The Progress Report on Implementation of the European Neighbourhood Policy takes note of persisting gender inequality issues in Georgia.⁸³ Lack of women in decision-making positions, their higher level of economic dependency, tolerance of the general public towards gender-based violence, lack of support mechanisms for women, inadequate law-enforcement, and lack of gender-oriented state programs contribute to disadvantaged position of women in Georgia.

Gender equality in the society is closely linked with the situation of men and women in the labour market. Persisting gender stereotypes and attitudes within the society have significant impact on women's and men's position and role at every stage of their life, including in labour market. For instance, different models of upbringing of boys and girls, gender-stereotypical expectations and the role society chooses to assign them, further reflected in the gender-segregated labour market. Furthermore, women's ability to get decent job in the market economy is closely correlated with the division of the workload within the family and women more often than men have to choose between their careers and family lives, which negatively affects their empowerment in the society. In addition, the fact that the women are more likely to be victims of gender-based violence either in family, workplace or society, not only devastates women, but also stalls development and ambitions, diminishes their competitiveness and productivity at work. Subsequently, struggle against gender inequality and discrimination to a large degree depends on the opportunities provided to women to self-realise, access labour markets and pursue their careers.

Decision and ability of women to participate in the labour market depends on various social and economic factors, such as educational attainment, the age of marriage, fertility rates, economic growth etc. In addition to these, social norms determining the role of women in the

⁸² Human Development Report, 2015, by UNDP, page 225, available at http://hdr.undp.org/sites/default/files/2015_human_development_report_1.pdf

⁸³ JOINT STAFF WORKING DOCUMENT, Implementation of the European Neighbourhood Policy in Georgia Progress in 2014 and recommendations for action, Brussels, 2013, p. 13, available at http://eeas.europa.eu/enp/pdf/2015/georgia-enp-report-2015_en.pdf

public domain continue to affect women's participation in labour market as well. While female labour force participation rates give some significant information on gender equality level in labour market, it does not provide the full picture, given that women continue to disproportionately confront a range of multiple challenges on their career paths and at the workplace. These are access to employment, occupational choice, working conditions, wage parity, benefits, equal treatment, gender and sexual harassment, and balancing the competing burdens of work and family responsibilities.

The objective of this study is to analyse the issues related to gender inequality in Georgia's Labour market and suggest possible actions to address the problems.

In order to explore the above issues, the study will firstly focus on the main characteristics of women's participation and gender dimensions in Georgia's labour market. Secondly, it will review the international and national legal and institutional mechanisms related to women's labour rights, which were designed to protect women from employment discrimination. Thirdly, the study will explore factors and conditions that hinder creation of an enabling environment for women's active and equal participation the labour market. Finally, the paper will draw the major findings and policy recommendations for potential stakeholders.

2. Overview of gender dimensions in Georgia's labour market

Georgia's economic transformation from centrally planned economy to the market economy had a strong impact on the dynamics of the gender balance in the labour market over the last 20 years. Georgia's post-independence transition was characterised by sharp economic decline, ruined industry, massive unemployment and series of ethnic conflicts that had a tremendous negative impact on women. These social, economic and political upheavals affected the traditional role of women and men in the society. The economic changes affected more women than men as the sectors of economy traditionally occupied by women (consumer industry and food processing, chemical production, the social sphere, textile etc.) were closed down. Many women with high professional qualifications were unable to find employment corresponding to their skills and experience. This led to the growing number of women enrolled in non-registered small business (baking,

small trade, etc.). Many of them had to leave their families and children, and seek jobs abroad, mainly as babysitters and caretakers. Women have challenged the existing cultural and social perception of their role as the stay-at-home house-wives, taking up the burden that once belonged to the men. They became responsible for material well-being of their families.

In addition, drastically decreasing social benefits and the collapsing state-run system of family and childcare support has disproportionately affected women. Women had to bear a double burden on their shoulders: while continuing working in social and private sectors, women remain the main caretakers at home. Such traditional practices and attitudes leave little room for women to pursue more ambitious career aspirations or acquire higher positions in labour market.

Different statistical and research data shows that the labour market in Georgia is characterised by gender inequality, in terms of labour force participation and employment rate, gender-based employment segregation, and disparities in the average salaries.

National Statistics Office of Georgia (GeoStat) annually provides gender-disaggregated data on market participation, average salaries and average education attainment. According to GeoStat data for 2015, the total population of Georgia is 3 729 500, out of which 1,951,000 (52.3%) are women. The employed constituted 51.1% among women and 66.6% among men in Georgia.

The unemployment rate of women is lower than men's, specifically 10.4% for women, and 14 % for men. However, the economically active men (77.4%) outnumber the women (57.1%), meaning that higher amount of men are more actively engaged in economic activities i.e. either already employed or looking for the job. (see table 1).⁸⁴

⁸⁴ National Statistics Office of Georgia, Employment and Unemployment rate by Gender, available at http://www.geostat.ge/index.php?action=page&p_id=146&lang=eng

Table 1. (GeoStat data)

		2008	2009	2010	2011	2012	2013	2014
		%						
Average	<i>Unemployed</i>	16,5	16,9	16,3	15,1	15	14,6	12,4
	<i>Economically active</i>	62,6	63,6	64,2	65,2	66,9	66,2	66,5
	<i>Employed</i>	52,3	52,9	53,8	55,4	56,8	56,6	58,3
Women	<i>Unemployed</i>	16,1	15,4	14,5	13,1	13,8	12,3	10,4
	<i>Economically active</i>	53,5	54,3	55,5	55,8	57,4	56,8	57,1
	<i>Employed</i>	44,9	45,9	47,5	48,5	49,5	49,8	51,1
Men	<i>Unemployed</i>	16,8	18,1	17,9	16,7	16,1	16,5	14,0
	<i>Economically active</i>	73,4	74,6	74,5	76,5	78,2	77,3	77,4
	<i>Employed</i>	61,1	61,1	61,2	63,7	65,6	64,5	66,6

The disparity in economic activity between men and women over the given period (2008-2014) fluctuated between 19% and 20%, which can be explained by several factors. Firstly, women in Georgia outlive men and therefore, make up a bigger proportion of non-working pensioners. An important factor is that career and breadwinning is still perceived in Georgia as men's domain and women are mainly given domestic and reproductive roles. Another factor is high level of women's emigration in Georgia, which according to 2014 statistics totals approximately, 41.5 % from all labour emigrants leaving Georgia.⁸⁵

Nevertheless, 20% difference in the level of economic activity for Georgia, where enrolment rates in primary, secondary and higher education practically equal for both genders or in some cases exceeded by women (see the Table 2)⁸⁶, can be considered as rather high.

⁸⁵ National Statistics Office of Georgia, Emigrants and Immigrants by Sex and age, available at http://www.geostat.ge/index.php?action=page&p_id=173&lang=eng

⁸⁶ National Statistics Office of Georgia, Women and Men in Georgia, Statistical Publication, 2015. See page, 25

Table 2.

Pupil/students in 2014-2015 school year	Gender disaggregated data %	
	Women	Men
Pupils in General education schools (Public and private)	47	53
Students in Vocational Educational Institutions (Public and Private)	50	50
Students in higher educational institutions (Public and Private)	54	46

According to official statistic, the share of employed women in the age group of “15 and over” out of total number of women equals to 35%. Number of self-employed women from employed women equals to 60.5% and number of hired by other employees 39%.⁸⁷ (See the table 3)

Table 3.

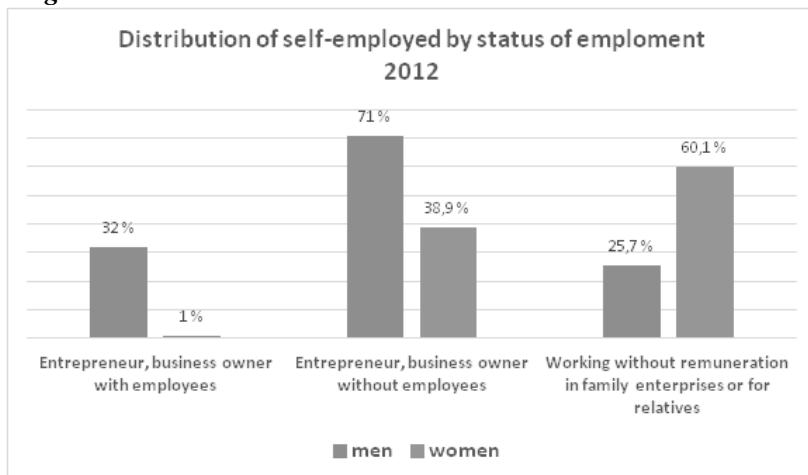
Distribution of women and men of 15 years and older by economic status (thousands) 2014		
	Men	Women
Economically active population from the whole population (labour force)	1071.5	919.7
Employed	921.6	823.6
Hired	370.4	321.9
Self-employed	548.1	498.0
Not stated	3.1	3.7

Interestingly, according to the last available official data from 2012, out of total number of self-employed women only 1% engaged in entrepreneurial activities and hire employees. 38.9% does not hire any employees, and 60.1% work voluntarily, without any

⁸⁷ National Statistics Office of Georgia, Women and Men in Georgia, Statistical Publication, 2015. See page, 10

remuneration in family enterprise or for their relatives.⁸⁸ (See the Diagram 1).

Diagram 1.



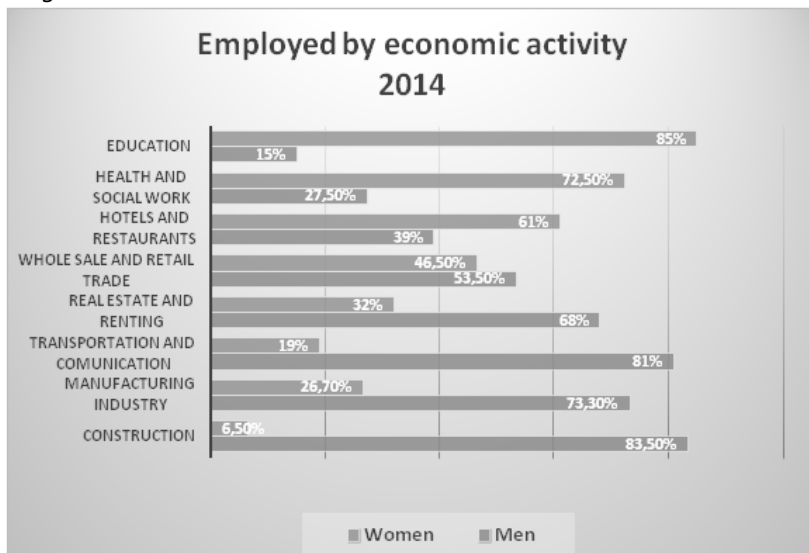
The data provided clearly shows that women are less likely to start and run their own businesses than men and mostly involved in unpaid, voluntary activities, which might be partly explained by the unpaid work and family care burden falling disproportionately on women and girls.

It is notable that, Georgia's labour market characterised by significant employment gender horizontal and vertical segregation in certain types of jobs. Some occupations are traditionally perceived as "male" or "female" that leads to horizontal segregation. According to analysis of available data, gender disparity in labour division by types of activities is more significant in education, healthcare, and social services. For instance, according to 2014 national statistics, women constitute over 85% of employees in the education, 72.5 % in healthcare and social assistance sector and 61% in hotel and restaurants. At the same time

⁸⁸ National Statistics Office of Georgia, Women and Men in Georgia, Statistical Publication, 2013, see page 15.

women are lesser represented in so called “masculine” occupations, namely, in construction – 6.5 %, manufacturing –26.7%, and considerably more balanced employment patterns are shown in wholesale and retail trade, where the women constitute 46.5% and the men 53.5%⁸⁹ (see Diagram 2).

Diagram 2



According to official data of the national statistics in 2014, the business sector employs 504,400 people in total. Of those, 39.3% are women and 60.7% are men. Such disproportionate involvement of women and men in business sector is quite visible in enterprises differing by size. Men outnumber women in all types of enterprises. For instance, only 36.2% of women are employed in large enterprises, 43.1% in medium and small enterprises (See the table 3)⁹⁰.

⁸⁹ Ibid, page 52.

⁹⁰ National Statistics Office of Georgia, Women and Men in Georgia, Statistical Publication, 2015. See page, 14 available at http://www.geostat.ge/cms/site_images/files/english/Gender%20Statistics.pdf

Table 3.

<i>The average number of employees by the size of enterprise in Georgia 2014</i>				
<i>Type of enterprise</i>	<i>Gender disaggregated data</i>			
	Number		%	
	Women	Men	Women	men
Georgia	232490	359657	39.3	60.7
Large enterprise	120543	212187	36.23	63.77
Medium enterprise	39238	51699	43.15	56.85
Small enterprise	72709	95771	43.16	56.84

Interestingly, of total number of women engaged in business sector (232,490), the majority (120,543 or 51.8%) are engaged in large enterprises. Women's involvement ratio in medium and small enterprises are respectively, 16.9% and 31.3%.

Women have the highest average monthly labour remuneration in large enterprises that constitutes GEL 792.5, although it is also large enterprises, where the highest imbalance between women and men's salaries exists: women on average receive 68% less salary than men (GEL 1164.3). In medium-sized enterprises, women's salary is 67.3% less than men's and in small-sized enterprises this ratio is 58.2% (see the Table 4)⁹¹.

Table 4

<i>Average monthly remuneration by enterprise size 2014</i>			
<i>Type of enterprise</i>	<i>Gender disaggregated data</i>		
	In GEL		<i>Lesser in %</i>
	Women	Men	Women
Georgia	588.9	940.0	62.6
Large enterprise	792.5	1164.3	68
Medium enterprise	499.1	741.8	67.3
Small enterprise	269.7	463.7	58.2

⁹¹ ibid

According to official statistics, average salary of women falls considerably behind that of men. In 2014, the average monthly nominal salary equalled GEL 980 for men and GEL 618 – 37% less – for women.⁹²

The vertical segregation is rather visible especially in decision-making positions either in formal or informal sectors. Women's participation in policy formulation and decision-making is still not equal to that of men and has shown very slow tendency to increase. In the last parliamentary elections of 2012, the percentage of women members increased only to 11.3% compared to 6% in 2008. The number of women in local self-government has slightly increased, from 10% in 2010 to 11.6% in 2014. Even though women have always been an integral part of their communities, there is neither a woman mayor, nor a woman chair in local councils (Sakrebulo). There is only one woman, head of administration out of 59 (Gamgebelis). As to the women's representation in executive branch, from 2011 through 2012, their number did not exceed 16% (three women ministers); in 2013 number of women ministers made 21%, which again decreased to 16% in 2014; as of today, there are only two women ministers in the Cabinet. According to the Global Gender Gap Report in 2015, the share of women among legislators, senior officials and managers in Georgia is only 34%.⁹³ By other words, there are almost 3 times more men than women in top decision-making and managerial positions. Such gender disproportion proves that, despite high education level, women have much less opportunity for realisation of their educational potential than men.

All this data and statistics, coupled with unpaid labour of women in households, reflect gender disparity existing in the labour market in Georgia.

⁹² National Statistics Office of Georgia, Average monthly nominal salary of employees by sex, available at

http://www.geostat.ge/index.php?action=page&p_id=149&lang=eng

⁹³ The Global Gender Gap Report, 2015, World Economic Forum, available at <http://www3.weforum.org/docs/GGGR2015/cover.pdf>

3. International and national legal and institutional framework on women's labour rights

3.1. International Instruments for Women's Rights in the Workplace and Prohibition of Discrimination

Women's rights and prohibition of discrimination against them in the workplace are regulated by a number of international conventions and legal documents that safeguard women's role in the labour market.

International Acts Ratified by Georgia:

Universal Declaration of Human Rights, adopted on 10 December of 1948, is a milestone document in the history of human rights, which sets out, the range of *fundamental human rights and freedoms* to be universally protected irrespective of race, colour of skin, gender, language, religion, political or other belief, national or social origin, class or property status. The Declaration emphasizes importance of equality between men and women already in the preamble. Article 23 recognises the right of each person to work, free selection of work, just and beneficial conditions of labour, protection against unemployment and equal remuneration for equal work without any discrimination. The Article 25 (2) establishes that motherhood and childhood entitled to special care and assistance. Georgia joined the Declaration on 15 September of 1991.

An International Covenant on Economic, Social and Cultural Rights

is a multilateral treaty adopted by the United Nations General Assembly on 16 December 1966, and in force from 1976. Georgia ratified the Covenant in 1994. The covenant aims to ensure the equal rights of men and women to the enjoyment of all economic, social and cultural rights set forth in the document. The Article 6 of the Covenant recognises the right to work, defined as the opportunity of everyone to gain their living by freely chosen or accepted work. It requires equal access to employment, protect workers from being discriminated in the workplace and unfairly deprived of employment. The Article 7 of the Covenant recognises the right of everyone to "just and favourable" working conditions. These are in turn defined as fair wages with equal pay for equal work, sufficient to provide a decent living for workers and their

dependents; safe working conditions; equal opportunity in the workplace; and sufficient rest and leisure, including limited working hours and regular, paid holidays. Article 10 (2) of the Covenant declares that mothers shall enjoy paid leave or adequate social security before and after childbirth during a reasonable period.

European Social Charter (revised) of 1996, embodies in one instrument all rights guaranteed by the Charter of 1961, and its additional Protocol of 1988. It is gradually replacing the initial 1961 treaty. The European Social Charter (revised) guarantees fundamental social and economic rights of all individuals in their daily lives. It sets out such rights as: right to protection against poverty and social exclusion, right to housing; right to protection in cases of termination of employment; right to protection against sexual harassment in the workplace and other forms of harassment; rights of workers with family responsibilities to equal opportunities and equal treatment. The Charter reinforces the principle of non-discrimination and requires improvement of gender equality in all fields covered by the treaty; better protection of maternity and social protection of mothers.

The charter has a control mechanism, which is based on the submission of reports on the current situation by the participating countries (1991 Protocol) and a system of collective suits (1995 Protocol), which enables trade unions and NGO-s to file collective suits. Georgia joined the Charter in 2005.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) the major international instrument concentrating on women, that seeks to ensure the enforcement of the human rights of women on an equal basis with men (adopted by the UN General Assembly in 1979, entered into force in 1981). Employment related rights enjoy special protection in Part III of the convention. Article 11 (1), requires states to take all appropriate measures to eliminate discrimination against women in the field of employment, in order to ensure the same rights in employment on a basis of equality of women and men. The article mandates to end the discrimination in the field of employment, strengthens the equal rights to work, employment opportunities, equal remuneration, free choice of profession and employment, social security, and protection of health including maternal

health, and also, in regard to discrimination on the grounds of marriage or maternity. Convention was ratified by Georgia in 1994.

Conventions of International Labour Organization (ILO) – The ILO’s mandate to promote gender equality in job place is enshrined in its Constitution and reflected in relevant international labour standards. Georgia ratified two ILO gender equality Conventions, such as 1951 Convention #100 “On Equal Opportunities and Equal Treatment of Men and Women Workers” (ratified by Georgia on 29 May, 1996). This convention ensures the use of the principle of establishment of equal remuneration for carrying out the work of equal value by men and women, for all the employed (Art. 2), and 1958 Convention #111 - On Discrimination in respect of Employment and Occupation), (ratified on 4 May 1995), which bans any type of discrimination in the sphere of labour and employment.

Women’s Charter of 2010 and European Strategy for equality between women and men - In March 2010, the “Women’s Charter” was adopted by the EU Commission to improve the promotion of equality between women and men, in Europe and throughout the world. European Strategy for equality between women and men for 2010-2015 developed based on the Charter. The Charter and the Strategy documents state five key areas for action: 1. promotion of equal economic independence through more equality in the labour market; 2. equal pay for equal work and work of equal value; 3. promotion of equality in decision-making; 4. comprehensive policy to protect human dignity and eradicate violence against women; 5. and promotion of gender equality beyond the EU to other countries and international organizations.

These five principles are aimed at preventing discrimination, gender-based labour market segregation, elimination of educational stereotypes and use of women’s potential. The documents also underline that EU Member States commit to a forceful mobilisation of all instruments, both legislative and non-legislative, to bridge the gender pay gap.

3.2. International Mechanisms for the Protection of Women’s Rights in Labour Relations and against Discrimination.

International Mechanisms for the Protection of Women’s Rights in Labour Relations and against Discrimination include the UN Committee on the Elimination of Discrimination against Women (CEDAW Committee), the European Court of Human Rights and the mechanisms of filing suits to the international financial organizations.

The United Nations Committee on the Elimination of Discrimination against Women is a qualified body, which was founded in 1982 and consists of 23 experts from different countries of the world working on women’s issues. The mandate of the Committee is very specific: it supervises the actual progress in connection with women’s rights in those states, which had ratified the “Convention on the Elimination of Discrimination Against Women”. The Committee is monitoring the measures carried out on the national level for the fulfilment of these obligations and their implementation.

On each Session the Committee discusses the reports of the national governments submitted by the States during the first year of ratification and then – once in each 4 years, where those concrete measures, which the States undertook for the improvement of women’s conditions, are reflected. The NGO-s active in the country have a right to submit an alternative report to that of the government. The Committee annually submits a report on its activity to the UN General Assembly via the UN Economic and Social Council. After analysing and reviewing the reports the Committee provides concrete recommendations to the State. The decisions reached on the reports submitted by the States are of a recommendatory character.

The European Court of Human Rights is an international court set up in 1959. It rules on individual or state applications alleging violations of the civil and political rights set out in the European Convention on Human Rights and Fundamental Freedoms and its Additional Protocols. Since 1998 it has sat as a full-time court and individuals, NGOs, or group of people can apply to it directly. The European Court of Human Rights thus is not an appeal court for national courts, but operates as a

body that helps shed light on the extent of State compliance with the European Convention on Human Rights (and its Protocols). The convention does not directly protect the right to work, however, the 12th Additional Protocol of the Convention prohibits general discrimination.

Mechanisms of Appeal to the International Financial Organizations.

The purpose of the loans issued by the international financial institutions, such as the World Bank, International Financial Corporation, European Bank for Reconstruction and Development and European Investment Bank is the development of private sector, but taking out a loan is accompanied by a whole array of obligations, which the borrower shall comply with. By this stage, the standards, which have been adopted through the efforts of a whole number of international organisations, which the borrowing company is obliged to adhere to over the whole life cycle of the investment project, have already been worked out.

One of the standards, among them, has to do with labour and work conditions. By this adherence to international standards is meant, which in turn must be reflected in the national legislation. The objective of ensuring this standard is the fair treatment in employment relations, prevention of discrimination and equal opportunities for the employees, safe work conditions, the sound relationship between a boss and an employee as well as forbidding child labour. Specific bodies have been set up in the mentioned financial institutions (Inspection Panel in the World Bank, Ombudsman in the International Financial Corporation etc.) and individuals or NGOs can lodge a complaint with them in connection with violation of labour standards. As a result of the examination of the mentioned complaint the borrowing company will be given concrete recommendations for elimination of the violations and solution of the problem.

3.3. National legal acts protecting gender equality and prohibiting discrimination in labour relations

The Constitution of Georgia (1995) - The Constitution upholds the principle of equal rights for men and women enshrined in Article 14, which states that “everyone is free by birth and is equal before law

regardless of race, colour, language, sex, religion, political and other opinions, national, ethnic and social belonging, origin, property and title, place of residence”. This article manifestly recognises that individual freedom and equality are interlinked and inseparable. The Article 30 (4) of Georgian Constitution states that the labour condition of the women are defined by the relevant law i.e. Labour Code.

The Labour Code of Georgia (Organic law) – regulates employer-employee relations in the Georgian labour market. In 2013, Government of Georgia introduced changes to the Labour Code aimed at reaching greater balance between employer and employee. The Labour Code bans any discrimination in employment and pre-contractual relations (Art. 2 (3)). It also prohibits signing a labour contract with pregnant or breastfeeding women for performing hard, harmful and dangerous work (Art. 4 (5)), as well as recruiting them for fulfilment of the overtime work, without their consent (Art. 17 (2)). The code bans the night work for pregnant, breastfeeding and those women who recently gave birth (22 to 6 o'clock), unless there is consent from the employee (Art. 18). Breastfeeding woman is given no less than 1 hour-long additional break per day on her request, which is recorded as work-time and is reimbursed (Art. 19). Pregnant woman has a right to safe and sound work environment, she is safeguarded from such work which may endanger her or her new-born's well-being, physical or mental health (Art. 35); she is protected against cessation of an employment relation from the submission of a notice about her pregnancy to the employer during the period of time defined by the Article 36 (2/Z), that is the period of leave taken for pregnancy, childbirth and childcare, or for child adoption and the period of additional holiday for childcare. But, at the same time, a woman is not protected against cessation of employment relations on such grounds, as the ones stipulated in Article 37.

The Parliamentary Healthcare Committee to the Labour Code initiated amendments about official leave during pregnancy, child-birth and child care, which were adopted in September 2013 and entered into force from January 1 2014. These amendments envisage increase of the leave from 477 calendar days to 730 days out of that paid leave increase from existing 126 to 183 calendar days. Following the amendments, the state compensation for all paid days has also increased to GEL 1000 in

comparison to previous GEL 600. An employee has also right to use additional leave for childcare no less than 2 weeks a year. She is granted 12 weeks of leave without pay for child care before the child turns 5 (Art. 27-30). The Georgian Labour Code does not implicate any explicit requirement on equal pay for equal value. The “just remuneration” is mentioned just in Georgian Constitution, though without any further elaboration (Art. 30 (4)). It should be mentioned that Labour Code does not mention sexual harassment, however, assumes that “creating an intimidating, hostile, humiliating, degrading, or abusive environment for that person” is one of the forms of harassment (Art. 2 (4)).

The Law of Georgia on Gender Equality adopted on March 26 2010, also defined the aspects of gender equality and prohibition of discrimination in labour relations.

The Gender Equality Law states that free choice of occupation or profession, career promotion, vocational trainings, as well as equal treatment during performance appraisal and equal access to employment for men and women is guaranteed without discrimination. (Art. 4 (2/f.)). The law reinforces equal right of men and women “freely choose the profession and specialty based on his/her abilities” (Art 7). Article 6 of the Gender Equality Law deals with gender equality in labour relations, however the provision focuses more on harassment and sexual harassment rather than discrimination. Article 6 (1) lists the following acts which are unacceptable: a) discrimination, persecution and/or harassment of a person, which is aimed at or results in the creation of intimidating, hostile, humiliating, degrading or offensive atmosphere. b) any adverse verbal, non-verbal or physical behaviour of sexual nature aimed at or resulting in personal offence or creating intimidating, hostile or humiliating environment. This definition remains the stand-alone principle that is not yet included in the Labour Code or any other relevant legislation.

For the effective implementation of the Law on Gender quality, the National Nation Plans have been developed (The first covered 2011-2013 and the second 2014-2016). Even though the second “2014-2016 Action Plan” does not include any directions promoting gender equality in workplace and rendering gender balance issue necessary for the

employers' decision-making structure, it aims at harmonization of the Georgian legislation with the international standards on gender equality, with subsequent changes and amendments in Georgian legislation.

Law of Georgia on Elimination of All Forms of Discrimination (Anti-discrimination Law), which was adopted in 2014 after heated discussions. The law clearly prohibits any form of discrimination on the basis of one's gender identity and sexual orientation, as with race, colour, language, national, ethnic or social belonging, sex, pregnancy or maternity, marital or health status, disability, age, nationality, origin, place of birth, place of residence, internal displacement, material or social status, religion or belief, political or any other ground (Article 1, 2). Article 3 of the Law defines the scope of its application and provides that the requirements of the Law shall apply to the actions of public institutions, organisations, and to the actions of natural and legal persons in all spheres, only if the actions are not regulated by other legal acts, which are in conformity with the provisions on prohibition of discrimination. In the context of labour relations, the Labour Code regulating prohibition of discrimination in labour relations is a special law and prevails over the Anti-discrimination Law in the hierarchy of legal acts. Therefore, the Labour Code is applicable for evaluation and discussion of cases of unequal treatment in labour relations.

3.4. National legal mechanisms for gender equality at workplace

The Georgian legislation envisages different national mechanisms that safeguard and protects women's rights in labour relationship, which are as follows:

The Common Courts – represent the *primary mechanism* for the enforcement of law, where every individual could seek and obtain effective remedies for the *violation of their rights*, including employment rights.

The Gender Equality Council – was created in 2009 and is a standing parliamentary body. Under its auspices, a number of cyclical National Action Plans (NAP) for Gender Equality were drafted and subsequently adopted by the Parliament. The Council has elaborated and lobbied for

the adoption of the Gender Equality Law of Georgia in 2010, which formalised establishment of the institutional mechanism – Gender Equality Council, tasked to monitor and coordinate gender equality policies and laws in Georgia. As provided in the Gender Equality Law, the Council as authority could involve representatives of the executive branch, civil society, and international organizations in its work, if needed. The Council has a mandate to develop and submit action plans for promoting gender equality in Georgia, and undertake coordination and monitoring of their implementation; carry out gender audit and develop proposals for overcoming gender disparities in the legislation; conduct gender review of the draft laws; develop targeted programs and plan separate activities for achieving gender equality and enjoyment of equal rights by men and women; develop and institutionalise the system of monitoring and evaluation of interventions for ensuring gender equality, as well as develop respective recommendations (Art. 12).

The Gender Equality Council submits reports on the status of gender equality in Georgia to the Parliament of Georgia once a year, prepares the reports on fulfilment of the obligations on gender equality assumed on the international level and represents the Parliament of Georgia in international forums in connection with gender equality issues.

However, the Committee on Elimination of all Forms of Discrimination against Women noted that the Council lacks adequate substantive, technical and administrative support and resources.⁹⁴

Public Defender of Georgia – the Gender Equality Law defines the participation of the Public Defender in ensuring protection and monitoring of gender equality (Art. 14 of Gender Equality Law). According to the Article 12 of the “Law on Public Defender”, the Public Defender independently inspects the status of protection of human rights and freedoms on the basis of received applications and complaints, as

⁹⁴ Concluding observations on the combined fourth and fifth periodic reports of Georgia, Committee on the Elimination of Discrimination against Women, CEDAW/C/GEO/CO/4-5, 14 July, 2014, para 14, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fGEO%2fCO%2f4-5&Lang=en

well as on his own initiative. The mentioned rights naturally include women's employment rights and protection from discrimination. On 14 March 2013, the Department of Gender Equality was established at the Public Defender's Office, responsible for integration of gender equality issues in ombudsman office's everyday work. The Public Defender is the first state institution that established a structural unit on gender equality issues. Also in 2013, the Equality Strategy and Action Plan for 2013-2015 on Public Defender was elaborated, which covers gender mainstreaming principles and defines specific activities for achievement of the gender equality in Georgia.

Local Self Governance Bodies

The Article 13 of the Law on Gender Equality, prescribes local self-government bodies to develop and undertake the necessary activities to identify and prevent the discrimination based on the sex and ensure gender equality in relevant localities. Budget of a local self-governance entity, the priorities of social-economic development, municipal programs and plans must be elaborated in a way that excludes any form of discrimination.

4. Barriers to women's participation in labour market

Women face the wide range of gender gaps in labour market of Georgia, that caused by the variety of factors which exacerbate the problem of gender inequality in economic activity. The general character of women's inequality in labour market of Georgia based on different social, structural, cultural and traditional barriers, which will be described in more detail below.

Cultural-traditional attitudes - Women are still facing many challenges related to social and cultural pressures in Georgian society. Despite the fact that boundaries between women's public and private life are gradually blurring in Georgia, domestic domain continues to be perceived as the predominant space for women, while public space is associated with men. Women assumed most of the household and childcare responsibilities, while men as a head of the family, responsible for economic welfare of the family. This statement is clearly identified and proved in the UNDP research report published in 2013 - "Public Perception on Gender Equality in Politics and Business". According to

the study, 88% of the Georgian population thinks that “*men should be a breadwinner in the family*”, and only 11% stresses that “*women should be equally contributing to the family welfare*”. Interestingly that this idea are almost equally shared by urban and rural population. 86% of urban population and 90% of rural type settlements thinks that a man should be a breadwinner in the family. 66% of the respondents share the idea that “*it is always better when a man works and a woman is at home*” and 79% thinks “*woman should prioritise her family over her career.*” The majority of surveyed population (61%) believe that “*woman should be mostly engaged in childcare and looking after home and not in professional promotion*” and nearly the same number of interviewed (66%) think that - “*it is always better when a man works and a woman is at home*”⁹⁵. The research proves that Georgian society is still dominated by patriarchal attitudes and deep-rooted stereotypes regarding the women’s and men’s role in the society. The stereotypical expectations and the role society chooses to assign to women has significant impact on women’s further development in professional career and advancement in social and public life.

Effect of Unpaid Work on Labour Market Participation -. Women’s socially ascribed responsibilities for various forms of unpaid work within households clearly play a role in explaining their lower rates of labour market participation in comparison to men. The gender inequality in unpaid care work has clear outcomes in three areas: gender gaps in labour force participation rates, quality of employment, and wages. On one hand, the unequal distribution of caring responsibilities between women and men within the household translates into unequal opportunities in terms of time to participate equally in paid activities. According to the UNDP research report the household chores which include taking care of family members (cooking, taking care of sick family member, taking care of children, etc.) and taking care of the house (cleaning house, washing/hanging laundry, etc.) are usually the responsibility of a woman⁹⁶. The women’s reproductive and care work largely affect a women’s choice of employment. 18% of unemployed

⁹⁵ UNDP/ACT, “Public Perception Study on Gender Equality in Politics and Business”, 2013, page 79.

⁹⁶ Ibid, pages 12-14

women think that it is difficult to work and perform housework and 25% prefer not to work at all.⁹⁷ It also proved by the official statistics where the level of economically active women (57%) is nearly in 20 percent lower than economically active men (77%) in Georgia. On the other hand, some women who still work, struggle to reconcile care responsibilities with paid employment and therefore have a double burden to bear. This leads to occupational downgrading, such as choosing employment below their skills level and accepting poorer conditions, such as part-time, casual, irregular, often home-based.

Gender gap in unpaid care work has also significant implications for women's ability to pursue their career aspirations. Time is scarce and valuable resource that is divided between labour and leisure, productive and reproductive activities, paid and unpaid work. Every minute more that a woman spends on unpaid care work represents one minute less that she could be potentially spending on market-related activities or investing in her educational and vocational skills.⁹⁸

Violence against women – The scale of violence against women, particularly domestic violence, is overwhelming and arguably, is one of the most pressing social issues facing Georgia. According to the statistics provided by the Ministry of Internal Affairs of Georgia (MIA) out of 2,638 officially registered victims/survivors of domestic violence 87.3% are women. The most frequently experienced are psychological violence (61%) followed by physical (29%) and economic violence (14.1%), and sexual violence (0.5%).⁹⁹ Violence against women and girls, or the threat of violence, be it physical, sexual or emotional, might be considered a key limiting factor to women's mobility and engagement in labour market, as it has significant impact on women's

⁹⁷ Ibid, page 28.

⁹⁸ Gaëlle Ferrant, Luca Maria Pesando and Keiko Nowacka, "Unpaid Care Work: The missing link in the analysis of gender gaps in labour outcomes", OECD Development Centre, December 2014.

⁹⁹ Ministry of Internal Affairs of Georgia, Statistics/Surveys, Domestic Violence and Conflicts in Family, 2015 available at

http://police.ge/files/pdf/statistika%20da%20kvelebi_new/geo/sxvadasxva%20statistika/2015/%E1%83%9D%E1%83%AF%E1%83%90%E1%83%AE%E1%83%A8%E1%83%98%20%E1%83%AB%E1%83%90%E1%83%9A%E1%83%90%E1%83%93%E1%83%9D%E1%83%91%E1%83%90%202015%E1%83%AC..pdf

psychological and emotional condition, and stalls women's ambitions and diminishes her competitiveness and productivity at work.

Early marriages – Child marriage remains a key issue and an important factor limiting young women's engagement in both education and economic activities and it is associated with a number of grave consequences for girls, such as social isolation, absence of reproductive control, and dropping out of school. The existing data shows that up to 17% of Georgian women were married before the age of 18. Georgia has one of the highest rates of female marriage under age 18 among European countries.¹⁰⁰ However, it is difficult to obtain complete and exact data about child marriage in Georgia, since such marriages in most cases are not officially registered. According to information provided in a special report by the Georgian Public Defender, 611 juveniles were officially married in 2015 and 665 - in 2014, and in twice more, namely 1449 under-age parents were registered at the moment when their children were born¹⁰¹.

While early school dropout may be linked to poverty, Georgian Public Defender found a strong relationship between girls leaving education and child marriage. The report states that 408 students between 13 and 17 years of age, and 168 students at the age of 18, dropped out of school in 2015 presumably due to early marriage.

Poverty among women - Georgia, in general suffers from high unemployment rates for both men and women as well as from low economic activity rates that are higher for women than men. High level of poverty still remains the main social challenge. According to Geostat data in 2015, subsistence allowance was allocated to 125,301 families, or 498,395 individuals, which makes 13% of total population. Women make 55% of subsistence beneficiaries.¹⁰² According to some experts,

¹⁰⁰ UNFPA, Child Marriage in Georgia, Overview, June 2014, page 4, available at <http://eeeca.unfpa.org/sites/default/files/pub-pdf/unfpa%20georgia%20overview.pdf>

¹⁰¹ Public Defender of Georgia, Early Age Marriages: Challenges and Solution, Special Report, 2016, page 5, available at <http://www.ombudsman.ge/uploads/other/3/3488.pdf>

¹⁰² Association of Young Economists of Georgia, Women's Economic Opportunities and Challenges, 2014, page 6, available <http://www.economists.ge/storage/uploads/publication/141222053929a4c1.pdf>

there is a clear link between poverty and women's disempowerment that hinders them from active participation in social and economic life. Women's poverty is often hidden, and is exacerbated by widespread assumptions about their financial dependence on men and about their role being primarily as mothers and carers rather than as wage earners. These assumptions contribute to the low pay of many women who enter the labour market and to the low incomes of those who remain outside it. Although there is a clear link between economic inactivity and poverty, employment does not necessarily provide an escape from poverty for women. Women in the labour market face the risk of low wages, insecure work, occupational segregation and lesser access to promotion than men, in jobs that should be reconciled with domestic responsibilities.

Access to finances – providing access to finances for women is considered precondition of poverty alleviation and women's economic empowerment. However, access to financial means (credits, loans) for women is one of the obstacles. From the procedural point of view, receiving loans in the banks and other micro-finance institutions has gradually become relatively simple, especially when it comes to small loans. However, to receive a larger loan is far more difficult since it should be secured by real estate property and income, and in addition, is accompanied by quite a high bank interest rate. Obtaining loans by women is complicated since property in most cases registered under the husband's name (65.9%) and any operations involving this property requires the consent of the owner.¹⁰³ In addition, women compared to men have lower level self-confidence that prevents them to run business.¹⁰⁴ Low confidence is closely linked to women's tendency to be more risk averse than men. This is partly due to women's greater sense of responsibility for their family, leading to a fear that they could threaten their family security through their business activity. These

¹⁰³ National Statistics Office of Georgia, Women and Men in Georgia, Statistical Publication, 2013, page 27, available at http://geostat.ge/cms/site_images/_files/english/health/women%20and%20men-2013.pdf

¹⁰⁴ UNDP/ACT, "Public Perception Study on Gender Equality in Politics and Business", 2013, page 60.

reasons might be a driver behind women's tendency not to seek finances or to seek lower amounts of finances, which in turn, hampers their chances of engaging or growing their business.

5. Conclusion and recommendations

The evidence set out in this paper presents the picture for women's status in Georgian labour market, which illustrates many "gender gaps". Despite the fact that gender equality and prohibition of discrimination in labour relations are enshrined in various national legal acts, as well as in internationally binding legal documents, which Georgia acceded to, the reality on the ground is quite different. Women compared to men, are less likely to work for pay, and more likely to be employed in lower-paid occupations and sectors, where they have much lesser opportunities to progress in their careers.

Women's circumstances, and the barriers they face, are often not adequately reflected or addressed in government policy and actions, in part due to weak institutional capacity, including a lack of sex-disaggregated information and data. More broadly, women are under-represented in decision-making and managerial positions in either public or private sectors that limits their ability to make female-friendly decisions, policies and programmes.

Women's multiple roles and responsibilities in reproductive and productive un-paid work puts women in "time-poor" position and prevents from pursuing more ambitious career development and advancement. Caring obligations for children and other family members, cultural and traditional perceptions of women's status and role in the society are important factors in decisions on whether and how much women could participate in the labour market and which career profile they wish and could pursue. Women are also a minority amongst entrepreneurs in Georgia, as they face specific barriers in setting up their own business, including difficulties in accessing finance and business development services. As a result, women are more likely to experience poverty and deprivation than men. Cultural norms can also severely restrict women's mobility in the public domain or lead to acceptance of violence against women, acting as a strong deterrent to women's autonomy. Due to systematic life-long discrimination, women can

experience a lack of self-confidence. They have less say in family economic decisions that shape their lives.

No simple solution is enough to address the gender gaps existing in Georgian labour market, especially in the country where the gender inequality are deeply rooted in cultural and social norms and practices and further coupled with poor social economic situation and service delivery. In order to bridge the gender gap, it is very important to consolidate actions and response of all stakeholders including government authorities, relevant donor organizations, the private sector and civil society organizations to strengthen the supply of and demand for policies and programs favouring women's access to the labour market. There is a need to create full, decent productive employment opportunities for women and access to finance, as well as continue to provide social protection, and more importantly promote and value women as a source for economic development and growth. Putting more money in the hands of women are significant because women tend to spend a greater portion of their incomes on their families. Increasing women's income and their control over family spending can lead to improvements in child nutrition, health, and education, and work to break the cycle of intergenerational poverty. As women are a majority of the poor, improving their economic circumstances can also directly reduce female poverty and improve women's well-being. In addition, key for economic growth is the promotion of women's economic rights, which entails promoting a range of women's rights such as rights to education, their reproductive rights, rights to voice and make decisions, and to live free from violence.

The paper draws specific policy recommendations to representatives of government, donor organisations, private sector and civil society organizations that aims at bridging down the gender gap and inequality exiting in labour market of Georgia.

Recommendations to Government:

To National Government

- Strengthen the institutional capacity of government agencies (national and local) for gender responsive planning and budgeting to address women's economic empowerment;

- Integrate a gender lens into government policies, budgeting, and resource allocation including taxation and program spending;
- *Undertake gender audits* of public expenditure, programs, and policies.
- Integrate gender equality considerations into labour, industrial, trade and investment, and infrastructure policies and programs;
- Increase the collection, analysis and use of gender-disaggregated data to inform economic policy making;
- Link women through community and business networks, associations, cooperatives, and organizations, including women's organizations, and build their capacity to serve women and represent women's interests;
- Undertake effective monitoring and enforcement of all legal provisions through labour inspection department under the Ministry of Labour Health and Social Affairs and ensure accountability toward wider society.
- Collection and publication of data on discrimination based on gender, maternity and family responsibilities;
- Provide incentives for women-led business and facilitate women's entry to entrepreneurial activities by exposing the low payment for business registration, exempting women run enterprises with an annual turnover of less than GEL 10 000 from paying income tax;
- Support establishment of Women Chamber of Commerce aimed at providing networking and career advancement to women, as well as advocating for various political issues important to women;
- Support in establishment and institutionalization of the women business incubators, to help women-run start-up businesses to develop by providing services such as management training or office space, which in addition would serve as a source for development of public-private partnership.

To Local governments:

- Undertaking analysis of women's needs locally and development of specific training programs and launch municipally supported competitions for business ideas on basis of that analysis
- Developing and adopting the gender sensitive economic and

employment policy with involvement of all relevant stakeholders and gender experts;

- Supporting in establishing the women or women-friendly business incubators that support women during and after higher education;
- Supporting introduction of gender equality and entrepreneurial education in schools to breakdown the stereotypical image of women;
- Co-financing networking and training programs for women developing and running small enterprises;
- Expand childcare service for preschool children so that mothers can freely leave children; and to foster safe childcare environment by enforcing obligatory implementation of preventive education for child-carers to protect child abuse at childcare centers.

