

Women's Rights in EWA Project

Countries: Georgia, Kyrgyzstan,
Tajikistan and South Africa

An Analysis of CEDAW Reports and Recommendations



Women in Europe for a Common Future | WECF

Empower Women
Benefit for All



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Research Report 2015
Women's Rights in EWA Project Countries: Georgia, Kyrgyzstan, Tajikistan and South Africa
An Analysis of CEDAW Reports and Recommendations

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Women in Europe for a Common Future (WECF) is an international network of over 100 women's, environmental and health organisations implementing projects in 40 countries and advocating globally for a healthy environment for all.

We strive for balancing the environment, health and economy, taking the different needs and perspectives of women and men into account. We enable women and men to participate at local and global levels in policy processes for sustainable development. Our network's activities are based on our partners' own visions and needs. WECF implements solutions locally and influences policy internationally.



WECF's EWA programme

The goal of WECF's EWA programme is to contribute to economic and political empowerment of women from low-income rural and peri-urban regions in Georgia, Kyrgyzstan, South Africa and Tajikistan.

WECF focuses on the following challenges in the project countries:

Georgia:

Water – Sanitation – Climate Change/Sustainability

Kyrgyzstan:

Water – Sanitation – Climate Change/Sustainability

Tajikistan:

Land Rights/agriculture – Climate Change/Sustainability

South Africa:

Agriculture – Gardening – Climate Change/Sustainability

*Uganda and Afghanistan are also EWA country projects, however, they are not included in this study.

List of Acronyms

AA	European Union Association Agreement
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CoE	Council of Europe
DES	Decentralised Environmental Solutions
EWA	Empower Women – Benefit for All
FAO	Food and Agriculture Organisation
GHG	Greenhouse Gas
HRC	Human Rights Council
HIV	Human Immunodeficiency Virus
IFAD	International Fund for Agricultural Development
IPCC	Intergovernmental Panel on Climate Change
LGBT	Lesbian Gay Bisexual Transsexual
NGO	Non-Governmental Organisation
NGM	National Gender Machinery
OSCE	Organization for Security and Co-operation in Europe
SDG	Sustainable Development Goals
UN	United Nations
UNDP	United Nations Developmental Programme
UNFCCC	United Nations Framework Convention on Climate Change
UNFPA	United Nations Population Fund
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNHRC	United Nations Human Rights Council
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
WECF	Women in Europe for a Common Future
WHO	World Health Organisation
WWF	World Wildlife Federation

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A. Objective of the Study

The overall goal of the “Empower Women – Benefit (for) All” – the so-called EWA programme is to contribute to the economic and political empowerment of women from low-income rural and peri-urban regions in six countries (Afghanistan, Georgia, Kyrgyzstan, South Africa, Tajikistan, and Uganda). Furthermore, the programme builds on WECF’s multi-annual approach 2010 - 2015, which aims at contributing to achieving the Millennium Development Goals 1 – Eradicate Extreme Poverty and Hunger, 3 – Promote Gender Equality and Empower Women and 7 – Ensure Environmental Sustainability.

Through this research, WECF aims to provide an overview of existing legislative barriers to gender equality before the law in the four main project countries which include Georgia, Kyrgyzstan, South Africa and Tajikistan. This report brings to light the gender based direct and indirect discrimination in national legislation that perpetuates denying women’s equality with men. This research focuses on the country reports submitted to the Committee of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) including pertinent shadow

reports. Furthermore, recommendations and observations by relevant bodies of international law, including the CEDAW Committee and the Human Rights Council (HRC) will be analysed. The report evaluates the four EWA project countries through topic-focused issues; namely Georgia: water and sanitation, climate change; Kyrgyzstan: water and sanitation; South Africa: agriculture; and Tajikistan: farming of women and land rights. Although diverse issues are analysed in connection to direct and indirect gender based discrimination in national legislation political and economic opportunities for rural women and long-term sustainability are at the core of this research and pertinent to all four EWA project countries. Therefore, the key article which is been scrutinised is article 14 CEDAW on “Rural Women”:

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

- (a) To participate in the elaboration and implementation of development planning at all levels;*
- (b) To have access to adequate health care facilities, including information, counselling and services in family planning;*
- (c) To benefit directly from social security programmes;*
- (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;*
- (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;*
- (f) To participate in all community activities;*
- (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;*
- (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.”*

It is noteworthy that violence against women is a central trepidation within the context of all four countries and has to be taken up as a key obstacle to gender equality – also in a project as EWA which does not focus on this important issue.

1. Introduction

Deep rooted culture and traditions influence the limitations of women to practice their fundamental rights. Without gender equality in theory and practice, women continue to face tremendous hurdles striving towards economic and political opportunities. The four project countries, which include Georgia, Kyrgyzstan, South Africa and Tajikistan, are confronted by stigmatisation, stereotypes and socially influenced standards that weave into the inaction of the legal and political systems. CEDAW urges the compatibility of gender equality with that of the cultural and social freedoms, a challenge that is consistently confronted by prejudices and female inferiority in society. Women’s rights are essential to democracy, good governance and sustainable development. Countries that have a high representation of women in their government improve stronger commitments towards promoting national and local policies, backing the inclusion of minority and disadvantaged groups and promote anti-corruption.¹ According to the National Democratic Institute, “where rates of gender development and empowerment are higher, human rates of development and standards of living are also higher.”² Strengthening

women’s participation at the local, national and international level helps women develop essential skills that contribute to peaceful, political, economic and sustainable development.

Gender inequality in national legislation is prevalent around the world and inhibits women to enjoy equal rights as men. The barriers women face are exacerbated by direct and indirect discrimination before the law. Ambition to eliminate discrimination against women has been met with universal solidarity and much progress. Nonetheless, adversity has persistently discerned women around the world. With continuous global issues intensified by climate change along with conflicts rooted in traditional, cultural or resource battles, women face the most challenging struggle of enjoying their fundamental rights.³ Women are most likely to be affected by slow or sudden onset of natural or man-made disasters but are also the essential actors in strengthening the capacity of preventing impacts.⁴ Women are tremendous contributors to peace and sustainability thus achieving gender equality needs to be a global priority.

Globally, women are determined to confront tribulations with initiating and acting upon sustainable solutions, empowering women through education and participating in political and economic advancement. The international and national participation of women in economic and political development confronts adversity with ambitious possibilities. Even so, direct and indirect gender based discrimination challenges the progression of realising women’s fundamental rights, not only in theory but also in practice. This is a problem and an opportunity that requires the commitment, responsibility and accountability of all States Parties to eliminate gender discrimination in national laws and adhere to the agreements established by the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) so that women may have access to resources and equal opportunities along with equal treatment in economic, political and social life.

2. Methodology

The collected information throughout this report is a compilation of a comprehensive literature review and desk study. The sources are retrieved from academic publication as well as reports submitted to the United Nations by international and national non-governmental organisations (NGOs). The research presented

3. UNFPA, *State of the World Population, Reaching Common Ground: Culture, Gender and Human Rights, Promoting Gender Equality and Empowering Women* (2008), http://www.unfpa.org/swp/2008/en/03_promoting_gender_equality.html, Accessed 4 December 2015.

4. UNDP, *Bureau for Crisis Prevention and Recovery, Factsheet: Gender and Disaster* (October 2010), <http://www.undp.org/content/dam/undp/library/crisis%20prevention/disaster/7Disaster%20Risk%20Reduction%20-%20Gender.pdf>, Accessed 4 December 2015.

1. The National Democratic Institute, *Women’s Political Participation*, <https://www.ndi.org/womens-political-participation>, Accessed 4 December 2015.

2. *Ibid.*

relies on existing reports, including state reports and shadow reports, submitted to the CEDAW Committee and the Human Rights Council (HRC) including reports from Special Rapporteurs and Independent Experts to the UN. Existing case law and recommendations by bodies of international law, such as the CEDAW Committee and the HRC have been explored. Furthermore, reports submitted by WECF staff and respective national partners focused on the EWA project have been included throughout this report.

B. The Convention on the Elimination of All Forms of Discrimination Against Women – CEDAW

Entry into force: 3 September 1981

2015 Status: Signatories: 99; Parties:189

The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) was adopted by the General Assembly of the United Nations in 1979 and became effective as an international treaty in 1981.⁵ The Convention is an indispensable treaty comprised of 30 articles addressing the essential regulations to be implemented by States Parties. As detailed in the Convention, governments and States Parties vote for twenty-three experts to make up the Committee overseeing the Convention. Among various responsibilities, the Committee monitors, reviews and evaluates the country reports and provides individualised recommendations based on observation in order for countries to effectively progress to ensure the elimination of gender-based discrimination.

States Parties are required to submit on a regular basis reports to the Committee providing evidence that CEDAW is being implemented with progress within their country. The reports submitted should dedicate their findings to the period between the last report and the current submission to ensure up to date information. Through these reports, the Committee is able to have an overview of the States party's situation and has the ability to give individualised recommendations based on observations made. The recommendations adopted by the Committee are vital to the

5. UN Treaty Collection, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en, Accessed on 4 December 2015.

progress that must continue to evolve in order to bridge the gap for equal rights of women around the world. All related documents, in particular the States parties' reports and the concluding observations can be found on the website of the UNHRC Office of the High Commissioner under "CEDAW: Key documents related to the reporting cycles"⁶.

