

Women's rights in Georgia

By Salome Tskhakaia

Introduction

Achieving gender equality and fighting against discrimination of women on the way to building a democratic state has been challenging for Georgia. Over the years the Georgian government has definitely made some positive attempts to develop, improve, and implement gender equality strategies and to ensure its international obligations. Like neighbouring countries in the South Caucasus, our government still needs a greater commitment to ensure gender equality, and must work to avoid the discrimination of women. Georgia is trying its best to develop into a European state while at the same time keeping its best values and traditions. Gender politics are one of the main and essential indicators of the country's democratic development.

The Constitution of Georgia is the supreme law of the country, which determines the balance of values in the society, such as the correlation between freedom, equality, and order, and the framework in which the achievement of human welfare becomes possible. The Constitution of Georgia recognizes the equality principle and forbids discrimination. Article 38 of the Constitution of Georgia mentions: "Citizens of Georgia shall be equal in social, economic, cultural and political life irrespective of their national, ethnic, religious or linguistic belonging." By this the state of Georgia denounces discrimination against women/girls and enforces policy and legislation on the domestic and international level to protect them.

Achieving democracy requires implementing numerous mechanisms and practices, including establishing gender equality in which men and women have equal rights and opportunities. Civil society groups have gradually introduced gender equality into the political discourse and placed it on the list of required reforms; however, along with many other emerging social problems and political tensions, this issue has not received priority attention. It is crucial to realize that without gender equality we can't develop as a democracy-building country - because there is no democracy without gender equality.

Women Concern

Article 14 of the Constitution establishes the principle of equality of all people before the law regardless of their gender. The terms contained in the Constitution of Georgia - "all people/each person/all/citizen of Georgia" - in the chapter on human rights and freedoms, means "men and women" and applies equally to both. Hence the rights contained in the Constitution apply equally to men and women.

Moreover, the Civil and Criminal Codes of Georgia include the principles of equality and no discrimination on any grounds, including gender. The procedural legislation of Georgia

determines legal means of protecting women's rights based on the principle of equality with men.

Georgia acknowledges the principle of equality in the law and has ratified the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), of which Article 2 requires the establishment of the principle of equality in the Constitution and legislation of the States parties. However, the de facto situation with regard to gender equality remains problematic.

Despite the existing legislation and legal grounds, the issues of enforcement of the laws arises. The Constitutional Court of Georgia did not review a case that applies to the violation of women's rights determined in Article 14 of the Constitution. The majority of women do not reveal information regarding gender-based discrimination which may constitute a form of ill-treatment. Moreover, there is no legislation that explicitly prohibits women's discrimination based on gender or by a husband, as no special laws to facilitate the achievement of gender equality have been endorsed. This legislative flaw is caused by the inadequate protection of women's rights in Georgia and vice versa. And there are no special courses for students and lawyers regarding the prohibition of discrimination against women.

Despite the fact that the State of Georgia declares that it guarantees universal human rights and freedoms regardless of gender, this principle is not implemented in practice. Georgian legislation is not discriminative; however, it is not gender sensitive either.

Domestic Violence

Nowadays, domestic violence is a very problematic issue in Georgia. Common phrases and sentiments exist in Georgia such as: "A Man is a man," and "Family problems must stay only in family, and are no one's business - even if the husband is beating the wife." It is particularly ridiculous when a one woman asks another "What did you say to him that made him beat you?"

One particularly grim survey states that 29% of women who have endured physical violence never disclosed this fact. Only 5% of them reported incidents to the police; 3% consulted a doctor; and 2% applied for legal assistance. In Georgia, as in many other countries, roles and functions of men and women have been implemented by "tradition" and conditioned by these "traditions." Medium and high-level (male) representatives had absolute power over women, children and servants. In the working-class families, males were dominating as well. Presently, women are required to protect the family reputation and to keep "family problems" inside the family. Patriarchal and "macho" attitudes are still strong in society.

A more systematic approach is needed to effectively change public attitude towards it. Historically, the theory of domestic violence has been based on the idea that this type of act was a "family" or "private" business, which took place due to mental disabilities, abuse of alcohol or limited ability to control impulsive behavior. Currently, it is recognized that domestic violence entails the use of power or control by one person towards another through different forms, such

as threat or coercion. However, traditional gender roles, economic hardships and religious views, among other factors, hinder the protection of women and the punishment of abusers.

Early marriage

“How long are you going to study? Are not you going to get married? Studying is not everything. You must have children and a husband; it is the main reason of your life you must not work. You will be a housewife and your husband will work, feed, protect the family.” These are very well-known phrases in Georgia, especially in regions of Georgia. Unfortunately, early marriage is very problematic in our country.

In Georgia, educational topics on reproductive health issues are not considered in the school curriculum. Only some elements of reproductive biology have been incorporated into high school biology and anatomy classes, which do not provide substantive knowledge on this matter. The existing research shows that up to 17 per cent of Georgian women were married before the age of 18. The existing data for Georgia and the research findings from this study indicate that the situation with regard to child marriage is not homogenous, but rather varies according to ethnic, religious, and regional factors. It would appear that child marriages occur more frequently among certain ethnic and religious groups, namely, religious minorities in the mountainous areas of Adjara, and ethnic minorities in the Kvemo Kartli region. The big problem is that society still does not consider early marriage a big problem. There are regions heavily characterized by early marriages.

Is it possible to prevent violence against women?

Absolutely, yes. But legislation alone is not enough; it must be promoted and enforced. Support services must be available to women escaping violence, including access to shelters. The key to end violence against women and girls is in changing traditional gender roles, power balance, and the attitudes and beliefs that society and families embed in women and girls from an early age, and which allow violence to continue.

Of women in Georgia, 82 percent do not know that Georgian legislation protects their rights, and this is the reason for women’s powerlessness. To establish equality between men and women, in all aspects of life, it is necessary to redevelop the value and dignity of women and widely implement their human rights.

Why did I choose exactly this topic?

It is important to realise that we have problems and we are doing nothing for these women. Society has a big role, but unfortunately we do not care enough about it. We must think about it. What are we doing when we see an abuser husband? Because it is dramatic that women’s rights are violated mostly in families – a place where a person must feel herself the most protected.

In the previous year, 2016, 17 women were killed as a result of domestic violence. Every abuser should recognize that there is no reason to deny women’s rights at any level; they are also a part

of society and should be treated as equals. They have the right to decide whether or not they will bear children, have an education, purchase a property, and vote. Discrimination of any sort based on gender is backward and cowardly thinking and is strictly prohibited. So, we must together realise that WOMEN'S RIGHTS ARE HUMANS RIGHTS.

Bibliography

1. Gender vs. Breach of Human Rights; Nazineh Khalafyan, FYCA; 2012
2. Heinrich-Böll-Stiftung Gunda Werner Institute - Women in Georgia: Re-learning Gender Equality; 2011
3. Ketevan Chkheidze, 2011, Gender Politics in Georgia
4. Child Marriage in Georgia; UNFPA Georgia; 2014
5. <https://www.womankind.org.uk/policy-and-campaigns/women's-rights/violence-against-women>