To donor organisations:

- Place women's economic empowerment more prominently on the agenda in high-level policy dialogue with government;
- Support civil society organisations and private businesses that promote women entrepreneurs in informal and formal economy.
- More actively engage with and support government authorities, civil society organisations and trade unions to promote gender sensitive labour market reforms and facilitate women's entry into business, through developing the gender sensitive business development services, such as trainings, support in elaboration of business plans, and availability of business incubators catering women.
- Support awareness raising programs targeting women in economic development.
- Increase and diversify access to finance for women and support women-oriented business projects through small grants in combination with business skills development and vocational trainings.

To civil society organisations

- Actively advocate for the elimination all types of barriers that prevent women from seizing economic opportunities, have access to decent jobs or keep them in the informal sector.
- Undertake awareness raising activities about the significant contribution women make to the national economy to help changing the cultural perception that women are supposed to stay at home and do the housework.
- Showcase the positive images of women leaders and their achievements, particularly those in traditionally male-dominated fields.
- Actively work with employers and business owners (senior management) on gender sensitisation and spread the corporation and organisation culture for coexistence of work and family, to ensure them provide family friendly workplace support, such as quality part-time employment support, quality part-time employment options, and working time flexibility within regular career patterns.
- Conduct market research to identify the potential business case for women-targeted interventions.
- Explore partnership with local governments, donor organisations, and undertake joint actions on business and vocational education of women, providing women small grants for business starts-up.
- Support business-women in creation of professional or business women network aiming at advocating for creating favouring condition of women’s involvement in labour market.

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IV. Gender Equality Issues in Georgia: Comparative Analysis of International Rankings

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1. Introduction

Gender equality issues is one of the active problems in modern world. Different practices are existed in different countries around this problem, but all of them agree with this opinion that gender equality contributes to build a harmonious society where labor resources are used more efficiently, which is an important factor of the well-being of societies.

In the most general sense gender equality means equal treatment of women and men, equal chances of their potential to full realization, equal participation in political, economic, social and cultural development processes and equal consumption of social goods, facilities and resources. A priority of achieving of gender equality has been widely declared in many countries though their policies and strategies are quite diverse through which they seek to overcome the problems. A variety of instruments and policies approaches in the use of the results of this or that country can be summed up by investigations and estimations which are published by international organizations. In these editions countries' progress over the years are estimated. They help us to see clearly in the context of comparison if where is our country among the countries of the world, what are the challenges and contradictions in the way of gender equality. It should be noted that these studies are based on the governments' official information and data as well as the sociological survey data, which target groups are directly involved in the process and are affected by the reality.

The research paper deals with the following international surveys and ratings:

- Global Gender Gap Index, World Economic Forum;¹⁰⁵
- Gender Inequality Index, UN Development Program;¹⁰⁶

¹⁰⁵ <https://www.weforum.org/reports/global-gender-gap-report-2015/>

¹⁰⁶ <http://hdr.undp.org/en/content/gender-inequality-index-gii>

- Social Institutions and Gender Index, Organization of Economic Cooperation and Development.¹⁰⁷

By analyzing these studies can be summarized as not only the problematic issues of gender equality in Georgia, but also to determine if the group of countries we are in the face of advances in the background. Distributed data over some years show us the problematic aspects in terms of dynamics of the time, which in turn could form the basis for gender equality policies in the country.

2. Social Institutions and Gender Index – Organization for Economic Cooperation and Development

Discriminatory social institutions are defined as the formal and informal laws, the unity of attitudes and practices which pose a barrier for women and girls to protect their rights, have access to justice and resources. Gender Index – SIGI tries to measure the level of discrimination in society. It combines the qualitative and quantitative data on the de facto and de jure discrimination – in the areas of legislation, existing social institutions, attitudes and informal practices. The variables show the mentioned factors' severity in the various groups of women's ages.

The index is consisted of 5 components:

Discriminatory family code

This component reflects the degree of the social institutions' existence and strength which limit the role of women in decision-making processes and reduce their cost in families or household. Such formal and informal laws, social norms and practices of different legal systems co-exist in the states – it's civil, common, customary law or theocratic one. The most obvious manifestation of this phenomenon is the following three directions: marriage, parental rights and inheritance rights. Women's role in decision-making processes is determined by their ability to choose independently a path of development for themselves and their families.

Restricted physical integrity

This variable of the index describes the social institutions that limit the rights of women and girls over their own bodies, increases their

¹⁰⁷ <http://www.genderindex.org/content/team>

vulnerability and make gender-based violence as an usual behavior. These include the formal and informal rules, norms and prevalent practices which aren't effective to protect women physically – their Reproductive Autonomy and Physical Autonomy. This vulnerability affects the overall level of women's health, their social and economic opportunities that ultimately make women more vulnerable from poverty.

Son Bias

This variable of the index describes the existing inequalities in families – more resources are used in upbringing of sons than daughters. This practice of families leads to this fact that daughters have less level of health and less achievement in education.

Restricted resources and assets

This variable of the index describes the discrimination in the abilities of women to have access to natural and economic resources. Restriction of access of resources especially leads to land and lands ownership, access to financial services and prevalent social norm that considers that men must at least rule the assets which are in ownership of women. This practice ultimately reduces probability of making or receiving income activities for women, limits their role in household decisions, makes them particularly vulnerable from poverty.

Restricted civil liberties

This variable of the index describes the discriminatory laws and practices that restrict women's access to public spaces, diminish their political voice and participation in all aspects of public life. This restriction includes the barriers of creation of women's associations, restrictions of participations in elections and voting and society's negative attitudes towards women leaders. The image shows a numeric component of women's participation in public life – participation with co-equal status in decision-making processes of management, health and education.

The survey of the organization for Economic Cooperation and Development summarizes the reports created by different organizations about the reality of gender equality in Georgia and the assessments are shown as the above-mentioned structural components. Institutional and

legislative mechanisms of gender equality are overviewed in the last published booklets about Georgia. Conventionally, when we speak about „Family Code”, the main issue is a customary practice which that even though the law say that women and men have equal rights on parental inheritance, property inheritance goes usually goes to more sons due to the public stereotypes. The research of the physical protection indicates that 2013 saw an increasing number of acts of violence, so the appropriate sentence was tightened in the Criminal Code which is a positive tool in the early stages of prevention. The growth of statistics should be attributed to the correct legal characterization of such facts, which had a lesser place in previous years. In addition, in the process of estimation of similar events is affected by the public view – when the domestic violence is considered as an internal affair and isn’t justified interference with law enforcement in such cases. Also, the benefits of sex at birth is a major problem.

In terms of access to financial services, despite the fact that married people – women and men are equal according to the law, usually estate property is belonged to men. Also, an important part of the problem of the situation of women who live in homes that are mostly registered under the name of their husbands’ fathers. Respectively, in case of divorce, women are left without property provision, which is a violation of their rights. Finally this causes less access to financial services and ultimately less involvement in economic and social affairs.

3. The Global Gender Gap Index – World Economic Forum

Because of gender inequality was and still is a pervasive problem in the world, The World Economic Forum has been exploring gender issues and the progress or regress in different countries around the world since 2006. It provides us annual ratings. According to the World Economic Forum, the studying of gender inequality is based on various parameters. The rating is based on 4 criterions and each country is assigned a position in the overall ranking. The main criterions are :

- Economic Participation and Opportunity
- Educational Attainment
- Health and Survival
- Political Empowerment

The selection of a criterion id based on three basic principles. Estimates

are intended to reflect more the differences rather than levels. The emphasis is on the differences in actual results and not their casual factors. Thirdly, the index classification is based on the actual index of gender equality and isn't based on women's rights¹⁰⁸. To reflect the differences and not existing levels give us an opportunity to get international comparisons.¹⁰⁹

Table 1. The components of the global gender gap index

<i>component</i>	<i>variable</i>	<i>General description of the sources</i>
<i>Economic Participation and Opportunity</i>	The ratio of the number of employed men to the number of employed women;	International Labour Organization, The main indicators of labour market.
	Equal waged for men and women for work of similar cases;	The World Economic Forum, Survey of Managers opinions;
	The ratio of average income earned by men and women;	The United Nations Human Development Index ;
	The ratio of the number of female legislators, senior officials and managers to men in similar functions;	International Labour Organization; The Statistical Database;
	The ratio of female professionals and technical workers to the number of men in the same category.	
	The ratio of men and	UNESCO Institute for

¹⁰⁸ In practice, often the difference between the declared women's rights and gender equality are actually existing. In certain countries.

¹⁰⁹ Some women may have more available resources, but it doesn't mean that in this particular country gender equality is higher than in other country. This may simply mean that the country is richer than other ones.

<i>Educational Attainment</i>	<p>women in educational indicators;</p> <p>The ratio of the number of men to the number of women of higher education institutions submitted;</p> <p>The ratio of the number of men to the number of women receiving secondary education;</p> <p>The ratio of the number of women receiving primary education corresponding to the number of men;</p>	<p>Statistics, Education Statistics;</p> <p>The United Nations Human Development Index ;</p>
<i>Health and Survival</i>	<p>Sex ratio at birth;</p> <p>The ratio of Women's healthy life expectancy to the men's one;</p>	<p>Intelligence Bureau; The database book of the World;</p> <p>The World Health Organization; The worldwide pattern of health care review;</p>
<i>Political Empowerment</i>	<p>The ratio of the number of women in parliament to the number of men in parliament;</p> <p>The ratio of the number of women in ministerial positions to the number of men in the same positions;</p> <p>The ratio of the number of female head of state to the number of men in the same positions (last 50 years) ;</p>	<p>Inter-Parliamentary Union, the publication : Women in Politics, 2015;</p> <p>The World Economic Forum's calculations;</p>

Economic activity and opportunities measure the proportion of the number of employees on labour market between women and men. It doesn't include the number of citizens employed abroad. Also the

compensation ratio is checked between women and men in identical activities.

Educational achievement is evaluated for the ability to read and write, attendance at educational institutions, quantity who have higher education and etc.

Health care is evaluated for every 100 citizens at the birth rate between men and women and life expectancy of the different between adults;

The political involvement is accounted by several options, including the percentage of women in parliament, in ministerial positions and head of state.

Following the data from 2015 (in 145 countries), Georgia is in the 82th place. 2006-2015 data shows that the region (Europe and Central Asia) have the greatest progress in improving the health and life safety components. Common indicators of Georgia maintains the leading position in the world ranking of women in terms of access to education (in 2015, the men and women equal access to education for the possibility of separate indicators, which in turn indicates the absence of gender inequality). However, we can't see the same trend when we speak about income that have women and men.¹¹⁰ (see. Table 2).

Table 2. Georgia Global Gender Inequality Global Index, 2006-2015
(0 means the index of inequality and 1 is full equality).

	<i>Overall</i>		<i>Economic Participation and Opportunity</i>		<i>Educational Attainment</i>		<i>Health and Survival</i>		<i>Political Empowerment</i>	
	Rank	Score	Rank	Score	Rank	Score	Rank	Score	Rank	Score
2006	54	0.670	41	0.656	28	0.997	115	0.923	59	0.104
2007	67	0.666	69	0.630	28	0.998	125	0.933	66	0.104
2008	82	0.665	69	0.635	1	1.000	127	0.939	92	0.088
2009	83	0.668	54	0.675	82	0.985	131	0.939	103	0.073
2010	88	0.660	54	0.675	87	0.981	129	0.944	119	0.039
2011	86	0.662	54	0.672	67	0.990	128	0.948	120	0.039

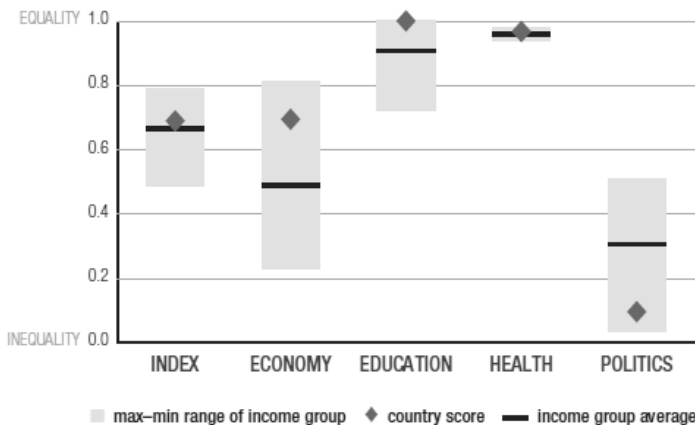
¹¹⁰ Generally, women's fewer rights towards to financial services in Georgia which are based on common traditions or beliefs are mentioned in many studies. For example, „Gender Assessment : USAID/Georgia”, USAID, Washington, D.C.2010

2012	85	0.668	57	0.677	89	0.979	129	0.950	109	0.071
2013	86	0.675	64	0.674	89	0.979	126	0.955	97	0.091
2014	85	0.685	66	0.675	80	0.989	115	0.967	94	0.111
2015	82	0.687	60	0.692	31	1.000	115	0.967	114	0.089

Data analysis also shows that a problematic issues is the practice of gender preference at birth. This figure is higher than the average index in the world which indicates the seriousness of the problem.

According to the same data, Georgia has a low rate in women's participation in politics. In overall rating (145 countries) Georgia has the 114 place. The dynamics are even more pronounced if we compare the performance of countries in the group averages which Georgia belongs to the country's average income indicators (Diagram.1)

Diagram 1. Gender Equality in Georgia. Indicators of the Index based on 4 components.



Following the regional comparisons (Europe and Central Asia), Georgia is alongside the countries such as the Czech republic, Greece, Tajikistan and Azerbaijan. The development level of different countries to get to the same group, points to the non-systematic nature of gender policy and is likely that the practice of gender equality is established on the society's traditionally stereotypes and not on effective work of the state.

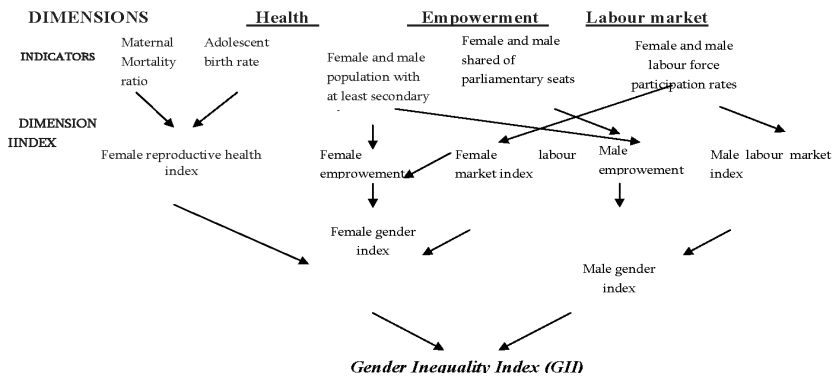
As the diagram 1 shows, a special contrast between Georgia and the average indicator of the group is in economic opportunities and participation in politics.

4. Gender Inequality Index - United Nations Organization

According to the United Nations notion the lack of gender inequality is an important barrier of human development. Across the world inequality is manifested in access to education, participation in politics, income from labour market and in such areas which are important fields of human freedom and capacities.

Gender Equality Index is an analytical indicator which measures gender equality across the world in three basic areas of human development : Reproductive Autonomy (Relative ratio of maternal mortality to children births. Access to recourses – the percentage of quantity of women in parliament and Participation in economic – the proportion ratio of women to men. Gender Inequality Index in based on the same analytical framework as the United Nations Human Development Report (see. Diagram 2). In fact, Gender Inequality Index provides us the information about the costs which are caused by gender inequality. The situation assessed according to 155 countries’ data gives us an important analytical picture in terms of the formation of policy priorities and activity planning.

Diagram 2 Structural components of Gender Inequality Index (GII)



According to the data of Gender Inequality Index from 2015, Georgia has the 77th position from 155 countries. Attention should be paid to the data values in the labour market participation rates of women and men, a difference is higher than 20 percentage, that means the less participations of women (see. Table.3). Women's participation in politics is also significantly smaller percentage – 11.3 %. If we compare that to the leaders of the rating – Norway 61.2 % and Denmark – 11.3 % - it is apparent that Georgia has a significant lag comparison to high human development index countries. If we speak about the average data of the Organization for Economic Cooperation and Development and the group which includes Georgia, the differences is equal to 38-40 percentage points. This is a clear indication of the need to strengthen policies and resources are needed in this appeal.

Table 3. Gender Inequality Index (as a sub index of the United Nations Human Development Index)¹¹¹

	Gender Inequality Index		The share of maternal mortality (per 100000 births)	Relative birth rate of young women (15-19 years of age, the birth rate per 1000 women)	The share of women in parliament	The share of the population who have at least secondary education		Participation in labour market	
	Me- aning	Rank				Wo- men	Men	Wo- men	Men
Georgia	0.382	77	41	46.8	11.3	89.7	92.7	56.5	75.1

About the participation in labour market and the income of men and women, we can say that the exception of the actual reality, the changes tend to be less noticeable. For example, according to the studies of USAID and United Nations, the distribution of gender roles and

¹¹¹ The United Nations Human Development Index which combines the various components of human development, groups countries into the following categories : a) very high human development, b) high human development; c) the average level of human development d) low human development; According to the reports of last 5 years, Georgia is submitted to the countries of high human development .

functions in household still remain within the tradition approaches and any changes in the country tend to be less visible.

5. Conclusions and Recommendations

Achieving gender equality in the modern world is a sensitive issue. In these processes, states and civil societies must have active roles. Which is ultimately a precondition to be more citizens, men and women participated in a country's economic and social life.

According to the analysis of international research and ratings in which gender equality is rightly regarded as an important component of human development, it is clear that Georgia has still basic , fundamental problems of gender inequality. The situation is particularly acute in the effectiveness work of state institutions. For the most cases, the practice of gender equality is not based on effective work of state institutions, but also traditionally stereotypes of societies, which significantly limits the full social integration and women's rights protection.

Among the problems the actual imbalance of women and men in political representation is also urgent, which eventually leads to less participation of women in decision-making processes. In this case, the rate of Georgia is significantly different from the average rate of the world. Georgia has also less economic resources and indicators of participation in labour market. If we compare this lagging in quantitative indicators to developed countries, it equal as 38-40 percentages.

In recent years, the positive changes should be mentioned : the improvement of relative states of women's health and life safety as well as equal access to education.

We consider to be focused on the following areas within the current policy for solutions of the current problems of gender equality:

For women's more participation in economic activity, gender quotas must be introduces in funds that state has allocate in order to promote business;

The strengthening of women's capacity of free legal aid in the civil sector;

Active campaign about women's rights legislation and opportunities;

Doing statistics in labour market as well as in the directions of women's social status for assessment of the results of policy implementation.

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V. Gender Equality Policies on the way to European Integration and International Commitments. The experience of Georgia and

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Specialist of Gender Issues**

1. Background

The study reviews the experience of the European Union and Georgia in terms of the Gender Equality Policies. In particular, it analyses women's participation in political processes and gender equality issues as well as the experience of EU countries. On its way to European Integration, Georgia has accepted European and democratic values and has chosen the path towards European Integration. In the last fifteen years, significant measures have been taken in order to ensure democratic development in the country.

However, enhancement and support of gender equality have been named as one of the priorities for the country's development; the low level of women's engagement in decision-making processes still remains one of the main challenges for equality in Georgia. Gender equality is unequivocally violated in the public administration – there is no gender balance.

The present study analyses and thoroughly represents the important activities carried out and changes made to the Gender Equality Policy by the legislative, institutional level and those of implemented by civil society in Georgia.

The study also analyses legislative and institutional activities as well as changes made to the Gender Equality Policy in the Visegrad Group (V4).

The study aims to assess the Georgian state policy in terms of women's political engagement and gender equality, to share the experience of EU countries, in particular that of the Visegrad Group, and to highlight the best examples.

2. Gender Equality and Enhancement of Rights

In 1997, the Inter-Parliamentary Council adopted a Universal Declaration on Democracy and admitted equality between men and

women in social and political decision-making processes (in all areas of life) as one of the basic principles of democracy: **“Cooperation between men and women for public welfare where they exercise equal rights and complement each other with their different views and values, is considered an achievement of true democracy”**¹¹².

Georgia accepted the Declaration as well as a series of international documents on the protection of human rights and liberties, correspondingly.

In the last few decades though, enhancement of women’s engagement in the political life has actively been on the agenda, but female politicians still have a small say: **“There has been no significant increase in the number of women engaged in bodies in charge of making national and international decisions since the Fourth World Conference on Women in 1995”**¹¹³.

Changes in terms of women’s political advancement and higher participation rate of women in management processes can be observed; general employment and literacy rates for women have also increased significantly.

It is a known fact that the enhancement of women’s participation in decision-making processes does not occur by accident or take place naturally; The standard of living in a particular country does not directly affect enhancement of women’s engagement; in every country where women’s engagement in decision-making process has been enhanced, it is thanks to long-term hard work and activity.

Almost every country has taken independent and different measures to increase women’s representation¹¹⁴.

By accepting international documents on protection of human rights and liberties, Georgia took on responsibility to ensure protection of the principles of equality and justice of fundamental human rights.

¹¹² The Universal Declaration on Democracy, the Inter-Parliamentary Council, 1997.

¹¹³ Beijing + 5 final report

¹¹⁴ <http://www.nplg.gov.ge> Gender and Democracy: How to work? The publication was prepared by M. Kuprava-Sharvashidze & T. Abramishvili, 2005, International Information Centre for Women’s Education

Universal normative acts that are often related to human rights and liberties play an important role in the development of a state policy on women's and gender equality¹¹⁵: The Universal Declaration of Human Rights, 1948; The Convention on the Political Rights of Women, 1952; the International Covenant on Civil and Political Rights, 1966; the International Covenant on Economic, Social and Cultural Rights, 1966; the Declaration on Protection of Women and Children in Emergency and Armed Conflict, 1974; the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979; the Declaration on the Elimination of Violence Against Women, 1993; the Beijing Declaration and Platform for Action, 1995; Resolution 1325 Women, Peace and Security, 2000; the UN Millennium Declaration MDG, 2000-2015; Resolution 58/142 on women and political participation, 2003; the 2011 UN General Assembly resolution on women's political participation (A/RES/66/130), 2011, among others. Under the responsibility taken by acceptance of international universal acts, Georgia de jure approves the principle of gender equality, but de facto, the problem still remains.

3. State Policy on Gender Equality

Studying the issue of women's and gender equality showed that gender equality problems have existed or still exist in many countries, and countries and representatives of civil society have to devise particular strategies and take special measures to solve them. Having studied the activities carried out by other countries, we conclude that it is essential to carry out a complex and targeted policy to solve gender equality problems in all areas of life. Certainly, there is no single international ready-made recipe on how to achieve gender equality. This was clearly manifested through the issues, including the necessity of devising national strategies and programmes on women's rights and gender equality by the government, discussed at the World Conference on Women, Beijing, 1995.

State programmes directed at resolving issues of women's rights and gender equality are different, diverse and individual, but if we generalize

¹¹⁵ International Human Rights - <https://matsne.gov.ge/ka/document/view/111190> [last seen on 22.11.2015].

them, we can determine components common for every country including the following:

- Conducting full statistical analysis;
- Comprehensive scientific study of the problems;
- Spreading the statistics and study results widely;
- Conducting informational campaigns, increasing the awareness of society about women's rights and gender issues;
- Devising a national strategy to resolve gender equality issues based on statistics and research;
- Introduction of legislative initiatives for further improvement of legislation;
- Creation and development of an institutional basis for events included in the state programme (social services, crisis centers, assessment services).

State programmes must be accompanied by the creation of state bodies specializing in gender equality issues. In this case too, activities were carried out differently in different countries.

As a rule, state programmes directed at the improvement of women's situation often include the following issues:

- Support for mothers and families. However, depending on countries, execution of every such programme is characterized with a different approach, nature, volume and funding;
- Support for single parents and large families;
- Prevention of early marriage;
- Domestic violence and violence against women (what the legislation is like, whether or not there are aid services available, the quality and volume of service they can offer, the quality of reactions of law enforcement agencies to violence cases and the quality of proceedings, whether or not preventive measures are taken);
- Enhancement of women's engagement in decision-making processes, trafficking, prostitution;
- Health care programmes – health care for mothers-to-be, newborns, lying-in women and children, reproductive health, family planning, issues of contraception including abortion and selective abortion, female reproductive system diseases (including cancerous diseases).

As we have pointed out, state programmes have to be accompanied by the creation of state bodies specializing in gender equality issues – this is the very area where we come across problems and approaches that do not coincide with the international experience.

4. International Commitments

Violation of human rights on the grounds of social, racial, national, lingual, sexual, material, political, religious and other views, as well as financial situation and age among others is a manifestation of denial of equality among individuals and is incompatible with the basic principles of a democratic legislative state. As we have already pointed out, Georgia has taken on a number of international commitments. Here is the long and impressive list: The Universal Declaration of Human Rights (UDHR), 1948¹¹⁶, the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights¹¹⁷, the European Convention (1950) for the Protection of Human Rights and Fundamental Freedoms (ICCPR)¹¹⁸, the ILO Convention of 1958 on Discrimination in Respect of Employment and Occupation¹¹⁹, The UNESCO Convention Against Discrimination in Education¹²⁰, also, the Convention on the Elimination of All Forms of Racial Discrimination, 1966¹²¹; the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid¹²², the 1978

¹¹⁶ The Universal Declaration of Human Rights
<https://matsne.gov.ge/ka/document/view/1208370> [last seen on 25.12.2015].

¹¹⁷ International Treaty and Agreement of Georgia
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¹¹⁸ Convention (1950) for the Protection of Human Rights and Fundamental Freedoms <https://matsne.gov.ge/ka/document/view/1208370> [last seen on 25.12.2015].

¹¹⁹ C111 - Discrimination (Employment and Occupation) Convention
<https://matsne.gov.ge/ka/document/view/1483569> [last seen on 25.12.2015].

¹²⁰ C111 - Discrimination (Employment and Occupation) Convention
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¹²¹ About the Elimination of All Forms of Racial Discrimination
<https://matsne.gov.ge/ka/document/view/41416> [last seen on 25.12.2015]

¹²² International Convention on the Suppression and Punishment of the Crime of Apartheid <https://matsne.gov.ge/ka/document/view/1211118> [last seen on 25.12.2015]

Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racism, apartheid and incitement to war.

These are the international documents that prohibit all forms of discrimination and obligate countries to protect women's rights.

The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) adopted by the United Nations General Assembly is of such great importance. It is often referred to as the international law on protection of women's rights or as the Women's Convention¹²³. It provides a definition of what discrimination against women is and a state action plan to eradicate this kind of discrimination and to achieve actual gender equality. By adopting the Women's Convention, a state takes on responsibility to carry out activities that eliminate all forms of discrimination against women and ensure equality of outcome. These activities include: Introduction of the principle of equality between men and women into the legislative system, abolition of all discriminatory laws and adoption of anti-discrimination laws; creation of effective institutional mechanisms to eliminate discrimination against women; elimination of all forms of discrimination against women by private individuals, organizations and enterprises.

The International Labor Organization (ILO), founded in 1919, sets international labor standards in the form of conventions and recommendations which serve as a basis for setting minimum standards for basic labor rights¹²⁴. All the 17 conventions presented by the ILO are ratified by Georgia. These conventions consider women's equal rights along with various other aspects. In 1993, Georgia joined C111 - Discrimination (Employment and Occupation) Convention¹²⁵. In 1994, Georgia joined the Convention on elimination of all forms of discrimination against women. And in 1995, at the Fourth World

¹²³ About joining the Convention on the Elimination of All Forms of Discrimination against Women <https://matsne.gov.ge/ka/document/view/37372> [last seen on 25.12.2015]

¹²⁴ http://www.ungeorgia.ge/eng/UN_in_Georgia/un_agencies?info_id=27#.Vp-nYfHvZvV [last seen on 25.01.2016]

¹²⁵ http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200-COUNTRY_ID:102639 [last seen on 25.01.2016]

Conference on Women, Beijing, Georgia joined the group of countries that agreed to devise a national action plan on the improvement of women's situation in order to implement the Beijing Platform for Action.

One of the 12 directions of the Beijing Platform for Action is to create national institutional mechanisms. Having studied the international practice, it became clear that effective operation of the national institutional mechanism of gender equality, i.e. successful integration of gender options into various areas of the state policy, requires its utter consideration by the government as well as financial and human resources and a capability to influence policy formation.

In new democracies, where the equality issue is not on the agenda, nationwide promotion of the national institutional mechanism of gender equality is often initiated by nongovernmental organizations. In 1998, with the support of the United Nations Development Programme (UNDP) "Women in Development", under the edict of the President, the National Commission for Women's Empowerment was created at the National Security Council of Georgia (the then Secretary of the Security Council was Rusudan Beridze). This was the first attempt in Georgia to create a governmental body specializing in gender issues. However, at the time, this body failed to operate effectively. Unfortunately, the 1998-2000 action plan on women's empowerment, which was devised in line with the requirement of the Beijing Platform for Action, never came into effect; it was followed by the 2000-2004 action plan which in fact was a copy of the previous ineffective documents.

On October 31, 2000, the United Nations Security Council adopted Resolution 1325 "Women, Peace and Security" which emphasizes the particularly negative effect that armed conflicts have on women and girls¹²⁶. It highlights the vital role of women in settlement of conflicts and establishment of peace. It also describes women's' role in peacebuilding, peace processes and settlement of conflicts, as well as the gender scope of reconstruction and rehabilitation processes. Two legal

¹²⁶ The State Concept of Georgia on Gender Equality
<https://matsne.gov.ge/ka/document/view/44014> [last seen on 22.11.2015]

normative documents “1325” and CEDAW are serious instruments to consider gender equality issues along with peace and security.

Unfortunately, significant progress in terms of women’s rights has not been seen, although all the above-mentioned documents are important tools for the protection of women’s rights, and their simultaneous application further enhances the work done by the supporters of gender equality which, on the other hand, ensures de facto gender equality¹²⁷.

5. Gender equality in the local legislation. Equality State Policy in Georgia

According to the Constitution of Georgia adopted in 1995, (Article 14), “Everyone is free by birth and is equal before law regardless of race, color, language, sex, religion, political and other opinions, national, ethnic and social belonging, origin, property and title, place of residence”. The constitutional provision directly corresponds to Articles 1 and 7 of the Universal Declaration of Human Rights which prohibits discrimination on any basis¹²⁸. The reforms carried out in the process of harmonization of the Georgian legislation with international commitments and democratic development were directed at devising a gender equality policy and development of national institutional mechanisms.

The following measures directed at women’s empowerment considered in the national action plan have been taken:

Between 1998 and 2000, measures directed at women’s empowerment considered in the national action plan were taken;

¹²⁷ As a result of the UNIFEM regional project “Women for Conflict Prevention and Peace-Building in the South Caucasus”, the level of awareness about 1325 significantly increased. In all the three countries, this project contributes to the development of Women Peace Network the regulations of which are based on the principles of the CEDAW and 1325. In 2003, under the initiative and with the support of three national networks of the South Caucasus, the South Caucasus regional coalition “Women for Peace” was created and it focuses on better execution of the CEDAW and Resolution 1325 and popularization of the culture of peace.

¹²⁸ On changes and amendments to the Constitution of Georgia <https://matsne.gov.ge/ka/document/view/1080890>

In 1999, a state commission was created at the National Security Council of Georgia and a Women's Empowerment State Policy was devised. It consisted of 27 high-rank members including Ministers, Deputy ministers, representatives of local and international non-governmental organizations and media. Under the aegis of this commission, the President issued an order which was largely affected by the CEDAW and the Beijing Platform for Action;

In 1999, Resolution 511 was adopted which involves taking measures to enhance protection of women's rights. Significant progress has been achieved by the Georgian government in terms of proactive fulfillment of gender equality commitments determined by the CEDAW, BPfA, MGDs, in line with the action plan at the International Conference on Population and Development (ICPD); in particular, 1) Protection of women's rights within the framework of devising national legislation and a national policy; 2) Prevention of and reaction to violence against women; 3) Solving women's issues in conflict zones and attempts to take measures; 4) Increasing the quantity of women in the process of making decisions and taking control.

In the period of 2000-2002, measures considered in the national action plan "on the elimination of violence against women" were taken; in the period of 2000-2004 measures considered in the national action plan on women's empowerment were taken;

Between 2002-2005, measures considered in the national action plan on the elimination of trafficking were taken;

In 2004, the Gender Equality Consultation Board was formed at the Office of the Parliament Speaker. The board provides a prerequisite for the creation of gender equality institutional mechanisms and their further development and enhancement under the aegis of the Parliament Speaker Ms Nino Burjanadze.

In 2004, the Millennium Development Goals (MDGs) were conformed on a nationwide scale: Goal 3 - Promotion of gender equality and enhancement of women's rights:

- ✓ Insurance of gender equality in employment;
- ✓ Equal accessibility in politics and at every stage of management.¹²⁹

In 2005, the Gender Equality Government Commission was formed at the office of Deputy State Minister on European Integration Ms T. Beruchashvili. The Commission included all First Deputies of the Cabinet, Executive Secretary of the Gender Equality Consultation Board MP K. Makharashvili and representatives of nongovernmental organizations¹³⁰.

In 2006, the Gender Equality Consultation Board and Gender Equality Government Commission formed a joint group that devised and developed a gender equality strategy based on three interconnected documents:

1. The State Concept of Georgia on Gender Equality, which was adopted by the Parliament of Georgia in 2006¹³¹;
2. The 2007-2009 National Action Plan and a set of recommendations to create sustainable and effective mechanisms for gender equality which were adopted in 2007, under the governmental decree¹³².
3. A set of recommendations on gender equality to create sustainable and effective mechanisms in the legislative and executive branches of the government.

A corresponding legal framework for gender equality was devised to develop a state policy: The Law of Georgia on Protection and Support of Victims of Domestic Violence¹³³, the Law of Georgia on Combating

¹²⁹ http://www.geostat.ge/cms/site_images/files/georgian/health/Qali%20da%-20kaci_2015.pdf pp. 4-7

¹³⁰ “Sabinebi” – Association of Women of Abkhazia – Ms R. Tsindeliiani; Caucasian Women Network – Ms N. Tsikhistavi; International Information Centre for Women’s Education -Ms. M. Kuprava-Sharvashidze, Women’s Information Center – Ms E. Rusetskaya; (The interview was given by the director of Women’s Information Center Ms E. Rusetskaya and conducted by Ms M. Kuprava-Sharvashidze, 10.12.2015)

¹³¹ Resolution of the Parliament of Georgia <https://matsne.gov.ge/ka/document/download/44014/0/ge/doc> [last seen on 22.11.2015]

¹³² On the approval of 2007-2009 Action Plan on the activities to be carried out to execute the Gender Equality policy in Georgia <https://matsne.gov.ge/ka/document/view/2053681>

¹³³ On Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence <https://matsne.gov.ge/ka/document/view/26422>

Human Trafficking,¹³⁴ 2006. All the above-mentioned documents contribute to the protection of women's rights and achievement of gender equality in Georgia. Special state action plans were approved to support the execution of both laws.

On May 26, 2010, the Parliament of Georgia adopted the Law of Georgia on Gender Equality¹³⁵ which aims to ensure gender equality in all areas of public life and equal conditions for the realization of equal rights, freedoms and opportunities of men and women, and to contribute to the elimination and prevention of discrimination on the grounds of sex.

Gender Equality is a part of human rights which establishes equal rights and responsibilities of men and women as well as their equal engagement in all areas of private and public life (The bill was supported by the Deputy Speaker of the Parliament, Chairperson of the Gender Equality Consultation Board – Ms R. Kervalsihvili).

In 2011, the Parliament of Georgia adopted a resolution on Gender Equality (2011-2013) and the measures considered in the UN Resolution 1325 were taken (2012-2015).¹³⁶

In 2011, under the aegis and initiative of the Second Deputy Speaker of the Parliament Ms R. Kervalishvili, the Gender Equality Consultation Board was established as a permanent working body of the Parliament. The Council of the Parliament took on responsibility to analyze the Georgian legislation and devise recommendations and propositions to eliminate gender equality in the Georgian legislation; also, to review legal acts and projects in order to assess gender equality, to coordinate and monitor national action plans on gender equality and protection of women's rights in the country, etc.

On December 27, 2011, in line with the Venice Commission, Paragraph 7¹ was added to Article 30 of the Organic Law of Georgia on Political Union of Citizens to enhance women's political participation; "Encouragement of political parties and increasing their funding by 10 %, provided that the nominated party list includes at least 20% of the opposite gender".

¹³⁴ On Changes to the Law of Georgia on Combating Human Trafficking <https://matsne.gov.ge/ka/document/view/1643912>

¹³⁵ On Gender Equality <https://matsne.gov.ge/ka/document/view/91624>

¹³⁶ http://www.geostat.ge/cms/site_images/files/georgian/health/Qali%20da%-20kaci_2015.pdf p 5.

In 2013, the office of the Deputy Prime Minister on human rights and gender equality issues was established;

In 2013, the Department of Gender Equality of the Public Defender's Office was established as a permanent working structural unit;

In 2013, the Public Defender's Office devised an action plan for 2013-2015 as well as a strategy for gender mainstreaming¹³⁷, with the technical support of the UN.

On July 29, 2013, in order to enhance women's political engagement, Paragraph 7¹ of Article 30 of the Organic Law of Georgia on Political Union of Citizens was formed as follows: The party will receive from the state budget 30% of supplement, if in the nominated party list it includes at least 30% of different gender in each 10 candidates.

In 2014, the Law of Georgia on Elimination of All Forms of Discrimination was adopted;

We have several times pointed out that Georgia has taken on a number of international commitments regarding women's rights and gender equality to take effective measures directed at achieving gender equality. The measures taken by the Georgian government are a part of fulfillment of these commitments.

Elimination of discrimination against women and insurance of equality are also important components of the EU-Georgia Association Agreement (Part 14, Article 349)¹³⁸.

Important documents on execution of the Gender Equality State Policy include approval of 2014-2016 Action Plan¹³⁹, State Strategy for Civil Equality and Integration and 2015-2020 Action Plan¹⁴⁰.

In 2015, the President of Georgia declared 2015 as Women's Year.

6. Gender Equality and Women's Political Engagement in Georgia

Under the Law of Georgia, men and women exercise equal political, civil and cultural rights. However, nowadays, low indicators of women's

¹³⁷ http://www.geostat.ge/cms/site_images/files/georgian/health/Qali%20da%20-kaci_2015.pdf p 6

¹³⁸ <https://matsne.gov.ge/ka/document/view/2250269> [last seen on 25.01.2016]

¹³⁹ <https://matsne.gov.ge/ka/document/view/2235622> [last seen on 25.01.2016]

¹⁴⁰ On Approval of State Strategy for Civil Equality and Integration and 2015-2020 Action Plan <https://matsne.gov.ge/ka/document/view/2958879> [last seen on 25.01.2016]

engagement in political, economic and social areas, i.e. gender imbalance, can be observed, which is largely due to the stigma consciousness of the multicultural society in Georgia and the attitude towards the role of a woman in the family and society.

A majority of the Georgian population (52.3 % of women)¹⁴¹ do not have enough support and adequate resources to actively engage in the political life and civil activities. ***Lack of clear political willingness of the government, negative stereotypes and low level of education and awareness about gender equality issues are the main obstacles hindering the achievement of gender equality.***

Background of the legislation for quota mechanisms to achieve gender equality

To increase women's representation in decision-making processes and to achieve gender equality, a majority of European and other countries opted for quota mechanisms and devised various forms. Each country more or less managed to devise a different approach which meets requirements. Georgia also has its own experience and path. I will now attempt to describe what we used to have and what we have now in terms of establishment of gender quota mechanisms.

Yet in 2002, two separate applications were made in the highest legislative body of the country to empower women in the Parliament of Georgia and to introduce quota mechanisms. The applications were initiated by the Political Forum on Women who demanded for the nominated party list to include at least 40 % of different gender in each 10 candidates. A bit later, PM A. Marshania initiated special temporary measures to overcome gender asymmetry in the highest legislative body. The co-initiator of this proposition was the Former MP, Founder of the First Women's Club at the Parliament - N. Tchanishvili. Unfortunately, there is no written source about these two initiatives and it was only possible to check these facts and have them clarified by interviewing these people.¹⁴²

Neither of the above-mentioned initiatives were reacted to or supported by the Parliament despite the international commitments on elimination

¹⁴¹ http://www.geostat.ge/cms/site_images/files/georgian/health/Qali%20da%20kaci_2015.pdf according to the data by January 1, 2015

¹⁴² The interview was given by the Director of the International Information Centre for Georgian and German Women's Education – T. Abramishvili; the interview was conducted by M. Kuprava-Sharvashidze, 15.12.2015.

of all forms of discrimination against women, and despite the fact that the Constitution and Law of Georgia do not consider direct discrimination on the grounds of sex; in terms of equality in real-life decision-making processes there is a serious gender asymmetry in Georgia in favor of men.

On the basis of the referendum held in Georgia in 2003, cutting down the number of MPs to 150, raised a reasonable doubt among experts specializing in women's rights and gender equality. According to them, despite the positive results of the referendum, they would still effect the number of female candidates in the elections. This was manifested by the gender analysis of electoral lists. Only 13 women were registered among the top ten candidates in the lists presented by twelve election subjects and 33 women were registered among the top twenty candidates. We had 9.7 % of female MPs in this parliament.

On May 2, 2008, an initiative proposed by a civil society group and supported by 32,400 voters was referred to the Parliament of Georgia. The initiative aimed at making changes to two organic laws of Georgia on Political Union of Citizens and electoral systems. The initiative was supported and prepared by the United Nations Development Fund (N. Lagvilava, T. Bagratia; Kh. Zhvania) OSCE/ODIHR and executed by the Women's NGO Coalition which at the time included 80 nongovernmental organizations all across Georgia and women activists from political parties. The legislative proposal was submitted to the Parliament by the initiative group consisting of T. Abramishvili, M. Kuprava-Sharvashidze, M. Mebuke, N. Javakhishvili and Ts. Bakuradze).

The Essence of the Bill: If a party violates the principle of gender proportionality identified in the Election Code of Georgia when presenting party lists or a reserve majoritarian candidate, at each 5 % violation of the rule of proportionality of party lists the party's basic funding shall be reduced by 5%, while at each violation of the principle of gender proportionality, the party's basic funding shall be reduced by 10 %, when presenting the primary and reserve majoritarian candidates.

This resolution enabled us to retain fair representation of men and women without violation of the interests and rights of one of the sexes. It was also obligatory to include a percentage of women in the top ten of

the party list because, as the common practice showed, women ranked last in the electoral lists.

The results of the Parliamentary elections held on May 21, 2008, showed that there is still a lot to do in terms of achieving gender equality in decision-making processes. While the share of women in the previous parliament was 9.7 %, the percentage has now dropped to 6 % in the elections in 2008.

Based on the results of the measures taken in relation to the legislative initiative, we may boldly say that including the above-mentioned formulation in the Election Code would be an actual step to fulfillment of the international commitments Georgian has taken on; this would serve as a basis for devising a not only legislative but also ethical and praiseworthy state policy in the country. It would inevitably cause an adequate reaction among European entities of great strategic importance (See **Appendix 2**).

This initiative was largely reacted to internationally – there was an update regarding the initiative on the webpage of the Women’s Democratic Network (WDN) (see **Appendix 3**). As it has already been pointed out, as a result of active lobbying by nongovernmental organizations, the quota system was also included in the first draft bill on gender equality adopted by the Parliament of Georgia later in 2010, but this initiative was not approved by the Parliament and it was discarded from the bill.

