

The Law of Georgia on Gender Equality

Chapter I. General Provisions

Article 1. The Scope of the Law

The Law determines main directions and guarantees for the provision of equal rights, freedoms and opportunities for men and women provided by the Georgian Constitution, as well as define legal mechanisms and conditions for their implementation in the relevant spheres of public life.

Article 2. The Purpose of the Law

The purpose of the Law is to ensure inadmissibility of discrimination in all spheres of public life, creation of proper conditions for the enjoyment of equal rights, freedoms and opportunities by men and women, support eradication and mitigation of all forms of gender discrimination.

Article 3. Definitions

1. For the purpose of the Law:

a) "Gender" shall mean social aspect of gender relations expressed in all spheres of public life and implying socially defined attitudes towards either sex;

b) "Gender Equality" shall mean - 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;

c) "Discrimination" shall mean any distinction, exclusion and/or restriction made on the basis of sex, expressed in dissimilar recognition of human rights and basic freedoms which has the effect of impairing or nullifying the recognition of opportunities through direct or indirect discrimination.

d) "Direct Discrimination" shall mean treating a person less favourably on the basis of sex, based on a normative act, programme or other public policy (except the cases defined under paragraph "f");

e) "Indirect Discrimination" shall mean a normative act, programme or other public policy which is not directly discriminating; however its implementation would have discriminatory outcomes (except the cases defined under paragraph "f");

f) "Special Measures" shall mean measures aimed at rectifying discriminatory outcomes for the circle of persons in need of special protection because of gender peculiarities.

g) "Equal Opportunities" shall mean a system of means and conditions for achieving equality in rights and freedoms of men and women;

h) "Equal Treatment" shall mean recognition of equal rights and opportunities for both men and women in legal family relations and other spheres of public and political life while defining social conditions for education and labour, as well as inadmissibility of discrimination on the basis of sex.

2. Other terms used in the Law shall be applied as defined by the current legislation in the absence of any special provisions.

Chapter II. Guarantees for Ensuring Gender Equality

Article 4. Guarantees for ensuring gender equality

1. The State shall support and ensure equal rights of men and women in political, economic, social and cultural life;
2. To maintain gender equality, the following shall be guaranteed without discrimination:
 - a. individual rights and freedoms of men and women;
 - b. access to education and free choice of education at all stages of learning for women and men ;
 - c. equal rights of spouses;
 - d. equal rights and obligations related to children;
 - e. equal rights and obligations of men and women to act as children’s guardians, caretakers, custodians, or foster parents;
 - f. combating violence in the family and society;
 - g. freedom of choice of profession or type of labour, professional advancement, and vocational education;
 - h. holding civil service positions on the basis of professionalism, abilities and qualifications;
 - i. maintaining equality in evaluating the quality of work performed by women and men;
 - j. equal social protection of women and men in case of sickness and while defining disability status;
 - k. creating equal opportunities for the protection of health of women and men;
 - l. creating equal opportunities for women and men in terms of access to information.
3. The Georgian legislation on gender equality is based on the Constitution of Georgia, international treaties and agreements, the given Law and other normative acts.

Article 5. Gender statistics

Official statistical reports related to gender issues shall contain gender disaggregated data.

Article 6. Gender equality in labour relations

1. Labour relations shall not allow for:
 - 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.
2. The State shall facilitate equal access to employment to both men and women.

3. During recruitment and performing professional obligations, individuals may be subject to unequal treatment on the basis of sex and /or put in unequal conditions, provided that it is defined by the type of work, its specifics or conditions of performance, serves the legitimate purpose and represents adequate as well as necessary means for its achievement.
4. Rules defined by the Georgian legislation shall ensure provision of favourable conditions of work for pregnant women and breastfeeding mothers, which does not allow for their employment in extreme, harmful or hazardous conditions, as well as in night shifts.

Article 7. State guarantees of gender equality in education and science

1. Everybody has the right to choose profession and field of expertise according to their individual capacities. Ensuring such equality shall be achieved through equal access to general, professional and high education without discrimination.
2. The State shall ensure that equal conditions are created for men and women in terms of access to general, professional, and high education, including participation in education and research processes.

Article 8. Equal distribution of information resources

The State and local self-governing bodies, legal persons of public and private law shall ensure equal access of men and women to their resources in compliance with the rules defined by the legislation, including information resources, irrespective of differences on the basis of sex.

Article 9. Maintaining gender equality in health and social sector

1. Equal access to medical assistance without discrimination is ensured for the population in the spheres of health and social protection.
2. Special measures taken for the protection of maternal and children's health, or family planning and women's reproductive rights shall not be considered as discrimination, including the State policy for the protection of pregnancy and motherhood, as well as other gender sensitive measures.

