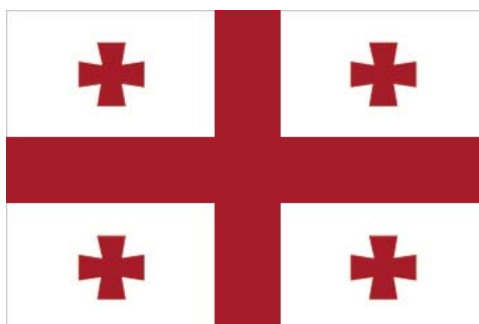


**EU Gender Watch  
Gender Analysis  
of EU Development Instruments and Policies  
in Georgia  
Representing Caucasus**



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## **Introduction**

After the collapse of the Soviet Union Georgia, along with other Commonwealth of Independent States (CIS) countries, experienced a sharp decline in economic output, prolonged regional conflicts resulting in great numbers of internally displaced persons (IDPs), the deterioration of social protection systems, and devastating natural disasters. These circumstances resulted in a dramatic increase in poverty and a decline in human development indices. Poverty has greatly affected women and introduced numerous obstacles and challenges in the promotion of gender equality and advancement of women's rights.

The targets for reduction by 2015 are set at 20-25% and 4% of the total population respectively<sup>1</sup>.

Available data indicate that the current trend in poverty eradication is going in the wrong direction, with an increasing percentage of the population living in poverty. A considerable part of the population is living in deteriorating conditions. The Food and Agriculture Organization (FAO) standards place Georgia's nutrition level in the risk zone. The unbalanced diet of the impoverished people is imposing a threat to the overall health of the population and a risk of human resource deterioration. The IDPs are isolated from society, have limited access to employment, live in inadequate conditions and receive insufficient social assistance<sup>2</sup>.

Georgia is in the process of building a modern European State. This long-term endeavor requires equally strong commitment from the Government and the society at large. Leadership changes brought about by the 2003 Rose Revolution enabled the Georgians to establish a new framework for the consolidation of national identity. The government committed itself to the restoration of the territorial integrity and development of the country as a modern European state.

The same goal is set in the government's program for 2004-2009 that aims at strengthening and uniting Georgia through economic growth, long-term stability and European integration.

It is important to include gender approach in the new national strategies for ensuring fulfillment of all commitments towards achieving gender equality in all spheres of the society. Solution of gender and women's problems requires specific strategies to be worked out and implemented by the State. This would be guaranteed by existence of efficient institutional basis on the state level.

Caucasian societies being traditional ones serve as an example of complicated and sometimes even painful process of women's social and political involvement in all levels of decision-making process.

Despite efforts by the government, several issues pertaining to gender equality and participation in economic development have not yet been properly addressed. The government sometimes lacks appropriate resources, information, and skills to deal with issues related to women's rights. Moreover, the countries of the region face new challenges in the area of women's rights, including issues such as human trafficking, the rights of IDPs, and peacekeeping initiatives that require regional cooperation.

### *Human Capital Dimensions of Gender Equality*

Georgia has achieved gender parity in female secondary enrollment (see Table 1). However, early marriage leads to lower school graduation for girls. While health indicators are improving, new challenges are emerging, including the rapid rise in communicable diseases such as tuberculosis and HIV/AIDS.<sup>3</sup>

**Table 1. Indicators of Human Capital Development: Georgia<sup>4</sup>**

<b>Human capital development dimension for Georgia</b>	
<b>Access to education</b>	
Ratio of female-to-male enrollment in secondary education (2002)	1.01
Annual growth rate of the female-to-male ratio in education (1999–2002)	0.18
Boy–girl gap in primary completion rate (2003)	0.0
<b>Access to reproductive and health services</b>	
Percentage of births attended by skilled health staff (2000)	96.4
Contraceptive prevalence rate (2000)	40.5
Adolescent (15–19) fertility rate (2000–05)	33.2

**Source: World Bank (2005)**

## **Part 1. Political, legal and socio-economical conditions regarding women’s policies.**

### **1.1. Women’s rights in the legislation**

Article 14 of the Constitution of Georgia states that ”Every human being is free from birth and equal before the law regardless of race, skin colour, language, sex, religion, political or other beliefs, national, ethnic or social affiliation, origin, property status and title, and place of residence.”

Article 142 of the Penal Code provides a penalty of correctional labour for 12 months, or imprisonment for 24 months for the material

infringement of human rights on the basis of sex, religion, denomination, political or other beliefs, national, ethnic, or social group, social affiliation, origin, place and circumstances of birth or property. Similar offences committed by people abusing their official position are punishable by a fine, or detention for a term of three years, or deprivation of the right to hold office or work in a particular position for 3 years or longer.

The Georgian Parliament ratified the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) on 22 September 1994 and the Government submitted the first report on its implementation in 1999.

**Table 2 Legal environment**

Issue	Legal Provisions	Comments
<b>Constitutional Law</b>		
<p>1.Equality before law</p>	<p><b>Article 14</b> of the Constitution 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.</p>	<p><b>Article 142</b> of the Penal Code provides a penalty of correctional labour for 12 months, or imprisonment for 24 months for the abuse of human rights on the basis of sex, religion, denomination, political or other beliefs, national, ethnic, or social group, social affiliation, origin, place and circumstances of birth or property. Similar offences committed by abusing an official position or entailing grave consequences are punishable by a fine, or detention for a term of three years, or deprivation of the right to hold office or work in a particular position for 3 years or longer. However, there is no specific legislation prohibiting discrimination against women on the basis of gender or marital status.</p> <p>The Georgian Parliament ratified the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) on 22 September 1994 and the Government submitted the first report on its implementation in 1999. Although the Criminal Code punishes discrimination in general, it must be emphasized that there are no specific provisions targeting gender-based discrimination offences. Georgian legislation, generally, is quite formal concerning equality rights. Often, these laws are partly implemented. The main obstacle is a traditional approach towards women. The State authorities are concerned with few problems of women, mostly maternity, rarely other (for example, International Women’s Day was changed to Mother’s Day). There is strong tendency to ignore the problem of women’s discrimination and to deny women’s problems in Georgia. The government’s understanding of gender problems still remains traditional. There is a little State initiative to adopt Gender-sensitive</p>

		<p>political programs.</p> <p>As it was mentioned above there are no laws and policy that define discrimination against women or that regulate the conduct of official and private institutions, nor domestic spheres.</p> <p>There is no definition of gender-based violence against women. Few cases of women’s discrimination have ever been brought before the court. In Georgia special remedies that enable women to pursue their rights have not developed. Few statistics and monitoring of implementation of conventions and promotion and protection of women's rights have been conducted in Georgia for last years. One of the reasons for it is non existence of any units dealing with gathering date concerning women within the governmental structure (State Departments of Statistics).</p>
<p>2. Right to Education</p>	<p><b>Article 35</b> of the Constitution</p> <p>1. Everyone shall have the right to receive education and the right to free choice of the form of education.</p> <p>2. The state shall ensure the compatibility of educational programs with international rules and standards.</p> <p>3. Pre-school education shall be guaranteed by the state. Primary education shall be compulsory. The state shall provide basic education at its own expense. Citizens shall have the right to receive free secondary, professional and higher education at state educational institutions in accordance with a procedure and within the framework established by law.</p> <p>4. The state shall support educational institutions in accordance with the procedure established by law.</p>	<p>There are no legal provisions that discriminate between men and women regarding access to education.</p> <p>In Georgia, the secondary educational system consists of three levels: elementary level (from 1st to 4th forms); general level (from 5th to 9th forms); and higher level (from 10th to 12th forms). Education in the first two levels is free, while there is an average fee of 10-15 GEL in the third level, depending on the schools’ curricula. No difference in the number of boys and girls dropping out of school has been observed, however reliable statistics on this matter are not available.</p> <p>Education in state higher educational institutions is free. The rural population has to pay for the third level of education, but payment reductions and fee waivers can be granted on the basis of parents’ applications.</p> <p>On the surface, education opportunities in Georgia are the same for boys and girls. At the same time, gender analysis of textbooks and programs has not been conducted yet and it can be said that school education is not fully free from gender stereotypes. Educational disparity is especially visible in rural areas and enclaves. For example, in some of the districts of East Georgia with Moslem</p>