In 2013, during the operation of an Inter-Fraction Group specializing in the issues of Parliamentary elections in Georgia, Head of the nongovernmental organization “Gender Equality” – Ms R. Kervalishvili and Coordinator of the Gender Equality Network – Ms M. Kurpava-Sharvashidze represented the nongovernmental organization specializing in women’s rights and gender issues that actively engaged in supporting women’s political engagement. These two organizations, together with other NGOs and political parties, participated in the international conference – the Round Table on “funding of political

parties and women's participation in political processes"¹⁴³. The idea of the legislative initiative was born at this very session. (see **Appendix 4**). The legislative change was submitted to the Parliament by Ms E. Beselia. However, it was later referred to the Inter-Fraction group specializing in the issues of Parliamentary elections in Georgia. There it faced some contradiction and they started working on the second initiative as an expression of an immediate reaction. As a result, an imperative form was introduced with the following formulation: Parties and electoral blocs shall lay down the procedure for drawing up party lists. In order to ensure gender balance when presenting party lists, the nominated party list shall include at least 30 % of different gender in each 10 candidates. The seats acquired by the party or the electoral bloc on the basis of the election results shall be distributed sequentially from the beginning of the list onwards.

The presentation of this very initiative paved way for the third initiative which was actively lobbied by the Head of the Inter-Fraction Group specializing in the issues of Parliamentary elections in Georgia – Mr Z. Kutsnashvili; he openly declared this at the fifth sitting of the Inter-Fraction Group specializing in the issues of Parliamentary elections in Georgia.

The purpose of the initiative was the following: on the basis of the conclusion published by the Venice Commission and under the lobbying of the Deputy Speaker and Chairperson of the gender Equality Consultation Board – Ms R. Kervalishvili, the previous Parliament proposed the following amendment: ***“Under the new article (Article 30, Paragraph 7¹) of the Law of Georgia on Political Union of Citizens, the election subject receiving funding from the state budget in accordance with rules prescribed by this Article, will receive from the state budget 10 % of supplement, if in the nominated party list (local self-government elections – all party lists) it includes at least 20 % of different gender in each 10 candidates”.***

This law was submitted to the Inter-Fraction Group specializing in the issues of Parliamentary elections in Georgia with the following formulation (Recent change to the Law of Georgia on Political Union of

¹⁴³ After making reports at this very session, an initiative was made by the member of the Secretariat of the Inter-Fraction Group, member of the Dream Party- Mr T. Kraveishvili. This person is the co-author of those ideas and companion of organizations specializing in women's rights and gender issues.

Citizens was assessed positively at this session): ***“Under the new article (Article 30, Paragraph 7¹) of the Law of Georgia on Political Union of Citizens, the election subject receiving funding from the state budget in accordance with rules prescribed by this Article, will receive from the state budget 30 % of supplement, if in the nominated party list (local self-government elections – all party lists) it includes at least 30 % of different gender in each 10 candidates”.***

In a live interview given to the media on May 3, in the analytical talk show P.S. on Rustavi 2, Head of the Inter-Fraction Group specializing in the issues of Parliamentary elections in Georgia, MP Z. Kutsnashvili announced the changed (decreased) threshold for funding allocated for political parties and 30 % of supplement, ***if in the party list it includes at least 30 % of different gender in each 10 candidates”.***

The initiative, recommendation of these organizations, to include a gender checkbox together with the information about voters in the voters’ list was discussed at the sixth extended session of the Inter-Fraction Group in Kutaisi, on May 30 (see **Appendix 6**). This may encourage restoring justice in terms of enhancement of women’s political engagement. All the above-mentioned steps were strengthened by the signatures of 32,400 citizens that were submitted to the Parliament on May 2, 2008 (Order N4974/4-12; 2339-08).

The initiative of removal of a deposit of 5000 laris when presenting a candidate by initiative groups can be considered an achievement of just as much importance. This initiative was taken by the Gender Equality Network¹⁴⁴ specializing in women’s rights and gender equality but it was later discarded by the Constitutional Court.

The very result of the legislative initiative in 2008 is the legislative proposal on gender quotas submitted to the Parliament by nongovernmental organizations on June 10, 2015. The proposal concerned making changes to the Organic Law of Georgia and the Election Code of Georgia as well as making changes to the Organic Law of Georgia on Political Unions (#12467, 13.05.2015). The proposal

¹⁴⁴ The Gender Equality Network (GEN) – a nongovernmental organization which includes nongovernmental organization and experts of all the ten regions of Georgia and Tbilisi. The Network was launched in 2012 and has been working ever since. Gender Equality Strategy, 2012 edition, authors: M. Mebuke, M. Kuprava-Sharvashidze, p15.

became a subject of discussion by two parliamentary committees: The Committee on Legal Affairs and Human Rights. As a result of the committee hearing on December 2, 2015, the Committee on Legal Affairs voted **against the legislative proposal and deemed the legislative proposal negative**¹⁴⁵.

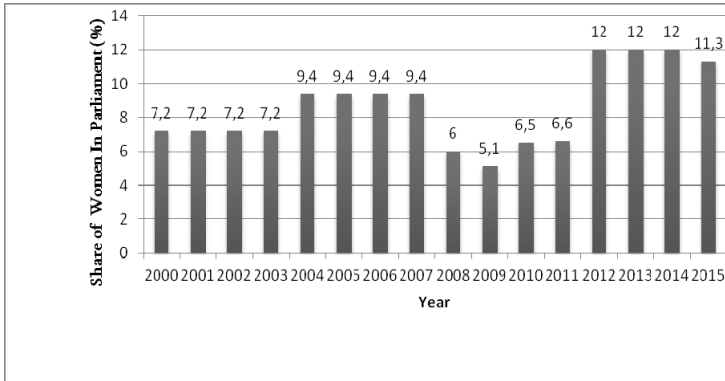
7. Current situation in terms of women's political engagement

The low indicator of women's political engagement remains one of the challenges of gender equality. It is particularly difficult for women to become members of the Parliament – Legislative Branch of the Government of Georgia – through elections. In the last twenty years, the number of female MPs never exceeded 10 % (the number of women in the Parliament (Supreme Council) in 1991, 1992, 1995, 1999, 2003 and 2008 was 6.8%, 5.6%, 7%, 6.4%, 9.4% and 5%, correspondingly)¹⁴⁶. As a result of elections on October 1, 2012, the representation of women in the government was 11.3 %, and in the cabinet of the Central Executive Body there were 3 female Ministers – 17 %. And as a result of the elections in local self-government bodies in 2014, the representation of women amounted to 11.1 %. According to the Global Gender Inequality Index 2015,¹⁴⁷ Georgia ranks 114th among 145 countries in terms of women's political engagement.

¹⁴⁵ <http://parliament.ge/ge/saparlamento-saqmianoba/komitetebi/iuridiul-sakitxta-komiteti-146/axali-ambebi-iuridiuli/iuridiul-sakitxta-komitetis-sxdoma02122015.page> [last seen on 25.01.1016].

¹⁴⁶ The Ministry of Economy of Georgia, Women and Men in Georgia: a booklet of statistics (Tbilisi, 2008), p55. The Parliament of Georgia, www.parliament.gov.ge (cited on April 2, 2011)

¹⁴⁷ <http://reports.weforum.org/global-gender-gap-report-2015/economies/#economy=GEO> [last seen on 25.01.2016]



Gender statistics¹⁴⁸ clearly show that measures taken to achieve gender equality within parties cannot be observed which is also manifested through gender inequality between the candidates nominated at the self-government elections. In particular, only two women out of 14 candidates were nominated for the position of Tbilisi Mayor; In self-governing cities 65 men and 8 women were nominated as mayoral candidates. It is also noteworthy that the nominated party list of election subjects included 427 women among 1129 candidates. The quantity of women among 5707 independent candidates registered by parties amounted to only 846. The situation present in these elections was an immediate result of inequality; in particular, none of the city mayors are women, and 69 governors include only two women.

According to the data obtained in 2015, Georgia has not had a woman Prime Minister; Georgia does not have any woman governor or city mayor; there are only 242 women among 2082 members of the City Hall.

There are 1,951,000 women living in Georgia but they are not involved in decision-making processes; these data clearly show the incompatibility of women's political engagement which further encourages us to muse upon the reasons interrupting women's participation in decision-making processes and to find solutions.

¹⁴⁸ <http://www.cesko.ge/uploads/other/29/29124.pdf> [last seen on 25.01.2016].

Despite the above-mentioned effort made to change the inequality in terms of women's political engagement in the country and to turn the situation from static into dynamic, the attempts proved to be vain.

According to the data provided by the Inter-Parliamentary Union (IPU)¹⁴⁹, by December 1, 2015, Georgia ranks 111th among 190 countries. It is noteworthy that the political system which eliminates or does not support equal engagement of men and women, cannot be considered as successful, as democracy implies justice, equality and promotion on the grounds of capabilities and skills. It is important to use the talent and capabilities of women to develop the country and build a better life for people. The principle of justice is violated in the country when a majority of the population – 52.3 % - are considered a minority and the voice of the majority is not heard in decision-making processes.

It is also significant that according to the Global Gender Equality index 2014¹⁵⁰, Georgia ranks 61st among 138 countries where the level of higher education of girls is higher (31) than that of boys (25). These data show nothing but the unused resources of qualified women.

There is a critically low rate of women's engagement in political, economic and social areas in Georgia, as a country with a low level of state democratic culture. Despite the institutional mechanisms and adopted Law on Gender Equality, the state policy still does not pay enough attention to the implementation of gender equality principles. In this respect, the communal activity and accessibility of resources required for women in the election processes are low¹⁵¹.

As we have already pointed out, the President of Georgia declared 2015 as Women's Year and three top government officials – the President, Speaker of the Parliament and Prime Minister – openly expressed their attitude and supported equal engagement of women in decision-making processes.

¹⁴⁹ <http://www.ipu.org/wmn-e/classif.htm> [last seen on 25.01.2016].

¹⁵⁰ http://www3.weforum.org/docs/GGGR14/GGGR_CompleteReport_2014.pdf [last seen on 25.01.2016].

¹⁵¹ Gender Task Force – GTF – The 2014-2016 strategy of the Working Group, Tbilisi, 2014

Despite the measures taken, gender equality and breaching the glass ceiling still remains a problem which women are facing in this country. The above-mentioned attempts for women's empowerment and increasing their participation in decision-making processes are still not enough and are incompatible with the human resources available in Georgia in the form of women.

The inability that the country has shown in relation to the introduction of gender quota mechanisms is especially alarming.

The Public Defender of Georgia reacted several times to the processes in the country and spoke about the necessity of women's engagement in decision-making processes. "The data obtained by now still cause disturbance and despair. It is vitally important to devise special temporary mechanisms to support women's engagement in the political life, which, unfortunately, has not been considered; this will give the country an opportunity to overcome the unequal situation"¹⁵². However, not even this assessment had an impact on the enhancement of women's engagement in governance of the country. In line with the recommendation suggested by the CEDAW Committee in 2014, Georgia was supposed to make a decision on the insurance of women's complete and equal engagement in political and public processes and to take efficient measures in this respect. "The state shall implement an obligatory quota for political parties under the law so that the representation of women in national and local legislative bodies can be increased". Thus, by implementing the gender quota, Georgia will fulfill the recommendation suggested by the CEDAW Committee and other commitments that the country has taken on in terms of women's political engagement.

It is notable that several developed countries with high democratic values also aimed to achieve gender balance through quota systems. There are various examples of this in Europe; for instance, the practice and experience of Scandinavian Countries is the best; till now, these countries remain leaders in terms of the indicator of women's political engagement.

¹⁵² <file:///D:/Desktop/2439.pdf> The Report of 2014 of the Public Defender of Georgia [p 650]

8. The experience of the Visegrad Group (V4) in terms of gender equality

In this part of the study, we will be reviewing the Visegrad countries in terms of the gender equality policy and sharing their experience. We will be speaking about what the situation in these countries used to be like in terms of women's political participation as well as about the path of these countries - the Czech Republic, Hungary, Poland and Slovakia – towards integration in the EU.

These countries of Central Europe united at the summit arranged by the Presidents of the three countries at the Castle of Visegrad, on February 15, 1991¹⁵³. The grouping was originally called the Visegrad Triangle but since the dissolution of Czechoslovakia in 1993, it has been referred to as the Visegrad Four (V4).

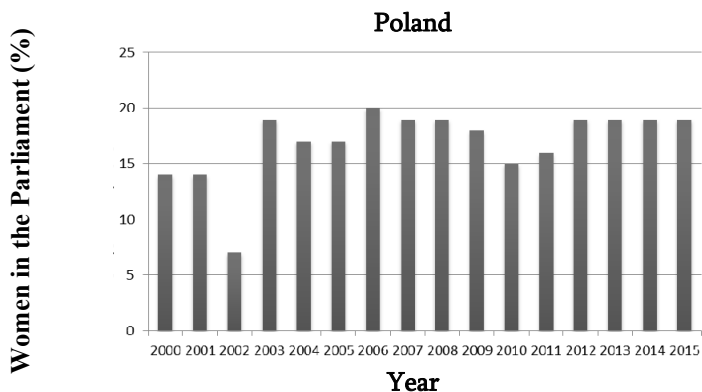
8.1 The equality policies and quota systems available in Visegrad countries:

Poland – The Constitution (1952) of this country includes the Law on Gender Equality. Equal wages are also considered. The Constitution states that the state shall consider the situation of employed mothers and support them.

According to the new Constitution of 1997, Poland ensures equality between men and women in all areas of life. In particular, Article 33 declares that men and women exercise equal rights to education, employment and promotion. They are also equally entitled to equal wages and social security. Article 18 considers marriage as a union of a man and a woman and guarantees protection of the family, motherhood and parenthood. Article 71 states that mothers shall have the access to assistance from local governmental bodies. Poland has ratified almost all international legislative acts that support gender equality. These acts include the CEDAW Convention and the Beijing Declaration and Platform for Action¹⁵⁴. There are 27.4 % of women represented in the Lower House, 13 % - in the Upper House and 22 % in the European Parliament.

¹⁵³ <http://www.fwevisegrad.ge/proeqtis%20shesaxe.html>

¹⁵⁴ (<http://www.europarl.europa.eu/document/activities/cont/201107/2011-0725ATT24649/20110725ATT24649EN.pdf> last seen on 14.02.2016).



Quotas in Poland are at the legislative level. The change to the Code of Election was made in January, 2011. The law determined quotas of the Sejm candidates on electoral lists. ‘The number of candidates who are women cannot be less than 35% of all candidates on the list. The number of candidates who are men cannot be less than 35% of all candidates on the list’. (Article 211 (3)).

“If a list falls short of meeting the quota requirement, ‘the commission shall request the person to remove the defect within 3 days. In the case of defects not removed within the specified time, the commission decides to refuse to register the list in its entirety’” (Article 215 (5))¹⁵⁵.

Poland

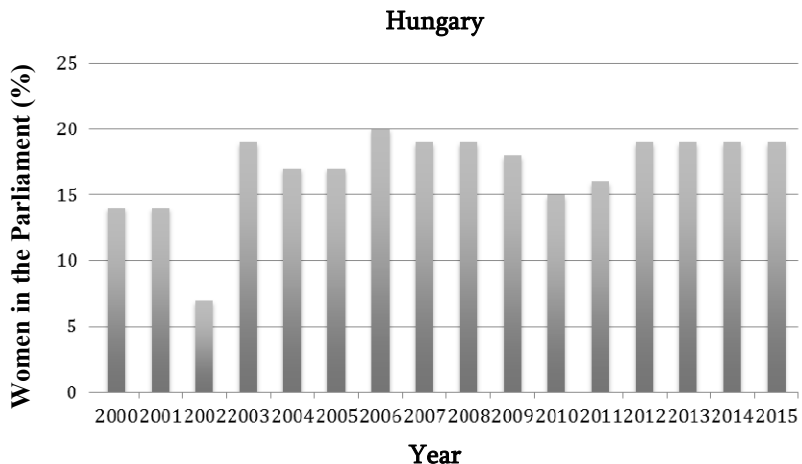
Voluntary political party quotas	No
Legislative gender quotas	Yes
Seat reservations	No

Hungary - The main document which guides gender equality legislation in Hungary is the Fundamental Law, which came into effect in 2011. Article 15/3 of this document states that women and men have equal rights and article 15/2 prohibits discrimination against anyone on the basis of a number of characteristics, including gender. Additional paragraphs on equal wages and various forms of discrimination may be found in the new Penal Code and the new Labor Code.

¹⁵⁵ (<http://www.europarl.europa.eu/document/activities/cont/201107/20110725ATT-24649/20110725ATT24649EN.pdf> last seen on 14.02.2016).

In 2003, in preparation for European Union membership, the Hungarian Parliament passed Act CXXV of 2003 on Equal Treatment and the Promotion of Equality of Opportunities. The Equal Treatment Act establishes a framework for the fight against discrimination and specifies about 20 groups of people to be protected, among these, women and mothers. It also defines the concept of discrimination as punishable¹⁵⁶. A public opinion poll showed that the number of supporters of women's political engagement is rather low and Hungary does not have an effective institutional mechanism to support enhancement of women's engagement in decision-making processes.

The new electoral system, introduced and set to be used in the upcoming elections in spring 2014, further reduces the probability of equal representation which is manifested through the proportion of women in the National Assembly which amounts to 10 %. Out of 10 high government officials only one is a woman. She is responsible for national development programs. The representation of women in the European Parliament amounts to 36.4 %¹⁵⁷.



¹⁵⁶ ([http://www.europarl.europa.eu/RegData/etudes/note/join/2013/493017/IPOL-FEMM_NT\(2013\)493017_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/note/join/2013/493017/IPOL-FEMM_NT(2013)493017_EN.pdf) last seen on 12.02.2016).

¹⁵⁷ <http://www.quotaproject.org/uid/countryview.cfm?country=100>

Quotas in Hungary: In Hungary there are voluntary political party quotas. The Hungarian Socialist Party MSZP (Magyar Szocialista PART) has introduced 20 % quota for women; the political party “Politics Can Be Different” – In the party's National Assembly and European Parliament electoral lists maximum two repeated candidates of the same sex may follow each other¹⁵⁸.

Voluntary political party quotas	Yes
Legislative gender quotas	No
Seat reservations	No

The Czech Republic – The concept of equality as such is currently defined in Article 3 of the Czech Charter of Fundamental Rights and Basic Freedoms which is a part of the Czech Constitution. The main concepts of discrimination are defined in the Anti-Discrimination Act (Act No.198/2009 Coll.). Discrimination is also outlawed under other pieces of legislation, especially the Labor Code and the Employment Act. As regards the gender equality policy, there are several governmental bodies and councils, as well as non-governmental organizations, dedicated to equal treatment of men and women. The Governmental Council for Equal Opportunities of Men and Women and the Department for Equal Opportunities of Men and Women coordinate governmental action in the area of gender equality.

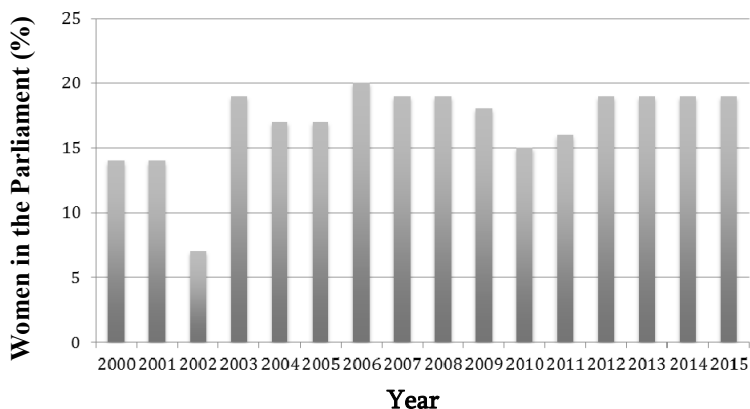
In the Czech Republic, women are still underrepresented in politics. Currently, they represent just 18.2 % of the Czech members of the European Parliament, 17.65% of the members of the Czech government, 20 % of the members of Chamber of Deputies, 18.5 % of senators, 19.7 % of regional deputies, and 27.1% of local deputies.

As regards nongovernmental organizations, a number of organizations dedicated to equal treatment of men and women, work on these issues.¹⁵⁹

¹⁵⁸ <http://www.quotaproject.org/uid/countryview.cfm?country=100> (last seen on 13.02.2016).

¹⁵⁹ ([http://www.europarl.europa.eu/RegData/etudes/IDAN/2015/510009/IPOL_IDA\(2015\)510009_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/IDAN/2015/510009/IPOL_IDA(2015)510009_EN.pdf) last seen on 13.02.2016).

The Czech Republic



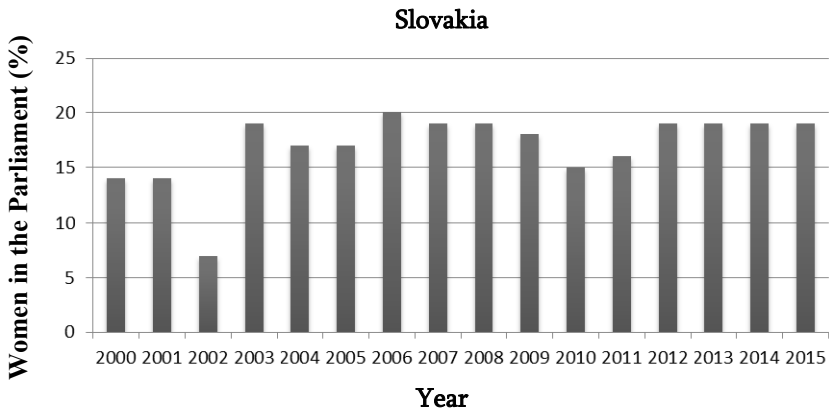
Quotas in the Czech Republic: In the Czech Republic there are voluntary political party quotas. For instance, 25 % of those elected by the party shall be women. If a party has failed to nominate 25 % women among its top candidates, then the Social Democratic Women's Organization has the right to nominate extra women.

Voluntary political party quotas	Yes
Legislative gender quotas	No
Seat reservations	No

Slovakia – The Equal Treatment Act is part of the Constitution of the Slovak Republic, similarly to the rest of the Constitutions of the above-mentioned countries. The Act considers equal treatment of men and women. But nowadays, the employment rate of women in Slovakia is 52.7 %, which is comparably lower than that of the EU (58.6 %).

Discrimination on the basis of any characteristic, including gender, contradicts the legislation of Slovakia. Despite this, statistics show that gender equality is not fully achieved.¹⁶⁰ Women represent 20 % of the of the members of the Czech government and 38.5 % of the Czech members of the European Parliament.

¹⁶⁰ (http://ec.europa.eu/justice/gender-equality/files/epo_campaign/130911_country-profile_slovakia.pdf last seen on 14.02.2016).



Quota in Slovakia: In Slovakia there are voluntary political party quotas.

‘In a list of candidates, no gender shall be represented by less than 35% of the actual total number of candidates on the list. The provision of the preceding paragraph shall not apply to a list of candidates containing three male or three female candidates, since a list of candidates containing three candidates must contain at least one representative of the opposite sex.’ (National Assembly Elections Act 2006, Articles 43:6 and 43:7). If the lists do not comply with this law, the electoral commission shall reject the list (Article 56).

Voluntary political party quotas	Yes
Legislative gender quotas	No
Seat reservations	No

8.2 European Integration Policy on Gender Equality

We will be reviewing European integration issues in terms of gender equality and the new international commitments that were put on the agenda of 2015.

First of all, it is noteworthy that the world was preparing to begin a new fifteen-year cycle of development, followed by preparing for the reference period of the 20th anniversary of adopting the Beijing Declaration and Platform for Action and the 15th anniversary of UN Security Council Resolution N1325.

The report on the 20th anniversary of the Beijing Declaration and Platform for Action is a synthesis of the results of the report by the UN Secretary-General and the 23rd special session of the General Assembly. The report reviews successful execution of the Beijing Declaration and Platform for Action on a nationwide scale. It also presents current challenges in terms of gender equality and women's empowerment. The first part of the report reviews the 20-year implementation of the Platform for Action. The following parts emphasize difficulties in execution as well as solutions to them. The conclusive part reviews priorities to accelerate the execution of the Platform for Action and to achieve gender equality in a timely manner¹⁶¹.

In 2000, the UN Security Council adopted Resolution 1325 (on Women, Peace and Security) which connects the challenges of gender equality and international peace. Despite the progress in terms of peace and security, women are still victims of various conflicts. Global Research appeals to the international society to revisit the problem of women, peace and security and take the initiative to solve them¹⁶².

The formation of the global agenda for international development began by setting the Sustainable Development Goals (SDGs); the fifth goal directly concerns tackling inequalities, empowerment of women and girls, and by 2030, it is planned to achieve gender equality by means of a number of activities: Empowerment of women and girls; protection of their rights; education; access to land and other resources; extension of economic opportunities; engagement in decision-making processes; engagement in peacebuilding and settlement of conflicts; and elimination of all forms of discrimination against women and girls.

By adopting the Political Declaration of the Status of Women, UN member states took on a responsibility to achieve gender equality by 2030 – initiative “Planet 50-50 by 2030”.

Governments of various countries devised certain action plans to achieve gender equality. A six-point strategy was developed as well: to strengthen the law implementation mechanism; enhance services specializing in protection of women's rights; take measure against discriminative norms and existing negative stereotypes; boost

¹⁶¹ (<http://www.unwomen.org/en/digital-library/publications/2015/02/beijing-synthesis-report>; last seen on 12.02.2016).

¹⁶² (<http://wps.unwomen.org/en/high-level-review> last seen on 13.02.2016)

accountability for gender equality; increase opportunities and develop a database to study the progress.

The Political Declaration emphasizes the major role of UN Women in uniting countries, the UN System and civil society around one common goal – gender equality. It also highlights men’s vital role in society¹⁶³.

The European Neighborhood Policy (ENP)¹⁶⁴ involves taking results-oriented measures by 2016-2020, including improvement of living standards of women and girls, their physical and psychological protection, enhancement of their economic, social and political rights and opportunities.

Gender equality is an important European value protected within the legislative and political framework of the EU. The European Union and its member states focus on rights of women and girls.

The EU contributes to the development of three areas in gender equality: physical and psychological protection of women and girls; development of social and economic rights; enhancement of engagement in important matters.

The European Union states that the document is results-oriented and appeals to the European Commission to take consistent measures in the above-mentioned areas by 2020.

9. Conclusions and Recommendations

Only the political system that ensures equal engagement of men and women in politics is considered reasonable by a number of states. Achievement of such parity should be a major task for a country willing to build a democratic and legal state. Introduction of the quota mechanism, which ensures equal engagement and representation of men and women in the legislative and executive branches of the country, contributes to execution of this very task.

A Gender Quota is a mechanism which defines the legal percentage of representation of men and women in government bodies. The main goal of the gender quota is to increase women’s engagement in political processes and prevent their isolation from said processes.

¹⁶³ (<http://wps.unwomen.org/en/high-level-review> last seen on 13.02.2016)

¹⁶⁴ (<https://europa.eu/eyd2015/en/un-women/posts/59th-csw-new-york> last seen on 14.02.2016).

The gender quota produces a desired result only in combination with other mechanisms (legislation, electoral system, political processes, the influence and authority of the Parliament, mass media, etc.). Actual gender equality rather than a formal percentage of engagement in the political life can only be achieved this way.

Introduction of quotas can have an actual effect when:

1. The law defines high percentage of women's representation (no less than 35-40 % on average);
2. The law ensures that both sexes are distributed in the political lists (so called double-quota);
3. The law considers strict sanctions for violation of quotas in the candidates' lists;
4. Independent parties like the Central Election Commission, judiciary or NGOs monitor whether quotas are met;
5. Candidates in the multi-mandate districts are elected via proportional system and closed party lists.

The experience of Visegrad countries in terms of introduction of the gender equality policy and quota mechanism is a synthesis of these very approaches.

In **Poland**, there is a law on gender equality which states that the number of representatives of the opposite sex cannot be less than 35% of all candidates on the list of Members of Parliament. However, the representation of women in decision-making processes is still low and a strong institutional mechanism to eliminate inequality has not yet been devised.

In **Hungary**, there are voluntary political party quotas. The country has taken significant steps to achieve gender equality, but in spite of this, women's political engagement is still quite low. The Hungarian government is carrying out an incredibly conservative policy in relation to women. Women are, above all, considered as mothers and wives.

The current gender policy in **the Czech Republic** does not contribute to women's empowerment in decision-making processes and very often, women are represented in the electoral lists of political parties in a way that they cannot be voted for, i.e. they are included at the end of the nominated party list. Gender segregation is also evident in the Czech Republic – women are not involved in decision-making processes in big politics. Men are engaged in the management of the economy of law enforcement agencies; as for women, they are engaged in the Parliament

and are associated with humanitarian and social areas, which is seen as a less important and prestigious activity by the society.

Women are more or less represented in the highest legislative body in all the four countries as well as in Georgia. As we have already remarked, the influence of the percentage of women's representation in the Parliament on the legislative process is of utter importance. The importance of equal representation to achieve gender equality and the influence of gender balance on politics have already been studied and recognized. Based on the experience of different countries, it can be said that when the percentage of women's representation is 20 %, members of the Parliament are encouraged to take initiating bills on children's interests seriously; in case women's representation in the Parliament equals to 30 %, laws and state programmes on women's interests are reviewed and adopted; in the case of women's representation equaling to 40-50 %, highly responsible political, economic and social decisions, which contribute the country's stable development, are made¹⁶⁵.

As we have already noted, the year 2015 was an important period in Georgia in terms of parliamentary debates on devising a quota mechanism. The 50/50 initiative by the Working Group on women's political participation which requires every other candidate on the list to be a different gender, serves as a real solution and provides a chance to overcome the existing unequal situation, so that representatives of both genders have equal opportunities to participate in decision-making processes. Unfortunately, the unequal situation has not yet ceased. We hope that the Parliament will further review and make an important decision for the country and contribute to the achievement of gender balance. This will be an actual step towards fulfilling the international commitments Georgia has taken on, which will serve as a fundament not only for legislative but also for ethical and praiseworthy state policy in our country. This will inevitably cause an adequate reaction and contribute to Georgia's European Integration.

It is noteworthy that the civil sector was actively involved in devising a gender policy in Visegrad countries. The civil society in Georgia is also distinguished with a similar extent of activity; sharing experience in this

¹⁶⁵ Working Group – Women's political participation in Georgia, Gender Task Force 2014, presentation material

respect will contribute to increasing the effectiveness of women's political participation and formation of a gender policy in Georgia.

The experience of Visegrad countries is interesting for Georgia not only in terms of the gender equality policy, but also in terms of uniqueness of the regional cooperation of these countries which is a clear example of strong relationships between countries. In these terms, Georgia can lay the foundation of a cooperation between the South Caucasian countries and contribute to regional cooperation between these countries and for a South Caucasian Alliance.

The process of reformation the Visegrad Four went through resulted in becoming a member of the European Union. This is interesting, important and promising for us – by sharing the experience of these countries, we will also be able to fulfill our desire.

Appendix 1

Project

The Organic Law of Georgia on Political Unions of Citizens On proposing an amendment to the Organic Law of Georgia

Article 1. “The amendment to Article 34 of the Organic Law of Georgia on Political Unions of Citizens (The Legislative Herald of Georgia, N22, 19.06.2007, Article 186) shall be considered the first paragraph and the second paragraph shall be added as follows:

“2. If a party violates the principle of gender proportionality identified in the Election Code of Georgia when presenting party lists or reserve majoritarian candidates, basic funding allocated for a party decreases by 5 % at every 5 % violation of the principle of proportionality in the nominated party list, and it decreases by 10 % at every violation of the principle of gender proportionality in the nominated list of major and reserve majoritarian candidates”.

Article 2: This Law shall enter into force from the day of publication.

President of Georgia

Mikheil Saakashvili

The Organic Law of Georgia

On proposing an amendment to the Organic Law of Georgia Election Code of Georgia

Article 1. The following changes shall be made to the Organic Law of Georgia Election Code of Georgia (The Legislative Herald of Georgia, 25, 22.08.2001, Article 107):

Part seven of Article 96 shall be amended as follows:

7. “Parties and electoral blocs shall lay down the procedure for drawing up party lists **in a way that every other representative on the list is of a different sex**”.

Part 4 of Article 97 shall be amended as follows:

“4. Under the majoritarian electoral system, parties and electoral blocs shall present major and reserve majoritarian candidates **in a way that no less than one out of three representatives is of the opposite sex; if five candidates are to be presented, two of them shall be of the opposite sex. If the number of candidates to be presented in a multi-seat electoral district amounts to less than three, but the number of major and reserve candidates amounts to four, no less than one candidate of the opposite sex shall be included in the nominated list**”.

Article 2. This law shall enter into force from the day of publication.

President of Georgia

Mikheil Saakashvili

Appendix 2.

GEORGIA, PARLIAMENTARY ELECTIONS 21 May 2008.
OSCE/ODIHR Election Observation Mission Final Report
X. PARTICIPATION OF WOMEN

The Georgian Constitution states that all citizens have equal status [35]. However, there is no adequate legislation protecting women against gender-based discrimination. In July 2006, Parliament adopted a ‘State Concept on Gender Equality’ aimed at encouraging the equal and effective implementation of rights and opportunities for men and women in the political, economic and social spheres. Nevertheless, not having

legal force, the concept can be regarded only as a political statement setting a policy framework for the executive branch of government.

In May 2008, the ‘Georgian Women NGOs Coalition’ presented over 32,400 signatures in support of an amendment to the Electoral Code, proposing the introduction of a mandatory quota system in party and electoral bloc lists, which is expected to be discussed by the new Parliament.

Although women comprise 53 per cent of Georgia’s population [36], these elections took place against a backdrop of very few women holding key positions in public and political life. In the last Parliament, only 9 per cent of the deputies were women, and in the government, only three out of 17 ministers were women.

The visibility of female candidates was generally low, with only a few female contestants mounting high-profile campaigns. The five parties and blocs which won mandates in the new Parliament overall had 21 per cent of women in their proportional lists, but none had more than one woman among the top ten on their respective list. In total, nine women were elected – six from the UNM, two from the United Opposition, and one from the CDM.

Within the election administration, women were under-represented at the top level, with only one female in the 13-member CEC. In DECAs, 15 of the 76 Chairpersons were women. In the polling stations visited by IEOM observers on the election day, 44 per cent of PEC chairpersons.

[35]. Art. 14 of the Constitution states: “Everyone is free by birth and is equal before the law regardless of race, colour, language, sex, religion, political and other opinions, national, ethnic and social belongings, origin, property and title, place of residence”.

[36]. 2007 Statistical Yearbook of Georgia, Ministry of Economic Development, Department of Statistics. - Expert Mauritzia Jenkins.

Appendix 3.

Also you can find our initiative on the websites of the Women’s Democracy Network (WDN: www.wdn.org), and it is also mentioned in the monitoring for the parliamentary elections in May 2008 of the OSCE/ODIHR. The situation of women in Georgia is much like that of the women in Albania just a few years ago. Georgia currently has no quota system and women only represent 7.2% of Parliament. The

number of women in Parliament has actually decreased in recent years. However, the women's movement in Georgia has been working hard to convince parliament to enact a quota law. The Women's Coalition of Georgia recently gave a petition to parliament with 32,000 signatures in support of amendments to Georgia's elections legislation that would introduce a quota law and open access for women to enter politics. Their goal is to enact a temporary quota law that will increase women's representation in parliament to 50 percent. Maia Kuprava, a WDN activist in Georgia, says that they are waiting for the spring session of Parliament to see if the introduction of a quota law will appear on the agenda. She expects that if the law does get passed, it will have to be revised to aim for women to represent 40 percent of Parliament instead of 50 percent. Regardless of the percentage, she said that if a new quota law is introduced and passed, it will ensure that one candidate out of every three candidates on a political party's list will be a woman. Maia believes that the main obstacle of women entering politics today is men. According to her, "men dominate political parties and therefore control the rules." Women have tried to work with parties to pass quota laws, but have been unsuccessful. Maia said that the men in Georgia see the quota system as a joke and believe there are no serious obstacles facing women. She said the men use psychological pressure to hold women back and discourage them from getting involved in politics. Despite the obstacles, Maia is hopeful that a quota law will be passed in the upcoming session of parliament. She believes that the enactment of a quota system in Georgia will change the country's attitude towards women and promote women's education. She also believes that if women could acquire more funding, they could create more candidate schools, awareness raising programs, and political training programs, all of which would help women compete against their male candidates and even the playing field. Until then, Maia and other women activists like her will continue to fight and hope that they will succeed

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(<http://www.consilium.europa.eu/en/press/press-releases/2015/10/26-fac-conclusions-gender-development/> last seen on 12.02.2016).

Appendix 4.

Project
The Organic Law of Georgia
On proposing an amendment to the Organic Law of Georgia
Election Code of Georgia

Article 1. The following changes shall be made to the Organic Law of Georgia Election Code of Georgia (The Legislative Herald of Georgia (www.matsne.gov.ge), 10, 01, 2012, Registration Code: 010190020.04.001.016032):

1. The second paragraph of Article 130 shall be amended as follows:
 1. If an MP of Georgia who was elected under the party list of party independently running in the elections withdraws, his/her seat shall be occupied by the next successful candidate for MP in the party list within one month, (If an MP of Georgia who was elected under the party list of party independently running in the elections is a woman, her seat shall be occupied by the next successful woman candidate for MP) provided that the candidate gives his/her consent within 15 days after the vacancy. Otherwise, the vacancy shall be taken by the next successful candidate in the list, etc. If there is no candidate remaining in the party list, the seat of the MP of Georgia shall be cancelled.
 2. If an MP of Georgia who was elected under the party list of an electoral bloc withdraws and the party list specifies that he/she was a member of one of the parties of an electoral bloc, the seat of the member who withdraws shall be occupied within one month by the next successful candidate of the same party in the list, (If an MP of Georgia who was elected under the party list of party independently running in the elections is a woman, her seat shall be occupied by the next successful woman candidate for MP in the same list), if the candidate gives his/her consent to become an MP of Georgia within 15 days after the vacancy. Otherwise, the vacant seat shall be occupied by the candidate of the same party named next in the list, etc. Unless the party list specifies that the person is a member of one of the parties of the electoral bloc, his/her successor shall be appointed as defined in the first paragraph of this article.

2. The first and second paragraphs of Article 154, shall be amended as follows:
 1. If the term of office of Tbilisi City Assembly member elected through the proportional system terminates early, his/her successor, the next candidate on the same party list, (If a member of Tbilisi City Assembly who was elected under the party list of party independently running in the elections is a woman, her seat shall be occupied by the next successful woman candidate for a member of Tbilisi City Assembly in the same list) shall take his/her place in Tbilisi City Assembly within two weeks, provided that the candidate accepts membership in Tbilisi City Assembly within ten day after being notified by the CEC. If no candidate is left in the submitted party list, the seat shall be eliminated.
 2. If the member of Tbilisi City Assembly who last held the vacant seat was elected through the party list of an electoral bloc and the party list specified that the member was a member of one of the parties in the electoral bloc, the next candidate on the same party list for Tbilisi City Assembly membership shall replace him/her within one month, (If a member of Tbilisi City Assembly who was elected under the party list of party independently running in the elections is a woman, her seat shall be occupied by the next successful woman candidate for a member of Tbilisi City Assembly in the same list) provided that the candidate accepts membership in Tbilisi City Assembly within ten days after the vacancy occurs. Otherwise, the vacancy shall be filled by the next candidate on the same party list, etc. If the party list did not specify that the member of Tbilisi City Assembly who last held the vacant seat is a member of one of the parties in the electoral bloc, his/her successor shall be determined under the first paragraph of this article.

Article 2. This law shall enter into force from the day of publication.

President of Georgia

Mikheil Saakashvili

Appendix 5.

Project
The Organic Law of Georgia
On proposing an amendment to the Organic Law of Georgia
Election Code of Georgia

Article 1. The following changes shall be made to the Organic Law of Georgia Election Code of Georgia (The Legislative Herald of Georgia (www.matsne.gov.ge), 10, 01, 2012, Registration Code: 010190020.04.001.016032):

1. The sixth paragraph of Article 115 shall be amended as follows:
“6. Parties and electoral blocs shall lay down the procedure for drawing up party lists. In order to strike gender balance when drawing up party lists, at least 30 % of every 10 candidates shall be of the opposite sex”.
2. The fifth paragraph of Article 143 shall be amended as follows:
“5. The procedure for drawing up a party list shall be determined by parties and electoral blocs. In order to strike gender balance when drawing up party lists, at least 30 % of every 10 candidates shall be of the opposite sex. The seats acquired by the party or the electoral bloc on the basis of the election results shall be distributed sequentially from the beginning of the list onwards”.

Article 2. This law shall enter into force from the day of publication.

President of Georgia

Mikheil Saakashvili

Appendix 6.

Project
The Organic Law of Georgia
On proposing an amendment to the Organic Law of Georgia
Election Code of Georgia

Article 1. The following changes shall be made to the Organic Law of Georgia Election Code of Georgia (The Legislative Herald of Georgia (www.matsne.gov.ge), 10, 01, 2012, Registration Code: 010190020.04.001.016032):

2. Article 184¹ shall be added to Article 184 with the following amendment: **Article 184¹. Procedure for drawing up a unified list of**

voters for 2014 elections of the local self-government representative body –Tbilisi City Assembly and the Mayor of the capital of Georgia – Tbilisi.

“1. A unified list of voters **for 2014 elections of the local self-government representative body –Tbilisi City Assembly and the Mayor of the capital of Georgia – Tbilisi** is a list of persons with active voting rights, registered under the Georgian law and removed from registration according to the place of residence by decision of the Agency who have gone through the biometric voter registration. The voter list is divided according to election districts.

2. The unified list of voters shall include the following information about a voter:

- a) first name, last name
- b) date of birth (day, month, year)
- c) address (according to a Georgian citizen’s identity card)
- d) a Georgian citizen’s personal number
- e) the place of actual residence (for IDPs from the occupied territories of Georgia; for individuals registered without an indication of address or for individuals removed from registration according to the place of residence) a temporary place of residence indicated by voters; f) date of registration in the unified list of voters (date of the biometric voter registration)
- g) biometric photo of the voter
- h) sex

VI. Women's rights and territorial conflict, Abkhazia

Where, after all, do universal human rights begin? In small places, close to home—so close and so small that they cannot be seen on any maps of the world. . . . Such are the places where every man, woman, and child seeks equal justice, equal opportunity, and equal dignity, without discrimination.

Eleanor Roosevelt, U.S.A., 1958¹⁶⁶

1. Background

Armed conflicts are affecting women's lives for many years. Violence against women in humanitarian emergencies, such as armed conflict and natural disasters, is a serious, even life threatening public health and human rights violation issue. The scale of the problem is growing worldwide and has led to the increased efforts to research more the context in which the particular violence happens.

Conflict and violence have been the most important factors obstructing development and progress. The outburst of violence is directly connected to the higher poverty rates in many countries. Accordingly, the UN Member States have recognized that 'conflict and post-conflict countries are the most challenged in achieving any of the Millennium Development Goals by 2015'¹⁶⁷. Indeed, the 2030 Agenda for Sustainable development and its 17 Sustainable Development Goals¹⁶⁸ adopted by UN Member States in September 2015, underlines the links between gender, peace, security and development. There is a strong correlation between these issues: conflict can trigger gender inequality and increase sexual and gender based violence. On the other side patriarchal gender norms might be an underlying cause for the violence to erupt.¹⁶⁹

¹⁶⁶Eleanor Roosevelt, "In Our Hands" (1958 speech delivered on the tenth anniversary of the Universal Declaration of Human Rights)

¹⁶⁷ The World Development Report 2011: *conflict development and stability*

¹⁶⁸ <http://www.un.org/sustainabledevelopment/development-agenda/>

¹⁶⁹ Wright H (2013), 'Gender, peace and security and the post-2015 framework', *Saferworld*, October, p 2.

