**QUESTIONNAIRE**

**“NON-DISCRIMINATION AND EQUALITY WITH REGARD TO THE RIGHT TO HEALTH AND SAFETY”**

In accordance with its mandate, the UN Working Group on the issue of discrimination against women in law and practice (hereinafter “the Working Group”) has developed this questionnaire to gather information on how laws and practices discriminate against women with regard to the right to health and to safety. Additionally, this questionnaire has the objective of highlighting good practices and lessons learned in advancing equality between women and men with regard to the right to health and safety.

The questionnaire focuses on the prevention of gender discrimination in the enjoyment of the right to health and safety (I), on diagnosing and counteracting possible gender discrimination in practice in the area of health and safety (II) and on good practices in these areas (III).

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) clearly establishes the State obligation to take “all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning” as well as to “ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation”.[[1]](#footnote-1) It also establishes the obligation to ensure on an equal basis for men and women “the right to protection of health and safety in working conditions, including the safeguarding of the function of reproduction”.[[2]](#footnote-2)

Recognizing the broad scope covered by the concept of safety, the Working Group intends to focus particularly on the impact of safety in the context of women’s health, both physical and mental. This may include violence against women in the public space and in closed institutions as well as women’s access to justice to secure their right to health and security.

The Working Group wishes to thank all stakeholders for responding to this questionnaire **by 15 August 2015.**

**Questionnaire**

1. **Prevention of sex discrimination in the enjoyment of the right to health and safety**
2. ***Health***
3. **Does your country have regulations (in the Constitution, legislation or in other legal codes) that guarantee:**

*(Please specify in the space provided for this purpose "yes" or "no")*

(Yes) the right to equal access for women and men to all forms of healthcare, at the highest available level, including access to alternative health provisions such as homeopathy, naturopathy, etc.

(Yes) access to sexual and reproductive health services (in the Law on Healthcare, and Law on Gender Equality)

(Yes) women’s rights to make autonomous decisions regarding their sexual and reproductive lives

1. **Are medical services related to women’s sexual and reproductive life and/or violence against women covered by universal health coverage?**

Yes ( ) No ( X )

**If yes, what kind of medical services are free of charge?**

*(Please specify)*

**Are women’s rights to health, including sexual and reproductive health, autonomy and health insurance, applied also to girls under 18?**

Yes ( X ) No ( )

*If “yes”, please indicate the legislation regulating these and indicate enforcement mechanisms.*

Access to medical services connected to contraception, abortion, HIV/STIs and drug addiction treatment are available for girls of 16-18 years of age (Law on Patients’ Rights). Also, if the medical provider considers patient from 14 years of age and above sane and able to make informed decisions, voluntary counseling and testing on HIV, contraception and abortion is available for this age category (Law on HIV/AIDS)*.*

1. **Are there any provisions which restrict women’s access to health services? In particular which:**

*(Please specify in the space provided for this purpose "yes" or "no")*

(No) require the consent of a male relative/husband for a married woman’s medical examination or treatment or access to contraceptives or abortion,

(No) require parental consent in case of adolescents’ access to contraceptives or abortion; (See above about adolescents access to some medical services – from Law on Patients Rights and Law on HIV/AIDS)

(No) allow medical practitioners to refuse provision of a legal medical service on grounds of conscientious objection

(No) prohibit certain medical services, or require that they be authorized by a physician, even where no medical procedure is required; in particular:

(No) IUDs (intrauterine devices) or hormonal contraceptives

(No) Emergency contraceptives, including the morning-after pill,

(No) Sterilization on request (please also include information regarding whether non-therapeutically indicated sterilization is allowed for men): sterilization can be requested in written form, from both men and women, and 1 month is given for contemplation.

(No) Early abortion (in first trimester of pregnancy) at the pregnant woman’s request

(No) Medically assisted reproduction (e.g., in vitro fertilization)

*If yes, please indicate the relevant legal regulations and indicate the sources.*

1. **Are the following acts criminalized?**

*(Please specify in the space provided for this purpose "yes" or "no")*

(No) transmission of HIV or other venereal diseases by women only

(No) female genital mutilation

(Yes) child marriage

(No) home births with an obstetrician or midwife

(No) abortion

Child marriage before 16 years of age is criminalized, from 16 to 18 is possible in case both sides agree and parents provide written agreement. (Georgian Criminal code, Article140.)

