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Transforming Society:

State Responsibility to Eradicate Gender Stereotypes in Georgia

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Summary

No country has yet achieved full gender equality and one of the reasons is the stereotypical attitudes towards characteristics and roles of men and women. We are confronted with these stereotypes from the day we are born and we have come to believe them to be facts.

International community has acknowledged that gender stereotypes are an obstacle to full realisation of human rights of women and men and the obligation to tackle those has been included in several articles (mainly Article 5(a)) of the Convention on Elimination of all Forms of Discrimination against Women (CEDAW) in 1979. However, until today, not much has been said about what exactly this obligation entails or how it should be implemented.

The thesis analyses the obligation under CEDAW to eradicate harmful gender stereotypes by reviewing the standards of CEDAW Committee as well as works of prominent scholars on this issue. It argues that under CEDAW, States are obliged to eradicate stereotypes from the law as well as from the society. It contends that only through transforming the societal structures that are causing discrimination is it possible to achieve a gender-equal society.

The thesis argues, that it is important to introduce these changes in the society through dialogue, which includes all the relevant actors.

The thesis uses Georgia as a case study and analyses how the country can implement the obligation under CEDAW with regard to removing gender stereotypes from three key areas: laws regulating parental leave, media and school education. It asserts that today Georgia is not complying with the obligation and has serious problems with regard to gender stereotypes that perpetuate gender inequality. The thesis draws on numerous international and regional human rights documents and standards, as well as good practices from the European States to suggest ways to succeed in the process of eliminating gender stereotypes and transforming the society.

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Abbreviations

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CEDAW Committee	Committee on the Elimination of Discrimination against Women
CIA	Central Intelligence Agency
DEDAW	Declaration on the Elimination of Discrimination against Women
EU	European Union
ECSR	European Committee of Social Rights
ILO	International Labour Organization
MDF	Media Development Foundation
NGO	Non-governmental organisation
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the High Commissioner for Human Rights
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNGA	United Nations General Assembly
UPR	Universal Periodic Review
USAID	United States Agency for International Development
WHO	World Health Organization

Introduction

1. Background

Gender stereotypes are prevalent all over the world and in most cases they inhibit full realisation of the principle of gender equality.

Georgia is a country where gender-based violence against women is not openly discussed while femicide is on the rise. Gender inequalities in the country include the constantly increasing gender pay gap and few women in decision-making bodies, which in most cases do not exceed 12%. However, gender inequality is not perceived as a problem by many and the existing situation is regarded as natural, mostly by referring to the formal equality of law towards 'everyone'. On the other hand, women's organisations and activists have recently started to work more actively and openly on gender issues and the discussion on women's rights has been put on the agenda. Now it is the right moment for active intervention to combat discrimination and human rights abuses as it is more likely to be accepted by the society and be effective.

Gender stereotypes in most cases cover up discrimination and show it as natural and inevitable. It is used to justify the existing inequality in the society. Thus, it is crucial to tackle this issue in the process of transformation.

Eliminating harmful gender stereotypes is vital to achieving a gender equal society. As Fredman put it, from all understandings of equality, only 'equality as transformation'¹, that is, transformation of legal and social structures, is capable of achieving long-term and real equality and diversity in the society.

There exists an obligation under international human rights law to address gender stereotypes that affect the realization of human rights. The study will try to analyse this commitment and show, with the example of the Georgian context, practical ways of complying with it.

2. Statement of the Problem

The obligation to eradicate gender stereotypes under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is often regarded as vague. According to extensive legal scholarship on this issue, it requires comprehensive actions to be taken by the Governments and strong political will for change. However, many States do not pay due regard to this obligation.

¹ Sandra Fredman, 'Beyond The Dichotomy Of Formal And Substantive Equality: Towards A New Definition of Equal Rights' in Ineke Boerefijn and others (eds), *Temporary Special Measures: Accelerating de facto Equality of Women under Article 4(a) UN Convention on the Elimination of All Forms of Discrimination Against Women* (Intersentia 2003) 115.

The Georgian Government is not trying to comply with the duty to eradicate gender stereotypes and this issue is not actively raised by NGOs or other organisations working on gender equality in Georgia. Even though there might be other immediate actions needed to stop human rights abuses of women in Georgia today, the problem of harmful gender stereotypes is the one underlying all other issues. Active involvement is necessary so that gender equality is sustainable in the society.

The majority of Georgia's population is religious and there is a possibility that human rights of women are seen by some to be in conflict with their religious views or the culture.

The present research will try to answer the question of how Georgia can best comply with the obligation to eradicate harmful gender stereotypes through analysing the country's national legal framework and enforcement mechanisms, revealing the actual human rights practice with regard to gender stereotypes, bearing in mind the traditional and religious background of the society, drawing on existing legal obligations and desirable international and regional standards as well as good practices from the European continent.

The analysis will focus on three distinct areas that are: eradicating gender stereotypes from laws on parental leave by introducing and encouraging shared responsibility of childcare for both parents; regulating media with regard to harmful gender stereotyping by for example, restricting sexist commercials and eradicating harmful gender stereotyping from school education by revising textbooks and training teachers on gender issues.

3. Research Question

What are the international legal obligations of Georgia under CEDAW with respect to eradicating harmful gender stereotypes in the country?

How can Georgia implement those obligations with regard to following areas: regulation of parental leave, media and school education?

4. Significance of the Study

Gender stereotyping is a topic that has not been adequately discussed in international law. Even though recently more attention has been paid to this issue from legal scholars, States still tend to underestimate the importance of eradicating gender stereotypes in the process towards gender equality. This study will show examples of how to effectively eradicate gender stereotypes. It is not meant to be a comprehensive study, but it will examine critical areas, where the involvement will be most effective for achieving the results. The study is primarily directed at the Government and other relevant actors in Georgia, but it is also thought to be a contribution to the growing number of works on the topic of gender stereotyping from a human rights perspective.

I decided to conduct research and analysis of the issue as there is a lack of research on this matter, particularly in Georgia. Knowledge of local language and being familiar with the legal system enabled me to easily access relevant national laws, policies and action plans. Being born and raised in the country also helped me to better understand the local context, society and possible ways of intervention. The research particularly addresses the issue of customs and traditions and tries to show ways of finding consensus among different stakeholders in the Georgian society.

This study will be useful to the Government of Georgia, as well as local and international non-governmental organizations as it provides a comprehensive interpretation of situation in Georgia through analysis of national laws, statistics and sociological studies and based on the examples of European states proposes ways to tackle harmful gender stereotypes.

5. Methodology

The present research is a theoretical analysis of international law with regard to harmful gender stereotyping, drawing on international legal instruments, secondary sources, such as general recommendations of supervisory bodies of the human rights conventions, as well as literature review.

Results of the analysis are then applied to a particular case of Georgia, with comparative analysis drawing on examples of different European countries, bringing in other international and regional legal standards on the specific issue.

The research is meant to be of practical use and show by the example of the particular state in question how best to comply with existing international legal obligation to eradicate gender stereotypes under CEDAW.

6. Delimitations

The research is limited to State obligations with regard to CEDAW and does not give a comprehensive analysis of the phenomenon of gender stereotyping or its definition.

In most parts, it draws on good practices of European States and does not analyse the global picture. These are meant to be only examples and the thesis does not claim to have found best practices in Europe, due to language barrier and lack of time.

The thesis tries to focus on the most problematic areas for the State in question (Georgia) and does not offer a universal blueprint for complying with the legal obligation to eradicate gender stereotypes for all the States.

The thesis focuses on gender stereotypes for majority groups of women and men and does not deal with compound stereotypes resulting from the differences among these groups with regard to sexual orientation, ethnicity, social status etc.

Gender stereotypes might be discriminatory, or not. The thesis does not go deep into the analysis of what constitutes discrimination and what does not and deals purely with harmful gender stereotyping as understood in CEDAW.

7. Structure

The thesis is divided into two main parts.

Part I analyses international law with regard to the content of the legal obligation of eradicating gender stereotypes under the Convention on Elimination of all Discrimination against Women (CEDAW).

This part introduces the topic by briefly reviewing gender stereotyping (1.1).

Further, it analyses the importance and meaning of the CEDAW and Article 5(a) of the Convention (1.2).

Additionally, it reviews CEDAW Committee's views on the obligation of eradicating gender stereotyping and reviews the literature on this topic (1.3).

Finally, it focuses on the issue of culture and human rights and reviews the literature on the topic of introducing controversial human rights issues in the societies, where it might be perceived as being in contradiction with their culture (1.4).

Part II brings the theoretical analysis of Part I into practice and shows how the obligation of eradicating harmful gender stereotypes can be best implemented by the case study on Georgia in three different areas of parental leave, media and school education.

Firstly, this part introduces the general and human rights situation of Georgia, with a special focus on women's rights and gender equality (2.1).

Then, it analyses the regulation of parental leave in Georgia and suggests ways of eradicating stereotypical attitudes of law on the example of parental leave (2.2).

Further, it provides analysis of media regulation in Georgia and stereotypical content in Georgian media and suggests ways to reduce gender stereotypes in media (2.3).

Finally, it analyses the existence of gender stereotypes in school education in the attitudes of teachers and suggests practical measures to improve the situation in schools (2.4).

I. Content of the State's Obligation to Eradicate Harmful Gender Stereotypes under CEDAW

1. What is Gender Stereotyping?

Gender is distinguished from biological sex as being a 'socially constructed identity' that the society and culture create for women and men.² It is the attributed meaning to the biological sex and is hard to define exactly, as there is no clear understanding of what comes naturally with biological sex and what is constructed socially to complement it.³ It also varies considerably through time and space.⁴

Stereotypes are generalizations made about an individual only because of belonging to a particular social group.⁵ Thus, gender stereotypes are generalizations made about individuals because they are female or male. They can be shared by the group, nation, or be personal. They might be based on statistical information, and thus be descriptive, excluding individuals that are not part of the norm. Others might be prescriptive and dictating individuals how they should be or act, thus taking away the choice of a person.⁶

Gender stereotyping can be regarded as one of the reasons of discrimination against women and the cause of their human rights violations. Stereotypes are present in our everyday lives, they influence and often restrict our everyday lives. Notably, they are often invisible. Stereotypes are present in State laws and policies, in textbooks and materials, in television programs and commercials. These stereotypes can have adverse impact on human rights and especially, those of women. For example, stereotyping women as caretakers creates barriers for them to pursue a career and the stereotype of men being aggressive, coupled with the stereotype of women being inferior to men, make it very probable that violence against women will occur.⁷

It has been argued, that stereotyping is essential for humans, as it simplifies the world around us and saves us the individual consideration of every single person

² UN CEDAW Committee, 'General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women', 16 December 2010 CEDAW/C/GC/28 (CEDAW General Recommendation 28) para.5.

³ Rebecca J. Cook and Simone Cusack, *Gender Stereotyping: Transnational Legal Perspectives* (University of Pennsylvania Press 2003) (Cook and Cusack, Gender Stereotyping) 21.

⁴ Ibid.

⁵ Cook and Cusack, Gender Stereotyping 9.

⁶ Ibid. p.15.

⁷ Gender stereotypes have been regarded as one of the main causes for gender-based violence against women, see for example UN CEDAW Committee, 'General Recommendation No. 19: Violence against women' 1992 A/47/38 HRI/GEN/1/Rev.9 (Vol. II) (CEDAW General Recommendation 19) para. 11: "Traditional attitudes by which women are regarded as subordinate to men or as having stereotyped roles perpetuate widespread practices involving violence or coercion[.]".

or event.⁸ That means, it is almost impossible and not an aim in itself to eliminate all stereotypes, not even all gender stereotypes. However, stereotypes that have harmful consequences should be addressed. If analysed from the perspective of international human rights law, harmful stereotypes are defined as the ones that affect the realisation of person's human rights and fundamental freedoms.⁹

Harmful gender stereotypes have been identified as a human rights problem and today there exists a human rights obligation under CEDAW to address those, in order to end discrimination and other human rights violations of women.

2. Importance and Place of the CEDAW and Article 5(a) and Other Relevant Articles in International Human Rights Law

Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) that resulted from more than thirty years of deliberations of the international community and experts is regarded as a convention with a special status. For the first time, international convention defines specifically the meaning of the "discrimination against women" and requires from the States parties the elimination from the society of stereotypes and prejudices harmful to women. As said by the CEDAW Committee, CEDAW goes further than other human rights treaties that prohibit discrimination on the grounds of sex and acknowledges that today it is *women* that are discriminated against and provides ways to combat this discrimination.¹⁰

As general non-discrimination clauses did not prove successful in eliminating discrimination against women,¹¹ CEDAW employs a different strategy. For example, it requires States to use *all* appropriate measures to eliminate discrimination against women (Article 2). It also encourages the use of temporary special measures to accelerate equality between men and women (Article 4(1)). Additionally, it obliges the states to modify such cultural and traditional practices that are discriminatory or harmful to women (Article 5(a)).

Recently, CEDAW Committee elaborated in General Recommendation No. 25, that the obligation to address existing gender stereotypes that are affecting women is one of the three central requirements of the Convention.¹²

⁸ Cook and Cusack, Gender Stereotyping 13-20.

⁹ OHCHR commissioned report, 'Gender Stereotyping as a human rights violation' (2013) 17.

¹⁰ UN CEDAW Committee, 'General recommendation No. 25, on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures' 2004 HRI/GEN/1/Rev.9 (Vol. II) (CEDAW General Recommendation 25) para.4.

¹¹ Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) UNTS 1249 (CEDAW) Preamble, para.7.

¹² CEDAW General Recommendation 25 para.7.

Why this obligation is so important is that the discrimination is embedded in our societies. It is present in laws, religion, traditions, customs and social norms. Relying on formal equality and responding to human rights abuses of women is not effective to prevent further violations from happening. Also, if the laws are not assessed from a gender perspective, the discriminatory provisions might remain invisible. The laws have been tailored for men and instead of assimilating women to that provisions, they need to be changed in order to reflect the needs of women and the diversity that exists in the society.¹³

Discrimination of women and gender stereotypes have been part of the historical development of the civilization and it is one of the main reasons why it is so difficult to eradicate them. The only possibility, as proposed by Sandra Fredman, is the applicability of 'equality as transformation',¹⁴ which envisions a transformation of the societal and legal structures to the one in which female, as well as male perspectives, are taken into account.¹⁵ Article 5(a) CEDAW, together with Article 2(f) has been regarded as the basis for transformative equality¹⁶ and means to eradicate structural and systemic discrimination.¹⁷ Only through a change is it possible to liberate women and men from the socially predestined roles and take away the rationalizing factor from the human rights abuses of women.

Article 2(f) and 5(a) are placed in Part I, that is - general clauses of the Convention, meaning that it creates obligations with regard to all other specific articles.¹⁸ For example, Article 5 and the importance of gender stereotypes has been discussed in relation to violence against women,¹⁹ equality in marriage²⁰ and economic consequences of marriage,²¹ as well as older women.²² This is clearly so, under the article on education, where the Convention requires eliminating stereotyped concepts from education (Article 10(c)). But addressing gender stereotypes is an

¹³ Rikki Holtmaat, 'Towards Different Law and Public Policy: The significance of Article 5a CEDAW for the elimination of structural gender discrimination' (Reed Business Information 2004) (Holtmaat, Towards Different Law and Public Policy) 18-19.

¹⁴ Sandra Fredman, 'Beyond The Dichotomy Of Formal And Substantive Equality: Towards A New Definition of Equal Rights' in Ineke Boerefijn and others (eds), *Temporary Special Measures: Accelerating de facto Equality of Women under Article 4(a) UN Convention on the Elimination of All Forms of Discrimination Against Women* (Intersentia 2003) 115.

¹⁵ Ibid. p.116.

¹⁶ Rikki Holtmaat, 'The CEDAW: a holistic approach to women's equality and freedom' in Anne Hellum, *Women's Human Rights: CEDAW in International, Regional and National Law* (Cambridge University Press 2013) 96.

¹⁷ Ibid.

¹⁸ See also Holtmaat, Towards Different Law and Public Policy 8.