Sexual and gender-based violence (SGBV) threatens displaced women and girls, as well as men and boys, in all regions of the world.¹⁷⁰ Creating safe environments and mitigating the risk of SGBV can only be achieved by addressing gender inequality and discrimination.¹⁷¹

Recently, the urgency of applying gender perspective to prevent and resolve conflicts has been increasingly acknowledged. This is reflected in the framing of this agenda by the UN Security Council and others as being about ‘women, peace and security’. Gender issues are put on the top list of the international agenda after the adoption of UN Security Council Resolution (UNSCR) 1325¹⁷²(2000) which identified the adverse impacts of conflict on women and calls for their full and equal participation in efforts to end conflict and restore peace and security. UNSCR 1889 (2009) goes further, urging Member States to “ensure gender mainstreaming in all post-conflict peace building and recovery processes and sectors”. The 1997 CEDAW general recommendation on public and political life focused on the right to vote and to be eligible for election, the right to participate in policy formulation and implementation for women.¹⁷³ It acknowledges that women must participate on an equal footing with men in peace building processes, and that gender equality is essential to building a democratic society.

¹⁷⁰Although the terms gender-based violence (GBV) and sexual and gender-based violence (SGBV) are often used interchangeably, UNHCR consciously uses the latter to emphasize the urgency of protection interventions that address the criminal character and disruptive consequences of sexual violence for victims/survivors and their families. The term SGBV is used by the author in the text to underline the wide range of the abuse against women.

¹⁷¹ UNHCR Action against Sexual and Gender based violence: an updated strategy UNHCR division of International protection, June 2011

¹⁷²A number of important resolutions have been issued by the United Nations Security Council under the title of women, peace and security. In particular, Security Council Resolutions (SCR) 1820, 1888 and 1960 address the issue of sexual violence in conflict and post-conflict situations. UN Security Council Resolution 1325 on Women, Peace and Security calls upon all stakeholders to promote the participation of women in peace negotiations. It calls on all parties to armed conflict to take special measures to protect women and girls from violence, and highlights States’ responsibility to end impunity for crimes against humanity and war crimes, including sexual and other forms of SGBV.

¹⁷³ CEDAW General recommendation N23

Although there is little attention given to examining how the implementation can be tracked in post conflict settings. In practice, taking a ‘gender perspective’ or ‘gender mainstreaming’ would mean highlighting the roles, needs and rights of women and girls – including addressing violence against women and girls – and promoting women’s participation in traditionally male-dominated peace and security processes.

Negotiation processes and peace agreement are important to bring an end to immediate violence and set the framework for political, economic and social reconstruction. Although, supporting sustainable and just peace is a long term commitment that requires multiple actors and range of effort. Gender equality and women's participation lies in a core of post conflict rehabilitation and peace building.

This paper highlights and synthesizes the information on the issue of women’s rights violation in the realm of conflict and post conflict settings in the case of Abkhazia. It examines issues of women’s equality and empowerment in complex post war rehabilitation, their political participation, in terms of representation and gender equality. For the purposes of this gender paper and in line with United Nation’s definition¹³, gender refers to the socially given attributes, roles, activities, responsibilities and needs connected to being men (masculine) and women (feminine) in a given society at a given time, and as a member of a specific community within that society.

The paper has a special focus on the issue of violence against women and the impact the conflict and post conflict environment has in the full realisation of their rights. For the author who has spent considerable time working as practitioner in the area of women and post conflict environment, there is a clear reminder that the term ‘gender equality’ is not only the needs of women, rather it encompasses women’s empowerment and their possibilities to be free from violence and be included in the decision making processes on equal terms with men. However, in the context of armed conflict and the growing challenges Abkhazia is facing in the post rehabilitation and recovery, there should be a broader application of the concept of gender. This paper examines

the meaning and potential usefulness of ‘gender equality’ in an increasingly complex environments such as post conflict regions.

On the other side the paper tries to make a regional review of the existing mechanisms to ensure gender equality. The existing information on the issues of the gender equality and non-discrimination in Abkhazia is scarce and limited to the reports, small scale researches conducted by the women’s NGOs¹⁷⁴. For the purposes of the research the extensive literature review (internal donor reports prepared by NGOs, small surveys etc.) was conducted.

The main finding of this paper is that the disadvantaged position of women in society as a whole, and the fact that they possess little political influence whilst being responsible for the survival and wellbeing of families, results in them being particularly excluded and affected by the various factors. The measures undertaken by the authorities have proven ineffective, as women’s representation in public life stays disturbingly low, their participation on decision making level is not ensured. The research undertaken contains special focus on gender issues to explore whether and to what extent there are any gender-specific dimensions. The overall lack of gender analysis and gender policies in public administration means that there is little factual information available about the real situation of women, preventing coordinated measures to strengthen their position and address their needs. Another finding is the strong correlation of gender based violence and low representation of women in political life, as the disfranchised status of women concerning their private lives, prevents them from full participation. The paper addresses national government, international agencies, local media and NGOs with the set

¹⁷⁴For the purposes of the research, the author has used the existing data on the gender issues and gender based violence in Abkhazia, compiled by the Association of Women of Abkhazia and non –governmental women’s organisation Avangard. The information about the activities implemented by the two prominent women’s NGOs can be accessed at

<https://www.facebook.com/NGO-Avangard-850797491618148/?fref=ts> ,
<http://www.c-r.org/organisation-profile/association-women-abkhazia-azha>

of recommendations and methods of promoting women's empowerment and full participation in public life.

The paper begins with a brief overview of the current political developments in Abkhazia. It then describes situation in Abkhazia concerning violence against women, women representation in public life. It concludes with a set of recommendations and methods aimed at improving the situation of women in Abkhazia.

2. General Overview

Abkhazia is located on the coast of the Black sea, broke away from Georgia as a result of a violent conflict in 1993. Abkhazia's territory is some 8700 km², and it borders Russia. Before the war, Abkhazia was an autonomous republic within Soviet Georgia, with a population of approximately 500.000 people. After the Soviet Union disintegration in early 90s, the Abkhaz tried to gain independence from Georgia resulting in a brutal war in 1992, claiming more than 10.000 lives between September 1992 and September 1993 with atrocities on both sides.

More than 200,000 people were displaced by the 1992-1993 hostilities, followed by the years of economic and physic blockade. While the majority of IDPs is located in Tbilisi, Shida Kartli and areas in the western parts of Georgia, UNHCR estimates that about 50,000 of them have returned to their places of origin in Abkhazia, mainly to the districts of Gali/Gal and Ochamchire/Ochamchira. The Gal/i, Ochamchire/a and Tkvarchal/i districts form three of the seven districts of the current organisation of Abkhazia. Together they constitute the eastern-most part of Abkhazia, situated on the western side of the Enguri River. For years, the Georgians, who became Internally Displaced Persons (IDPs), envisaged their return to Abkhazia as the only acceptable and possible way to their displacement. In practice, however, the prolonged absence of political solutions to the conflict has made this largely unrealistic.

The August 2008 war and its aftermath, however, have reduced this possibility and prolonged the political solution even more. Those circumstances include the recognition of Abkhazia by Russia and five other UN member countries (Nicaragua, Venezuela, Nauru, Vanuatu

and Tuvalu). There is an increasing awareness by all parties that the political circumstances arising after the 2008 war are unlikely to change soon. It is particularly in that context that understanding and responding to the needs of the local population and especially the issues of women and girls should be understood.

Abkhazia's general international isolation prevents international investment. Some international assistance programmes still contribute, however, and albeit only to some extent to the economy. Some economic empowerment of the population occurs through income-generation and micro-credit programmes in Abkhazia.¹⁷⁵

Security remains a core concern in Abkhazia although security threats, particularly those concerning crime, are perceived by some to fluctuate in their nature and frequency. It is worth mentioning that stability and personal security depend upon various factors including political, geographic and seasonal considerations.¹⁷⁶ Nevertheless, this is a matter of general concern.

The situation in Gali/Gal region where the majority of Georgian population resides stays difficult in terms of access to the quality healthcare, education in native language, legal status.¹⁷⁷ According to the United Nations High Commissioner for Refugees (UNHCR), 96% of Gali's 79,688 inhabitants were ethnic Georgians before the 1992-93 conflict. Due to on going legal and physical insecurity, they have not yet concluded the return process and still enjoy IDP status under national legislation.¹⁷⁸

Many families still go back and forth; commuting daily across the Inguri bridge and migrating seasonally to look after what remained of their

¹⁷⁵<http://www.ge.undp.org/content/georgia/en/home/ourwork/crisispreventionandrecovery/successstories/day-to-day.html>

¹⁷⁶ Security for local communities: Can the achievements of the past few years be preserved? Safer World, May, 2014

¹⁷⁷ The Realm of the possible: finding the ways forward in the Georgian Abkhaz context: People in the Gal/I region, Conciliation Resources, Discussion paper, July, 2015

¹⁷⁸<http://www.unhcr.org/4b274bc76.html>

houses and field. Most of those who have returned are still largely dependent on communication with the Georgia including healthcare, education, social services etc.¹⁷⁹

Peace proposals over conflict settlement have not had resulted in any positive outcome since that. Political talks between Georgia and Abkhazia are continued in a so called Geneva process. Although Russia and several other states have recognized the independence of Abkhazia in 2008, internationally it is considered as a part of Georgia.¹⁸⁰ Currently, there is no other international agency presented in Abkhazia besides United Nations High Commissioner for refugees, who could have human rights issues monitoring mandate. The official talks continue in a so called 'Geneva format' alongside with the number of informal dialogues between civil society representatives initiated by the international organisations.¹⁸¹ At present, some portion of positive interaction is also ensured by the number of joint initiatives supported within COBERM mechanism, the joint UN/EU programme in support of confidence building across conflict divides.¹⁸²

Abkhazia is an unrecognised entity, and accordingly it is not party to core international human rights treaties. Nevertheless, according the Constitution, Abkhazia has an aspiration to respect and protect the rights expressed in the Universal Declaration of Human Rights and international human rights treaties. This in its turn should guarantee their fulfillment. This includes the requirement to address the women's rights issues problems, ensure gender equality and non-discrimination. The paper turns now to analyses of violence against women, gender issues in Abkhazia.

¹⁷⁹<https://www.hrw.org/sites/default/files/reports/georgia0711LR.pdf>

¹⁸⁰O'Loughlin, J., Kolossov, V., & Toal, G. (2011). Inside Abkhazia: Survey of Attitudes in a De Facto State. *Post-Soviet Affairs*

¹⁸¹The EU and the civil society in Georgian Abkhaz conflict, Microcoon Policy Working paper 15, by Nicu Popescu, June, 2010

¹⁸²Confidence Building Early Response Mechanism (COBERM) UNDP in Georgia http://www.ge.undp.org/content/georgia/en/home/operations/projects/crisis_preventi on_and_recovery/confidence-building-early-response-mechanism--coberm-.html

3. Prevalence of Violence Against women in Abkhazia – result of unequal power distribution

The general context previously described contributes to perpetuating gender inequalities and limits the opportunities for all, but particularly for women and girls. The gender is a key factor in conflict and peace building. Women's participation in peace and security decision-making processes and increased attention to the impact of conflict on women and girls are vital in seeking to address persistent inequalities in access to power, influence and resources as well as protection from violence.

The prevailing form of governance in Abkhazia is extremely patriarchal, personalized and centralized. This is a form of rule and governance reinforces those already in power excluding women. The gender specific information or data is on the situation of women in Abkhazia is almost non-existent thus creating huge obstacles to properly assessing women's needs. Without the proper research and data on women's health, economic, social, legal conditions it is difficult to analyze problems and drive correct and appropriate measures of response.

Violence against women and girls (VAW/G) is the most widespread form of abuse worldwide, affecting one third of all women in their lifetime.¹⁸³ Addressing violence against women and girls is a central development goal in its own right, and key to achieving gender equality. Gender equality has got a growing recognition recently as a precondition to the development and peace. It is noted that women and men are differently experiencing war and peace.¹⁸⁴ There is broad evidence shown in many studies that gender inequality and level of armed violent conflicts are connected.¹⁸⁵ Unequal gender power relations and related

¹⁸³ UN Secretary-General (2006) *In-depth study on all forms of violence against women: Report of the Secretary General*, New York: UN, 6 July 2006, available at: <http://www.un.org/womenwatch/daw/vaw/SGstudyvaw.htm>

¹⁸⁴ Equal power lasting peace, report by Kvinna Till Kvinna, 2012

¹⁸⁵ Gender equality: attitudes to gender equality and conflict, A. Ekvall, 2013 in *Advances in gender Research* vol 18(a), Barzilai, G. (2004). *Culture of patriarchy in law: Violence from antiquity to modernity*. *Law & Society Review*, 38, 867–883. Conciliation Resources (2013) *Accord Insight 1: Women Building Peace*, Goetz, A. and Treiber, A. (2012) *Gender and Conflict Analysis*, Second edition, UN Women

social norms are a root cause of violence against women and girls, this manifest differently in different sociocultural and political contexts.¹⁸⁶

Sexual and gender-based violence (SGBV) is a particularly disturbing phenomenon which exists in all regions of the world. The term refers to any harmful act that is perpetrated against one person's will and that is based on socially ascribed (gender) differences between males and females. It includes acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty, whether occurring in public or in private life.¹⁸⁷

With the collapse of the Soviet Union, the conflict in Abkhazia in the early 1990's and the subsequent aftermath and effects of the unresolved conflict and transition have left the people in Abkhazia facing incredible economic and social hardships. As well as causing death, injury, and displacement, armed conflict destroys infrastructure, disrupts markets, disturbs social ties, reduces the capacity of states, and diverts vital resources away from development.¹⁸⁸ In particular, in the three regions in Eastern Abkhazia, Gali, Ochamchira and Tkvarcheli, pervasive insecurity, the displacement of thousands of people and the loss of economic and communications infrastructure have directly impacted the lives of women in both the public and private sphere. At the same time, conflict and violence exacerbate many of the causes of women's exclusion. For example, the increase of violence against women, malfunction of the healthcare facilities, the imposed burden on reproductive life, women as a main breadwinner are directly connected to their exclusion from decision making process.

¹⁸⁶DFID Gender Team, Policy Division (2011), *DFID Working Paper: Key Issues and Opportunities to Prevent Violence Against Women and Girls: Background Information Note*, July 2011

¹⁸⁷Although the terms gender-based violence (GBV) and sexual and gender-based violence (SGBV) are often used interchangeably, UNHCR consciously uses the latter to emphasize the urgency of protection interventions that address the criminal character and disruptive consequences of sexual violence for victims/survivors and their families.

¹⁸⁸For a summary of evidence on the relationship between conflict, violence and the MDGs, see Saferworld (2012), *The impact of conflict and violence on achieving development*.

Attention to gender-based violence in Abkhazia started in the 2005-2006 as a result of efforts of women's organizations concerned with fundamental inadequacies of the legislation system to deal with violence against women. Domestic violence legislation has not been enacted in Abkhazia until now and country wide research on the phenomenon of domestic violence is practically non-existent.

The small scale surveys and researches with support of International organisations and agencies attempted to situate violence against women within unequal power relations between men and women. The quality of data on violence against women in Abkhazia is generally acknowledged to be inadequate. The nature of the phenomenon makes it difficult for measurement as many women do not report incidents of violence because of shame, humiliation or an expectation that service providers would be less than effective or responsive in treating with their complaints. That combined with inefficiencies at a technical level in capturing and recording reports of violations essentially means that the data that exist are not reliable indicators of prevalence.

Throughout the most rural and urban parts of Abkhazia, women have limited understanding of their rights over their bodies. For many women, violence in the household is seen as part of their traditional being, something to be accepted. SGBV is one of the strongest manifestations of the deep-rooted discrimination against women. The incidents of SGBV against women can happen in the family, outside the family such as in public places, public transport, workplaces etc. The forms of SGBV range from psychological violence and mental torture to serious physical injuries to deaths. The discrimination and marginalization of women is so long seated that men and women have internalized and normalized it. Many women define "violence" as normal way of life: being slapped by a husband for making a mistake is often not considered a violence and violation of one's rights, but a traditional behaviour.

In a study done in 2012 in Eastern Abkhazia of persons who attended the women's crisis centre, it was found that some 71% of women who had received injuries as a result of assaults did not report these assaults to the police that women went to the police in very limited cases, preferring to go to friends and family for assistance. Less than 2% of

anonymous survey participants claimed that they had never experienced violence. In doing so, there is a strong tendency of justifying violence by cultural, traditional factors, and the economic situation. The tendency to accuse the victim, picturing violence, as strictly a family and private matter that should not be intervened in, is equally strong. Especially worrying is the tendency to depict these problems as unimportant or non-existent by service providers including representatives of law enforcement agencies, hospital workers, legal experts, etc., who come across instances of violence during they work but still deny it. Violence against women and young girls prevent them from participation in the public life and is the direct constraint to achieve gender equality in post conflict settings.

The abovementioned circumstances led to a situation where women's rights are discriminated and perpetrators go unpunished. There exist facts of early (often forced) marriages followed with different forms of violence including sexual violence but women and girls do prefer to keep silence about these negative facts of their lives being afraid of the disapproval from the side of society for making a private matter public. Also, in an environment when one is exposed to violence without any leverage for protection, any attempt to be open about the problem bears the risk of the violence's aggravation.

The lack of protection mechanisms it is extremely risky for women to speak up, as such a behavior might provoke the perpetrators and subject them to even severer forms of violence.

4. Reproductive health and rights

The constant threat of domestic violence is manifested in the limited possibility of women to control their sex life: men dominate in such issues as the choice of protected or unprotected sex, usage of contraception, number of children, interval between pregnancies, etc. The majority of women, who use the IUD, insert them without the husband's knowledge, they even fear to show an interest in the matters of reproductive health, because of a possible negative reaction from the husband. This situation leads to the increase in STD's, threat of spread of HIV/AIDS, stable growth of abortions, different medical complications and generally to the

worsening of women's RH.¹⁸⁹ Consultations with women's NGOs and doctors in Eastern Abkhazia have made it obvious that the lack of understanding among women about their rights in general and about their reproductive health (RH) concerns in particular, along with the lack of access to RH services are priority areas that require immediate intervention. High rates of use of abortion to deal with unwanted pregnancies have significantly impacted the health of women in Abkhazia. Early pregnancies and poor access to gynaecological services have also had an extremely negative impact on women

The disfranchised status of women when it comes to their sexual life, is further complicated by the lack of an effective system of sexual education among the youth, economic hardships, diminishing availability of medical treatment due to the destruction of infrastructure, shortage of information materials, and other factors. Moreover, those women who face domestic violence, and/or are willing to benefit from reproductive health services, there exists no respective infrastructure.

According to the research conducted within the project "Prevention and reduction of sexual and gender based violence in eastern Abkhazia"¹⁹⁰ from the three districts, marriages have become younger, the culture of sex life has plummeted dramatically because of poor awareness of the population about reproductive planning methods, and as the answers of the respondents to the previous question indicated, abortion remained the only and most common method of birth control until 2016. It is noteworthy that the effects of the adopted law on banning the abortion is impossible to track due to the lack of systemized data and information on health issues in eastern Abkhazia which is replicable through the region.

5. Legal framework – gender based violence

International human rights law addresses the rights and dignity of all human beings – women, men, boys, and girls – at all times and without

¹⁸⁹Information is based on the interviews with the gynaecologists working in Eastern Abkhazia in October, 2015

¹⁹⁰ Research on condition of women and girls in reproductive health and rights,2015, Avangard

discrimination. Under international human rights law, States are obliged to respect, protect, and fulfil the human rights of all those within their jurisdiction regardless of age or sex, not just those who are its nationals. A number of international legal standards emphasize the importance of the right to participate, particularly for women.¹⁹¹

Early analyses of the law showed that throughout the region it was largely unresponsive to the forms of harm women experienced, in particular to violence in the ‘private sphere’ or domestic violence. The legislature that did not significantly alter from the Soviet period is discriminating women in its all-embracing gender-neutral framework, as it does not criminalize domestic violence.

The virtual non-existence of police prosecutions of domestic violence however strongly suggests that police are generally indifferent to this type of crime, sharing the dominant societal values around the private nature of interaction between persons in intimate relations and the lack of autonomy of women over their lives. On the other hand, women themselves are often reluctant to invoke the criminal process for a variety of interconnecting reasons, including fear, shame, intimidation (both by the abuser as well as by the criminal process), economic and social dependency on the abuser and reluctance to criminalise their partner or father of their children. Respectively, there exists neither policy nor program that would provide victims of domestic violence with respective protection and support. And, sadly, there are no moves noticeable in this direction from the side of local authorities.

Legislative reform therefore should be prioritised in the region as one concrete measure to ensure the equal protection of the law by women. Legal sanctions and persecution can be important in reducing violence against women and girls, including by establishing normative frameworks (i.e. sets of recommended standards and action plans) and providing resources to address violence against women and girls.

¹⁹¹Art. 21, Universal Declaration of Human Rights; Art. 25, International Covenant on Civil and Political Rights; Arts. 7, 8, 14, Convention on the Elimination of All Forms of Discrimination against Women.

However, legal reform on its own is not sufficient to prevent violence against women and girls, and can have negative results. It is much more of importance to promote the changing of social norms (beliefs, attitudes and behaviours), including engagement of the local leaders who help set the norms. Further, in situations where legal or other infrastructure is limited, absent or under stress (such as in conflict or humanitarian contexts or in remote rural settings), interventions addressing violence against women and girls that do not rely on legal support have proven effective.

Despite the on going gender based discrimination and violence against women one can conclude that there are some tangible achievements in the sphere of women's rights protection in Abkhazia. It is also worth noting, however repetitively, that these gains are the outcome of sustained activism, networking and lobbying on the part of a few committed women's NGOs. Still, what is needed is the articulation of an integrated approach to gender-based violence, in which all the agencies that have a defined and complementary role to play in both policy formulation and service delivery. In this regard, there is need for the development of Law on Domestic Violence and National Plan of Action which maps out not only the objectives but which considers an efficient redeployment of the resources (both human, financial, administrative) system wide. This coordination is even more imperative now given the severe resource constraints being felt from the International organisations and agencies operating in Abkhazia.

6. Women public representation

Article 12 of the Constitution of Abkhazia ensures the equality of all persons.¹⁹² In 2009, Abkhazia adopted the Gender Equality Law, which aspires towards the equality of men and women in political, social and cultural spheres.¹⁹³ Despite the strong social roles acquired by women in

¹⁹²<http://www.parlamentra.org/rus/documents/>

¹⁹³[http://www.parlamentra.org/rus/regulatory/zakonodatelstvo/?arrFilter_DATE_ACTIVE_FROM_1=&arrFilter_DATE_ACTIVE_FROM_2=&arrFilter_pf\[spisok\]=26](http://www.parlamentra.org/rus/regulatory/zakonodatelstvo/?arrFilter_DATE_ACTIVE_FROM_1=&arrFilter_DATE_ACTIVE_FROM_2=&arrFilter_pf[spisok]=26)

Abkhazia after the conflict their representation in the legislative and executive bodies remains low.¹⁹⁴ Nevertheless, the very low representation of women in Parliament remains a persistent problem, which has not been effectively addressed by the national government until now. The percentage of women in the parliament after the 2012 election means that if Abkhazia were a recognised state, it would rank 139 out of 144 countries internationally.¹⁹⁵

Women's political representation in Abkhazia is not researched in a proper way. Women themselves are not particularly influential or active in political parties and do not look for high level positions. The underrepresentation has been attributed to the ineffective electoral system as well as difficult socio economic situation in Abkhazia.¹⁹⁶ The strong presidency that dominates parliament, the limitations on the capacity of political parties to contest elections and the majoritarian electoral system were listed among the factors negatively impacting women's representation.¹⁹⁷

After the armed conflict in 1992-1993, Abkhazia had its first parliamentary elections in 1992, although this had no impact on gender equality. The representation of women in the parliament is low, with women constituting over 53% of the population of Abkhazia.¹⁹⁸ There is just one woman among the current parliamentarians also elected as deputy speaker. This is a downturn from the parliament of 1996–2002

[&set_filter=%D0%A4%D0%B8%D0%BB%D1%8C%D1%82%D1%80&set_filter=Y](#)

¹⁹⁴Ó Beacháin, D. (2012). The dynamics of electoral politics in Abkhazia.

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¹⁹⁵ According to the IPU rankings <http://www.ipu.org/wmn-e/classif.htm>

¹⁹⁶ Women's Political Representation in Post-Soviet Republics: Parliamentary Elections in Georgia and Abkhazia, by Eileen Connolly* & Karolina Ó Beacháin Stefańczak, Vol 7 / Issue 1 Studies of Transition States and Societies

¹⁹⁷ Karolina Ó Beacháin Stefańczak & Eileen Connolly (2015) Gender and political representation in the de facto states of the Caucasus: women and parliamentary elections in Abkhazia, *Caucasus Survey*, 3:3, 258-268, DOI: 10.1080/23761199.2015.1086570

¹⁹⁸ <http://www.apsnypress.info/news/chislenost-naseleniya-abkhazii-sostavlyayet-240-705-chelovek/>

when 5 and 3 in 2007 out of 35 deputies were women. In the Sukhum town Assembly, 6 out of 25 members were female but nowadays no female has been elected¹⁹⁹. No women have ever been nominated for president in the three presidential elections, although in 2004 and 2011 women stood as candidates for vice-president.²⁰⁰

Similarly, female representation is very low at the local self-government level. In the local self-government elections held in 2011 women secured only 6 of the seats in Raionoe Samoupravlenie (local self-government bodies in Abkhazia) out of 75 in Eastern Abkhazia. The situation is reflective across the other districts in Abkhazia. A gender imbalance is also evident in the executive branch. There is only one female head of district administrations in Abkhazia out of 7 district administrations. As for the Government of Abkhazia, only three of the total 14 members of the Cabinet of Ministers are women.²⁰¹

The Chair of the Association of Women of Abkhazia, Natella Akaba, proposes a temporary quota system for women, despite the government resistance to quotas.²⁰² In order to address the discrimination against women in public and political life it is important to advance women's right movement to support gender equality.²⁰³ In general, peacebuilding is considered to be more effective in case it is founded in proper understanding of how gendered identities are constructed through the societal power relations between and among women and men, girls and boys. It comprises the thorough understanding of the context, involving different groups of the society and using the 'gender-relational' approach.²⁰⁴

¹⁹⁹<http://sukhum-assembly.ru/deputaty/index.html>

²⁰⁰<http://parlamentra.org/rus/officials/index.php>

²⁰¹<http://www.km-ra.org/index.php/ru/struktura>

²⁰² Interview with Natella Akaba, the head of Association of Women of Abkhazia <http://www.apsnypress.info/news/rol-zhenshchin-v-obshchestvennoy-zhizni-abkhazii-kak-ee-usilit/>

²⁰³ Global report for the working group on the issue of discrimination against women in law and in practice, by Megan Alexandra Dersnah.

²⁰⁴ Re-thinking gender in Peace building: understanding conflict, building peace, International Alert, 2014

Women's increased political participation can be beneficial for restoring the peace and conflict resolution due to certain number of reasons. Most importantly women's underrepresentation come against the principles of equality and justice; women bring in different experiences and alternative options and can contribute to long term peace building. In general, women's participation can make possible more peaceful transition to democracy through the dialogue at all levels of society.²⁰⁵

7. Conclusions and recommendations

Despite the strong social position of women in Abkhazia, their representation in the political realm is not guaranteed. Number of factors both internal and external influence and obstruct women's political representation: deeply rooted gender inequality, violence against women, international isolation, hard socio economic conditions, post conflict rehabilitation and development.

In this region in which men are still regarded superior to women, women have very few possibilities to enter formal power structures and/or to attain influential positions. Even there is a law on gender equality, women are limited by the lack of their implementation. Politicians seldom discuss women's issues openly and policies are often made behind closed doors and without women.²⁰⁶ Due to prescribed gender roles, women who are active in politics are assigned to 'soft' affairs, have less influence, do not attain positions of power and influence, are neglected and risk their reputations. Furthermore, women are restricted by their own unawareness about their rights and the restrictions they put on themselves- women are given a task to deal with traditional women's issues – cultural and family affairs.

²⁰⁵ Building inclusive post conflict governance: How the EU Can Support Women's Political Participation in Conflict-Affected Contexts, Minna Lyytikainen, January,2009

²⁰⁶ The law on banning abortion in Abkhazia has been adopted in December,2015. There were no public discussions held, women NGO's were not consulted, the parliament did not take into account any recommendations from the Ministry of Health.

Violence against women is a major obstacle to women's gender equality and full realizations of their right to participate in peace and democracy processes. Violence can take many forms and is present at in all parts of society – from the domestic/private sphere to the national political system. It includes domestic violence, sexual violence, threats and violations of human rights. Because violence against women is a manifestation of unequal gender relations between women and men, the elimination of all forms of discrimination remains a priority in Abkhazia.

Gender-related concepts including those concerning gender analysis, sexual and gender-based violence, women's public participation and gender parity, among others are commonly used in the However, it is not clear how these concepts can fit in the existing context together, where there is the prevalent notion of 'gender equals only women'. It should be widely acknowledged that women and men as social actors play multiple and different roles; that women and men experience conflict and peace differently; that they have different access to resources (including power and decision-making); and that they have different practical needs and strategic interests relating to gender equality.

On the whole, the analysis of the existing information allows us to confirm the initial hypothesis on the deprived status of women's rights in post conflict settings to achieve gender equality and have access to political and social representation.

The state has primary responsibility for action on violence against women and girls. National governments hold the ultimate responsibility for implementing laws, policies and services around violence against women and girls and can achieve change on violence against women and girls. Women's rights organisations create and sustain change, supporting women's rights organisations, especially those working to tackle violence against women and girls to make change and build strong and inclusive social movements is the most effective mechanism for ensuring sustainable change and achieving gender equality. The root causes of the violence should be addressed and masculinity culture tackled in the society to sustain gender equality. This can be ensured

through challenging existing gender norms in the society and working against stereotyping. Both research and engaging women and men equally in programming is necessary. Civil society organisations and especially women's organisations have crucial role in rethinking and creating social change, this holding accountable relevant actors to ensure gender equality. Empowering women and girls is both the means and ends: focusing on the rights of and being accountable to is the most effective way to tackle gender inequality.

Due to the lack of trust women do not turn to authorities for assistance. This is a challenging area for information campaigns, but nevertheless the widespread actions to more awareness of one's rights should be conducted. A number of non-governmental organisations (NGOs) have developed programming approaches for engaging men and boys to promote gender equality and non-violence, which have made demonstrable impacts on the lives of men and women. International donors, policymakers and NGOs should consider how such approaches can be developed to help build peace.

The main recommendations can be formulated as follows:

To the government:

- Develop and adopt law on gender based and domestic violence and make necessary changes to the Criminal, Civil and Family Code and other legislative acts concerning women's rights issues. Develop and adopt necessary action plan under the law on Domestic violence with active participation and consultation of local women's NGOs;
- Develop mechanisms or special measures to increase the number of women in party leadership and decision-making positions; consider the possibility of creating special measures such as quota system to ensure the women's representation in political life of Abkhazia;
- Ensure that equal and adequate resources for women's political campaigns and electoral processes are available;
- Reaffirmation to gender equity/equality goals within the public sector. This would specifically include institutional strengthening of the national machineries for women and the support for gender mainstreaming.

- Women and men are equal contributors to peace and stability, they should be taking active roles in post conflict rehabilitation and recovery. This should be ensured through equal participation in peace talks and negotiation process both formal and informal dialogues.

To the international society:

- Include women NGO representation on formal and non formal meetings, consultations and processes in order to strengthen the capacity of civil society organisations;
- Encouraging the key participation means consultations with women organizations in post conflict Abkhazia and in a broader sense more active engagement with civil society to incorporate gender specific approach to the projects and programming.
- Ensure women's capacity building and technical support to participate in the decision making process and political dialogues
- International organisations and agencies such as UNICEF, UNHCR, Kvinna Till Kvinna, UNDP etc should be encouraged to support the initiatives of women's NGOs, consult with them while adopting their strategic plans;
- Promotion of women's economic empowerment through community outreach and microenterprise support should be expanded and increased;
- Recognizing the central role played by NGOs and civil society in work around violence against women/gender-based violence, there should be increased support by the public sector and donor agencies, including support for operational expenses of the NGOs.

To the NGOs and media:

- Training and re-qualification of NGO personnel, gynaecologists, psychologists, social workers, teachers and law enforcement officers for rehabilitation and efficient aid to violence victims; internship of specialists in organizations experienced in working with violence victims Target members of parliament/political leaders and the public service for awareness building and training in the areas of gender and violence against women;

- It is necessary to conduct awareness raising campaigns for wider public outreach on the issues of SGBV, RH/R. It is necessary to provide medical centres with resources needed for the provision of services essential for maintaining RH of women;
- Special attention should be paid to the women residing in remote rural areas and in borderline zones; work must be done to improve healthcare conditions for them;
- It is necessary to pay attention to the sexuality education with the youth, propaganda of healthy life style, including safe sex, etc. with a particular accent on STD's and HIV/AIDS.
- Implement awareness-building campaigns, building on best practices from across the region (e.g Armenia, Georgia);
- Involve men and boys in the training programs on gender issues, violence against women
- Promote and encourage media coverage of issues related to violence against women, gender equality issues; market the problem and possible solutions via media, websites, social campaigns, etc;
- Conduct a series of sociological and other studies to determine the cause and extent of gender-based violence in Abkhazia, as well as the development of measures to reduce gender-based violence in the society;
- Development of a coordinated approach to all forms of violence against women, drawing on collaboration between governmental and nongovernmental organizations, which would include:comprehensive and multifaceted action plans (components toinclude advocacy and public education, attitudinal andcultural change, services for victims and perpetrators, justicesystem reform, training for service providers in law enforcement agencies. officers; data collection and monitoring and evaluation); andconnect VAW with national development (or the lack thereof)in order to strengthen gender-sensitive policy-making.

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VII. Gender equality situation in Ukraine: challenges and opportunities

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1. Introduction and background information

Ukraine as a post-Soviet country has been in the process of transition to democratic institutions that also include gender component. European vector of integration plays important role in the defining values among which there is equality and fairness. Gender equality measures access of men and women into resources and possibilities to stand for their interests in all spheres of the social life.

Recent events in Ukraine connected with Euromaidan protests of 2013-2014 and later armed conflict in the Eastern part, brought changes into women's lives and their roles both in the society and their families. From one hand, the threat of violence makes women more vulnerable towards socio-economic situation. For example, women are the majority among IPDs (internally displaced persons) from Eastern Ukraine responsible for children, elderly, and disabled relatives²⁰⁷. From the other hand, during these turbulent events Ukrainian women managed to challenge traditional gender roles (as cares and victims of conflict) and reclaimed visibility, recognition, and respect as revolutionaries and volunteers²⁰⁸.

²⁰⁷ According to UN data (October 2015), women make up over 63 per cent of the country's estimated 1.4 million internally displaced persons (IDPs). - See more at: <http://eca.unwomen.org/en/news/stories/2015/10/ukraine-un-tackles-gender-and-humanitarian-impacts#sthash.ZYEr7Htp.dpuf>

²⁰⁸ Martsenyuk, T. (2015). Gender Issues in Ukraine and EuroMaidan Protests: Patriarchal or Egalitarian Notions? Anti-Gender Movements on the Rise? Strategising for Gender Equality in Central and Eastern Europe, Ed. by the Heinrich Böll Foundation, Vol. 38 of the Publication Series on Democracy, p. 73-81.

The collapse of Soviet Union was followed by a decline in the number of women in elected office in the region that happened during the transition from communist party rule to multiparty competitive elections. Ukraine appeared to be among the countries with the lowest percentage of women in top-politics. Ukrainian women are well educated and in general actively involved in the labor market, yet they are virtually excluded from top political decision-making.

Democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity are among the major values of European Union²⁰⁹. Over the last 50 years EU is implementing gender policies in different spheres of society demonstrating some successes in achieving gender equality²¹⁰. Gender mainstreaming and special measures in gender equality implementations are two major policies in EU that are also being implemented in Ukraine. In this paper, are analyzed successes and problems in gender equality politics in Ukraine based on international and national data (statistics, reports, and articles), legislation, and results of different research projects.

2. Gender (in)equality in Ukraine: international comparison and obligations

According to the Global Gender Gap Report 2015, provided by the World Economic Forum²¹¹, Ukraine takes 67th place among 145 economies according to how well they are leveraging their female talent pool, based on economic, educational, health-based and political indicators. Table 1 shows all four of these sub-indexes for Ukraine, demonstrating that the worst ranking is in women's political empowerment, where Ukraine takes 107th place among 145 countries.

²⁰⁹ Delegation of the EU to Ukraine (2016). Human Rights, EU Projects and Programs, accessed

http://eeas.europa.eu/delegations/ukraine/key_eu_policies/human_rights/index_en.htm

²¹⁰ Martsenyuk, T. (2015). Gender Politics of European Union: General Principles and Best Practices, Kyiv, International Center for Policy Studies, 44 p. (in Ukrainian) // http://www.icps.com.ua/assets/uploads/files/genderna_pol_tika_s.pdf

²¹¹ World Economic Forum (2015), Global Gender Gap Report, accessed <http://reports.weforum.org/global-gender-gap-report-2015/>

*Table 1. Ukraine in the Global Gender Gap Report, 2015*²¹²

#	Subindexes	Rank (among 145 countries)	Index Score ²¹³
1	Economic participation and opportunity	40	0.731
2	Educational attainment	30	1.000
3	Health and survival	42	0.979
4	Political empowerment	107	0.098
5	Total	67	0.702

The political empowerment sub-index includes the gap between men and women in political decision-making at the highest levels – ratio of women to men at the ministerial level and in parliamentary positions; the ratio of women to men in terms of years in executive office – prime minister or president in the past 50 years. In other sub-indexes such as educational attainment and even economic participation Ukraine delivered much better scores.

Moreover, when we search the Inter-Parliamentary Union database of Women in Parliaments²¹⁴, Ukraine takes only 143rd among 190 countries classified in descending order of the percentage of women in the lower or single House.

Ukraine undertook to reach the Millennium Development Goals by 2015²¹⁵. The goals were adapted to the Ukrainian context, taking into consideration the particularities of the country's development. In particular, Goal 3 is connected to ensuring gender equality. In this aspect of development there are two main targets: (1) gender equality in political life and (2) gender equality in Ukraine's labour market. According to the UNDP Millennium Development Goals for 2015,

²¹² For Ukraine see: <http://reports.weforum.org/global-gender-gap-report-2015/economies/#economy=UKR>

²¹³ 0.00 = inequality; 1.00 = equality.

²¹⁴ Inter-Parliamentary Union (2016), Women in National Parliaments, on the basis of information provided by National Parliaments by 1st April 2016, accessed <http://www.ipu.org/wmn-e/world.htm>

²¹⁵ UN (2015), Millennium Development Goals, accessed <http://www.un.org/millenniumgoals/>

ratified by Ukraine, those goals were not successfully reached. By 2015 the Ukrainian state planned to have at least 30% of women in the Verkhovna Rada, but this number fell far short of meeting its international obligation. Following the 2014 parliamentary elections, the Verkhovna Rada continued to be an almost totally male-dominated body, consisting of only 12% of women. Since independence Ukraine has shown little improvement in increasing the number of women in Parliament that could be explained by a number of factors on the societal, political and individual levels²¹⁶. Women have less money and fewer social networks to work with, and the stereotype of politics as dirty business further justifies patriarchal notions of blocking them out²¹⁷. Moreover, Ukrainian women are supposed to fulfil two main roles – to be beautiful (in order to inspire men) and to be mothers (to provide reproductive resources and care for a nation). In this situation it is hard to perform the other roles.

Ukraine ratified major worldwide women's rights document – Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)²¹⁸ – in 1980. Ukraine is obliged to report to Committee on the Elimination of Discrimination against Women about the progress in achieving women's rights. As it is concluded into 8th State periodic report, “the problem of preserving gender stereotype still remains topical. The work for counteracting stereotypes reproducing gender inequality is unsystematic and is more formal in its nature”²¹⁹.

²¹⁶ Martsenyuk, T. (2015). *Women's Top-Level Political Participation: Failures and Hopes of Ukrainian Gender Politics in New Imaginaries: Youthful Reinvention of Ukraine's Cultural Paradigm*, ed. and translated by Marian J. Rubchak, New York & Oxford: Berghahn.

²¹⁷ Martsenyuk, T. (2012). *Ukraine's Other Half, Post-Soviet Post*, online Stanford University journal, accessed <http://postsovietpost.stanford.edu/discussion/ukraines-other-half>

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3. EU gender policies and Ukraine

Equality between women and men is one of the European Union's founding values. It goes back to 1957 when the principle of equal pay for equal work became part of the Treaty of Rome²²⁰. The European Commission follows the dual approach in its gender politics by both implementing gender mainstreaming and initiating specific measures²²¹. *Gender mainstreaming* is the integration of a gender equality perspective into every stage of policy process - design, implementation, monitoring and evaluation - with a view to promoting equality between women and men. It means assessing how policies impact on women and men, and taking steps to change policies if necessary. *Specific measures* (such as legislation, awareness-raising campaigns or financial programmes) aim to tackle specific problems such as the gender pay gap or the persistent underrepresentation of women, particularly in the field of employment.

Moreover, co-operation with the various institutions and stakeholders active in the field of gender equality – EU countries governments, the European Parliament, social partner organisations, civil society, equality bodies, international organisations, EU agencies – is crucial to ensure progress in this field²²².

According to recent European Commission “Strategic engagement for gender equality 2016-2019” there are five priority areas²²³:

- increasing female labour market participation and equal economic independence;
- reducing the gender pay, earnings and pension gaps and thus fighting poverty among women;
- promoting equality between women and men in decision-making;

²²⁰ European Commission (2016), Justice, Gender Equality, accessed <http://ec.europa.eu/justice/gender-equality/>

²²¹ Gender Equality in the European Union (2011), Luxembourg: Publications Office of the European Union, 7 p., accessed http://ec.europa.eu/justice/gender-equality/files/brochure_equality_en.pdf

²²² Ibid., p. 12.

²²³ European Commission (2015), Strategic engagement for gender equality 2016-2019, accessed http://ec.europa.eu/justice/gender-equality/document/files/strategic_engagement_en.pdf

- combating gender-based violence and protecting and supporting victims;
- promoting gender equality and women's rights across the world.

The EU promotes gender equality through legislation, monitoring, policy guidance, awareness raising activities and support to grass-root projects. The EU-Ukraine Association Agreement was completely signed on 27 June 2014. Gender equality is mentioned in the article 419, Chapter 21 “Cooperation on employment, social policy and equal opportunities”,²²⁴. In the Article 420 it is stated that Agreement shall pursue the following goals, among which are: aim at gender equality and ensure equal opportunities for women and men in employment, education, training, economy and society, and decision-making.

Moreover, a number of Directives (concerning gender equality) are listed²²⁵, such as:

- Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation
- Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services
- Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC
- Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

Moreover, the European Union was actively supporting the empowerment of women and children via a €14 million package of

²²⁴ Official Journal of the European Union (2014), Associate agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part, 29.5.2014, p. 154, accessed http://eeas.europa.eu/ukraine/docs/association_agreement_ukraine_2014_en.pdf

²²⁵ Ibid., p. 1978-1979.

technical assistance under the programme “*Women and Children’s rights in Ukraine*” 2009- 2011²²⁶. Working with the Ministry of Family, Youth and Sport, as well as with other line ministries and civil society actors, the programme consisted of five projects run by international donors including the International Labour Organisation, Council of Europe, United Nations Development Programme and United National Children’s Fund’s and Safege company. Among the issues covered by the programme were domestic violence, child protection and gender equality at work.

4. Gender politics in Ukraine: contradictions of gender legislation

The issue of equal rights and opportunities for women and men in the Ukrainian society is governed by both general and special legislation. According to some international NGOs and experts, during the last two decades, Ukraine has achieved considerable progress in promotion of gender equality by establishing core elements of an appropriate legal and institutional framework²²⁷.

