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***Women’s and girls’ sexual and reproductive health and rights in situations of crisis***

In this document the Georgian Democracy Initiative has provided answers to the questions given in the questionnaire. The document does not address every matter in which the Working Group is interested but only provides information that the organization has at this moment. We hope that this document will assist you in assessing and analysing the present situation in Georgia.

***About the organization***

[*Georgian Democracy Initiative*](https://gdi.ge/en/) *(hereinafter – GDI) is an independent, non-governmental, non-profit-making organization dedicated to research, analysis, and education to advance the country’s democratic development and Euro-Atlantic integration. The organization was founded in 2012 with the mission of defending human rights, developing an inclusive society, promoting tolerance, strengthening democratic reforms, advancing the rule of law and enhancing transparency and accountability of public institutions throughout Georgia.*

*GDI is committed to democratic development and actively pursues these ideals through monitoring, open debate, fact-based research and analysis of policy options to address the challenges facing Georgia. Its activities also include free legal aid in various areas and advancing the improvement of existing legislation through strategic litigation. The organization brings together high-level professionals with an extensive record of research, advocacy and monitoring work in the key areas of GDI operation. GDI’s expertise, experience, impartiality and credibility positions the organization to be on the frontlines of Georgia’s most critical policy debates on human rights and democratic development.*

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**Questionnaire**

Concept/definition of crisis

1. **Please provide information on the legal and policy framework used by your State to manage situations of crisis and on how the concept of “crisis” has been defined or framed**.

The legal framework for managing situations of crisis is formed by the Constitution of Georgia, the Law of Georgia on Public Safety, the Law of Georgia on State of Emergency, the Law of Georgia on Martial Law, the Law of Georgia on National Security Policy Planning and Coordination and other more specific legal acts, such as the National Public Safety Plan. These legal acts do not directly define the meaning of crisis. However, they provide different situations that represent the concept of “crisis”. Firstly, article 71 of the Constitution (titled “State of emergency and martial law”) establishes the legal framework for state of emergency and war/martial law. According to paragraph 1 of article 71, “in cases of armed attack, or a direct threat of armed attack on Georgia, the President of Georgia shall, upon recommendation by the Prime Minister, declare martial law, sign a truce (provided that the appropriate conditions are in place), and shall immediately present these decisions to Parliament for approval. The decision to declare martial law shall enter into force upon its announcement. Parliament approves the decision upon its assembly. If Parliament does not approve the decision following a vote, it shall become null and void”[[1]](#footnote-1). Paragraph 2 of article 71 stipulates that “in cases of mass unrest, the violation of the country’s territorial integrity, a military coup d’état, armed insurrection, a terrorist act, natural or technogenic disasters or epidemics, or any other situation in which state bodies lack the capacity to fulfil their constitutional duties normally, the President of Georgia shall, upon recommendation by the Prime Minister, declare a state of emergency across the entire territory of the country or in any part of it, and shall immediately present this decision to Parliament for approval. The decision shall enter into force upon the announcement of the state of emergency. Parliament approves the decision upon its assembly. If Parliament does not approve the decision following a vote, it shall become null and void. Emergency powers shall only apply to the territory for which the state of emergency is declared”[[2]](#footnote-2). Furthermore, the meanings of state of emergency and the martial law are found in specific legislative acts. According to article 1 of the Law of Georgia on Martial Law, martial law means “the declaration of special rules throughout the territory of Georgia in the case of armed attacks against Georgia, which shall be consistent with the defence interests of the country. Martial law shall be declared according to the Constitution of Georgia and this Law and shall aim to ensure the territorial integrity of the country, state security and the protection of public order”[[3]](#footnote-3). Paragraph 1 of article 1 of the Law of Georgia on State of Emergency defines the state of emergency as “a temporary measure that shall be declared in accordance with the legislation of Georgia in the interests of ensuring the security of the citizens of Georgia during mass disorder, encroachment upon the territorial integrity of the country, military coups, armed insurrections, terrorist acts, natural disasters or man-made catastrophe or outbreaks of epidemic, or in other cases when the state authorities are unable to exercise their constitutional powers in a normal manner”[[4]](#footnote-4). Moreover, it should be noted that the state of emergency is different from an emergency situation which means “a situation/combination of situations created on a certain territory/territories or a facility/facilities, during which the normal living conditions of people are disrupted and which poses, or may pose clear threat to human life and/or health, and/or which may cause significant damage to the environment, the property of natural/legal persons, the State and/or a municipality“[[5]](#footnote-5). Finally, the concept of “crisis” also includes an incident that is a “happening that does not pose a clear threat to human life and/or health, and which may cause damage to the environment, the property of natural/legal persons, the State and/or a municipality”[[6]](#footnote-6).