¹⁹ CEDAW General Recommendation 19 paras.10-11.

²⁰ UN CEDAW Committee, 'General Recommendation No. 21: Equality in Marriage and Family Relations' 1994 A/49/38 HRI/GEN/1/Rev.9 (Vol. II) para.3

²¹ UN CEDAW Committee, 'General Recommendation on article 16 of the CEDAW: Economic consequences of marriage, family relations and their dissolution' 30 October 2013 CEDAW/C/GC/29 (CEDAW General Recommendation 29) para.8.

²² UN CEDAW Committee, 'General recommendation No. 27 on older women and protection of their human rights' 16 December 2010 CEDAW/C/GC/27 paras. 16, 36.

obligation in itself and has been recognized as central towards achieving equal rights of women.²³

3. Content of the Obligation to Eliminate Gender Stereotypes under CEDAW

a) Wording of the articles

The role of stereotypes with regard to women's rights was first mentioned in Article 3 of the Declaration on Elimination of Discrimination against Women adopted by UN in 1967.²⁴ The Declaration served as a basis for the Convention²⁵ and the clause came to be included in the Convention also, albeit in a changed form, as it went through modifications during the drafting process.²⁶ In the Convention, there are three articles that address gender stereotypes.

Article 2(f) CEDAW states:

States Parties (...) agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.

Article 5(a) CEDAW states:

States Parties shall take all appropriate measures (a) to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.

Article 5(b) CEDAW states:

To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

²³ CEDAW General Recommendation 25 para.6; See also Elizabeth Sepper 'Confronting the Sacred Unchangeable: The Obligation to Modify the Cultural Patterns under the Women's Discrimination Treaty', (2008) 30 U. Pa. J. Int'l L. 585, 597.

²⁴ UNGA, Declaration on the Elimination of Discrimination against Women, 7 November 1967, A/RES/2263(XXII) (CEDAW), Art.3 *"All appropriate measures shall be taken to educate public opinion and to direct national aspirations towards the eradication of prejudice and the abolition of customary and all other practices which are based on the idea of inferiority of women."*

²⁵ Marsha A. Freeman and others (eds), The UN Convention on the Elimination of all Forms of Discrimination against Women: A Commentary (Oxford University Press 2013) (Freeman, CEDAW: A Commentary) 7.

²⁶ For the review of Travaux Préparatoires see: Sepper, Confronting the Sacred Unchangeable 594-596; Freeman, CEDAW: A Commentary 151-153.

Article 10(c) CEDAW states:

States Parties shall take all appropriate measures (...) to ensure, on a basis of equality of men and women:

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods.

Article 2(f) is directed at changing or abolishing all discriminatory laws, but also regulations, customs and practices, even if they do not constitute the official law of the state.

Article 5(a) is directed at 'social and cultural patterns of conduct' of men and women, as far as these patterns of conduct are caused by 'prejudices and customary and all other practices' and if these prejudices and customary and other practices are based on 'the idea of the inferiority or the superiority of either of the sexes' or on 'stereotyped roles for men and women'. The prejudices and customary practices do not need to be discriminatory for the obligation to arise.²⁷

Article 5(b) concentrates on the 'common responsibility of men and women' with regard to their children. This obligation will be dealt together with Article 5(a) and will not be elaborated further.

Article 10(c) talks about 'stereotyped concept of the roles of men and women' and the need to eliminate those, through encouraging coeducation and other types of education to this aim, and also through revision of textbooks and teaching methods.

What kind of obligations these entail is a subject of research, deducing mainly from the Committee's interpretation, as General Recommendations, Concluding Observations and Decisions are viewed as subsequent practice under Vienna Convention, and a tool to deduce the meaning of the obligation.²⁸ Scholars researching Article 5(a) obligation additionally try to systemize and give a form to the Committee's scattered interpretation. Because of that, views of the Committee and the legal scholars will be given separately.

b) CEDAW Committee on gender stereotyping

The obligation to address gender stereotypes is one of the three main obligations under the Convention, according to the CEDAW Committee.²⁹ In its 25th General Recommendation from 2004, CEDAW Committee stated, that there were three obligations that were central in CEDAW – firstly, making sure that State is not

²⁷ Cook and Cusack, Gender Stereotyping 73.

²⁸ Sepper, Confronting the Sacred Unchangeable 597; Vienna Convention (1969) Art.31 (3)(b).

²⁹ CEDAW General Recommendation 25 paras.6-7

discriminating against women through law or practice, secondly, making sure that de facto situation of women is improved and:

Thirdly, States parties' obligation is to address prevailing gender relations and the persistence of gender-based stereotypes that affect women not only through individual acts by individuals but also in law, and legal and societal structures and institutions.³⁰

This third obligation could be referring to three articles in the CEDAW – Article 2(f) - obligation to modify or abolish existing discriminatory laws, practices and customs; Article 5(a) - to modify social and cultural patterns of conduct with a view of eliminating prejudices and stereotypes; and Article 10(c) - to eliminate stereotyped concepts of men and women from education. Article 5(a) can be seen as a general article on gender stereotyping and Articles 2(f) and 10(c) as 'specifying particular methods' to reach the goal of addressing gender stereotypes.³¹

The boundaries between Article 2(f) obligation to modify discriminatory laws and practices and Article 5(a) obligation to change social and cultural patterns of conduct are not very clearly defined.³² However, taken together they create an important framework to fight against harmful gender stereotyping.

The CEDAW Committee addressed Article 5 in one of the first General Recommendations. In General Recommendation 3 from 1987 on Article 5, the Committee stated that it:

Urges all States parties effectively to adopt education and public information programmes, which will help eliminate prejudices and current practices that hinder the full operation of the principle of the social equality of women.³³

Thus, education and public information programmes against prejudices are part of Article 5(a) obligation. It has further been repeated in relation to violence against women.³⁴ But in the General Recommendation 25 the Committee talks about legal and social structures and institutions.³⁵ The Committee's view goes from seeing stereotypes as something prevalent in the society to acknowledging the fact that they are present in the law and legal and societal structures also. Thus, addressing the problem cannot be contained only to informing and educating the society, but should include changing legal and societal structures.³⁶

³⁰ Ibid. para.7.

³¹ Freeman, CEDAW: A Commentary 143.

³² Cook and Cusack, Gender Stereotyping 140.

³³ UN CEDAW Committee, 'General Recommendation No. 3' 1987 A/42/38 HRI/GEN/1/Rev.9 (Vol. II).

³⁴ CEDAW General Recommendation 19 para. 24(f).

³⁵ CEDAW General Recommendation 25 para.7.

³⁶ Freeman, CEDAW: A Commentary 144.

In General Recommendation No. 28 from 2008 on Core Obligations of States under Article 2 the committee linked the obligation to eliminate stereotypes, customary practices and prejudices under Article 2 with the obligation to protect³⁷ and stated, that the States should take steps directly aimed at fulfilling this obligation. In Committee's words:

The obligation to protect requires that States parties protect women from discrimination by private actors and take steps directly aimed at eliminating customary and all other practices that prejudice and perpetuate the notion of inferiority or superiority of either of the sexes, and of stereotyped roles for men and women.³⁸

In General Recommendation 29 from 2013 on Economic Consequences of Marriage, the Committee stated that addressing gender stereotypes was important to achieve substantive equality.³⁹

In the most recent Concluding Observations, the Committee underlined a few aspects in addressing gender stereotypes. The Committee requires the States to adopt a 'comprehensive strategy' addressing patriarchal attitudes and discriminatory stereotypes.⁴⁰ These strategies should involve 'proactive measures',⁴¹ which will be targeted at 'women and men at all levels of society'.⁴²

The Committee also underlines need to 'raise awareness of the media' on the importance of portraying non-stereotypical images of women.⁴³ The Committee talks about awareness-raising and conducting a dialogue with all actors of the society including parents, teachers and, importantly, religious leaders, both as target audience, as well as collaborators.⁴⁴

³⁷ Obligation to respect meaning not taking discriminatory laws and obligation or fulfil meaning active involvement e.g. adopting temporary special measures, CEDAW General Recommendation 28 para.9.

³⁸ CEDAW General Recommendation 28 para.9.

³⁹ CEDAW General Recommendation 29 para.8.

⁴⁰ UN CEDAW Committee, 'Concluding observations on the combined third and fourth periodic reports of Tuvalu' 6 March 2015 CEDAW/C/TUV/CO/3-4 (Concluding Observations Tuvalu 2015) para. 20(a).

⁴¹ UN CEDAW Committee, 'Concluding observations on the fourth periodic report of Kyrgyzstan' 6 March 2015 CEDAW/C/KGZ/CO/4 (Concluding Observations Kyrgyzstan 2015) para. 16(a).

⁴² Concluding Observations Tuvalu 2015 para. 20(a).

⁴³ UN CEDAW Committee, 'Concluding observations on the fifth periodic report of Azerbaijan' 6 March 2015 CEDAW/C/AZE/CO/5 (Concluding Observations Azerbaijan 2015) para. 21(c), Concluding Observations Kyrgyzstan (2015) para. 16(c).

⁴⁴ UN CEDAW Committee, 'Concluding observations on the combined fourth and fifth periodic reports of Maldives' 6 March 2015 CEDAW/C/MDV/CO/4-5 (Concluding Observations Maldives 2015) para. 21(a); UN CEDAW Committee, 'Concluding observations on the sixth periodic report of Gabon' 6 March 2015 CEDAW/C/GAB/CO/6 (Concluding Observations Gabon 2015) para. 21(c).

The Committee requires monitoring mechanism and impact assessment for the strategies adopted,⁴⁵ or to establish indicators and measure results.⁴⁶

The role of schools and education is addressed under Article 5(a), as well as under Article 10(c), requiring the State to review school books and teaching materials with a view of getting rid of harmful gender stereotypes⁴⁷ and to adopt mandatory education on gender equality and women's rights in school curricula and in teacher training at all levels.⁴⁸

c) Legal scholarship

As there is no clarity from the Committee as to the legal content of the Article, the scholars have tried to define it deducing from Committee's General Recommendations, Concluding Observations and Cases.

Rebecca Cook and Simon Cusack⁴⁹ try to explain State's obligation to fight against gender stereotyping in tripartite framework considering Article 2(f) and 5(a) CEDAW together.⁵⁰

Under the obligation to respect, States (all branches of the Government – executive, legislative and judiciary) should refrain from gender stereotyping in all their actions.⁵¹ First, it is their responsibility to identify the gender stereotypes in laws, policies or practices and consequently to act upon those, that is to modify them.⁵² The executive branch should make sure their actions do not perpetuate stereotypes,⁵³ the legislative branch should not include stereotypes in creating new legislation and review existing laws to identify and remove stereotypes,⁵⁴ and the judiciary should not base its decisions on stereotypical views and should through its decisions try to identify and eliminate the stereotypes.⁵⁵

The obligation to protect requires measures by the States to address acts by non-state actors.⁵⁶ It includes raising awareness of the society through, for example,

⁴⁵ Concluding Observations Tuvalu 2015 para. 20(d).

⁴⁶ Concluding Observations Maldives 2015 para. 21(a).

⁴⁷ Concluding Observations Azerbaijan 2015 para. 29(d).

⁴⁸ Concluding Observations Azerbaijan (2015) para. 29(e); UN CEDAW Committee, 'Concluding observations on the combined eighth and ninth periodic reports of Ecuador' 6 March 2015 CEDAW/C/Ecuador/CO/8-9 (Concluding Observations Ecuador 2015) para. 19(a).

⁴⁹ Cook and Cusack, *Gender Stereotyping*.

⁵⁰ Simon Cusack, 'The CEDAW as a Legal Framework for Transnational Discourses on Gender Stereotyping' in Anne Hellum, *Women's Human Rights: CEDAW in International, Regional and National Law* (Cambridge University Press 2013) (Cusack, *The CEDAW as a Legal Framework for Transnational Discourses on Gender Stereotyping*)146.

⁵¹ Cusack, *The CEDAW as a Legal Framework for Transnational Discourses on Gender Stereotyping* 147; Cook and Cusack, *Gender Stereotyping* 76.

⁵² Cook and Cusack, *Gender Stereotyping* 76.

⁵³ *Ibid.* 76.

⁵⁴ *Ibid.* 77.

⁵⁵ Cook and Cusack, *Gender Stereotyping* 78.

⁵⁶ *Ibid.* 81.

information and education campaigns, but also having appropriate laws to respond to wrongful stereotyping with due diligence⁵⁷ and to provide remedies⁵⁸ to victims of violations (individual remedies), but also on structural dimension by attempting to ‘deinstitutionalize gender stereotypes from the laws, policies and practices.’⁵⁹

The obligation to fulfil requires the States to take positive measures to eliminate wrongful gender stereotypes, such as establishing an appropriate framework that will enable States to reveal wrongful stereotypes and remove them and more generally being actively involved in breaking gender stereotypes.⁶⁰ This might also include an obligation to adopt temporary special measures under Article 4(1) CEDAW.⁶¹ It also entails a commitment to review the laws and repeal those that are based and continue to reiterate gender stereotypes.⁶²

This interpretation is partially based on how first Committee on Economic, Social and Cultural Rights in its General Comment No.16 on equality and later the CEDAW Committee in the General Recommendation No. 28 on core obligations interprets Article 2 obligation.⁶³

Rikki Holtmaat, reviewing Article 5 argues, that there are two types of obligations connected with this Article. Firstly, to eliminate stereotypes from social and cultural life (mass media, pornography...).⁶⁴ Secondly, to fight stereotypes in public law and policy.⁶⁵ She argues, that the former obligation derives from Committee’s General Recommendations and Concluding Observations, but the latter is not very clearly defined.⁶⁶ In her view, this obligation does exist even if it can be disputed how far reaching the obligation really is.⁶⁷

Sepper identifies two functions of the Article 5(a) – as an interpretative article for other clauses in the convention, and as creating substantive rights on its own. Sepper, analysing Committee’s jurisprudence and legal literature comes to the conclusion, that media campaigns⁶⁸ and changes in school curricula⁶⁹ are the measures that need to be addressed, to comply with the minimum requirements of the Convention. However, she argues that one should go further than that in

⁵⁷ Ibid. 91.

⁵⁸ Cusack, *The CEDAW as a Legal Framework for Transnational Discourses on Gender Stereotyping* 149; Cook and Cusack, *Gender Stereotyping* 81.

⁵⁹ Cook and Cusack, *Gender Stereotyping* 81, 94.

⁶⁰ Ibid. 82.

⁶¹ Ibid. 98.

⁶² Cusack, *The CEDAW as a Legal Framework for Transnational Discourses on Gender Stereotyping* 151.

⁶³ CEDAW General Recommendation 28 para.9.

⁶⁴ Holtmaat, *Towards Different Law and Public Policy* 76.

⁶⁵ Ibid. p.77.

⁶⁶ Holtmaat, *Towards Different Law and Public Policy* 77.

⁶⁷ Ibid. p.78.

⁶⁸ Sepper, *Confronting the Sacred Unchangeable* 613-614.

⁶⁹ Ibid. 615-616

order to address effectively the stereotyped culture. For example, monitoring bodies for regulations in media, to combat negative stereotypes and affirmative action in education to balance gender in male-dominated fields.⁷⁰ Measures going even further than that, after establishing legal equality, is the review of legislation to eradicate gender stereotypes, basing her arguments on Concluding Observations for Ireland and Germany.⁷¹

4. Gender Stereotypes and Cultural Values

a) Introduction

Article 5 (a) CEDAW calls for modifying 'social and *cultural* patterns of conduct' in order to abolish 'prejudices and *customary* and all other practices' that stereotype against women and men. Patriarchal culture is until today the culture we live in and despite progress, still a lot remains until full gender equality is achieved. To date, gender inequality is embodied in some customs and practices, in prejudices that have been constructed for centuries.

It is a fact that humanity has been developing and changing throughout the centuries, and so has culture. It can be argued, that changing some discriminatory practices and prejudices against women and men will not deprive the societies of their culture, but rather, will just make it more equal.