Discrimination on the basis of gender is prohibited both by the Constitution of Ukraine and the Law of Ukraine “On Principles of Prevention and Combating Discrimination in Ukraine” (2012)²²⁸. Ukraine also has specific legislation designed to promote gender equality: the Law of Ukraine “On ensuring equal rights and opportunities of women and men”.

The Constitution of Ukraine (1996), Section II “The rights, freedoms and duties of man and citizen”, Article 24 guarantees to citizens equal constitutional rights and freedoms, “there can be no privileges or restrictions based on race, color, political, religious and other beliefs,

²²⁶ More information could be found here: <http://www.un.org.ua/en/information-centre/news/1250>

²²⁷ European Commission & UN Women (2013), Gender analysis of official development assistance in Ukraine: baseline study, Kyiv, p. 9.

²²⁸ In the Crosscurrents (2015), Addressing Discrimination and Inequality in Ukraine, *The Equal Rights Trust Country Report Series*: 5 London, August 2015, p. 28, accessed http://www.gay.org.ua/publications/antidi_report2015-e.pdf

sex, ethnic or social origin, property, residence, language or other characteristics.”²²⁹

In 2005 Verkhovna Rada of Ukraine adopted the Law “On ensuring equal rights and opportunities of women and men”²³⁰. The Government of Ukraine also ratified the Decree “On adoption of the state program of ensuring gender equality in Ukrainian society for 2006-2010” (Decree of the Cabinet of Ministers № 1834), and developed the similar one for 2011-2016. It is important to note, that Ukraine was the first post-Soviet country to introduce domestic violence legislation more than ten years ago (Law of Ukraine “On prevention of family violence”). Moreover, in 2011 separate legislation on the prevention of human trafficking (an important gender-based problem) was adopted. To conclude, *De jure* gender equality is supported by national institutional mechanisms and legislation. International and national NGOs monitor the results of state and regional programs, and propose issues for improvement.

At the same time, *de facto*, it could be argued that despite different legislative attempts not much has been implemented in terms of tangible policies. Unarguably, there is a lack of accountability by the government for meeting those legislative initiatives. Mentioned above gender legislation “On ensuring equal rights and opportunities for women and men” is a clear example of such ineffectiveness. On the one hand, the Law introduced such gender sensitive terminology as equal rights and opportunities for women and men, gender equality, discrimination on the basis of sex, sexual harassments etc. The aims of government policy to ensure equal rights and opportunities for women and men have at least been proclaimed. Concrete bodies, institutions and organizations are named as those with powers in the area of ensuring equal rights and opportunities for women and men (article 7). On the other hand, most articles are simply declarative, without any real mechanism for implementing them (particularly the Administrative or Criminal Codes), or sanctions for violating them. For example, according to Article 17,

²²⁹ Constitution of Ukraine (1996), Verkhovna Rada of Ukraine, accessed <http://zakon4.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80>

²³⁰ Law № 2866-IV (2006). On Ensuring Equal Rights and Opportunities for Men and Women, 8 September 2005. Verkhovna Rada of Ukraine.

“Employers shall not discriminate by offering jobs only to women or men in vacancy advertisements, with the exception of specific jobs that only persons of certain sex can perform. Employers shall not put different demands to employees based on their sex giving priority to one of the sexes and require from them information about their personal life and plans to have children.” But in the absence of any sanctions the Ukrainian labor market vacancy advertisements are full of such discriminatory descriptions.

Ukrainian legislation (such as the Code of Labor Laws of Ukraine), in its effort to become gender specific still tries to protect women, family and children, thus perpetuating traditional gender roles. Some examples of more favorable treatment of women (especially with children) than men²³¹:

- article 185 allows pregnant women and women with children under the age of 14 to claim vouchers to sanatoriums and rest homes as well as material aid;
- article 182 provides 56 days leave for women who adopt a child from birth (70 days if the woman adopts two or more children);
- articles 63 and 177 require employers to obtain the consent of women with children aged between three and fourteen years old or who have a disability before requiring them to work overtime or to go on business trips.

According to experts, “while unique and favourable treatment for women during pregnancy and immediately after childbirth may be justified, the blanket favouring of mothers of young children or children with disabilities over fathers in the same situation is unjustifiable, as is the prohibition of women (regardless of whether they are pregnant or have children) from undertaking certain forms of work cannot be justified”²³².

The Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) is the first legally binding instrument in Europe on this

²³¹ In the Crosscurrents (2015), p. 35.

²³² In the Crosscurrents (2015), p. 35.

subject and the most far-reaching international treaty in this field²³³. According to Council of Europe project “Preventing and combating violence against women and domestic violence in Ukraine project”, the Ukrainian Constitution guarantees equal rights for women and men, and the country has made significant advances in ensuring equality between women and men however. But Ukrainian women still face discrimination at legal, policy and practice levels. The legislation is inconsistent which added to the lack of available data, results in the low effectiveness of measures aimed at combating violence against women. Lack of cooperation between various bodies and services makes it impossible for victims of violence against women to receive assistance. Ukraine signed the Istanbul Convention on 7 November 2011. The purpose of the mentioned above project is the ratification of the Istanbul Convention by Ukrainian authorities, including the preparation for the ratification and its implementation.

5. Gender aspects of family life in Ukraine

Sexism is the ideology and practice of gender-based discrimination. Gender stereotypes that envision a specific set of the so-called "traditional" roles for women and men both in private and public spheres of the society are the key problem of sexism. So called reproductive labor (un-paid work that is “attached” to women and explained by biological determinism) is an important issue to analyze in this sub-chapter. Reproductive labor includes caring for children, elderly, people with disabilities, and also maintaining household (preparing food, cleaning, buying food etc.) and it demands a lot of such resource as time. In the Ukrainian society reproductive labor is predominantly done by women and explained stereotypically as “traditional” women’s “duty”. According to the sociological survey “Women’s labour force participation in Ukraine – 2012”²³⁴, more than three-fourths of women said that it was mainly they who cleaned up the house (78.4% of the respondents) and made meals (75.3%). About two

²³³ Council of Europe (2016), Preventing and combating violence against women and domestic violence in Ukraine project, accessed <http://www.coe.int/en/web/stop-violence-against-women-ukraine>

²³⁴ UNPFA Ukraine (2014), Analytical research on women’s participation in the labour force in Ukraine p. 79-80.

thirds of women having children or family members in need of continuous care said that care for such persons belonged particularly to their duties. Most women also stated that it was they who are responsible in the family for purchase of foodstuffs and everyday goods. The only type of household work remaining a “male” prerogative in most domestic households consists of minor repair, as more than a half of female respondents reported.

In Ukrainian society, double standards towards gender roles still prevail. There are different expectations for women and men about family planning and marriage. According to official statistics²³⁵, the average age of entering into the first marriage permanently increases: among women, it has increased from 21.8 years old in 2010 to 24.5 years old in 2012. Among men over the same period, this age has increased from 24.5 years old to 27.0 years old. The average age of women when giving birth to the first child over the same period has increased from 23.9 years old to 24.4 years old. The crude birth rate in 2010 was 1.45, in 2012 — 1.53. The natural population decline in 2010 was 200,500 people, in 2013 — 158,700 people. The migration gain of population in 2010 was 16,100 persons, in 2013 — 31.9 thousand people. Resident population of Ukraine as of 1 June 2014 totalled 42,995,500 people, which is by 2,597,500 people lower than as of 1 June 2010.

Following recommendations from the UN Committee on the Rights of the Child and the CEDAW Committee, in 2012 the Family Code of Ukraine was amended to raise the minimum age for marriage for girls from 17 to 18; the minimum age for boys was already set at 18²³⁶. At the same time, international NGOs are worried about problem of early marriage that may cause problems such as school dropout, and prolonged economic and psychological dependency on parents. Early marriage in Ukraine is connected with the problem of early sexual debut

²³⁵ CEDAW/C/UKR/8 - Eighth periodic report of States parties due in 2014, Committee on the Elimination of Discrimination against Women; Date received: 6 August, accessed http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fUKR%2f8&Lang=en

²³⁶ Martsenyuk, T. (2013), Child marriage in Ukraine factsheet, UNFPA Office in Ukraine, p. 3, accessed http://www.unfpa.org.ua/files/articles/4/52/Child%20Marriage%20in%20Ukraine_Overview.pdf

of young people, and unplanned pregnancies²³⁷. There is no particular course or approved curriculum on sexual education in schools. Some aspects of sexual education (such as HIV/AIDS prevention, sexually transmitted diseases, gender relations between boys and girls) are studied in grades 5 to 9 at secondary school, in the course “Fundamentals of Health”.

According to the statistical evidence available, early marriages in Ukraine are quite rare, and are more typical for villages than cities, for women with lower education, for poorest households²³⁸. Moreover, for the age group 16-18, the number of women who married exceeded the number of men by seven times: 14472 (or 2,6%) of women compare to 2087 (0,4%).

Parenthood is a marginal issue and the role for men in the Ukrainian society. Men are expected to be, first of all, as “wallets” (or breadwinners) but not responsible fathers for their children. As it was mentioned above about Code of Labors in Ukraine, state perceived women as a major or event the only parent for the children.

According to EU gender politics, men are important target of gender equality implementation. Some of these ideas were brought to Ukraine. For example, from 2001 to 2007 SIDA supported projects within the field of men’s role in gender equality in Ukraine, implemented by the Swedish and Ukrainian partners. An international network was established that helped to disseminate the idea of men’s centers also in other countries (men’s centers in Kazakhstan and Lithuania). The project operated in six regions of Ukraine. One of the objectives of this cooperation was to change stereotyped gender roles, which prevent men from being social fathers, living a healthy longer life, and having good private and professional cooperation with women. This cooperation has contributed to the popularization of the idea of *responsible fatherhood* in Ukraine. A model for a father school was suggested, piloted and multiplied first in six regions, and then in eight more regions with the UNICEF support.

²³⁷ Ibid.

²³⁸ Ibid., p. 4

6. Gender aspects of labor market in Ukraine

According to recent studies, the employment rate of Ukrainian women was 57.5% in 2011 which was rather close to the EU average figure of 58.5% and exceeded the indicator of most South and East European countries.²³⁹ On average the female employment rate in Ukraine is growing at a slower pace than in the EU. During 2000-2011, female employment rates in most EU countries increased by 5-7%, whereas in Ukraine the growth was only 2.4%. As experts explain,²⁴⁰ one of the reasons of this - the considerably lower retirement age limit. The retirement age for women in Ukraine was 55 years until recently whereas the current standard European retirement age is 65 for women and men. According to the latest World Bank statistics, in Ukraine ratio of female to male labor force participation was 79.9 in 2014.²⁴¹

As we could see from Table 2, women are more often employed as wage and salaried workers, compare to men. At the same time, 17% of men in labor force are self-employed compare to 14% of women.

*Table 2. Economic opportunities for women and men, World Bank statistics.*²⁴²

Featured indicators	2000	2014
Wage and salaried workers, female (% of females employed)	89.2	85.9
Wage and salaried workers, male (% of males employed)	90.6	82.5
Self-employed, female (% of females employed)	10.8	13.8
Self-employed, male (% of males employed)	9.4	17.2
Unemployment, female (% of female labor force)	10.2	6.5
Unemployment, male (% of male labor force)	13.0	8.9

²³⁹ UNPFA Ukraine (2014), Analytical research on women's participation in the labour force in Ukraine, p. 9.

²⁴⁰ Ibid.

²⁴¹ World Bank (2016), Database of Gender Statistics, Ukraine
<http://datatopics.worldbank.org/gender/country/ukraine>

²⁴² Ibid.

According to experts, despite higher male unemployment figures from the perspective of real labour supply, women traditionally prevail among the unemployed registered with the State Employment Service.²⁴³ It can be assumed that such distribution is caused by women's greater inclination to apply to relevant services for help in job placement, while men are more inclined to search for a job by themselves rather than rely upon assistance from the State.

The Ukrainian labour market is characterized by a high rate of female participation and regulation that is relatively gender neutral, apart from some protective regulation for women workers in mines and other parts of the heavy industry.²⁴⁴ According to the Labor Code of Ukraine, women may not be employed for hard work or dangerous jobs, they may not be involved in lifting and moving items, whose weight exceeds specially established limits. Indeed, over professions are prohibited by law for women in Ukraine

today. Women don't have the right to do any work or to have one of the professions that are included in the "List of heavy jobs and work in harmful/dangerous conditions" approved by the Ministry of Health. Also, women may not be involved in work at night, except for the sectors and types of work with the maximum night hours for women approved by the Cabinet of Ministers of Ukraine. These paternalist regulations also do not allow official employment of women in a majority of professions in the military sector.

Ukrainian labor market could be characterized by two major forms of gender segregation: vertical and horizontal. Ukrainian women are concentrated in the less status and lower paid labor market spheres. To illustrate one of the aspects of the vertical gender segregation problem, let's check data on women's representation at the top executive positions in Ukraine's civil service system.²⁴⁵ According to 2011 results, female share among Category 1 civil servants (at the level of responsible state decisionmaking), was only 14%, indicating extremely limited

²⁴³ UNPFA Ukraine (2014), Analytical research on women's participation in the labour force in Ukraine, p. 30.

²⁴⁴ Women and Men on the Ukrainian Labour Market (2011), p. 14.

²⁴⁵ UNPFA Ukraine (2014), Analytical research on women's participation in the labour force in Ukraine, p. 40.

representation among the top executive officials of women. The female share among Category 2 and 3 executive civil servants was 30% and 42%, respectively, and it was more than two-thirds at lower levels where an experienced skill pool of civil servants is usually formed. Only at the level of executives in the Category 4, male share was close to one-third whereas women amounted up to 80% of the staff at lower levels of self-governance executives. It should be noted that such patterns in the gender structure of high-ranking officials have remained rather stable during the entire period of Ukraine's independence.

Experts indicate that another worrisome development is the large pay gap between women and men, which is close to 30%. The pay gap is most likely even higher than the official figures indicate since informal employment is not included in the statistics.²⁴⁶ The pay gap is connected to gender segregation of the labor market of Ukraine and could be one of the examples of the gender discrimination in the labor markets of the country.

There is also gender discrimination in the process of job recruitment²⁴⁷. Advertisements which call only for female or male applicants, despite being prohibited by law, are commonplace; and women, particularly young women, are asked personal questions about their marital status and plans regarding children during job interviews, with employers reluctant to hire women seen as a "risk".

Moreover, women compare to men face problem of "double burden" such as reproductive labor is attached to them. There is a lack of childcare and children's facilities in general for parents (both women and men) to reconcile work and family responsibilities.

At the same time, not only women but also men "suffer" from such limitations of gender roles. During transition period in post-Soviet Ukraine (as in the other former SU republics) gender relations are being changed because of socio-economic development of the society. Male breadwinners' roles are being challenged. In Ukraine men's unemployment has undermined the traditional role of men. It is also affecting the structure of authority and power of men and women within

²⁴⁶ Women and Men on the Ukrainian Labour Market (2011), p. 5.

²⁴⁷ In the Crosscurrents (2015), p. 45.

the household. Changing roles have caused uncertainties in gender relations that are reflected in declining marriage and fertility rates, increasing numbers of female-headed households, children living in single-parent families. And finally, inability of men to meet wide-spread expectations (to be leaders and problem-solvers) induces decline in males' self-esteem, increases in alcohol-addiction problem, suicide and mortality rates among men, as well as increased levels of domestic violence.

7. Gender aspects of political life in Ukraine

As it was mentioned above in the analysis of Global gender gap report and other international data, political empowerment component is the most problematic one while speaking about gender equality implementation in different spheres of the Ukrainian society. Women have less resources and social networks to be successful competitors with their male colleagues. Political life in the country is also perceived as rather "dirty games", not suitable for women. Women also face problems with solidarity and empowerment. In the Ukrainian Parliament (Verkhovna Rada) women constitute only 12% of all 450 deputies.

At the same time, the women's lobby in Ukraine witnessed some visible changes to its organizational forms since 2012.²⁴⁸ Large campaigns to empower women started a couple of years ago, for example, by National Democratic Institute (NDI) and Ukrainian Women's Fund etc. In 2011 the Equal Opportunities Inter-Factional Union (Caucus) was first formed. The establishment of the Caucus is aimed at improving the status of women in the society and achievement the equal participation of women and men in governance.²⁴⁹

During the period of Equal Opportunities Caucus functioning its members had registered series of common draft laws designed to combat domestic violence, ensure equal salary for men and women, a fair

²⁴⁸ Kostiuchenko T., Martsenyuk T., Oksamytna S. (2015). Women politicians and parliamentary elections in Ukraine and Georgia 2012, East/West: Journal of Ukrainian Studies, Vol. II, No. 2, p. 88.

²⁴⁹ Annual report (2015) of the Equal Opportunities Inter-Factional Union (Caucus), 12 p., electronic document.

pension reform and equal rights and opportunities for men and women in electoral process. What is very important, it members supported and lobbied the *gender quota* in 2015.

Before 2015 Ukraine has made approximately ten legislative attempts to introduce gender party quotas.²⁵⁰ Each of these attempts failed. Article 1 of the Law of Ukraine “On Ensuring Equal Rights and Opportunities for Men and Women,” discussed above, defines the term “positive actions” as “special temporary actions, designed to overcome the imbalance between opportunities for women and men to implement equal rights given them by the Constitution and the Laws of Ukraine”.²⁵¹ Article 3 of the same law refers to affirmative action as the primary focus of state politics on ensuring the equal rights and opportunities for women and men. So, the main gender legislation of Ukraine refers only to general definitions and statements about positive actions but offers no concrete quotas for eliminating the gender imbalance in politics.

At the same time, in recent years more than 100 countries have adopted quotas in order to facilitate the election of female candidates to political office. Electoral quotas for women may be constitutional, legislative, or take the form of a political party quota.²⁵² Gender quotas are quite popular affirmative action measures in the EU countries.²⁵³ Almost all EU countries have some kind of gender quota. In particular, legislative quotas were adopted in Belgium, Greece, Ireland, Italy, Poland, Portugal, Slovenia and France. More than half of the EU member states have voluntary party quotas have: Austria, Great Britain, Greece, Spain, Italy, Cyprus, Lithuania, Luxembourg, Malta, the

²⁵⁰ Martsenyuk, T. (2015). Women's Top-Level Political Participation: Failures and Hopes of Ukrainian Gender Politics in *New Imaginaries: Youthful Reinvention of Ukraine's Cultural Paradigm*, ed. and translated by Marian J. Rubchak, New York & Oxford: Berghahn.

²⁵¹ Law № 2866-IV (2006). On Ensuring Equal Rights and Opportunities for Men and Women, 8 September 2005. Verkhovna Rada of Ukraine.

²⁵² International IDEA (2016). About Quotas. Global Database of Quotas for Women. A joint project of International IDEA and Stockholm University, accessed <http://www.quotaproject.org/aboutquotas.cfm>

²⁵³ Martsenyuk, T. (2015). Gender Politics of European Union: General Principles and Best Practices, Kyiv, International Center for Policy Studies, p. 21-22 (in Ukrainian)

Netherlands, Germany, Romania, Slovakia, Slovenia, Hungary, France, Croatia, Czech Republic, and Sweden.

International gender experts perceived Ukraine's local elections in October 2015 as yet another critical democratic milestone for the country.²⁵⁴ The newly adopted local election law included gender quota (legal requirements to nominate no less than 30 per cent of one gender as candidates in local elections) but has no effective sanctions to ensure compliance.

2015 election results to city councils of Kyiv city and cities-oblast centers demonstrate:²⁵⁵ the average representation of women in city councils reached 18% that is much lower compare to 32% of women among candidates. Committee of Voters of Ukraine concludes that "the proportional representation of women among the candidates (and ensuring this representation through quota) is not sufficient to improve the gender balance in the city councils. Additional measures to encourage active participation of women in elections and provide equal opportunities to be elected are required".²⁵⁶

The average representation of women in oblast councils reached only 15%.²⁵⁷ Similarly to city councils elections, women constituted twice more candidates (30%) and they had twice lower chances to be elected compare to male candidates.

8. Conclusions and Recommendations

Among *achievements* three major developments could be pointed out:²⁵⁸

²⁵⁴ Kalandadze N. (2016). Ukraine's elections through a gender lens, IDEA, accessed <http://www.idea.int/gender/ukraines-elections-through-a-gender-lens.cfm>

²⁵⁵ Committee of Voters of Ukraine (2015). Final report on monitoring of women participation in the electoral process at 2015 local elections in Ukraine, accessed https://issuu.com/8612157/docs/final_report_cvu_gender_monitoring_c984ab7faf6631?e=16898265/32196700

²⁵⁶ Ibid., p. 17.

²⁵⁷ Ibid., p. 19.

²⁵⁸ Ukraine (2014). National review of implementation of the Beijing Declaration and Platform for Action (1995) and the outcomes of the twenty-third special session of the General Assembly (2000) in the context of the twentieth anniversary of the Fourth World Conference on Women and the adoption of the Beijing Declaration

- (1) legislative framework on gender equality;
- (2) non-governmental organizations in the sector of gender equality and women empowerment (that keeps pace with the increase of gender sensitivity of non-profit sector at large);
- (3) raising awareness in the society on gender equality and gender education.

At the same time, there are some *challenges* like:²⁵⁹

- (1) the level of women representation in social and public life is still very low;
- (2) low level of legal awareness of citizens in terms of gender discrimination;
- (3) lack of political will to implement gender politics.

Based on analyzed materials, it could be appropriate to propose some recommendations.

Ukrainian authorities should create effective mechanisms to ensure implementation of existing legislation to protect the rights of all women and girls.

Patriarchal gender stereotypes (for example, that women's self-fulfilment can only be realised through marriage) should be challenged. This should include discussing other paths that women can follow (for instance, higher education and building their careers, planned and responsible parenthood where men are also involved as fathers) in the media and in education.

The educational system is in need of profound deconstruction of its patriarchal traditions while such tasks as shaping the skills of non-sexist teaching in the pedagogical community, gendered expert assessment of the schoolbooks and curricula.²⁶⁰

and Platform for Action (2015) / With the support of UN Women in Ukraine and Office of Friedrich Ebert Foundation in Ukraine, April 2014. – 98 p. – Accessed on September 18, 2014 from http://www.unece.org/fileadmin/DAM/Gender/publication/NV111.07_att1_att2_att3_merged.pdf

²⁵⁹ Ibid.

²⁶⁰ Marushchenko, O. (2013), In between cultural traditions and reactionary threats: is gender education possible in Ukraine? Materials of the second international Gender Workshop "Overcoming gender backlash: experiences Of Ukraine, Belarus,

Ukraine needs to develop a framework for the modernization of the labour market, which includes targets and measures to decrease the gender pay gap and to improve family and work reconciliation.²⁶¹ Since one of the major factors behind the gender pay gap is the horizontal labour market segregation, with women usually over-represented in the lowest paid sectors, it is recommended that measures are taken in order to change or break gender stereotypes in choices of education and profession.²⁶²

They should be more open and involve women into party leadership in all levels.²⁶³ Political parties should introduce volunteer party quotas as affirmative actions for women to become more visible in public discourse. Political parties should develop other mechanisms (mentoring programs, trainings etc.) to break glass-ceiling in political sphere.

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Russia, Georgia, Armenia and Poland". Kyiv, October 24-25, 2013 https://ua.boell.org/sites/default/files/gender_workshop_maket.pdf

²⁶¹ Women and Men on the Ukrainian Labour Market (2011), p. 5.

²⁶² Ibid., p. 25.

²⁶³ Committee of Voters of Ukraine (2015). p. 25.

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VIII. Gender Policies and EU Integration – Experience of V4 for Eap Countries, Case of Slovakia

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1. Foreword

Gender equality is a fundamental right and a democratic value. Equality between men and women expresses social justice in most developed countries including Slovakia. The path to an authentic gender equality in Slovakia, as in other democratic countries, represents a long lasting and a never ending process and effort.

One of the first steps in Slovakia on the road from a formally declared gender equality to an authentic one after the velvet revolution in 1989 was the accession of Slovakia to the UN Convention on the Elimination of all Forms of Discrimination (CEDAW). Slovakia acceded to the convention in 1993 as a successor after the split of former Czechoslovakia. CEDAW is broadly accepted as the most important international instrument for women's rights. In 2000 Slovakia ratified the Optional Protocol to the Convention.

The year 2004 has been a very important milestone for gender equality in Slovakia, as it was the year in which Slovakia joined the European Union. The EU membership was subject to accession of the EU primary law which explicitly defines equality between men and women as one of the core values of the Community. Gender equality is embedded in specific articles of the Treaty establishing the European Community (Amsterdam text). Article 2 states that the one of the tasks of the Community is to promote equality between men and women. Article 3 states that in all its activities the Community shall aim to eliminate inequalities and to promote equality between men and women. Gender equality is also mentioned in the articles concerning employment, labour market and civil life inequalities.

The subsequent transposition of EU gender directives and legislative measures and requirements of the EU has significantly shaped the national legislation including legislation linked with women and gender equality. Further to this Slovakia adopted a wide range of legislation

related particularly to employment, working conditions, sexual harassment, mobbing, status of men and women in the social system, etc. One might say that all these changes has brought in some areas more and in some areas less considerable strengthening of equality principles in social life. Despite the adopted legislation and changes in real life there is still a significant gap between formally approved legislation and strategic documents relating gender equality and their implementation in practice.

2. Women in recent history - brief historical excursion

Slovak society in the past has never been gender sensitive. Gender stereotypes resulted from traditional patriarchal family with strict gender role division are deeply rooted in society up to now. For hundred years Slovakia had been a part of Austro-Hungarian Monarchy and was known as Upper Hungary. Even in the larger territory of Central Europe the concept of gender equality does not have a long tradition. At the beginning of the 19th century many civil codes were adopted under the influence of the Napoleon's Civil Code. (1804) In the Austrian part of the monarchy a civil code was adopted as yearly as 1811 and almost hundred paragraphs were dedicated to family and matrimonial law. Despite a very detailed regulations concerning the status of women they did not became in fact equal to men. In Hungarian part of the monarchy and the territory of contemporary Slovakia, the civil code was drafted as late as at the end of the 19th century and submitted to the parliament in 1915. Until then only several acts were adopted upon certain initiatives. Paradoxically, that had certain positive consequences. The preserved feudal privileges of the nobility kept in validity provisions concerning rights of women to dispose of property during marriage and the property title for widows.²⁶⁴ Also according to regulation from 1874, woman as of age 24 years was considered an independent citizen until she married. From this point of view the

²⁶⁴ Lengyelová, T. (2006): *The Social Status of Women in the History of Slovakia*. 35p. In: Píscová, M. (ed). (2006) *Slovakia on the Way to Gender Equality*, Institute for Sociology SAS, Bratislava 2006, 204 p. taken from: Dudeková, G. (2004): *Právne postavenie žien v 19. storočí*, In: *Sféry ženy. Sociológia, etnológia, história*. Banská Bystrica, 380p.

Hungarian law was extremely liberal . In Austria and in most of the west countries the woman was permanently under the authority of her father and then came under the guardianship of her husband who had the right to dispose of her property.²⁶⁵ Also in case of parental rights, if husband did not determine otherwise in his will, in Hungarian part of monarchy the guardianship was automatically taken over by the mother, whereas in Austrian part of monarchy it was the grandfather as the first and mother came only after him. The following movement to achieve full political rights for women was not simple. Nevertheless, the legalization of suffrage for women came soon after the split of Austria-Hungarian Monarchy and after establishing the Czechoslovak Republic. The constitution of newly established republic declared political, social and cultural equality of women and men. Full voting right for women in Czechoslovakia was adopted in 1920.

3. Women in Slovakia – gender equality or gender bias? Sociodemographic background

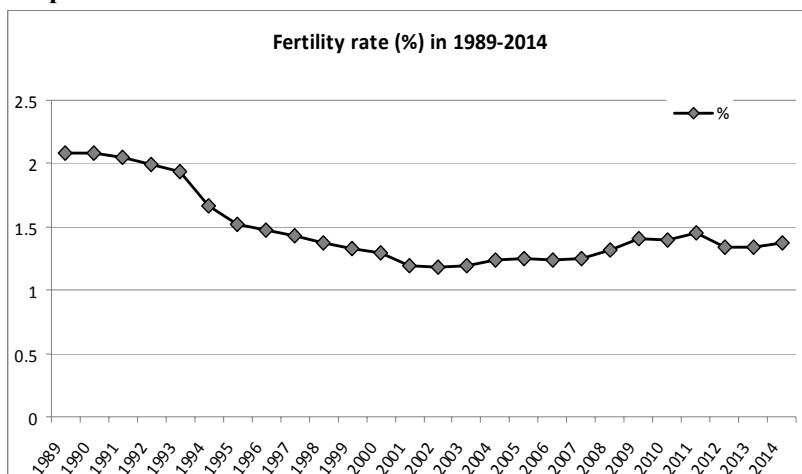
Slovak republic is the smallest Visegrad's country in terms of surface (49,036 km²) and size of population (5,430 000). Women make up 51.26% of total population (as of December 2014). The "velvet revolution" in 1989 had launched a deep social, political and economic transformation in the country, including the split of former Czechoslovak republic into the Czech and the Slovak Republic.

This transformation brought many changes in demographic behaviour of population in such a dramatic way that we can say a new model of reproductive and family behaviour was established. This model we can best described in terms of diversity and multiplicity. One of the main feature of the ongoing changes is a significant postponement of parenthood. The increase of the mother's age at the birth is significant at the birth of her first child and by significant increase of the total average age of mothers. In the period between 2001 and 2013 the age of mother at the birth of her first child had increased from 26.14 years to 27.43 years. The total average age of mother at birth of a child was in the same period even more rapid from 26.46 years to 29,22 years. The biggest

²⁶⁵ *Ibid.*,p.35

proportion of children is born to women in the age groups 25-29 years old and 30-34 years old. In particular a continual increase of the number of new born children in the age group 30-34 is visible since the beginning of millennium. Alongside the trend for delayed parenthood another remarkable trend is in the development of fertility rate. The total fertility rate had dropped below so called replacement level²⁶⁶ since the beginning of millennium. As we can see in the Graph 1, historically the lowest fertility rate was recorded in the three first years of new millennium (2001-2003).

Graph 1.

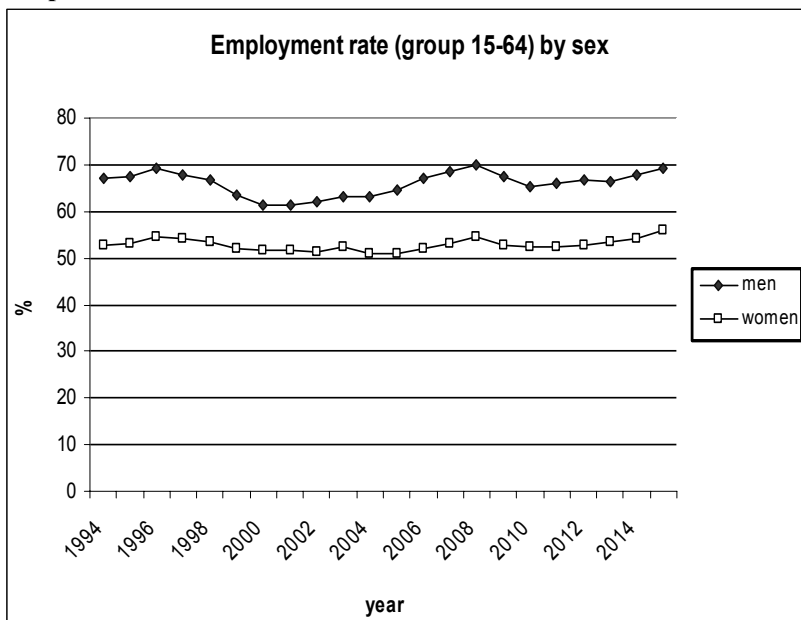


Source: Statistical Office of SR, database Slovstat, www.statistics.sk

The changes in fertility and family behaviour have not to be considered separately but as changes in the whole social life and namely in the area of work and employment. Looking briefly at the situation of women, the Slovak economy does not make full use of existing female labour force potential. This statement indicate some of following indicators.

The first one is the female employment rate that is constantly below the male one. (Graph 2) The employment gender gap in long-term oscillates around 15%.

²⁶⁶ i.e. 2.1 children per one woman

Graph 2.

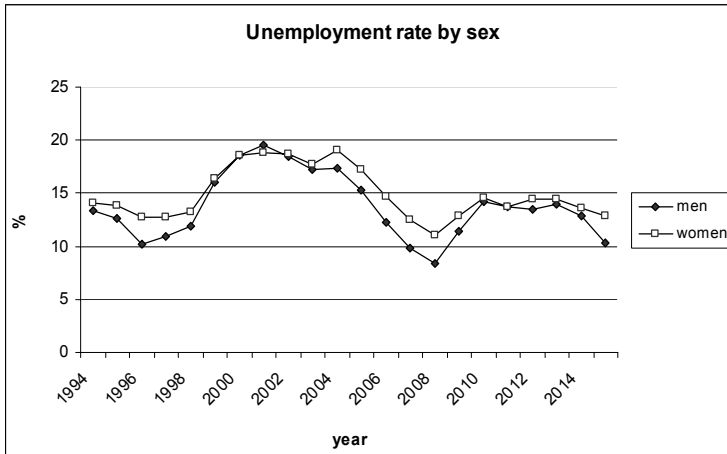
Source: Statistical Office of SR, database Slovstat, www.statistics.sk

If we compared the data from the Graph 2 with the average female employment rate in EU-28, Slovak Republic ranks 22nd position, i.e. is nearly at the end of the ranking. On the other side, the employment gender gap is one of the highest and Slovakia ranks 6th position.²⁶⁷

In regard to unemployment, Slovakia belongs to the countries with the highest unemployment rate within the EU countries. Particularly very high is the share of long-term unemployed over 1 year. Contrary to employment rate, unemployment gender gap is much less pronounced.

²⁶⁷ Source: Eurostat LFS, taken from the manuscript "Country fiche 4Q Slovakia", Statistical Annex, prepared for the Fondazione Brodolini, November 2015

Graph 3



Source: Statistical Office of SR, database Slovstat, www.statistics.sk

A specific feature in Slovakia is a very negative impact of parenthood on employment and employability. The synthetic indicator “impact of parenthood”²⁶⁸ reached in 2014 even 31.4 p.p. that is the third highest in the EU-28 ranking. A negative impact of parenthood on employment is partly linked with very low share of part-time work. In many countries with a high share of part-time work is this form of work used as an efficient instrument for reconciliation of work and family duties. But this is not a case of Slovakia; the share of female part-time work is less than 7%. Taking into account the low part-time rate in combination with decreasing part-time working hours one could deduce that Slovak women tend to work full-time or not at all. The barriers for low share of part-time work lay partly on the side of employees (lower income) as well as on the side of employers (higher labour costs). Another factor in stake are incentives for young families that enable both for mothers and fathers to take a leave from their work and stay at home until the child is three years old even if family suffers from a lack of finance. To stay with a child at home (usually mother) and make use of parental leave up to 3 years of child is linked with the deeply rooted image of a “good

²⁶⁸ Difference in percentage points between employment rates (age group 20-49) without the presence of any children and with the presence of a child aged 0-6.

mother". Hence, staying at home even if for a part of this period results in a reduced demand for childcare for children younger than three years as well as for part-time arrangements. Formal childcare for children under 3 years is very scarce. Only 1% of children under 3 years attended crèches for less than 29 hours a week and only 3% attended crèches for more than 30 hours a week in 2013. This is extremely low in comparison with the EU-28 average which is 13% and 14% respectively.²⁶⁹ The shortage of facilities is not the only reason for the low provision of formal care. The absence of legislation, particularly for crèches, and the lack of incentives to build facilities play a role. The lack of capacities is urgent mainly in big cities. The capacities of kindergartens since the middle of the 90's were gradually reduced as a result of declining birth rates. The decline continued until 2005, when the situation the situation has turned around and since 2006 there has been a gradual increase in the number of new born children. Despite the increasing capacities of kindergartens, the number of children up to now strongly exceeds existing capacities.

One of the most visible parameters of inequality on the labour market is a deep gender wage gap. Despite a slight long-term tendency to close the scissors between male and female wages the overall difference in income between women and men remains at 20%. Obviously the situation differs by sectors and professions. Gender wage gap is to a high degree due to deeply rooted horizontal and vertical segregation. In recent years the so called "equal pay day" became a tradition. In 2016 the equal pay day was at March 22nd. This day indicates that women has to work nearly 3 month longer than men to earn the same wage as men.

Representation of women in political and public life varies according to the fields of activity. Very high representation of women, including the top decision-making positions is in the judiciary. In the long-term women are strongly underrepresented in the top level political positions. For several years no women was a member of government and the share of women in the national parliament oscillated around 16-17%. After the last election in March 2016 the national parliament consists of 18,6% of women, which is far below the majority of EU member states. The very low political representation of women is also on regional and local levels.

²⁶⁹ Source: Eurostat LFS, taken from the manuscript "Country fiche 4Q Slovakia" statistical Annex, prepared for the Fondazione Brodolini, November 2015

4. Gender equality mechanism, national strategies and legislation

As mentioned above, the accession of SR in the EU was very important milestone and had a significant influence on implementation gender mainstreaming and gender equality principles in practice. In this process we cannot omit an active role of numerous (women's) non-governmental organisations in Slovakia. Since the second half of the 90's they began to thrive a gradual increase in cultivating and raising gender sensitivity and gender awareness among the general public.

In the area of legislation, probably the most significant and most positive act is endorsement of the Antidiscrimination law in 2004. The law set up a general frame for application of equal treatment principle and defined the basic terms linked with direct and indirect discrimination. Two amendments were passed to the Antidiscrimination law in 2008 and in 2013. The first amendment anchored the principle of equal treatment in social security, health security, in provision of goods and services, education and employment relations. The amendment also broadened the definition of indirect discrimination and brought it in accordance with the EU directives. The second amendment introduced the concept of sexual harassment which was completely new phenomena in national legislation and used gender perspective to modify the negative definition of discrimination with respect to affirmative action. Following the amendment the use of affirmative action is permitted on the grounds of gender by all public bodies.

An important role for gender equality plays Labour Code and particularly in regard to reconciliation family and working life. Labour code enables various flexible forms of works which were not possible before. In 2011 new forms of work appeared, such as job sharing, flexible working time and telework(homework, homeoffice). Job sharing allows employer to create a shared job for part-time employees in which employees agree with each other on the scheduling of working time and work obligations assigned to the job. Flexible working time allows each employee to choose working hours that are most convenient for him. Usually there is only some short part of working time defined as optional for employees. Homework or telework became a widespread and popular form of work in some branches (for example IT sector) and is not used only by parents with small children.

5. Institutional structures

In 1999 was on the on the Ministry of Labour, Social Affairs and Family of SR (hereinafter referred to as MLSAF) established department responsible for gender equality, equal opportunities and antidiscrimination. The status of both bodies in gender issues was not laid down in legislation. Only in 2012 the amendment of so called “Competence Act” for the first time assigned competence for gender equality to the MLSAF. The MLSAF was assigned the role of the central state administration body for gender equality and equal opportunities and for coordination the state policy in given area.

In 2011 existing advisory governmental and non governmental bodies and structures were transformed into The Government Council of the Slovak Republic²⁷⁰ for Human Rights, National Minorities and Gender Equality (hereinafter referred to as “Council”). The status of the Council is defined as the government’s permanent, expert, advisory, coordination and consultative body for areas including promotion of the principle of equal treatment and the principle of equality including gender equality; it monitors the domestic implementation of the Slovak Republic’s international commitments and especially those commitments resulting from international treaties and their related optional protocols that have been ratified by the Slovak Republic.

6. Strategic documents

The raising attention to women’s and gender issues at the beginning of century required more detailed and comparable data and information on position of women in the Slovak society. That is why since 2008 the Ministry of Labour, Social Affairs and Family of SR and also in accordance with the Beijing Platform for Action started to draft

²⁷⁰ Fifth Fifth and Sixth Periodic Reports of the Slovak Republic on the Convention on the Elimination of All Forms of Discrimination against Women (for the period 2008–2013), Available at: http://www.gender.gov.sk/wp-content/uploads/2012/06/EN_Periodic_report_CEDAW_Slovakia.pdf

annually the Summary report on Gender Equality in Slovakia. The report in an analytical form started to monitor the main areas of gender equality and inequality in Slovakia and showed implications of discrimination based on gender in public and family life. The report pointed out the lack of gender segregated statistical data and indicators as well as the lack of so called impact studies based on gender perspective. In order to overcome the lack of statistical information he Statistical Office of SR started to publish since the year 2010 a summary publication “Gender equality in SR and EU”. This publication brings annually the national data from various areas of life, data are divided for men and for women and data are compared with the EU data (where possible). Up to now is available edition form 2010, 2011, 2012, 2013, 2014 and 2015.

The “National Action Plan for Gender Equality for 2010-2013” set out clearly the task to improve gender segregated statistics on national level. This document was a predecessor of “The National Strategy for gender Equality for 2009-2013” (hereafter “Strategy”). The Strategy has been prepared to comply with the Slovak Republic’s undertakings resulting from international treaties and the EU membership, and above all in order to address persistent gender inequalities and eliminate gender discrimination.²⁷¹ The Strategy represents a basic government programming document on gender equality for given years. The strategy identified and proposed a targeted approach how to put the European gender equality policy in practice as well as implementing it de jure and de facto. The Strategy identified the main problems in addressing gender equality in Slovakia. Among them it underlined the existing gender pay gap, sectoral segregation, different participation of women and men in decision-making, inadequate reconciliation of career and the performance of parental duties and family responsibilities in relation to other family members, gender stereotyping and violence against women.²⁷²

²⁷¹National Strategy for Gender Equality for 2009-2013, p.6, available at http://www.gender.gov.sk/wp-content/uploads/2012/06/EN_-_strategia.pdf

²⁷² Ibid, p.15

In 2014 the Slovak government adopted a new “National Strategy for gender Equality for 2014-2019” as the main strategic document for gender equality policy for future period. The strategy reflects existing recommendations from relevant international and national institutions and points out the priorities in five owing areas²⁷³:

- 1. economic independence and labour market*
- 2. participation in decision processes in public and economic*
- 3. dignity and integrity of women*
- 4. institutional a legislative provision of gender equality*
- 5. international cooperation and development assistance*

The Strategy is accompanied by the “Action Plan of Gender Equality for 2014-2019.” The action plan is an implementation document and together with the strategy represents a comprehensive document for implementation gender equality in practice. Following up the previous strategy documents they helped to bring to life changes, the action plan will ensure them legislatively, institutionally and financially. The action plan identifies also financial sources needed to fulfil the proposed tasks. The most important are financial sources within the new programming period 2014-2019 in which equality of men and women both a horizontal principle and a particular investment priority. A project for financing and funding from the sectoral budget chapters is also foreseen – this should avoid further financial requirements for the state budget.

A very important in gender equality area is gender based violence and particularly violence against women. Violence against women has important social causes as well as consequences. Therefore prevention and elimination of violence has to be approached from viewpoints applying to society as a whole. The Slovak Republic was one of the first states to sign the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. On 11 May 2011, it signed the Convention, a breakthrough document whereby the Member States of the Council of Europe undertake to

²⁷³National Strategy for Gender Equality for 2014 – 201, available at: <http://www.gender.gov.sk/wp-content/uploads/2015/05/Strategia-RR.pdf>

adopt effective measures for combating violence against women and domestic violence.