		<p>population, parents take their daughters out of school, believing that girls should stay home and prepare themselves for family life. Therefore, in the rural areas, almost as a rule only boys have chances to finish school, while girls have just 6-7 years of schooling. As for University education, based on 2005 data, there are slightly more female students than male students (51,2% vs. 48,8%). In 2004 women were a majority among post graduate student - 65 % . Ninety nine percent of the population is literate. Of that number literacy among males is 100% and among females is 98%.</p> <p>Education indicators are equally high for both genders. However, recent family expenditures for boys' education appear to have grown. This tendency is particularly evident in mountain regions, among non-Georgian ethnic populations and in large families.</p>
<p>3. Right to Health</p>	<p><b>Article 37</b> of the Constitution</p> <p>1. Everyone shall have the right to enjoy health insurance as a means of accessible medical assistance. In cases determined in accordance with a procedure prescribed by law, free medical aid shall be provided.</p> <p>2. The state shall control all institutions of health protection and the production and sales of pharmaceuticals</p>	<p><b>Law of Georgia of 10 December 1997 on health care</b></p> <p>4. the principles of State policy in the field of health care are following:</p> <p>1. to provide the population with universal and equal access to medical care within the framework of State-funded medical programs; 2. to assure the protection of human rights and freedoms in the field of health care, as well as the recognition of the patient's dignity, honor, and autonomy;</p> <p>5. Georgian citizens shall have the right to medical care, in accordance with the State health care programs and the procedure stated by law, dispensed by an appropriate legal entity practicing a medical activity, regardless of the type of ownership and organizational or legal form.</p> <p>6. (1) Any discrimination against a patient on the basis of race, color, sex, religious convictions, political and other views, ethnic or social origin, economic condition or status, place of residence, disease, sexual orientation, or negative personal attitude shall be prohibited</p>

		<p>7. Every citizen of Georgia shall have the right to receive understandable, comprehensive, and accurate information and request a second opinion with regard to his state of health, with the exception of the cases referred to in Section 41.</p> <p>Access to health care services is generally the same for women as men in Georgia. Statistically women live 5-6 years longer than men. Due to economic challenges in recent years health care facilities are less available for general population and child mortality rates have drastically increased.</p>
4. Right to Employment	<p><b>Article 30</b> of the Constitution</p> <ol style="list-style-type: none"> <li>1. Work should be a free choice</li> <li>2. The state shall be bound to promote the development of free entrepreneurial activity and competition. Monopolistic activity shall be prohibited except for the cases permitted by law. The rights of consumers shall be protected by law.</li> <li>3. On the basis of international agreements governing labour relations, the state shall protect the labour rights of the citizens of Georgia abroad.</li> <li>4. The protection of labour rights, fair remuneration for work and safe, healthy working conditions and the working conditions of minors and women shall be determined by law</li> </ol> <p><b>Article 32</b> The state shall promote the unemployed citizen of Georgia to be employed. The conditions of the provision of a minimum standard of living and the status of the unemployed shall be determined by law.</p>	<p>The problems of employment and social status of Georgian women are very acute, because the percentage of working women labor has increased during the last ten years, but at the same time the number of jobs diminished sharply. The level of employment of women was more than 80 %. After the decrease in number of jobs the level of working women sank down to 40 %. At this time the number of working women increased in the non-formal sector of economic black labour market and among part-time workers. In many cases women are hired illegally. In result of this no legislation can efficiently protect the workers.</p> <p>Work done by women at home is not counted as part of the work done in the labor force and it is not included in national statistics or generally in society. Women are involved in the homework three times more than man is.</p> <p>According to the Georgian Constitution, every citizen is allowed to hold any official state positions as long as he/she satisfies established requirements. In reality there are cultural obstacles for women to reach high positions. There are many cases of discriminating advertisements. No corrective approach is held by the government.</p>
5. Right to vote	<p><b>Constitution of Georgia</b> <b>Article 28</b></p> <ol style="list-style-type: none"> <li>1. Every citizen of Georgia who has attained the age of</li> </ol>	<p>Georgian legislation grants equal voting rights to men and women. Women voters are equally active both in urban and in rural areas and have no impediments in exercising their voting rights.</p>

18 shall have the right to participate in referendum or elections of state and self-government bodies. Free expression of the will of voters shall be guaranteed.

2. A citizen, who is recognized as legally incapable by a court or who is detained in a penitentiary institution following a conviction by a court, shall have no right to participate in elections and referendum.

### **Unified electoral code of Georgia**

#### **Article 4. Basic Principles of Elections**

Elections in Georgia shall be held on the basis of universal, equal and direct suffrage, and by secret vote.

#### **Article 5. Universal Suffrage**

Elections prescribed by this Law are universal:

Any citizen of Georgia who by the elections has attained or is on the day of election attaining the age of 18 years and who meets the requirements prescribed by this Law enjoys the active electoral right, except for the persons who, under the Constitution of Georgia and/or in accordance with this Law complying therewith (Articles: 10, 56, 110) have restricted suffrage;

- a. Any citizen of Georgia who meets the requirements of this Law enjoys the passive electoral right, except for the persons who, under the Constitution of Georgia and/or in accordance with this Law complying therewith (Articles: 73, 76, 78, 80, 92,

	<p>94, 98, 110), have restricted eligibility.</p> <ol style="list-style-type: none"> <li>1. A person who has been declared incapable by the court or is being placed in a penitentiary institution in accordance with a court judgment is not eligible to take part in elections and referendum.</li> </ol> <p><b>Article 6. Equal Suffrage</b></p> <ol style="list-style-type: none"> <li>2. Voters take part in elections based on equal rights.</li> <li>3. Every voter of one and the same election district has an equal number of votes.</li> </ol>	
<p>6. Eligibility to run for elected office</p>	<p><b>Constitution of Georgia</b> <b>Article 29</b></p> <ol style="list-style-type: none"> <li>1. Every citizen of Georgia shall have the right to hold any state position if he/she meets the requirements established by legislation.</li> <li>2. The conditions of public office shall be determined by law.</li> </ol> <p><b>Unified electoral code of Georgia</b></p> <p><b>Article 80. Right to Passive Vote</b></p> <ol style="list-style-type: none"> <li>1. A citizen of Georgia by birth who has the right to vote, is above 35 years of age, has lived in Georgia for at least 15 years and is living in Georgia on the day of appointment of elections, may be elected as the President of Georgia.</li> <li>2. A candidate for election as the President of Georgia may not be a citizen who has not lived</li> </ol>	<p><b><u>See section women participation</u></b></p>

in Georgia during the last 2 years and is not registered by the consular office of Georgia in any country.

**Article 92. Right to Passive Vote**

1. Any citizen of Georgia over 25 years of age, who has permanently resided in Georgia for at least 10 years and knows the Georgian language, enjoys the right to a passive vote and may be elected a member of the Parliament of Georgia.
2. A citizen who has not resided in Georgia during the last 2 years and is not registered by the consular office of Georgia in any country, may not be elected as a member of the Parliament of Georgia.
3. A drug-addict or drug-user shall not be elected a member of the Parliament of Georgia. If such person has been announced elected by the appropriate election commission, the Parliament of Georgia has no right to validate his/her authority.

7. Property rights

**Article 1158. Community Property of Spouses**

1. Property acquired by the spouses during the marriage shall constitute property owned by them in common (community property), unless otherwise stipulated in a marital agreement concluded between the spouses.
2. The community-property rules shall likewise oblige if one of the spouses has been keeping the household, has been providing care for the children, or was lacking an independent source of income for other legitimate

Women can own land, housing, buildings, cars and other property and, according to Georgian legislation, women and men are equal before the law with regard to property. Under the Civil Code, women have the same rights as men to conclude any agreement on their behalf and own, manage and dispose of property. This right arises from the provisions of Article 21 of the Constitution, according to which the right to property and inheritance is guaranteed to all persons on an equal basis.

reason.

**Article 1159.** Administration of Community Property by Mutual Agreement

The spouses shall have equal rights to the community property. Possession, use and disposition of this property shall be exercised by mutual agreement of the spouses.

**Article 1160.** Disposition of Community Property by Mutual Agreement

The disposition of community property of the spouses shall be exercised by mutual agreement of the spouses, regardless of which spouse disposes of this property. A transaction made by one of the spouses for disposition of the property may be rendered void upon request of the other spouse, only if the spouse having disposed of the property had no such authority and it is proved that he or she knew or ought to have known that he or she had no such right.

**Article 1161.** Separate Property of the Spouses

The following shall constitute the separate property of each spouse:

- a. Property that this spouse owned before the marriage;
- b. Property that is acquired during the marriage by inheritance or by gift.

Spouses may enter into a prenuptial agreement that defines their property rights and responsibilities during the marriage and after divorce. Although a prenuptial agreement cannot alter the spouses' obligation to support each other, to provide alimony in cases of divorce, or their right to approach the court in cases of dispute, spouses can change the rule governing common possession.

Spouses may also own property in their own right, i.e. property that belonged to either spouse before marriage, property that was inherited or received as gift during the marriage, and items for personal use acquired during marriage (except family jewelry).

There is no special legislation on unmarried couples nor are there any legal provisions in the Civil Code dealing with such couples' property - they are regarded as independent persons. If an unmarried couple lives together for a significant period of time (i.e. a few years) like a family, then society accepts the couple as a family despite the lack of marriage registration. Although society does not regard unmarried couples negatively, such relationships are not common.

Children born out of wedlock enjoy similar rights to those born in marriage. Traditionally, Georgian society rejected single mothers and expressed negative attitudes toward them. However, attitudes have now become more liberal, although unmarried mothers may continue to face problems with their own family members. There are articles in the Civil Code that protect the rights of single mothers and provide for particular allowances and material support. For example, Article 36(2) provides that single mothers and women with children under the age of three cannot be dismissed from their jobs in times of staff reduction.