The problem with the legitimacy of international human rights obligations is that human rights law and democracy do not always function the way they are thought to. Even if a democratically elected Government ratifies a human rights convention, it is not always because they mean to commit themselves to it, or that it is what the country is ready for, but rather for many other reasons, including political benefits it might be bringing to the Governments. Further implementation of these obligations is then a struggle of civil society and individuals against the Government, as there is a lack of political will to realize these rights in practice.

b) What is culture?

But what do we call culture? There is no uniform definition. Special Rapporteur Ertürk in her report on human rights and culture defined it as

... The set of shared spiritual, material, intellectual and emotional features of human experience that is created and constructed within social praxis.⁷²

In another report, it was defined as

⁷⁰ Ibid. 617.

⁷¹ Ibid. 623.

⁷² UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences Yakin Ertürk, 'Intersections between culture and violence against women' 17 January 2007 A/HRC/4/34 (Ertürk, Intersections between culture and violence against women) 8.

A system of assigning meaning to the way we live: how we organize our means of production and reproduction, how people relate to nature and to each other.⁷³

Religion is a big part of the culture, even if the beliefs might be considered not to be earthly, the practices and the way these beliefs operate in practice are most certainly elaborated and detailed by humans.⁷⁴

Culture is thus created and recreated daily by people living in this culture. With the words of An-Na'im:

Since culture needs to respond to different and competing individual and collective needs and aspirations, it tends to combine stability and continuous change.⁷⁵

The culture in itself accommodates change and this can be seen throughout history, as new realities create new cultural practices. Additionally, one society rarely shares one single culture. There is usually one dominant and other less visible or influential cultures in the society.⁷⁶ However, culture has not always been portrayed in this way. Until today, culture is claimed by some to be static and in need to be defended from change, as part of society's identity.⁷⁷ States have claimed that some human rights obligations are in contradiction with their culture and thus have made reservations to human rights conventions.⁷⁸ When discriminatory practices are claimed to be authentic and originating from the 'culture' it creates a problem for fully realizing human rights, and, as it has been witnessed, especially women's rights.

⁷³ *Negotiating Culture: Intersections of Culture and Violence against Women in Asia Pacific*, Report of the Asia Pacific NGO Consultation with the United Nations Special Rapporteur on Violence against Women, Yakin Ertürk (2006) (*Negotiating Culture: Intersections of Culture and Violence against Women in Asia Pacific*) 14.

⁷⁴ Rikki Holtmaat and Jonneke Naber, *Women's Human Rights and Culture: From Deadlock to Dialogue* (Intersentia 2011) (Holtmaat and Naber, *Women's Human Rights and Culture*) 43 and 81.

⁷⁵ Abdullahi Ahmed An-Na'im, 'State Responsibility under International Human Rights Law to Change Religious and Customary Laws' in Rebecca J Cook, *Human Rights of Women: National and International Perspectives* (University of Pennsylvania Press 1994) (An-Na'im, *State Responsibility under International Human Rights Law to Change Religious and Customary Laws*) 173.

⁷⁶ *Negotiating Culture: Intersections of Culture and Violence against Women in Asia Pacific* 17.

⁷⁷ See on myths about culture: Ertürk, *Intersections between culture and violence against women* 21.

⁷⁸ Many States have made reservations to some articles of CEDAW, see the list of reservations here: UN Women, *Declarations, Reservations and Objections to CEDAW* <http://www.un.org/womenwatch/daw/cedaw/reservations-country.htm> accessed 26 May 2015.

c) How to deal with rejection of human rights because of 'culture'?

One way to deal with the conflict was to advocate for abolishing the practices and ideas in contradiction with human rights (abolitionist approach).⁷⁹ However, it created tension between human rights workers and local communities and States and made them more defensive of the practices and ideas in question. Today, as will be briefly discussed below, new approaches are being explored which take into account the importance of culture and the possibility of legitimizing human rights in different cultural contexts.⁸⁰

An-Na'im has suggested finding the basis of human rights in certain cultures through employing the practice of 'internal discourse' and 'cross-cultural dialogue'.⁸¹ Internal discourse, in An-Na'im's terms "relates to struggle[ing] to establish enlightened perceptions and interpretations of cultural values and norms"⁸² within a culture or a country. Cross-cultural dialogue, on the other hand, "should be aimed at broadening and deepening international consensus."⁸³ In other words, there should be a conversation within the culture and a conversation among the cultures. An-Na'im views internal discourse as means for the disadvantaged groups within the community to have their say to prevent manipulation of culture by the ones in power.⁸⁴ The main goal of both actions is to "agree on a body of beliefs to guide action in support of human rights in spite of disagreement on the justification of those beliefs."⁸⁵

More recently, Holtmaat and Naber have suggested a 'fruitful dialogue' about culture and human rights to enable cultural change in the direction of higher standards.⁸⁶ The idea is to de-essentialise both culture and human rights of women and accept that both are susceptible to change.⁸⁷ Then, against this background to talk about the perceived conflict and find a basis for human rights in different cultural contexts. They view three main actors as 'discussion partners'

⁷⁹ See on the 'abolitionist approach' Celestine I Nyamu, 'How Should Human Rights and Development Respond to Cultural Legitimization of Gender Hierarchy in Developing Countries' (2000) 41 Harvard International Law Journal 381, 391-393.

⁸⁰ An-Na'im, State Responsibility under International Human Rights Law to Change Religious and Customary Laws.

⁸¹ Ibid. 174.

⁸² Abdullahi Ahmed An-Na'im, 'Toward a Cross-Cultural Approach to Defining International Standards of Human Rights: The Meaning of Cruel, Inhuman, or Degrading Treatment or Punishment' in Abdullahi Ahmed An-Na'im (ed) *Human Rights in Cross-Cultural Perspectives: A Quest for Consensus* (University of Pennsylvania Press 1992) (An-Na'im, Toward a Cross-Cultural Approach to Defining International Standards of Human Rights) 27.

⁸³ Ibid.

⁸⁴ Ibid. p.28.

⁸⁵ An-Na'im, Toward a Cross-Cultural Approach to Defining International Standards of Human Rights 28.

⁸⁶ Holtmaat and Naber, Women's Human Rights and Culture 2.

⁸⁷ Ibid. 85-86

– national Governments (which themselves can be influenced through dialogue by international actors and civil society), representatives of cultural communities (male and female) and religious and community leaders.⁸⁸ It is important that the dialogue is respectful of local culture and the particularities of concrete cultural context are understood.⁸⁹

Gender stereotypes are also deeply embedded in the consciousness of the people and even though the realities have changed, the stereotypes remain and make it difficult for people to assert their rights. Holtmaat and Naber suggest employing the cross-cultural dialogue in order to aid changing harmful stereotypes. They argue, that sharing the different experience from other cultures and societies can reveal the stereotypes that have been regarded as facts and truths.⁹⁰

Thus, any radical ways to change should be deemed inappropriate. The debate is highly political and forceful intervention can create backlash – e.g. denying the whole system of human rights. The change should be achieved through democratic process – a dialogue among different stakeholders, taking into account everybody’s opinion and finding a consensus that will be shared and made known to everybody. It is important to find human rights in the culture people are living and validate them against the culture. Only in this way can the process be in compliance with human rights and the change – sustainable.

It is important to have in mind this relationship between human rights (particularly those of women) and culture whenever there is a need to communicate the change in the law or in the society. It is important that firstly, the Government accepts the change as necessary and legitimate and secondly, whenever it acts upon this belief, it also communicates the same towards those that are affected by it. Thus, any change in law should be discussed with different stakeholders. For example, changes in labour law should be discussed with businesses, trade unions and civil society. Changes in the regulation of media – with the different media organisations and professionals. Changes in education policy and schoolbooks – with teachers, publishers and parents. Further, whenever there is a need, religious leaders and other persons respected by the society should be invited, heard and made aware of the arguments behind the change so that they do not feel opposed and threatened. Finally, the discussions should not be concentrated in the capital, where the central Government is seated, but rather they should take place at the community level, in local municipalities and in the remote communities. The more inclusive and democratic the process, the more successful the result will be.

⁸⁸ Ibid. 86-87.

⁸⁹ Ibid. 87.

⁹⁰ Holtmaat and Naber, *Women’s Human Rights and Culture* 66-67.

II. Focus on Georgia

1. General Socio-Economic and Human Rights Situation of Georgia

a) Introduction

Georgia is a country located in the Caucasus, on the border of Europe and Asia. It has a population of almost 5 million people. The population is mostly Georgian (83%), with Azeri, Armenian, Russian and other minorities.⁹¹ Majority of the population is Orthodox Christian⁹² and the Church has a big influence on State politics.⁹³ Georgia has been part of the Russian empire (19th century) and after a short period of independence (1918-1921) became part of the Soviet Union for 70 years. The collapse of the Soviet Union brought difficult times – collapse of State institutions, economic hardships and civil war in the 1990s. Georgia today has two conflict regions in Abkhazia and Tskhinvali region and more than 200 000 internally displaced persons.⁹⁴ Georgia does not exercise effective control over these regions. The latest war with Russia over the conflict region of Tskhinvali region took place in 2008.

Georgia's economy is reviving after the difficult years of corruption and economic stagnation in the 1990s. Particularly, the Rose Revolution in 2003, which brought some changes – reformations in state institutions, liberalizing economy, fighting crime and corruption.⁹⁵ Otherwise, unemployment is high (16.4% in 2009) and large numbers are living under the poverty line, with around 10% living in extreme poverty (2009).⁹⁶

⁹¹ Central Intelligence Agency (CIA) World Factbook Georgia
<https://www.cia.gov/library/publications/the-world-factbook/geos/gg.html> accessed 26 May 2015 (CIA World Factbook Georgia), People and Society.

⁹² 83.9% according to the 2002 census. Christianity was introduced in 330AD. Ibid. Introduction.

⁹³ Irina Sulkhanishvili, 'Struggle for Power: Religion and Politics in Georgia from the 90s to the Present' (2012) issue 4 Identity Studies 138, 139.

⁹⁴ 257,022 IDPs residing in Georgia as of July 2014 - UNHCR Georgia, Sub-regional operations profile - Eastern Europe 2015, Statistical Snapshot
<http://www.unhcr.org/pages/49e48d2e6.html> accessed 26 May 2015.

⁹⁵ See Introduction reviewing the developments after the Rose revolution in Thomas Hammarberg, 'Georgia in Transition, Report on the human rights dimension: background, steps taken and remaining challenges' September 2013
http://eeas.europa.eu/delegations/georgia/documents/virtual_library/cooperation_sectors/georgia_in_transition-hammarberg.pdf accessed 26 May 2015, (*Hammarberg, Georgia in Transition*) 5.

⁹⁶ OECD (2011), "Georgia: Country Review", in Development in Eastern Europe and the South Caucasus: Armenia, Azerbaijan, Georgia, Republic of Moldova and Ukraine, OECD Publishing. <http://dx.doi.org/10.1787/9789264113039-8-en> accessed 26 May 2015, 154.

The year 2012 brought peaceful political change to Georgia. However big challenges remain regarding the independence of judiciary,⁹⁷ minority rights, including especially religious (Muslim) minorities and the LGBT community.⁹⁸

Georgia strives to become part of the European institutions. Georgia has thus far signed an association treaty with the European Union in 2014.⁹⁹

Georgia is member of the United Nations since 1992 and has been a member of the Council of Europe since 1999. Georgia has ratified most of the UN human rights instruments as well.¹⁰⁰

b) Women's situation in Georgia

Women's situation in Georgia is troubling. Georgia ranks 85th in Global Gender Gap Index among 142 countries with 115th position in health and survival, 80th in educational attainment, 66th in economic participation and 94th in political empowerment.

Violence against women

Violence against women is one of the most pressing issues. Every 11th woman that is or has been in a marriage, has been a victim of physical abuse, while one third have suffered some form of abuse.¹⁰¹ Domestic violence was criminalized in 2012 (Article 126¹ of Criminal Code of Georgia). However, the police response to the cases of domestic violence is mostly not effective and in worst cases this ineffectiveness leads to murder of the woman.¹⁰² Murder of women by their husbands/ex-husbands and partners/ex-partners increased dramatically in the

⁹⁷ Hammarberg, Georgia in Transition 9-14.

⁹⁸ Ibid. 23-26.

⁹⁹ Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part 30 August 2014 OJ L 261/4 http://eeas.europa.eu/georgia/pdf/eu-ge_aa-dcfta_en.pdf accessed 26 May 2015.

¹⁰⁰ Except of the Convention for the Protection of All Persons from Enforced Disappearance and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

¹⁰¹ Marine Chitashvili and others, *National Research on Domestic Violence against Women in Georgia: Final Report* (Fountain Georgia 2010) <http://www2.ohchr.org/english/bodies/cedaw/docs/AdvanceVersions/GeorgiaAnnexX.pdf> accessed 26 May 2015, 12.

¹⁰² See analysis of this problem in Human Rights Council Universal Periodic Review (second cycle, 23rd session, 2015) Georgia NGO Coalition Joint Submission on Women's Human Rights in Georgia para.11; Alternative report To the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) Concerning women's rights and gender issues in Georgia, June 2014 http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/GEO/INT_CEDAW_NGO_GEO_17610_E.pdf accessed 26 May 2015. (Alternative report to CEDAW 2014) para.28, 31, 32.

year 2014.¹⁰³ Domestic violence is underreported, especially sexual violence.¹⁰⁴ There is a lack of shelters and lack of financial support to the NGOs providing help to women.¹⁰⁵ Even though the crime of rape does not exempt spousal rape, it is not criminalized explicitly, with the result of no charges ever being brought on this ground.¹⁰⁶ Trafficking is a problem in Georgia, especially the impunity of perpetrators and decreasing number of prosecution and punishment of the perpetrators.¹⁰⁷

Political representation and participation

Women's political representation in Georgia is alarming. Women constitute only 11% of national Parliament and local self-government bodies.¹⁰⁸ Women are even less represented in the executive branch of the Government.¹⁰⁹ Financial incentives for political parties for including more women in the lists proved totally ineffective.¹¹⁰ The Georgian Women's Movement is presently advocating for mandatory quotas for political parties, as recommended by the CEDAW Committee.¹¹¹

Women are not properly involved in peace negotiations over the conflict regions as required by Security Council resolution 1325.¹¹² An action plan has been developed, with the involvement of civil society and women affected by the conflict, however implementation of the plan is basically stalled and little funds allocated from the State budget.¹¹³

Economic situation

There is an increasing gender wage gap between men and women in Georgia. According to the ratio of annual income of men and women Georgia holds 114th place in ranking. E.g. average income in public sector for women 456.6 GEL, for

¹⁰³ Nino Akhobadze, 'Domestic Violence Increased in Georgia' 07 November 2014 Human Rights House <http://humanrightshouse.org/Articles/20553.html> accessed 26 May 2015.

¹⁰⁴ Alternative report to CEDAW 2014 para. 25.

¹⁰⁵ UN CEDAW Committee, 'Concluding Observations on the Combined Fourth and Fifth Periodic Reports of Georgia' 24 July 2014 CEDAW/C/GEO/CO/4-5 (CEDAW Concluding Observations Georgia 2014) para. 20; Alternative report to CEDAW 2014 para.33.

¹⁰⁶ UN CEDAW Committee, 'Concluding Comments of the Committee on the Elimination of Discrimination against Women: Georgia' 25 August 2006 CEDAW/C/GEO/CO/3 (CEDAW Concluding Observations Georgia 2006) paras. 19-20.

¹⁰⁷ CEDAW Concluding Observations Georgia 2014 para. 22.

¹⁰⁸ Gender Imbalance in Sakrebulo of Georgia (Research) International Society for Fair Elections and Democracy (ISFED) 2014 <http://www.isfed.ge/main/653/eng/> accessed 26 May 2015; Alternative report to CEDAW 2014 para. 69.

¹⁰⁹ Human Rights Council Universal Periodic Review (second cycle, 23rd session, 2015) Georgia NGO Coalition Joint Submission on Women's Human Rights in Georgia (UPR NGO submission 2015) paras. 14-15; Alternative report to CEDAW 2014 para. 69.