The first important step to a systemic solution of the violence in Slovakia represents the National Strategy of Prevention and elimination of violence against women and domestic Violence from 2004 (hereinafter referred to as strategy). The strategy was for the first time prepared in cooperation of relevant ministries and NGOs. National strategy was followed by the National Action Plan for Prevention and Elimination of Violence Against Women (hereinafter referred to as action plan) and defined operational goals, priorities and basic measures and procedures to implement the essential claims embodied in the strategy. Both documents, i.e. the strategy and the action plan use the definition of violence adopted from 1993 UNO Declaration on Elimination of Violence against Women, delineating such violence as “any act of violence based on gender inequality, the consequences of which are or lead to physical, sexual or mental injury of the suffering women, including threats of such acts, coercion or any suppression of freedom, whether in public or private life”. For the years 2004-2008 was drafted a renewed strategy together with the renewed action plan. The strategy designed proposals for resolving the issues at hand in different time horizons and defined concrete measures the following four fields:

- 1. criminal and civil law relevancies;*
- 2. provision of assistance to women – victims of past or present violence;*
- 3. prevention to prevent the occurrence of violence and of any situation contributing to the inception and tolerance of violence;*
- 4. research to create a sufficient basis of knowledge about various aspects of violence to create a sufficient basis of knowledge about various aspects of violence against women²⁷⁴*

²⁷⁴ *National Action Plan for Prevention and Elimination of Violence Against Women for the Years 2005-2008, http://www.gender.gov.sk/wp-content/uploads/2012/06/NAP_n%C3%A1silie_05-08_EN.pdf*

*The continuous and final assessments on the fulfilment of the aims of the strategy for 2004-2008 showed the weaknesses in its implementation. The new strategy for 2006-2012 was more concrete and has extended the fields of intervention in three following areas: education and sensitization of the helping professions, violence against women in the workplace, and work with the perpetrators of violence.*²⁷⁵

*Despite the continuing implementation of tasks in the former actions plans and partial success achieved in mitigating violence, Slovakia has still no coordinated system for providing assistance to women experiencing violence. In other words at present Slovakia does not meet the international standards linked with an effective response to the problem of violence against women which reduces the potential as well as real availability of efficient assistance for women experiencing violence. Therefore the main objective of the current National Action Plan for prevention and elimination of violence for 2014-2019 is to design, implement and coordinate a comprehensive nationwide policy on prevention and elimination of violence against women.*²⁷⁶ *The total amount allocated on the national level to the projects addressing the elimination of violence against women for the next 3 years is approximately 12 million EUR. Additional funding are expected from sources as the European Social Fund in the Programming period 2014-2020. A vital role of NGOs is expected in providing and in implementation activities connected with the national action plan. Particularly NGOs have many years of experience and knowledge in dealing with violence against women on various levels and on various environments.*

²⁷⁵ *National Action Plan for the prevention and elimination of violence against women for the years 2009-2012, http://www.gender.gov.sk/wp-content/uploads/2012/06/NAP_n%C3%A1silie_09-12_EN.pdf*

²⁷⁶ *National Action Plan for the Prevention and Elimination of Violence against Women 2014 -2019, http://www.gender.gov.sk/wp-content/uploads/2012/06/NAP_VaW_2014-2019_EN.pdf*

7. Mechanism to support gender equality. Good practices.

The establishment of efficient institutional structures and relevant legislation addressed to gender equality is an indispensable condition for implementation and reinforcing gender equality and gender mainstreaming in all areas of social life. In recent years the positive shift has continued towards institutional strengthening and enhancing the status of an advisory body of the Government (Government Council for Human Rights, Ethnic Minorities and Gender Equality and the Committee for Gender Equality).

The new programming period 2014-2020 for the EU structural and Investment Funds (EUSIF) is very important mechanism for enhancement gender equality. In the ongoing programming period the emphasis was placed on the application of non-discrimination and gender equality in the Partnership Agreement, as well as in all approved operational programmes (OPs). Spending of the Structural and Investment Funds by creating adequate institutional mechanisms for gender equality and education of key actors is essential condition for the application of the so called ex-ante condition "gender equality and non-discrimination". Elimination of gender disparities with particular emphasis on labour market and education is an integral part of the new Operational Programme Human Resources.²⁷⁷

The main objectives of the horizontal principle of equality between men and women are defined according to the respective operational programme. The horizontal principle of non-discrimination reflects the aim of the ESF programs which is to ensure gender equality in the labour market and preparation/education for the labour market. In other EUSIF programs the target is to reduce horizontal and vertical gender segregation in sectors of the economy and ensure equal opportunities for access and use of infrastructure and services.

As an example of concrete project within the operational programme Employment and Social Inclusion we can mention the national pilot

²⁷⁷ Report on the Social Situation of the Population of the Slovak Republic for 2014, Bratislava 2015, p.121,
https://www.employment.gov.sk/files/slovensky/ministerstvo/analyticke-centrum/english-version_kvalita-tlac.pdf

project Family and Work. The project is focused on the significance of gender dimension to the impact of parenthood on employment in the Slovak Republic (as we mentioned before). There is a huge difference in employment rate of men and women with and without children under 6 years of age. The shortage of childcare facilities strongly disadvantages mothers with small children. Since January 2015 the national project “Family and Labour” managed by The Ministry of Labour, Social Affairs and Family was running. Within this project two calls for proposals were announced. The first one supported flexible forms of work for people with parental duties (tele-work, shared work, part-time work, etc.). This was addressed to three groups of mothers: mothers on parental leave, mothers with children up to 6 years of age and mothers with children up to 10 years of age. In the first two groups, employers could receive support up to 90% of labour costs. In the third group, support was up to 50% of labour costs. The second call supported the provision of childcare facilities. The aim was to enhance the capacity and availability of preschool childcare facilities and the provision of so-called children corners for working parents. The pilot project is crucial both in terms of facilitating the creation of innovative forms of childcare as well as in encouraging employers to introduce flexible forms of work and employment for parents, especially mothers with children in preschool age. Unfortunately the project has ran only until the end of 2015 but there is expected to be prolonged in future.

The sensitivity of society toward gender issues is very important. The nationwide competition “Employers Friendly to Family, Gender Equality and Equal Opportunities. “plays an important role in this long-lasting process. The Ministry of Labour, Social Affairs and Family of SR is the organiser of the competition. The main aim of competition is to motivate employers to create conditions that are responsive to employees’ family duties and give public recognition to employers who implement systems for reconciling work and family life. The competition was announced on the International Day of Families in May 2000. The competition has gradually gained popularity and in the year 2016 runs 13th year of competition. The competition has two categories. The first one evaluates the measures for reconciliation family and working life. The second category evaluates measures for balanced representation of men and women in decision positions.

Another concrete initiative supported from the European Social Fund and through the Norway grants is addressed to the gender based violence issue. In 2014 started the implementation of the projects “Preventing a and eliminating violence against women” and “Support of elimination and prevention of violence against women”. The main intention is to establish an integrated system of prevention and crisis intervention. Up to now a national non-stop toll-free telephone service (0800 212 212) has been set up providing telephone advice to victims of domestic violence and, if necessary, contacting the counselling centre. It also runs setting up of a network of specific social services - counselling centres providing counselling services for women and their children, while the existing centres are supported first. After completion of the project, there should be a total of 20 counselling centres across the country. An important part of the project is support for existing shelters (i.e. safe houses for women) and related social services (counselling centres) as well as to establish and operate new ones. These facilities are currently absent in Slovakia or sporadic ones.

The projects we mentioned represent the most significant initiatives on national level. Apart from these there are many partial initiatives on local level that are managed mostly by various NGOs or volunteers bodies. Most of them can be found above all in the regions with higher share of Roma population.

8. Conclusions

After 1989 gender equality in Slovak Republic has undergone significant changes that can be in a very simple way described as a path from officially declared and endorsed gender equality to an authentic and functioning equality between men and women. Even if this optimistic statement might provoke disapproval in some parts of society, in fact relevant changes have occurred in the public attitudes and sensitivity towards gender equality and to the position of women in society as whole. Changes in legislation and in family policy supported gradual breaking down of barriers and gender stereotypes. Also the establishment of relevant institutional structures responsible for gender equality agenda have bought changes in many concrete female life stories – both professional and private lives too. There is no doubt that

accession of Slovak Republic to the EU alongside with its supporting and funding mechanism were two very strong impetus to make gender equality in fact a public issue. However the public discourse on the substance of gender equality and about its institutional arrangements often runs in a very controversial way. The controversy support also the fact that the government has neglected to prepare analyses of the gender impact of public policies.²⁷⁸

Despite positive changes in gender equality, the Slovak Republic does not yet fulfil all the standards addressed by gender equality and applied in the developed western countries. The deficit of gender equality is evident mainly in the field of participation of women in top level political positions or in relation to disadvantaged and multiple discriminated groups of women (Roma women). The prevalent part of society perceives the attempts for quota implementations in the political and other systems as inconsistent. Thus the attempts to introduce quota in the policy or in other spheres were strictly refused. Therefore the Slovak government refused also the initiative of the European Parliament from 2013 about 40% representation of women on boards in listed companies. Even if the measure would relate in Slovakia to a small number of companies only, the attitude of the majority of the public and of the Slovak government was strictly negative.

We can conclude, that it is still a long path to full and authentic gender equality in Slovakia. Nevertheless existing and newly built structures give a good opportunity to be successful in this endeavor.

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²⁷⁸ *Bútorová, Z. et al.: She and He in Slovakia. Gender and Age in the Period of Transition. Institute for Public Affairs, Bratislava 2008, p.10*

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National Action Plan for Prevention and Elimination of Violence Against Women for the Years 2005-2008, http://www.gender.gov.sk/wp-content/uploads/2012/06/NAP_n%C3%A1silie_05-08_EN.pdf

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IX. Gender Equality in Poland in the context of the EU Integration

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1. Setting the scene – gendering post-1989 transformation in Poland

During the communist regime in Poland, gender equality and women's liberation scored highly, at least in declaratory terms, in the official Communist Party discourse. This translated into a variety of gender policies (albeit changing over time) offering women wider access to education and the labour market. It also offered the new socially accepted feminine identities of worker, political activist or modern girl, thereby complementing the traditional model of the Mother Pole, centred on family life, caring and sacrifice.²⁷⁹ However, these transformations challenged neither the traditional understanding of the family, marital and domestic obligations of women nor their public engagements. The representation of women in Communist Party politics remained low, and the relatively high participation of women in the labour market did not translate into equal pay or challenge job segregation, locating women in low-paid occupations.²⁸⁰ As Eva Fodor comments, the regime's women's emancipation ideology 'served several goals, most only indirectly considering the needs and interests of women themselves'.²⁸¹ Furthermore, in Poland the entanglement of the traditional gender roles with the national project and perception of women's role primarily in terms of the biological and cultural

²⁷⁹ Malgorzata Fidelis, 'Equality through Protection: The Politics of Women's Employment in Postwar Poland, 1945-1956', *Slavic Review* 63, no. 2 (2004): 301–24; Malgorzata Fidelis, "'Are You a Modern Girl?': Consumer Culture and Young Women in 1960s Poland", in *Gender Politics and Everyday Life in State Socialist Eastern and Central Europe*, ed. Shana Penn and Jill Massino (New York: Palgrave Macmillan, 2009), 171–84.

²⁸⁰ Malgorzata Fuszara, *Kobiety W Polityce* (Warszawa: Trio, 2006), 89; Fidelis, 'Equality through Protection', 314; Éva Fodor, *Women at Work: The Status of Women in the Labour Markets of the Czech Republic, Hungary and Poland*, Occasional Paper / United Nations Research Institute for Social Development 3 (Geneva: United Nations Research Institute for Social Development, 2005), 3.

²⁸¹ Fodor, *Women at Work*, 2.

reproduction of the nation resulted in a suspicious perception and limited support for the regime's attempts to introduce emancipation policies. Lack of political legitimisation of the communist state also meant interpretation of such attempts as external (Soviet) intervention aiming to destroy the nation. Consequently, traditional gender identities served a cultural resource for both resistance against the imposed regime and survival of the nation. So, paradoxically, the socialist state, by challenging the traditional gender regime, was in fact reinforcing it.²⁸²

The fall of communism and the post-1989 transformations resulted in all-encompassing changes in the social, political and economic dimensions of the Polish society. The changes had also clear gendered dimension. Various scholars pointed at the strictly gendered distribution of power in the established democracies and exclusion of women from political power and public life (Watson 1993: 473). In the first elections to the Sejm in Poland, 13% of representatives were women, and in the second term (in 1991-1993) just 10%. The first Solidarity government had just three women, administering the Polish National Bank, the Antimonopoly Office and the government Plenipotentiary for Women and Families, which was dismissed as unnecessary even in March 1992²⁸³. For Peggy Watson, this formed a consistent pattern across the region – 'where parliaments have come to have a measure of real social power, so they have become much more clearly the preserve of men'.²⁸⁴ Also, the rise in the unemployment in Poland, even if affecting both men and women, was more visible among the latter group. This can also be associated with the differentiated responses to unemployment. Whereas women were 'more likely to be discouraged and become homemakers', men, reacquiring the traditional masculine role of breadwinner, were more active and 'tended to collect unemployment benefits (and probably seek jobs on the informal labour market) and/or take early retirement or permanent sick leave'.²⁸⁵

²⁸² Peggy Watson, 'Eastern Europe's Silent Revolution: Gender', *Sociology* 27, no. 3 (8 January 1993): 472, doi:10.1177/0038038593027003008.

²⁸³ Elzbieta Sawa-Czajka, 'Are There Female Political Elites in Poland?', *Journal of Women's History* 8, no. 2 (1996): 106, doi:10.1353/jowh.2010.0430.

²⁸⁴ Watson, 'Eastern Europe's Silent Revolution', 475.

²⁸⁵ Fodor, *Women at Work*, 21.

Two trends regarding perception of gender roles marked the first years of the democratic transformations. On the one hand, visible was the reinforcement of traditional gender roles and sentimentalisation of home and family. Data from the 1990 edition of the European Values Study (EVS) illustrates the conservative traits of the Polish society of that time very well. The majority of the population showed a strong commitment to family and religion and a traditional perception of gender roles and identities. In the perception of most respondents (75.2%), women need children in order to be fulfilled, and 88% agreed or agreed strongly with the statement that women want children and home. Furthermore, 63.4% agreed or strongly agreed that being a housewife is as fulfilling as having a job.²⁸⁶ On the other hand, the transformation to a market economy, the prevailing value attached to individualism, and the opening of the mass media produced an alternative model of femininity. The vision of the self-sacrificing mother committed to the family and the community was complemented in the 1990s with the emergence of a new representation – sexualised female bodies complying with the hegemonic beauty model.²⁸⁷

At the same time, the development of civil society organisations was a feature of the post-1989 transformations. This also included the development of various women's organisations. Scholars mark the abortion debate and (successful) attempts to impose a restrictive anti-abortion law at the beginning of the 1990s as the moment of the birth of the Polish women's movement. The mobilisation of women to oppose these attempts resulted in the emergence of the grassroots movement.²⁸⁸

²⁸⁶ EVS, 'EVS - European Values Study 1990 - Integrated Dataset. ZA4460 Data File Version 3.0.0' (Cologne: GESIS Data Archive, 2011).

²⁸⁷ Joanna Bator, 'Wizerunek Kobiety W Reklamie Telewizyjnej' (Warszawa: Instytut Spraw Publicznych, 1998), <https://pl.scribd.com/doc/46643708/Bator-Joanna-Wizerunek-Kobiety-w-Reklamie-Telewizyjnej>; Mira Marody and Anna Giza-Poleszczuk, 'Changing Images of Identity in Poland: From the Self-Sacrificing to the Self-Investing Woman?', in *Reproducing Gender: Politics, Publics, and Everyday Life After Socialism*, ed. Susan Gal and Gail Kligman (Princeton University Press, 2000), 151–75.

²⁸⁸ Fuszara, *Kobiety W Polityce*, 220; Leah Seppanen Anderson, 'European Union Gender Regulations in the East: The Czech and Polish Accession Process', *East*

They differed in forms and their activities focused on different areas of action. Firstly, some of these organisations often filled the gap left by the state in welfare and social services during the transformation processes.²⁸⁹ Secondly, the activities of others focused on the introduction of women-friendly policies. They actively participated, along with female politicians, in attempts to introduce equality laws. Thirdly, their activities aimed to enhance descriptive and substantial representation of women in formal politics. The Pre-Election Polish Women's Coalition serves as a good example. Founded by various women's organisations, it organised support for women candidates for parliament and local authorities. The aim was to strengthen representation of women at all levels. The increased number of women in the Sejm and Senate – up to 20% and 23% respectively in the 2001 round – is seen as a result of the Coalition's activities.²⁹⁰ At the same time, the activities of women's organisations faced a strong backlash against feminism and women's emancipation, perceived as remnants of the previous, then discredited, system. The appearance of various formal and informal groups indicated the growing collective agency of women, but also expressed the redefinition of the political in the Polish context. In other words, civil society channelled women's political activism in the context of closed opportunities in the formal politics. Since then, feminist organisations, often in coalition with female politicians, have become the most persistent advocates of women rights in Poland.

Despite the noticeable mobilisation of women in the civil society sphere, Valentine Moghadam comments on the redefinitions of gender roles and identities in post-socialist context by referring to the women-in-the-family model of revolution in Central and Eastern Europe that 'excludes or marginalises women from definitions and constructions

European Politics and Societies 20, no. 1 (1 February 2006): 113, doi:10.1177/0888325405284314.

²⁸⁹ Barbara Einhorn and Charlotte Sever, 'Gender and Civil Society in Central and Eastern Europe', *International Feminist Journal of Politics* 5, no. 2 (1 January 2003): 173, doi:10.1080/1461674032000080558; Sawa-Czajka, 'Are There Female Political Elites in Poland?', 108.

²⁹⁰ Paulina Nowosielska, 'Myślę, Więc Jestem Feministką', *Tygodnik Przegląd*, 14 March 2004, <http://www.tygodnikprzeglad.pl/mysle-wiec-jestem-feministka/>.

of independence, liberation and liberty.²⁹¹ Similarly, Peggy Watson sees the degradation of feminine identity that took place in Poland (and in other countries of Central and Eastern Europe) at the beginning of the 1990s as ‘a visible measure of the masculinism at the heart of Western democracy’.²⁹²

2. Women, men and gender equality in Poland – recent trends

Looking at the trends and developments in the field of gender equality over last decade, we can see various positive developments regarding the social, political and economic position of women as well as the shift in the discourses and perceptions regarding gender equality. Public polls show changing attitudes among the population regarding gender relations and roles. Data confirms the growing support for equal participation of women and men in political and economic life and in the labour market²⁹³ as well as the growing presence of women in the political and economic life at both national and local level. The positive trends in politics can be accounted as resulting from the policy changes – the quota system introduced in 2011 imposes a requirement of at least 35% of female and male candidates in all electoral lists (see table 1 and 2). The other trends, however, balance the optimism. Much smaller progress is visible in the Senate (Upper Chamber), where, due to the majoritarian system of election, no quotas apply. Also, a clear disproportion in chairpersons leading the standing committees in the Sejm (in the previous term of 2011-2015 out of 26 only 3 were headed by women, and in the current term 5 out of 29 are headed by women) shows the imbalance in distribution of political power.²⁹⁴ The presence of women in executive power

²⁹¹ Valentine M. Moghadam, ‘Gender and Revolutionary Transformation: Iran 1979 and East Central Europe 1989’, *Gender and Society* 9, no. 3 (1 June 1995): 336, doi:10.2307/190059.

²⁹² Watson, ‘Eastern Europe’s Silent Revolution’, 485.

²⁹³ Małgorzata Omyła - Rudzka, ‘Kobieta W życiu Publicznym’ (Warszawa: CBOS, 2013), <http://badanie.cbos.pl/details.asp?q=a1&id=4792>; Rafał Boguszewski, ‘Kobieta Pracująca’ (Warszawa: CBOS, 2013), <http://badanie.cbos.pl/details.asp?q=a1&id=4786>.

²⁹⁴ Małgorzata Druciarek et al., *Women on the Polish Political Scene* (Instytut Spraw Publicznych, 2012), 27, <http://pasos.org/wp-content/uploads/2012/05/womenpoland.pdf>; ‘Komisje Stałe’, accessed 7 April 2016, http://www.sejm.gov.pl/sejm7.nsf/agent.xsp?symbol=KOMISJE_STALE&Nrka-dencji=7.

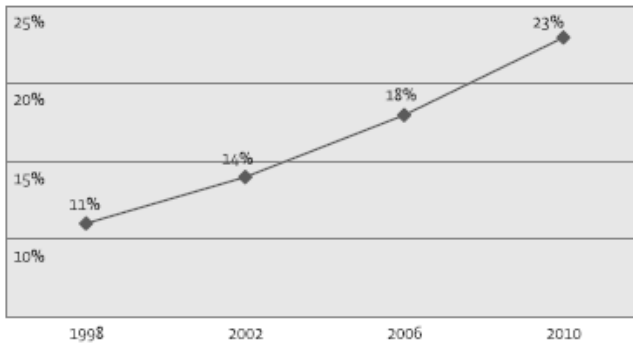
also remains at a low level, approx. 20% (the government of 2011 had 5 women out of 20 members, in 2014; 5 out of 19, plus a female prime minister; in the current government 6 women out of 27, plus a female prime minister). In the civil service the top political positions are overrepresented by men, but on the administrative level women dominate, also in the highest positions.²⁹⁵ Women are also underrepresented on the boards of the main parties (below 20%).²⁹⁶

Table 1. Percentage of female MPs in Lower Chamber of Parliament

Parliamentary term	% of women
1991-1993	10
1993-1997	13
1997-2001	13
2001-2005	20
2005-2007	20
2007-2011	20
2011-2015	23
2015-2019	27

Calculations based on Druciarek et.al.²⁹⁷

Table 2. Female deputies in local governments



Adopted from Druciarek et al.²⁹⁸

²⁹⁵ Natalia Klejdysz, 'Kobiety W Polskiej Administracji Publicznej', *Central European Political Studies (Środkowoeuropejskie Studia Polityczne)*, no. 4 (2013): 25–36.

²⁹⁶ Druciarek et al., *Women on the Polish Political Scene*, 5.

²⁹⁷ *Ibid.*, 8.

Looking at the economy, the picture is also not overwhelmingly positive. On the one hand, Poland has a high number of women entrepreneurs in comparison with other European countries (women make up 34% of all entrepreneurs and around 30% of all employers).²⁹⁹ They are also well presented at low and middle levels of management.³⁰⁰ On the other hand, they are underrepresented in companies' top positions (i.e. chairs of executive boards and members of executive or supervising boards) of the flagship companies operating in Poland. Therefore, the trends suggest the existence of 'glass ceiling' mechanisms.

Ambiguous trends regarding the presence and position of women and men are also visible in education and research institutions. The data confirms a relatively high number of women – 43% among full-time academic teachers in 2012.³⁰¹ However, a closer look reveals that the proportion of women and men changes dramatically in favour of the latter the higher the academic degree or position in the academic structure (e.g. 43% of women among fully employed PhDs, but only 21% among professors.³⁰² Also 52% of recipients of PhDs in 2012 were female, but at the next level, that of so-called habilitation, the proportion

²⁹⁸ Ibid., 12.

²⁹⁹ Polska Konfederacja Pracodawców Prywatnych, 'Przedsiębiorcy W Polsce. Fakty, Liczby, Przykłady' (Polska Konfederacja Pracodawców Prywatnych, 2012), 19.

³⁰⁰ Ewa Lisowska and Janina Sawicka, 'Kobiety I Gospodarka', in *Kobiety Dla Polski. Polska Dla Kobiet. 20 Lat Transformacji 1989-2009*, ed. Joanna Piotrowska and Agnieszka Grzybek, Kongre Kobiet Polskich (Warszawa: Fundacja Feminoteka, 2009), 19; Lidia Adamska, *Więcej równości - więcej korzyści w gospodarce: kobiety i mężczyźni na stanowiskach decyzyjnych w polskiej gospodarce w latach 2010-2013* (Warszawa: Ministerstwo Pracy i Polityki Społecznej, 2014).

³⁰¹ Central Statistical Office, 'Higher Education Institutions and Their Finances in 2012', Statistical Information and Elaborations (Warszawa: Central Statistical Office, 2013), 62, <http://stat.gov.pl/obszary-tematyczne/edukacja/edukacja/szkoly-wyzsze-i-ich-finanse-w-2012-r-,2,9.html>.

³⁰² Marek Młodożeniec and Anna Knapińska, 'Czy nauka wciąż ma męską płeć? Udział kobiet w nauce', *Nauka*, no. 2 (2013): 48.

changes – there are only 38% of women.³⁰³ The disproportion is more visible in disciplines like science or engineering (ibid. 49). These trends clearly confirm the ‘leaking pipe’ mechanism in operation. Furthermore, women are underrepresented among the leaders of research projects (ibid. 50).

Changes in attitudes regarding gender relations are also visible in relation to private life. The public polls show a rise in the support for partnership in the household (46 percent of respondents, in comparison with 37 percent supporting such a model in 1997) and a decline in support for the traditional model of division of labour (23 percent of respondents, compared to 38 percent in 1997). Nonetheless, domestic labour is still predominantly the domain of women (e.g. preparing meals 67 percent, washing up 58 percent).³⁰⁴

The growing presence of women in political, social and economic life as well as the changes in discourse regarding gender roles and relations certainly appear to indicate increasing support for and developments in the direction of greater gender equality in Polish society. It seems that at least few factors might account for this change. Firstly, the improving economic and existential situation of the Polish society (especially in comparison to the uncertainty of the transformation years) brought the shift from material to post-material values in society. This suggests the predominance of secular-rational worldviews, focus on individual choices and self-expression, independence, and democratic participation.³⁰⁵ Secondly, starting in the 1990s, but developing in particular in the post-accession period, various awareness-raising campaigns and actions took place promoting gender equality and fighting against the existing gender stereotypes (e.g. campaigns on domestic and gender violence, promoting equality at work, combating discrimination of women in the

³⁰³ Central Statistical Office, ‘Higher Education Institutions and Their Finances in 2012’, 159.

³⁰⁴ Natalia Hipsz, ‘O roli kobiety w rodzinie’ (Warszawa: CBOS, 2013), <http://badanie.cbos.pl/details.asp?q=a1&id=4788>; Joanna Szczepańska, ‘Kobiety I Mężczyźni O Podziale Obowiązków Domowych’ (Warszawa: CBOS, 2006), <http://badanie.cbos.pl/details.asp?q=a1&id=3641>.

³⁰⁵ EVS, ‘EVS - European Values Study 1990 - Integrated Dataset. ZA4460 Data File Version 3.0.0’.

labour market). Both women's organisations and governmental institutions (especially the office of the Plenipotentiary in 2001-2005 and later, in 2011-2015, the Ministry of Social Policy and Labour), often in cooperation with each other, were responsible for organising such actions. It is difficult to measure the effectiveness of social campaigns directly, but it can be assumed that they did contribute to publicising and politicisation of issues related to gender equality.³⁰⁶ Furthermore, the development of gender studies at various academic centres contributed to opening up the academic and public discussion on related issues as well as initiating various research projects contributing to the knowledge on gender issues and inequalities in Poland.³⁰⁷ Finally, policies aiming to promote and implement gender equality principles to various spheres of public life, introduced in the period from 2004-2015, also contributed to the changes in attitudes and views regarding gender equality. The following policies and initiatives conducted by the government (Plenipotentiary Office and Ministry of Labour and Social Policy) or/and women's rights organisations were particularly important from the point of view of different fields of gender equality:

1. Combating gender-based violence

Introduction of the Act on Counteracting Family Violence³⁰⁸ and establishment of the National Action Plan on Counteracting Domestic Violence;³⁰⁹

2. Changes in the field of reconciliation of family and work

³⁰⁶ Magdalena Kicińska, 'Równość Płci W Polskich Kampaniach Społecznych' (Warszawa: Instytut Spraw Publicznych, 2012).

³⁰⁷ Krystyna Slany, Justyna Struzik, and Katarzyna Wojnicka, 'Rozwój refleksji genderowej i studiów nad społeczno-kulturową tożsamością płci w Polsce', in *Gender w społeczeństwie polskim*, ed. Krystyna Slany, Justyna Struzik, and Katarzyna Wojnicka (Kraków: Nomos, 2011), 7-16.

³⁰⁸ Sejm RP, *Ustawa Z Dnia 29 Lipca 2005 R. O Przeciwdziałaniu Przemocy W Rodzinie*, Dz.U. 2005 nr 180 poz. 1493, 2005, <http://isap.sejm.gov.pl/DetailsServlet?id=WDU20051801493>.

³⁰⁹ Rada Ministrów, 'Uchwała Nr 76 Rady Ministrów Z Dnia 29 Kwietnia 2014 W Sprawie Ustanowienia Krajowego Programu Przeciwdziałania Przemocy W Rodzinie Na Lata 2014-2020', *Monitor Polski. Dziennik Urzędowy Rzeczypospolitej Polskiej*, no. 445 (2014), https://ms.gov.pl/Data/Files/_public/ppwr/krajowy_program/krajowy-program-przeciwdzialania-przemocy-w-rodzinie-na-lata-2014-2020.pdf.

Extension of paid leave for parents – introduction of parental leave of 26 weeks on top of the basic maternity leave of 26 weeks, plus introduction of paternity leave – up to two weeks

Introduction of programmes aiming to develop pre-school and nursery centres (e.g. the ‘Maluch’ programme subsidising new initiatives for children under three years old,³¹⁰ implementation of the programme guaranteeing all children 3-6 years old places in public pre-schools by 2017³¹¹)

3. Fighting gender stereotypes

Various social campaigns aiming to raise awareness regarding social problems (e.g. violence against women, violence in the family) as well as to challenge the existing stereotypes regarding the role of women in the public sphere (e.g. promoting equality at work, fighting discrimination of women on the labour market).³¹²

4. Policies aiming at strengthening political and public participation of women

Introduction as a result of a Congress of Women initiative of a quota system to the electoral lists in local and national (to Sejm, Lower Chamber) elections.³¹³

Initiatives to strengthen the presence of women in top positions of companies³¹⁴

5. Introduction of gender mainstreaming

Preparing various reports mapping the situation of women and men in different areas of public life, preparation of good practices,

³¹⁰ Ministerstwo Rodziny, Pracy i Polityki Społecznej, *Żłobki*, accessed 10 April 2016, <http://www.zlobki.mpips.gov.pl/>.

³¹¹ Ministerstwo Edukacji Narodowej, *Ustawa Z Dnia 13 Czerwca 2013 R. O Zmianie Ustawy O Systemie Oświaty Oraz Niektórych Innych Ustaw*, 2013, <http://isap.sejm.gov.pl/Download?id=WDU20130000827&type=1>.

³¹² Kicińska, ‘Równość Płci W Polskich Kampaniach Społecznych’.

³¹³ Sejm RP, *Ustawa Z Dnia 5 Stycznia 2011 R. - Kodeks Wyborczy*, Dz.U. 2011 nr 21 poz. 112, 2011, <http://isap.sejm.gov.pl/DetailsServlet?id=WDU20110210112>.

³¹⁴ Ministerstwo Skarbu Państwa, ‘Dobre Praktyki W Zakresie Zapewnienia Zrównoważonego Udziału Kobiet I Mężczyzn W Organach Spółek Z Udziałem Skarbu Państwa’, 2013, <http://www.msp.gov.pl/pl/media/aktualnosci/25131,Dobre-praktyki-w-zakresie-zapewnienia-zrownowazonego-udzialu-kobiet-i-mezczyzn-w.html?search=3418587>.

training for managers and preparation of recommendation for changes.³¹⁵

More recently, in 2015, the Civic Platform government under the new prime minister, Ewa Kopacz, passed a few acts important from the point of view of gender equality, but also largely contested by the conservative parties and the Roman Catholic Church. These were ratification of Convention on preventing and combating violence against women and domestic violence, the Act on facilitating the process of gender recognition (the latter rejected by the newly elected President Andrzej Duda from the conservative Law and Justice party), as well as admission for the morning-after pill to be available without a doctor's prescription. Commentators, however, stress that this shift did not reflect liberalisation, greater commitment to gender equality issues or the results of Europeanisation, but was rather an attempt to build political capital and attract more left-wing voters before the autumn 2015 elections.³¹⁶ The impact of all these factors cannot be separated from the transformations resulting from Poland's accession to the EU. The following parts of the article aim to explain the mechanisms at play in the impact of EU integration on gender equality promotion in Poland.

3. Gendering EU accession – opportunities and constrains

What was the impact of the EU accession on gender equality policies? Gender equality policy, similarly as in case of all policy areas, was profoundly reshaped in the Central and East European through the process of the EU accession. Already in the mid-1990s, the mechanism

³¹⁵ Departament Analiz Ekonomicznych i Prognoz Ministerstwa Pracy i Polityki Społecznej, 'Równość Szans', accessed 10 March 2016, <http://www.analizy.mpips.gov.pl/index.php/rowno-szans.html>; Pełnomocnik Rządu do spraw równego traktowania, 'Równe Traktowanie Standardem Dobrego Rządzenia (2011-2012)', accessed 10 April 2016, <http://www.spoleczenstwoobywatelskie.gov.pl/rowne-traktowanie-standardem-dobrego-rzadzenia>.

³¹⁶ Renata Grochal, 'Platforma Kopacz Robi Zwrot W Sprawach światopoglądowych', *Gazeta Wyborcza*, 15 January 2015, http://wyborcza.pl/1,76842,17258445,Platforma_Kopacz_robi_zwrot_w_sprawach_swiatopogladowych.html.

of EU conditionality initiated the profound redefinition of the legal and institutional provisions for gender equality in the candidate countries³¹⁷. However, the assessment of the impact of the EU accession on the gender equality policies in the region is ambiguous. Firstly, the scholars stress the narrow understanding of gender equality in the conditionality mechanism and its predominant focus on the public sphere. In the result, it had the major impact on changes in the law and in reshaping institutional make-up. But, it did not result in radical change in values and attitudes towards gender equality.³¹⁸ Secondly, scholars see the limited impact of Europeanisation on gender equality field as resulting from defining gender equality a low-key policy area. So, the conditionality mechanism offering the strongest incentive in the Europeanisation process (a ‘golden carrot’) did not play its role in the field of gender equality. The limited Europeanisation in the field of gender equality resulting from accession needs to be seen as a Commission’s missed opportunity.³¹⁹ However, scholars also point at the ‘needle’s eye’ of domestic level.³²⁰ The national regime and national institutions, including their norms and shared understandings, play the filtering role in the face of exogenous change in modifying the impact and transposition of European norms and policies to national context.³²¹ Going beyond conditionality instruments, scholars identify other mechanisms at play and offer the more nuanced evaluation of Europeanisation of gender policies in CEE countries. In their analysis of

³¹⁷ Cristina Chiva, ‘The Limits of Europeanisation: EU Accession and Gender Equality in Bulgaria and Romania’, *Perspectives on European Politics and Society* 10, no. 2 (June 2009): 195, doi:10.1080/15705850902899230; Anderson, ‘European Union Gender Regulations in the East’, 108.

³¹⁸ Chiva, ‘The Limits of Europeanisation’.

³¹⁹ Charlotte Bretherton, ‘Gender Mainstreaming in EU External Relations: Lessons from the Eastern Enlargement’, in *New Pathways in International Development: Gender And Civil Society in EU Policy*, ed. Marjorie Lister and Maurizio Carbone (Aldershot, Hants, England ; Burlington, VT: Ashgate Pub Co, 2006), 93.

³²⁰ Ulrike Liebert, ‘Europeanization and the “Needles Eye”: The Transformation of Employment Policy in Germany’, *Review of Policy Research* 20, no. 3 (September 2003): 479–92(14).

³²¹ Virginie Guiraudon, ‘Guiraudon, (2008). Anti-Discriminatory Policy in Paolo and Maarten P. Vink (Eds.) Europeanisation. New Research Agendas, Basingstoke: Palgrave Macmillan, 295-308’, in *Europeanisation. New Research Agendas*, ed. Paolo Graziano and Marten P. Vink (Basingstoke: Palgrave Macmillan, 2008), 299.

domestic violence policies, Krizsan and Popa show that in some countries (Poland, Romania, Croatia) the impact of the EU on their formation was larger than in other countries (Bulgaria and Hungary). They link this success to three strategies: (1) stretching the conditionality criteria and linking domestic violence claims with some of the main conditionality criteria; (2) financial incentives through the Daphne programme supporting NGOs projects on domestic violence and therefore strengthening the social learning, capacity building and EU value diffusion through transnational networking; and (3) by discursive linking policies on gender violence with positively evaluated Europeanisation, understood as modernisation and progression³²². Also, scholars stress the emergence of new opportunity structures for the civil society actors opened up by EU accession. This strengthened and backed up their political demands.³²³

The impact of Poland's accession to the EU on the shape and implementation of gender policies illustrates well the limitations and opportunities discussed above. Because of the striking contrast between the gender regime institutionalised at the EU level³²⁴ and its local understandings and institutionalisations in Poland, it was expected that the pressure for adjustment would be a natural outcome of this misfit. Therefore, the EU accession appeared crucial for transformation of the national context and as an opportunity to introduce some measures of gender equality into Polish political and public life. Especially women's rights activists in Poland believed that the act of joining the EU would impose on the Polish state a need to adjust national laws to the EU's gender-mainstreaming norms and standards (Matynia 2003: 503). However, the contestation of the concept of gender equality resulting

³²² Andrea Krizsan and Raluca Popa, 'Meanings and Uses in Europe in Making Policies and the Usages of Europe: Reluctant Europeanization?', in *The Europeanization of Gender Equality Policies: A Discursive-Sociological Approach*, ed. Emanuela Lombardo and Maxime Forest, 2012 edition (Palgrave Macmillan, 2012), 68–69.

³²³ Joanna Mizielińska et al., eds., *Współpraca Czy Konflikt? Państwo, Unia I Kobiety* (Warszawa: WAiP, 2008).

³²⁴ Sylvia Walby, 'The European Union and Gender Equality: Emergent Varieties of Gender Regime', *Social Politics: International Studies in Gender, State & Society* 11, no. 1 (20 March 2004): 4–29, doi:10.1093/sp/jxh024.

from the transitional backlash against such policies resulted in organised opposition to EU gender equity laws. This, combined with the lack of the commitment from the government, resulted in the slow process of adaptation of the gender equality legislation in the pre-accession period in Poland ³²⁵. Despite the visible political contestation, the impact of accession on gender equality issues was visible at various dimensions. Firstly, the necessary adjustments did result in harmonisation of the domestic law in line with the European gender equality provisions. In the late 1990s and early 2000s Poland adopted its national legislation to eight directives of Chapter 13 of the *acquis communautaire*. The transposition of the directives and harmonisation of the Polish Law was a difficult and long-lasting process, completed in successive stages. Eleonora Zielińska ³²⁶ describes these stages in the following way:

1. 1996 - Introduction to the Labour Law of the principle of equal treatment, the prohibition of discrimination and the obligation of employers to respect the dignity and other personal rights of their employees ³²⁷;
2. 1998 – introduction of the provisions for equal treatment in the Act on the Social Security System ³²⁸;
3. 2001-2002 – Amendments of the Labour Law to meet more precisely the provisions set forth in Directives 75/117/EEC and 76/207/EEC. The changes resulted in introduction of Chapter II/A to the Labour Code, titled ‘Equal Treatment of Women and Men’ ³²⁹;

³²⁵ Anderson, ‘European Union Gender Regulations in the East’.

³²⁶ Eleonora Zielińska, ‘Equal Opportunities for Women and Men. Monitoring Law and Practice in New Member States and Accession Countries of the European Union’, 2005, 7–8,

https://www.opensocietyfoundations.org/sites/default/files/eowmestonia_2005_0.pdf.

³²⁷ Rada Ministrów and Minister Pracy i Polityki Socjalnej, *Ustawa Z Dnia 2 Lutego 1996 R. O Zmianie Ustawy - Kodeks Pracy Oraz O Zmianie Niektórych Ustaw*, Dz.U. 1996 nr 24 poz. 110, 1996,

<http://isap.sejm.gov.pl/DetailsServlet?id=WDU19960240110>.

³²⁸ Sejm RP, *Ustawa Z dnia 13 Października 1998 R. O Systemie Ubezpieczeń Społecznych (z Poprawkami)*, Dz.U. 1998 Nr 137 Poz. 887, 1998.

³²⁹ Sejm RP, *Ustawa Z Dnia 24 Sierpnia 2001 R. O Zmianie Ustawy - Kodeks Pracy Oraz O Zmianie Niektórych Innych Ustaw.*, Dz.U. 2001 nr 128 poz. 1405, 2001, <http://isap.sejm.gov.pl/DetailsServlet?id=WDU20011281405>.

4. 2003 – Amendment of the Labour Code aiming to transpose the provisions of the three anti-discriminatory Directives³³⁰. The amendments extended the labour regulations to include cases of discrimination based not only on grounds of sex, but also of age, disability, race, religion and sexual orientation. To reflect the amendments, the Chapter II/A of the Labor Code was renamed to ‘Equal Treatment in the Field of Employment’.³³¹

Secondly, the pressure from the EU also resulted in the establishment of an institution aiming to promote and monitor gender equality issues. The office of Government Plenipotentiary for Equal Status of Women and Men was established in 2001 in response to the accession requirements. The aim of the office, as described in the founding documents, was to monitor and shape the Polish government’s policies on equal status of women and men as well as monitor and promote gender equality in wider society. The office’s affiliation was with the Prime Minister’s Office.³³²

Both transposition of directives into the national law and institutional adaptation illustrate a top-down model of Europeanisation when the changes at the domestic level are consequences of the adaptation pressure resulting from the requirements of the enlargement. However, in the Polish context also other mechanisms of bottom-up Europeanisation were in place, resulting in strengthening of gender equality provision at the national level. Scholars stressed the impact the

³³⁰ These are Directive 2000/43/EC of 29 June 2000 on the implementation of equal treatment of persons regardless of their race or ethnicity; Directive 2000/78/EC of 17 November 2000 establishing the framework conditions for equal treatment in the field of employment; and Directive 2002/73/EC of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.

³³¹ Sejm RP, *Ustawa Z Dnia 14 Listopada 2003 R. O Zmianie Ustawy - Kodeks Pracy Oraz O Zmianie Niektórych Innych Ustaw*, Dz.U. 2003 nr 213 poz. 2081, 2003, <http://isap.sejm.gov.pl/DetailsServlet?id=WDU20032132081>.

³³² ‘Rozporządzenie Rady Ministrów Z Dnia 25 Czerwca 2002 R. W Sprawie Pełnomocnika Rządu Do Spraw Równego Statusu Kobiet I Mężczyzn’ (Rada Ministrów, 2002), <http://isip.sejm.gov.pl/DetailsServlet?id=WDU20020960849>.

prospect and actual EU accession had on the functioning and capacities of the civil society organisations dealing with gender equality issues. Two mechanisms of putting pressure on the national government were particularly visible in the wake of the EU accession in the activities of these organisations.

1. *Boomerang* mechanism

The EU becoming a new political actor in the region opened up new areas of political activities for civil society organisations. Women's organisations, facing of unfavourable conditions at the national level, bypassed the state level and used international channels to empower their claims and put pressure on their national governments from the outside.³³³ The so-called Letter of Hundred Women can serve as an illustration (2002). Various women – intellectuals, scholars, artists, also those not previously involved in the women's movement – signed a letter of protest addressed to the European Parliament and to Anna Diamantopoulou, then the EU commissioner for labour and social policy. The signatories expressed distress over the limitation of the debate on the situation of women in Poland and suggested that in Poland's negotiations with the EU, behind the scenes, a certain kind of trading in women's rights had taken place. In their opinion, the government, in the light of the sinking support for the integration process, was willing to sacrifice women's rights in order to receive the Church's support for EU integration (*List stu kobiet*).

2. Capacity building

The EU also became a new source of financial support for the women's organisations in Poland, in this way often shaping the new agendas and altering the existing geopolitical relations in the region.³³⁴ The interests and priorities of the Polish women's organisations were redirected to the West and less related to the interests and priorities of women from non-EU countries (especially from the former Eastern Bloc). This resulted in the

³³³ Imogen Sudbery, 'The Political Union as Policial Resource: NGOs as Change Agents?', in *Democracy, State and Society: European Integration in Central and Eastern Europe*, ed. Magdalena Góra and Katarzyna Zielińska (Jagiellonian University Press, 2011), 204.

