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Shadow Report

This report is a joint submission of the member NGOs of the Human Rights House Tbilisi:

- Article 42 of the Constitution (Article 42)
- Georgian Centre for Psychosocial and Medical Rehabilitation of Torture Victims (GCRT)

With the coordination of the Human rights House Tbilisi (HRHT) and the support of the Human Rights House Foundation (HRHF)

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Introduction

1. The present report was prepared by the member NGOs of Human Rights House Tbilisi (hereinafter, HRHT), with the support of the Human Rights House Foundation (HRHF).
2. The coalition submitting the shadow report for the Universal Periodic Review is composed of two civil society organizations, both forming part of HRHT. The above organizations have a long-standing and extensive experience in human rights litigation both at the domestic and international level. The information submitted in this report is mainly based on the cases that have been taken up by the respective organizations. Therefore, it is of first hand and reliable nature.

1. Section one: Criminal justice

1.1. Prison conditions

3. Re-socialization of prisoners must be the main purpose of the penitentiary system and it can be achieved through educational, rehabilitation and employment programs. However, only 5% of detainees participate in educational, rehabilitation and employment programs in Georgia¹. Therefore, Georgia fails to ensure social rehabilitation of the detainees.
4. NGOs remain the only and major providers of educational, rehabilitation, and employment programmes for prisoners. Accordingly, these programmes are implemented on a short-term basis, are not institutionalized and are based on urgent needs. The current services are, thus, limited and not sustainable.
5. None of the penitentiary institutions provide facilities for the disabled detainees. According to the 2014 monitoring report of the National Preventive Mechanism under the Public Defender of Georgia, the special needs of disabled detainees are not taken into consideration either in the detention or in temporary detention facilities.² Consequently there are no statistics about the number of disabled convicts. Moreover, there are no disability identification or need - assessment mechanisms within the Georgian penitentiary system.

Recommendations:

- **The Government should ensure that all detainees obtain the possibility to be involved in social rehabilitation through educational, rehabilitation and employment programs.**
- **The government should create identification and needs assessment mechanisms for convicted persons with disabilities.**

¹ Public Defender's Report about Human Rights and Basic Freedoms in Georgia, 2013 p 56-59

² Persons with disabilities in the penitentiary institutions, temporary detention isolators and involuntary psychiatric treatment facilities <http://ombudsman.ge/uploads/other/1/1726.pdf>

1.2 Protection of torture victims

6. For many years, torture and degrading and inhuman treatments has been a trend in the Georgian penitentiary system.³ The 2013 report of the Public Defender of Georgia includes up to ten cases of alleged torture and inhuman treatment.⁴ The report further calls for urgent and impartial investigations into those allegations.⁵
7. Another reported issue is the lack of protection of the alleged victims of ill-treatment during the investigation process. The Georgian legislation does not contain any provisions to ensure the protection of victims during ongoing investigation, as highlighted in 2013 report of the Public Defender.⁶
8. According to the Georgian criminal legislation and practise, the victim of torture enjoys the same rights as any person qualified as a victim to the case. However, under the Criminal Procedure Code of Georgia, a victim is formally not a party to the criminal case.⁷ Accordingly, the victims of torture might be legally excluded from the possibility to submit motions at various stages of criminal proceedings before the courts.⁸ Consequently, such preclusion might adversely affect the rights of victims of torture to have effective remedy in the case of torture.

Recommendations:

- **The government should provide protection of the alleged victims of ill-treatment during the investigation process.**
- **The Criminal Procedure Code of Georgia should be amended and state clearly that victims of torture and other cruel and degrading treatments are able to file a motion at any stage of legal proceedings, including during ongoing investigations.**

1.3 Right to an effective remedy including compensation and rehabilitation

9. Georgia is a party of the UN Convention Against Torture. Article 14 of UN Convention Against Torture states that “each State party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his/her dependents shall be entitled to compensation”.
10. According to a sociological survey of prisoners and former prisoners (in total 1200 current and former inmates were interviewed) conducted by the Open Society Georgia Foundation, in

³ Criminal Code of Georgia, Article 144¹ 144² 144³

⁴ Public Defender’s Report on Human Rights and Basic Freedoms in Georgia, 2013 p 14

⁵ Public Defender’s Report on Human Rights and Basic Freedoms in Georgia, 2013 p 14-23

⁶ Public Defender’s Report on Human Rights and Basic Freedoms in Georgia, 2013 p 14-23

⁷ Article 3 (5) of the Criminal Procedure Code.