1. **Please list the type of situations that would fit the concept of “crisis” in your State and indicate what situations are excluded.**

Please see the answer to the first question above.

1. **What institutional mechanisms are in place for managing a crisis and how are priorities determined?**

There are different institutional mechanisms in place for managing a crisis. Paragraph 1 of article 4 of the Law of Georgia on Public Safety lists the subjects of the National Public Safety System “which shall carry out appropriate complex measures, at the strategic (political), operational and tactical levels, using relevant resources and instruments, for protecting human life and health, environment and/or property from incidents/emergency situations caused by martial law, natural and/or man-made factors”[[7]](#footnote-7). These subjects include, inter alia, institutions of the executive authorities of Georgia, legal entities under public law and state sub-agencies, authorities of the Autonomous Republics, bodies of municipalities and the state representatives[[8]](#footnote-8). A more detailed regulation concerning the (list of) subjects and their competences is provided in the Ordinance of the Government of Georgia on Approval of National Plan of Public Safety[[9]](#footnote-9). The main subject of the National Public Safety System during peaceful periods is the Emergency Management Service[[10]](#footnote-10). The Emergency Management Service coordinates the operation of the National System and is responsible for planning and implementing the policy in the field of public safety[[11]](#footnote-11). It carries outs its functions and activities based on the principles of the rule of law, the protection of and respect for fundamental human rights and freedoms, the protection of the honour and dignity of a person, the proportionality etc[[12]](#footnote-12). The functions of the Emergency Management Service are to:

* develop state policy in the field of public safety in coordination with the subjects of the National System; for this purpose, draw up draft legal acts and draft documents of national importance and submit them to the Minister
* draw up proposals for the purpose of improving state policy in the field of public safety and submit them to other subjects of the National System and the Minister;
* coordinate and monitor the implementation of state policy in the field of public safety; directly, within its competence, carry out the National Public Safety Plan;
* identify, analyse and assess risks on the permanent basis, plan and implement preventive measures and projects in cooperation with bodies of the public authorities, Autonomous Republics, municipalities and legal entities under public and private law, in order to minimise the emergency risks;
* manage the state material reserves, monitor and analyse the current situation in relation with the products of strategic purpose in the country, develop a policy in the field of state material reserves and submit appropriate proposals and draft legal acts to Minister;
* conduct constant analysis of the current situation in the field of public safety and gradually inform the Minister regarding the situation, and provide relevant analytical information to the Ministry of Defence of Georgia and the State Security Service of Georgia;
* exercise other rights and perform other duties determined by the legislation of Georgia[[13]](#footnote-13).

The Emergency Management Service is authorized to:

* request from the subjects of the National System and other administrative bodies information available in the agency for drawing up relevant draft legal acts and draft documents of national importance for the purpose of developing state policy in the field of public safety, and establish working groups with the participation of their representatives and invited experts;
* make up official statistical recordings and carry out state statistical reporting of emergency situations and their effects, and request available information from the subjects of the National System and other administrative bodies in order to determine the cause of emergency situations;
* submit proposals to the Minister on creating, managing, storing and using the stocks of the state material reserve;
* exercise other powers provided for by the legislation of Georgia[[14]](#footnote-14).

Another institutional mechanism for crisis management is the National Security Council which is established in order to inform the Prime Minister of Georgia about national security and matters threatening national interests, to prepare political decisions to be made by the the Prime Minister and to plan and coordinate the national security policy on strategic level[[15]](#footnote-15). The National Security Council is authorized to:

* analyse domestic and foreign policy issues that are directly related to the national security;
* familiarise itself with and examine information on the situation in the area of national security, identify and assess threats and develop appropriate recommendations about prevention of these threats and necessary preventive measures;
* develop proposals to prevent and eliminate the outcomes of the events containing political, military, social, economic, ecological and other threats;
* exercise other powers granted under the legislation of Georgia[[16]](#footnote-16).

Another institutional mechanim is the National Defence Council which may be established and operates during the martial law[[17]](#footnote-17). The National Defence Council is authorized, within its constitutional competences, to review issues arisen during the martial law and to prepare recommendations and proposals regarding the organization of state defence and other necessities connected to the martial law[[18]](#footnote-18).

Experiences of crisis

1. **Please list the situations of crisis experienced by your State in the last five years.**

Like the rest of the world, Georgia has been facing the crisis caused by Covid-19 in 2020. In response to the pandemic, on March 21st in 2020, the President of Georgia issued Decree No 1 on Measures to be Implemented in connection with the Declaration of a State of Emergency throughout the Whole Territory of Georgia[[19]](#footnote-19). The Decree introduced restrictions of rights referred to in Articles 13, 14, 15, 18, 19, 21 and 26 of the Constitution of Georgia and liability for the breach of the regime of state of emergency[[20]](#footnote-20). More detailed regulations and restrictions were later established by legal acts that were based on the Decree No 1. The lockdown during the state of emergency caused serious economic, social and human righs challenges.