The Convention's Optional Protocol allowing for individual complaints and special inquiries pertaining to violations of the Convention⁷ has less States parties. International organisations, non-governmental organisations (NGO) and civil society have the possibility to submit 'shadow or alternative reports.' Shadow reports serve as an advocacy and monitoring tool allowing civil society to hold their government accountable to and revealing the claims of its statements made by the States Party's report to the CEDAW Committee.

In 2012, CEDAW celebrated its thirty-year existence, with great satisfaction that due to their reviews and recommendations "governments have changed their laws, policies and approaches to women in line with international gender equality goals."⁸ Hailed as an international instrument for the rights of women, CEDAW has drawn urgent attention to the inequalities confronting women while advocating for women's rights worldwide.⁹ Countries who have signed and ratified (or acceded to) the Convention have the responsibility to defend gender equality by introducing necessary domestic legislation and eliminating discriminatory provisions in law and practice. The four EWA project countries are signatories to CEDAW and the Optional Protocol and have ratified the treaties or acceded to them, however, Tajikistan made reservations to the Optional Protocol.

EWA and CEDAW

The Empower Women – Benefit for all Programme striving to contribute to economic and political empowerment of women started in 2012. The activities of the programme will spread over the period of four years and are made possible due to the subsidy by

6. UN Human Rights, Office of the High Commissioner of Human Rights, Committee on the elimination of discrimination against women, <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/CEDAWIndex.aspx>, Accessed 4 December 2015.

7. UN Treaty Collection, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8-b&chapter=4&lang=en, Accessed 4 December 2015.

8. UN Women, United Nations Entity for Gender Equality and the Empowerment of Women, *Bringing CEDAW to life: the Committee on the Elimination of Discrimination Against Women turns 30* (9 July 2012), <http://www.unwomen.org/en/news/stories/2012/7/bringing-cedaw-to-life-the-committee-on-the-elimination-of-discrimination-against-women-turns-30>, Accessed 4 December 2015.

9. Ibid.

FLOW at the amount of € 1,86 million received from the Ministry of Foreign Affairs of the Netherlands.

There is an unequivocal link between women, environment and sustainable development. Women around the world have multiple responsibilities in safeguarding and overseeing land and water resources not to mention their care taking responsibilities. Women are the carriers of important knowledge especially when it comes to environmental management (e.g. of resources) and ensuring sustainable practices. However, structural barriers such as lack of decision-making power and basic livelihood conditions as well as discrimination impact on women's mental and physical health and/or their ability to pursue economic, educational and sustainable opportunities. This affects not only the individual's quality of life, but also the quality of life in entire communities and countries. Ensuring gender equality is a prerequisite to social, economic and environmental justice and a sustainable livelihood.¹⁰

Women and children comprise the majority of the world's poor.¹¹ In the EWA Programme, WECF has focused its attention on the issue of economic and political empowerment. Thus, an overall goal of the programme is to contribute to the increase of women's participation in the formal economy (resulting in higher income and greater financial independence, ideally leading to more resources in taking up political leadership). Nonetheless, WECF also regards the need to invest in the 'care economy' to be of significant importance. The second strategy for women's economic empowerment is thus to assure basic sustainable livelihood conditions.¹² Through its activities, the programme also aims at contributing to the political empowerment of women. All of the abovementioned countries face an enormous gap between their legal frameworks and the practices, especially in rural areas. Customary inequality between men and women results in women's lack of time for productive activities, lack of ownership and control over productive assets and land, lack of professional skills, lack of access to finances and lack of decision-making power. By focusing on women's political and economic empowerment, the EWA Programme is aiming towards achieving greater gender equality and lasting poverty reduction in the targeted communities.

The expected results of the EWA Programme will be that 12,000 women and men will have improved affordable access to liveli-

10. UNEP, *Women and the Environment, Chapter II: Women, Environment and Sustainable Development* (2004), <http://www.unep.org/PDF/Women/ChapterTwo.pdf>, Accessed 4 December 2015.

11. WomenWatch, *Women and Poverty* (2010), http://www.un.org/women-watch/directory/women_and_poverty_3001.htm, Accessed 4 December 2015.

12. WECF, *Empower Women – Benefit for All* (2014), <http://www.wecf.eu/english/about-wecf/issues-projects/projects/ewa/>, Accessed 4 December 2015.

hood resources, 14,900 women and men will have increased economic independency and increased incomes by >50%, 5,000 women in 20 low income rural communities will have had access to credit, in 4 countries women's participation in local decision making structures will have improved by 30% and 10 million people will be aware of the benefits of women's economic and political empowerment by the end of 2015.¹³

13. Ibid.



C. Georgia



1. History Timeline

1801 – Georgia becomes part of the Russian Empire • **1918** – Georgia is declared an independent state • **1922** – Georgia becomes founding member of the Soviet Union • **1990 - 1992** – South Ossetia region calls for autonomy triggering violent clashes between separatists and Georgian forces. Thousands of people are displaced and hundreds die. Abkhazia violence drives out Georgian troops • **1991** – Georgia gains independence after the collapse of the Soviet Union • **1995** – Eduard Shevardnadze becomes president and is re-elected in 2000 • **2001** - Tension intensifies between Georgia and Russia over disputed territories. Georgian forces are trained by the United States of America in counterterrorist operations • **2003** – Shevardnadze ousted in “Rose Revolution” • **2004** – Mikhail Saakashvili becomes president • **2004** – Clashes between Georgians and South Ossetians • **2006** – South Ossetian vote for independence • **2007** – State of emergency calling for president’s resignation. Demonstrations break out and

violence is used against protestors • **2008** – Abkhazia votes for independence • **2008** – Russia and Georgia escalate into military conflict/war (Georgia tries to reclaim South Ossetia). Georgians ejected from occupied territories and Russia recognises the two regions as independent states • **2009 – 2011** – Growing dissatisfaction by opposition unsuccessfully demands the resignation of president Saakashvili • **2012** – Victory for opposition “Georgian Dream – Democratic Georgia Coalition”. Bidzina Ivanishvili becomes prime minister and is succeeded by Irakli Garibashvili in 2013 • **2013** – Giorgi Margvelashvili becomes president.¹⁴

¹⁴ BBC News, *Timeline: Georgia, 2012*, http://news.bbc.co.uk/2/hi/europe/country_profiles/1102575.stm, Accessed 1 July 2015.

2. Georgia – History and Politics

Geographically located in the mountainous country of Georgia in the Caucasus and it has a population of over 4.9 million people.¹⁵ Georgia gained its independence after the fall of the Soviet Union in 1991.¹⁶ After a turbulent start, struggling to assert its sovereignty wrestling with corruption and injustice, Georgia gained its footing with the 2003 Rose Revolution, which triggered the transition towards a democratic government and state.¹⁷ The country's attempt to foster a more prosperous future was interrupted during the 2008 clash with Russia over the territory of South Ossetia and Abkhazia.¹⁸ The clash with Russia led to the breakaway of the two provinces into occupied areas. Georgia does not recognise the disputed territories as sovereign states and access to these areas is heavily monitored as well as restricted.¹⁹ Russia, on the other hand, recognises both South Ossetia and Abkhazia as independent states.²⁰

In 2013, Georgia elected Giorgi Margvelashvili as President of the Democratic Republic.²¹ This government places heavy emphasis towards the European integration of Georgia. Since 1995, Georgia has maintained strong relations with the European Union and even ratified the European Union Association Agreement (AA) in July 2014 aiming to foster further cooperation and development.²² The country began to focus on gender equality. Economic uncertainties and ethnic conflicts have hampered Georgia's progress towards achieving its goals to build a stable democracy. As a result, the country experienced high levels of migration, unemployment and poverty affecting both men and women. The situation for women, especially in rural areas, is heavily influenced by the patriarchal form of the society's organisation continuing to fuel more discrimination against women, limiting their opportunities for economic and political advancement.

The country's political arena is male dominated with the exception of Nino Burjanadze who so far has held the highest position



by a woman in Georgian politics. She served as the chairperson of the parliament from 2001 until 2008 and was, for a short time, the interim president of the country.²³ In 2012, women's participation in politics rose by 5% but in 2013, the percentage of women in parliament was 11%, 21% serving in the cabinet or as ministers were women and only 10.8% of the local self-government bodies were women.²⁴ While these numbers may suggest a progressive step, they remain low enough to highlight that women are under-represented in the Georgian government.

15. Central Intelligence Agency, *The World Factbook, Georgia* (22 April 2014), <https://www.cia.gov/library/publications/the-world-factbook/geos/gg.html>, Accessed 1 July 2015.

16. *Ibid.*

17. *Ibid.*

18. *Ibid.*

19. *Ibid.*

20. European Forum for Democracy and Solidarity, *Georgia*, (26 November 2013), <http://www.europeanforum.net/country/georgia>, Accessed 1 July 2015.

21. *Ibid.*

22. Civil.Ge, *Georgia Ratifies EU Association Agreement*, (18 July 2014), <http://www.civil.ge/eng/article.php?id=27503>, Accessed 1 July 2015.

