

Law of Georgia

on Gender Equality

Chapter I. General Provisions

Article 1. Scope of the Law

The Law establishes the fundamental guarantees of equal rights, freedoms and opportunities of women and men granted by the Constitution, defines legal mechanisms and conditions for their implementation in relevant spheres of social life.

Article 2. Aim of the Law

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

Article 3. Definition of terms used in the Law

1. The terms used in the present Law shall have the following meanings:

a) *Gender* – social aspect of relationship between the sexes which is demonstrated in all spheres of social life and implies perceptions against any of the sexes based on socialization;

b) *Gender equality* – part of the human rights pertaining to equal rights and obligations, responsibilities and equal participation of women and men in all spheres of private and social life;

c) *Discrimination* – any kind of differentiation, exclusion and/or restriction based on sex by means of differentiated recognition of the fundamental rights and freedoms, unequal expression, suppression or full rejection of abilities in a direct or indirect form;

d) *Direct discrimination* – discrimination against a person based on sex on the grounds of a legal act, program or other tools of public policy (except in cases specified under paragraph “f” of this Article);

e) *Indirect discrimination* – a legal act, program or any other tool of public policy which is not directly indicating on discrimination, but is associated with discriminatory result through enforcement (except in cases specified under paragraph “f” of this Article);

f) *Special measure* – a measure 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;

g) *Equal opportunities* – a system of remedies and conditions for achieving equality of rights and freedoms of women and men;

h) *Equal treatment* – recognition of equal rights and opportunities of both sexes for education, labor and social activity, in legal and family relations and other spheres of social and political life, prohibition of direct or indirect discrimination based on sex.

2. Other terms used in the present Law shall have the meaning defined under the effective legislation, if not otherwise specified.

Chapter II. Guarantees of ensuring gender equality

Article 4. Gender Equality Guarantees

1. The state supports and ensures equal rights of women and men in political, economic, social and cultural life.
2. In order to ensure gender equality the following principles shall be adhered to without discrimination:
 - a) Equal individual rights and freedoms of women and men;
 - b) Equal access to education and free choice of education at all stages;
 - c) Legal equity of spouses;
 - d) Equal rights and responsibilities towards children;
 - e) Support to elimination of violence in family and society;
 - f) Free choice of occupation or profession, career promotion, vocational training;
 - g) Employment in public service based on profession, skills and qualification;
 - h) Equal treatment during performance appraisal;
 - i) Equal social security in case of diagnosing illness or disability of women and men;
 - j) Equal access to healthcare for women and men;
 - k) Equal access to information for women and men.
3. The legislation of Georgia on gender equality is based on the Constitution of Georgia, international treaties and conventions, this Law and other regulatory enactments.

Article 5. Maintaining statistics in the sphere of gender equality

Official statistical reports related to gender issues shall be completed with data differentiated by sex.

Article 6. Gender equality in labor relations

1. The following are inadmissible in labor relations:
 - a) Any kind of direct or indirect discrimination, persecution and/or forcing measure based on sex which is aimed at or induces conditions that are intimidating, hostile, humiliating, impairing dignity or abusive to a person;
 - b) 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.
2. The state shall support equal access to employment for persons of both sexes.
3. During employment and performance of service obligations persons of both sexes can be placed in unequal position and/or privileged on the basis of the scope, specific character or terms and conditions of work performance, serving as a lawful cause and representing an adequate and necessary measure for accomplishment of work.

4. Favorable work conditions shall be ensured for pregnant women and breastfeeding mothers as prescribed by Georgian legislation, which excludes their activity under difficult, hazardous and unsafe conditions, as well as during night hours.

Article 7. State guarantees for ensuring gender equality in the sphere of education and science

1. Everyone has the right to freely choose the profession and specialty based on his/her abilities. This equity shall be secured by equal access to general, vocational and higher education without discrimination.

2. The state shall ensure equal conditions in receiving general, vocational or higher education by women and men in all educational institutions, including participation in implementation of educational and scientific processes.

Article 8. Equal access to informational resources

Central and local government authorities, legal entities of public law are obliged to ensure equal access to information kept with them or available to them for all persons interested in obtaining public information despite sex as prescribed by the Georgian legislation.

Article 9. Gender equality in the sphere of healthcare and social protection

1. In the sphere of healthcare and social protection universal and equal access to medical assistance shall be ensured for the population without discrimination based on sex.

2. Special measures implemented for the purpose of support to the health of mothers and children, family planning and protection of women's reproductive rights, as well as state policy for protection of pregnant women and motherhood, and other measures implemented in view of gender characteristics shall not be considered as discrimination.