Single mothers enjoy the same rights as married mothers.

1. Entrepreneurship	<p>No specific provisions.</p> <p><u>Law on entrepreneurs</u> does not content specific provisions related to the gender of entrepreneurs, nevertheless basing on the general provision of the Constitution of Georgia according to which every person has set of rights to pursue opportunities with no regard to gender (among other affiliations, such as race, religious beliefs etc), it should be stated that every citizen of Georgia has right to entrepreneurship, if the activity is within the set of legal requests established by law.</p>	<p>There were no women among owners of large enterprises. In terms of small businesses, women own 57 facilities out of 341 in the agricultural and food processing industry; 1,254 facilities out of 3,897 in trade; 2 out of 164 in the oil industry; 85 facilities out of 396 in the healthcare sector and 41 facilities out of 396 in the social sphere. Thus, measures supporting women's entrepreneurial activities should be implemented.</p> <p>It is significant that the proportion of women occupying top positions is very small in agencies dealing with economic policy, thus limiting their opportunities to participate in implementing the policies.</p> <p>Women are involved in the banking sector, where they make up 48%. The average salary of women in this sector is GEL 80.80, which is 92% of the average indicator. (Source: State Department for Statistics).</p> <p>Women's representation in small businesses (e.g. shops, cafes, restaurants, and hotels) is similar to men's but they are hardly ever involved in large businesses. Although women may have business projects, they cannot launch large businesses because they lack adequate support. Women employed in officially registered private businesses and state agencies are in the minority, i.e. 30% of employed women. This percentage is similar to that of Soviet times.</p> <p>According to available information, two thirds of reporters employed in the mass media are women and there has been a sharp increase in the number of women holding leading or administrative positions in this field in recent years. The same holds true in the advertising business, which employs young women.</p>
2. Access to credit	<p>No specific provisions.</p> <p>General provisions of the Civil Code are applicable.</p>	<p>Women have the right to independently receive financial services (credit, loans) without having to obtain anyone else's permission.</p>

**Labor Laws**

1.Right to Work

**Law on employment**

**Article 7** Right to employment

All citizens of Georgia, regardless of race, ethnic origin, sex, religious convictions, political beliefs or property status have the right to work;  
Conditions are being created to ensure maximum employment of citizens and to reduce unemployment;  
The social protection of unemployed persons is guaranteed.

**Article 16** Unemployment

The professional training and re-training of an unemployed person is carried out if:

- (a) the unemployment service cannot find a relevant profession (vocation) for the unemployed person within three months;
- (b) the unemployment service cannot offer the unemployed persons a job in his/her professional field and he/she needs to change profession (vocation);
- (c) the unemployed person has lost the ability to practice his/her profession (vocation);
- (d) the unemployed person expressed the desire to change his/her profession (vocation).

2. Professional training and retraining of the unemployed person is carried out at the State Employment Service, the Vocational Education Center, Training/Retraining Centres and other training institutions, and is funded by the United State Employment Fund as well as other interested industrial enterprises and organizations.”

Labor market analysis signals a significant deterioration in the status of women after independence. According to the State Department of Statistics in 2002 women account for just 47.7% of the economically active population. Some 35.9% of women in the total female employed population above fifteen years of age are contractually employed. The remainder, 64% are self-employed. Most self-employed women work on family farms or business for no remuneration.

Employment opportunities are legally equal. However, women have limited access to managerial positions both in the public and private sectors and their remuneration is usually lower.

According to the State Department of Statistics (SDS) survey “Women and Men in Georgia, 2005”) average wages of female employees in state-owned industries amount to only 55.1% of wages of male employees; in public institutions - 46%; in agriculture - 82.5%; in trade - 71.2%; in education 72.6%; in healthcare 71.8%, in consumer services - 51.7%, in self-employment- 69.9%.

When a job is available, the potential employer states whether the job is for a man or a woman. Most jobs for women are in the area of trade and service (salesperson, waitress, hairdresser, cosmetologist, etc.). There is a low demand for highly qualified people with a high level of knowledge (foreign language, computer skills etc.) The labour exchange provides an unemployment service for people who are not highly competitive in the job market, but usually only finds unqualified low-paying positions.

The unemployment service also conducts re-training for persons with limited abilities in order to make them more competitive and better able to find a job, not only through the unemployment service, but also independently. The State Employment Fund funds the training of unemployed persons in computer skills and basic courses in foreign languages in the field of sales. In addition, the Tourism Department established training for waiters and porters for high-

		<p>class hotels and restaurants.</p> <p>Regarding employment, there are age-specific limitations, appearance-specific demands and other requirements that extend to men as well. With a few exceptions, family status does not make a difference when applying for a job.</p> <p>There is no gender discrimination among the registered unemployed persons and there is a legal requirement whereby such persons, if not provided with a job within three months, can be sent for training or re-training.</p> <p>However, it is true that women are more likely to be dismissed from work before men because men are seen as more flexible in terms of work and travel and less restricted by household responsibilities. Over the past 10 years, the state and economic system has changed fundamentally due to the transition to a market economy, which brought new demands and destroyed the old structure. As a result, unemployment increased significantly.</p>
2. Equal Remuneration	<p><b>Labour Code of Georgia</b></p> <p>Labour is remunerated in accordance with the procedure and conditions established by labour legislation. In this regard, all forms of discrimination, including discrimination on grounds of sex, are prohibited.</p>	<p>Equal pay for men and women in Georgia is provided for under the Labour Code and, in fact, salaries are mainly equal. Nevertheless there is no centralized system of state control over equal remuneration; equal remuneration is not among indices which should be included in the reports of the employer. Nevertheless there is a significant difference in the average salary between men and women, because women usually obtain lower positions and are not promoted as often as men are (In the year 2003 average salary of women was 85,7 GEL and average salary of men -163 GEL).</p>

<p>2. Pregnancy, maternity and paternity</p>	<p><b>Labour code of Georgia</b></p> <p>Guarantees in hiring, and prohibition of dismissal of pregnant women and women with children up to the age of three, single mothers with children up to the age of 14 (or a disabled child up to the age of 16) and so forth (art. 161).</p> <p>Women who have been employed in a job for at least one year (in the case of women under the age of 18, duration of employment is not taken into account) are granted, at their request, leave with partial pay to care for a child up to the age of 18 months. Working women with less than one year of employment receive allowances amounting to half of their salary. The father or other relatives who actually take care of the child may avail themselves, in full or in part, of leave with partial pay and additional unpaid leave to care for a child. Under the Labour Code, an employee may be granted, at his or her request, short-term leave without pay to attend to family matters, which include caring for a sick child or other family members.</p>	<p>Nevertheless Georgian legislation provides possibility for both mothers and fathers to use different kinds of leaves for child care, it is not common and even unacceptable for Georgian men to leave work for child care. This is also related to the economic issues, as far as most husbands receive higher salaries.</p> <p>Men are not involved in child care and basic guarantees provided by current Georgian legislation for working women in order to give them possibility to take care of children without living work are vitally necessary. Draft of the new Labour Code considered by CSOs, trade unions and international organizations as those that is not compatible with international standard and could lead to the demographic crisis in Georgia, as far as neglects basic guarantees and benefits related to maternity, paternity and leaves</p>
<p>3. Maternity leave</p>	<p><b>Labour Code of Georgia</b></p> <p>Maternity leaves:</p> <ol style="list-style-type: none"> <li>1. Maternity leave for 70 calendar days before childbirth and 56 calendar days after childbirth;</li> <li>2. leave for women who adopt newborn children;</li> <li>3. infant-feeding breaks;</li> <li>4. additional leave without pay for mothers with children up to the age of three. This leave counts as part of the employee's total uninterrupted length of</li> </ol>	