23. *Ibid.*

24. Public Defender of Georgia, National Human Rights Institution (2012), http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/GEO/INT_CEDAW_IFS_GEO_17375_E.pdf, Accessed 1 July 2015.

3. CEDAW - Periodic Reports, Concerns and Recommendations

Acceded to CEDAW: 26 October 1994

Acceded to Optional Protocol: 1 August 2002²⁵

(accepting the procedure of individual complaints and the inquiry procedure)

Reports repository²⁶

Periodic Report	Due	Received	Examined	Report
Initial Report	25 November 1995	9 March 1998	8 June 1999	CEDAW/ C/GEO/1, Add.1 & Corr. 1
Second/Third Periodic Report	25 November 1999	16 April 2004	15 August 2006	CEDAW/ C/GEO/2-3
Fourth/Fifth Periodic Report	25 November 2011	30 October 2012	10 July 2014	CEDAW/C/GEO/4-5

Georgia signed CEDAW in 1994 and the Optional Protocol in 2002.²⁷ The country's first report was reviewed in 1999. The report highlights that "women have traditionally been considered as homemakers and keepers of community and social values" and furthermore acknowledges that men play a dominant role in society.²⁸ The report stresses that the Labour Code introduces regulations on working conditions for women and puts an emphasis on maternal and child care, admitting at the same time that the employment legislation is incomplete and under development.²⁹ Overall, the CEDAW Committee concluded Georgia's report unsatisfying, including the National Action Plan, stating that commitments had not been implemented. The report showed a clear male dominance in both society and politics and a lack of action towards eliminating discrimination against women in the privat-

sector.³⁰ Following the observations and recommendations of the Committee, Georgia created several national programmes, such as the Action Plan to Combat Violence against Women and the Action Plan to Combat Trafficking in Persons along with an institution: the State Commission for Elaboration of State Policy for Women's Advancement.³¹

However, these well-intended initiatives were not properly financed, thus no much progress was made as a result.

Georgia's second and third combined report to CEDAW was submitted in 2003.

The review of the combined reports was more positive, praising the country for reforms regarding gender equality in the political and economic systems. The Committee also welcomed the initiative aiming to change stereotypes, stigmas and traditional gender roles in Georgia.³² The report highlighted the Georgian president's efforts to change governmental bodies to allow for CEDAW recommendations to be implemented.³³

Several ministries were instructed to devote their attention to eliminating gender stereotypes and thus encouraging the participation of women in all sectors. Furthermore, the report elaborated on collecting more thorough data, providing mechanisms to raise awareness of and protect women's rights during and after conflict periods.³⁴ Throughout the combined report, Georgia reiterated that there is no gender inequality and that women have

25. United Nations Treaty Collections, *CEDAW OP*, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-8-b&chapter=4&lang=zh, Accessed 1 July 2015.

26. United Nations Human Rights, Office of the High Commissioner for Human Rights, *Georgia reports*, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=3&DocTypeID=29, Accessed 3 July 2015.

27. Development Center, *Social Institution & Gender Index, Georgia* (2012), <http://genderindex.org/country/georgia>, Accessed 1 July 2015.

28. UN Human Rights, Office of the High Commissioner for Human Rights, *Georgia reports*, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=3&DocTypeID=29, Accessed 3 July 2015

29. *Ibid.*

30. Women Watch, *Report on the Implementation of the Beijing Platform for Action (1995) and the Outcome of the Twenty-Third Special Session of the General Assembly (2000)*, <http://www.un.org/womenwatch/daw/Review/responses/GEORGIA-English.pdf>, Accessed 1 July 2015.

31. *Ibid.*

32. UN CEDAW, *Concluding Comments Georgia* (2006), <http://www.refworld.org/docid/453778142.html>, Accessed 1 December 2015.

33. UN CEDAW Georgia, *Second/Third Report Country Report* (2004), <http://www.un.org/womenwatch/daw/cedaw/reports.htm>, Accessed 3 July 2015.

34. *Ibid.*

equal rights to hold diplomatic positions, gain an education and participate in economic opportunities.

In 2006, the CEDAW Committee published its recommendations and comments to Georgia. It stressed the lack of data available on sex, ethnicity, age and residents (urban and rural), therefore making it hard to assess any pattern of improvement for the situation of women ex ante and post. The Committee therefore called upon Georgia to improve the collection of sex-disaggregated data in order to allow monitoring the situation with measurable indicators.³⁵ Their request included data to assert a thorough 'de facto' situation of rural women and ethnic minority women in order to make sure that the Convention is being implemented in all areas of the country. Furthermore, the Committee recommended the implementation of gender mainstreaming throughout all policy areas for the purpose of achieving gender equality but also to combat gender stereotypes, raise awareness of the Convention's purpose, and finally address violence against women and human trafficking.³⁶

Georgia submitted the fourth and fifth periodic report in 2011. In 2010, Georgia established a new law on Gender Equality and established the Gender Equality Council. This Council "establishes the fundamental guarantees of equal rights, freedoms and opportunities of women and men granted by the Constitution and defines legal mechanisms and conditions for their implementation in relevant sectors of social life"³⁷. Georgia presented thorough information on steps taken to fulfill the Committee's recommendations including enabling the collection of statistical data through the National Statistics Office and the Department of Statistics of the Economic Development of Georgia.³⁸ However, the data do not include ethnic affiliation and the report mentioned that implementing the Convention in the occupied territories is difficult due to a lack of cooperation with Russia. A budget was allocated for political parties to encourage the recruitment of women to ensure more gender equality at the political level as well.³⁹ The report also touched upon raising awareness and educating on gender equality.

Amongst the CEDAW Committee's list of issues and questions in relation to the reports, most concerns were expressed about the States party's obligation to raise more awareness of women's

rights and enable the enforcement of temporary special measurements to address women's underrepresentation and disadvantages in some key areas.⁴⁰ For example, there was serious concern that female land ownership was not mentioned. Furthermore, the fact that almost half the population who lives in rural areas was excluded from the States party's initiatives to reduce poverty levels, improve infrastructure and ensure access to water for women was criticised.⁴¹ The Committee asked the States party to provide more information on what is being done for women who reside in rural areas in order to participate in political and social life and to ensure that they have access to safe support in the case of gender-based violence (including access to health services), but also to employment and economic opportunities.⁴² In 2011, Georgia made a voluntary pledge as part of its candidature to the UN Human Rights Council to "further promote gender equality, the rights of women and the eradication of domestic violence, inter alia, through the Gender Equality Council and the implementation of the National Action Plan on Gender Equality developed in cooperation with civil society and international organisations."⁴³

4. Gender Equality in the National Law

Georgia has made significant improvements in terms of amending its legislative principles but a major concern remains about whether these demonstrations of good intentions will be translated into actions in practice and ensure gender equality within its society.⁴⁴ Having the legislation in place does not mean it is enforced. The limited responses to violations mean gender equality implementation is still a long way behind the promises made. The main criticism Georgia faces, is that while gender equality is making its way into legislation, there is currently no approach by the States party to carry out the intended aims. These critiques have led to the drafting of the Gender Equality Law of 2010 in collaboration with international organisations, governments and local NGOs.⁴⁵

40. UN Human Rights, Office of the High Commissioner for Human Rights, *List of issues and questions in relation to the combined 4th/5th periodic reports of Georgia (2014)*, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsldCrOIUTvLRFdjh6%2fx1pWBtffXXNKTpNvJD616%2bgb%2b%2fEwVijaY%2bYxoyfgTODkpvv31aBUh0osDRCnQ919MDfdORbqF6RAsdnw9hGUKL00%2b9>, Accessed 3 July 2015.

41. *Ibid.*

42. *Ibid.*

43. UN General Assembly, *Candidature of Georgia to the Human Rights Council, 2011-2014, Voluntary Pledges and Commitment Georgia (2011)*, http://www.un.org/ga/search/view_doc.asp?symbol=A/65/814&Lang=E, Accessed 3 July 2015.

44. Mandy, Sabine, Ludwig Boltzmann Institute of Human Rights, *Women in Georgia: Peace, Security and Democracy from a Women's Rights perspective (June 2011)*, http://bim.lbg.ac.at/files/sites/bim/Women%20in%20Georgia_Peace_Security_Democracy.pdf.

45. *Ibid.* p. 5

According to the Georgian Civil Code, equal rights are guaranteed in marriage but this only applies to a civil marriage. Unregistered marriages leave women with no legal rights.⁴⁶ Georgia is a country where forced marriage exists primarily in rural areas (sometimes girls under the age of 18 are married, divorced or widowed).⁴⁷ In the 2006 NGO Anti-Violence Network of Georgia shadow report it reads: "girls who marry young are unable to complete their education."⁴⁸ As of 2009, a same-sex partnership is legal but same-sex marriage is not legal. There are numerous shadow reports that draw urgent attention to the intense discrimination that lesbians, gays, bisexuals and transgenders (LGBT) face in Georgia. In the 2012 shadow report titled 'Rights of LBT Women in Georgia' the Women's Initiative Supporting Group recommended that the Committee paid closer attention to the issues of discrimination against LGBT. LGBTs face discrimination at the work place, by authorities, they face obstacles when looking for housing and in general in society.⁴⁹ It is important to note that the rights of LBTs are not seen as women's rights in Georgia. On 2 May 2014, the parliament approved an anti-discrimination law banning all forms of discrimination based on sexual orientation and gender identity.