⁸ Articles 93 (1) and 219 (4) (a) of the Criminal Procedure Code.

collaboration with Georgian NGOs, 80% of prisoners have heard the sound of others being abused while incarcerated, 64% of respondents stated that torture “occurred daily” in penitentiary institutions.⁹ 84% of respondents’ claimed that imprisonment and torture had created health problems they have not experienced before incarceration. 30% percent stated that they developed chronic health problems that are not subject to treatment. 72% claimed that they developed a health problem requiring long-term treatment.

11. As opposed to the above statistics, victims of torture have no access to adequate programs of rehabilitation. Georgia does not provide any state funded rehabilitation programs. Only two NGOs provide psychosocial and medical rehabilitation to victims of torture with external donor funding.
12. The non-governmental sector lacks sufficient resources to cover the needs at the national level, while the general state insurance program does not address the needs of victims of torture, since it covers only very basic medical examinations. Apart from the absence of rehabilitation, victims of torture have not been able to receive compensation for the incurred damage.

Recommendations:

- ***The Government should ensure in its legal system that victims of torture and other cruel and degrading treatments obtain redress and have an enforceable right to fair and adequate compensation, including a full rehabilitation.***
- **The Government should provide adequate programs of rehabilitation for torture victims.**

2. Section two: Right to effective remedy and fair trial

13. The Office of the Public Defender has also raised many questions and doubts about the efficiency and impartiality of the investigations conducted in the penitentiary system.¹⁰ The European Court of Human Rights delivered several recommendations¹¹ to Georgia with regard to the need of ensuring the independence of the body appointed to investigate cases of torture and ill treatment in detention facilities.
14. As the investigation is conducted by the same agency which might be responsible for the crime, it gives ground to legitimate doubt over the impartiality of the investigation.
15. In its 2013 report, the Public Defender of Georgia states that all applications submitted to his Office with regard to alleged cases of torture and ill-treatment in detention facilities, were forwarded to the Chief Prosecutor’s Office for further investigation. However, the Chief Prosecutor’s Office sent the

⁹ Crime and Excessive punishment: The prevalence and Causes of Human Rights Abuses in Georgia’s Prisons; Open Society Georgia Foundation, 2014

¹⁰ 2011 and 2012 Reports of Public Defender of Georgia about Human Rights in Georgia

¹¹ *Nikiashvili v Georgia*, judgment of October 9, 2012, Paragraph 87; *Tsintsabadze v Georgia*, judgment of February 15, 2011 par. 78; *Enukidze and Girgvliani v Georgia*, judgment of April 26, 2011 par. 243

cases to the investigation unit of the Ministry of Corrections¹², which is in charge of the prisons in Georgia; thus, creating legitimate doubts over the impartiality of the investigations.

16. Another matter of concern is the improper assessment of the committed crimes, as already reported by the European Committee for the Prevention of Torture in its 2010 report.¹³ In several cases, the investigations were launched into alleged cases of “abuse of power”, which is punished with less severe sanctions than a crime of torture or inhuman and degrading treatments¹⁴. This trend is also reported in the 2013 report of the Public Defender of Georgia.¹⁵
17. The lack of effective investigation and punishment of past abuses has also been underlined by the UN Human Rights Committee.¹⁶
18. In 2011, three Georgian NGOs - Human Rights Center, Article 42 of the Constitution and the Georgian Young Lawyers Association (GYLA) prepared the report: Unable or unwilling?¹⁷ - Ineffective Investigation of Facts During Georgia Russia Armed Conflict (2008). The report provides evidence of severe and grave crimes committed during the armed conflict, including war crimes and crimes against humanity. According to the victims of war crimes, the Georgian government has so far been unable to conduct an effective and impartial investigation into the alleged war crimes occurred during 2008 armed conflict. None of the countries (either Russia or Georgia) admit that the crimes were committed. Georgia has started investigation on seven cases of crimes in which the accused are members of the Georgian military forces.¹⁸

Recommendations:

- **The Government must create an independent investigative mechanism for the efficient, unbiased, prompt and adequate investigation and punishment of the crimes of torture and other inhuman or degrading treatments or punishments.**
- **The Government must ensure effective and thorough investigation of human rights violations committed during 2008 armed conflict, including civilian casualties, unlawful detention, torture and inhuman treatment, caused by the unlawful and disproportionate use of force by the Georgian military forces. The Government of Georgia must also ensure the prosecution of perpetrators in a manner commensurate with the gravity of the committed acts, and provide victims with adequate remedies, including compensation.**

¹² Public Defender’s Report about Human Rights and Basic Freedoms in Georgia, 2013, p. 26

¹³ Report of the Committee for the Prevention of Torture and Inhuman or Degrading Treatment, following a visit in Georgia (February 5-15, 2010) Para. 17

¹⁴ Criminal Code of Georgia, Article 144¹

¹⁵ Public Defender’s Report about Human Rights and Basic Freedoms in Georgia, 2013, p 29

¹⁶ UN Human Rights Committee, Concluding Observations on the 4th Periodic Report of Georgia, CCPR/C/GEO/4, 19 August 2014, paras. 11 and 12.

¹⁷ REPORT from 2010: Unable or unwilling? Georgia’s faulty investigation of crimes committed during and after the Russo-Georgian war of August 2008, available at http://www.humanrights.ge/admin/editor/uploads/pdf/Report_2_11_web.pdf

¹⁸ GEORGIA Review of the 111th session of the United Nations Human Rights Committee NGOs input to the list of issues to be considered in the fourth periodic report of Georgia (CCPR/C/GEO/Q/4), June 2014

3. Section three: Prohibition of discrimination

3.1 United Nations Human Rights Committee

19. In its concluding observations, the Human Rights Committee highlighted that Georgia should further improve its anti-discrimination legislation to ensure adequate protection against discrimination in practice.¹⁹ Among others, the role of the Public Defender's Office should be strengthened. Moreover, in cases of discrimination, adequate sanctions and effective remedies should be provided and the awareness should be raised about the Law on Elimination of All Forms of discrimination with the respective sanctions regime.

3.2 Discrimination based on political opinion

20. The Non Governmental Organisation Article 42 currently has 10 ongoing cases, most of them submitted to the national courts as a lawsuit regarding discrimination. The majority of cases involve persons who have been dismissed from public service for being associated with the political party United National Movement, which is the former ruling party of Georgia. Other cases refer to the victims of discrimination who are supporters of political party –Free Democrats – the party that left the current ruling coalition of the Georgian Dream and became oppositional.

21. Following the parliamentary elections of 1 October 2012, Governors of 55 municipalities throughout Georgia left their work position, which resulted in the dismissal of 2,321 employees (public servants) from 1 October 2012 to 1 June 2013.²⁰ The discriminatory nature of those layoffs is obvious in cases where tens of people leave their job at the same time, in the same day, from the same body. In those cases, reasonable doubt arises that these individuals have been forced to leave the job.

In June 2014, after the local self-government elections, massive dismissal of the local government authorities occurred. During this process numerous cases of discrimination based on political views were observed: public authorities were directly ordering the public servants to quit their job (cases of Teona Chalidze and Giorgi Khaburdzania),²¹ by using public pressure (case of Irakli Kvaratkhelia);

¹⁹ UN Human Rights Committee, Concluding Observations on the 4th Periodic Report of Georgia, CCPR/C/GEO/4, 19 August 2014, para. 6

²⁰ <http://www.isfed.ge/main/798/geo/>

²¹ In June 2014, after the municipal elections, head of the territorial unit of Navtlughi Division, Isani district of Tbilisi municipality, Teona Chalidze has been fired, presumably for political reasons, Teona Chalidze represents a political party United National Movement. Teona Chalidze has not been asked for the resignation directly, however preconditions for her dismissal were created on purpose. Initially, a disciplinary measure, in the form of a remark, has been applied towards Teona Chalidze, which made it easier to dismiss her. On October 20, 2014, based on the order of Tbilisi Isani District Governor - Vakhtang Khizikhurashvili - Teona Chalidze was fired.

In Tbilisi City Hall, the Head of the Supervision Department and his deputy, Giorgi Khaburdzania, were pressured to resign. However, the letter refused to do so. On December 15, 2014 Giorgi Khaburdzania was dismissed.