**Reproductive Health**

<p>1.Reproductive health</p>	<p><b>Law of Georgia on Healthcare</b></p> <p>Chapter XXIII. Family planning (Secs. 136-145).</p> <p>141. Fertilization with the sperm of a donor shall be authorized:</p> <ol style="list-style-type: none"> <li>1. in the case of infertility, if there is a risk of the transmission of genetic diseases by the husband or if the woman is single, subject to the written consent of the childless couple or the single woman. After the birth of a child, the couple who were childless or the single woman shall be considered as the child's parents, with the rights and duties attaching thereto. The donor shall have no right to claim the paternity of a child born as the result of such fertilization; and</li> <li>2. if it is performed in a properly licensed medical establishment by a properly licensed physician.</li> </ol> <p>142. (1) Human cloning through the use of genetic engineering methods shall be prohibited.          (2) The State shall control research in the field of genetic engineering in accordance with the law.</p> <p>143. In vitro fertilization shall be authorized:</p> <ol style="list-style-type: none"> <li>1. for the treatment of infertility and also where there is a risk of transmission of genetic diseases by the husband or wife, through the use of gametes or an embryo from the couple or a donor, subject to the written consent of the couple; and</li> </ol> <p>if the woman has no uterus, through the transfer and development of an embryo resulting from fertilization</p>	<p>Up until now, most births have been professionally assisted. However, increasingly, the media has information on cases of home births, indicating that they are becoming more common because the mother does not have enough money to pay for professional assistance in hospital – as a result of the very low income in several regions of Georgia. When approached, the Department of Mother and Child Health Protection, the Ministry of Health Care and Social Safety, refused to give any official information</p>
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	<p>in the uterus of another woman (surrogate mother), subject to the written consent of the couple.</p> <p>(2) After the birth of a child, the couple shall be considered as parents, with all the rights and duties attached thereto. The surrogate mother shall have no right to claim to be the mother of the child born in this manner.</p> <p>144. Male and female gametes or embryos preserved by freezing may be used for the purposes of artificial fertilization. The duration of storage shall be determined according to the couple's wishes, in accordance with the established procedure.</p>	
2. Contraception	<p><b>Law of Georgia on Healthcare</b></p> <p>136. All citizens of Georgia shall have the right to determine independently the number of their children and the time between births. The State shall assure the observance of human rights in the field of procreation, in accordance with Georgian legislation.</p> <p>137. The State shall provide medical and genetic counseling, on a free and voluntary basis, for couples preparing for marriage or who wish to have a child.</p> <p>138. Contraceptives shall be manufactured, imported, and distributed in accordance with Georgian legislation.</p>	<p>Family planning is very important for Georgian women. The WHO/UNFPA program on family planning and reproductive health provides consultations and gynecological services to women and girls and gives out free contraceptives. They also send their experts to those clinics with family planning centers.</p> <p>In 1997, the President issued a decree "On the Implementation of Measures for Strengthening Human Rights" that emphasized the need for introducing contraceptive methods, establishing specialized drugstores, improving women's reproductive health and carrying out an aggressive educational campaign against abortion. The priorities identified by NGOs for the immediate future are: to develop new projects on family planning and to incorporate them into state programs, bearing in mind demographic indicators as well as the social and cultural peculiarities of the country; to develop a program for women and girls to promote awareness of the possible harmful consequences of abortion, the use of contraceptives, and the prevention of gynecological diseases and cancers. So far, sex education is not included in school programs.</p> <p>The State Medical Insurance Company, the Department of Mother</p>

		<p>and Child, and the Department for Family Planning and Public Health all function under the Ministry of Health Care.</p> <p>Contraceptives are free in hospitals and clinics, although doctors' consultations carry a fee: the average cost per visit is 10 Lari. Contraceptives are also sold in pharmacies. The abortion rate in urban areas has been decreasing because contraceptives are more readily available there.</p>
3. Abortion	<p><b>Law of Georgia on Healthcare</b></p> <p>139. (1) The protection of women's health through the reduction of the number of abortions shall be a priority task for the State.</p> <p>(2) Voluntary pregnancy termination may only be practised by a licensed physician, in an approved health establishment and in the following cases:</p> <ol style="list-style-type: none"> <li>1. first 12 weeks of pregnancy and</li> <li>2. if the preliminary interview has taken place with the pregnant woman in the health establishment and the three-day period of reflection between the interview and the intervention has elapsed. During the interview, the physician shall give priority to the protection of the fetus. It shall be up to the woman to choose.</li> </ol> <p>140. (1) Advertising for abortion shall be prohibited.</p> <p>(2) In the case of a pregnancy that has progressed beyond 12 weeks, abortion shall only be permitted on the basis of medical and social indications. The social indications shall be determined by Georgian legislation.</p>	<p>Abortion is legal and remains the main form of birth control in Georgia. Performing an illegal abortion is punished by imprisonment for a period of up to five years. If a physician performs an illegal abortion, he/she loses the right to practice for a period of up to five years.</p> <p>Before a woman has an abortion, she must meet the following requirements: she must be at least 18- years-old, and she must have a note (permit) certifying that she does not suffer from an inflammatory disease or uterine cancer. A pregnancy after two months may not be terminated.</p> <p>Abortion is not funded by the state and women pay the abortion costs themselves. There is no fixed fee for abortion and the price varies from 25 to 40 Lari (USD 12.50-20) in different institutions, depending on whether the clinic is state or private.</p>
5. HIV/AIDS	The Law of Georgia on the prevention of HIV and	The main focus of Georgia's state program for fighting AIDS is on

AIDS lays down the basic principles, prescribes the conditions governing the examination of citizens with HIV or AIDS as well as the treatment and preventive surveillance of persons with HIV or AIDS, determines the legal regime applicable to such persons, sets forth their rights and duties and those of medical personnel, and deals with specific problems of social security.

prevention. The actions and measures implemented nationally have resulted in increased confidence and improved co-operation, which, in turn, makes the promotion of health oriented behavior easier. The Public Health Care Department and the National Centre on AIDS and Clinical Immunology are implementing this program. Since 2000 cases of HIV/AIDS have been on the increase. In 2004 number of infected women increased in comparison with 2003 by 42 % and men by 20, 8%.

**Penal Code Provisions on Personal Safety**

1. Trafficking

**Constitution of Georgia**

**Article 17.**

1. A person's conscience and dignity are inviolable.
2. Torture, inhumane, brutal or degrading treatment or punishment is inadmissible.

**Article 18.** The freedom of a person is inviolable.

**Article 30.**

1. There is freedom of choice of labor.[...]
3. On the basis of international agreements regulating labor relationships, the state protects the labor rights of Georgian citizens abroad.
4. The defense of labor rights, legal payment for labor and healthy working conditions, the working conditions of minors and women are determined by law.

Georgia signed the Council of Europe Convention on Action against Trafficking in Human Beings

On 19 October 2005, Georgia signed the Council of Europe Convention on Action against Trafficking in Human Beings. 16 countries have signed the Convention, which has not yet been ratified by any.

The law prohibits trafficking of people; however, the country was a source, transit point, and destination for trafficked persons.

A memorandum of understanding between the Prosecutor General's Office and the Ministry of State Security led to greater cooperation, joint operations, and a number of arrests and charges under trafficking statutes. No convictions had been reached by the year's end. In December, a new Plan of Action was adopted by Presidential Decree that established an ad hoc Interagency Commission against Trafficking under the auspices of the National Security Council of the country. The human rights unit of the NSC remained the government-wide antitrafficking point of contact.

## **Penal Code of Georgia**

### **Article 1431. Trafficking in human beings**

1 The buying or selling or making other illicit transaction in relation to a human being as well as recruitment, transfer, harboring or receipt by means of coercion, blackmail or deception, for the purpose of exploitation, -Shall be sentenced to 5 to 12 years of imprisonment.

2. Same action committed:
- a) repeatedly;
  - b) in relation to two or more persons;
  - c) in relation to pregnant women;
  - d) in abuse of official powers;
  - e) by taking a victim to a foreign country;
  - f) by using violence dangerous for life and health or by threat of such violence;
  - g) in relation to a person who the offender knew was in desperate situation or in relation to a person who was materially or otherwise dependent upon the offender, -Shall be sentenced to 8 to 15 years of imprisonment.

The Government dissolved an MIA antitrafficking unit, which received foreign funding, and merged it with the anti kidnapping unit, claiming it would give the unit more ability to coordinate casework and exchange information with investigators. In October, the MIA antitrafficking unit was reestablished with two branches, one in Tbilisi and one in Batumi. Following the December merger of the MIA and MSS, a Department of Special Operations on Trafficking and Illegal Migration with a staff of 50 was established within the new Ministry of Police and Public Safety.

The country cooperated with other regional countries to uncover trafficking rings and assisted in the repatriation of trafficked persons discovered in transit through the country.

	<p>3. Action defined in paragraph 1 or 2 of this Article:</p> <p>a) if committed by an organized group;</p> <p>b) if resulted in the death of a victim or brought about other grave result, -Shall be sentenced to 12 to 20 years of imprisonment.</p>	
<p>2. Sexual Crimes</p>	<p><b>Penal Code of Georgia</b>  <b>Article 137 Rape</b>  Rape is sexual intercourse by force, threat of force, or by taking advantage of the victim’s helplessness and is punishable by imprisonment from 3 to 7 years.  The same crime, if committed repeatedly or by a person who previously committed an especially heinous rape (i.e. involving anal sex, oral sex or particularly cruel treatment) by force, threat of force or by taking advantage of the victim’s helplessness, or the rape of a person under the age of 16 in a perverted way without force committed by a person aware of the age of the victim is punishable by imprisonment from 5 to 10 years.  Rape is punishable from 5 to 15 years imprisonment if committed by a group of persons; or committed knowingly against a pregnant woman or a minor; or with extreme violence; or by abusing a position; or resulting in the victims’ death.  The rape of a person under the age of 14 is punishable by imprisonment from 10 to 20 years.  <b>Article 138 Violent acts of a sexual nature</b></p>	<p>Despite these legal provisions, rape is so taboo that it is impossible to speak about statistics and the lack of adequate anonymous rehabilitation centers simply adds to this problem. There is no special department in the police or prosecutor’s office that deals only with cases of rape, and there are no special training courses to help the police and the prosecutor’s office deal with this issue.  A rape case may be filed on the basis of the victim’s complaint and forensic evidence (i.e. medical examination) is needed to prove the rape. Legal sanctions cannot be avoided by marrying the victim but, in any event, family and social attitudes towards rape victims are so negative that women feel they would have no future if they chose to report the offence.  ”Marital rape” is not acknowledged in Georgian legislation but according to Article 137 of the Penal Code, all forms of rape may be considered. There are currently anonymous telephone services specializing in assisting female rape victims, but there are no shelters, specialized services, or other mechanisms to protect and assist them.  There are no legal provisions for child abuse within the family and no data is available to show that society even admits the existence of such a problem. There are no legal provisions regarding incest.</p>

Forcing someone to have sexual intercourse, or homosexual or other sexual contact under the threat of disclosing discreditable information or damage to property, or by taking advantage of one's position or the victim's financial dependence is punishable by a penalty, or correctional labour of up to one year, or imprisonment for up to two years.