The Constitution of Georgia (Article 21) states that both men and women have the same inheritance rights.⁵⁰ Several shadow reports have concluded that actually women are discriminated against when it comes to inheritance and are not the primary beneficiaries of inherited property. It was observed that in cases of divorce, women do not have rights over the shared property and that the men are often the heirs of whatever shared ownership existed in the relationship.

Regarding freedom of movement, in the occupied territories of Abkhazia and South Ossetia movements are restricted. Even though, freedom of movement is allowed elsewhere, it has been observed that women often need permission from their spouse in

order to leave Georgia or travel within the country.⁵¹ With regards to employment, there is an income gap between men and women. Furthermore, there is no legal protection guaranteeing a pregnant woman her job and they are often dismissed. There are large uncertainties with regards to the right to maternity leave.⁵² Women are often in low-paid and low-status jobs and are largely underrepresented in political and social life. Ultimately, there are limited chances for women of being promoted.

Over the past ten years, Georgia has adopted, implemented and established some key institutions, policies and laws on gender equality. These include: the Gender Equality Advisory Council under the Chairperson of the Parliament, Gender Equality Government Commission, State Concept on Gender Equality, Law on Elimination of Domestic Violence, Protection and Assistance of Domestic Violence, Law on Fighting against Human Trafficking, State Fund for Protection and Assistance of Victims of Human Trafficking and Domestic Violence, (2007 – 2009) National Action Plan on Gender Equality, (2011 – 2013) National Action Plan on Gender Equality Policy, (2010) Law on Gender Equality⁵³, Domestic Violence, National Action Plan on Gender Equality (2007-2009)⁵⁴, Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (2011), (2013) Organic Law of Georgia on Political Unions of Citizens⁵⁵ and (2014) Anti-discrimination Law.

The Ombudsman or Public Defender of Georgia produced a report for the 58th Session of CEDAW and praised the Gender Equality Department. The department is responsible for monitoring the state's implementation of gender policies, it follows up on cases of gender-based discrimination and conducts research and raises awareness on gender equality. Georgia also joined the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence⁵⁶, which entails the introduction and/or amendment of Georgian legislation in particular: the Law of Georgia on the Elimination of Domestic Violence; Protection of and Support to Domestic Violence Victims; the Administrative Procedure Code of Georgia; the Criminal Procedure Code of Georgia on Refugees and Humanitarian Status.⁵⁷ Georgia is called upon to initi-

46. Meskhi, Marina, Mzhavanadze, Nana, Gafrindashvili, Lela, Veruskashvili, Ia, Nadaraia, Lika, Dzotsenidze, Shorena, Shavlakadze, Nato, (2008), *Periodic report submitted by non governmental organizations under the Convention on All forms of Discrimination Against Women, Georgia, 2006*, CEDAW, New York.

47. UN Population Division, DESA (2008), *World Marriage Data*, <http://www.un.org/esa/population/publications/WMD2008/Main.html>, Accessed 11 October 2010.

48. UN CEDAW, *Concluding Comments Georgia (2006)*, <http://www.refworld.org/docid/453778142.html>, Accessed 1 December 2015.

49. Women's Initiatives Supporting Group, *CEDAW Shadow Report, Rights of LBT Women in Georgia (2012)*, <http://women.ge/en/2012/03/16/lbt-rights-are-women-rights/>, Accessed 3 July 2015.

50. International Land Coalition (ILC), *Rural Women's Access to Land and Property in Selected Countries: Progress Towards Achieving the Aims of the Convention on the Elimination of All Forms of Discrimination against Women (2004)*, p.42, <http://www.landcoalition.org/en/resources/rural-womens-access-land-and-properties-selected-countries>, Accessed 3 July 2015.

51. *Ibid.*

52. *Ibid.*

53. *Ibid.* p.6

54. *Ibid.* p.6

55. Foresees that 30% of every 10 members on a list of a party shall be of the opposite sex.

56. CoE, *Istanbul Convention*, www.coe.int/.../03themes/violence-against-women/Conv_VAW_en.pdf.

57. National Human Rights Institution, *Public Defender of Georgia, (2012)* http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/GEO/INT_CEDAW_IFS_GEO_17375_E.pdf.

ate these amendments as soon as possible. The Public Defender in its report reiterates the enormous challenges that need to be addressed requiring efforts and actions by the government.

In May 2014 Georgia signed an anti-discrimination law on the Elimination of All Forms of Discrimination that prohibits any use of discrimination based on race, ethnicity and gender. Gender equality, the protection of women's rights and the prevention of domestic violence have been named as top priorities of Georgia's National Human Rights Strategy and Action Plan 2020. Furthermore, the parliament adopted a National Action Plan on Gender Equality in January 2014 that focuses on the time frame between 2014 and 2016. The aim is ambitious and shows progress focusing on the elimination of gender stereotypes and on increasing efforts regarding the protection of internally displaced women, women in detention and gay, lesbian, bisexual, transgender and intersex persons.⁵⁸ In June 2014, Georgia signed the Istanbul Convention – combating violence against women. Currently, there are several campaigns, trainings and Programmes initiated by NGOs, UN bodies and the Government's National Action Plan to keep the momentum, achieve gender equality and women's empowerment.

5. Violence Against Women

As noted in the second and third combined report, the president issued a 'Plan Aiming to Combat Violence against Women' stating that information on [domestic] violence needs to be in the public discourse and that assistance is needed to support the victims.⁵⁹ The report also admitted that sexual harassment in the work place is a problem and although there is a law prohibiting sexual harassment, there is no enforcement to ensure the safety of women at work. Therefore, incidents continuously arise but mostly remain unreported due to the lack of action taken by officials. In the fourth periodic report, Georgia acknowledged that there is no article in the criminal code that addressed the crime of domestic violence.⁶⁰ As already mentioned in the list of concerns by the Committee, there is no statistical data on domestic violence as court cases often fall under various other categories of the criminal code such as homicide and other forms of abuse. Since 2012, improvements have been made to combat domestic violence us-

58. UNOG, *Committee on the Elimination of Discrimination Against Women considers report of Georgia* (8 July 2014) [http://www.unog.ch/unog/website/news_media.nsf/\(httpNewsByYear_en\)/04DE9483A18EB974C1257D0F0056BE9B?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/04DE9483A18EB974C1257D0F0056BE9B?OpenDocument), Accessed 6 July 2015.

59. UN CEDAW, *Second/Third Country Report Georgia* (2004), <http://www.un.org/womenwatch/daw/cedaw/reports.htm>, Accessed 6 July 2015.

60. UNHR, *Considerations/4th and 5th periodic report of States Parties due in 2011 Report, Georgia*, (30 October 2012), http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=3&DocTypeID=29, Accessed 6 July 2015.

ing proper legislative measures such as expanded definitions and avoiding amalgamation.

Furthermore, Georgia's troubling reality of human trafficking includes widespread use of violence. In 2003 and 2006, the parliament amended the criminal code to include criminal liability for trafficking.⁶¹ Again, due to limited capacity and responses, compounded by lack of reporting to officials in such cases, the attempts to tackle the situation remain unsuccessful.

Support for victims of violence include shelters and hotlines, which are operated mainly by NGOs. Several shadow reports have concluded that domestic violence is still hidden and that agencies are poorly equipped to deal with these issues.⁶² For example, there is no penalisation of spousal rape therefore women hesitate to report incidents due to the lack of protection and the stigma they must bear thereafter. Trafficked women face the same situation being marginalised with little to no support. NGOs focus on raising awareness and improving women's access to safety and support; NGOs claim that there needs to be more financial support so authorities have stronger capacity to respond to these issues and legislation must be implemented more seriously.⁶³

6. EWA Georgia: Water and Sanitation

In 2010, the right to water was recognised as a human right and it was acknowledged that clean drinking water and sanitation are essential for the realisation of all human rights.⁶⁴ Worldwide, over 1 billion people lack access to clean drinking water and 2.5 billion do not have access to adequate sanitation.⁶⁵ According to the World Health Organisation (WHO), almost half of Georgia's population lives in rural areas and they access water from small systems such as wells or springs. An assessment report recently carried out by WHO found that "standardised sanitary inspections revealed a number of risk factors potentially compromising the provision of safe drinking-water. They include lack of sanitary protection zones, poorly located on-site sanitation facilities and inadequately designed and maintained abstraction facilities."⁶⁶

61. *The Advocates for Human Rights, Stop Violence Against Women: Georgia* (2008) <http://www.stopvaw.org/Georgia.html>, Accessed 6 July 2015.

62. *Women's Initiatives Supporting Group, CEDAW Shadow Report, Rights of LBT Women in Georgia* (2012), <http://women.ge/en/2012/03/16/lbt-rights-are-women-rights/>, Accessed 3 July 2015.

