

# THE LAW OF GEORGIA

## ON GENDER EQUALITY

### Chapter I. General Provisions

#### Article 1 - Scope of the Law

This Law defines fundamental guarantees for equal rights, freedoms and opportunities provided for in the Constitution of Georgia, and also determines legal mechanisms and conditions for their realisation in relevant aspects of public life.

#### Article 2 - The purpose of the Law

The purpose of this Law is: to ensure that there is no discrimination in any aspect of public life; create proper conditions for realisation of equal rights, freedoms and opportunities for men and women; prevent and eliminate any discrimination.

#### Article 3 - Definition of terms used in the Law

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

- a) gender - a social aspect of relation between sexes which is expressed in all spheres of public life and implies opinions formed about different sexes through socialisation;
- b) gender equality - a part of human rights which implies equal rights and duties, responsibilities and equal participation of men and women in all spheres of personal and public lives;
- c) discrimination - actions defined in sub-paragraphs (d) and (e) of this paragraph;
- d) direct discrimination – the treatment or the creation of the conditions in which a person is treated less favourably on grounds of sex than another person in a comparable situation with respect to the enjoyment of the rights established by the legislation of Georgia or in which persons in inherently unequal conditions are treated equally, except when such treatment or situation serves the statutory purpose of maintaining public order and morals, is objectively and reasonably justified and is necessary in a democratic society, and the means of achieving that purpose are appropriate.
- e) indirect discrimination - a situation where a provision, criterion or practice, neutral in form but discriminatory in substance, puts a person on the grounds of sex at a disadvantage compared with another person in a comparable situation, or equally treats persons who are in inherently unequal conditions, unless such situation serves the statutory purpose of maintaining public order and morals, is objectively and reasonably justified, and is necessary in a democratic society, and the means of achieving that purpose are appropriate.
- f) special measures - measures which are intended to remedy the consequences of discrimination and is intended for a circle of persons requiring special protection due to their gender;
- g) equal opportunities - a system of means and conditions for achieving equality of rights and freedoms for men and women;
- h) equal treatment - recognition of equal rights and opportunities for both sexes in family relations and other aspects of social and political life when determining education, labour and social conditions, as well as the inadmissibility of discrimination on the grounds of sex.

2. Any other term in this Law shall have the meaning determined by the legislation of Georgia, if not specifically indicated otherwise.

*Law of Georgia No 2394 of 2 May 2014 - website, 7.5.2014*

### Chapter II. Guarantees for Gender Equality

#### Article 4 - Guarantees for gender equality

1. The State shall support and ensure equal rights for men and women in political, economic, social and cultural life.
2. To protect gender equality, the following shall be ensured without discrimination:
  - a) equal individual rights and freedoms of men and women;
  - b) equal access to education for men and women and free choice of education at any stage of learning;



- c) equal rights of spouses;
- d) equal rights and duties in matters relating to children;
- e) equal rights and duties of men and women with regard to guardianship, wardship, trusteeship, or adoption of children;
- f) supporting elimination of violence in families and society;
- g) free choice of profession or career, promotion, vocational training/retraining;
- h) assumption of public office based on professionalism, skills and qualifications;
- i) equal treatment in evaluation of the quality of work of men and women;
- j) equal social security for men and women in cases of illness and infirmity;
- k) creation of equal opportunities for men and women to receive health care;
- l) creation of equal opportunities for men and women to access information.

3. The legislation of Georgia on gender equality is based on the Constitution of Georgia, treaties and international agreements of Georgia, this Law and other normative acts.

#### **Article 5 - Keeping statistics of gender related matters**

Official statistical reports on gender issues shall contain sex-disaggregated data.

#### **Article 6 - Gender equality in labour relations**

1. The following shall not be allowed in labour relations:

- a) harassment and/or coercion of a person with the purpose or effect of creating an intimidating, hostile, humiliating, degrading, or offensive environment;
- b) any unwanted verbal, non-verbal or physical behaviour of sexual nature with the purpose or effect of violating the dignity of a person or creating an intimidating, hostile, or offensive environment.

2. The State shall provide equal employment opportunities for men and women.

3. During recruitment and in the course of employment persons may be put in unequal conditions and/or given priority over others on the basis of sex due to the substance and specificity of work or due to specific conditions required for its performance, and also if it serves a legitimate purpose and is appropriate and necessary for achieving that purpose.

4. The legislation of Georgia shall ensure creation of favourable working conditions for pregnant women and nursing mothers which excludes their work in hard, harmful and dangerous environment, as well as at night.

*Law of Georgia No 2394 of 2 May 2014 - website, 7.5.2014*

#### **Article 7 - State guarantees for gender equality in education and science**

1. Everyone shall have the right to freely choose a profession and speciality according to their abilities. Such equality shall be ensured through equal access, without discrimination, to general, vocational and higher education.

2. The State shall ensure that equal conditions are created for men and women to acquire general, vocational and higher education in all kinds of educational establishments, and to participate in educational and scientific processes.

#### **Article 8 - Equal access to information resources**

State and local self-government bodies and legal entities under public law shall be obligated, as prescribed by the legislation of Georgia, to provide equal access to public information held by them to interested persons irrespective of their sex.

#### **Article 9 - Gender equality in health care and social security**

1. General and equal access to medical care shall be provided to the population without discrimination.

2. Special measures taken for promoting the health care of mothers and children, family planning and protecting women's reproductive rights, also, state policy protecting pregnant women and maternity and other measures taken on the basis of gender peculiarities shall not be considered discriminatory.