¹¹⁰ UPR NGO submission 2015) para.16.

¹¹¹ CEDAW Concluding Observations Georgia 2014 para.25

¹¹² CEDAW Concluding Observations Georgia 2014 para. 24.

¹¹³ Alternative report to CEDAW 2014 paras. 43-47.

men 833.8 GEL, respectively 583.9 GEL and 968 GEL in private sector.¹¹⁴ Women are mostly concentrated in low-paid jobs and low positions, they face discrimination and sexual harassment at the workplace.¹¹⁵ Additionally, scarcity of child care facilities leads to further difficulties for women on the job market, as mostly it is women who take care of young children.¹¹⁶ Recently, changes have been introduced in the labour code, with increased paid maternity and child care leave, however, problems remain.¹¹⁷

Marriage, sexual and reproductive rights

According to Public Defender's report from 2013 early marriage in Georgia is widespread.¹¹⁸ According to the data from Ministry of Education and Science, 7367 girls dropped out of school from October 2011 to January 2013 mostly because of early marriages.¹¹⁹ According to the law, legal marriage age is 18, however, marriage from 16 years is allowed with parental or Court permission. This regulation was criticised by the CEDAW committee, as mostly parents are the ones facilitating these marriages. The reason behind the arrangement could be economic hardship. Bride abduction was common in Georgia, and is still happening, however, more rarely.¹²⁰

Sexual health education is not provided in schools¹²¹ and the population at large does not have adequate access to information about sexual and reproductive health and rights. That results in high number of unwanted pregnancies and abortions, also as a means of contraception.¹²² Sex-selective abortions are also widespread.¹²³

Georgian legislation only recognizes registered, civil marriages. As big part of the population is religious, they get married in religious way and end up in difficult economic situation upon divorce, with no legal recourses on the joint property.¹²⁴

Disadvantaged groups of women

There are disadvantaged groups of women. LBT women face discrimination due to homophobic environment in Georgia.¹²⁵ Sex-workers are highly stigmatized.

¹¹⁴ Alternative report to CEDAW 2014 para. 87.

¹¹⁵ The Public Defender of Georgia, The Situation of Human Rights and Freedoms in Georgia Annual Report 2013 <http://www.ombudsman.ge/uploads/other/1/1350.pdf> accessed 26 May 2015 (Public Defender of Georgia Annual Report 2013) 267.

¹¹⁶ CEDAW Concluding Observations Georgia 2014 para. 28.

¹¹⁷ Public Defender of Georgia Annual Report 2013 268.

¹¹⁸ Public Defender of Georgia Annual Report 2013 272.

¹¹⁹ Alternative report to CEDAW 2014 para. 81.

¹²⁰ Public Defender of Georgia Annual Report 2013 p.273; OECD Social Institutions and Gender Index Georgia <http://genderindex.org/country/georgia> accessed 26 May 2015, 7.

¹²¹ CEDAW Concluding Observations Georgia 2014 para. 26.

¹²² CEDAW Concluding Observations Georgia 2014 para. 30.

¹²³ Alternative report to CEDAW 2014 para. 90-93.

¹²⁴ CEDAW Concluding Observations Georgia 2014 para. 36.

Prostitution is administrative offence and in cases of violence and abuse sex-workers are reluctant to seek help.¹²⁶ Homeless, drug abusers, disabled women face stigmatization and are more often victims of discrimination and violence.¹²⁷

Rural women face further discrimination due to inequality between rural and urban economic environments and unequal opportunities, e.g. lack of childcare facilities etc.¹²⁸

c) Legal framework and policies on gender

Georgian legislation is mainly written in gender neutral terms. The Constitution of Georgia, Article 14 guarantees equality before the law regardless of inter alia sex.¹²⁹ However, the few mention of women that is found in the Constitution (only two), is protective in nature – Article 30(4) on need to regulate working conditions of women and Article 36 on protection of rights of mothers.

Law on Gender Equality was adopted in 2010 and contains basic principles and definitions. It has been criticised as declarative and without any effective mechanisms for guaranteeing the principles contained therein.¹³⁰

In 2014 Law on the Elimination of all Forms of Discrimination was adopted, which assigns Public Defender of Georgia the duty to monitor issues of elimination of discrimination and equality (Art. 6), however, without sufficient resources, Public Defender will be unable to effectively fulfil this duty.¹³¹

Apart from Public Defender's Office, gender issues are dealt with by Gender Advisory Council, which was established in 2004 and since 2010 became a permanent institution under Parliament of Georgia.¹³² In the executive branch, gender equality advisor was established.¹³³ However, work on gender equality in the Government remains uncoordinated and as a result, ineffective.¹³⁴

The Government has adopted several action plans with a view of advancing gender equality - 2014-2016 National Action Plan for the Implementation of Gender Equality Policy in Georgia,¹³⁵ combating domestic violence - 2013-2015 National Action on the Fight Against Domestic Violence and the Protection of

¹²⁵ UPR NGO submission 2015 8.

¹²⁶ UPR NGO submission 2015 7.

¹²⁷ CEDAW Concluding Observations Georgia 2014 para. 34; Alternative report to CEDAW 2014 para. 62-63.

¹²⁸ CEDAW Concluding Observations Georgia 2014 para. 32.

¹²⁹ Constitution of Georgia 1995, Article 14.

¹³⁰ Alternative report to CEDAW 2014 para. 17.

¹³¹ CEDAW Concluding Observations Georgia 2014 para.10.

¹³² Alternative report to CEDAW 2014 para. 16.

¹³³ CEDAW Concluding Observations Georgia 2014 para. 14.

¹³⁴ Ibid.

¹³⁵ Approved by the Parliament of Georgia on 24 January 2014 by Decree 1945-Rs.

Victims of Domestic Violence in Georgia¹³⁶ and increasing women's participation in peace-making - 2012-2015 National Action Plan for the implementation of UN Security Council Resolutions №№ 1325, 1820, 1888, 1889 and 1960 on "Women, Peace and Security"¹³⁷.

With regard to enhancing gender equality, due regard is paid to strengthening existing parliament mechanisms (14.1.1.1.) and creating new one in the executive branch (14.1.1.3.), harmonization of legislation with international standards (14.1.1.4.), raising public awareness on gender equality issues (14.1.2.) and fighting harmful stereotypes (14.1.2.5.).¹³⁸

d) Gender stereotypes prevalent in the Georgian society

Gender stereotypes are prevalent and deeply rooted in Georgian society. The CEDAW Committee has been concerned by the patriarchal attitudes 'regarding the role and responsibilities of women and men in the family and in society'.¹³⁹ The Committee is also concerned by the sexualisation of women in the media.¹⁴⁰ Committee sees these stereotypes as causes to women's choices and places in career (the ('female') fields of education, (non-)participation in politics) and instances of child marriage.¹⁴¹

The role of women and men are strictly determined according to surveys held among Georgian population. The UNDP research on perceptions of gender equality¹⁴² from 2013 revealed that women are predominantly seen as caregiver in the family and have the main responsibility to do the household chores, cook and take care of children.¹⁴³ Men, on the other hand, are seen as breadwinners and more suitable for work, politics and business. They are also seen as responsible for repairs and maintenance at home.¹⁴⁴ Even though today around 35% of women are main contributors to the family budget in the ideal family, according to almost 90% of the respondents, men should be breadwinners.¹⁴⁵

Family ranks first in the hierarchy of values for the vast majority of Georgian men and women.¹⁴⁶ Women are expected to bear with suffering, infidelity and even

¹³⁶ Approved by Ordinance N17/07/01 of 17 July 2013 of the President of Georgia.

¹³⁷ Approved by the Parliament of Georgia on 27 December 2011 by Resolution №5622 Rs.

¹³⁸ Action Plan of the Government of Georgia on the Protection of Human Rights 2014-2016 (Appendix 1)

¹³⁹ CEDAW Concluding Observations Georgia 2006 para. 17.

¹⁴⁰ CEDAW Concluding Observations Georgia 2014 para. 18.

¹⁴¹ CEDAW Concluding Observations Georgia 2014 para. 18.

¹⁴² Public Perceptions on Gender Equality in Politics and Business, UNDP Georgia Research Report 2013

http://www.ge.undp.org/content/dam/georgia/docs/publications/GE_UNDP_Gender_%20Research_ENG.pdf accessed 26 May 2015 (Public Perceptions on Gender Equality in Politics and Business, UNDP Research)

¹⁴³ Ibid.12.

¹⁴⁴ Ibid. 13.

¹⁴⁵ Ibid. 17.

¹⁴⁶ Ibid. 17.

violence from their husbands in order to preserve the family.¹⁴⁷ It is noteworthy, that 34.1% of women justify wife beating in certain cases.¹⁴⁸ The ideal Georgian woman is characterized as obedient to her husband, prude and loyal to the family.¹⁴⁹

Further to this, women are restricted in their actions also outside the family. Sexual freedom of a girl/woman is highly regulated by social norms. For example, the research showed, that 68% considered sexual relations outside of marriage unacceptable for women at any age, compared to 31% applying the same standard to men.¹⁵⁰ A woman's 'virginity' is still highly valued in Georgian society and that explains the continued practice of 'virginity tests' which women take prior to marriage.¹⁵¹

The CEDAW Committee in its two concluding observations recommends steps to overcome these stereotypes as they were impeding women's equality and their rights. In the Concluding Observation from 2006, for example, the Committee advises *"to strengthen the mainstreaming of gender perspectives in curricula and textbooks"*¹⁵² together with human rights education and gender training in the educational system. The Committee further recommended that *"the media be encouraged to project positive images of women and of the equal status and responsibilities of women and men in the private and public spheres."*¹⁵³

The Committee urges the State to employ effective strategies to overcome gender inequality and to promote substantive equality of women. To this regard, it recommends that Georgia introduces gender mainstreaming in all public policies and programs.¹⁵⁴

¹⁴⁷ Ibid. 23.

¹⁴⁸ National Research on Domestic Violence p.38.

¹⁴⁹ Public Perceptions on Gender Equality in Politics and Business, UNDP Research 22.

¹⁵⁰ Ibid. 65.

¹⁵¹ Alternative report to CEDAW 2014 para. 27.

¹⁵² CEDAW Concluding Observations Georgia 2006 para.18.

¹⁵³ Ibid.

¹⁵⁴ CEDAW Concluding Observations Georgia 2006 para. 12; CEDAW Concluding Observations Georgia 2014 para. 15(b).

2. Eradicating Gender Stereotypes in Law: Parental Leave

a) Introduction

Women, who are mothers are stereotyped as the sole caregivers and the only ones responsible for taking care of the children. One example of this is the leave for the reason of taking care of the child available and tailored to suit only mothers. If gender equality is to be achieved, it should not necessarily be only the woman who takes care of that child after giving birth. Fathers should share the responsibility of taking care of the children. The State has the responsibility not to apply stereotypes to mothers as caregivers and to create equal opportunities for men and women also in the labour market through providing the possibility and an incentive for both mothers and fathers to use parental leave.

There are two dimensions to the issue of parental leave. Women might need a special leave to give birth to a child and some time to recover from it. That is usually called maternity leave. In some countries, fathers have paternity leave, to attend the childbirth. However, the needs are different. When it comes to childcare, men and women do not differ from each other. Both of them can take care of the child, and they need to do it, until preschool facilities become an option. Breastfeeding is a separate issue. WHO recommends for better health of both child and mother, 6 months of exclusive breastfeeding and up to one year complementary breastfeeding.¹⁵⁵ However, not every mother can or wants to breastfeed her child and nowadays there are different possibilities to feed the new-born. In any case, this difference also needs to be taken into account when talking about parental leave of mothers and fathers.

If one views mothers as best suited to take care of new-born children, it will place most of the women at a disadvantage on the labour market. Employers will not be interested in hiring women of reproductive age, even if they do not have to pay for the leave. Further, enabling only mothers to take up the leave for taking care of the new-born child further reinforces the stereotype of women as responsible for housework and caretaking tasks, which only few men share. Thus, women have the double burden of working inside and outside of home, after the leave is over. Introducing parental leave, available also to fathers, as well as mothers, is one way to balance this disadvantage. It is an attempt to make fathers take up historically 'female' tasks of childcare and housework and break the stereotype of the male breadwinner and female care-taker.

To make parental leave attractive for men, it should be economically worthwhile. If the amount of parental leave allowance is low, it will in most cases be more beneficial for the family, if the woman takes the leave due to the gender wage gap. Thus time of the leave as well as the amount of compensation is decisive when talking about fathers taking up parental leave.

¹⁵⁵ Report of the Expert Consultation on the Optimal Duration of Exclusive Breastfeeding Geneva (WHO 2001) 2.

b) Parental leave in Georgia

It should be mentioned from the beginning, that Georgian legislation with regard to parental or maternity leave is not very clear and well defined. Different pieces of legislation contradict each other and so does law and practice.

Georgian legislation on parental leave should be viewed with the Soviet legacy of post-Soviet states in mind. In the Soviet Union, women were encouraged to work and had access to fairly long but mostly unpaid maternity leave¹⁵⁶ and more or less developed public childcare facilities. However, even though women were fully into the labour force, men were not involved in caring tasks. Thus women had to perform double work and were as in other capitalist societies, primary carers of the children.¹⁵⁷

Such Soviet legacy is still visible in present regulation of parental leave: it is tailored exclusively to mothers; it is long and to a large extent, unpaid, thus implying that the father, as a breadwinner has the main responsibility of earning for the family. The burden of care is shifted in case of the women's return to work onto the other female relatives of the family, mostly grandmothers.

As of today (May 2015), Georgian legislation, specifically, Labour Code of Georgia, recognizes 'leave for the reasons of pregnancy, childbirth, childcare and adoption of a new-born child' (Chapter VI). The law uses gender-neutral terms (such as employee) in defining who is entitled to it and does not mention 'men' or 'women' or any other gender-specific words when it talks about the leave for reasons of pregnancy, childbirth, childcare and adoption.

The Rules of Compensation of the Leave for the Reasons of Pregnancy, Childbirth, Childcare and Adoption adopted by the Order of the Minister of Labour, Health and Social Protection №231/N from 25th of August, 2006 (*The Rules of Compensation*) is drafted more clearly with having a woman in mind. It mentions 'woman that is on the leave' in Article 8(10), and in Article 10(6) clearly states, that the compensation of the leave will only be paid to the family members of the pregnant woman in case the mother dies and the compensation is paid to the father or the guardian of the child.

An employee is entitled to take leave for the reasons of pregnancy, childbirth and childcare for the amount of 730 days, from which 183 days are paid (Article 27 of the Georgian Labour Code). Paid leave is compensated by the State up to 1000 GEL (Article 29 of the Georgian Labour Code) and can be distributed on pregnancy or on the period after the childbirth according to the wishes of the employee.

1000 GEL for 183 days amount to around 5.5 GEL per day which makes it around 164 GEL per month which is equivalent of subsistence minimum in Georgia for

¹⁵⁶ Elisabeth Brainerd, 'Women in Transition: Changes in Gender Wage Differentials in Eastern Europe and the Former Soviet Union' (2000) vol. 54 issue 1 *Industrial & Labor Relations Review* 138, 140.

¹⁵⁷ Up to 3 years of leave, Janet S. Schwartz, 'Women under Socialism: Role Definitions of Soviet Women' (1979) vol. 58 issue 1 *Business Source Complete* 68, 74 and 83.

one male person.¹⁵⁸ Whereas, average monthly salary in Georgia is almost 5 times more – it amounted to 773.1 GEL in 2013.¹⁵⁹

In the case of the adoption of a child up to 1 year old, the duration of leave is 550 days, from which 90 days are paid (Article 28 of the Georgian Labour Code).

Additional unpaid leave for childcare is granted for up to 12 weeks until the child turns 5, with minimum of 2 weeks a year. The person entitled to this leave is the one who actually is taking care of the child (Article 30 of the Georgian Labour Code).