Preparedness, recovery and resilience

1. **Is there any preparedness or risk management strategy/plan/policy in your State?**

There are several preparedness/risk management strategies/plans/policies, including the National Public Safety Plan[[21]](#footnote-21). Moreover, the Law of Georgia on Public Safety envisages to adopt the National Defence Plan[[22]](#footnote-22), the Civil and Military Cooperation Plan[[23]](#footnote-23). Moreover, the the Law of Georgia on National Security Policy Planning and Coordination envisages the national-level conceptual documents (the National Security Concept of Georgia, the Threat Assessment Document of Georgia, national security strategies)[[24]](#footnote-24) and agency level conceptual (an agency-level concept, an agency-level strategy, a doctrine, a programme) and organisational documents[[25]](#footnote-25) to be adopted. However, only the National Defence Plan and the National Security Concept of Georgia are available online[[26]](#footnote-26). There is also the 2018-2020 National Action Plan for the implementation of the UN Security Council Resolutions on Women, Peace and Security[[27]](#footnote-27).

1. **To what crisis does it apply? What situations are excluded?**

The National Public Safety Plan applies to emergency situations[[28]](#footnote-28). The National Defence Plan applies to, inter alia, emergency situations and incidents[[29]](#footnote-29).

1. **Does it contain a definition of crisis? If so, please indicate the definition used.**

A definition of a crisis is not provided.

1. **Does it include measures concerning women and girls’ SRHR? If so, please describe the measures included and any special measures envisaged and/or adopted for specific groups of women and girls concerning both preparadeness and recovery.**

Measures concerning women and girls’ SRHR are not included in the National Public Safety Plan and the National Security Concept of Georgia. However, the 2018-2020 National Action Plan for the implementation of the UN Security Council Resolutions on Women, Peace and Security establishes ensuring women and girls’ physical and psychological health as one of its objectives[[30]](#footnote-30). To achieve this objective, the National Action Plan envisages the following activities:

* organizing meetings (at least 3 times a year) based on the single window system in Samegrelo, Imereti and Shida Kartli in order to discuss women and girls’ necessities/needs.
* Increasing the awareness of population on occupied territories about the availability of medical services.
* Revising and renewing the national concept and action plan of psychological health by taking into account the needs of those internally displaced and affected by conflict, especially women and girls’ needs.
* Creating a base for women non-governmental and community organisations; periodically meeting with the representatives of organizations in order to determine medical and social needs.
* Obtaining sex-wise and age-wise differentiated data about the education, social and economic situation of population living in the villages located near the separating line[[31]](#footnote-31).
1. **Please indicate if the strategy/plan/policy has undergone any assessments to date. If so, what were the main findings and recommendations concerning women’s and girls’ SRHR?**

The Public Defender of Georgia has written a report about the 2018-2020 National Action Plan for the implementation of the UN Security Council Resolutions on Women, Peace and Security[[32]](#footnote-32). According to the report, “provision of age-appropriate information on gender equality, including sexual and reproductive health and rights are still problematic“[[33]](#footnote-33). Moreover, the report states that “there is no service in the country that provides psychological support to IDP or conflict-affected women and girls and, where necessary, the needed medication, as outlined in a number of action plans. Access to maternity services is problematic, which is one of the rights of a woman’s sexual and reproductive health. Conflict-affected women also have difficulty accessing the information on family planning services and methods of contraception”[[34]](#footnote-34).

Sexual and reproductive health and rights in Georgia

Article 28 of the Constitution of Georgia establishes the right to the protection of health, namely, it stipulates that the right of a citizen to affordable and quality health care services shall be guaranteed by law[[35]](#footnote-35). However, the protection of sexual and reproductive health and human rights remains a serious challenge in Georgia. According to the National Assessment of Sexual and Reproductive Health and Human Rights carried out by the Public Defender of Georgia, the country faces significant problems in the fields of maternal health, family planning services and contraceptives and comprehensive education on human sexuality[[36]](#footnote-36). With respect to maternal health, several problems have been identified, such as: high rate of maternal mortality and morbidity, absence of psychological services in antenatal and postnatal service packages, the absence of a systemic vision for postnatal services, the language barrier for women of ethnic minorities, etc[[37]](#footnote-37). Furthermore, the State actions and policy regarding family planning services and contraception remain insufficient and thus undermine the protection of sexual and reproductive health and human rights. The following problems have been mentioned in the National Assessment: a lack of access to comprehensive information regarding both traditional and modern methods of contraception, gender roles and stigmas generated by society, financial barriers, violation of patient confidentiality, lack of friendly and confidential services for teenagers and adolescent girls, etc[[38]](#footnote-38). With respect to sex education, Georgia’s educational system does not have comprehensive education on human sexuality[[39]](#footnote-39). The following issues have been identified in this field: a moral panic created by formal or informal groups/institutions in society, teachers’ low competency, limitations in the content of textbooks and the non-permanent nature of delivering knowledge within the curricula, stigma and associated taboos affecting the teaching process for human sexuality, etc.[[40]](#footnote-40) To summarize, systemic problems remain and hinder the the protection of sexual and reproductive health and human rights.