63. *Social Institutions & Gender Index, Restricted Physical Integrity: Georgia* (2012), http://genderindex.org/country/georgia#_ftn8, Accessed 6 July 2015.

64. See UN A/RES/64/292 and A/HRC/RES/15/9.

65. UN Department of Economic and Social Affairs (UNDESA), *International Decade for Action, 'WATER FOR LIFE' 2005-2015*, http://www.un.org/waterforlifedecade/human_right_to_water.shtml, Accessed 6 July 2015.

66. WHO, *Situation assessment of small-scale water supplies in rural Georgia* (2013), <http://www.euro.who.int/en/health-topics/environment-and-health/>



These are important facts for WECF and local partners as they focus their efforts on providing sustainable and long term water and sanitation solutions for Georgia.

In 2014, WECF and local partners concluded a Baseline Study focused on the EWA Programme⁶⁷ to examine the water and sanitation situation in various rural communities of Georgia. The Gender Livelihood and Socio Economic Study found that many households in the targeted villages have 24-hour access to water thanks to small-scale piped water. The quality of the water of small-scale systems is usually not treated or purified, nor regularly tested on possible contaminants. The population of most target villages is not aware if water is tested or not, and what the quality is. Unpublished WECF research has revealed excessive contamination with coli bacteria in all tested small-scale systems and dug wells as well as contamination with nitrate in dug wells. The study also found that villagers are overall not satisfied with their water situation.⁶⁸

water-and-sanitation/country-work/situation-assessment-of-small-scale-water-supplies-in-rural-georgia, Accessed 6 July 2015.

67. WECF, *Georgia: Gender Livelihood and Socio Economic Study* (2014), http://www.wecf.eu/download/2014/September/BaselineGeo_EWA_July2014_fin.pdf, Accessed 6 July 2015.

68. *Ibid.*

Access to clean drinking water and adequate sanitation remains a problem especially in the rural areas of Georgia. Contaminated water is common due to the fact that there is no central sewage system. Furthermore, people use pit latrines that contribute to the pollution of ground water. The main water sources in the rural areas are wells and piped-springs; women are responsible for the household duties of fetching water from these wells and springs and do not have easy access to warm water. Consequently, cold water for daily use increases the likelihood of negative health impacts. People in rural areas tend to live quite far from urban areas and waste water management facilities, such as main sewage systems; therefore meeting safe water and sanitation needs requires alternative, innovative and sustainable solutions.⁶⁹

The majority (71%) of the target population within WECF's baseline study for the EWA programme relies on unhygienic pit latrines for sanitation. Pit latrines are widespread and they pose serious risks to groundwater and to rivers' water quality, ultimately increasing the risk of contaminating (drinking) water. They can lead to health risks caused by water born diseases. Pit latrines are usually located outside in the yard, within a distance between five to thirty meters to the house. The study determined that only 20% of the villages surveyed had flush toilets, of which half are not connected to a sewage system.⁷⁰

Women living in rural villages mentioned above speak about further unsanitary conditions in educational institutions.⁷¹ Concerned about this, women opted not to send their children to kindergarten because they worry that such unsafe environment could result in their children being exposed to infectious diseases.⁷² The interconnectedness between poor sanitation and the child's safety at school is evident in this example and has a direct impact on children's health, learning opportunities and future. Overall, the communities expressed clear dissatisfaction with the sanitary conditions.

People's hygiene depends on adequate facilities. For women appropriate material for menstrual hygiene management is essential posing an additional burden on women's household tasks. Most facilities do have a hand washing option, though this is sometimes unavailable due to water cuts. Villagers admitted that adhering to hygienic practices while working in the field was not possible due to lack of facilities.⁷³

69. *Ibid.*

70. *Ibid.*

71. *Ibid.*

72. *Ibid.*

73. *Ibid.*



7. CEDAW Article 14

“
Article 14 of CEDAW
requires all countries to
ensure that the particular
needs of rural women
are met in relation to access
to services, training and
employment opportunities,
and social equity schemes.”

The EWA baseline study focusing on the State Policy on Energy and Drinking Water Supply and its influence on gender equality in Georgia found that “for every country, energy sources and safe drinking water are those strategic resources, which determine the living standards of the population and the prosperity of each citizen. These resources maintain their strategic functions both in terms of entrepreneurial activities, as well as in terms of household consumption.”⁷⁴ Despite recent improvements and continuous efforts from the state and NGOs, the situation in the majority of the rural areas has to change.

Several NGOs working in Georgia's rural areas have put the emphasis on women's empowerment trainings, agricultural skills' and community development. For example, WECF has been working with women and youth that have potential to solve development challenges in the field of water, sanitation and energy. Through leadership and gender trainings they are encouraged to take the lead to address their most pressing community issues, e.g. by testing drinking water, promoting safe sanitation and energy, and monitoring current energy use of households in order to estimate potentials for savings. Women have shown they are keen to seize the opportunities, hence to transform their communities.

74. *Ibid.*

The baseline study by WECF on gender livelihood and socio-economic issues in Georgia found that women living in rural areas are responsible for sustaining a large part of the farm work, but lack access to adequate social services and public utilities. Poverty and unemployment rates are rampant. Social and economic challenges are compounded by poverty and tend to impact on women even more. The study found that men often leave the country to seek employment, leaving women to care for the family.⁷⁵

In many households, firewood is utilised for heating the home, water, and for cooking. Firewood is obtained from nearby forests, leaving them in poor conditions. Villagers must purchase a licence to cut the wood; in poorer households, they do so themselves. Women have the double burdened to fetch wood and water and therefore are most impacted by the problems of contaminated water and deforestation. In wealthier homes, they hire others to log the wood for them. These problems are quickly unfolding and have their root causes in rural households' vulnerability to a combination of impacting factors: climate change, gender inequality and poverty.

Many women residing in rural areas are bound by traditional gender roles and are responsible for taking care of the daily household chores, looking after the family. They have limited resources

75. *Ibid.*
WECF, *Vision and Strategy: WECF strategy (2014)*, <http://www.wecf.eu/english/about-wecf/>, Accessed 6 July 2015.

to keep up with the demands of everyday's needs and these responsibilities leave them little or no time to participate in the economic and political affairs at neither the community nor the country level.

8. Climate Change

Climate change exacerbates these challenges. The most recent Fifth Assessment Report published by the Intergovernmental Panel on Climate Change (IPCC) warned that access to clean and safe water is at risk globally and should be of great concern to the global population.⁷⁶ Since October 1994, Georgia has been a part of the United Nations Framework Convention on Climate Change (UNFCCC) and has committed to drastically reduce its greenhouse gas emissions.⁷⁷ Climate change does not recognise borders, but it has become evident that those who have been the least responsible for creating the climate crisis often feel consequences of the impacts most. The IPCC report states that “climate change is the greatest challenge facing humanity in the 21st century and that failure to meet that challenge raises the spectrum of unprecedented reversals in human development.”⁷⁸ In other words, a failure to pay urgent attention and dedicate necessary efforts towards adaptation and mitigation of climate change will result in irreversible devastating impacts to people and the planet.

According to an assessment by WWF, Georgia's main environmental challenges are land degradation (due to overgrazing, soil pollution and erosion), illegal logging, regional water shortages (especially in the eastern regions) and a lack of access to safe drinking water.⁷⁹ The country already suffers from environmental challenges such as deforestation, land-degradation, droughts and floods. These natural disasters are worsened by anthropogenic influences accelerating the impacts of climate change. Furthermore, severe weather events intensified by climate change and the low capacity to respond to slow or sudden onset of disasters affect all areas of life including water, food supply, health and safety.

Climate change disaster data reveal an alarming pattern of gender dimensions, which confirm that the majority of casualties stemming from disasters are amongst women and girls.⁸⁰ A closer look

76. IPCC, *Climate Change: a framework for a 2015 global agreement (2013)*, <http://website-pace.net/documents/10643/110596/20131112-ClimateChange-EN.pdf/04ee927c-75c6-4163-8df3-591cc0dec2d4>, Accessed 6 July 2015.

77. *Green Georgia, Georgia and Climate Change – Georgia and its Green ambitions (2011)*, <http://www.greengeorgia.ge/?q=node/3>, Accessed 6 July 2015.

78. *Ibid.* 2. Introduction.

79. *Ibid.* Table 2.

80. Ross, Phillippa, *The Guardian, Why Gender disaster data matters*, (8 September 2014), <http://www.theguardian.com/global-development-professionals-network/2014/sep/08/disaster-humanitarian-response-data-gender>, Accessed 6

into the figures shows that there are several reasons why women are more vulnerable to the impacts of climate change, often being linked to their economic and social situation. Women make up the majority of the global poor population and rely on imminently available resources, thus when disaster strikes abruptly interrupting their routine, women are extremely vulnerable.⁸¹ On the other hand, however, it is exactly their knowledge and use of resources along with their livelihood that make them essential actors in climate adaptation and mitigation. Because women are often responsible for the household and a key part of their communities, they have the ability to effectively contribute to adaptation strategies.⁸²

Climate change causes loss in harvest, which might lead to significant loss of income but more specifically a loss of subsistence resources for women hence the need for gender sensitive data. When food sources are scarce, their prices often rise to unaffordable levels from the viewpoint of impoverished people. Furthermore, women who are excluded from decision-making processes regarding the management of food, land resources are disadvantaged when it comes to obtaining fair access to these scarce resources.⁸³ Changes in weather patterns directly affect people and their livelihoods. In Georgia (especially within its rural population) the lack of preparation and/or inadequate capacity to respond to climate change challenges mean people suffer severe consequences from slow but mostly sudden climate impacts.