Women who are breastfeeding a child up to 1 year old, are also entitled to one hour extra break, which should be included in the working time and compensated (by the employer) (Article 20 of the Georgian Labour Code).

It is noteworthy, that the employees in the public sector additionally get compensation from the authority they are employed at, up to the amount of their regular wage (The Rules of Compensation Art. 8(11)). In the case of persons employed in the educational institutions, if they apply for leave for reasons of pregnancy, childbirth, childcare or adoption when they are on the leave, they get remuneration for the leave on top of their regular wage during the leave (The Rules of Compensation Art.7(5)).

Thus, even though the Labour Code is gender-neutral, the Rules of Compensation only entitle mothers to leave. This has been criticised, among others, by the Public Defender of Georgia in the annual report of 2014. In the report it was stated, that the office of Public Defender has received complaints from fathers who were not able to obtain leave for the reason of childcare.¹⁶⁰ According to the report, the Rules of Compensation contradict the Labour Code of Georgia, which entitles all employees to leave. But also, that the provision of the Labour Code needs to be refined, so as to make it clear that leave for the reason of childcare (parental leave) is separate from leave for the reason of pregnancy and childbirth (maternity leave).¹⁶¹ The report also states, that the relevant Ministries have been informed about this inconsistency and that they are working on it.¹⁶²

According to the Office of the Public Defender and the media, one male employee at a university has been able to obtain paid leave, with the involvement of the Public Defender's office.¹⁶³ However, it is unclear, on which grounds it was given.

¹⁵⁸ National Statistics Office of Georgia, Subsistence Minimum, year 2015 http://www.geostat.ge/index.php?action=page&p_id=179&lang=eng accessed 26 May 2015.

¹⁵⁹ National Statistics Office of Georgia, Wages, years 2004-2013 http://geostat.ge/index.php?action=page&p_id=149&lang=eng accessed 26 May 2015.

¹⁶⁰ Public Defender of Georgia, Report of Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia (2014) 663.

¹⁶¹ Ibid. 664.

¹⁶² Ibid.

¹⁶³ Tamar Modebadze, 'A man in parental leave – men are also entitled to 183 days of paid parental leave' Kakheti Information Centre 6 May 2014 <http://ick.ge/articles/18082-i.html> accessed 26 May 2015.

c) International standards on parental leave

CEDAW Committee stands clearly in favour of equal division of parental leave and views it as one of the important steps to eliminate wrongful gender stereotypes. In the concluding observations, it commends states that have adopted parental leave also available for fathers¹⁶⁴ and the ones that have provided incentives for their use.¹⁶⁵ The Committee urges other States to adopt measures that will push men to take up housework and facilitate elimination of gender stereotypes in this regard. For example, following was recommended to Ukraine:

The Committee recommended that, in agreement with article 5 of the Convention, measures be adopted so that women and men shared domestic work and the care of children equally.¹⁶⁶

In the Concluding Observations of 2014 CEDAW Committee recommended Georgia to:

Facilitate the reconciliation of professional and private life for women and men, including by expanding the number of childcare facilities and encouraging men to equally participate in family responsibilities [...]

Thus, even though, the Committee does not recommend concrete ways how men should be encouraged to participate in housework, introducing parental leave for both parents and incentivising the use of it by fathers is one of the ways to improve women's position on labour market and to eradicate the stereotype of mothers as sole caretakers.

International Labour Organisation is an organisation promoting rights at work. From very early days ILO had a convention on maternity protection and maternity leave regulation, but only lately has paternity and parental leave been taken up. Even though it is not included in international standards, ILO has recommendations and has voiced opinions on parental leave and equal distribution of responsibility with regard to childcare.

ILO Convention No. 183 on Maternity Protection, revised in 2000 requires at least 14 weeks of paid maternity leave for all employed women upon provision of medical certificate (No. 183 Article 4(1)), out of which 6 weeks should be compulsory after childbirth (No. 183 Article 4(4)). Recommendation R191 on Maternity Protection recommends at least 18 weeks of maternity leave. With regard to payment, ILO Convention No.183 requires benefits amounting to at least two-thirds of women's wages and in any case enough for 'suitable standard of living' (No. 183 Article 6(2)). Recommendation R191 recommends payment of full amount of woman's salary (R191 Paragraph 2). In any case, the benefit should

¹⁶⁴ UN CEDAW Committee, 'Concluding comments of the Committee on the Elimination of Discrimination against Women: Iceland Combined third and fourth periodic report' 2002 A/57/38 para. 231.

¹⁶⁵ UN CEDAW Committee, 'Concluding comments of the Committee on the Elimination of Discrimination against Women: Norway Third and fourth periodic reports' 1995 A/50/38 para. 486.

¹⁶⁶ UN CEDAW Committee, 'Committee on the Elimination of Discrimination against Women, Concluding Observations: Ukraine' 1996 A/51/38 para. 300.

be paid by the State through compulsory social insurance or other public fund (No. 183 Article 6(8)).

ILO recommends in the Recommendation R165 on Workers with Family Responsibilities parental leave after expiration of maternity leave to mothers or fathers (R161 Paragraph 22(1)). The same is stated in the Recommendation R191 on Maternity Protection (R191 Paragraph 10(3)), without specifying length or benefits. ILO's view on fathers' involvement in childcare has further been elaborated in the Resolution Concerning Gender Equality at the Heart of Decent Work from 2009. It underlines the importance of fathers taking up parental leave, which contributes to change in stereotypical attitudes¹⁶⁷ and talks about Governments' responsibility to include sharing of unpaid work in policy development.¹⁶⁸

Even though ILO does not have a standard on paternity leave, it is viewed as positively contributing to changing prevailing stereotypes on roles of men and women and more generally to gender equality.¹⁶⁹ Based on research, ILO considers it most suitable to have well-paid but rather short parental leave arrangements coupled with appropriate daily care facilities so that parents and especially women can affectively return to the labour market.¹⁷⁰

d) European standards on parental leave

Georgia is striving to become a member of European Union (EU). In June 2014 Georgia signed Association Agreement with EU.¹⁷¹ It is thus interesting to see what European Union standards are with regard to parental leave.

European Union regards gender equality as one of the main underlying principles of parental leave.¹⁷² Regulations with this regard have recently been amended and revised Framework Agreement on Parental Leave was adopted and later put into effect by European Council Directive 2010/18/EU.¹⁷³

This agreement requires all member States to adopt individual parental leave of 4 months with at least 1 non-transferable month (Clause 2). It encourages paid

¹⁶⁷ International Labour Organisation, Resolution Concerning Gender Equality at the Heart of Decent Work, Conference Paper (98th Session on 17 June 2009) para.6.

¹⁶⁸ Ibid. para. 46.

¹⁶⁹ 'Maternity and Paternity at Work: Law and Practice across the World' ILO Policy Brief http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_242617.pdf accessed 26 May 2015 (Maternity and Paternity at Work: Law and Practice across the World), 7.

¹⁷⁰ Maternity and Paternity at Work: Law and Practice across the World 8, quoting Louise Thornthwaite, Work family balance: International research on employee preferences, Working Paper No. 79 for Working Time Today Conference, University of Sidney, 16 August 2002, 20.

¹⁷¹ EU Relations with Georgia, European Union, External Action http://eeas.europa.eu/georgia/index_en.htm accessed 26 May 2015

¹⁷² Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC [2010] OJ L 68/13 (Council Directive 2010/18/EU) para. 8.

¹⁷³ Council Directive 2010/18/EU Article 1.

leave, but leaves the decision upon the compensation to the Member States (Clause 5(5)).

Revised Framework Agreement on Parental Leave underlines the importance of gender equality and sees it as a contribution towards promoting the sharing of unpaid care work between men and women (Preamble I (8)). It notes, that encouragement, without effective mechanisms is not effective for making more men take up care responsibilities (Preamble I (12)). Thus it recommends the members, to make at least part of the leave non-transferable (Preamble I (16)). It also notes the importance of payment during the parental leave (Preamble I (20)) and of flexible work arrangements after the leave is over (Preamble I (21)).

Maternity leave is regulated by the Directive 92/85/EEC on “Protection of Pregnant Workers and workers who have recently given birth or are breastfeeding”. It concerns mainly the safety of pregnant or breastfeeding women. It entitles women to at least 14 weeks of maternity leave, with at least 2 weeks of compulsory leave (Article 8). It also requires that time of the maternity leave is covered either with salary or adequate allowance (Article 11(2)).

It should be noted, that this Directive is planned to be revised. The proposal from 2008 includes increasing the length of maternity leave up to 18 weeks (in line with ILO recommendation).¹⁷⁴ European Parliament has proposed a minimum of 2 weeks paternity leave.¹⁷⁵

Georgia is member of Council of Europe and has signed (2000) and ratified (2005) the revised European Social Charter (1996). European Social Charter requires the States to afford women with paid maternity leave of at least 14 weeks (Article 8(1)).¹⁷⁶ It envisages parental leave, after the period of maternity leave, without specifying required length or compensation rate, available for both parents (Article 27(2))¹⁷⁷. The article is named “The right of workers with family responsibilities to equal opportunities and equal treatment” and is based on the principle of equality between men and women (Article 27). To this end, it also requires amongst others, provision of day-care services (Article 27(1) (c)).

The European Committee on Social Rights has issued Conclusions in 2013 on compliance of social security provisions of Georgia with European Social Charter

¹⁷⁴ Commission of European Communities COM(2008) 600/4 Proposal for a Directive of the European Parliament and of the Council amending Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding, Article 1(1).

¹⁷⁵ European Parliament legislative resolution of 20 October 2010 on the proposal for a directive of the European Parliament and of the Council amending Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (COM (2008)0637 – C6-0340/2008 – 2008/0193(COD)).

¹⁷⁶ Georgia has not accepted this obligation, see Acceptance of provisions of the Revised European Social Charter (1996) Council of Europe, 17 March 2015 http://www.coe.int/t/dghl/monitoring/socialcharter/Presentation/ProvisionTableRevMarCh2015_en.pdf accessed 26 May 2015.

¹⁷⁷ Georgia has accepted this obligation see n 179.

and stated that maternity benefit (at that time 600 GEL for 126 days amounting to 142 GEL per month) fell below poverty threshold and was thus inadequate.¹⁷⁸ In the Conclusions of 2011, under Article 27(2) the Committee assessed the provisions of labour code (Article 27), which entitled employees to leave for reasons of pregnancy, childbirth and childcare. It underlined that leave for reasons of pregnancy and childbirth should be separate from the leave for reasons of childcare and that both parents should have individual right to the latter. Because of lack of appropriate information, the Committee could not assess the compliance of Georgian legislation on parental leave with the Social Charter, but required provision of further information on the length of and father's possibility of taking parental leave.¹⁷⁹ In Conclusions on Article 27(1) it also requested information on day-care services for children, considering it at the core of reconciliation of work and family life. The Committee underlined, that such services should be sufficient, affordable and of high standard.¹⁸⁰

e) Parental leave in Sweden as an ideal model

Sweden is one of the pioneers with regard to parental leave. Sweden represents a dual-earner/dual-carer model, which supports involvement of both men and women in paid employment and unpaid care work.¹⁸¹

In 1974, Sweden introduced gender-neutral parental leave, with 90% of the wage replacement. However, it was not until institutionalizing the non-transferable one-month quota in 1995 that fathers started to make use of parental leave.¹⁸²

In Sweden, parental leave is regulated by the Parental Leave Act (1995:584). According to that act, every parent, adoptive parent or person, who permanently lives with a parent (if they are married or have had a child together) is entitled to parental leave (Parental Leave Act (1995:584) Section 1). There are six types of leave (Parental Leave Act (1995:584) Section 3).

Maternity leave entitles female workers to a leave of 7 weeks prior to giving birth and 7 weeks after giving birth, with two week of compulsory leave after giving birth (Parental Leave Act (1995:584) Section 4).

Parents are entitled to full-time parental leave until the child turns 18 months and for the time the parents are getting the parental leave benefits (Parental Leave Act (1995:584) Section 5). Mother is entitled to the leave 60 days before the date of childbirth ((Social Insurance Code (2010:110) Section 5). The parental leave benefit can be taken up until the child is 12 years old ((Social Insurance Code

¹⁷⁸ European Committee of Social Rights (ESCR) Conclusions 2013 - Georgia - Article 12-1 Right to Social Security, Existence of Social Security System 2013/def/GEO/12/1/EN

¹⁷⁹ European Committee of Social Rights (ESCR) Conclusions 2011 - Georgia - Article 27-2 Right of workers with family responsibilities to equal opportunity and treatment, Parental leave 2011/def/GEO/27/2/EN.

¹⁸⁰ European Committee of Social Rights (ESCR) Conclusions 2011 - Georgia - Article 27-1 Right of workers with family responsibilities to equal opportunity and treatment, Participation in working life 2011/def/GEO/27/1/EN.

¹⁸¹ Ann-Zofie Duvander and others, Swedish parental leave and gender equality – Achievements and reform challenges in a European perspective, Working Paper, Institute for Future Studies 2005:11 (2005) 5-6.

¹⁸² Ibid. 9.

(2010:110) Section 13). Parents are entitled to 480 days of parental leave benefit, paid by social insurance. These days are to be shared evenly in case of joint custody and in case both parents are entitled to the benefit (Social Insurance Code (2010:110) Section 12). Parents have a right to transfer days of the leave to the other parent, except of the 60 days that is reserved for each parent (Social Insurance Code (2010:110) Section 17). A tax benefit is issued for each shared day of the leave (which does not include the non-transferable 2 months).¹⁸³ There are different levels of benefits, but working parents receive minimum of 80% of their salary.¹⁸⁴

Parents can also choose to take part-time leave with or without benefit (Parental Leave Act (1995:584) Sections 6 and 7). The working hours can be reduced by three quarters, one half, one quarter and one eighth part of the leave and receive the respective amount of the benefit ((Social Insurance Code (2010:110) Section 9). Working hours can also be reduced with the same flexibility, after the entitlement to parental leave benefit is over, until the child reaches 8 years (Parental Leave Act (1995:584) Section 7). It should also be noted that State-subsidized day care facilities are available for children from the age of one year.¹⁸⁵

The percentage of men using parental leave has been steadily rising and has achieved 25% in 2012.¹⁸⁶ It has mostly been influenced by introducing the non-transferable month to each parent.¹⁸⁷

Thanks to this model of parental leave, Sweden boasts one of the highest female employment, reconciled with high fertility and low child poverty.¹⁸⁸ In addition, the studies have found that equal use of parental leave also leads to equal share of housework and childcare later on.¹⁸⁹

- f) Recommendations for making Georgian parental leave legislation free from gender stereotypes

As it is clear from the analysis, Georgian regulation of parental leave, stereotypes women (mothers) as caretakers of the young children and does not allow working

¹⁸³ Försäkringskassan, Parental benefit [Föräldrapenning] Faktablad: FK 4070_Fa 27 December 2012 https://www.forsakringskassan.se/wps/wcm/connect/a8203012-839a-4602-abef-00dfed41885b/4070_foraldrapenning_enGB.pdf?MOD=AJPERES accessed 26 May 2015, 1.

¹⁸⁴ Ibid. 7.

¹⁸⁵ Ann-Zofie Duvander and Tommy Ferrarini, 'Sweden's Family Policy under Change: Past, Present, Future' Working Paper 2013:8 Stockholm University (2013) http://www.su.se/polopoly_fs/1.153647.1383154498!/menu/standard/file/WP_2013_8.pdf accessed 26 May 2015, 3.

¹⁸⁶ Duvander and Ferrarini, Sweden's Family Policy under Change: Past, Present, Future 7.

¹⁸⁷ Effects on gender equality of reforms in the parental leave insurance, Report 2013:17 Swedish Social Insurance Inspectorate (2013) http://www.inspsf.se/digitalAssets/1/1678_rapport_2013-17_web.pdf accessed 26 May 2015, 11

¹⁸⁸ Duvander and Ferrarini, Sweden's Family Policy under Change: Past, Present, Future 6-9.