Article 10. Gender equality in family relations

1. In family relations, in marriage and divorce women and men enjoy equal private and property rights, including the right to choose family name, profession and occupation and bear equal responsibilities. In family relations direct or indirect limitation or privilege in the rights and obligations based on sex is inadmissible.

2. Women and men in the family shall have the equal right to independently make decisions on the issue of participation in labor and social activities.

3. Issues related to child-rearing and other family matters shall be resolved between the spouses together by mutual agreement. Equal opportunities for activities of spouses and child-rearing shall be guaranteed and ensured.

4. Equal rights and obligations of women and men to be guardians, caregivers, trustees, and adoptives of children shall be ensured.

5. The rights and responsibilities of spouses in house work shall be equal.

6. The spouses shall have equal rights in ownership, purchase, management, use and disposal of property.

7. The spouses shall have equal rights pertaining to leisure activities and participation in all spheres of cultural life.

Article 11. Guarantees of equal voting rights

1. Everyone has the right to take part in elections on equal terms without any discrimination.
2. Equal opportunity for participation of representatives of both sexes shall be ensured in enforcement of the right to be elected in a representative body.
3. Women and men can be elected on equal terms without discrimination.

Chapter III. Supervision over protection of gender equality

Article 12. Support of gender equality by the Parliament of Georgia

1. Pursuant to the Regulations of the Parliament and the Georgian Legislation the Parliament of Georgia shall ensure elaboration of legislative issues in the sphere of gender, support for execution of the decisions of the Parliament thereto, control over the performance of entities accountable before the Parliament.

2. For the purpose of ensuring regular and coordinated work on gender issues pursuant to the Regulations of the Parliament and Georgian Legislation the Parliament of Georgia shall establish a Gender Equality Advisory Council. The membership, statute, functions and authority of the Council shall be determined under this Law, the Regulations of the Parliament and the Regulations of the Gender Equality Advisory Council which shall be approved by the Chairman of the Parliament.

3. The Gender Equality Advisory Council shall be authorized to:

- a) develop and present to the Parliament of Georgia for approval the Action Plan for Gender Equality, ensure coordination and monitoring of implementation of the Action Plan;
- b) perform analysis of the legislation and draft proposals for overcoming gender inequalities existing in the legislation;
- c) provide expertise of draft legislative acts submitted under legislative initiatives with respect to gender equality assessment;
- d) elaborate and plan activities to achieve gender equality, ensure enforcement of equal rights of women and men;
- e) elaborate and implement the monitoring and evaluation system of activities targeted at ensuring gender equality, develop recommendations;
- f) request and receive any information and documents related to the study of gender equality issues, except for the confidential documentation under the effective legislation;
- g) review applications, documentation and other information submitted with respect to violation of gender equality, take steps in response within its authority and develop appropriate recommendations;
- h) during review of gender equality issues invite representatives of international or local organizations and/or experts working in the relative field;
- i) implement other rights granted by the legislation of Georgia.

4. The Gender Equality Advisory Council shall submit to the Parliament of Georgia the annual report on the status of gender equality in Georgia, prepare reports on the status of implementation of obligations assumed at the international level with respect to gender equality. On the basis of a relevant decision of the Chairman of Parliament the Council shall be entitled to represent the Parliament of Georgia in international relations with respect to gender equality issues.

5. Organizational structure, code of practice and relations of the Gender Equality Advisory Council with state authorities shall be defined under the Regulations and the Statute of the Parliament of Georgia.

Article 13. Support of gender equality by local authorities

1. Local self-government bodies shall in accordance with the Organic Law of Georgia on Local Self-Governance and other legal acts of Georgia develop and implement activities on the local level to ensure identification and elimination of discrimination based on sex.

2. The budget, social-economic development priorities, municipal programs and plans of local self-government bodies shall be implemented in a way to exclude any kind of discrimination based on sex.

3. State authorities within their authority shall provide organizational, informational and other types of support to the local self-government bodies for prevention of discrimination based on sex and protection of universally recognized human rights and freedoms in their activities.

Article 14. Authority of the Public Defender for protection of gender equality

1. The Public Defender of Georgia shall ensure within his authority monitoring of the respective sphere and taking responsive measures on violations of gender equality.

2. For ensuring gender equality the Public Defender of Georgia shall implement the rights granted to him under the Organic Law of Georgia on Public Defender.

Chapter IV. Transitional and final provisions

Article 15. Measures to be taken for enforcement of this Law

The state and local self-government bodies shall perform analysis of effective statutory acts within the scope of their activity within 6 months upon enactment of this Law, as required.

Article 16. Enactment of the Law

The law shall be enacted upon its publication.

President of Georgia

26 March, 2010

Mikheil Saakashvili