As WECF has noted through their involvement addressing the climate change concerns, “the main sectors contributing to Green House Gas emissions (GHG) are energy usage, forest destruction, housing, transport and agriculture.”⁸⁴ Georgia faces imminent threats due to climate change that could exacerbate the already problematic access to clean and safe drinking water. In addition, the country faces rapid environmental degradation due to agricultural expansion, deforestation accompanied by a lack of capacity, inadequate skills and knowledge to address the results.⁸⁵ WECF strongly believes that climate change and energy issues need to be addressed in order to reduce poverty through empowerment and the development of equitable solutions for climate

July 2015.

81. UN Women Watch, *Fact Sheet, Women, Gender Equality and Climate Change (2009)*, http://www.un.org/womenwatch/feature/climate_change/downloads/Women_and_Climate_Change_Factsheet.pdf, Accessed 6 July 2015.

82. WECF, *Vision and Strategy: WECF strategy (2014)*, <http://www.wecf.eu/english/energy-climate/vision-strategy.php>, Accessed 6 July 2015.

83. *Ibid.*

84. *Ibid.*

85. WECF, *Georgia: Gender Livelihood and Socio Economic Study (2014)*, http://www.wecf.eu/download/2014/September/BaselineGeo_EWA_July2014_fin.pdf, Accessed 6 July 2015.

change mitigation and adaptation.⁸⁶ Therefore, WECF and Georgian partners developed a first gender-sensitive NAMA for low-cost solar water heating systems, fuel-efficient stoves and insulation measures for rural areas with a focus on women⁸⁷.

9. Sustainability

Georgia has several forms of energy efficient solutions and renewable energy sources including solar, wind, geo-thermal, hydro and biomass.⁸⁸ However, improvements could be made to cover most of Georgia's annual energy needs. Big hydro power plants already provide a significant portion of Georgia's energy supply, but it is important to bear in mind the adverse impacts of this technology, especially on women. There are other opportunities to build small hydro power plants along with solar, wind, geo-thermal and biomass. In energy efficiency there is a high potential to save energy. Renewable energy and energy efficiency would benefit Georgia in several ways – energy poverty can be reduced and life in remote and rural areas would improve, which in turn would enhance women's situation.

Water and sanitation solutions, such as promoted in the EWA project, can contribute to the adaptation to the effects of climate change and improve the lives of rural women and men. Women are often a driving force behind the improvement of small scale decentralised water and sanitation facilities.

By providing support to renewable energy projects, energy efficiency and water and sanitation projects, WECF aims to support the transition away from fossil fuels, nuclear energy and unsustainable practices and help vulnerable groups, such as rural impoverished women to be empowered. Programmes such as EWA, focus on opportunities within the climate change challenge to adapt, mitigate and provide sustainable solutions. In order to achieve this vision, WECF strives to bring the voices of marginalised groups to the international negotiating table of the UN to work towards a gender-equitable energy solution.⁸⁹

10. Conclusion

In Georgian legislation, the absence of specific references to women's rights and how those are protected is worrisome. There is little employment protection for pregnant women; the slow progress in the legal protection of LBT women is also an indication that Georgia lags behind in ensuring gender equality. The main findings, however, show that even when legislation is enacted, it is often badly implemented. There is a clear lack of resources to support initiatives from NGOs to do capacity building for both women and men. Existing NGOs do not have financial support and lack the capacity to deal with all the challenges they face. The lack of action and support from the state to address violence against women or ensure gender equality continue to increase the struggle for women to assert their rights to equal access to economic and political realms. Even in urban areas, there are too few women in high positions within businesses or in politics. In rural areas, women are forced to carry the burden of multiple household responsibilities and do not have time to pursue further education or participate in the political arena. Women are often not aware of what their rights or entitlements are and lack the means to access this information. Additionally, the challenge to access essential resources such as wood and safe water – to name only a few – is further compounded by man-made climate change. While Georgia may be adhering to the recommendations put forward by the CEDAW Committee, it is undeniable that there is still a lot of work to be done in order to achieve gender equality and enable women to enjoy their fundamental rights.

D. Kyrgyzstan



1. History Timeline

1685 – 1876 Tribes migrating from Siberia and China settle in Kyrgyzstan – which is under Mongol, Turkic, Uzbek and finally Russian rule • **1876** – Kyrgyzstan becomes part of the Russian Empire • **1917** – Civil war breaks out due to revolution in Russia • **1920** – Land reforms force nomadic tribes to resettle and receive education • **1936** – Kyrgyzstan becomes part of USSR • **1990** – Askar Akayev becomes president; he is re-elected for a 5 year term in 1991, 1995, 2000 • **1991** – Kyrgyzstan gains its independence after the collapse of the Soviet Union • **1996** – Constitutional amendments give excess power to the president and limited power to the legislature • **2002** – Opposition demand the president to resign leading to mass arrests • **2005** – Beginning of the Tulip Revolution sparking mass protests against the president who escapes to Russia. Parliament selects Kurmanbek Bakiyev as president • **2006** – Government resigns to enable early elections. Widespread pressure on Bakiyev to resign • **2007** – Almaz Atabayev becomes prime minister • **2009** – Bakiyev wins re-election (EU point to fraud elections) • **2010** – Protests trigger ousting of president Bakiyev.

Minister Roza Otunbayeva becomes interim president. Bakiyev resigns and seeks refuge in Belarus • 2010 – Clashes erupt between Kyrgyz and Uzbek ethnic communities resulting in massive displacement and over 200 deaths. Voters declare Kyrgyzstan a parliamentary republic reducing the powers of the presidency • **2010** – Prime minister Almazbek Atambayev becomes president • **2013** – Bakiyev receives a lengthy prison sentence for corruption and abuse of office. He has yet to return to Kyrgyzstan.⁹⁰

86. WECF, *Vision and Strategy: WECF strategy (2014)*, <http://www.wecf.eu/english/energy-climate/vision-strategy.php>, Accessed 6 July 2015.

87. WECF, *Case Study (2015)*, <http://www.wecf.eu/english/publications/2015/gendersensitive-NAMA.php>, Accessed 7 November 2015.

88. WECF, *Georgia: Gender Livelihood and Socio Economic Study (2014)*, http://www.wecf.eu/download/2014/September/BaselineGeo_EWA_July2014_fin.pdf, Accessed 6 July 2015.

89. WECF, *Energy and Climate (2014)* <http://www.wecf.eu/english/energy-climate/>, Accessed 17 July 2015.

90. BBC News, *Kyrgyzstan profile – Timeline (July 2014)*, <http://www.bbc.com/news/world-asia-16185772>, Accessed 20 July 2015.



2. History and Politics

The landlocked mountainous country of Kyrgyzstan is nested in Central Asia where its high peaks and glaciers thrive in the cold climate. Its ancient history indicates that tribes rooted in Siberia and China began to migrate and settled into what is now the Kyrgyz Republic.⁹¹ Throughout its vast history, the country has held several rulers, including Mongols, Uyghurs, and finally the Russian Empire in 1876.⁹² With the fall of the Soviet Union, Kyrgyzstan finally gained its independence in 1991 and Askar Akaev became the first president of the Republic.⁹³ The country's intertwined journey from past to present, from nomadic tribes to elections, has resulted in Kyrgyz people who are proud of their traditional heritage while confronting the ongoing struggle to build a democracy in their country facing many challenges, such as corruption, terrorism and poverty.

In 2005, Kyrgyzstan held nationwide demonstrations known as the 'Tulip Revolution' ousting president Akaev who had been in power for more than a decade. A government ruled by Kurmanbek Bakiyev emerged during the tense period.⁹⁴ However, not only did Bakiyev's authoritarian regime collapse by 2010 after violent protests, it also forced him to live in exile in Belarus. Nevertheless, Bakiyev signed an Action Plan in 2007 to achieve gender balance by 2007. Shortly before the Action Plan was to expire, a woman, Roza Otunbayeva, became the country's first female interim president.⁹⁵

Roza Otunbayeva became active in politics in 1981 holding many high positions including head of the USSR's delegation to the United Nations Educational, Scientific and Cultural Organisation (UNESCO) and Deputy Head of the United Nations Special Commission to Georgia.⁹⁶ In 2004, Otunbayeva returned to Kyrgyzstan and founded the opposition group Fatherland Party (Ata-Jurt), which eventually became the driving force of the Tulip Revolution ousting president Akayev.⁹⁷ As the new acting foreign minister of the then president Bakiyev, she was a main supporter of the newly

democratic constitution. However, upon realising that Bakiyev was following the corrupt legacy of his predecessor, Otunbayeva resigned from her position and joined the Social Democrats in parliament. When president Bakiyev was ousted, Roza Otunbayeva was elected into the interim government and thus became the first female president of Kyrgyzstan. She served as president from April 2010 until December 2011 before Almazbek Atambaev was elected as president.⁹⁸

Kyrgyzstan is considered one of Central Asia's most advanced countries in women's representation in parliament. Along with the 2010 new Constitution came several reforms including reforms of the electoral system. The electoral code of Kyrgyzstan entails that "every fourth candidate on a parties' lists must be of the opposite gender."⁹⁹ Although still underrepresented the number of women in the political process is increasing. Nonetheless, there is still an underrepresentation of women in wider decision-making processes. According to the Forum of Women's NGOs of Kyrgyzstan, Women in Politics, 'women's participation in political processes is not an issue of individual women, but an issue of the whole women's movement in the country.'¹⁰⁰ The Women's NGO Forum has begun educating and training women with the aim to increase female representation in politics and decision-making processes.