¹⁸⁹ Anna-Lena Almqvist and Ann-Zofie Duvander, 'Changes in gender equality? Swedish fathers' parental leave, division of childcare and housework' (2014) Journal of Family Studies vol. 20 issue 1, 19, 25.

fathers to share this responsibility equally with their partners. In order to eradicate this gender stereotype from the law and to advance gender equality in the country, it is advisable that Georgian government adopts dual-carer/dual-earner parental leave model.

To comply with existing human rights obligations stemming from CEDAW and European Social Charter, Georgia needs to make it possible for male employees to take up parental leave. To this end, it needs to make a distinction between leave for reasons of pregnancy and childbirth for mothers (maternity leave of at least 14 weeks, preferably 18 weeks), paternity leave for fathers and leave for reasons of childcare for both parents (parental leave). This requires no extra resources from the State budget and thus can be changed immediately. The State should make this changes known to public by conducting advertising campaigns and raise awareness of the population about the positive effect of father's involvement in taking care of young children.

The Government should conduct consultation meetings with employers and employees in Georgia to decide upon the details of future family policy that will be most acceptable for everyone taking into account the low economic development of the country and limited possibility to fully support parents from the State budget. It should also conduct consultation meetings with local NGOs, especially the ones working on gender equality and women's rights and listen to their opinions upon how best to develop childcare system in the country. The local NGOs have the experience of working with these topics and have the possibility to represent the needs of the most vulnerable groups.

With some implications for State budget, Georgia should gradually reform its parental leave policy by increasing the benefits for parents and gradually decreasing the length of parental leave (from 730 days available now). Georgia should aim for the paid parental leave up to at least 4 months per parent (EU standard) that will loosely amount to one year of care for the new-born child together with maternity leave of 18 weeks. The State should increase the limit of the benefit to a level that enables the parent to live adequately. This will give incentive to more parents, including fathers to use parental leave. Especially, to the ones employed in the private sector.

Additionally, Georgia should gradually invest in childcare facilities, which will enable parents of children up to 3 years old to continue to work after parental leave. It will make it possible for parents to reconcile work and family life without help from their relatives (usually their non-working parents who often help in raising children).

In order to increase father's involvement in taking care of children, Georgia should by leading its policy towards the European Union standard, introduce non-transferable parental leave quotas for both parents and could take example from Sweden by introducing benefits for the parents who share the leave.

To sum up, even though Georgia's economic development does not make it possible to adopt the policies of Nordic countries, it can start moving towards dual-carer/dual-earner model by inexpensive measures that will provide basis for non-discrimination and non-stereotypical treatment of men and women. Later, it can build upon that according to the economic development of the country by increasing the parental leave benefits and developing and subsidizing childcare facilities. Through the process the Government should be consulting different stakeholders and international partners to make sure the policies are acceptable for the people and also in line with international standards and human rights obligations.

3. Eradicating Gender Stereotypes in Media

a) Introduction

Gender stereotypes are prevalent in all types of media today all over the world. Men and women are presented in certain ways and in certain roles. However, it seems to work mostly to a disadvantage of women. The research says, that women are in most cases underrepresented in the media content, and when they are present, they mostly appear in stereotypical roles.¹⁹⁰ Most often, women are either sexualized or portrayed in passive roles as housewives and mothers.¹⁹¹

The role of media in forming the stereotyped ideas about gender roles has been acknowledged by the CEDAW committee on numerous occasions. For example, in General Recommendations No. 23 on Political and Public life it stated that “[s]tereotyping, including that perpetrated by the media, confines women in political life to issues such as the environment, children and health”.¹⁹² In the Concluding Observations on Georgia from 2014, CEDAW Committee addressed the issue of sexualisation of women in media:

Patriarchal attitudes and stereotypes regarding the roles and responsibilities of women and men in the family and in society remain deeply rooted and *are exacerbated by the increased sexualisation of women in the media*, which undermines the social status, participation in public life and professional careers of women.¹⁹³

Gender stereotypes are as everywhere else, also present in Georgian media. Several studies have been conducted that show the extent of the problem. The research assessing the state of Georgian media concluded, that women and women’s opinions are underrepresented.¹⁹⁴ This concerns mostly news and political and analytical programs. When it comes to advertising, women are overrepresented but mostly in the ‘traditional’ roles – in kitchen and family.¹⁹⁵ The research also shows, that journalists are not gender-sensitive and they often facilitate dissemination of stereotypical views, especially in the entertainment shows that are on air during prime time.¹⁹⁶

¹⁹⁰ Rebecca L. Collins, ‘Content Analysis of Gender Roles in Media: Where Are We Now and Where Should We Go?’ (2011) 64, 3/4 Sex Roles 290, 291.

¹⁹¹ Ibid. 295.

¹⁹² UN CEDAW Committee, ‘General Recommendation No. 23: Political and public life’ 1997 A/52/38 HRI/GEN/1/Rev.9 (Vol. II) para.12.

¹⁹³ CEDAW Concluding Observations Georgia 2014 para.18 (emphasis added).

¹⁹⁴ Ketevan Mskhiladze, ‘Gender Stereotypes in Georgian Media’ (2011) http://eurocommunicator.ge/mdf/uploads/Gender_Stereotypes_in_Georgian_Media.doc2011.pdf accessed 26 May 2015 (Mskhiladze, Gender Stereotypes in Georgian Media) 5.

¹⁹⁵ Davit Parulava, ‘Gender Analysis of Television Commercials in Georgian Media’ Ilia State University (2014) <http://eurocommunicator.ge/mdf/uploads//satelevizio-reklamebi-genderul-chrilshi.pdf> accessed 26 May 2015 10.

¹⁹⁶ Nana Peradze, ‘Gender Stereotypes in Entertainment Talk-Shows (“Nanuka’s Show”, “Profile”)’ Ilia State University (2012-2013) <http://eurocommunicator.ge/mdf/uploads//genderuli-stereotipebi-gasartob-talkshouebshi.pdf> accessed 26 May 2015.

Gender stereotypes are visible in Georgian media also without thorough content analysis. For example, there was a TV show “Women’s Logic” (analogue of a Dutch program) which portrayed women as pretty but uneducated, not able to answer the most simple questions.¹⁹⁷ In newspapers, there are special pages dedicated to women, supposedly thought to be covering issues that are interesting only for women. Rubric “For you, women” in the newspaper “Kviris Palitra” covers issues like relationships between mothers and children¹⁹⁸ and rubric about domestic violence in the newspaper “Qronika” that was later discontinued, portrayed this issue of gender-based violence as an entertainment, telling stories of women victims without analysis of the problem or providing any information on remedies or legal mechanisms for persons in similar situation.¹⁹⁹

Positive examples are also present. Popular Georgian TV series, “My Wife’s Friends” has received Tolerance Award in 2014 for addressing issues, such as equality, diversity and stereotypes.²⁰⁰ The series is mostly displaying existing stereotypes in the society in a comic way, but it also tries to break those by, for example, showing example of a guy babysitter and of a housewife and mother of four children becoming successful in her career. Radio Liberty has a daily show “Gender Stories” that covers issues related to gender equality and women’s rights.²⁰¹

The role of media in building stereotypes is recognized as much as its power to break these stereotypes. For example, on international level, the Beijing Platform for Action recognizes the power of media in forming the opinions and attitudes of people and sees its potential to contribute to promotion of gender equality.²⁰² The Council of Europe Committee of Ministers Recommendation from 1984 on “Equality between Women and Men in the Media” notes Article 5(a) CEDAW in the preamble and states that it “[r]ecognis[es] that the media play an important part in forming social attitudes and values and offer immense potential as instruments of social change”.²⁰³

¹⁹⁷ Daisy Sindelar, ‘Critics of Georgian Game Show Question Thinking behind 'Women's Logic' 30 April 2012 Radio Free Europe Radio Liberty http://www.rferl.org/content/critics_georgia_game_show_question_thinking_womens_logic/24565551.html accessed 26 May 2015.

¹⁹⁸ Ketevan Mskhiladze, ‘Gender Stereotypes in Georgian Media (Repeated research)’ (2012) http://eurocommunicator.ge/mdf/uploads//Gender_report_II.pdf accessed 26 May 2015, 4-5.

¹⁹⁹ Mskhiladze, Gender Stereotypes in Georgian Media 2011, 7.

²⁰⁰ Media Development Foundation, Success Stories, Tolerance Award 2014 http://www.mdfgeorgia.ge/eng/view_stories/21/ accessed 26 May 2015.

²⁰¹ Radio Liberty, ‘Gender Stories’ <http://www.radiotavisupleba.ge/archive/gender-stories/latest/17356/17356.html#>.

²⁰² Beijing Platform for Action para. 234.

²⁰³ Council of Europe, Recommendation CM/Rec (2013) 1 of the Committee of Ministers to Member States on Gender Equality and Media (Recommendation CM/Rec (2013) 1), preamble line 5.

Thus, in recent years big importance has been placed on urging the media to promote gender equality and non-stereotyped roles of men and women. Attempts have also been made to regulate the media so that it is not discriminatory towards women and that it does not portray damaging and offensive images of women. However, regulating media is problematic due to importance of freedom of speech and the threat to its independence. Thus international standards target media organisations rather than States. The States have the role of promoting, educating and urging the media organisations to recognize these standards and act upon them.

In the following sections the regulation of media in Georgian legislation will be discussed, followed by review of international and European standards and best practices from European States, on which recommendations to Georgian Government will be based.

b) Media regulation in Georgia

Georgian law regulates broadcasting media and puts in place guarantees for their independence as well as mechanisms to balance different interests. These regulations cover only broadcasting media.

Broadcasting media is regulated by Georgian Law on Broadcasting (N780-RS 2004). According to this law Article 14(1), every broadcasting media shall establish a self-regulatory mechanism. According to the law, it is prohibited to broadcast *“programs directed to offending or discriminating any person or group on the basis of disability, ethnic origination, religion, opinion, gender, sexual orientation or any other feature or status, or highlighting this feature or status [...] except the cases when this is necessary within the context of a program and aims at illustrating existing hatred.”*(Article 56(2)). Complaints referring to this (and other articles about the content of the material) cannot be appealed in the court or to the Georgian National Communications Commission (GNCC) and should be dealt by self-regulatory mechanism (Article 14(2) and Article 59¹ (1) and (2)).

This law establishes public broadcaster (Article 15) and puts some requirements and restrictions upon the content it should broadcast, taking into account the independence from state authorities and interests of the society. For example, the law requires the Public Broadcaster to *“reflect ethnic, cultural, linguistic, religious, age and gender diversity in programs”*.

Georgian National Communications Commission has adopted Code of Conduct for broadcasting media.²⁰⁴ It *“sets out the principles, rules and guidelines for the*

²⁰⁴ Georgian National Communications Commission, Code of Conduct for Broadcasters, Resolution No 2 March 12, 2009 on the Approval of Code of Conduct for Broadcasters http://www.gncc.ge/files/7200_7176_124355_Codex88504_1_ENG.pdf accessed 26 May 2015 (Code of Conduct for Broadcasters).

*production and broadcast of programmes.*²⁰⁵ One of the principles under Article 3(1) (b) of the Code is to “[a]ccommodat[e] interests of various social groups regardless of their political affiliation, cultural, ethnic, religious and regional backgrounds, language, age or gender.” It also requires the broadcasting media to handle the complaints under the self-regulation mechanism (Article 3(1) (d)).

The Code of Conduct requires the broadcasting media under the chapter titled “Diversity, Equality, Tolerance” (Chapter IX) to respect human rights and freedoms (Article 32(3)). It prohibits publishing any material that could incite hatred or intolerance, including on the grounds of gender (Article 31). The Code requires the broadcasters to “avoid causing offence to any religious, ethnic or other groups by using, among others, certain terminology and images.” However, they are not prevented “from promoting informed and balanced discussions on intolerance or discrimination, or from reporting factual material or opinions prevalent in society.” (Article 33(3)). It also requires not to refer to any factor that might characterise a person (e.g. faith, ethnicity, sexual orientation, other factors) as the cause of problem and if mentioned by respondents during live broadcasting, to challenge such statements (Article 33(4)).

Georgian Public Broadcaster has its own Code of Conduct²⁰⁶ which outlines principles and values of the broadcasting. Under the chapter “Reporting Diversity” (Chapter 15) it states that, gender stereotypes are still prevalent and when speaking about women, sexist language should be avoided (15.7).

Georgian Charter of Journalistic Ethics regulates the conduct of journalists. It is a member-based organisation founded in 2009 by journalists signing “The Charter of Journalistic Ethics”. Any person performing journalistic activities can become a member by agreeing to consider the principles of the Charter in her/his professional work.²⁰⁷ The Charter is based on international standards of human rights and journalistic principles of conduct (Preamble). Under paragraph 7 it requires journalists to try to “avoid discrimination of any person on the basis of race, sex, sexual orientation, language, religion, political and other opinion, national or social origin, or any other grounds”.

There have been a few cases regarding gender stereotypes in media.

In 2012, NGOs (Tbilisi Media Club, Georgian Charter of Journalistic Ethics, and Georgian Young Lawyers’ Association) filed a complaint in the self-regulatory mechanism of the Company “Imedi” against the show “Women’s Logic”. They

²⁰⁵ Code of Conduct for Broadcasters, Article 1(1).

²⁰⁶ Professional Standards and Principles of Journalist Ethics in Georgian Public Broadcaster’s (GPB) Programmes http://gpb.ge/uploads/documents/bdd67a1a-00c4-46c4-a95c-d6fa064cf56fGPB_Code_of_Conduct_eng.pdf accessed 26 May 2015 (GPB’s In-house Code of Conduct).

²⁰⁷ Georgian Charter of Journalistic Ethics, Membership http://qartia.org.ge/en/?page_id=2630 accessed 26 May 2015.

claimed that the show, by underlying the attractiveness and sexuality of the women invited in the show and depicting them as stupid and uneducated violated Article 3(1) (b) and Article 31 of the Code of Conduct and also Article 5(a) of CEDAW. The complaint was not successful as, according to the commission, on the grounds that firstly, it was an analogue of the Dutch show, and successful in some other States, where gender equality standards were well developed. Secondly, the questions posed at the guests of the program were not discriminatory and the effect was overestimated.²⁰⁸

Georgian law regulates advertisements and commercials²⁰⁹ and assigns local self-governing bodies to control public advertising (Article 17) and Georgian National Communications Commission as responsible for controlling broadcast commercials (Article 17¹). However, the law does not restrict depiction of harmful gender stereotypes or in any way mention principle of gender equality.

In 2014 a commercial of Bank of Georgia was distributed, amongst others, in social media. It depicted an ATM as a husband and showed how a woman was asking for money from the “husband-ATM”. NGO “Sapari” filed a complaint with Public Defender of Georgia, stating that this commercial was depicting stereotypical attitude towards women and men which was against the law.

The Public Defender of Georgia issued a general statement to the director general of Bank of Georgia. It stated, that the commercial was against Article 2(1) of Law of Georgia on Elimination of all Forms of Discrimination (N2391-IIS 2014) that prohibits all forms of discrimination. It was stated in the statement, that depicting woman as materially dependent on man was based on the stereotype that men should be the breadwinners and women should be housewives and was to be considered as sexist.²¹⁰ The statement also underlined the adverse influence of sexist commercials on gender equality, citing the high gender gap in Georgia, ‘glass ceiling’ and prevalence of domestic violence. It recommended Bank of Georgia to refrain in the future from producing and distributing sexist commercials and use its influence to have positive impact on gender equality by balanced and respectful commercials. It further advised the bank to conduct training on gender equality for its employees.²¹¹

²⁰⁸ Media Development Foundation (MDF), ‘Gendermediatori’ <http://mdfgeorgia.ge/uploads/library/GENDERMEDIATORI.pdf> accessed 26 May 2015, 47-48.

²⁰⁹ Law of Georgia on Advertising #1228 – IIs [1998] http://www.gncc.ge/files/7050_6519_533799_01%20LAW%20OF%20GEORGIAN%20ON%20ADVERTISING.pdf accessed 26 May 2015.