**If yes, are there any exceptions to these prohibitions and under what circumstances do exceptions apply?** No

*Please give legal references and provisions.*

**And who is criminally responsible?** *(Please circle the appropriate answer)*

**The woman, the doctor, other persons directly or indirectly related with the pregnancy and/or the abortion.**

*Please give legal references.*

1. ***Safety***
2. **Does your country have regulations (in the constitution, legislation or in other legal codes) that guarantee:**

*(Please specify in the space provided for this purpose "yes" or "no")*

(No) Special protection against gender based violence: There is no special law or regulation on gender-based violence, but there a draft law on violence against women. However, there is a law on Gender Equality and an action plan to combat violence against women in 2013-2015.

(Yes) Equal access for women to criminal justice

1. **Are the following acts criminalized?**

*(Please specify in the space provided for this purpose "yes" or "no")*

(No) adultery

(Yes) prostitution: Prostitution is an administrative offense, which implies fines (Georgian Code of Administrative Offences, par. 172.). Organized prostitution is criminalized under criminal code.

(If yes, who is criminally responsible – please circle the appropriate answer: the sex worker, the procurer and/or the customer): Sex workers pays the fine, procurer does not.

(No) sexual orientation and gender identity (homosexuality, lesbianism, transgender, etc.)

(No) violations of modesty or indecent assault (e.g. not following dress code)

*Please give legal references and provisions.*

Georgian Code of Administrative Offences, par. 172.

1. **Are there any provision in criminal law that treat women and men unequally with regard to:**

*(Please specify in the space provided for this purpose "yes" or "no")*

(No) Procedure for collecting evidence

(No) Sentencing for the same offence, especially capital punishment, stoning, lashing, imprisonment, etc.

(No) So called “honor crimes” (are they tolerated in order for the perpetrator to avoid prosecution or to be less severely punished if the woman is killed?)

1. **Diagnosing and counteracting possible sex discrimination in practice in the area of health and safety**
2. ***Health***
3. **Are there legal obligations to provide health education in school?**

Yes ( ) No ( X ) There is no legal obligation, only various recommendations to Georgian government.

If yes, does it cover: *(Please specify in the space provided for this purpose "yes" or "no")*

( ) prevention of sexually transmitted diseases

( ) prevention of unwanted pregnancies

( ) promotion of a healthy lifestyle, including prevention of dietary disorders of teenage girls, including anorexia and bulimia

( ) psychological/psychiatric training on self-control of aggression, including sexual aggression

*Please indicate any relevant legal regulation or programs regarding to the above mentions.*

1. **Are there any statistical data disaggregated by age and/or sex (collected over the last 5 years) regarding :**

*(Please specify in the space provided for this purpose "yes" or "no")*

(Yes) malnutrition

(Yes ) maternal mortality

(Yes) maternal morbidity, including obstetric fistula

(Yes) adolescent childbearing

(No) health consequences of physical, psychological, sexual and economical gender-based violence

(Yes) incidence of HIV/AIDS and sexually transmitted deceases: aivzearis da sti z ear arisvervnaxeqalebis da kacebisdayofa

(No) drug abuse

(No) alcohol addiction

(Yes) legal abortions

 (Yes) death resulting from legal abortions

(No) illegal abortions

(No) death resulting from illegal abortions

(No) use of contraceptives, including mechanical and hormonal (including emergency contraceptives)

(No) sterilization on request

*If “yes”, please provide for data and sources.*

 moh.gov.ge; geostat.ge

1. **Are there any statistical data and/or estimations regarding the number of reported and/or unreported cases and convictions for :**

*(Please specify in the space provided for this purpose "yes" or "no")*

(No) female genital mutilation – issue is not relevant to Georgian context

(No) illegal voluntary abortion

(No) forced abortions

(No) forced sterilizations

(No) malpractices in cosmetic medicine

(No) obstetric violence

 *If “yes”, please give further references.*

1. **Is the gender perspective included in national health-related policies:**

Yes ( X ) No ( )

**In particular:** *(Please specify in the space provided for this purpose "yes" or "no")*

(No) in planning the distribution of resources for health care

(No) in medical research on general diseases, with proper and necessary adaptations to the different biological make-up of women and men

(No) in geriatric service provision

(No) in state custodial decisions to institutionalize children between 0-3 years old: the issue is not relevant since institutionalization of children 0-3 does not happen in Georgia, these children are in the family-based care.

**Explanation**: *The need for a gender-based approach to public health is connected with the necessity to identify ways in which health risks, experiences, and outcomes are different for women and men and to act accordingly in all health related policies.*

As mentioned above, there are several laws, such as Law on Healthcare, Law on Gender Equality, also, Georgian National Youth Policy, Health Chapter which include gender perspective. However, the particular provisions listed above are not highlighted in these documents.

