

# GEORGIA: A BRIEF ON THE IMPLEMENTATION OF CEDAW COMMITMENTS FROM ARTICLES 2, 5, 11, AND 16

*Information for the Committee on the Elimination of Discrimination Against Women  
81<sup>st</sup> Pre-Session Working Group, July 2021*

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## INTRODUCTION

The WORLD Policy Analysis Center, based at the University of California, Los Angeles, captures quantitative policy data on more than 2,000 indicators that matter to equality, health, and well-being. We strive to improve the quantity and quality of globally comparative data available to policymakers, citizens, national governments, intergovernmental organizations, civil society, and researchers for all 193 UN member states. We submit the following brief in advance of the 81<sup>st</sup> Pre-Sessional Working Group of the Committee on the Elimination of Discrimination against Women.

This brief will focus on the following two areas:

1. Child Marriage (Articles 16, 2)
2. Paid Maternity and Paternity Leave (Articles 11, 5)

We have collected and analyzed information on rights, laws, and policies in these areas for all 193 UN member states using a variety of sources, including primary national legal sources (e.g. original legislation and constitutions), national reports on policies and laws to the United Nations and official global and regional bodies, and secondary sources where clarification or corroboration of primary data is needed. Using a rigorous double-coding process, we create original databases which distill thousands of pages of text to highlight the essential features of each right, law, or policy. These original databases are the reference for the following brief. When drafting each brief, we perform a series of additional verifications to ensure the data provided reflects the current constitutional and legal landscape of a country.

In this report we first provide a summary of our legislative findings, as well as suggested questions for the Committee to ask Georgia and topics we hope the Committee will address in its concluding observations. This summary is followed by detailed legislative excerpts documenting our findings. We hope the Committee will recommend that Georgia address any gaps in consultation and collaboration with relevant stakeholders, including civil society organizations. We also recognize that while having strong laws and policies in place are necessary first steps, implementation is also of paramount importance. In areas where we have commended Georgia for having provisions in place, we hope the Committee will recommend that Georgia work with stakeholders to overcome any obstacles in implementing these provisions.



## SUMMARY OF FINDINGS AND RECOMMENDATIONS

### 1. Child Marriage (Articles 16, 2)

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We commend Georgia for passing the 2015 amendment to the Civil Code which revised Article 1108(2), removing the exception that allowed children to marry at the age of 16 with parental consent. Based on our review, Georgia now prohibits the marriage of girls and boys under the age of 18.

**We hope the Committee will:**

- In its list of issues, ask Georgia: Can Georgia outline the steps it is taking to implement the new legal minimum age of marriage and ensure all girls under the age of 18 are protected from early marriage?
  - If Georgia is unable to outline steps it is taking to implement the new legal minimum age of marriage, recommend in its concluding observations that Georgia take concrete steps towards implementing the law and protecting all girls under the age of 18 from early marriage.

### 2. Paid Maternity and Paternity Leave (Articles 11, 5)

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Based on our systematic review of national legislation and country reports, Georgia provides 183 calendar days of paid maternity and parental leave to mothers.

Research evidence indicates that paid paternity leave can increase gender equality in caregiving responsibilities and gender equality in employment; it is therefore important to ensure fathers have access to adequate paid paternity leave. **However, we identified no provisions that provide paid paternity leave to fathers in Georgia.**

**We hope the Committee will:**

- In its list of issues, ask Georgia: Can Georgia outline any concrete, near-term plans to pass legislation that provides paid paternity leave to fathers?
  - If Georgia does not have concrete, near-term plans to provide paid paternity leave to fathers, recommend in its concluding observations that Georgia pass and implement legislation to do so.



## DETAIL OF LEGISLATIVE FINDINGS

While the following review is systematic and rigorous, we recognize that there may be laws or policies governing these areas that we have not captured, including new legislation or policies that have not yet been published globally.

### 1. Child Marriage (Articles 16, 2)

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Child marriage disproportionately affects girls, often leading to social, economic, educational, and health inequalities, which States Parties have committed to eliminating. Article 16.2 of the Convention calls on States Parties to legislate a minimum age of marriage and prohibit the marriage of children. Additionally, disparities in the legal minimum age of marriage between girls and boys contravenes Article 2(a) of the Convention, which commits States Parties to “embody the principle of the equality of men and women” in their “national constitutions or other appropriate legislation”.

We systematically reviewed national civil codes and child-related legislation for all 193 UN member states to determine whether national legislation established a minimum age of marriage for both girls and boys generally, with parental consent, and under religious and customary law. We reviewed all legislation available through the Lexadin World Law Guide, Foreign Law Guide, International Labor Organization’s NATLEX database, regional sources, and official country websites.

#### *GEORGIA’S LEGISLATIVE PROVISIONS: MONITORING IMPLEMENTATION OF THE NEW CIVIL CODE*

We commend Georgia for passing the 2015 amendment to the Civil Code which revised Article 1108(2), removing the provision that allowed children to marry at the age of 16 with parental consent. Currently, Articles 1107 and 1108 of the Civil Code establish 18 years as the minimum age of marriage for girls and boys.

მუხლი 1107. დაქორწინების პირობები  
დაქორწინებისათვის აუცილებელია:  
ა) საქორწინო ასაკი;  
ბ) დასაქორწინებელ პირთა თანხმობა.

მუხლი 1108. საქორწინო ასაკი  
1. ქორწინება დაიშვება 18 წლის ასაკიდან.  
2. შეზღუდული ქმედუნარიანობის მქონე სრულწლოვანი პირის ქორწინება დაიშვება მზრუნველის წინასწარი წერილობითი თანხმობით.

### 2. Paid Maternity and Paternity Leave (Articles 11, 5)

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Article 11.2 of the Convention states that:

*In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:*

*(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;*



*(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;*

Article 5(b) of the Convention also emphasizes the importance of including men in the upbringing of children:

*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.*

Research evidence indicates that paid paternity leave can increase gender equality in caregiving responsibilities and gender equality in employment; it is therefore important to ensure fathers have access to adequate paid paternity leave.

We systematically reviewed national labor codes and social security laws to assess the availability of paid maternity and paternity leave. We relied primarily on legislation downloaded through the International Labour Organization's NATLEX database. Additionally, for confirmation or clarification on legal provisions, we consulted trusted secondary sources including the Social Security Programs throughout the World (SSPTW) database, and the International Review of Leave Policies.

#### *GEORGIA'S LEGISLATIVE PROVISIONS: NEED TO PASS AND IMPLEMENT PAID PATERNITY LEAVE*

Based on our systematic review of national legislation and country reports, Article 27 of the Labour Code of Georgia provides 183 calendar days of paid maternity and parental leave to mothers.

##### *Article 27 - Maternity and child care leaves of absence*

- 1. At employees' request, they shall be granted maternity leave of absence in the amount of 730 calendar days.*
- 2. 183 calendar days of maternity leave of absence shall be paid. 200 calendar days shall be paid in the event of pregnancy complications or multiple birth.*

**However, we identified no provisions that provide paid paternity leave to fathers.**