**Article 140** Sexual intercourse, homosexual or other sexual contact engaged in knowingly by a person legally of age with a person under 16.

**Article 141** Non-violent perverted acts against a person under 16, while aware of the victim's age.

Luring into prostitution through use of violence, threat of violence or of destruction of property, as well as by blackmail or fraud (art. 253); organisation and keeping of the den for prostitution (art. 254); luring a minor into prostitution or other sexual lechery (art. 171, para. 1).

Prostitution does not have any legal status in Georgia although it is practiced.

Pandering is illegal and the law punishes the establishment of brothels and forced prostitution..

Source: Own juxtaposition.

## **1.2 State bodies established for gender equality and equality policy**

Georgian society and government gradually recognize significance of gender equality, as a necessary condition for sustainable development and overall realization of human potential.

In this respect, special attention should be paid to status of women, particularly in those spheres, where there still persist implicit barriers and problems, e.g. legislative intentions or women's equal participation in social, economic and political life of the country.

It is significant that in Georgia, currently there are two parallel structures, operating in this sphere and their well-coordinated operation would significantly contribute to achieving of gender equality.

National institutional mechanisms have their own history in Georgia.

In 1999, by the Decree of the President of Georgia, there was established the State Commission for Elaboration of the State Program for Women Development

2004 – Governmental Ad Hoc Working Group for establishment of the State Commission on Gender Equality;

2004 – Advisory Council for Gender Equality under Chairman of the Parliament;

2005 – Resolution of Georgian Government (Resolution No 109, of 28<sup>th</sup> June 2005, Tbilisi) on establishment of State Commission for Gender Equality Issues;

2005 – On the basis of the Charter of State Commission for Gender Equality Issues (Article 3, Section 2), there was established State Advisory Board for Gender Equality;

Partnership of the government with the civil society is a significant condition for development of the stable and legitimate national institutional mechanisms. Activities of the NGOs, NGO coalitions and networks in Georgia serve to publicize gender problems and seek ways for their elimination.

On the basis of the partnership between two institutional mechanisms National Conception on Gender Equality has been drafted and submitted to the Parliament for consideration. Parliament adopted some acts (National Concept on Gender Equality.) It was decided that National Action Plan will be elaborated and adopted in pursuance of the National Concept. Working group consisting of the representatives of the CSOs and institutional machinery drafted Action Plan consisting of 6 priority areas. In the meantime State Commission on Gender Equality which was acting attached to the State Ministry on the Issues of European and Euro-Atlantic Integration has been terminated. All gender issues within executive branch of power have been submitted to the Office of the State Minister on Economic Development of Georgia. No new action has been taken since that moment with regard to the finalization of the National Action Plan and submission it for the Parliamentary consideration.

The main problem appears to be the absence of both implementation mechanisms and budget provided for the fulfillment of the adopted National Concept along with absence of actions of the respective state bodies activity aimed at improvement of the situation and lobbying for the necessary changes.

## **1.3 Women in decision making**

### *Women and politics*

The procedure by which citizens exercise their electoral rights is set forth in Article 28 of the Constitution and in the Elections to Parliament Act. All Georgian citizens who have reached the age of 18 have the right to participate in referendum and elections to state and local government bodies. Any Georgian citizen who has reached the age of 25 and who has resided continuously in the Republic for at least 10 years has the right to be elected to Parliament, regardless of race,

skin colour, language, sex, religion, political and other beliefs, national, ethnic and social membership, origin, property and class status, etc. Under Georgian law, women have the same rights as men to vote in all elections and they do actively participate in the process.

However, women are less visible in important political positions. According to data from the November 1998 elections, there are women in only 11% of local government bodies.

#### Women in decision-making positions

Women's representation in the 2004 Parliament increased from 7.2% to 9.5%. The speaker of the Georgian Parliament is a woman. The majority faction in the Parliament is chaired by a woman as well, and two out of 13 parliamentary committees are chaired by women.

In the 2005 three out of the 17 cabinet members were women compared with two women in the previous government (11%).

Women are less visible in important decision-making positions. According to 2005 data, local government bodies have only 12.2% of women in local government bodies. There are no female city-mayors and women constitute 7% of heads of local government and self-government bodies. Women make up 55.8% of the government Chancellery staff, 9.5% of the parliamentarians, and 60.8% of parliamentary staff.

Women are very active in CSOs. Prior to the Beijing conference, there were 34 women's NGOs in Georgia; the number now exceeds 180.

At the university level, women represent 45% of the faculty. There are three female and 36 male rectors of higher educational institutions, 14 female and 66 male vice rectors, and 58 female and 218 male deans or deputy deans. Out of 120 scientific research institutes, where women account for 60% of the staff; only two institutes have women directors.

There are 132 female judges, comprising 38.2% of all judges, but no woman has ever chaired the Supreme Court

Although gender equality exists in theory; in practice, the situation is adverse to women who aspire to hold decision-making positions and their careers are hindered. Thanks to civic initiatives put forward by women's NGO's, women's activities have increased over the past five years. However, almost all of these NGO's operate in the capital and their activities do not reach the rural population, which is in a difficult economic situation. Women in rural areas are mainly occupied with domestic activities, which are the only source of survival for them and their families, and lack basic knowledge on their rights. As a result, they cannot do much to protect women's rights and equality.

#### Women and civil society

According to official data, there are around 4,000 NGO's in Georgia – although only about 600 are active. Prior to the Beijing Conference, there were 34 women's NGO's in Georgia; the number increased after the Conference. Women are actively involved in this sphere and are represented at the decision-making level.

At the university level, women represent 45% of the faculty. The number of women scientists totals 8,000 in all academic institutions, which comprises almost adequate proportion in relation to the male scientists. There are three female and 36 male rectors of higher educational institutions, 14 female and 66 male vice-rectors, and 58 female and 218 male deans or deputy deans. There are 225 women professors and 613 male professors. Out of 120 scientific research institutes, where women account for 60% of the staff; only two institutes have women directors.

### **1.4 Social and economic situation of women**

#### Women and the business sector

There were no women among owners of large enterprises. In terms of small businesses, women own 57 facilities out of 341 in the agricultural and food processing industry; 1,254 facilities out of 3,897 in trade; 2 out of 164 in the oil industry; 85 facilities out of 396 in the healthcare sector and 41 facilities out of 396 in the social sphere. Thus, measures supporting women's entrepreneurial activities should be implemented.

It is significant that the proportion of women occupying top positions is very small in those agencies dealing with economic policy, thus limiting their opportunities to participate in implementing the policies<sup>5</sup>.

Women are involved in the banking sector, where they make up 48%. The average salary of women in this sector is GEL 80.80, which is 92% of the average indicator. (Source: State Department for Statistics).

Women's representation in small businesses (e.g. shops, cafes, restaurants, and hotels) is similar to men's but they are hardly ever involved in large businesses. Although women may have business projects, they cannot launch large businesses because they lack adequate support. Women employed in officially registered private businesses and state agencies are in the minority, i.e. 30% of employed are women. This percentage is similar to that of Soviet times.

According to available information, two thirds of reporters employed in the mass media are women and there has been a sharp increase in the number of women holding leading or administrative positions in this field in recent years. The same holds true in the advertising business, which employs young women as artists, designers, advertising agents, etc.

#### Access to the economic resources and labour market

Female labor-force participation was lower than for males, but unemployment is higher for men (17 percent compared with 13 percent for women in 2002).<sup>6</sup> Forty percent of rural women work unpaid in family-based enterprises.<sup>7</sup> According to USAID, women earn about 41 percent of men's salary. A reduction in the number of preschool institutions and disintegration of the system of out-of-school institutions for children played a role in reducing women's participation in full-time employment.

**Table 3. Indicators of Access to Economic and Productive Resources: Georgia**

Access to economic and productive resources dimension for Georgia	
Female-to-male labor-force participation ratio (2003)	0.84
Annual growth rate of the female-to-male labor-force participation (1990–2003)	0.47

**Source: World Bank.**

Please also check with Table 2 for more Information.