²¹⁰ Public Defender Ucha Nanuashvili, ‘General Statement on Avoiding Discrimination and Fighting against it’ addressed to Director General of Bank of Georgia, Irakli Gilauri N13/14232 09 December 2014 <http://www.ombudsman.ge/uploads/other/2/2164.pdf> accessed 26 May 2015 3.

²¹¹ *Ibid.* 7.

c) International standards on media regulation of gender stereotypes

International Community has addressed the issue of role of media in gender stereotyping. However, there are no universal standards of whether and how media should be regulated in this regard.

CEDAW Committee does not oblige States to strictly regulate media, but it has encouraged States to employ 'effective measures' so that media 'respects and promotes respect' towards women.²¹²

Beijing Platform for Action, which was the result of fourth World Conference on Women in 1994 sees gender stereotyping in media as one of its twelve critical areas of concern²¹³ and to this end sets as a strategic objective to '*promote a balanced and non-stereotypes portrayal of women in the media*'.²¹⁴ Stressing the importance of freedom of expression, Beijing Platform for Action lays down for States, media organisations and civil society their responsibilities towards this end.

States role is to encourage projection of non-stereotyped and diverse images of men and women²¹⁵ and discourage portrayal of adverse stereotyped images of women, for example presenting them as sexual commodities.²¹⁶ They also need to encourage gender-sensitive training for media professionals.²¹⁷ But States are not to dictate and restrict media organisations. Exception is the request to adopt appropriate legislation to regulate pornography and violence against women in media.²¹⁸

It is up to the media and advertising organisations to adopt self-regulatory mechanisms, such as codes of conduct and professional guidelines to restrict portrayal of harmful stereotypes, violent and degrading images of women.²¹⁹

Civil society (including media organisations) is encouraged to use media as a tool to promote gender equality, non-stereotyped roles of men and women and to disseminate information and raise awareness in the society about problematic issues such as violence against women.²²⁰

²¹² CEDAW General Recommendation 19 para. 24(d).

²¹³ Beijing Platform for Action para. 44.

²¹⁴ Ibid. Strategic Objective J2.

²¹⁵ Ibid para. 243 (c).

²¹⁶ Ibid para. 243 (d).

²¹⁷ Ibid para. 243 (c).

²¹⁸ Ibid para. 243 (f).

²¹⁹ Ibid para. 244 (a) (b).

²²⁰ Ibid para. 245.

With a view of achieving gender equality in media UNESCO has developed in 2012 'Gender-Sensitive Indicators for Media'²²¹ that can help assess gender-sensitivity of the media organisation. Strategic objectives included are for example '*Fair portrayal of women and men through elimination of stereotypes*' (B1.2) and '*Identification of gender-based stereotypes in commercial messages in media*' (B 2.2). It lists indicators on how to assess the existing situation and what will help to reach the objective. It is first and foremost directed at media organisations, however it serves as a good tool for governments, civil society, academia and others to promote gender equality in and through media.²²²

d) European standards on media regulation of gender stereotypes

On regional level, Council of Europe has devoted a lot of its work to issue of gender equality and media. Parliamentary Assembly as well as Committee of Ministers have issued resolutions and recommendations on this topic from as early as 1984.²²³

One of the most recent Recommendations from the Committee of Ministers of Council of Europe addresses Gender Equality and Media. With this recommendation guidelines were adopted to help the States to '*create appropriate conditions under which the media can promote gender equality*'²²⁴. Guidelines are directed at Governments and media organisations and requires from both of them to counter gender stereotypes in media. To this end, the States are to '*support awareness-raising initiatives and campaigns on combating gender stereotypes in media*',²²⁵ while the media organisations themselves are encouraged to adopt self-regulatory measures, which are aimed at '*a non-stereotyped image, role and visibility of women and men, avoidance of sexist advertising, language and content which could lead to discrimination on grounds of sex, incitement to hatred and gender-based violence.*'²²⁶

The recommendation further lists concrete measures that are to be taken in order to implement these objectives. These measures are not directed at specific goals, but generally, at improving gender equality in media. Some of them more than others can be seen as fostering the removal of gender stereotypes from the media content. For example, regularly reviewing legislation regulating media from a gender equality perspective,²²⁷ adoption of national indicators for gender equality

²²¹ Gender-Sensitive Indicators for Media: Framework of Indicators to Gauge Gender Sensitivity in Media Operations and Content (UNESCO 2012) (UNESCO Gender-Sensitive Indicators for Media).

²²² UNESCO Gender-Sensitive Indicators for Media 16.

²²³ Recommendation No. R (84) 17 of the Committee of Ministers to Member States on Equality between Women and Men in the Media.

²²⁴ Recommendation CM/Rec (2013) 1 para. 1.

²²⁵ Appendix to Recommendation CM/Rec (2013) 1 para. 3.

²²⁶ Ibid. para. 4.

²²⁷ Ibid. para. 5 (i).

in media²²⁸ and establishing and/or updating media accountability mechanisms that can be used when gender equality is violated.²²⁹

According to the handbook on the implementation of this recommendation, *reviewing the legislation* should include explicitly spelling out gender equality requirement in the legislation regulating media,²³⁰ so that it is not a matter of interpretation, for example, whether the term ‘diversity’ encompasses it or not.

Gender indicators, addressing organisational equality as well as content equality, should be developed by media professionals and with participation of media organisations,²³¹ so that it is not forced upon them and thus can be more successful. The indicators should be regularly monitored to measure progress and updated as necessary.²³²

As in most cases there is already a *complaints mechanism* in place, the guidelines have emphasised the importance of raising awareness and making them more accessible. The handbook suggests providing links to self-regulatory bodies on the company’s website, regularly updating information on the proceedings and making annual reports available to public.²³³ It is also important, that the codes of conduct or guiding principles for journalists include gender equality principle and the provisions on sexist stereotypes,²³⁴ so that it is possible to appeal on those grounds.

Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) also addresses the issue of media regulation. Article 17, which is placed under the chapter on Prevention (Chapter III), requires the States to encourage private sector, including media, to “*participate in the elaboration and implementation of policies and to set guidelines and self-regulatory standards to prevent violence against women and to enhance respect for their dignity.*” The official explanatory report to the convention defines this article as to include the obligation for States to encourage the media “*to adopt self-regulatory standards to refrain from harmful gender stereotyping and spreading degrading images of women or imagery which associates violence and sex.*”²³⁵ Thus Istanbul Convention not only links harmful gender stereotyping with violence against women, but it also requires the States to act with a view of reducing these images and stereotypes in the media. It is

²²⁸ Ibid. para. 5 (iii)-(v).

²²⁹ Ibid. para. 5 (ix), (x).

²³⁰ Gender Equality Commission (GEC) ‘Handbook on the implementation of Recommendation CM/Rec (2013)1 of the Committee of Ministers of the Council of Europe on gender equality and media’ GEC(2014)14 (2014) 13.

²³¹ Ibid. 18.

²³² Ibid. 19.

²³³ Ibid. 21.

²³⁴ Ibid. 26.

²³⁵ Istanbul Convention Explanatory Report (CETS No. 210) para. 107.

important that media organisations retain their independence and editorial freedom and the role of the Government remains that of a facilitator of change.

e) Good models of media regulations of gender stereotypes

Many states have adopted laws or other measures to encourage media to play important role in eradicating stereotypes. According to the study conducted with request from European Parliament,²³⁶ assessing gender equality in media and advertising in European Union countries, there are few countries that comprehensively address gender equality and media issues and provide effective remedies with regard to harmful stereotyping.²³⁷

Spain is one of the few countries that has opted for binding laws with regard to gender stereotypes in media, especially in relation to gender-based violence. The 2004 National Act to Protect against Gender Based Violence²³⁸ deems illegal any *'advertising material that uses the image of women in a degrading or discriminatory manner'* (Article 10). Special institutions in the Government are to monitor compliance of media with this principle and bring cases to the Court (Articles 11 and 12). Special law on gender equality - National Equality Law addresses public as well as private media.²³⁹ It requires state-owned media to *"portray an egalitarian, plural and non-stereotyped image of women and men in society"* (Article 36). The law requires the public broadcasting to, appropriately portray women in social life, not to use sexist language, include equality in self-regulatory codes and cooperate in campaigns aimed at promoting gender equality or eradicating gender-based violence (Article 37). With regard to privately-owned media, the law requires respect to principle of gender-equality and prohibits discrimination in any way (Article 39). The law also addresses advertising and declares illegal all discriminatory conduct (Article 41).

According to the Study cited above, self-regulatory mechanisms are important, but not effective as they, besides not being binding, are in most cases subjective.²⁴⁰ Regulatory mechanisms would be more effective if organisations working on gender issues get involved.²⁴¹

²³⁶ Fondazione Giacomo Brodolini and others, 'Women and Girls as Subjects of Media's Attention and Advertisement Campaigns: The Situation in Europe, Best Practices and Legislation' (European Union 2013)

[http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/474442/IPOL-FEMM_ET\(2013\)474442_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/474442/IPOL-FEMM_ET(2013)474442_EN.pdf) accessed 26 May 2015 (Brodolini, Women and Girls as Subjects of Media's Attention and Advertisement Campaigns).

²³⁷ Brodolini, Women and Girls as Subjects of Media's Attention and Advertisement Campaigns 91.

²³⁸ Organic Act 1/2004 of 28 December on Integrated Protection Measures against Gender Violence, Spain [2004].

²³⁹ Organic Law 3/2007 of 22 March on effective equality between women and men of Spain [2007].

²⁴⁰ Brodolini, Women and Girls as Subjects of Media's Attention and Advertisement Campaigns 92.

²⁴¹ Ibid.

f) Recommendations for Georgia on introducing media regulation of gender stereotypes

Georgian legislation on media needs to be redefined and reformed in order to appropriately address issue of gender equality and gender stereotyping. This concerns both binding and non-binding regulations.

As of today, there are no effective measures that would prohibit gender discrimination in media content. Gender issues in advertising are not addressed at all. There is no definition of what gender discriminatory content could look like. In the society, where awareness of gender issues is low, it is not to be expected, that regulatory bodies, without proper training will be able to effectively address those when a complaint is brought before them.

As media is a powerful tool for change, more attention needs to be paid to the positive as well as its negative power in fight of eliminating gender stereotypes from the society, as encouraged by all international and regional human rights bodies.

Firstly, it is important to bring together media sector and civil society and define the gender discrimination in relation to media and adopt this definition in a legally binding instrument. Building on this definition, it would be advisable to define what kind of content is harmful to fostering gender equality. It would be advisable to include this clauses in a legal act regulating media.

It is necessary to address gender discrimination, inappropriate use of woman's body and gender stereotypes in advertisements by adding a clause in the law regulating the advertising.

It is necessary that the regulations of media also extend to press and all other kinds of media (such as online media), so that there are no loopholes in regulations.

As of today, complaints upon the content of the media is only dealt by self-regulatory mechanisms, which as pointed out, can be subjective and thus, not effective. It is necessary to give an independent organisation authority to receive complaints and issue preferably binding decisions when there is a breach of the principle of gender equality and non-discrimination in media content.

At present one of the most authoritative and experienced public bodies on gender equality is the Gender Equality Department of Public Defender's office, which can undertake the review of media content and issue recommendations to media organisations. The willingness has been demonstrated by the case dealt about the stereotypical commercial. Thus the expertise of the Public Defender's office can be used to deal with complaints on violation of gender equality by media content.

Media should be used as a means to promote positive and realistic images of women and men and the State should encourage especially the Public Broadcaster, through amending the law regulating it to include the aim of promoting gender equality in its tasks, which has to be different from the requirement of portraying diversity. State authorities should also encourage gender training of the employees of Public Broadcaster in order to make the fulfilment of the amended law probable.

Generally, the State should more actively get involved in promoting gender equality through media. Greater attention and more resources from the State has the potential to result in media organisations and journalists getting involved themselves in fostering the change.

4. Eliminating Gender Stereotypes in School Education

a) Introduction

Article 10 of CEDAW deals with eliminating discrimination against women in education and lists elimination of gender stereotypes (subparagraph c) as one of the ways to achieve this. Article 10 (c) requires the States to eliminate the stereotyped concepts of men and women *'at all levels and forms of education'*. States can achieve this aim *'by the revision of textbooks and school programmes and the adaptation of teaching methods'*.

School education reaches out to the whole society and thus this provision is a very powerful tool to fight against gender stereotyping. Similarly to media, it is a resource, which can easily reinforce stereotypes, but if used properly, it can act as a key to transforming the society.

Beijing Platform for Action has addressed this important issue under the strategic objective B of "Education and Training of Women". It states, that in most cases teaching materials are gender biased and reinforce gender stereotypes. Furthermore, educators are not gender sensitive.²⁴² Thus, *"creation of an educational and social environment [...] where educational resources promote non-stereotyped images of women and men, would be effective in the elimination of the causes of discrimination against women and inequalities between women and men."*²⁴³ The Platform for Action urges the States to employ gender mainstreaming in all educational policies and programmes.²⁴⁴

CEDAW Committee regularly addresses gender stereotypes in education in its Concluding Observations and urges the States to employ measures to eliminate those. In Concluding Observations from 2006 towards Georgia the Committee talks about the importance of gender-mainstreaming in education for eliminating gender stereotypes.²⁴⁵

A few studies have been conducted to assess the situation in Georgian schools. One study was conducted in 2012 to assess gender stereotypes in textbooks of social sciences which assessed history and civic education textbooks for basic level. It found that more or less in all textbooks women were generally underrepresented in text as well as in photos and that men and women were portrayed in stereotypical roles.²⁴⁶ For example, the authors of the research regret the fact that the possibilities have not been used to represent female

²⁴² Beijing Platform for Action paras. 74-75.

²⁴³ Ibid. para. 72.

²⁴⁴ Ibid. para. 79.

²⁴⁵ CEDAW Concluding Observations Georgia 2006 para. 18.

²⁴⁶ Irma Khomeriki and others 'Gender Equality Issues once Teaching Social Sciences: Gender Analysis of Textbooks' (2012)

http://cciiir.ge/upload/multi/geo/1355300618_genderuli%20%20tanaworobis%20sakitxebi%202012%20BOLO.pdf accessed 26 May 2015, 31.

historical figures (e.g. female pharaohs) and women's role in historical events (e.g. French revolution) in history textbooks.²⁴⁷ The same can be said about civic education textbooks, where women are underrepresented in photos as well as in texts. The photos represent women and men more or less neutrally, with more men on topics of economics, politics and no men on non-stereotypical photos (e.g. doing housework).²⁴⁸ In one of the civic education textbooks, there is an example of direct stereotyping – a personality test on being “Ideal wife” and “Ideal husband”, which promotes stereotypical roles and behaviours for men (e.g. greater sexual freedom, responsibility for repairing things at home) and women (performing all the housework, be moderately emotional, no sexual freedom etc.).²⁴⁹

The study assessing teachers' attitudes and knowledge towards gender issues, found during the focus group interviews that the teachers do not have enough knowledge on gender issues, including not knowing meaning behind gender equality and that they support traditional gender roles for men and women. Even though they have positive attitude towards women's education, they still regard education as more important for men than for women (women will get married, men need to earn for the family).²⁵⁰ The teachers are very strict about division of roles between men and women at home and do not approve of men doing the dishes or cleaning. Even though they see the adverse effects of present situation on women, it is seen as a problem of men's lack of respect towards women, rather than a structural problem.²⁵¹ Teachers are in most cases prone to acknowledge the supremacy of men's brain and abilities at least in some areas.²⁵²

These findings are in line with other studies researching gender stereotypes in schools. For example Council of Europe study on “Combating Gender Stereotypes in Education” refers to the ‘gender blindness’ of the teachers and school administration, where stereotypes are reproduced without anyone being aware of it.²⁵³

It should also be noted, that school enrolment rate is high in Georgia and there is almost no gender disparity in that regard.²⁵⁴ Certain areas - rural areas and areas populated by ethnic minorities have a relatively high dropout rate of girls from

²⁴⁷ Ibid. pp. 13-14.