²² by formally suggesting lower positions and in cases of refusal, (case of Nino Andriadze), ²³ dismissing servants based on the formal institutional reorganization process (case of Irakli Jikia) and²⁴ by dismissing persons because of their political party membership (cases of Lela Ghrubeladze).²⁵ From 1 July 2014 to 1 October 2014, within this short period, 884 public servants have been dismissed from their positions, and 434 of them left jobs based on their personal written request for resignation. ²⁶

22. According to Article 34 of the Local Government Code of Georgia, the Chairperson of Sakrebulo (local assembly of elected representatives) can be dismissed by the vote of half of its members. The dismissal procedure can be initiated by at least 1/3 of Sakrebulo members. No legal grounds or criteria are laid out as to when the Chairperson of Sakrebulo can be dismissed. Accordingly, there is a considerable risk of political bias and politically motivated dismissals.

3.3 Discrimination based on disability

23. The rights of the disabled persons are violated due to the fact that local municipalities in charge of providing those services are not fulfilling the obligations provided by the law.²⁷ Accordingly, the legal interests of the disabled persons are often violated. Due to the lack of adapted facilities,

²² The Head of the Supervision Department of Tbilisi City Hall responsible for Krtsanisi municipal district, Irakli Kvaratskhelia had faced pressure since the change of the political leadership within the City Hall. Kvaratskhelia was associated with the United National Movement. He was told that his political affiliation was unacceptable and it would be impossible for the political management to work with someone who had worked with the United National Movement. On October 22, 2014, Irakli Kvaratskhelia was fired based on the grounds of him allegedly discrediting Tbilisi City Hall by publicizing via media those video and audio tapes, which proved pressure against him within the City Hall.

²³ The senior specialist of Tbilisi City Hall Department for Social Services, Education and Culture, Nino Andriadze was fired, allegedly because of political grounds. After the change of leadership within the City Hall, Nino Andriadze was called to the Human Resources Department and was offered a lower, acting, position within the institution. Nino Andriadze refused and after this, based on reorganization procedure, Nino Andriadze was fired on 24 October 2014. Nino Andriadze is a supporter of the United National Movement. It should be noted that no reduction in the size of staff or other type of reorganization has occurred before or after Nino Andriadze's dismissal.

²⁴ After the local elections in June 2014, Irakli Jikia, the Head of Ritual Division at 'Hades LLC - founded with 100% equity of Tbilisi City Hall - was dismissed in October 2014, allegedly, based on political grounds. Irakli Jikia had held the stated position within the enterprise since the United National Movement political leadership. It is noteworthy that the company underwent reorganization, but Irakli Jikia's position was only formally renamed, while official duties stayed the same. No other employee was fired, despite the fact that the names of positions of other employees were also changed. Consequently, the selective approach was revealed.

²⁵ In December 2014 and January 2015, during the competition for the selection of Gurjaani Municipality Board members, candidate Lela Ghrubeladze was not selected for the position, allegedly, based on political grounds. Lela Ghrubeladze is a member of Free Democrats party and has been participating in their public political events. She was directly told that her support to the opposition party would create problems during the competition for the Board membership.

²⁶ Web-site of the International Society for Fair Elections and Democracy: <http://www.isfed.ge/main/808/geo/>

²⁷ Georgian Law on Social Security Disability the 7th, 8th and 16th Part II "j", "N", "t" and "u"; Also Acts issued in March 24, 2009 # 57 by the Government approving the issuing construction permit rules and permit conditions - Article 12; Resolution № 41 of the January 6, 2014; December 13, 2006 the United Nations' Convention (ratified in December 26, 2013) on the Rights of Persons with Disabilities in articles 9th, 13th, 20th;

persons with disabilities can not enjoy decent living and working conditions and their full involvement in societal activities is not guaranteed. Moreover, article 178¹ of the Georgian Administrative Procedural Code does not provide any effective remedy against lack of facilities for disabled persons, and the vast majority of the construction companies prefer to pay the fine rather than to take adequate measures to take into consideration interests of disabled persons.

3.4 Discrimination based on sexual orientation

24. The police is reluctant to investigate crimes when the victims of violence are either sexual minorities and/or organizations working on their protection. As highlighted by the UN Human Rights Committee, Georgia should provide effective protection to lesbian, gay, bisexual and transgender persons and ensure the investigation, prosecution and punishment of any act of violence motivated by the victim's sexual orientation or gender identity in accordance with article 53, para. 3¹, of the Criminal Code.²⁸
25. The case litigated before the European Court of Human Rights by Article 42, *Aghdgomelashvili and Japaridze v. Georgia*,²⁹ is a clear illustration of the failure of the Georgian authorities to investigate a crime based on sexual orientation of victims: in 2009, the police raided the office of Georgia's major NGO, working on LGBT issues. During the raid, the police allegedly ill-treated the employees of the NGO in question, as well as heavily interfered with the respect of their private lives. Since then, no efficient investigation has been undertaken into the incident.