## **Part 2. Gender perspective in EU development aid**

### **2.1 Current EU development programs**

#### General scope

In the light of the serious problems of governance in Georgia, highlighted in 2002 by kidnapping cases, the Commission decided to review the Country Strategy Paper (CSP) for Georgia, outside the regular cycle of CSP adaptations. A new CSP for Georgia was therefore prepared, together with a new Indicative Programme for 2004-2006. These were adopted by the Commission on 23 September 2003. The main lines of the CSP revision are that EU assistance should reach its objectives through:

- significantly strengthening "conditionality" of assistance
- focusing assistance more on the most promising reform programmes
- providing much stronger support to civil society

Thematic priorities for EU assistance 2004-2006 (all instruments):

- Rule of law, good governance, human rights and democratic institutions
- Fight against poverty
- Conflict prevention, conflict settlement and post-conflict rehabilitation

The Commission has responded to the "rose revolution" by providing some immediate assistance and by examining how its instruments can best be mobilised in the new situation including the possible allocation of additional resources. In December 2003 the Commission decided to provide €2 million from the Rapid Reaction Fund for support, via the UNDP, for the Presidential and Parliamentary elections (4 January and 28 March respectively) and to rapidly disburse €5 million from Georgia's Food Security Programme as budgetary support during the winter months.

Georgia will also benefit from the continuing assistance provided under the Tacis Regional Cooperation Programme (Interstate programme).

### **Past assistance**

Since 1992, the EU has supported Georgia through a range of instruments. The main instruments have been: ECHO humanitarian assistance: (€2 million 1992-2002); Food Security Programme (€9 million 1992-2002); Tacis National Programme (€84 million 1992-2002). Total EU assistance has amounted to €370m (not including Tacis Regional or member states' assistance).

### **Tacis Programme**

The 2000-2001 Tacis National Action Programme (AP, total €15 million) concentrated on three priority areas, namely: (1) support for institutional, legal and administrative reforms; (2) support to the private sector development and assistance for economic development and (3) development of infrastructure networks.

In 2002-2003 Tacis, with an indicative budget of €14 million, was focusing on support for institutional, legal and administrative reform, as well as on support in addressing the social consequences of transition. This included continued support for the implementation of the PCA. Support was targeting the health sector, including investments to support the primary healthcare restructuring programme.

Georgia also participates in Tacis regional programmes like Traceca, Inogate and the Regional Environmental Centre for Southern Caucasus, based in Tbilisi.

### **Exceptional financial assistance**

In July 1998, Georgia settled the remaining amount of its arrears towards the Community (€131 million). The country subsequently benefited from a new assistance package consisting of a loan of €110 million and a total grant amount of €65 million that was to be disbursed over the 1998-2004 period.

## **Food Security Programme (FSP)**

Over the period 1996 to 1999 the FSP disbursed €24 million to Georgia. Since 2000, the FSP has partially reoriented the support in favour of a complementary poverty alleviation component through the social safety net in the form of: (a) allocation of resources and further targeting of the family poverty benefit; (b) institutional care. €13 million has been disbursed in the period 2002-2003.

## **Rehabilitation**

EU assistance to Georgia under the rehabilitation programme concerned both the Tskhinvali region (South Ossetia, SO) and Abkhazia (Enguri hydropower plant and dam).

SO. In 1997, the EC proposed to grant €5 million for the rehabilitation of infrastructure in the post conflict area of SO, and in order to stimulate the peace-process between SO and Georgia proper. In 1999 the EC proposed a new grant of €2.5 million, upon the approval and fulfilment of conditions. Given the dynamics created by its programme, the EC has provided financial assistance for and participated in the Joint Control Commission (JCC) on SO since April 2001. This quadripartite body (with Georgia, SO, North Ossetia and Russia) is conducted with the OSCE.

Enguri. In 1997, the EC proposed to grant € 10 million for urgent repairs at the Enguri hydropower plant and dam (repair of generator Nr. 3 and provision of stop log at the dam), in two tranches of € 5 million and under its rehabilitation budget. This assistance was complementary to the rehabilitation program of Enguri financed from an EBRDR loan of some € 44.5 million.

## **Humanitarian Assistance (ECHO)**

ECHO has been present in the NIS region since the early 1990s, in accordance with its core mandate (humanitarian assistance in response to natural or man-made disasters). From 1993 to 1999, ECHO's operational funding in the southern Caucasus has been considerable, with € 64.255 million of humanitarian aid going to Armenia, €83.34 million to Georgia and €82.96 million to Azerbaijan.

ECHO's withdrawal from post-emergency programmes in southern Caucasus started in 1996 and was completed in 2000 with a last allocation of €3.855 million for the three countries.

In 2000, 2001 and ECHO provided a total € 2.35 million as a contribution to alleviating the consequences of drought in Georgia.

## **European Initiative for Democracy and Human Rights (EIDHR)**

With an allocation of €1.9 million Georgia was a focus country for the EIDHR in 2002.

During the period 1992 – 2006, the EU, through the European Commission, provided assistance to Georgia to a value of €502 million.

### *Gender issues and women's rights in development programs and technical assistance to Georgia*

The biggest EU development aid program is so-called TACIS Program. It makes 69.4% of all ongoing programs, while the second on the list is Food Security Programme that has EUR 20

mln (19.88% of total) in its pocket for the period of January 2005 – December 2006 (for this cycle, the program is oriented on Social protection, Rural development and Food security issues<sup>8</sup>, and is being implemented by Government of Georgia).

There are two development Programs under the framework of which several women focused projects are being implemented in 2006:

1. European Initiative for Democracy and Human Rights (EIDHR) with the total budget of 4,487,026 that makes 4.46% of total aid; and
2. Decentralised Cooperation (all projects are focused on Abkhazia) that has EUR 824,384 for all projects. This Programme gets 0,82% of total EU development aid.

Total number of projects oriented directly on women is 7, while total number of projects implemented in Georgia is 121. As for the amount of funding allocated to women directly focused projects, its value is EUR 368, 238, making 2, 6% of the total funding within the 6 programs.

**Table 4. Projects oriented directly on women**

Program	Keyword	Project title	Objective	Implementer	Sum	Dates
EIDHR MICRO	Abkhazia - EIDHR	Promotion and Protection of Rights of Vulnerable Groups	This project supports the promotion and protection of the rights of vulnerable groups in Abkhazia	Association of Women in Akhazia	47 760	July 2005 - July 2007
DECENTRALISED COOPERATION	Human Rights and Democracy	Women's right and Gender stereotypes	to insure women's stir to activity and include them in decision making process on the local level	Helpers International Foundation	39 938	February 2005 - February 2006
DECENTRALISED COOPERATION	Human Rights and Democracy	Creation of centres of legal promotion of women in Dmanici and tsalka	promotion of women's civil rights among ethnic minorities	Association Women of Multinational georgia	48 648	February 2005 - February 2007
EIDHR MICRO	Abkhazia - Decentralised Cooperation	Tools of support of development of women business - Creation of business-incubators	This project supports the development of business planning and business skills for SMEs for women in Abkhazia	Union of Business Women of Abkhazia	49 695	September 2006- December 2007
EIDHR MICRO	Abkhazia - Decentralised Cooperation	Cooperation of civil society with local authorities in the sphere of human rights and rights of women	This project supports the cooperation of civil society with local authorities in the sphere of human rights and rights of women	Association of Women in Abkhazia	50 000	01/09/2006- 01/01/2008
DECENTRALISED COOPERATION	Abkhazia - Decentralised Cooperation	Article 19 – International Centre Against Censorship – Building Capacity for Good Municipal Governance in Abkhazia	This projects support capacity building activities for good municipal governance in Abkhazia with a focus on freedom of information and women’s issues in Sukhumi, Gudauta and Tkvarchali districts	Article 19 – International Centre Against Censorship	97 000	February 2005 - February 2007

DECENTRALISED COOPERATION	Abkhazia - Decentralised Cooperation	Development of Free and Independent Media in Abkhazia	This project supports the development of a free and independent media in Abkhazia through training and awareness raising activities	Sukhum Media Club	35 197	February 2005 - February 2007
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**Source: Delegation of the European Commission to Armenia and Georgia**  
([http://www.delgeo.cec.eu.int/en/programmesactions/full\\_listprojects.html](http://www.delgeo.cec.eu.int/en/programmesactions/full_listprojects.html))

There are also 3 projects with strong gender component and focus on women's rights with total amount of funds allocated EUR 499 214, which constitute 2,8% of the total funding allocated.

**Table 5. Projects indirectly targeting women**

Program	Keyword	Project title	Objective	Implementer	Sum
EIDHR MICRO	Human Rights and Democracy	Prevention of trafficking in human beings and support to the implementation of the National action plan on counter trafficking	combat trafficking in Georgia	Peoples Harmonius Development Society	50 000
ECHO	ECHO - Humanitarian Assistance	Local Reproductive Health Care in Samegrelo Region	This project supports local reproductive health care in Samegrelo region	Medicins du Monde	300 000
SANTE (Programme of Aid for Policies and Actions on Reproductive and Sexual Health and Rights in Developing Countries)	Health	Reproductive Health Initiative for Youth in the Caucasus	To improve sexual and reproductive health and rights of young people in the region.	UNFPA	149 214

**Source: Delegation of the European Commission to Armenia and Georgia**  
([http://www.delgeo.cec.eu.int/en/programmesactions/full\\_listprojects.html](http://www.delgeo.cec.eu.int/en/programmesactions/full_listprojects.html)).