²⁴⁸ Ibid. p. 24.

²⁴⁹ Ibid. p. 25.

²⁵⁰ Research on Teachers Knowledge and Attitudes towards Gender Equality, Research Report (2014) 20.

²⁵¹ Ibid. pp. 22-23.

²⁵² Ibid. p.38.

²⁵³ Maureen Bohan, ‘Study on Combating Gender Stereotypes in Education’ CDEG (2011) 16 (2011) http://www.coe.int/t/dghl/standardsetting/equality/03themes/gender-mainstreaming/CDEG_2011_16_GS_education_en.pdf accessed 26 May 2015 12-14.

²⁵⁴ Georgia, National Review of the Implementation of the Beijing Declaration and Platform for Action, (2014) http://www.unwomen.org/~media/headquarters/attachments/sections/csw/59/national_reviews/georgia_review_beijing20.ashx accessed 26 May 2015 18-19.

schools, owing mostly to early marriages. On the other hand, there are slightly more females in tertiary education (55% to 45%).²⁵⁵ Teaching in Georgia is mostly female-dominated profession and is a low-paid job. High positions are mostly held by men.²⁵⁶

b) Regulations of school education on gender stereotypes in Georgia

Georgian legislation regulating school education does not mention gender in any context. The only provision that mentions prohibition of discrimination on the grounds of sex is the Teachers' Code of Professional Ethics²⁵⁷ in Article 4 (11), saying that the teacher should pay attention to every pupil without discrimination on any ground, including sex.

School education in Georgia is regulated by several laws. *Law on General Education*²⁵⁸ regulates the education of pupils from 1st to 12th year. It defines the requirements for teachers and sets out the basis for adoption of education plans and approval of textbooks.

There have been several attempts to revise textbooks in order to remove gender stereotypes, however until now they have been mostly included in plans due to pressures from donors/international community and have been unsuccessful.²⁵⁹

National Curriculum and Assessment Centre (public law entity) has the task of adopting national curriculum and assessing the textbook's compliance with the national curriculum, after which the textbook is allowed to be used in the classroom (Law of Georgia on Basic Education Article 28).

National Centre for Teachers' Professional Development (also a public law entity), under control of Ministry of Education, is responsible for setting professional standards for teachers, certifying teachers and preparing teachers' professional development scheme. The Centre also participates in preparing the Code of Ethics for teachers. (Law of Georgia on Basic Education Article 28¹).

The course on Civic Education has been recently introduced in Georgian schools for IX and X grades.²⁶⁰ The aim is to teach the basics in human rights and critical

²⁵⁵ Elisabeth Duban 'Gender Assessment USAID/Georgia' (2010)

http://pdf.usaid.gov/pdf_docs/PNADS884.pdf accessed 26 May 2015 22-23.

²⁵⁶ Education for All 2000-2015: achievements and challenges, EFA Global Monitoring Report 2015 (UNESCO Publishing 2015)

<http://unesdoc.unesco.org/images/0023/002322/232205e.pdf> accessed 26 May 2015 (Education for All 2000-2015: achievements and challenges) 12.

²⁵⁷ Teachers' Code of Professional Ethics Adopted with Order of Minister of Education and Science of Georgia №57/5 14 July 2010.

²⁵⁸ Law of Georgia on Basic Education N 1330 – Is [2005].

²⁵⁹ Education for All 2000-2015: achievements and challenges 11.

²⁶⁰ Order of the Minister of Education and Science of Georgia №224/5 29 December 2011 Art. 49 (8).

thinking. Even though gender equality and gender issues are not mentioned in the description of the course, it holds potential to cover these issues when used by the teachers or if further developed.

- c) International standards on eliminating gender stereotypes from school education

Article 10(c) CEDAW lists revision of education material (textbooks and programmes) and changing methods of teaching as ways to eliminate stereotyped concepts and roles of men and women from education.

CEDAW Committee often emphasises the importance of what is called now gender mainstreaming in education. For example, in Concluding Observations towards Georgia in 2006 the Committee underlined the importance of school programme and textbooks on the one hand, and the teachers on the other. It stated:

The Committee encourages the State party to continue its efforts to eliminate gender stereotyping, and to *strengthen the mainstreaming of gender perspectives in curricula and textbooks*. It also requests the State party to *enhance the training of teaching staff in regard to gender equality issues*.²⁶¹

Beijing Platform for Action, as already mentioned, lists “Education and Training of Women” as one of its strategic objectives. One part of this objective is eradicating stereotypes from education. Under Strategic Objective B.4. Governments, as well as educational authorities and educational/academic institutions are addressed to employ measures in order to ‘develop non-discriminatory education and training’. To this end, recommendations should be developed to guide creation of non-stereotyped curricula, textbooks and other teaching materials.²⁶² Further, teachers should be trained (through developing teacher training materials) to promote shared domestic and caring responsibilities of girls and boys from the very beginning.²⁶³ Teachers should also have materials and be trained for providing gender-sensitive education.²⁶⁴ Platform for Action requires including teaching of human rights with gender dimension at all levels of education.²⁶⁵

Special Rapporteur on the Right to Education also addressed gender stereotypes in the report “Girls Right to Education” from 2006.²⁶⁶ It recommends the States to analyse gender stereotypes in the classroom activities and to combat those in textbooks, teaching materials and all school activities.²⁶⁷ It also recommends to

²⁶¹ CEDAW Concluding Observations Georgia 2006 para. 18. (Emphasis added)

²⁶² Beijing Platform for Action para. 83(a).

²⁶³ Ibid. para. 83(b).

²⁶⁴ Ibid. para. 83(c).

²⁶⁵ Ibid. para. 83(j).

²⁶⁶ UN Commission on Human Rights, Report submitted by the Special Rapporteur on the right to education, Mr. V. Muñoz Villalobos ‘Girls’ Right to Education’ E/CN.4/2006/45 8 February 2006.

²⁶⁷ Ibid. para. 139.

appoint for this a special committee of experts that will review teaching materials and recommend alternative texts.²⁶⁸

UNESCO has put together a methodological guide on “Promoting Gender Equality through Textbooks”²⁶⁹ in which, based on African example, it shows ways to recognize gender stereotypes in textbooks and gives guidance on how to change those, or how to address them critically.

- d) European standards on eliminating gender stereotypes from school education

Council of Europe has addressed gender equality and education in its work. The Committee of Ministers has adopted a recommendation in 2007 addressing gender mainstreaming in education.²⁷⁰ Gender mainstreaming is defined in this recommendation as: *“the (re)organisation, improvement, development and evaluation of policy processes, to ensure that a gender equality perspective is incorporated at all levels and stages of all policies by those normally involved in policy making.”*

To lawmakers, the recommendation requires to include gender equality principle in laws on education and also, to assess existing and future legislation from a gender perspective.²⁷¹ With regard to the Government, it recommends training of staff working in education ministry or other institutions on issues of gender equality and gender mainstreaming.²⁷²

In measures directed at teachers it suggests training or awareness raising of all education staff on issues of gender equality.²⁷³ Giving teachers possibility to reflect on their own beliefs and values and encourage them to challenge sex-stereotyped attitudes.²⁷⁴

With regard to educational materials, it addresses the ones involved in production of these to include gender equality as one of the quality criteria of the product.²⁷⁵ But more importance is given to teachers in analysing and countering stereotyping and sexism in school materials (texts, photos, films etc.).²⁷⁶ Teachers

²⁶⁸ Ibid. para. 145.

²⁶⁹ Carole Brugeilles and Sylvie Cromer *Promoting Gender Equality through Textbooks, A Methodological Guide* (UNESCO 2009).

²⁷⁰ Council of Europe, Recommendation CM/Rec (2007)13 of the Committee of Ministers to member states on gender mainstreaming in education [2007] (Recommendation CM/Rec (2007)13)

²⁷¹ Appendix to Recommendation CM/Rec (2007)13 paras. 1 and 2.

²⁷² Ibid. para. 8.

²⁷³ Ibid. Para. 20.

²⁷⁴ Ibid. para. 21.

²⁷⁵ Ibid. para. 28.

²⁷⁶ Ibid. paras. 29-30.

are further encouraged to promote gender equality through their teaching – encouraging students to explore new roles, discouraging sexist language etc.²⁷⁷

In October 2014 a conference was organised by Council of Europe on the topic of “Combating Gender Stereotypes in and through Education”. It produced compilation of good practices from member states directed at different stakeholders in order to promote gender stereotype free education.²⁷⁸

- e) Good practices of eradicating gender stereotypes in school education

From the analysis of international and regional standards, it can be stated, that two main issues in eradicating gender stereotypes in school education are eliminating stereotypes in textbooks and education materials and training and raising awareness of teachers on gender equality issues. Some of the good practices from European countries will be provided for achieving these aims, based on the Compilation of Good Practices, the result of the Council of Europe conference.

In Belgium many projects have been conducted addressing this issue. Belgium-Walloon-Brussels Federation in Belgium tackles gender stereotypes in textbooks in the following way: A Steering Committee on Compulsory Education reviews all teaching materials that are to be used in compulsory education against number of requirements, including principles of equality and non-discrimination. There is a special manual “Gender and Textbooks” that help all relevant actors detect and avoid gender stereotypes and make it easier to promote respect for both genders.²⁷⁹ The same region also developed special teaching material for teachers and trainers with the title “Women and men in history – a shared past” that shows history from a different angle, incorporating women and making them visible throughout the history to the same extent as men.²⁸⁰

To help teachers be more gender sensitive, Austria has a special webpage, belonging to the Ministry of Education and Women with extensive information about gender and education. It brings together and makes accessible books and brochures, videos, events and other resources on gender issues, such as gender sensitive education, gender mainstreaming, gender-based violence etc.²⁸¹

²⁷⁷ Ibid. paras 32-36.

²⁷⁸ Compilation of good practices to promote an education free from gender stereotypes and identifying ways to implement the measures which are included in the Committee of Ministers’ Recommendation on gender mainstreaming in education (Council of Europe 2015) (Compilation of good practices to promote an education free from gender stereotypes).

²⁷⁹ Compilation of good practices to promote an education free from gender stereotypes 14.

²⁸⁰ Ibid. 22-23.

²⁸¹ Gender und Bildung, Österreichisches Schulportal

<http://www.schule.at/portale/gender-und-bildung.html> accessed 26 May 2015.

Another example is a Flanders region of Belgium, where the Government, together with the schools and civil society adopted a Common Declaration for a gender sensitive and LGBT friendly policy in schools.²⁸² For bringing the aspirations of declaration to practice, teachers were appointed to compile good ways of dealing with gender sensitive issues that were later made available for all the teachers.²⁸³

The Walloon-Brussels region of Belgium has created a training module for teachers targeting gender stereotypes and provides teachers with tools to deconstruct those and develop a new approaches. The training is aimed for experienced as well as future teachers.²⁸⁴

In France, institutions providing education for teachers are required by the new law (2013) to include gender equality issues in the training. Teachers are also required to promote gender equality.²⁸⁵

f) Recommendations for Georgia to eliminate gender stereotypes from school education

In order to achieve stereotype-free school education it is important to eliminate gender stereotypes from education materials and to train teachers on issues of gender equality.

The aim of gender equality and non-discrimination should be included in the laws regulating education, so that it becomes the basis for all further actions.

Present situation in Georgia provides two possibilities of involvement from the Government, to make implemented effective on the whole territory of Georgia.

Firstly, National Curriculum and Assessment Centre has the authority of developing curricula and setting standards for textbooks and approving them. Including gender equality as a quality requirement in the standards is the first step to this end. As the general knowledge on gender equality issues is low, guidelines should be created to help authors and publishers to live up to the standards set. The initiation of this process should be made public and inclusive of teachers, other persons involved in education, schools, as well as civil society. Organisations working on gender issues can help with expertise and knowledge. UNESCO methodological guide “Promoting Gender Equality through Textbooks” should preferably be used while working on the guidelines.

²⁸² Compilation of good practices to promote an education free from gender stereotypes 9.

²⁸³ Ibid.

²⁸⁴ Ibid. 24. See also De la maternelle au baccalauréat

Égalité des filles et des garçons <http://www.education.gouv.fr/cid4006/egalite-des-filles-et-des-garcons.html> accessed 26 May 2015.

²⁸⁵ Ibid. 40.

Secondly, National Centre for Teachers' Professional Development has the task of certifying teachers and is responsible for training and developing skills for teachers. A new module on gender sensitive education should be developed and included in teacher training material and certification exam. To make the issue better understandable for teachers, trainings and conferences should be held on the topic of gender stereotypes in education, or generally, on equality and non-discrimination in education, but having gender equality as one component. The website of National Centre for Teachers' Professional Development already includes page for resources, where it is possible to include different materials on gender issues and education - first the ones already available, in respective languages, however, in the future, new materials should be developed in Georgian language, bearing in mind Georgian reality and experiences.

To coordinate the work on gender and education, it is advisable that one structural entity is created in Ministry of Education and Science that will gather the knowledge and experience on gender or generally, equality issues, be responsible for developing training materials and educational resources and advise both abovementioned Centre's on fulfilling the requirements of gender equality. It is important, that this entity has continuous contact with universities and research and civil society in order to be up-to-date and responsive to new developments.

As changing the textbooks is a costly process, it is not probable that enough resources will be available immediately for rewriting them only for the reason of not complying with the standards of gender equality. However, the standard should be in place, so that new textbooks are developed according to it. Also, teachers should be made aware of existing stereotypes in textbooks and the stereotypes that they themselves are carrying. They should be provided with accurate, research-based information and facts. With this knowledge teachers can use the stereotypes in textbooks to make the students aware of the problem and teach them critical thinking.

Conclusion

The analysis of international law with regard to obligation to eliminate harmful gender stereotypes has shown that the obligation under the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) requires the States to eliminate gender stereotypes from the laws of the country as well as from the society, most importantly from and through media and education.

Three critical areas have been chosen to exemplify how this obligation can be implemented in practice on the example of Georgia. It has been shown that Georgia to date is not complying with the obligation of Article 5(a) CEDAW to eliminate gender stereotypes and that gender inequality is a big problem in the country. The critical areas the thesis has examined are: eliminating gender stereotypes from laws regulating parental leave, eliminating gender stereotypes from the media and from school education.

By analysing the legislation regulating parental leave in Georgia it has been shown, that the law does not entitle fathers to a leave for reasons of taking care of their children and thus stereotypes mothers as sole caretakers. By reviewing relevant international and regional human rights standards, the thesis has shown that Georgia's present regulation does not comply with the obligations under other human rights instruments. Relying on international as well as regional human rights standards and Sweden's national practice, suggestions have been made on how to change the laws so as to comply with existing human rights obligations, by introducing gender-neutral law on parental leave and subsequently encouraging equal distribution of the leave between the parents.

Through analysis of media regulation it has been shown, that gender equality is not mentioned in any binding or non-binding instruments that media in Georgia is supposed to comply with. Existing clauses on non-discrimination are not effective as content-based complaints can only be dealt by self-regulatory mechanism. Against the reality of prevalent gender stereotypes in Georgian media, international as well as regional standards have been reviewed and based on the best practices, suggestions have been made on changing the regulations so as to make gender equality more visible for media professionals and the regulatory mechanisms more effective.

The analysis of the State policy towards school education has shown that gender equality is not acknowledged as a problem and that the system today is 'gender blind'. Gender stereotypes, on the other hand are prevalent in textbooks as well as teachers' perceptions. In order to comply with the obligation of Article 5(a) and Article 10(c) CEDAW, based on international and regional standards and best practices, measures have been suggested tailored to Georgian reality on how to make school education free from gender stereotyping.

The thesis also underlined the importance of communicating the decisions and actions with all the stakeholders and actors in the process in a democratic way in order to make the changes sustainable. Having in mind the religious background of the country and lack of education on issues of gender and human rights, forceful actions have been ruled out and instead the way of 'fruitful dialogue' has been suggested.

The thesis argues that tackling gender stereotypes in these key areas will be an important contribution on the way to transforming the society into the one that is diverse and equal.

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