Article 10. Ensuring gender equality in family relations

1. In family relations, marriage and divorce, women and men shall enjoy equal personal and property rights, including the right to choose surname, professional and activities, and have equal responsibilities. There shall be no discrimination or partiality with regards to rights and obligations in family relations.
2. Women and men shall have equal rights in the family to independently take decisions regarding their participation in labour or public activities.
3. Issues of raising children and other family matters shall be dealt by spouses jointly, based on their mutual agreement. Equal opportunities of spouses in terms of their labour activities and childcare shall be guaranteed and ensured.
4. Rights and obligations of spouses in terms of family labour shall be equal.
5. Spouses shall enjoy equal rights to own, acquire, manage, utilize and dispose property.
6. Spouses shall enjoy equal rights to participate in leisure activities and all spheres of cultural life.

Article 11. Guarantees for equal election rights

1. Everyone shall enjoy the right to participate in elections on equal conditions without discrimination;
2. To provide the right to be represented in the representative body, equal opportunities of both women and men shall be ensured;
3. Women and men can be elected on equal conditions without discrimination.

Chapter III. Oversight of Gender Equality

Article 12. Ensuring gender equality by the Parliament of Georgia

1. In compliance with the regulations of the Georgian Parliament and Legislation, the Parliament of Georgia shall ensure preliminary preparation of legislative issues in the field of gender and facilitation of Parliament decisions in this regard, as well as exercise oversight over the activities of the bodies reporting to the Parliament of Georgia;
2. In compliance with the regulations of the Georgian Parliament and Legislation, and with the aim of ensuring systemic and coordinated work on gender issues, the Parliament of Georgia shall create a Gender Equality Council. The composition, status, functions and authority of the Council shall be defined by the Parliamentary resolution and regulatory provisions of the Gender Equality Council approved by the Chairman of the Parliament.
3. The Council shall be entitled to:
 - a. develop and submit an action plan on ensuring gender equality to the Government of Georgia for endorsement, and ensure coordination and monitoring of its implementation;
 - b. carry out gender audit and develop proposals for overcoming existing gender disparities in the legislation;
 - c. conduct gender review of draft laws;
 - d. develop targeted programmes and plan separate activities for achieving gender equality and enjoyment of equal rights by women and men;
 - e. develop and institutionalise the system of monitoring and evaluation of interventions for ensuring gender equality, as well as develop respective recommendations;
 - f. request and receive any information or documentation from any State or local self-governing bodies related to gender equality issues, except for documents, confidentiality of which is ensured by the current legislation;
 - g. review statements, documentations or other information regarding violation of gender equality, respond to them, and develop relevant recommendations under its authority;
 - h. invite representatives and/or experts from international or local organisations working in the relevant field to discuss issues related to gender equality;
 - i. perform other activities defined by the legislation of Georgia.
4. The Commission shall coordinate and exercise oversight over the ministries and sub-agencies institution activities in the field of gender equality protection and implementation, and provide recommendations for ensuring gender equality, as required.

5. The Council shall annually submit a report on gender equality in Georgia to the Parliament of Georgia, and prepare reports on the fulfilment of obligations in terms of ensuring gender equality under international agreements. Based on the decision of the Chairman of the Parliament of Georgia, the Gender Equality Council is authorised to represent the Parliament of Georgia on gender equality issues in international relations.
6. Organisational structure of the Gender Equality Council, modus operandi and relation with the State bodies shall be defined by the regulations of the Parliament and the Gender Equality Council.

Article 13. Ensuring gender equality by local self-government bodies

1. 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;
2. 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.
3. State bodies shall provide organisational, information and other assistance to local self-governing bodies within their authority for mitigating discrimination in their activities and protection of universally recognized rights and freedoms.

Article 14. Ensuring gender equality by the Public Defender of Georgia

1. The Public Defender of Georgia shall ensure protection of gender equality, monitoring of the given field and respond to violations of gender equality within the framework of its authority.
2. Within the authority granted by the Organic Law of Georgia on Public Defender, the Public Defender of Georgia shall perform his/her duties for ensuring gender equality.

Chapter IV. Transitional and Concluding Provisions

Article 15. Measures to be taken for the enactment of the given Law

State and local self-governing bodies shall perform analysis of normative acts in their respective fields as needed within six months after the enactment of the given Law;

Article 16. Enactment of the law

The law shall come into force immediately upon its publishing.

The President of Georgia

Mikheil Saakashvili

Tbilisi

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