91. Tuttle, Tiffany, *Countries and their Cultures Kyrgyzstan*, <http://www.every-culture.com/Ja-Ma/Kyrgyzstan.html#b>, Accessed 20 July 2015.

92. Szczepanski, Kellie, *Asian History Expert, Kyrgyzstan: Facts and History*, <http://asianhistory.about.com/od/kyrgyzstan/p/kyrgyzstanprof.htm>, Accessed 20 July 2015.

93. *Ibid.*

94. Central Intelligence Agency, *The World Factbook – Kyrgyzstan (June 2014)*, <https://www.cia.gov/library/publications/the-world-factbook/geos/kg.html>, Accessed 20 July 2015.

95. *Ibid.*

96. Encyclopaedia Britannica, *Roza Otunbayeva, Kyrgyz politician*, <http://www.britannica.com/biography/Roza-Otunbayeva>, Accessed 20 July 2015.

97. *Ibid.*

98. *Ibid.*

99. National Democratic Institute, *In Kyrgyzstan, Women Poised to Take Leadership Role in Political Parties*, (2010), https://www.ndi.org/Kyrgyzstan_Women_Trainers, Accessed 20 July 2015.

100. Forum of Women's NGOs of Kyrgyzstan, *Women's Political Participation (2010)*, <http://forumofwomensngos.kg/womens-political-participation/>, Accessed 20 July 2015.

3. CEDAW – Periodic Reports, Concerns and Recommendations

Acceded to CEDAW: 10 February 1997

Acceded to Optional Protocol: 22 July 2002¹⁰¹ (accepting the procedure of individual complaints and the inquiry procedure)

power and decision-making at the political, legislative and executive levels, the creation of special programmes to support girls, the reduction of all forms of violence against women (women and armed conflict included), women and the media, women and the environment as well as women in rural areas.¹⁰⁴

In response to the initial report, the Committee welcomed Kyrgyzstan joining the Convention without reservation.

Periodic Report	Due	Received	Examined	Report
Initial Report	12 March 1998	26 August 1998	22 January 1999	CEDAW/C/KGZ/1
Second/ Periodic Report	12 March 2002	25 September 2002	14 January 2004	CEDAW/C/KGZ/2
Third/ Periodic Report *Additional Information	12 March 2006 7 November 2009	27 February 2007	23 October 2008	CEDAW/C/KGZ/3 CEDAW/C/KGZ/CO/3/Add.1 CEDAW/C/KGZ/CO/3/Add.2
Fourth/ Periodic Report	2012	18 January 2013	25 February 2015	CEDAW/C/KGZ/4

Kyrgyzstan acceded to CEDAW in 1997 and to the Optional Protocol in 2002.¹⁰² The country's first report was submitted in 1998 and reviewed by the CEDAW Committee the following year. The report stated that discrimination against women is prohibited in political, economic, social, cultural and civil fields, however, it was acknowledged that there are 'hidden' forms of discrimination, which exist in each state - including the Kyrgyz state.¹⁰³ Statistics were presented that highlighted the high unemployment rate amongst women. The report refers to the National Programme named "Ayalzat" which, from 1997 to 2000, focused on the following objectives: the improvement of legislative and normative instruments, the development of institutional mechanisms for the advancement of women, education and the enhancement of functional literacy for women, the protection of women's health and the reduction of the maternal and infant mortality rate, women and the economy as poverty reduction measure, women in

The Committee recognised that 97 national NGOs were playing a very important role in ensuring women's rights, however, noted that the majority of NGOs were active in urban locations even though discrimination was prevalent mostly in rural areas. The Committee was concerned that the transition from the Soviet Union to independence was not thoroughly considered while examining the challenges that women face to date in the country. Regarding the objectives of the Ayalzat (National Programme for the Advancement for Women) it was not mentioned what specific actions were needed in order to ensure that these ambitious aims would be met. The Committee noted that 67% of the 58% of unemployed women had children. It also highlighted the fact that poverty is faced by more than 40% of the population; this trend is even growing and therefore is of great concern. More data are required to analyse the problem of rural poverty and move towards solutions including a systemic approach.

Kyrgyzstan addressed the concerns expressed by the Committee in the second period report submitted in 2002. By that time,

Kyrgyzstan had acceded to CEDAW's Optional Protocol. In 2001, the National Council on Women, Family and Gender Development was initiated to achieve gender equality through the implementation of national policies and development strategies. Kyrgyzstan was proud to report that they made progress with the Ayalzat National Programme for the Advancement of Women, but admitted that more funding for the National Programme would significantly improve efforts towards its aims. The report also acknowledged that there were still significant concerns regarding several issues: violence against women, women unemployment as well as the lack of economic opportunities especially for women in rural areas. The report stated that women's pay and pensions were drastically lower than that of men. However, the CEDAW Committee praised the Ayalzat National Programme for improving the situation of women. Nonetheless, the Committee remained concerned that more than 50% of the population still live in poverty with 15% facing absolute poverty conditions, which refers to a condition where a person does not have the minimum amount of income needed to meet the minimum requirements for one or more basic living needs over an extended period of time. Furthermore, the Committee noticed that gender stereotypes were visible within the report and encouraged the States party to increase efforts to change mindsets and traditional outlooks on the role of women in society. Women continue to make up the majority of the care economy and do so under tough circumstances.

Kyrgyzstan was again confronted with the lack of disaggregated data after submitting their Third Periodic report in 2007 reviewed by the Committee in 2008. Positive feedback included the implementation efforts of the Law on State Guarantees for Equal Rights and Equal Opportunities and the number of female representatives (more than one quarter) in parliament. The Committee suggested a public awareness-raising campaign to confront the discrimination of women in public life, fight against violence against women and to inform officials and the public about the Convention including its Optional Protocol. The Committee suggested a gender analysis of Kyrgyzstan's legislation and the development of mechanisms for systemic gender analyses in order to establish programmes and laws that enable the implementation of the Convention. Furthermore, the Committee raised concerns regarding the marriage of under aged girls, bride abductions, forced marriages and widespread domestic and sexual violence.¹⁰⁵

Human resources, financial support and implementation are recurring points of concern when reviewing Kyrgyzstan's Periodic Reports. Political participation, violence against women, unemployment, and women's health are also considered as priorities that need urgent attention. In February 2015, the Committee

adopted concluding observations on the Fourth Periodic Report of Kyrgyzstan welcoming legislative reforms, in particular the adoption of a National Strategy on Achieving Gender Parity by 2020¹⁰⁶. A point of critique was the lack of visibility of the Convention and its awareness within institutions, including the judiciary, and the awareness of women of their rights, in particular in rural and remote areas.

4. Gender Equality in the National Law

According to the UN Human Rights Council, Kyrgyzstan has made significant efforts to develop gender policies even before signing CEDAW. In 1996, the National Commission on Family and Women's Affairs was established; in 1999 the National Council on Women, Family and Gender Development came into force replacing it.¹⁰⁷ In theory, women enjoy equal rights as men under Kyrgyzstan's laws, which are in accordance with international standards, but discrimination remains a reality. Since Kyrgyzstan acceded to CEDAW in 1997 and began adhering to the recommendations given by the Committee, several laws were introduced to protect women's safety, health and rights. Laws underwent gender assessments and women's right are mentioned in the Labour Code, the Family Code, the Civil Code as well as the Criminal Code. However, these advancements did not prove effective mainly due to the lack of financial and human resources to implement them in practice. In 2008, the Law on State Guarantees of Equal Rights and Equal Opportunities of Men and Women was adopted and in 2010, Article 16 of the Constitution reiterated the guarantees of equal rights for men and women and the prohibition of all forms of discrimination based on grounds of gender, ethnicity, religious beliefs and all other distinguishing social characteristics.¹⁰⁸ The Labour Code also bans discrimination against women. Yet, if employed, women hold lower-paid and lower-status positions and encounter difficulties to progress and accede to positions of power.¹⁰⁹ The Committee in its 2015 review was concerned about a new draft law No. 6-11804/14 introducing criminal and administrative sanctions for the "formation of a positive attitude to non-traditional sexual relations". This definition carries the risk of discrimination against certain groups of women, e.g. lesbians, bisexual, transgender and intersex women.

101. United Nations Treaty Collections, CEDAW OP (9 October 2014), https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-8-b&chapter=4&lang=zh, Accessed 20 July 2015.