³³⁴ *Ibid.*, 205.

weakening of previously existing transnational cooperation between organisations from post-socialist countries³³⁵. However, at the same time it opened up new arenas for transnational cooperation between women's organisations. A clear example was the inclusion of the Polish Women's Lobby, the umbrella organisation for the Polish NGOs, into the institutionalised European women's movement when it became part of the European Women's Lobby,³³⁶ but also cooperation with women's organisations from other EU countries.³³⁷ This reconfiguration strengthened the organisations' capacity and ability to put pressure on the government to comply with the European gender equality provisions and discourses.

3. Europe as a point of reference

Women's organisations and feminist intellectuals, along with female politicians, also used the EU as a point of reference to change the domestic discourse on gender equality.³³⁸ The EU presented as a positive value, associated with modernisation, progress and advancement, served as a positive model to follow in order to be included into the club of this progressive countries. For Poland to become European, therefore, it is necessary to accept the European values and norms such as human rights.³³⁹

³³⁵ Joanna Regulska and Magdalena Grabowska, 'Will It Make a Difference? EU Enlargement and Women's Public Discourse in Poland', in *Gender Politics in the Expanding European Union. Mobilization, Inclusion, Exclusion*, ed. Silke Roth (New York, Oxford: Berghahn Books, 2008), 143.

³³⁶ The EWL works mainly with the institutions of the EU (the European Parliament, the European Commission and the EU Council of Ministers) and is the only lobbying organisation representing European women's interests at the level of the EU. See <http://www.womenlobby.org/site/hp.asp?langue=EN>

³³⁷ Magdalena Grabowska and Joanna Regulska, 'Polskie Organizacje Kobiety W Procesie Tworzenia Ponadpaństwowych Przestrzeni Politycznych W Unii Europejskiej', in *Współpraca Czy Konflikt? Państwo, Unia I Kobiety*, ed. Małgorzata Fuszara et al. (Warszawa: Wydawnictwo Adademicie i Profesjonalne, 2008), 209.

³³⁸ Sudbery, 'The Political Union as Policicial Resource: NGOs as Change Agents?', 205.

³³⁹ Katarzyna Zielińska, 'Challenging the Nation Polish Women's Quest for Democracy and Justice', in *Collective Identity and Democracy in the Enlarging*

In the light of the above, what was the impact of the accession process on gender equality issues? Commenting on the state of the implementation of the European equality law into the Polish legal system as of 2004, Eleonora Zielinska stressed that the introduced amendments did result in harmonisation, despite some problems or gaps in the introduced law.³⁴⁰ Therefore, as some scholars comment, it seemed that the EU regulatory policies based on the principle of compliance had a very high potential to stimulate legal, political and institutional pressures to adaptation processes within candidate countries³⁴¹. Other scholars commenting on the impact of EU accession on the gender equality provision at the domestic level criticised the inclusion of gender equality issues in the broad category of social policy and employment, fairly easily completed in all accessing countries³⁴². It showed that despite the gender mainstreaming strategy at the EU level, in the negotiations phase this principle did not play a major role as gender equality was 'concentrated' in social policy and employment. So, the principle of gender mainstreaming was not applied to different policy fields. Also, as women's organisations commented, top-down-driven formal or legal adjustments did not contribute to the more profound change of attitudes and norms.

4. Post-accession Europeanisation of gender equality policies

Poland's accession to the EU in 2004 contributed considerably to transformations in the institutional and political character of Polish

Europe, ed. Magdalena Góra, Zdzisław Mach, and Katarzyna Zielińska (Frankfurt a. Maine: Peter Lang, 2012), 180,

<http://www.peterlang.com/index.cfm?event=cmp.ccc.seitenstruktur.detailseiten&seitentyp=produkt&pk=62652>.

³⁴⁰ Zielińska, 'Equal Opportunities for Women and Men. Monitoring Law and Practice in New Member States and Accession Countries of the European Union', 8.

³⁴¹ Michael W. Bauer, Christoph Knill, and Diana Pitschel, 'Differential Europeanization in Eastern Europe: The Impact of Diverse EU Regulatory Governance Patterns', *Journal of European Integration* 29, no. 4 (2007): 410.

³⁴² Chiva, 'The Limits of Europeanisation', 200; Leah Seppanen Anderson, 'European Union Gender Regulations in the East: The Czech and Polish Accession Process', *East European Politics & Societies* 20, no. 1 (1 February 2006): 108, doi:10.1177/0888325405284314.

democracy. The process strengthened the democratic consolidation of the country, especially by enforcing stable democratic institutions, the rule of law, protection of minorities and human rights. However, due to its nature and speed it soon revealed the deficiencies of elite-driven and imposed democratisation. The scholars observing the political changes in immediate post-accession period pointed to the absence of civic culture and strong social actors,³⁴³ neglect of participatory and direct democracy³⁴⁴ and a lack of more profound change in the political elites' attitude and commitment to the values of democracy.³⁴⁵ Scholars dealing with the Europeanisation process also point out that in the post-accession period the *acquis* conditionality either faded away or was lowered.³⁴⁶

The shortcomings of conditionality-driven top-down Europeanisation in the context of gender equality in Poland found reflection in the fate of the institution of governmental Plenipotentiary for Equal Status of Women and Men, as well as in the process of compliance with the remaining Equality Directives.³⁴⁷ The Plenipotentiary Office (establi-

³⁴³ Jacques Rupnik, 'From Democracy Fatigue to Populist Backlash', *Journal of Democracy* 18, no. 4 (2007): 20.

³⁴⁴ Darina Malová and Branislav Dolný, 'The Eastern Enlargement of the European Union: Challenges to Democracy?', *Human Affairs* 18, no. 1 (1 June 2008): 68, doi:10.2478/v10023-008-0006-4.

³⁴⁵ Nicole Gallina, 'Political Elite Behaviour in Eastern Central Europe: Provoking Populism and Nationalism?', in *Democracy, State and Society. European Integration in Central and Eastern Europe*, ed. Katarzyna Zielińska and Magdalena Góra (Kraków: Jagiellonian University Press, 2011), 80, <http://www.poczytaj.pl/214540>.

³⁴⁶ Christoph Knill and Jale Tosun, 'Post-Accession Trans Position of EU Law in the New Member States: a Cross-Country Comparison', *Post-Accession Compliance in the EU's New Member States*, European Integration online Papers (EIoP), Special Issue, 13, no. 2 (2009): 6.

³⁴⁷ The bill, passed in December 2010, implemented the elements of following directives: Directive 86/613/EEC **on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood** (11.12.1986), Racial Equality Directive 2000/43/EC (29.06.2000), Directive 2000/78/EC **establishing a general framework for equal treatment in employment and occupation** (27.11.2000), Directive 2004/113/EC implementing the principle of equal treatment between men

shed in 2001) as soon as 2005 was disbanded by the new conservative government, provoking various protests by women's rights organisations. Its responsibilities were handed over to the Department for Women, Family and Prevention of Discrimination at the Ministry of Labour and Social Policy DWFCO, established in January 2006. This new department became responsible for the government's gender equality policy, with special focus on family issues. Furthermore, some of the competences of the former office were transferred to a junior minister in the Ministry of Labour (then Joanna Kluzik-Rostkowska).³⁴⁸ In March 2008, the new government of Donald Tusk reinstated the office of Plenipotentiary under the new name of Government Plenipotentiary for Equal Treatment. The name change intended to reflect the wider scope of the new office, going beyond the issue of gender equality. For almost two years the Plenipotentiary and DWFCO functioned both as institutions responsible for governmental equality policy. Both institutions – as the names suggested – were subordinating or attaching gender equality issues to what were more neutral areas in the Polish political milieu: family or non-discrimination. In winter 2009 the Department for Women, Family and Prevention of Discrimination at the Ministry of Labour and Social Policy was dissolved and its responsibilities were transposed to the office of the new Plenipotentiary.³⁴⁹ Furthermore, the activities of the office proved that the views and perceptions of the person in charge might considerably influence the scope of interest and priorities of the office.³⁵⁰ It also showed that the

and women in the access to and supply of goods and services (13.12.2004) and Recast Directive 2006/54/EC (5.07.2006).

³⁴⁸ Ewa Rutkowska, 'Gender Mainstreaming in Poland – A Case Study', in *Gender Mainstreaming. How Can We Successfully Use Its Political Potential?*, ed. Agnieszka Grzybek (Warszawa: Heinrich Böll Foundation Regional Office Warsaw, 2008), 92, http://www.boell.pl/downloads/Gender_Mainstreaming_Web_EN.pdf.

³⁴⁹ Anna Monkos, 'Politycy Nie Dbają O Prawa Kobiet? Rząd Zamyka Departament Ds. Kobiet I Rodziny', *Dziennik*, 13 January 2010, http://www.dziennik.pl/wydarzenia/article525049/Rzad_zamyka_departament_ds_kobiet_i_rodziny.html.

³⁵⁰ Elżbieta Radziszewska designated to the office by the Prime Minister (in the office from 2009 till 2011) on many occasions proved to be reluctant to cooperate with women's organisations, advocate for further gender equality provision or promote gender equality principles. On contrary, her successors, Agnieszka

affiliation of the Plenipotentiary's office with the Prime Minister's Office exposes it to political orientations and resulting pressures (the office was dismantled when the right-wing conservative government led by Law and Justice came into office). Furthermore, the lack of mechanisms ensuring the election of a person committed to the issues of (gender) equality as well as mechanisms of accountability might lead to the existence of a façade institution. It would still meet EU requirements, but at the same time, it might ignore or neglect the gender issues.³⁵¹ In response to this situation, women's organisations have advocated for a more inclusive process of elections of the plenipotentiary, with a say from the civil society organisations dealing with the issues of (gender) equality and with inclusion of those representing groups particularly exposed to discrimination.

The transposition of equality directives in post-2004 Poland also shows the strength and limitations of the top-down model of Europeanisation. Various research shows that after the accession the transposition of EU Directives into national law in new member states did not face substantial delays and problems. However, these laws often remain 'dead letters' because of insufficient application and enforcement.³⁵² The Polish case proves a similar story. The process of adjusting the national law took about five years. Finally, the new act on equality (Act of December 3, 2010 on Implementation of some of the EU Regulations

Kozłowska-Rajewicz and Małgorzata Fuszara were much more engaged in promotion of gender equality issues. They also cooperated closely with various women's organisations and supported various gender equality initiatives.

³⁵¹ Such situation seems to occur under the current conservative government elected (in office since November 2015). The Government Plenipotentiary for Civil Society and Equal Treatment, headed by Wojciech Kaczmarczyk, replaced the former office. The change of the office's name reflects its reorientation regarding the duties and scope of interests. The development of civil society and its cooperation with the government receive the new office's priority (<http://www.spoleczenstwoobywatelskie.gov.pl/pelnomocnik-rzadu-do-spraw-spoleczenstwa-obywatelskiego-pelnomocnik-rzadu-do-spraw-rownego>).

³⁵² Ulrich Sedelmeier, 'Post-Accession Compliance with EU Gender Equality Legislation in Post-Communist New Member States', *European Integration Online Papers (EIoP)* 13, no. 2 (2009): 2, http://eiop.or.at/eiop/index.php/eiop/article/viewArticle/2009_023a.

on Equal Treatment Dziennik Ustaw of 2010, no. 254, item 1700) was passed under heavy pressure from Commission.³⁵³ Scholars point to a few elements constraining the process of transposition. According to equality law expert Eleonora Zielińska, the failure to legislate came from the persistence of traditional assumptions about gender roles among the drafters, and an absence of sensitivity to gender issues.³⁵⁴ Łukasz Bojarski adds to this a lack of clear division of responsibilities between the various institutions dealing with equality issues (Plenipotentiary, Ombudsman, DWFCD) resulting from turbulences related to change of government as well as from the competition between those bodies.³⁵⁵ The pressure and interventions from the EU clearly sped the work up. However, at the same time the pressure of financial punishment resulted in minimal transposition and lack of the deliberation in the most democratic arena, that is of the Parliament³⁵⁶). The process of transposition shows, on the one hand, the power of top-down Europeanisation, as only the pressure from the European Commission and the threat of financial punishment for the state accelerate the process. On the other hand, the whole process shows the impact of the national context – institutional makeup, party composition and their values and dominant discourses at the national level – on the

³⁵³ The European Commission intervened and referred Poland to the European Court of Justice for incorrect or lack of transposition of Goods and Services Directive (in 2009) and Race Directive (in 2010) as well as issued the reasoned opinion in case of the Recast Directive) (see http://europa.eu/rapid/press-release_IP-11-311_en.htm). Interventions from the EU seemed to speed the work up. Yet the fear of financial penalties and pressure of time (as the transposition period had expired) was also a factor limiting the deliberations on the Act in the most democratic arena – the parliament. Parliament finally agreed the measure in December 2010, three years after the transposition deadline, and the Commission dropped ECJ proceedings against Poland.

³⁵⁴ Eleonora Zielińska, 'Poland (Country Report)', in *The Transposition of Recast Directive 2006/54/EC*. (Brussels: European Commission Directorate-General for Employment, Social Affairs and Equal Opportunities, 2009), 80.

³⁵⁵ Łukasz Bojarski, 'New Draft Law on Equal Treatment' (European network of legal experts in the non-discrimination fie, 2010).

³⁵⁶ Katarzyna Zielińska, 'Gender Democracy in Poland. An Empty Shell?', in *States of Democracy: Gender and Politics in the European Union*, ed. Yvonne Galligan (Routledge, 2015), 127.

speed and final shape of the national law transposing a directive in question.

The European Commission did accept the new act as completing the requirements of the equality directives. However, the legal experts, Ombudsman and women's organisations question the full implementation of directives by the passed law. A few problems are mentioned. Firstly, the act is based on too limited a scope of understanding the discrimination and provides protection in fields outside employment only in relation to gender, racial and ethnic origin. Secondly, the nomination of the Ombudsman as an equality body (whereas the existing Plenipotentiary focuses on monitoring and drafting the government's gender policy) and extending their competences to matters in between private parties was seen as problematic. It can be seen as a breach with the law and the Constitution, which states that the Ombudsman deals only with relations between state organs and individuals. Finally, the lack of additional budget for the Ombudsman to fulfil all the new duties imposed by the Act in practice means that the office is incapable of fulfilling the duties.³⁵⁷ Still, formally the institution is in place, but in fact, without the proper budget fulfilments of its responsibilities it is threatened.³⁵⁸ Also, the lack of interest and progress of the work on amendments to this Act (despite the pressure from civil society organisations, Ombudsman and Governmental Plenipotentiary) confirms the lack of interest in strengthening the equality issues at the national level when strong formal pressure from the EU is missing.

The processes of bottom-up Europeanisation accompanied the weakening scope of impact of top-down Europeanisation in the post-accession period. Scholars point in particular point to the role of

³⁵⁷ Łukasz Bojarski, 'Report on Measures to Combat Discrimination. Country Report Poland' (European Network of Legal Experts in the Non-Discrimination Field, 2012), www.non-discrimination.net/countries/poland; Bojarski, 'New Draft Law on Equal Treatment'; Łukasz Bojarski, 'New Polish Equality Body – Illusory or Real?' (European network of legal experts in the non-discrimination field, 2011).

³⁵⁸ The cut in the budget for the current Ombudsman by the new conservative Law and Justice government illustrates the possible way of diminishing the issues of equality.

women's organisations. They use the EU in various ways to put pressure on their national governments to comply with the European gender equality norms, discourses and regulations. Feminist organisations often used the practice of referring directly to EU institutions and skipping the government acting in an inadequate or indifferent way in relations to gender issues to exercise the pressure and gain the support for their claims. Various actions can be used to illustrate this 'boomerang mechanism' of using alternative, supranational arenas. In January 11, 2008 a letter regarding the equality of women in Poland was sent to the Council of Europe and the Women's Rights and Gender Equality Committee of the European Parliament. The letter expressed concerns over a lack of interest on the part of the Polish government in the issues raised by various women's organisations and pointed to a reduction in civil rights for women in the country. The signatories also pointed to the lack of political climate for realising women's rights in the context of human rights.³⁵⁹ On 28 March 2008, women's organisations sent an appeal³⁶⁰ to the Parliamentary Assembly of the Council of Europe for adopting the resolution supporting abolition of the ban on abortion in Europe. Most recently, on 9 February 2009, women's organisations sent a letter to the European Commission DG Employment, Social Affairs and Equal Opportunities expressing disquiet over the passivity of the Polish government and lack of implementation of the EU directives on equality and effective anti-discriminatory policy.³⁶¹ Also, the Polish Federation for Women and Family Planning was involved in organising public hearings in the European Parliament³⁶², Written Questions to the

³⁵⁹ <http://www.neww.org/en/news/news/1.4062.3.html>

³⁶⁰ <http://www.federa.org.pl/index.php?page=news&newsid=385&lang=1>

³⁶¹ See <http://www.federa.org.pl/index.php?page=news&newsid=622&lang=1>. On May 14, 2009 the Commission referred Poland to the European Court of Justice for non-transposition of EU rules prohibiting gender discrimination in access to and supply of goods and services (Directive 2004/113/EC). "Poland has not yet adopted the necessary measures to give effect to the legislation in national law, despite a 'Reasoned Opinion' (second stage warning) sent by the Commission in 2008." (<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/785&format=HTML&aged=0&language=EN&guiLanguage=en>

³⁶² See for example "Defending sexual and reproductive health and rights- Ensuring access for all women" <http://www.womenlobby.org/Hearing-Defending-sexual-and-reproductive-health-and-rights-Ensuring-access-for?lang=en>

Council.³⁶³ Similarly, women's and gay organisations used the European Court of Justice in cases where the national institutions failed to protect and respond to the violation of human rights and guaranteed laws (e.g. the cases of the Campaign against Homophobia and Alicia Tysi c).

Organisations advocating for women's rights also often use the mechanism of watchdog when they attempt to hold the government accountable to the European law and soft recommendations. This was visible in particular during the prolonged process of preparing the act on equality as well as in the demands for its amendment. The organisations and legal experts claimed that the law intending to transpose the Directives in the Polish legal system is in fact insufficient.³⁶⁴ The organisations used the similar strategy – combining both the watchdog and framing mechanisms – to put pressure on the Civic Platform government to sign the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).³⁶⁵ To what extent were these mechanisms successful? The research shows that the organisations themselves were often sceptical regarding the direct impact of their activities on the change in policies. In particular, this was the case under the conservative government run by a coalition under the Law and Justice party. However, they also recognised the 'soft' outcomes of such actions – the visibility of their demands, making the issues of gender equality and women's (and sexual minorities) rights much more visible in society as well as attempts to alter the national discourse on gender issues and women's rights.

Another way the EU impacted the gender equality policy in Poland was through structural funds, which were used by the government to form new polices aiming to introduce or strengthen gender equality in various parts of public, but also private life. The importance of the EU funds was particularly visible in shaping and passing the Act on Counteracting

³⁶³ See for example "Reproductive healthcare in Poland"
<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+E-2006-5585+0+DOC+XML+V0//EN>

³⁶⁴ Bojarski, 'Report on Measures to Combat Discrimination. Country Report Poland'.

³⁶⁵ See for example letter of the Coalition for Equal Opportunities
<http://www.polistrefa.pl/dzialania-i-projekty/articles/stanowisko-koalycji-na-rzecz-rownych-szans-45.html>

Family Violence and establishing the National Action Plan on Counteracting Domestic Violence (through the Daphne Programme, women's organisations were strengthened both materially and by receiving strong EU support). Also, the polices aiming to strengthen the reconciliation of work and private life as well as promoting gender mainstreaming were financed from, among others, European Social Fund and PROGRESS programme.

5. Conclusions

Despite the limits or failure of the EU conditionality mechanism to transform the existing gender order in Poland, as well as limits to the further Europeanisation as expressed in the views of women's organisations and scholars dealing with the topic, the EU is still perceived as the vanguard international/supranational institution promoting gender equality in the region. As a result of accession, similarly to the case of the old member states, '[g]ender policy, arguably once firmly grounded in the politics of the nation-state, has been rescaled and partially relocated to an EU level'.³⁶⁶ The EU becoming a new political actor in the region created new opportunity structures for domestic actors. Women activists viewed the EU as an alternative route to implementing gender equality at home and used the new structures as a tool for putting pressure on the government, politicians or local authorities to support women's interests.³⁶⁷ It also provides a legal order and a new space for transnational cooperation between women's organisations.³⁶⁸

³⁶⁶ Heather MacRae, 'Rescaling Gender Relations: The Influence of European Directives on the German Gender Regime', *Social Politics: International Studies in Gender, State & Society* 13, no. 4 (21 December 2006): 522, doi:10.1093/sp/jxl1009.

³⁶⁷ Joanna Mizieleńska, '(Re)negocjowanie Tożsamości. Wpływ Rozszerzenia Unii Europejskiej Na Relacje W Ramach Ruchu Kobiecego W Polsce', in *Współpraca Czy Konflikt? Państwo, Unia I Kobiety*, ed. Małgorzata Fuszara, Joanna Mizieleńska, and Joanna Regulska (Kraków: Wydawnictwo Adademickie i Profesjonalne, 2008), 135–138.

³⁶⁸ Grabowska and Regulska, 'Polskie Organizacje Kobiety W Procesie Tworzenia Ponadpaństwowych Przestrzeni Politycznych W Unii Europejskiej'.

Recommendations for Georgia and Ukraine

The compliance-driven EU regulatory policies seem to have the largest transforming power to change the gender equality regimes and policies in the candidate countries and to a lesser degree in the member state countries. The literature shows that the impact on the EU on the countries with no or very remote prospect of integration is more problematic and much weaker.³⁶⁹ However, based on the experience of Poland and taking into account the different context and conditions, the following recommendations for promotion on gender equality can be formulated:

Developments at the institutional level:

- ✓ Functioning of a gender equality institution equipped with the tools to monitor, evaluate, but also set forward new policies aiming to promote gender equality norms and policies as well as gender mainstreaming;
- ✓ Introduction of mechanisms ensuring such an institution's independence from the impact of governmental changing priorities, principles or political values;
- ✓ Stable and predictable budget relevant to the scope of activities of said institution;
- ✓ Close collaboration of this institution with women's rights organisations;
- ✓ Introduction of an inclusive way of selecting a person to run such an institution – strengthening the participation of representatives of groups dealing with equality issues and especially those groups who would be affected by the activities of such an office (e.g. women's rights organisations, but also gay and lesbian organisations) as well as a voice given to other institutions dealing with equality issues (e.g. Ombudsman) in the process of selection/election of the head of such an office;
- ✓ De-centralisation – to establish the representatives of the office at the various levels of governance

Policy making

³⁶⁹ Frank Schimmelfennig, 'Europeanization beyond Europe', *Living Reviews in European Governance* 10, no. 1 (2015), <http://www.europeangovernance-livingreviews.org/Articles/lreg-2015-1/download/lreg-2015-1.pdf>.

- ✓ Introduction of policies aiming to challenge the existing stereotypes and promoting gender equality and women's rights (awareness-raising campaigns, educational programmes)
- ✓ Implementation of the principle of horizontal gender mainstreaming to all policy fields to extend the scope of the implementation of the gender equality principle;
- ✓ Establishing mechanisms of evaluation of policy implementation (to challenge dead letter laws and policies)

Civil society level

- ✓ Establishing financing programmes for civil society organisations to promote gender equality in society;
- ✓ Strengthening the cooperation with women's rights organisations from EU countries to enable mutual learning as well as to open the supranational areas to strengthen their claims at the national level;

EU level

- ✓ Putting the issues of gender equality high on the agenda in shaping the European Neighbourhood Policy towards Georgia and Ukraine (at the level of principles and Action Plans, as well as that of monitoring and implementation);
- ✓ Strengthening bottom-up Europeanisation due to the lack of a strong incentive of future membership integration (programmes for civil society organisations, strengthening the transnational links between women's organisations in EU member states and such organisations in Georgia and Ukraine).

X. Gender equality in Hungary

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1. Background

Gender equality is a democratic value, enshrined by several international norms and institutions. Equality between women and men is listed among the European Union's fundamental values in the Treaty of the European Union. The Treaty also prescribes that the Union shall promote such equality.³⁷⁰ The EU legislation and policies regulate a wide range of fields with the aim to achieve equality between women and men. In addition to the Treaty's provisions, the respective directives have special relevance in the field of legislation, while other important documents of policy nature also notably contribute to the EU *acquis communautaire*. Currently the *Strategic Engagement for Gender Equality 2016-2019*³⁷¹ sets the policy framework of gender equality at the EU level. The document defines five key areas for action: equal economic independence for women and men; equal pay for work of equal value; equality in decision-making; dignity, integrity and ending gender-based violence; and promoting gender equality beyond the EU. Hungary is a member state of the UN since 1955, and a member of the Council of Europe since 1990. The country joined the EU on 1 May 2004. Hungary held the presidency of the Council of the EU between 1 January and 30 June 2011.

The state is a party to the key international human rights treaties, including the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol. The CEDAW Convention became part of the national legislation in

³⁷⁰ See Article 2 and 3 of the Consolidated version of the Treaty of the European Union. Available at <http://data.consilium.europa.eu/doc/document/ST-6655-2008-REV-8/en/pdf>

³⁷¹ Available at http://ec.europa.eu/justice/gender-equality/document/files/strategic_engagement_en.pdf

1982,³⁷² while its Optional protocol is in 2001.³⁷³ The country signed the Council of Europe Convention on preventing and combating violence against women and domestic violence on 14 March 2014,³⁷⁴ but has not ratified yet.

When it comes to gender equality in practice in Hungary, different indicators show only limited progress or even backspace over the time. At the EU level, the Gender Equality Index assesses the impact of gender equality policies in the EU and member states. The index is built on six core domains: work, money, knowledge, time, power and health, and two satellite domains: violence against women and intersecting inequalities. Hungary's general score is 41.6 out of 100, lagging behind with more than 10 points of the average of EU 28 member states performance of 52.9 point. In the work domain³⁷⁵ the country's score is 60.7, the EU28 average 61.9. When it comes to money,³⁷⁶ Hungary got 53.8 points, while the EU average is 67.8. In the field of knowledge,³⁷⁷ the country's score is 35.3, the EU average is 49.1. As for the time domain Hungary's score is 31.9, of the EU is 37.6.³⁷⁸ In the health domain³⁷⁹ Hungary has 85.2 points, while the EU's score is 90 here. The power domain brings³⁸⁰ the biggest difference between Hungary's and

³⁷² See Decree of Law No. 10 of 1982

³⁷³ See Act No. LX of 2001

³⁷⁴ See the chart of signatures and ratifications here:

<http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures>

³⁷⁵ Measuring participation: FTE employment, duration of working life; and segregation and quality of work: sectoral segregation, flexible personal/family arrangements and work intensity.

³⁷⁶ Assessing financial resources: earnings, income; and economic situation: not at-risk-of poverty, income distribution

³⁷⁷ Fields include: attainment and segregation: graduates in tertiary education, segregation in education; and lifelong learning

³⁷⁸ Including care: childcare activities, domestic activities; and social activities: sport, culture and leisure activities, volunteering and charitable activities

³⁷⁹ Assessing the status: self-percieved health, life expectancy, healthy life years; and access: unmet medical needs, unmet dental needs

³⁸⁰ Assessing the political (ministerial, parliamentary and regional assemblies') representation, and economic field (the share of women and men on the boards of the largest quoted national companies, and in all key decision-making bodies in central banks)

EU's score: 23.5 versus 39.7. This is not surprising if we take into consideration that the representation of women in the Parliament is 10%³⁸¹, being the worst result in the whole Europe. Furthermore, there is no female minister in the current government.

2. Institutional, policy and legal framework to advance gender equality in Hungary

Institutional mechanisms for gender equality

The national machinery

The national machinery for the advancement of women/gender equality was established in 1995³⁸² after the UN Fourth World Conference on Women and the adoption of its outcome document, the Beijing Declaration and Platform for Action. Most of the time in the two decades of its existence the machinery has been placed in the different ministries responsible for social, family and labour issues³⁸³, and operated in a format of a women policy/gender equality department or unit. The machinery suffered from restructuring and renaming in relation to the government changes, but even in the midst of one term. On average the respective department/unit has had three to seven employees.

Currently the national machinery operates in the Ministry of Human Capacities. The Women's Policy Unit belongs to the Family and Demography Policy Department, under the auspices of State Secretary of Family and Youth Affairs in the ministry. The unit has three employees. At the same time the Department of Creating Equal Chances

³⁸¹ In the Women of national parliaments list of the Inter-Parliamentary Union, Hungary is at the 153rd place out of the 185. See: <http://www.ipu.org/wmn-e/classif.htm>

³⁸² See the Government Decision No. 2268/1995 (IX. 8.) on the governmental division of labour, related to women's policy

³⁸³ Since the democratic transition it has been only once that a separate state institution was dedicated to the issue equal opportunities – including but not limited to gender equality. It was called Government Office for Equal Opportunities, which later transformed to the Ministry of Youth, Family, Social Affairs and Equal Opportunities.

of the very ministry is responsible for the operation of the institutional system to respond to domestic violence.

Several challenges and shortcomings can and has been identified as regards to the structure and operation of the national machinery. According to the international norms, the machinery should be placed at the highest level of the government structure. Placing the machinery in a given ministry – as in the case of Hungary - determines and at the same time restricts its thematic scope and mandate, especially when there is not an overarching, comprehensive gender equality institutional mechanism in place. Furthermore, placing the machinery low in the government structure, its authority and power – including the power of influence – as well as its significance is limited, while there is a danger of marginalization for both the machinery, and the issue it works for. In addition to the structural challenges and problems, different sources underline that the national machinery in Hungary has consistently been characterized by the lack of sufficient human and financial resources to effectively perform its mandate.³⁸⁴

Other entities in institutional mechanism, state-NGO cooperation

An important component of the institutional mechanism for gender equality was the Council for Women's Representation established in 1999. The Council was a tripartite mechanism, consisting of representatives of state, NGOs as well as individual experts. As for its mandate the Council was a body with consultative, opinion-giving and proposal-making tasks. Over the times the Council – and its successors –

³⁸⁴ See *Alternative report submitted to the UN CEDAW Committee for consideration in relation to the examination of the combined seventh and eighth periodic reports of Hungary*, by the Hungarian Women's Lobby and the European Roma Rights Centre, January 2013. Available at

http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/HUN/INT_CEDAW_NGO_HUN_13260_E.pdf

See also: UN Committee on the Elimination of Discrimination against Women: Concluding observations on the combined seventh and eighth periodic reports of Hungary, adopted by the Committee at its fifty-fourth session (11 February–1 March 2013). CEDAW/C/HUN/CO/7-8, 26 March 2013. Available at

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fHUN%2fCO%2f7-8&Lang=en

were affected by reorganizations, and considerable periods, even several years, of non-operation. Since 2006 the forum was called Council for Gender Equality. The regulation on the Council changed in 2009.³⁸⁵ Although the regulation on the operation of the Council is still in force, this forum has not been convened since the then government change in 2010.

Thanks to establishment of the new human rights monitoring process of UN, the Universal Periodic Review (UPR) process, the government established the Human Rights Working Group in 2012.³⁸⁶ The working group consists of state secretaries from different ministries,³⁸⁷ and operates the Human Rights Roundtable as a consultation forum with civil society actors. In this framework different thematic working groups were established with the participation of state actors and NGOs. One of the working groups is the Thematic Working Group for Women's Rights. Since its establishment the working group has had seven meetings up to April 2016, while in this timeframe being non-operational for a year. Women's rights NGOs has mixed experience as regards the efficiency of the thematic working group. From one hand, the working group was responsive to the suggestions of the NGOs. From the other hand, important legislative proposals have not been discussed in the working group, and although information sharing was important, substantive outcomes and results have not been achieved so far by this body.

At the Parliamentary level there has not been a solid record for specific bodies responsible for women's rights /gender equality issues; having such a body was rather considered as exemption. Currently there is a Subcommittee for Women's Dignity under the auspices of the

³⁸⁵ See Government Decision No. 1008/2009. (I. 28.) on Council for Gender Equality. Available in Hungarian at http://njt.hu/cgi_bin/njt_doc.cgi?docid=127059.183612

³⁸⁶ See the Government Decision No. 1039/2012. (II. 22.) on Human Rights Working Group. Available in Hungarian at http://njt.hu/cgi_bin/njt_doc.cgi?docid=146229.319636

³⁸⁷ See more at: <http://emberijogok.kormany.hu/en>

Committee on Culture. The subcommittee was established in 2015, and held eight meetings so far.³⁸⁸

NGOs are considered by international norms to be important actors and partners in the institutional mechanisms for gender equality. In Hungary women's rights NGOs has always seen a room for improvement in cooperation and in respect for utilization of their knowledge and experiences by state actors. After the government change in 2010, they experienced a higher level of difficulties in state-NGO relationship, starting from a lack of cooperation or even communication from state actors.³⁸⁹ In addition, starting from the year of 2013, several NGOs dealing with democracy and human rights issues, including women's rights NGOs had faced with a smear campaign, an open blacklisting by state stakeholders, as well as harassment in form of different state audits.³⁹⁰ This unquestionably determined the state-NGO relations and affected negatively the level-playing field of NGOs.

When it comes to EU-related issues, a specific and important area and at the same time an EU requirement is the application of gender mainstreaming and gender equality as a horizontal principle in planning, programming, implementation and evaluation of the European Structural Fund's (ESF) intervention at national level. In order to enforce this principle the Council for Gender Equality delegated gender experts of the NGOs – in fact the experts of Hungarian Women's Lobby – to the Monitoring Committees of the different Operational Programs tasked with national management of ESF funding in different sectors/policy fields. The experts actively took part in the committees' work before 2010. At the same time a related evaluation of the ESF's support to gender equality pointed out that improvements could be achieved „through better and more front-loaded integration of NGOs and social

³⁸⁸ See the website of the subcommittee in Hungarian:

<http://www.parlament.hu/web/kulturalis-bizottsag/albizottsagok>

³⁸⁹ See the Alternative report of HWL and ERRC, *op. cit.*

³⁹⁰ See the *Timeline of Governmental Attacks against Hungarian NGO Sphere.*

Eötvös Károly Policy Institute, Transparency International Hungary, Hungarian Civil Liberties Union, Hungarian Helsinki Committee, 12 August 2015. Available at http://helsinki.hu/wp-content/uploads/Timeline_of_gov_attacks_against_HU_NGOs_12082015.pdf

partners into the planning of next round of ESF interventions and opening up of preparatory work to actors outside the public administration.”³⁹¹ However, instead of their better integration, women’s rights NGOs lost their roles in the ESF intervention system starting from the year of 2010. Furthermore, there is no visible system for and available information on the application of gender equality horizontal principle for the new ESF programming period of 2014–2020. This includes the lack of transparency as regards the involvement/delegation of NGOs/experts and their role in the process.

The Equal Treatment Authority

The EU accession process brought institutional improvements by introducing a legal and institutional framework to address anti-discrimination in a comprehensive way. The Act on Equal Treatment and the Promotion of Equal Opportunities³⁹² prohibits discrimination on the basis of protected characteristics, and provides an extensive list of those characteristics, sex is one of them. The Equal Treatment Authority³⁹³ was established by the act, and started its operation in 2005. The Authority is responsible for enforcing the principle of equal treatment. In this framework the body has the following tasks: review and comment on drafts of legal norms and reports concerning equal treatment; make proposals concerning government decisions and legal norms pertaining to equal treatment; regularly inform the public and the Parliament about the situation concerning the enforcement of equal treatment; co-operate with the CSOs and interest representation organisations and the relevant state bodies; continually provide information to those concerned and offer help with acting against the violation of equal treatment; assist in the preparation of reports to international organisations, and reports to the EU Commission concerning the harmonisation of directives on equal treatment.³⁹⁴ Furthermore, the Authority conduct investigation to establish whether

³⁹¹ GHK and Fondazione G. Brodolini: *Evaluation of the European Social Fund’s support to Gender Equality: Country report of Hungary*. Available at <http://www.gendercop.com/ec-evaluation-of-operational-programmes/>

³⁹² Act No. CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities.

³⁹³ <http://www.egyenlobanasmod.hu/eng>

³⁹⁴ See Article 14

the obligation of equal treatment has been violated, and make a related decision; as well as pursuant to the right of claims in public interest the Authority may initiate a lawsuit with a view to protecting the rights of persons and groups whose rights have been violated.

A key critical argumentation from a gender perspective as regards to the institutional and legal framework and system introduced by the Act on Equal Treatment is that it is not capable to sufficiently address gender-based discrimination in the lack of specific provisions and attention.³⁹⁵ At the same time, although this wide focus provided an opportunity for addressing multiple discrimination of women, this potential has not been utilized yet. Furthermore, the Advisory Board of the Authority composed of independent experts was dissolved in 2011. The UN CEDAW Committee expressed its concerns in the Concluding observation to Hungary in 2013 about the insufficient provision of human, financial and technical resources for the Authority. The Committee was further concerned that the Commissioner for Fundamental Rights has a limited mandate to address complaints of all forms of discrimination against women, including women belonging to disadvantaged groups.³⁹⁶

3. National policies for gender equality

Analysis and practice show that since the democratic transition in 1989 gender equality has not been placed high enough on the political/policy agenda of the different Hungarian governments to generate substantial changes.³⁹⁷ In this constant general unfavourable environment the

³⁹⁵ See: A Magyar Női Érdekvégyesítő Szövetség bírálata és javaslatai az egyenlő bánásmódról és az esélyegyenlőség előmozdításáról szóló törvényjavaslathoz, 2003. november 27. (Opinion and Critique of the Hungarian Women's Lobby Concerning the Draft Act on Equal Treatment and the Promotion of Equal Opportunities)." November 27, 2003. Available in Hungarian at

<http://nokjoga.hu/sites/default/files/filefield/2003-eselyegy-tv-kritikaja-noierdek.pdf>

³⁹⁶ See the CEDAW Concluding observations, *op. cit.*, point 2, page 3.

³⁹⁷ See *A nőtlen évek ára – A nők helyzetének közpolitikai elemzése 1989–2013. (The price of womanless years. Policy analysis on the situation of women 1989–2013.)* Magyar Női Érdekvégyesítő Szövetség (Hungarian Women's Lobby), Budapest, 2014. Available online in Hungarian at <http://noierdek.hu/2/kiadvanyaink/>

current government promotes traditional gender roles, together with a narrow, exclusionary interpretation of the definition of family, in the light of a desired demographic increase.³⁹⁸ The UN CEDAW Committee noted in its Concluding observation to Hungary in 2013 that increasing the population as a main policy priority may represent a regressive approach to gender issues and “increases the prevalence of gender stereotypes by portraying women mainly, if not exclusively, in the role of mothers and caregivers”.³⁹⁹

Similarly to the case of the institutional system, development of policy framework for gender equality in Hungary was also generated by the Fourth World Conference on Women and the Beijing Declaration and Platform for Action. The first related document – the *National Program of Action to Implement the Tasks Set Down in the Declaration adopted at the 4th World Conference on Women in Beijing* – was adopted in 1997.⁴⁰⁰ The document sets seven priority areas and concrete tasks, but lacking a comprehensive strategic approach and monitoring, was limited in its scope and timeframe as well as level of elaboration.⁴⁰¹

An important indicator of the lack of political will is that between 1997 and 2010 no national strategy/action plan on gender equality was elaborated in Hungary. *The National Strategy for the Promotion of Gender Equality – Guidelines and Objectives 2010–2021* was only introduced in 2010, at the end of the term of the government being in power that time, just a few months before the elections.⁴⁰² The Strategy set six priority objectives, following the priorities of the EU Roadmap for Equality between Women and Men 2006-2010.⁴⁰³ The priority objectives of the Strategy pertaining to the following main fields: economic empowerment; reconciliation of professional, private and

³⁹⁸ See the Alternative report of HWL and ERRC, *op. cit.*

³⁹⁹ See the CEDAW Concluding observations, *op. cit.*, point 8., p. 2.

⁴⁰⁰ The document was adopted by the Government Decision No. 2174/1997 (VI. 26.)

⁴⁰¹ See Hungary – by Enikő Pap. In Gordana Lukač-Koritnik ed: *National Machineries Country Reports – Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Hungary, Macedonia, Moldova, Romania, Turkey, Yugoslavia*. South Eastern European Women’s Legal Initiative, B.a.B.e, Zagreb 2003. pp. 64-77.

⁴⁰² The Strategy was adopted by the Government Decision No. 1004/2010 (I. 21.)

⁴⁰³ See: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3Ac10404>

family life; participation in political and economic decision-making; effective response to and prevention of violence; reducing gender stereotypes; gender mainstreaming. The first action plan for the implementation of the Strategy was adopted for 2010–2011.⁴⁰⁴ After the elections and government change in 2010 the Strategy remained in force, but no further action plans have been elaborated for its implementation. Government stakeholders communicates since 2012 that the Strategy will be replaced by a new document, but it has not happened yet. The UN CEDAW Committee noted with concern that the state decided to adopt a new strategy rather than accelerate the implementation of the existing one.⁴⁰⁵

In the framework of the EU legal harmonization process the Act on Equal Treatment introduced measures encouraging development of institutional/local policies – with a wider focus than gender equality. One of them was the introduction of National Equal Opportunity Program. However, this provision was declared null and void in 2006 and only one of such program was elaborated. Targeting the local governance level, an important provision of the act is the introduction of five-year-long local equal opportunity programs.⁴⁰⁶ According to the law, one of the disadvantaged groups that may be addressed by such programs is women. The existence of local equal opportunity program is a prerequisite by law for the local governments to be a beneficiary of state, EU and international funding schemes. The Act also prescribes that public bodies and legal entities with a majority state ownership having more than fifty employees are obliged to develop equal opportunity plans.⁴⁰⁷

Gender mainstreaming and gender equality as a horizontal principle has been introduced/appeared in several policy and programmatic documents which were elaborated and adopted in relation to Hungary's accession to or membership in the EU. Although it was definitely an

⁴⁰⁴ The action plans was adopted by the Government Decision No. 1095/2010 (IV. 21.)

⁴⁰⁵ See the CEDAW Concluding observations, *op. cit.*, point 19, p. 3.

⁴⁰⁶ Article 31

⁴⁰⁷ Article 63 (4)

important symbolic message, several sources note that gender mainstreaming has not been sufficiently elaborated and consistently applied in the documents, therefore remained superficial in paper, but also in practice.⁴⁰⁸ Furthermore, related analysis and experience show that the National Development Agency and its implementing bodies, tasked earlier with the planning and programming of the European Structural Funds' resources made modest efforts to build their staff's gender equality knowledge, and gender equality did not receive due attention in the previous programming cycle (2007–2013). No systematic support has been given to the beneficiaries of these funds to sensitise them to the questions of gender equality.⁴⁰⁹ Concerning the gender-sensitive utilization of ESF funding the above mentioned evaluation contains a series of recommendations. It underlined that the next ESF round could reflect existing gender inequalities in a better and more comprehensive way; more (and more ambitious) targets could be set to address more areas of gender inequalities. Review of success of the horizontal gender mainstreaming approach could become an evaluation theme of ESF. The report noted that as of April 2010, no gender-specific ESF projects have been launched in Hungary. Therefore it needs to look at whether the horizontal gender mainstreaming approach is contributing towards addressing gender inequalities, and based on this review the need to launch more gender-specific calls for tender should be considered.⁴¹⁰

Although the current government plans to use resources from the EU Structural Funds in the next programming cycle (2014–2020) to meet state obligations in advancing women's rights, no information is

⁴⁰⁸ See Dombos, Tamás, Krizsán, Andrea, Szabó, Melinda, and Wirth, Judit (2008): Context Study Hungary, QUING Project, Vienna: Institute for Human Sciences (IWM), available at http://www.quing.eu/files/results/cs_hungary.pdf

⁴⁰⁹ See *Promotion and protection of women's rights in Hungary - Submission to the UN Universal Periodic Review of Hungary*. Second cycle, 25th Working Group session, Human Rights Council, April/May 2016. Submitted by: Hungarian Women's Lobby, NANE Women's Rights Association, PATENT (People Opposing Patriarchy), September 2015.