Recommendations:

- **The Government must elaborate special strategy to prevent politically motivated dismissals from public service. Moreover, alleged cases of politically motivated dismissals should be effectively investigated.**
- **Article 34 of the Local Government Code should be amended. Grounds for the initiation of the dismissal of Sakrebulo Chairperson should be listed clearly.**
- **National standards for the protection of the disabled persons should come in accordance with international standards. In particular, persons with disabilities should enjoy the possibility to fully integrate within the society, while those preventing such integration by violating the national legislation must be sanctioned adequately.**
- **Crimes motivated by the victims' sexual orientation should be investigated effectively, especially when the suspected perpetrators are policemen. Moreover, awareness raising strategy should be implemented to support the prevention of such crimes.**

²⁸ UN Human Rights Committee, Concluding Observations on the 4th Periodic Report of Georgia, CCPR/C/GEO/4, 19 August 2014, para. 8

²⁹ Application N. 7224/11, lodged on 25 January 2011

4. Section four: Women's rights

4.1 Reproductive health rights

24. Child marriages occur quite often in Georgia and are mostly related to issues of gender equality. Among European countries, Georgia has one of the highest number of early marriages.³⁰ According to the data of the Ministry of Science and Education of Georgia, 19% of the girls aged 20-24 were married before they turned 18 years old.³¹ From October 2011 – till January 2013, 7,367 girls stopped receiving secondary education and were cut off from public/private schools.³² The main reason for children to drop out can be identified as child marriage. Early marriage is particularly common in certain ethnic and religious groups, for example, mountain regions, ethnic minorities, and religious minorities. For example, among ethnic minorities, 32% of married women got married under the age of 18. Amongst those reported cases, the 5% got married when they were 13-14 years old, 16% of married couples got married at the age of 15-16.³³
25. Reproductive rights are also an issue in Georgia. Safe abortion is not equally available for everyone. Religious, geographic, financial barriers, low quality of service, lack of information about contraceptive methods and non - competitive medical environment create artificial barriers, which are becoming a serious problem.³⁴
26. The UN Human Rights Committee has also highlighted that need to combat early marriages and sex-selective abortions within Georgia.³⁵ The latter issue has also been emphasized by the UN Committee for the Elimination of Discrimination Against Women.³⁶

4.2 Domestic violence

27. Domestic violence constitutes an issue of grave concern in Georgia, . In 2014 alone, 25 women were killed by their spouses mostly because of marital conflict. This official data does not reflect other violent crimes committed against spouses/partners. According to the Ministry of Internal Affairs of Georgia, between 2011 and 2015 Restraining orders amount to 257 in 2011, 307 in 2012, 227 in 2013, 817 in 2014, and 241 by the 10th of February of 2015.
28. Georgia lacks detailed reports based on quantitative or qualitative data, which will enable Non Governmental Organisations to properly evaluate the situation. Neither the Ministry of Internal Affairs, nor the National Statistics Office of Georgia registers the cases of domestic violence, when

³⁰ Global Gender Gap Report 2014, available at: <http://reports.weforum.org/global-gender-gap-report-2014/>

³¹ UNO Georgia- Early marriages in Georgia : <http://en.calameo.com/read/000713529423e3af16ad7>

³² Public Defender's Report about Human Rights and Basic Freedoms in Georgia, 2013, p 504

³³ UNO Georgia- Early marriages in Georgia : <http://en.calameo.com/read/000713529423e3af16ad7>, p 5

³⁴ Problematic issues were identified during 35 trainings conducted in the 12 regions of Georgia. Prioritization of problems were made according the results of pre- and post-tests and analysis of a number of legal consultations.

³⁵ Supra note 17, para. 7

³⁶ UN Committee on the Elimination of Discrimination Against Women, Concluding observations on the combined 4th and 5th periodic reports of Georgia, CEDAW/C/GEO/4-5, 24 July 2014, para. 31

the nature of violence was sexual. Accordingly, the Government fails to both identify the respective violation and address it.