## 2.2. EU members and development aid

Programs financed by the EU members in Georgia cover variety of areas but again lack gender mainstreaming and perspective both with regard to the topic areas and implementation mechanisms and procedures. Below you can find selected statistics on the issue.

**Chart 1. EU members and development aid to Georgia**

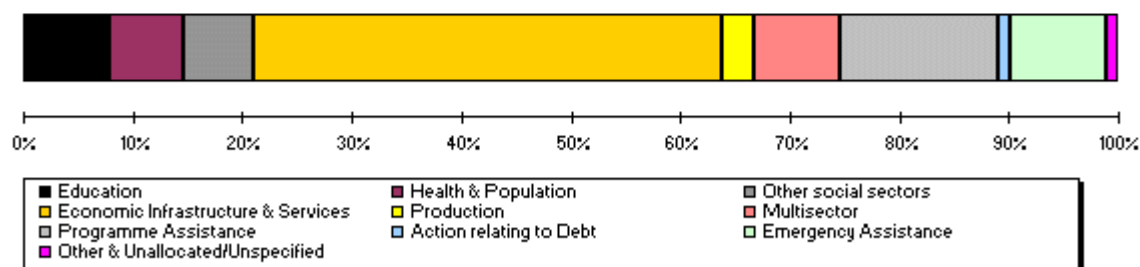
**Georgia**

Receipts	2003	2004	2005
<b>Net ODA (USD million)</b>	226	314	310
<b>Bilateral share (gross ODA)</b>	67%	62%	58%
<b>Net ODA / GNI</b>	5.6%	6.0%	4.7%
<b>Net Private flows (USD million)</b>	661	32	- 43

For reference	2003	2004	2005
<b>Population (million)</b>	4.6	4.5	4.5
<b>GNI per capita (Atlas USD)</b>	860	1 060	1 350

Top Ten Donors of gross ODA (2004-05 average) (USD m)	
1	United States 83
2	IDA 63
3	Germany 56
4	EC 36
5	SAF & ESAF (IMF) 31
6	France 11
7	Netherlands 10
8	Japan 9
9	Switzerland 7
10	Norway 7

**Bilateral ODA by Sector (2004-05)**



Sources: OECD, World Bank.

([http://www.oecd.org/statisticsdata/0,2643,en\\_2649\\_34447\\_1\\_119656\\_1\\_1\\_1,00.html](http://www.oecd.org/statisticsdata/0,2643,en_2649_34447_1_119656_1_1_1,00.html);  
<http://www.oecd.org/dataoecd/21/39/1881067.gif>)

### 2.3 Other development programs and sources of development aid

**UNIFEM** ceased its activities in the South Caucasus in 2006. During the recent years, Fund appeared to be one of the most powerful donors to women’s organizations in the country and region. Total amount of funds allocated during the year 2004 was USD 38 521, during the year 2005 – USD 184 476, during the year 2006 – USD 68 833. Most of the programs financed were focused on peacemaking initiatives and support of the Network “Women’s Unity for Peace”.

#### **UNDP**

Gender and Politics Programme in Southern Caucasus

Budget: USD 900,000

Duration: 3 years

All three countries of South Caucasus show similar social and institutional characteristics such as high level of poverty, low representation of women in the decision-making process, limited access to information, and limited possibilities for economic opportunities. A traditional gender structure is prevalent in all three countries, even though political and economic transition and post-conflict implications have affected the roles and possibilities for men and women differently. Traditional gender roles are even more evident and entrenched in the rural areas than in the urban areas. UNDP has facilitated several gender projects on a national basis including

capacity building, awareness raising and gender mainstreaming in government policies. An outcome of the different project activities is that national action plans have been approved both in Georgia and Armenia. A broad network of contacts has been established between UNDP and different governmental and non-governmental organizations active in the field of gender and women's issues.

Nevertheless according to the estimations of the civil society organizations the project did not yield expected results as institutional machinery system is rather weak in Georgia, while civil society actors are more active and more in need for support.

## **USAID**

The USAID funded Future Women Leaders program began in 2003. The program aims to enhance the political activity of women and support their career development by providing them with necessary skills and knowledge through a series of trainings and seminars organized throughout the year.

The group of women who completed the program on November 5 was the second group to graduate from the program. The group included active women from different regions of Georgia involved in various professional fields, including women from the executive branch of the Georgian government, local councils, NGOs, and businesses.

## **2.4 NGOs and development aid**

Because of their ties to the constituencies they serve, CSOs have the potential to assist government in making informed decisions concerning women's rights and status, as well as in empowering women in the region. CSOs in the region can play important roles as intermediaries for concerned citizens to participate in the public sphere, to influence the decision-making process, and in many cases to promote women's rights. Given the volatility of the region, nongovernmental organizations (NGOs) are better positioned and are often more flexible than the respective governments in initiating and implementing projects requiring cross-border cooperation. However, for CSOs to be effective participants in the development process and to realize their mandates, an enabling legal, regulatory, institutional, and policy environment is necessary. Governments can facilitate the creation and enforcement of such an environment.

The development of the NGO sector in the region is in its nascent stage. Women play a vital role in these organizations and comprise a majority of members of the NGO sector. The transition period after the collapse of the Soviet Union resulted in two opposite trends for women in politics: on the one hand, a drastic decline in women's access to (national and local) government positions, and on the other hand, an unprecedented increase in women's participation in informal politics, in building civil society, and in NGOs.<sup>9</sup> Organizations working in the area of women's rights and equality<sup>10</sup> comprise roughly 10 to 12 percent of all the registered organizations in Georgia.

Nevertheless third sector in Georgia developed strongly and expanded geographically, with NGOs now active in almost all regions of Georgia still most NGOs are facing serious obstacles. As the number of NGOs increases, however, so do many of the sector's challenges. Most NGOs still face problems related to programmatic and financial sustainability, as well as public image. In addition, partnerships between different sectors are rare and sporadic.

The civil sector still comes across the problem of availability of public information. The problem of keeping and attracting highly skilled staff is also crucial. In many cases, highly skilled, qualified staff moves to international or governmental organizations. Noteworthy, the tendency of moving to the governmental organizations has become frequent in the post-revolutionary period.

The media does not pay appropriate attention to NGO activities or the role that NGOs play in civil society. Some of the publicity that the sector did receive was negative. In addition to the media's inability to contribute positively to public opinion building, NGOs themselves generally lack contacts with their constituencies, with the exception of some of the leading NGOs.

Consequently, a positive public opinion of NGOs has not yet been established. In several regions throughout Georgia, the mere existence of NGOs remains unknown. Acknowledgement of NGOs by the business and government sectors remains insufficient.

According to the results of the survey conducted in the midst of women's NGOs based in Georgia, only 27,3% of the functioning NGOs of the given profile have their own working premises; sufficient material base including clerical aids and access to ICT; policy agenda and perspective planning of granting and fundraising activities. Survey also revealed that the rest 62,7% are not equipped with all the above resources to a different extent.. It means that approximately 112 NGOs dealing with gender issues and women's problems are defined as main target group along with women's initiative groups, which are not officially registered as legal entities.

EU development aid does not address all of the problems. NGOs are not able to inform donor organizations about their real needs, as it was mentioned there is no published assessment of needs, there is certain lack of the dialogue in planning of the development aid programs.

### **Part 3. New financial perspective 2007-2013**

#### **3.1 Planned EU development programs (2007-2013) and expected changes**

No special program focused on gender equality or women issues will be developed as gender equality mainstreaming approach to the EU development aid programming in Georgia will be the main instrument to deal with gender equality in the Delegation as it is stated by Colette Selman<sup>11</sup>. The tool that will be used by the Delegation is a Toolkit on Mainstreaming Gender Equality in EC Development Cooperation that was developed within the EU structures in 2004. It will be used to assess all types of ongoing or planned programs and their outcomes – whether there is any gender bias, and is any opportunity to strengthen projects from gender equality point of view.

It shall be stated that programming in Georgia will move from sector support program approach (action assistance) to sector wide approach. Sector wide approach implies that a bulk of funds will be provided to the government along with the indicators and deadlines. The EC will provide funding in a number of transfers. Every next transfer will be made upon achieving targets within the agreed deadlines. Therefore, the EC is not to interfere in programmes anymore and the government of Georgia is responsible for developing policy and thematic projects that shall be oriented towards fulfilling the given indicators and meeting four priorities of the EC development cooperation that are as follows:

1. Administrative & Rule of Law (that includes Human Rights)
2. Economic Development and Trade Regulation
3. Poverty Reduction
4. Conflict Resolution

However, it shall be stressed that according to Ms. Selman, the Delegation of the EC to Georgia has considerably smaller overall budget compared to other delegations. Thus, women and / or gender equality projects will not get much funding, although different types of projects could be supported from peer-to-peer up to advocacy level.