⁴¹⁰ See GHK and Fondazione G. Brodolini: *Evaluation of the European Social Fund's support to Gender Equality, op.cit*

available on how gender mainstreaming will be systematically applied and the principle of gender equality enforced in the system.⁴¹¹

4. National legislation and its application

Constitutional framework

The Fundamental Law (as the Hungarian Constitution is called) was adopted in 2011. The law contains basic provision of the prohibition of discrimination based on sex, among others.⁴¹² It also stipulates that “women and men shall have equal rights”.⁴¹³ The previous Constitution contained the same provisions, although with the addendum that it applies in all civil, political, economic, social and cultural rights.⁴¹⁴ The Fundamental Law lies down in the same article that “Hungary shall take special measures to protect families, children, women, the elderly and persons living with disabilities.” Here it is important to mention that the very law says that “Family ties shall be based on marriage or the relationship between parents and children”.⁴¹⁵ This provision does not provide recognition to different types of relationships not grounded on marriage and/or parent-child ties. As for a specific issue of equal pay for equal work or for work of equal value, the previous Constitution contained this principle, but the current Fundamental law already do not have such provision.

The Act on Equal Treatment

No specific acts have been introduced in the Hungarian legislation on gender equality. A draft act on equal opportunities between women and men was elaborated and submitted to Parliament by two MPs from the opposition party in 2001⁴¹⁶, but it was voted down by the respective Committee, thus taken out from the agenda before the plenary debate. The EU accession process generated several legislative initiatives in the field of anti-discrimination. At the beginning of the process sectoral

⁴¹¹ See the UPR report of Hungarian Women’s Lobby, NANE Association and PATENT Association, *op. cit.*

⁴¹² Article XV (2)

⁴¹³ Article XV (3)

⁴¹⁴ See Article 66 of the Act No. XX of 1949 on the Constitution

⁴¹⁵ Article L

⁴¹⁶ The draft was submitted by MPs Mária Kóródi and Péter Hack, by Bill No. 3804.

laws were modified to introduce relevant provisions.⁴¹⁷ The legislation process of a comprehensive anti-discrimination act started after a government change in 2002.⁴¹⁸ As a result the Act on Equal Treatment and the Promotion of Equal Opportunities (hereinafter AET) was adopted in 2003 and entered into force in 2004. The act determines the entities who shall observe the principle of equal treatment in all of their relationships, procedures and measures – those are the ones performing public tasks in a wide sense.⁴¹⁹ Furthermore, Article 5 of the AET also lists those legal relationships in which the equal treatment principle should be observed by actors defined by the law – for example those who provide services, sell goods in premises open to public, or the employers or those being in similar position in relation to the employment or equivalent relationships. The act does not apply – among others – to family law relationship or relationship between relatives.⁴²⁰ The law contains twenty grounds of discrimination, including sex, family status, motherhood (pregnancy) or fatherhood.⁴²¹ The AET includes definitions of direct and indirect discrimination⁴²², harassment, unlawful segregation and retribution.⁴²³ Furthermore, Article 11 regulates positive action.

The enforcement of equal treatment are regulated in details, by specific chapters of the AET in five fields: employment, social security and health care, housing, education and training, sale of goods and use of services.

One of the tasks of the Equal Treatment Authority is to conduct investigation – based on request or in certain cases *ex officio* – to

⁴¹⁷ It was the case of the Labour Code, among others.

⁴¹⁸ See more in Andrea Krizsán-Enikő Pap: *Equal Opportunities for Women and Men: Monitoring law and practice in Hungary*. Open Society Institute Network Women's Program, 2005. Available at

https://www.opensocietyfoundations.org/sites/default/files/eowmhungary_0.pdf

⁴¹⁹ See Article 4. The state, local governments, public service providers, health service providers, social, child protection, child welfare service providers, public and higher education institutions belong here, among others.

⁴²⁰ Article 6

⁴²¹ Article 8

⁴²² Article 8 and 9

⁴²³ Article 10

establish whether the principle of equal treatment has been violated, and make a decision on the basis of the investigation. If the Authority has established that the provisions ensuring equal treatment have been violated, they may: order that the situation constituting a violation of law be terminated; prohibit the continuation of the conduct constituting a violation of law; publish its decision establishing the violation of law; impose a fine; apply a legal consequence determined in a special act.⁴²⁴

When it comes to procedural issues, an important provision of the AET is about reversing – or more precisely shifting – the burden of proof.⁴²⁵

In addition, the AET entitles CSOs and interest representation organizations and the Equal Treatment Authority to act as a representative authorized by the victims in procedures on violation of the equal treatment principle.⁴²⁶ Furthermore, in certain cases of the violation of equal treatment principle, Article 20 introduces *actio popularis*, assertion of claims of public interest before the court by the public prosecutor, the Authority and CSOs and interest representation organizations.

Assessment of legal harmonization – transposition of directives

Technically speaking the transposition of EU law to the national legislation has already accomplished, taking it by and large. The Act on Equal Treatment has had special relevance in this process. However, several cases remained where steps need to be done to ensure compliance with even the very letters of EU law. Some basic concepts and conditions laid down in the directives have not been properly transposed and carefully formulated. Those definitions and conditions in the Hungarian law led to limited protection from discrimination as compared to the directives, allowing exemptions, creating rooms for different interpretation and for releasing from legal obligations. Rules on direct and indirect discrimination allow exemptions not allowed by the directive, while regulation on the burden of proof set more strict conditions for the complainants than the directive. The case of sexual harassment is a good example of pure technical transposition, not taking the spirit and objective of EU law into consideration. The concept of

⁴²⁴ Article 17/A

⁴²⁵ Article 19

⁴²⁶ Article 18

sexual harassment was not included in the AET when it was adopted. A modification of the law in 2006 intended to accomplish the transposition to merely insert the term “sexual or other nature” in “conduct” in the definition of harassment. This attitude resonates with a conclusion of a study on the comprehensive antidiscrimination act in place: “transposition of gender equality directives is less rigorous than it could be in a separate act.”^{427,428}

Application of the law in practice

In order to guarantee and assess real compliance with EU norms two important aspects should be taken into consideration. First of all, not only the letter but also the spirit of the law should be regarded. Secondly, for the implementation of the EU law due and equal care should be taken at the national level to both the transposition (incorporation of the EU law into the national legislation), practical application of the law (to different situations), as well as enforcement of the legislation.⁴²⁹

⁴²⁷ See Susane Burri and Hanneke van Eijken: *Gender Equality Law in 33 European Countries – How are EU rules transposed into national law in 2014?* Hungary – Beáta Nacsá. European Commission, European network of legal experts in the field of gender equality, 2015. Available at http://ec.europa.eu/justice/gender-equality/files/ge_law_33_european_countries_2015_en.pdf p. 109.

⁴²⁸ For detailed assessment of the transposition of EU law to the national legislation, see the publications below:

Susane Burri and Hanneke van Eijken: *Gender Equality Law in 33 European Countries – How are EU rules transposed into national law?* Hungary – Beáta Nacsá. European Commission, European network of legal experts in the field of gender equality, 2014. Available at http://ec.europa.eu/justice/gender-equality/files/your_rights/gender_equality_law_33_countries_how_transposed_2013_en.pdf

Susane Burri and Hanneke van Eijken: *Gender Equality Law in 33 European Countries – How are EU rules transposed into national law in 2014?* Hungary – Beáta Nacsá., *op. cit.*

Beáta Nacsá: *Country report – Gender Equality, Hungary 2015*. European Commission, European network of legal experts in the field of gender equality, 2016. Available at <http://www.equalitylaw.eu/downloads/3790-hungary-country-report-gender-pdf-1-mb>

Andrea Krizsán–Enikő Pap: *Equal Opportunities for Women and Men*, *op. cit.*

⁴²⁹ See: Marta Ballesteros, Prof. Rostane Mehdi, Dr. Mariolina Eliantonio, Damir Petrovic: *Tools for Ensuring Implementation and Application of EU Law and*

When it comes to the main challenges and shortcomings as regards to effective response to gender-based discrimination in Hungary, several factors have been identified. It is important to mention at the first place that the Act has a wide focus, addressing numerous grounds of discrimination while not containing any specific provisions in relation to gender equality or responding to gender-based discrimination. Therefore it raises concern whether the act is capable to effectively address gender-based discrimination in its specificity. The low number of the cases of sex-based discrimination before the Equal Treatment Authority may serve as an indicator supporting this concern. In 2014 the Authority conducted 432 procedures, of which 17 concerned sex of the applicant as a protected characteristic, 9 concerned family/marital status, and 47 cases was related to motherhood (pregnancy) or fatherhood.⁴³⁰ They altogether represent only 16.9% of the cases, while discrimination based on sex account 3.9%. As for 2015, discrimination based on sex was not among the three grounds of discrimination most frequently claimed by complainants in their cases, while maternity/paternity was at the third place in that list.⁴³¹ These data suggest shortcomings as regards to awareness of and information for the victims about their rights, as well as indicates the lack of effective tools and incentives for supporting the exercise of the rights and easy access to justice and remedies. Although there have been important steps taken among others by the Equal Treatment Authority in this field, there is still a room for improvement

Evaluation of their Effectiveness. European Parliament, Directorate General for Internal Policies, Policy Department C: Citizens' Rights and Constitutional Affairs, Brussels, 2013. Available at [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/493014/IPOL-JURI_ET\(2013\)493014_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/493014/IPOL-JURI_ET(2013)493014_EN.pdf)

⁴³⁰ See: Dr. Katalin Gregor, Dr. Márta Pánczél eds. *Report on the activity of the Equal Treatment Authority in 2014 and on the experiences gathered in the context of applying Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities.* Equal Treatment Authority, 2014. Available at http://www.egyenlobanasmod.hu/app/webroot/files/img/articles/8745bda54b1ed94d06475af17cb3a40f/EBH_besz%C3%A1mol%C3%B3_2014_angol.pdf

⁴³¹ See 2015 a számok tükrében – infografika (2015 in the light of numbers – infographic). Equal Treatment Authority. Available in Hungarian at <http://www.egyenlobanasmod.hu/article/view/2015-a-sz%C3%A1mok-t%C3%B3kr%C3%A9ben-infografika>

for wide-scale systematic awareness raising programs targeting the general public. This need is justified by the result of a recent survey: 42% of the Hungarian respondents believe that gender-based discrimination is rare, while 12% think that it is even non-existent.⁴³²

Further concern may be raised regarding the effective and dissuasive nature of the sanctions the Authority applies. Victims who wish to directly benefit from the legal consequences of the violation of the equal treatment principle other than the termination of the violation of the equal treatment principle or barring further violation (e.g. to claim non-pecuniary damage), have to initiate a separate court procedure. Moreover, studies and data show that the Equal Treatment Authority does not use its full potential to impose its originally not strong sanctions.⁴³³ As for 2014, of the total 23 cases where the violation of the equal treatment principle established, the most frequently used sanction – in 82.6% of the cases – was barring from further violation of the equal treatment principle. At the same time fine was imposed in only 30.4% of the cases.⁴³⁴ As for 2015, the most frequently used sanction was also barring from further violation of the equal treatment principle, while the Authority imposed fines only in half of cases (i.e. 17 cases), when the violation of the equal treatment principle had been established.⁴³⁵

The lack of systematic, appropriate wide-range training programs on gender equality for state officials and other professionals should also be mentioned among key shortcomings. It is supported by the experience from practice that the courts tend to interpret broadly the provisions narrowing the scope of and thus protection by the AET, or „establish exemption from the definition of basic concepts of equal treatment”.⁴³⁶

⁴³² See: *Special Eurobarometer 437: Discrimination in the EU in 2015*. Results for Hungary – Fact sheet. European Commission, 2015. Available at <http://ec.europa.eu/COMMFrontOffice/PublicOpinion/index.cfm/ResultDoc/download/DocumentKy/68078>

⁴³³ See Beáta Nacsa: *Country Report – Gender Equality – Hungary 2015*. *op. cit.*

⁴³⁴ See *Report on the activity of the Equal Treatment Authority in 2014*, *op. cit.*

⁴³⁵ See <http://www.egyenlobanasmod.hu/article/view/2015-a-sz%C3%A1lmok-t%C3%BCkr%C3%A9ben-infografika>

⁴³⁶ See Beáta Nacsa: *Country Report – Gender Equality – Hungary 2015*. *op. cit.*, p.

Introduction of efficient professional and public awareness raising measures would have special relevance and importance in the country where the acceptance of traditional gender roles and stereotypes are still persistent,⁴³⁷ and promoted even by state stateholders.

5. Conclusions and Main Recommendations

The basis for an effective state intervention to promote gender equality is the clear political will and commitment, and the translation of it to efficient legal and policy frameworks as well as institutional mechanisms. As the analysis shows such commitment and response have been constantly missing in the case of Hungary. International norms in the field of gender equality, as well as the EU accession have unquestionably generated important improvements in the field. However, in the lack of strategic, continuous and long-term state programming driven by comprehensive policies, even relevant measures and initiatives remained in isolation, and have not been able to generate substantial changes. As regards to EU compliance, the mere transposition of the EU law requires further steps to be taken at national level. Even more work and attention should be done for its practical application and enforcement, always keeping in mind the spirit of the law, ultimately a society in which equality between women and men prevails – as the Treaty of the European Union also wishes so.

Main recommendations to the government:

- Put in place a comprehensive National Strategy for Gender Equality, containing responsible actors, tasks, deadlines, as well as monitoring and evaluation mechanisms in place, and provide sufficient financial resources for its implementation;
- Equip the national machinery with the necessary human and financial resources to effectively fulfil its mandate, strengthen the role and capacity – including the knowledge base – of other actors participating in the institutional mechanisms;

⁴³⁷ See *Special Eurobarometer 428 - Gender Equality*. Results for Hungary – Fact sheet. European Commission, 2015. Available at http://ec.europa.eu/public_opinion/archives/ebs/ebs_428_fact_hu_en.pdf

- Review and amend the legislation in order to comply with international human rights norms, and with EU law, keeping in mind not only the letter but also the spirit and general objectives of those norms;
- Organize systematic and appropriate training programs for state officials and other relevant professionals on gender equality and on application of gender mainstreaming strategy;
- Organize awareness raising programs targeting the general public, as well as potential victims of discrimination, informing them on their rights and the available remedies;
- Introduce a transparent mechanism for the systematic application of the gender equality principle and gender mainstreaming in the distribution and utilization of the resources from the EU Structural Funds;
- Recognize and support the work of women's rights NGOs, taking into consideration and making use of their knowledge and expertise in related legal, policy and other measures and initiatives; and
- Duly implement the recommendations elaborated in the framework of international human rights mechanisms and by international human rights bodies (e.g. CEDAW, UPR).

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XI. Gender Equality Policies in Czech Republic

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1. Background

The aim of this text is to analyse and assess the current development of gender equality policies in the Czech Republic, reviewing of the reforms that were undertaken before the EU accession. Based on the findings of this analysis we shall formulate general recommendations, identify challenges and describe what lessons even Ukraine and Georgia can learn from this accession process.

The main theoretical and methodological background for this work is the theory of public policy and its stakeholders, processes, outputs and conditions for formulating and implementing the policies. (Howlett, Ramesh 1995; Patton, Sawicki 1993) viewed from the gender perspective. Equal opportunities for men and women fall under the topic of human rights, which in their turn make part of public policies. On an even more general level, equal opportunities for men and women have to do with public well-being which is beneficial for the whole society (Musilová 1999: 9).

The value of human rights is a basic value shared across Europe and it was also present at the creation of the European Union. It has to do with a certain unifying process around universal human rights petrified by European Convention, the so-called Treaty of Lisbon, which should ensure gender equality in all member states. This unification is easier because it is easier to reach a broader consensus on universal human rights rather than on economic issues and issues related to the principle of free movement. We speak here about so-called core human rights which also include the prohibition to discriminate. “However, the core human rights in Europe includes the fifth prohibition of discrimination grounded on gender, race colour, language, religion, political or other

opinion” (Blahož 2003: 6). We can speak of Europeanisation here⁴³⁸ (e.g. Zemanová 2007, Janečková 2014).

The analysis itself uses the study of documents as the main methodology. It focuses on the analysis of sources like brochures, methodological manuals, project reports as well as studies of legal documents, government resolutions, and ministerial materials concerning gender equality. Information from internet and from journals of diverse NGOs working in the area of gender equality in the Czech Republic were also used as sources for this analysis.

2. Particularities of the Czech background

The analysis of the development of equal opportunity policies brings up four particular aspects crucial for understanding the situation around gender equality. First, it is the historical development of gender equality and formal equality achieved in the Czechoslovak Socialist Republic (the period between World War II and the Velvet Revolution in 1989). The second important aspect after the fall of the “Iron Curtain” is the economic pressure to measure up to “western countries” which, to a great extent, suppressed other areas of interest within public and social policies as well as policies of equal opportunities. This has to do with the issue of political representatives and their leftwing or rightwing orientation, where it is typical for the rightwing representatives to downplay the issue of equal opportunities. The last but equally important aspect is the language, especially translations of English terminology: gender, gender equality and the closely related terms of gender mainstreaming and equal opportunities for men and women in particular. There exist different translations into Czech that are not used consistently, which leads to a lack of conceptuality as well as loss of the original meaning of some terms.

As mentioned, it is necessary to follow the historical development which has influenced the development of gender equality. The “socialist” past when substantial changes concerning gender equality in labour market

⁴³⁸ The accession process creates more room for the EU’s influence on the implementation of policies in candidate states than in member states. Pre-accession Europeanisation is characterized by an asymmetrical relation between the union level and the local one. (Schimmelfenning, Sedelmeir 2007).

occurred and new work positions opened to women is important. The pressure to reach full employment had impact on high employment of women, while horizontal segregation was purposely reduced: the ideal of a female tractor driver was to be seen not only on many posters in 1950s, but also in real life. Because of this, an important institutional base for ensuring childcare was also created. However, these emancipatory initiatives went from top to bottom, and not all women identified with them. Sometimes participation in labour market was a must, rather than a benefit, while childcare and household remained exclusively women's responsibility and that's when we start speaking about double burden (Hašková, Křížková 2006). Many women perceived the achievements in the field of equal opportunities for men and women of the past era in a negative way as the communist period was rejected as a whole. One of the manifestations of this phenomenon was therefore cutting down of childcare facilities for babies which eventually resulted in today's complete lack of nurseries.

Economic transformation pushed gender issues aside although the inequality in social, political and economic aspects of life deepened greatly in this period. There was no broader discussion on persisting gender inequalities or necessity to introduce measures and policies enhancing equality of men and women in the transformation period. At the same time, the conservative gender discourse spread in the society, and as a reaction to the new neoliberal market system some measures supporting gender equality implemented by the old regime were revoked (Hašková, Křížková 2006). The main argument of the emerging neoliberal government was based on the belief that gender equality is fully granted by the constitution of the Czech Republic as well as fully put into practice (Očenášová 2009; Janečková 2014).

Political representatives had also a great influence on how the topic was presented to the public. This is related to so-called Europeanisation, too, and individual representatives' position towards it. After the Velvet Revolution, the accession to the EU was perceived as priority on one hand, but on the other one Euroscepticism of some politicians became more and more prominent. The values represented by the EU, including gender equality, become gradually played down by these stakeholders. An example of this was the refusal of former president Václav Klaus to sign the Treaty of Lisbon (Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community),

although the treaty was approved by both Parliament and Senate. It was ratified only after the presidential veto was outvoted in 2007.

The Prime Minister Topolánek acted in a similar way during the opening of the European Year of Equal Opportunities when he said: “In case of women – who are not a disadvantaged minority, even though they are often described so – we cannot speak of equal opportunities, either. Pregnancy and motherhood are women’s privilege which makes them a priori different from men. For instance on labour market. It is natural, it is logical, and it is healthy. I do believe that a woman can freely decide not to have children, and then she has the same career opportunities as a man. Legislation should be aware of that and should not impose unwanted protection on women, as it paradoxically leads to their discrimination.” (Topolánek 2007: 2). And at last, it is necessary to take into account the language as another important aspect, which appeared to be crucial for attracting attention of experts towards gender equality issues. The demands of experts on Czech language to unify terminology related to gender equality, which arose after the first terms were translated and presented, didn’t lead to any positive outcome; nevertheless, the discussions which took place at the turn of millennium were very heated (e.g. Linková 2001; Heller 2004). The result is that many terms have been used rather unsystematically, and they are often misused or confused. The reason for this is either the speaker’s attempt to take up more advantageous discursive position, or unfamiliarity with the correct meaning of the terms (e.g. Očenášková 2009 points out this phenomenon in the context of the accession process). As Linková shows on the example of the very term *gender* in sociological translations “(...) it is a rather neglected topic in Czech sociology even though it is crucial for the future discussions that this term is translated correctly and corresponds to how it is used by western scholars.” (Linková 2001:1).

The above mentioned factors lead to certain indifference towards the topic of gender equality in the Czech environment. As indicated, the situation can be understood as a result of an egalitarian approach to the promotion of equal opportunities for men and women imposed from the top to bottom during the socialist era and its subsequent double burden of family care. The neoliberal discourse preferring individualistic approach over state’s interventions in the market and social systems had a great impact on the Czech public, too.

3. Way to European Union: main issues

It is advisable to study the topic of gender equality before the accession to the EU, during the accession, and finally after the accession. The 4 October 1993, the date when the Association treaty between the Czech Republic and the European Union was signed thus becomes an important date. The agreement came into force in 1995 (Musilová 1999:34). 1 January 2003, when the Czech Republic joined the European Union, was another milestone.

3.1 PRE-ACCESSION PERIOD

The topic of gender equality and in the Czech context the specific topic of equalities between women and men weren't too accentuated after the revolution. (See the introduction for linguistic and conceptual strategies). However, the late 1990s bring about changes related to the preparations for joining the EU and for becoming a future member state. At the summit in Luxembourg in autumn 1997, the EU intensified the pre-accession strategy and detailed the accession perspective by specifying the requirements for membership. It was embodied in so-called accession partnerships and pre-accession financial aid programs. The process of preparations for the membership was continually monitored by the European Commission which published *Regular Reports on the Progress of Candidate countries in Preparations for the EU Membership* since 1998. Its task was to make sure that all (three) accession criteria were met, including full implementation of *gender acquis* (Janečková 2014). However, the Czech Republic's strategy was to focus rather on economic requirements and law harmonization, while creating institutional mechanisms and securing gender equality through policy documents were to a certain extent only externally motivated formality (Musilová 1999, Očenášková 2009).

The external pressure, especially the inputs from the evaluation of the Report of the Czech Republic regarding the Implementation of the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), findings of the Platform of Action of the Fourth World Conference on Women in Beijing and also of the European Commission's Reports on the progress were the driving force for

adopting a political document concerning gender equality. Ministry of Labour and Social Affairs became the coordinator of the process. The main impulse for drafting and then on 8 April 1998 for approving *Government Resolution no. 236/1998 called Priorities and Proceedings of the Government in the Enforcement of Equality between Men and Women* was again motivated by the focus on Europeanisation and the necessity to harmonize the legislation (Musilová 1999). The text of *Priorities* was submitted to UN Division for Advancement of Women in September 1998.

Nevertheless, critical analyses show that “adopting measures for enforcing equality between men and women is certainly something positive. A more detailed analysis of reasons for it shows, however, that the government actually had no other choice if it wanted to meet the obligations arising from the ratification of above mentioned documents” (Musilová 1999: 41).

Priorities and Proceedings of the Government in Enforcing of Equality between Men and Women was the first conceptual document concerning gender equality. However, its primary focus, and not only from the linguistic point of view, is on women and men and illustrates the situation around focus on linguistic translations of the key terms which was typical of this period. Moreover, a year after the ratification only partial success was registered, in particular that in comparing and harmonising our and European legislation (Musilová 1999, Pavlík et al. 2008).

Besides the very document, the creation of the basic **institutional framework** for gender equality can be considered another such success. “Institutional structure is a necessary precondition for implementing genuine equality between men and women on all levels and in all segments of the society” (Ferrarová 2007: 10). When giving an overview of the institutional framework for gender equality in pre-accession period we must not forget to mention *the Interdepartmental Commission for Equality of Women and Men* which worked just briefly in a similar way as *Parliamentary Commission for Equal Treatment of Women* by Committee on Petitions and Human Rights. The latter was dissolved after the 1996 elections. Since 1998 a *subcommittee of the Parliament’s Committee on Social Affairs and Healthcare focusing on*

family issues and policies was operating. For a short period there was also a non-profit *Association for Equal Opportunities* which promoted the “action plan to achieve equality between women and men.” (Musilová 1999, Marksová Tominová 2003).

As already mentioned, the role of the coordinator was assigned to the Ministry of Labour and Social Affairs in 1998. It issued and distributed materials on gender equality, prepared educational activities and trainings, commissioned opinion polls etc. On 1 February 1998, *Division for Equal Opportunities for Women and Men* was established at Department for European Integration at the Ministry of Labour and Social Affairs. The same year, the *Commissioner for Human Rights* was appointed. He was authorized to monitor and evaluate the protection of human rights in the Czech Republic and to initiate corrective actions, however not on individual but on institutional level. *The Government Council for Human Rights*, chaired by the aforementioned Commissioner, was established in December 1998 (by Government Resolution no. 809 of 9 December 1998). Equal opportunities thus became a direct part of human rights agenda (Musilová 1999).

Creating the Czech Republic’s Government Council for Human Rights gave non-governmental organizations for the first time the opportunity to influence human rights policies, including the policies of equal opportunities for men and women across individual sectors.

In 1999, there were eight sections, one of them **the Section on Equal Opportunities for Men and Women** established by the Government Resolution no. 132/1999 on the Statute of the Government Council for Human Rights of 1 April 1999. One of its tasks was for example to evaluate how international obligations and treaties were implemented, but also to discuss important issues of gender equality (Musilová 1999, Ferrarová 2007).

In 2001, the issue of equal opportunities became an agenda in itself through the Government Resolution no. 1033 of 10 October 2001 when *the Government Council for Equal Opportunities for Women and Men* was established as the government’s advisory body in the area of creating equal opportunities for women and men. It thus became the supreme body of the institutional framework for equal opportunities for women and men. “However, within the government hierarchy, it is still

on the lowest level, which shows again that its purpose was to ensure the Czech Republic's accession to the EU, rather than implement effectively the policy of gender equality. The Council has no executive or decision-making power, which was later on pointed out by the EU as problematic" (Janečková 2014: 49).

A new feature was that since 1 January 2002 there was at least one half-time position at each Ministry covering the agenda of equal opportunities for women and men within the respective sector (so-called gender focal point, or equal opportunities coordinator, as preferably called after 2008). This new work position fit into the concept of institutional framework of the gender equality agenda and it was imbedded in Government Resolution no. 456/2001 (Janečková 2014).

Individual departments were also encouraged to contribute to the creation of their own Priorities and Proceedings in Enforcement of Gender Equality. However, the activity of individual ministries and their gender focal points was haphazard and problematic. "It doesn't help that there has not yet been any standardized list of activities, responsibilities and requirements (the so-called functional analysis) for this job position. Gender focal points have no methodological guidance, targeted professional training or a much needed platform for expert discussion. Therefore the gender focal points largely depend on their personal experience, activity, self-study, contacts, creativity etc." (Palovčíková in Lukášová 2007: 44).

Although some authors (Očenášková 2009) characterize the Czech Republic's approach during the pre-accession period with the enforcement of gender mainstreaming, it appears that comprehensive gender mainstreaming did not occur. The involvement of civil society and the participation of women's organizations in the accession process is very disputed: "It can be said that civil society was not involved in the official EU accession process at all and their most important involvement came just 3 months before the referendum" (Marksová Tominová 2003:12, cf. Pavlík 2006).

The overarching **legislative documents** for gender equality in pre-accession period were constitutional documents. The Charter of Fundamental Rights and Basic Freedoms (Act no. 2/1993 Coll.) constitutes part of the constitutional order as the supreme body of law in the Czech Republic and creates the main framework for gender equality

in a substantial way. At the time of the Czech Republic's accession to the EU, there were no anti-discrimination laws; therefore the Czech Republic didn't have to deal with the discrimination *de iure*, which was also the official standpoint of the Czech Republic in the accession process (Očenášová 2009; Janečková 2014).

“Novelization of the socialist legislation should have ensured gender neutralization of legal provisions. For instance, the Act no. 382/1990 Coll. replaced maternity allowance with parental one, which should have given men the access to the childcare. There were also changes concerning widow's pension to which men became entitled in 1996. The amendment of the Labour Code repealed the absolute ban on women's night work in the Act no. 74/1994 Coll. And for example the Act no. 308/1993 Col. reduced maternity benefit from 99 % to 70 % of the daily basis of assessment per calendar day” (Havelková 2010: 24).

Nevertheless, the constitutional order nor other legal norms explicitly prohibited gender discrimination, and logically none of its forms (direct and indirect discrimination) was defined. The Czech Republic was criticized for that. Given the lack of genuine interest of the lawmakers to really implement gender equality directives, many of them were rather “transplanted” into the Czech legislation (Koldinská 2010).

The actual harmonization concerning gender equality took place in two stages. First, the amendment of the Act on Employment no. 167/1999 Coll. was adopted, followed by the harmonizing amendment of the Labour Code, or the Act no. 155/2000 Coll. This Act introduced as obligatory equal pay for men and women, and prohibited both direct and indirect discrimination. Other changes were brought about by the amendment of the Act on Wages and the Act on Salaries, which further expanded these provisions. It is also necessary to mention the changes in Civil Procedure Rules which moved the burden of proof in cases of discrimination according to the Directive 97/80/EC. The second stage of harmonization is connected to the upcoming accession of the Czech Republic to the EU. The Labour Code was again amended in 2004 so that it complied with the Directive 2002/73 and at the same time, a completely new Act on Employment was adopted (Havelková 2007). This one referred again to indirect discrimination and to the Anti-discrimination Act which, however, did not exist at that time (Janečková 2014).

3.2 POST-ACCESSION

The post-accession period can be characterized by a slowdown in enforcement of gender equality both on the institutional and the legislation levels. Discussions around the Registered Partnership Act can be perceived as important milestones within the post-accession period. The Act was finally adopted on 15 March 2006 after the Chamber of Deputies outvoted the presidential veto (Kutrová 2008).

Even though the full harmonisation wasn't yet achieved, the intensity of changes was low and preparations for some of them were too long. "Already two years after the accession, no new law reform enhancing gender equality was adopted. Contrarily, because there were plans for adopting an overarching act, the gender equality aspect of new labour-law provisions was minimised in the belief that the issues will be stipulated in the soon-to-be-adopted Anti-discrimination Act." (Janečková 2014: 52)

As Očenášková shows, the emphasis of the discursive practice shifted from attempts to introduce gender mainstreaming to the topic of anti-discrimination, or rather to the question whether it is necessary or not to adopt a special act that would stipulate the prohibition of discrimination. In other words, the main topic of the post-accession period became the preparations of the Anti-discrimination Act (as a remaining part of the harmonisation process: absence of direct and indirect discrimination in the legal system, and lack of commitment to ensure equal opportunities) (Koldinská 2015). These preparations took a long time, and many obstacles must have been overcome: there were discussions, the bill was repeatedly reworked, it was twice vetoed by the President and approved only when the second presidential veto was outvoted by the Chamber of Deputies.

"Already in 2005, the Czech Republic had the worst results of transposing directives concerning gender equality" (Havelková 2008b: 101). The fact that the first proposal of the anti-discrimination bill was not adopted deepened the gap between the legislation on the EU level and on the local one. For instance, after the new Labour Code (262/2006 Coll.) was adopted most harmonised provisions from the pre-accession period suddenly disappeared from the Czech legal system (Janečková 56). As indicated above, the process of enforcing the Anti-

discrimination Act lasted several years. The first bill was presented in 2005, “in 2007 it was vetoed by the President that considered the Act as “useless, counterproductive and of low quality and its consequences are very problematic” (Klaus, 2008, quoted on www.president.cz in Očenášová 2009), and only on 15 June 2009, the Chamber of Deputies of the Czech Republic outvoted the President’s veto and the bill passed.⁴³⁹ The Act no. 198/2009 Coll. on Equal Treatment and on Legal Means of Protection against Discrimination as Amended (Anti-discrimination Act) was adopted into the Czech legislation.

The adopted Anti-discrimination Act stipulates a general prohibition of discriminating and lists the following discrimination grounds: race, ethnicity, nationality, gender, sexual orientation, age, disability, religion, and belief. In compliance with EU directives, it defines the direct and indirect discrimination, harassment and sexual harassment as well as stalking and instruction or incitement to discrimination (Koldinská 2010, Špondrová 2014).

Regarding **today’s state of legislation**, we can assess that the current applicable provisions of the Czech Republic implement the EU legislation in a quite satisfactory manner and are rather harmonised with EU directives. However, it doesn’t mean that problems related to gender equality issues don’t exist. Women are still discriminated against in the labour market, and the differences in men’s and women’s employment and their pay are among the highest in Europe, even though the respective labour legislation and the Anti-discrimination Act do guarantee equal treatment for all employees.” (Koldinská 2015: 5). If we want to look at what areas can be improved we should mention the situation in which almost exclusively women concatenate parental leaves and thus stay outside labour market for up to six years in a row. Other areas of possible improvement which become more and more topical are women in decision-making positions, both horizontal and vertical segregation, whereas resistance to quotas still prevails among public. Other issues are

⁴³⁹ The dismissive attitude of political elites towards European requirements was later affirmed by the ruling of the European Court of Justice of 4 December 2008 (Case C-41/08) which lead to sanctions on the Czech Republic for non-implementing the EU Directive on Equal Treatment for Men and Women within the Social Security Systems for Employees (Janečková 2014: 62).

human trafficking or health and reproductive rights, related to homebirth in particular (Koldinská 2015, Gender Studies 2016).

Family policies undergo also certain development, while its discourse seems the least gendered (Očenášová 2009). Gender-neutral egalitarian concept manifests itself in the Czech Republic in referring to primary equality between women and men. (Liebert 2003: in Očenášová 2009). This approach to gender equality in family policies was most visible in the period up until 2008 when the political representation expressed traditional patriarchal opinions (Králíková 2008). In the meantime, crucial changes in maternity and parental leave (the so-called pro-family package) took place as of 2007. It made for greater flexibility in its uptake (it could be taken up more quickly, thus the parental leave could be shorter; and it was possible to work while on parental leave) (Králíková 2008).

The institutional framework remains practically the same. The department of gender equality has been moved between the Ministry of Labour and Social Affairs and the Ministry for Human Rights/the Office of the Government (it moved in 2008 to the Office of the Government,⁴⁴⁰ then back to the Ministry of Labour, and since 2014⁴⁴¹ back to the Office of the Government). Those changes suggest on the symbolic level how (un)important the agenda is, or at least how the political representation of the given period perceives it. Those changes are also accompanied by drops in numbers of civil servants covering the agenda, by their uncertainty about future and finally also by reducing their competencies within interdepartmental cooperation on gender equality issues. “Moreover, this department doesn’t have any executive and monitoring tools or tools of control. It has no competence to assign tasks, issue orders or monitor the activities of other administrative authorities.” (Ferrarová 2007: 10). The change in political representation also brings about

⁴⁴⁰ Since 1 January 2008 the Section for Equal Opportunities should become part of the Office of the Government of the Czech Republic. This Section should through its coordinating activities make other Ministries systematically, effectively and in a targeted way to enforce equal opportunities for men and women within respective policies. <http://www.mpsv.cz/cs/298>

⁴⁴¹ The Government Resolution no. 492 of 25 June 2014 moved the agenda of gender equality and the Council’s Secretariat from the Ministry of Labour and Social Affairs to the Office of the Government.

revision of gender equality agenda's importance and since 2014 we have been able to observe a slow return to this topic.

After the accession to the EU, *the Ministry of Interior becomes the coordinator on the level of public administration and local governments*. It also provides methodological support in this area. It offers e-learning courses on gender equality issues. Since 2006, it participates in awarding the "Fifty-fifty" Public Authority of the Year for implementing equal opportunities policy. "There are also some paragraphs on equal opportunities for women and men in the Act no. 312/2002 Coll. on Officers of Local Governments" (Ferrarová 2007: 11). Ministry's role of the coordinator and the main methodologist was reinforced by the Act no. 234/2014 Coll. on the Civil Service. It stipulates that the Ministry of Interior shall issue guidelines for the implementation of legislation and for enabling implementation of WLB and equality agenda in the HR activities of civil servants.

After the Anti-discrimination Act came into force, new position of the Public Advocate, or Ombudsman became part of the gender equality institutional framework and became so-called *Equality body* of the Czech Republic. However, it can be argued that the current legislation doesn't provide the Ombudsman with sufficient means to fulfil his/her tasks. Another limitation is that the Ombudsman office's purpose is to help victims of discrimination, rather than initiate system and policy changes (Kubálková 2010, Koldinská 2010). Ombudsman is responsible for the topic of discrimination and relevant research. The latest studies show, however, that the most current form for discrimination is age and gender discrimination and that up to 90 % victims do not file complaints and therefore the cases cannot be dealt with (Šabatová 2015). This has to do with the development of the anti-discrimination legislation: until mid2003 no case where a woman fought for her right to be protected from discrimination was registered and only three cases of sexual harassment were documented (Marksová Tominová 2003). There is therefore very scarce case-law in the Czech Republic (Koldinská 2015).

When we speak about institutional framework for gender equality, the creation of Permanent Commission for Equal Opportunity by Chamber of Deputies of the Parliament of the Czech Republic (of 27 October 2006) and operating of the Government Council for Equal Opportunities

for Women and Men must be mentioned. In 2014, it had 27 members from central government authorities, NGOs, academia, social partners and civil society.

Regarding **policy documents**, there has been no outstanding progress for the last thirteen years either. Besides annual updates of the Priorities and Proceedings of the Government in the Enforcement of Equal Opportunities for Women and Men and Reports on their implementation, including activities of individual Ministries, only Strategy for Equal Opportunities for Women and Men for 2011 – 2015 was drafted. The Strategy reflected the European and international situation and it was created in reaction to the need of enforcement of equal opportunities for women and men within a broader context which would clarify individual strategic areas and long-term goals (Government Office 2014). Government's Strategy for Gender Equality in the Czech Republic for 2014 – 2020 was discussed and adopted by the Czech Government on 12 November 2014. The Strategy also identifies the main areas of gender equality that will be dealt with in future (from gendered motivated violence to involvement of men in enforcement of gender equality) (Government's Office). The Action Plan to implement the Strategy is prepared; however, it hasn't been adopted yet. Therefore the Strategy must be perceived only as a declaratory document which remains powerless.

An important aspect of the implementation of gender equality agenda in both pre- and post-accession process is **financing**. It is necessary to distinguish between means allocated to institutional network (from the state budget and respective departmental budgets) (Musilová 1999) and means designed for supporting civil society, nongovernmental and women's organizations as well as international organizations. The latter are basically not monitored, they are not supported in a systematic way and their support depends on political situation, on (non)allocated grant resources and on individual schemes. "This approach is also reflected in call for proposals in the Operational Program Human Resources and Employment, priority 3.4 Equal Opportunities of Women and Men in the Labor Market and Work-Life Balance. The calls are generally focusing only on the issue of reconciliation and services for families and limit opportunities for projects dealing with gender equality in a more transformative way (Pavlik et al., 2008). Moreover, the call for proposals

announced in 2008 for this priority included a notice: „Projects cannot have political character, must not be instrumental to promotion of any political or ideological goals, including ideologies of feminism and masculinism,” that directly undermines the concept of gender equality.“ (Očenašová 2009: 21, cf. Tominová 2003). In fact, the access of the NGOs to the ESF funds after the accession to the EU has been very limited: For instance this year, there were again no new calls for proposals concerning gender equality, which causes problems for gender-oriented organizations which don't have means to keep financing their programs. This is further intensified by insufficient infrastructure of individual and corporate donations which in case of the topic of gender equality is even more problematic because of the stereotypical perception of feminism as something negative, and not positive for the society.

4. Conclusions and Recommendations

A closer view on the issues of gender equality in pre- and post-accession periods shows that cultural and historical conditions, stereotypes among broader public but also among political representatives play an import role in the positive approach to the harmonisation of the local gender agenda with that of the EU (Hašková, Křížková 2006; Křížková 2006; Musilová 1999). The full involvement of the civil society, NGOs and experts was detected as crucial: it influences not only the creation of both legal and political norms, but also the promotion of gender agenda among the public. As showed on Czech case, when sufficient funds are not allocated then problem of the gender equality is not mainstreamed to the society (Očenašová 2009; Marksová Tominová 2003; Pavlík 2008; Ferrarová 2007).

Some positive measures such as gender mainstreaming approach, which seemed to be promoted in the pre-accession period (Očenašková 2009), or the equal pay methodology⁴⁴² and twinning projects, whose aim was

⁴⁴² The supervisory role in the field of equal pay falls under the Ministry of Labour and Social Affairs through their employment agencies. Unfortunately, the inspectors haven't been trained, there are not enough of them, and they are not able to monitor the acts of discrimination. Only this year (i.e. 2016), this situation starts being looked into thanks to the quarterly report of the Public Advocate (The state will punish...). It is noteworthy that the topic of equal pay made part of a twinning program from 2001 in which a methodology Steps towards Equal Pay was drafted.

to provide the cornerstones of gender equality, were unfortunately not developed in a systematic way, their outputs were not used, and in the end, they were actually forgotten. These topics have been thus repeatedly re-opened and in many areas of gender equality agenda the process has re-started from the scratches.⁴⁴³

The analysis of the Czech Republic's experience has inspired the following recommendations:

- Political representatives should verbalize support of gender equality topics; the gender equality idea should be promoted by the state representatives as a key democratic principle. It is understandable that not all politicians will share the same opinion, however they should be familiar with the notion of gender equity. In this way seminars dedicated to the politicians should be provided by NGO and experts even before the accession period to support sufficient gender knowledge.
- Gender equality topics should be systematically publicised during the pre-accession and accession period. The support of the topic from politicians, state representatives and experts (from NGO or Academia) should be used. The goal is that the general public get familiar with the topic of gender equality. When the goal is reached then all harmonized documents should be systematically publicised too.
- Equal opportunity issues should be mainstreamed in the main political topics. Gender mainstreaming should be part of all policies; to understand gender mainstreaming in practice the state representatives as well as politicians should be familiar with this approach. The creation of practical gender mainstreaming tool, gender impact assessment tool or seminars about both are recommended.
- Women's organizations and non-governmental organizations should be involved in the gender mainstreaming, their role is substantial.

⁴⁴³ "I am disappointed that the outcomes of a Czech-Swedish twinning project, which ended at the Ministry of Labour and Social Affairs in 2003, haven't been implemented. The implementation of these constructive recommendations would certainly improve the institutional mechanism and its practical operation." (Palovčiková in Lukášová 2007: 43), GEM obligation, creation of practical guidelines for implementation of gender mainstreaming in evaluation of what impact the legislative and non-legislative materials presented to the Government of the Czech Republic have on equal opportunities for women and men. 2015

Different scope of work of NGO's supporting the gender equality is essential: they are field players when connecting with gender equality agenda. They transmit the policy into the practice, as well as encounter everyday gender equality problems and their role is to articulate the problems back to the politicians and politics.

- The positive attitude to the equality of the public should be supported, among others, by means of a comprehensive media campaign (both on the local and the state level with the support of NGOs or through relevant institutions);

- Gender equality agenda should be sufficiently funded both on the institutional level and on the level of NGOs. There should be created institutional level to support gender equality in the state, which should be adequately personally and financially secured. On non-governmental level the gender equality players should be supported by various grants and funds dedicated to this topic. Sustainability of the funding should be secured.

We can conclude by quoting the current Minister of Labour and Social Affairs: "The accession and regional integration processes offer tremendous opportunities for women to advance the gender equality agenda. At the same time, there are strong economic and social forces and trends that also threaten women's human rights." (Marksová Tominová 2003: 4)

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