29. Law enforcement authorities often lack qualification to address the issue, moreover, there are numerous cases when police officers attempt to persuade the victims not to file a complaint. Additionally the police often fails to investigate the cases of such violence. Therefore, victims frequently refrain from addressing them.
30. Inter-agency coordination and effective implementation of the measures for the protection of victims of domestic violence remain a major concern. There is a lack of coordination between the Ministry of Internal Affairs and the social workers of the Social Service Agency. Such coordination is mandatory to monitor the implementation of protective/restraining orders issued in the cases of domestic violence.
31. State run services hardly correspond to the immediate needs of the victims of domestic violence. As opposed to the shelters, which are insufficient in number, there are no state-run crisis centres, Due to a time consuming procedure of receiving a status of a victim of violence (which eventually allows the victims to stay in the shelter) victims often have to continue living under on-going threat from their partners. On this background it is crucial to set up crisis centres
32. The UN Human Rights Committee also emphasized the problems relating to the reporting of domestic violence cases, training of public officials dealing with domestic violence and the lack of efficient investigation of such cases.³⁷
33. Furthermore, the UN Committee on the Elimination of Discrimination Against Women urged Georgia to take measures to prevent the growing number of murders of women by their partners, to ensure that women report the cases of domestic violence, including sexual abuse and to provide for efficient investigation and redress.³⁸ Moreover, the Committee noted the need for all victims to have access to effective protection and assistance.

Recommendations:

- **The Ministry of Education and Science of Georgia should include the course on reproductive health and rights into the curriculum of public schools. Moreover, teachers should be trained in reproductive health rights. The Government must set up crisis centres for the victims of domestic violence throughout the country. Crisis centres should offer full range of crisis intervention services to the large group of beneficiaries.**
- **The Government should be able to identify all cases of domestic violence, prevent such violence and provide effective remedy to the victims. The Government should train law**

³⁷ UN Human Rights Committee, Concluding Observations on the 4th Periodic Report of Georgia, CCPR/C/GEO/4, 19 August 2014, para. 9

³⁸ UN Committee on the Elimination of Discrimination Against Women, Concluding observations on the combined 4th and 5th periodic reports of Georgia, CEDAW/C/GEO/4-5, 24 July 2014, para. 21

enforcement officials in supervising the implementation of protective/restraining orders, in processing statistical data and in controlling families with conflict.

5. Section five: Labour rights

34. The amendments to the Labour Code of Georgia introduced on 4 July 2013 failed to provide for adequate protection against sexual harassment and to ensure equal salaries for equal work and to address gaps of financial remuneration between the genders. The issue of applying gender sensitive language during recruitment has not been addressed either.
35. The Government of Georgia has not yet ratified the International Labour Organization Conventions N 183 on Maternity Protection, N156 on Workers with Family Responsibilities and N158 on the Termination of Employment. Ratification of these conventions will be positive steps to protect employees' labour rights. The ratifications of the mentioned ILO conventions are urgent for ensuring gender equality in employment and, generally, to raise the standards of protection of the employees.
36. The legislation does not regulate pre-employment relations, which in practise promotes discriminatory gender stereotypes in labour relations, deeply rooted within the society. According to the data of the Georgian employment web-sites,³⁹ between 2010-2014 approximately the 34% of job openings contained language that was not gender - sensitive or that was even discriminatory.⁴⁰ The 70% of employed workers think that questions about their private lives are admissible during the interview.⁴¹ Low awareness about discrimination and the absence of an effective mechanism to combat discrimination during recruitment process, leads to the exclusion of women from the labour market and puts them in inherently unequal situation.
37. Gender balance among employees in the public service is respected for low level positions while there is a substantial imbalance at the higher level. Vertical segregations are deeply rooted in every field of employment. Approximately 65% of respondents mentioned that their direct supervisor is a man; in case of woman, it is only 31%.⁴²
38. The same data is published by the Global Gender Gap Index, stating that only approximately 34% of managers in Georgia are women.⁴³
39. The UN Human Rights Committee also called on Georgia to combat vertical and horizontal segregation in employment and eliminate gender wage gap. Moreover, the Committee highlighted

³⁹ During this period a total of 85,736 job announcements were monitored, the use of female - group oriented language was identified in 10.01% vacancy cases, while the male-oriented language was present in 24.02% of cases. For instance the word "man" was used in 1482 times, while the "woman" was used 607 times. In addition, the phrase "a pleasant appearance" was recorded in 1589 announcements, and the word "stable" – in 780 announcements.