In the upcoming years the Delegation of the EC in Georgia is going to focus on how to make projects more explicit – this part that is missing in projects at this moment.

Delegation covers 3d and 4th of MDGs, but there is a huge problem how to identify the problem: lack of reliable data, for example how to identify how much support is needed? The development of good statistical data collection, processing, storing, protection, dissemination systems and methodology including gender disaggregated data collection and information systems is the topic of concern of women and gender equality organizations of Georgia as well.

### **European Neighbourhood Policy (ENP)**

There is also the European Neighborhood Policy (ENP). The objective of the ENP is to share the EU's stability, security and prosperity with neighboring countries, offering them closer political, security, economic and culture cooperation. It will also open up a possibility for the countries to participate in EU programs and to have a stake in the EU's internal market, which will strongly support their own political and economic reforms. The objectives of the European Neighborhood Policy (ENP) and ENP Action plans for Georgia and Armenia are reflected in our co-operation and external assistance programs. The ENP marks the beginning of a new chapter in the relationship between the EU and the partner countries Georgia and Armenia.

The European Union is currently drafting its long term spending plan for 2007-2013, called the "Financial Perspective". This plan will provide the legal framework for EU resource allocation for these six years. The Financial Perspective 2007-2013 envisages replacing all existing geographic and thematic programs currently in place, including all the EC programs for countries in Central and Eastern Europe and the Commonwealth of Independent States. Georgia will be covered by The European Neighbourhood and Partnership Instrument as well as the Stability Instrument.

## **3.2 Other planned development programs and sources of development aid**

### **Norway**

Norway provides \$10 million for UNDP projects in Armenia, Azerbaijan and Georgia over the next three years.

### **Great Britain**

DFID will commit a total of £11 million to Georgia during 2004-08. Key areas of work are as follows:

- Support for the Ministry of Finance's work on activity-based budgeting (as part of the World Bank Structural Adjustment Credit);
- Support for work with a range of other partners on health, statistics, sustainable livelihoods, strengthening civil society and competitive grant schemes (focusing on support for small and micro credit enterprises and livelihoods support

### **Other sources**

### **Millennium Challenge Corporation**

Millennium Challenge Corporation (MCC) has approved a five-year, \$295.3 million agreement with Georgia that aims to reduce poverty and stimulate economic growth in the regions outside of Tbilisi, the country's capital.

The agreement - called a compact - is based on proposals developed by the government of Georgia. It focuses on improving regional infrastructure and promoting private sector development, according to an MCC statement issued August 16. The compact is expected to be signed in September.

The funding will support improvements to roads, a gas pipeline and other infrastructure; an investment fund to provide risk capital for small and medium-sized enterprises; and grants and technical assistance for farmers and agribusinesses.

In Georgia, 54 percent of the population living outside of the capital city, Tbilisi, lives in poverty. Georgians identified two barriers to poverty reduction and economic growth in the regions outside of Tbilisi -- a lack of reliable infrastructure and the slow development of businesses, particularly agribusiness. To address these impediments, the people of Georgia, through a broad consultative process, developed a program focused on improving regional infrastructure and enterprise development. No clear gender perspective is prescribed within the program.

### **EBRR**

As of October 31, 2006, the Bank had signed a total of 64 investment projects covering energy, transport, agribusiness, general industry and banking for a total commitment of €389.5 million. Seven projects were in the public sector totaling €81.6 million (20.9%) and 57 in the private sector, totaling €307.9 million (79.1%). Net portfolio was €254.8 million, of which €192.5 million (75.5%) was disbursed.

Over the coming strategy period, the Bank will further support the process of economic and democratic reform in Georgia, leveraging on the improved fiscal and external position and progress with reforms and privatization. Georgia is one of the countries included in the Early Transition Countries Initiative (ETCI).

Following **critical challenges** have been discovered:

- mixed understanding across institutions of what ‘gender mainstreaming’ means as a concept and of how it affects everyday work of the institution can make the strategy ineffective;
- data systems which inform national policy making are rarely gender sensitive and often do not even supply sex disaggregated data;
- there has been widespread ‘policy evaporation’, where good policies on gender mainstreaming have been lost in translation to programme implementation;
- knowledge gaps in understanding the factors that enable or disable gender sensitive programming have made policy evaporation difficult to address;
- ‘invisibilization’ has occurred, whereby concrete positive outcomes of gender mainstreaming are not captured in programme monitoring or evaluation . This has meant it is harder to argue the case for gender mainstreaming, especially when donors and partners are dealing with a cluttered agenda of ‘competing issues’ that are all supposed to be ‘mainstreamed’
- difficulty in attributing evidence of change (impact) to a particular approach or intervention, particularly in the context of multi-donor and macro level programming, can make it hard to ensure accountability for gender mainstreaming.

## **Recommendations**

### **General**

- Policy of the EU Commission Delegation, other donors and government on equal opportunities and on women and development must be clearly defined.
- Directors and heads of departments of the EU Commission Delegation and other responsible bodies and other development organizations must devote sufficient attention to the question of equality and equal opportunities.
- Everyone within the development organization must know how they can contribute to gender equality in their own policy field.
- Gender experts should take part in decision-making on policy, and be there to answer specific questions
- Gender sensitive programming guidelines should be imposed

### **Specific**

- Regulation No 806/2004 on promoting gender equality in development cooperation should be basis for the development of the specific policies and allocation of funds within the EU development aid, as well within the programs based on partnership between EU and UN bodies
- Capacity building programs should be provided by the EU institutions for the representatives of the women’s NGOs and responsible state authorities from the countries covered by the ENP in order to ensure adequate understanding of the EU gender discourse and mainstreaming efforts;
- Special attention in the EU development aid should be targeted at the elimination of the female poverty, health issues and female substance abuse, also as a part of the achievement of the MDG.
- There should be consultation organized for the representatives of the all development agencies acting in Georgia in order to coordinate and adhere their policies and approaches on the gender mainstreaming within development aid
- Consultations between gender focal points and program officers and representatives of the women’s NGOs should be organized in order to ensure profound assessment of needs

of women's organizations while planning programs on development aid and technical assistance

- Geographical balance in allocation of funds for the women and gender related projects should be ensured (currently absolute majority of funds is allocated by EU institutions to the conflict zones, while other areas in need such as regions bordering with conflict zones, regions of the compact settlement of the IDPs, ethnic minorities or mountainous regions remains abandoned)
- Providing of development aid by the EU should be targeted equally at the government structures, NGOs and civil society institutions
- There is need in realization of the targeted programs for the vulnerable groups of women

### **CSP related**

- Principles should include adherence to internationally agreed values including gender equality.
- Key issues in deciding resource allocation could include willingness to address and build capacity for addressing gender inequality.
- In preparing/amending the CSP, responsibility for gender mainstreaming should be clearly assigned.
- Technical support and evaluation should include gender expertise.

<sup>1</sup> Millennium Development Goals in Georgia (UNDP, Tbilisi, 2004).

<sup>2</sup> Ibid.

<sup>3</sup> Assessing the Enabling Governance Environment to Promote and Enforce Women's Rights in the Southern Caucasus (World Bank, Tbilisi, 2006)

<sup>4</sup> Kuehnast and Neehemias (2004) cited from Assessing the Enabling Governance Environment to Promote and Enforce Women's Rights in the Southern Caucasus (World Bank, Tbilisi, 2006).

<sup>5</sup> Women in Transition (UNICEF, Tbilisi, 2003)

<sup>6</sup> Handbook "Women and Men in Georgia" ( State Department for Statistics of Georgia 2003).

<sup>7</sup> "CEDAW Assessment Tool for Georgia" ( American Bar Association/Central European and Eurasian Law Initiative ,Tbilisi, 2003).

<sup>8</sup>

<sup>9</sup> Kuehnast and Neehemias (2004) Assessing the Enabling Governance Environment to Promote and Enforce Women's Rights in the Southern Caucasus (World Bank, Tbilisi, 2006).

<sup>10</sup> Note a difference between women NGOs and NGOs working in the area of women's equality.

<sup>11</sup> Colette Selman is a Project Manager for Social and Health Sector Programmes that covers gender equality sector programming within the Delegation of the EC to Georgia and Armenia

<sup>12</sup> Republic of Georgia (UNDP, Tbilisi, 2003).

<sup>13</sup> Handbook "Women and Men in Georgia" ( State Department for Statistics of Georgia 2003).

<sup>14</sup> "CEDAW Assessment Tool for Georgia" ( American Bar Association/Central European and Eurasian Law Initiative, Tbilisi, 2003).

<sup>15</sup> .Ibid.

<sup>16</sup> Handbook "Women and Men in Georgia" ( State Department for Statistics of Georgia 2003)

<sup>17</sup> CDC and ORC Macro (2003) . The reproductive age for women is considered 15 to 44 for the survey estimates, and 15 to 49 for the official estimates. Cited from Assessing the Enabling Governance Environment to Promote and Enforce Women's Rights in the Southern Caucasus (World Bank, Tbilisi, 2006)

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