## **Article 10 - Gender equality in family relations**

1. In family relations, during marriage and its dissolution, men and women shall have equal personal and property rights, including the right to choose a family name, profession and occupation. Their responsibilities shall be equal as well. Discrimination or preference related to rights and duties shall not be allowed in family relations.
2. Men and women shall have equal rights in the family to independently solve issues related to participation in labour and public activities.
3. Spouses shall solve child-rearing and other family issues based on mutual agreement. Spouses shall be guaranteed and provided with equal opportunities in their occupations and child-rearing.
4. Spouses shall have equal rights and duties in household chores.
5. Spouses shall have equal rights to own, acquire, manage, enjoy, and administer property.
6. Spouses shall have equal rights to participate in recreational activities and in all aspects of cultural life.

## **Article 11 - Guarantees for equal suffrage**

1. Everyone shall have the right to participate in elections on equal terms without discrimination.
2. Both men and women shall have equal rights to be elected to a representative body.
3. Men and women may be elected on equal terms without discrimination.

## **Chapter III. Monitoring the Protection of Gender Equality**

### **Article 12 - Gender equality provided by the Parliament of Georgia**

1. The Parliament of Georgia, according to its Rules of Procedure and the legislation of Georgia, shall ensure preparation of gender-related legal issues and facilitate execution of the Parliament's decisions in this regard, as well as monitor the activities of the bodies accountable to the Parliament of Georgia.
2. The Parliament of Georgia, according to its Rules of Procedure and the legislation of Georgia, shall set up the Gender Equality Council to ensure systematic and coordinated work regarding gender issues. The composition, status, functions and powers of the Council shall be determined by this Law, the Rules of Procedure of the Parliament of Georgia and the statute of the Gender Equality Council approved by the Chairperson of the Parliament of Georgia.
3. The Gender Equality Council shall be authorised to:
  - a) develop and submit for approval to the Parliament of Georgia an action plan on providing gender equality and ensure coordination and monitoring of its implementation;
  - b) perform analysis of the legislation of Georgia and develop proposals to eliminate existing gender inequality in the legislation;
  - c) ensure expert examination in terms of gender equality of draft legislative acts submitted as legislative initiatives, in terms of gender equality;
  - d) develop and plan certain activities to achieve gender equality and provide equal rights for men and women;
  - e) develop and introduce a monitoring and assessment system for activities aimed at ensuring gender equality, and produce appropriate recommendations;
  - f) request and receive any information and document related to the study of gender issues, except for documents the confidentiality of which is protected under the legislation of Georgia;
  - g) examine statements, documents and other information on violations of gender equality and respond to them within the scope of its authority, as well as produce appropriate recommendations;
  - h) invite representatives and/or experts of international or local organisations working in a relevant field to discuss gender equality issues;
  - i) exercise other powers granted by the legislation of Georgia.
4. The Gender Equality Council shall submit a report on gender equality in Georgia once a year, and prepare reports on performance of obligations assumed under international agreements with respect to gender equality. The Gender Equality Council shall be authorised to represent the Parliament of Georgia on gender equality issues in international relations, based on the relevant decision of the Chairperson of the Parliament of Georgia.
5. Organisational structure, rules of operation and relationship with state bodies of the Gender Equality Council shall be determined by the Rules of Procedure of the Parliament of Georgia and the Statute of the Gender Equality Council.



## **Article 12<sup>1</sup> - Provision of gender equality by authorities of the autonomous republics**

1. Authorities of the autonomous republics, according to the legislation of Georgia and of the autonomous republics, shall develop and carry out activities in the autonomous republic concerned to ensure detection and elimination of discrimination.
2. Supreme representative bodies of the autonomous republics, according to the legislation of Georgia and of the autonomous republics, shall set up a Gender Equality Council in order to ensure systematic and coordinated work with the Gender Equality Council of the Parliament of Georgia on gender issues in the relevant autonomous republic. The composition of the Gender Equality Council, its status, functions, powers and its relationship with the Gender Equality Council set up by the Parliament of Georgia shall be determined by the Rules of Procedure of the Supreme Representative Body of the relevant autonomous republic and the Statute of the Gender Equality Council approved by the Supreme Representative Body of the relevant autonomous republics.

*Law of Georgia No 2290 of 17 April 2014 - website, 28.4.2014*

## **Article 13 - Provision of gender equality by local self-government bodies**

1. Local self-government bodies, according to the Organic Law of Georgia - Local Self-Government Code, and other legislative acts of Georgia shall develop and carry out activities to ensure detection and elimination of discrimination locally.
2. The budget of local self-government units, priorities of social economic development, municipal programmes and plans shall be developed in such a way that any form of discrimination is excluded.
3. State bodies, within the scope of their authority, shall provide organisational, informational, and other kinds of assistance to local self-government bodies in order to prevent discrimination in the activities of local self-government bodies and to protect universally recognised human rights and freedoms.

*Law of Georgia No 1964 of 5 February 2014 - website, 19.2.2014*

## **Article 14 - Powers of the Public Defender of Georgia with respect to protecting gender equality**

1. The Public Defender of Georgia, within the scope of his/her authority, shall monitor the protection of gender equality and provide appropriate response in cases of violation.
2. The Public Defender of Georgia shall exercise powers granted to him/her by the Organic Law of Georgia on the Public Defender in order to ensure gender equality.

## **Chapter IV. Transitional and Final Provisions**

### **Article 15 - Measures to be taken for putting this Law into effect**

State and local self-government bodies shall, if necessary, perform analysis of normative acts in the field of their activities within six months after this Law enters into force.

### **Article 16 - Entry into force**

This Law shall enter into force upon its promulgation.

**President of Georgia**

**M. Saakashvili**

**Tbilisi**

**26 March 2010**

**No 2844-IS**