⁴⁰ Gender Discrimination in Labor Relations, available at:

http://tanastoroba.ge/system/publications/4/Gender_Discrimination_in_Labor_Relations.pdf.

⁴¹ Available at: http://tanastoroba.ge/en/explore_data?filter_variable=&row=G7_9&col=

⁴² REPORT PAPER OF THE STUDY “GENDER DISCRIMINATION IN THE GEORGIAN LABOUR MARKET“

http://tanastoroba.ge/system/publications/2/Gender_Discrimination_in_the_Georgian_Labor_Market.pdf

⁴³ Global Gender Gap Index 2014, available at: <http://reports.weforum.org/global-gender-gap-report-2014/part-1/>

that Georgia must strengthen efforts to achieve equitable representation of women in decision making positions within specific time frames.⁴⁴ The same recommendations have also been issued by the UN Committee on the Elimination of Discrimination Against Women.⁴⁵

Recommendations:

- **Mechanisms which combat gender discrimination should be explicitly formulated in the labour legislation (e.g. sexual harassment, equal pay for equal work and etc.) and adequately reflect International Labour Organization (ILO) standards.**
- **The Government of Georgia should ratify ILO Conventions N 183 on Maternity Protection, N156 on Workers with Family Responsibilities and N158 on the Termination of Employment.**
- **Pre-employment relations should be regulated under the Georgian Labour Code and the Georgian Law on Public Service and must include provisions about using gender - neutral content during all stages of recruitment.**
- **The Government should study the main causes of vertical segregation and adopt a strategy to decrease it.**

6. Section six: Protection of Human Rights Defenders and Non Governmental Organizations

40. Non Governmental Organisations have raised concerns about derogatory statements made by Leaders of the Executive Government and Members of the Parliament from the majority party on the activities of Georgian human rights defenders
41. In October 2013, the Vice Prime Minister of Georgia and the Minister for Energy Resources, Mr. Kakhi Kaladze, criticized the Non Governmental Organizations who opposed the construction of a large hydroelectric power plant and used derogatory terms to express his discontent over their protest.⁴⁶
42. In May 2014, the Prime Minister of Georgia, Mr. Irakli Gharibashvili, slammed Non Governmental Organizations participating in the campaign about privacy rights - This Affects You and stated that they “undermine” the functioning of the state.⁴⁷
43. In January 2015, former Prime Minister, Mr. Bidzina Ivanishvili announced that the activities of the leaders of three largest human rights NGOs in the country should be “studied” publicly.⁴⁸

⁴⁴ UN Human Rights Committee, Concluding Observations on the 4th Periodic Report of Georgia, CCPR/C/GEO/4, 19 August 2014, para. 7

⁴⁵ UN Committee on the Elimination of Discrimination Against Women, Concluding observations on the combined 4th and 5th periodic reports of Georgia, CEDAW/C/GEO/4-5, 24 July 2014, paras. 25 and 29

⁴⁶ Statement of the Vice Prime Minister, dated 20 October 2013, available at: http://www.myvideo.ge/?video_id=2160865

⁴⁷ Statement of the Prime Minister, dated 1 May 2014, available at: <http://www.media.ge/ge/portal/articles/302606/>

44. Most recently, one of the leaders of the political party, which is part of the ruling Georgian dream coalition, and the Member of the Parliament, Mr. Gogi Topadze, requested to shut down NGOs in Georgia and suggested to the authorities to take example from other countries, where NGOs do not function at all because they “undermine” the functioning of the states.⁴⁹

Recommendations:

- **The Government should refrain from interfering with the activities of Human Rights Defenders and Non Governmental Organizations and ensure safe and enabling environment for their work.**
- **The members of the ruling political coalition should refrain from engaging in smear campaigns against civil society organizations. The Government should strictly condemn any signs of smear campaign against Human Rights Defenders.**

⁴⁸ Statement of the former Prime Minister, dated 29 January 2015, available at: <http://www.civil.ge/eng/article.php?id=28010><http://www.liberali.ge/ge/liberali/news/123407/>

⁴⁹ Statement of Mr. Gogi Topadze, dated 5 March 2015, available at: http://maestro.ge/menu_id/12/id/18938/lang/1 <http://17mai.si/2015/03/16/georgia/>