1. Paragraph 1 of article 71 of the Constitution of Georgia. [↑](#footnote-ref-1)
2. ibid, paragraph 2. [↑](#footnote-ref-2)
3. Article 1 of the Law of Georgia on Martial Law, [↑](#footnote-ref-3)
4. Paragraph 1 of article 1 of the Law of Georgia on State of Emergency. [↑](#footnote-ref-4)
5. Paragraph b of article 3 of the Law of Georgia on Public Safety. [↑](#footnote-ref-5)
6. ibid, paragraph c. [↑](#footnote-ref-6)
7. supra 6, paragraph 1 of article 4. [↑](#footnote-ref-7)
8. ibid. [↑](#footnote-ref-8)
9. Please view: <https://matsne.gov.ge/ka/document/view/2993918?publication=1> [last seen 31.08.2020] [↑](#footnote-ref-9)
10. supra 6, paragraph 3 of article 4. [↑](#footnote-ref-10)
11. ibid, paragraph 1 of article 36. [↑](#footnote-ref-11)
12. ibid, article 38. [↑](#footnote-ref-12)
13. ibid, article 39. [↑](#footnote-ref-13)
14. ibid, article 40 [↑](#footnote-ref-14)
15. Paragraph 1 of article 191 of the Law of Georgia on National Security Policy Planning and Coordination. [↑](#footnote-ref-15)
16. ibid, article 192 [↑](#footnote-ref-16)
17. Article 73 of the Constitution of Georgia; Supra 4, Paragraph 1 of article 41. [↑](#footnote-ref-17)
18. ibid, paragraph 3. [↑](#footnote-ref-18)
19. Please view: <https://matsne.gov.ge/en/document/view/4830372?publication=0> [last seen 31.08.2020]. [↑](#footnote-ref-19)
20. ibid, articles 1 and 8. [↑](#footnote-ref-20)
21. Please view: <https://matsne.gov.ge/ka/document/view/2993918?publication=1> [last seen 31.08.2020] [↑](#footnote-ref-21)
22. Supra 6, paragraph 1 of article 18. [↑](#footnote-ref-22)
23. ibid, paragraph 2 [↑](#footnote-ref-23)
24. Article 15 of the Law of Georgia on National Security Policy Planning and Coordination. [↑](#footnote-ref-24)
25. ibid, articles 16, 17, 18. [↑](#footnote-ref-25)
26. supra 22; please view: <https://www.matsne.gov.ge/ka/document/view/43156?publication=1> [last seen 31.08.2020] [↑](#footnote-ref-26)
27. Please view: <https://matsne.gov.ge/ka/document/view/4140938?publication=1> [last seen 31.08.2020] [↑](#footnote-ref-27)
28. Supra 22, articles 1 and 2. [↑](#footnote-ref-28)
29. Supra 6, paragraph 1 of article 18. [↑](#footnote-ref-29)
30. Supra 28, please view the attachment of the ordinance. [↑](#footnote-ref-30)
31. ibid. [↑](#footnote-ref-31)
32. Please view: <http://www.ombudsman.ge/res/docs/2020052917375148888.pdf> [last seen 31.08.2020] [↑](#footnote-ref-32)
33. ibid, page 5. [↑](#footnote-ref-33)
34. ibid, page 6. [↑](#footnote-ref-34)
35. Paragraph 1 of article 28 of the Constitution of Georgia. [↑](#footnote-ref-35)
36. Please view: <http://ombudsman.ge/res/docs/2019072913501234745.pdf> [last seen 31.08.2020] [↑](#footnote-ref-36)
37. ibid, pages 3, 4. [↑](#footnote-ref-37)
38. ibid, pages 6, 7. [↑](#footnote-ref-38)
39. ibid, page 9. [↑](#footnote-ref-39)
40. ibid, pages 11, 12. [↑](#footnote-ref-40)