1. ***Safety***
2. **Are there any national policies regarding women’s safety in public spaces?**

Yes ( ) No (No)

*If “yes”, please give references.*

1. **Have there been any public opinion research polls on the fear of crime among women and men (over the last 5 years)?**

Yes ( ) No ( X )

*If “yes”, please give references and the outcomes of such research polls.*

1. **Are there any measures and programs undertaken in order to increase women’s safety e.g. in public urban spaces, in public transportation, etc.?**

Yes ( ) No ( X )

*If “yes”, please give references.*

1. **Are there any statistics on crimes amounting to violence against women in public spaces and/or domestic violence?**

Yes ( X) No ( )

*If “yes”, please give references.*

1. Public Defender of Georgia, SPECIAL REPORT “Violence against Women and Domestic Violence in Georgia”; <https://drive.google.com/file/d/0B9BM3M8hbgAUcW1YY0RGS2Rkdnc/view?pli=1>
2. <http://police.ge/ge/useful-information/statistics/statistics1?y=2014> (Statistics available only in Georgian)
3. **Is the sex of the victim reflected in the police, prosecutors and courts records?**

Yes ( X ) No ( )

*If “yes”, please give references.*

In general such records reflect the sex of the victim. However, these records are not available online. In case interested person/institution refers to these structures and requests such information (data, disaggregated by sex of the victim), data shall be provided.

1. ***Health and Safety***
2. **Are there any data and/or results of research on the detrimental influence of the feeling of insecurity and unsafety on women’s mental health?**

Yes ( ) No ( X )

*If “yes”, please give references.*

1. **Are there specific health and safety protective measures for women , and/or with special provisions for mothers with young children, in “closed” institutions including in:**

*(Please specify in the space provided for this purpose "yes" or "no")*

(Yes) prisons (e.g. measures similar to the Bangkok Rules): in women’s prison, according to the experience of our organization (working inside penitentiary system for about 14 years), there are special measures for mothers with young children. The report “Crime and exaggerated punishment” [http://www.osgf.ge/files/2015/Publication/Final\_Report\_-\_GEO.pdf] (available online only in Georgian) describes the situation for women prisoners during the last several years and underlines that the women sometimes do not have access to the basic health products. However, the public defender’s office is working on improving this situation and in July, 2015 they have finalized working on the monitoring tool for women’s prisons [http://georgia.unwomen.org/en/news/stories/2015/07/public-defender-s-office-finalizes-the-women-s-prisons-monitoring-tool].

(Not available) police detention cells

(No) psychiatric hospitals: No any state run psychiatric hospitals exist in Georgia for the moment.

(Not available) pre-deportation centers,

(No) camps for displaced women and families (if relevant): such camps or compact settlements exist in Georgia, but no special protective measures are undertaken.

(Not available) nunneries

(No) women’s shelters: there are regulations instructing about physical conditions in the shelters, however, no specifics about mothers with young children are provided.

*If “yes”, please provide any information about the protective measures established.*

1. **Are there specific training programs for medical and legal professionals on the issue of gender-based discrimination in the area of health and safety?**

Yes (X) No ( )

Do they cover: *(Please specify in the space provided for this purpose "yes" or "no")*

(No) the issues connected with specific women’s needs in area of health

(Yes) specific women’s vulnerability to be victims of gender-based violence or specific crimes, covering e.g. the issues of:

(Yes) the nature of gender-based violence,

(Yes) its occurrences and symptoms

(Yes) methods of detection

(No) medical protocols

(No) influence of gender based violence, in particular of sexual violence on the future behaviors of victims (post-traumatic stress symptoms etc.)

The “Action plan to combat domestic violence for 2013-2015” implies such training for broad range of target groups, including: staff of Ministry of Internal Affairs, staff of Prosecutor’s office, judges, social workers, staff of educational and healthcare systems, staff of penitentiary and probation systems.

1. **Could you please indicate any legislative reform, policy or practice, that you consider “good practice” regarding health and safety for women in your country?**

**If yes, please indicate on which criteria your definition of “good practices” is based.**

One of the good practices, which has been recently implemented in Georgia on the policy level is criminalization of the forced marriages. This is a response to the alarming data of early marriages (17%) in the country and also corresponds to the increased data on domestic violence. In this sense, “good practice” notion is based on responsiveness to the existing challenges in the environment.

1. Article 12, UN Convention on the Elimination of All Forms of Discrimination against Women, adopted by the UN General Assembly on 18 December 1979 (AG Resolution 34/180) and entered into force on 3 September 1981. [↑](#footnote-ref-1)
2. *Ibid* art. 11, (f). [↑](#footnote-ref-2)