

# V. International Gender Workshop

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## Changes in legislation for gender-sensitive justice

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# Brief content of the presentation

- o The concept of equality and its reflection in domestic law.
  - o Institutional structures of the legal system – socialization and representation of (women) lawyers
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# Baia's story

- o Baia and her husband were married for 12 years.
- o Their son with the severe form of autism, self-harming behavior has been in need of permanent attendance of 2-3 persons.
- o Mariam took care of her son for 10 years, fully isolated from the society and friends, while her husband made a fortune.
- o The judge ruled that Baia was not entitled to any share after divorce.
- o Official comment of the court says: **Though court acknowledges Women's rights, STILL parties should be treated Equally.**



# Do we mean the same thing under EQUALITY?

- Equality in Georgian law is the principle of “sameness”.
- It excludes gender-based differences or treats differences as a deviation from the norm/standard, exception, undeserved benefit.
- Laws are formulated based on the masculine/male perception.

Reasonableness in Law? – how can man claim that certain things are not reasonable for woman?

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## e.g. rape law:

“Rape, a sexual intercourse by use of violence, threat of violence or abusing the victim's helpless condition”

- “Violence and the threat of violence” is interpreted from man's perception.
  - clause for inadmissible evidence related to women's previous sexual experience (Chastity law).
  - The trial is oriented more on evaluating the resistance of the victim than the intent of the perpetrator.
  - Is it reasonable to freeze when being raped (and thinking about saving oneself from being killed after rape).
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# Some more examples of “sameness”:

- No separate clause for marital rape.
  - No definition for sexual harassment in Labour code .
  - No obligation for the employers to make explanation for refusing to hire a pregnant woman.
  - No definition of a single mother and no benefits related with this situation.
  - No definition of reasonable accommodation in anti-discrimination legislation.
  - “Battered women syndrome” missing.
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# Lack of women's perspective in legal texts

- Sameness in the perspective of formal equality, means totally ignoring collective and individual history of women's oppression, situation of Georgian women is never part of the discussion in law suits or legal societies.
  - Perhaps this is the reason, why Georgian general court are doing their best to avoid ruling on the discrimination ground (we don't have any grounds for difference/difference treatment).
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# Male-oriented socialization process of women lawyers in the universities and law clinics, law-firms.

- o Personal experience of being refused to be treated as a woman with different experiences
  - o Identity of lawyer suppressing my identity as a woman
  - o Discussing own experience of discrimination is clear sign of complaining, whining – incompetence and biased.
  - o Bias in the selection of judges: make fun of gender-equality issues during the interviewing process.
  - o Courts do not produce any sex desegregated data.
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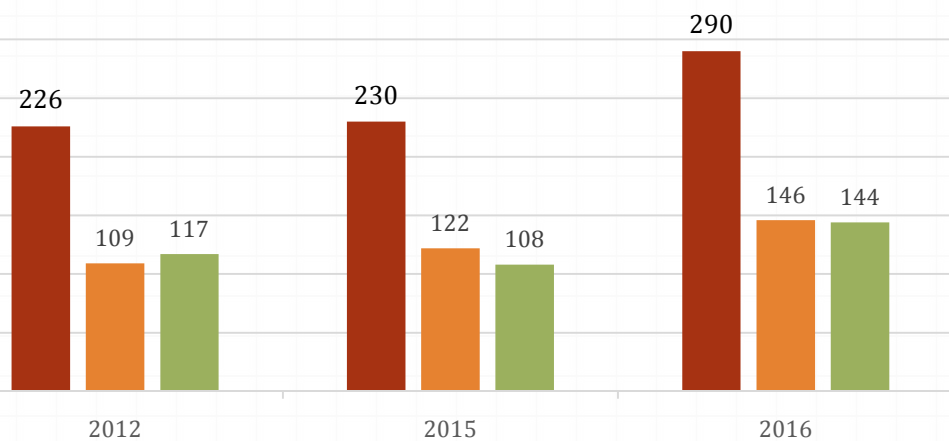


# Status of Women in Legal profession

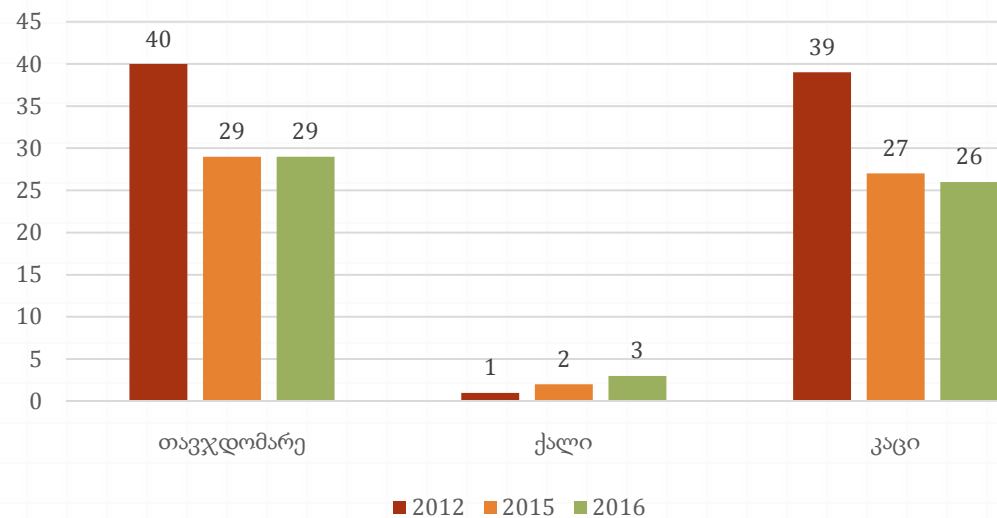
- Women judges experience discrimination and glass-ceiling
  - They are not promoted, granted benefits:
  - They have been facing a choice of exhausting office hours and a case law (500 per judge) or a private life.
  - They have to constantly prove their merits and never claim discrimination or harassment at work.
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# Gender statistics

## Court management



## Overall number women judges at trial, appeal, supreme court



# Not a dream but - purpose

- o Include feminist legal studies in the general curriculum
- o To collect the history and life-stories of Georgian women lawyers.
- o Not to be late for actual cases of women who currently need this analysis and theory