102. Bayefsky, Reporting History – CEDAW – Kyrgyzstan, http://www.bayefsky.com/html/kyrgyzstan_t3_cedaw.php, Accessed 20 July 2015.

103. Ibid. Article 1, Clause 63

104. Bayefsky, Initial Report of the Kyrgyz Republic under the Convention on the Elimination of All Forms of Discrimination Against Women, CEDAW/C/KGZ/1 (1998), http://www.bayefsky.com/reports/kyrgyzstan_cedaw_c_kgz_1_1998.php, Accessed 20 July 2015.

105. UN CEDAW/C/KGZ/CO/3, Concluding Observations of the Committee on CEDAW – Kyrgyzstan (7 November 2008), <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-KGZ-CO-3.pdf>, Accessed 20 July 2015.

106. Kyrgyzstan Government Decree No. 443 of 2012, Accessible at: faolex.fao.org/docs/texts/kyr16697.doc.

107. UNHRC, Special Rapporteur on Violence Against Women - Report, A/HRC/14/22/Add.2 (2010), http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.22.Add.2_en.pdf, Accessed 20 July 2015.

108. Social Institutions & Gender Index, Kyrgyz Republic (2012), <http://genderindex.org/country/kyrgyzstan>, Accessed 20 July 2015.

109. United States Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices: Kyrgyz Republic (2007), <http://www.state.gov/j/drl/rls/hrrpt/2007/100616.htm>, Accessed 20 July 2015.

According to the Law on Local Self-Government and the Status of Deputies of the Local Council, women are facing major obstacles to become candidates. Article 7 of CEDAW specifically addresses women's participation in forming government policy, implementation of the policies and holding office to perform public functions at all levels. Along with the 2003 law that guarantees equal opportunities for men and women, the law on normative legal acts requires a "mandatory gender analysis of legislation with other types of mandatory examination of all implemented legal acts."¹¹⁰ However, it is the bridge from law to implementation that is a major obstacle, women's underrepresentation is only part of the issue.

As mentioned in all periodic reports, violence against women is rampant and therefore there is a need for stronger legislative frameworks to protect women, providing for their safety and supporting victims. Kyrgyzstan faces the struggle of human trafficking, girl bride kidnapping and underage marriages. Marriages that are unregistered are not recognised leaving women and girls who were forced into marriage unprotected. The country has made significant steps towards addressing the concerns of child brides by amending the Criminal Code to enforce harsher punishment for those who engage in bride kidnapping. The Criminal Code states that underage marriage is illegal. Again, although legislation is in place to denounce these practices, implementation has failed to be effective.¹¹¹

The UN Special Rapporteur on Violence against Women, Its Causes and Consequences¹¹² reported about the 'feminisation of poverty', which is a reflection of the ongoing practice fuelling discrimination against women in economic, political and social fields. After gaining independence, the country put a lot of efforts to develop during its transition. However, to date a majority of the country's population lives below the poverty line and most of the poor are women. The Special Rapporteur's report stated that the feminisation of poverty was deepening causing an increase in gender inequality. Furthermore, according to the Special Rapporteur, sexual harassment is not acknowledged and domestic violence is not a crime defined within the Criminal Code. Reports by women on crimes of domestic or sexual violence are low. Lacks of financial assistance and human resources have dire consequences on the capacity to respond and support victims of violence and trafficking. Though the National Plan of Action for Achieving

Gender Equality from 2002 – 2006, 2007 – 2010 and by 2020 and the National Programme on Human Rights 2002 – 2010 are great advancements but there are not sufficient resources in place to enable and implement these plans.¹¹³

5. Violence Against Women

As pointed out by the Committee, implementation needs a systemic approach. Through its gender-sensitive education policy along with equal access to education and women empowerment activities, Kyrgyzstan attempted to introduce a systemic approach to gender equality. In the shadow report submitted by the Forum of Women's NGOs of Kyrgyzstan, it was noted that the issue of violence against women is absent in educational programmes and institutions. The report linked "the prevailing prejudices about the sexes and the stereotyped gender roles, or gender discrimination in general" to "the lack of gender components or gender issues in the elementary and secondary school curricula".¹¹⁴ It concludes that if such components were integrated, and made mandatory, including making trainings available for future professionals, "it would allow for vital space needed to address the issues of violence against women and the provision of urgent assistance to people, victims of accidents and crimes". Furthermore, it would improve the overall understanding of the sensitivity of gender issue, women trafficking, norms of international law and the role of women in every day life.¹¹⁵

The Kyrgyz Republic Law on Social and Legal Protection Against Domestic Violence (2003) helps victims and aims to ensure the respect of human rights according to international standards. However, the Forum for Women's NGOs collected statistical data regarding violence against women stated in their shadow report that law enforcement was weak and that "government officials have failed to integrate this law into the everyday fulfilment of their duties." The shadow report backs up its findings with a study that monitored the situation. The findings show that incidents of domestic violence do not reach the courts and if they do, the courts often only issue warnings. The report stresses that violence against women is a disturbing reality in Kyrgyzstan where victims are often not aware of their rights or the legal interventions available in order to seek and receive help.¹¹⁶

110. UN Women, *National Review of the Kyrgyz Republic in the framework of the Beijing Declaration and Platform for Action*. (2009), http://www.unwomen.org/~media/Headquarters/Attachments/Sections/CSW/59/National_reviews/Kyrgyzstan_review_Beijing20_en.pdf, Accessed 20 July 2015.

111. UNHRC, *Special Rapporteur on Violence Against Women - Report, A/HRC/14/22/Add.2* (2010), http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.22.Add.2_en.pdf, Accessed 20 July 2015.

112. See here: <http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/SRWomenIndex.aspx>, Accessed 2 December 2015.

113. UNHRC, *Special Rapporteur on Violence Against Women - Report, A/HRC/14/22/Add.2* (2010), http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.22.Add.2_en.pdf, Accessed 20 July 2015.

114. Forum of Women's NGOs of Kyrgyzstan, *Shadow report to the 3rd periodic report (2008)*, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/Forum_WomensNGO_Kyrgyzstan42.pdf, Accessed 20 July 2015.

115. *Ibid.*

116. *Ibid.*

6. EWA Kyrgyzstan: Water and Sanitation

The national legislation of the Kyrgyz Republic provides guarantees for equal rights for women and men, including in terms of access to natural resources and health services, under several laws and technical regulations (e.g. the Law "on the Water", "Drinking Water", "on Environmental Protection", "General Technical Regulations on Ensuring Environmental Safety"). However, recognising gender discrimination in law and practice, WECF and local partners conducted a baseline study¹¹⁷ aiming at mending the gap through women's economic and political empowerment. Especially in rural communities, challenges such as lack of access to safe drinking water and sanitation exacerbate the rough living conditions in these poor and/or rural communities and have a direct impact on women's health.¹¹⁸ Of the total number of drinking water sources 234 (17.6%) did not meet the health standards and regulations.¹¹⁹ The highest level of contamination of tap water was found in the cities Osh, Karakol, in the settlements of Jalal-Abad, the Issyk-Kul and the Chui regions, especially in the rural water supply systems, with intakes from surface sources.¹²⁰ It is worth mentioning that non-piped water is not monitored.

According to WHO & UNICEF¹²¹, 89% of urban and 96% of the rural population have access to improved sanitation facilities. These figures mask the dire fact that 98% of the rural and 63% of the urban population rely on outdoor pit latrines¹²² which represents an inadequate situation especially for women in the continental climate with cold winters.

In general, the situation for women in rural areas is hard. Rural women are estimated to be twice as busy with household-activities in comparison to men. E.g. women are in charge of the water provision (72% of the respondents)¹²³. Because of their household duties, especially rural women, suffer the most from the lack of adequate infrastructure (energy, running water, sanitation and hygiene). The time consuming and intensive efforts required to

117. WECF, *Kyrgyzstan: Gender Livelihood and Socio Economic Study (2014)*, <http://www.wecf.eu/english/publications/2014/GenderLivelihood-Kyrgyzstan.php>, Accessed 2 December 2015.

118. *Ibid.*

119. WECF/Social Technologies Agency, *Analytical Recommendations, Gender Aspects of Access to Clean Drinking Water and Sanitation (2014)*, <http://www.wecf.eu/english/publications/2014/IWE-Publication.php>, Accessed 2 December 2015.

120. *Ibid.*

121. WHO/UNICEF Joint Monitoring Programme (JMP) for water supply and sanitation, *Kyrgyzstan: estimates on the use of water sources and sanitation facilities (1980 - 2015)*, <http://www.wssinfo.org>, Accessed 3 December 2015.

122. *Ibid.*

123. WECF, *Opportunities to Stimulate Local Communities through Sustainable Innovations for Home Comfort (2013)*, <http://www.wecf.eu/download/2013/June/HOMECOMFORTstudy.pdf>, Accessed 18 December 2015.



meet basic needs reduces the potential for further income earnings, which aggravates the precarious situation of households.

Young children and immune-weak people (including the elderly, and those with HIV-Aids) are at the greatest risk of becoming ill from diarrheal and parasitic waterborne illnesses. These increased cases of disease also increase workload of women, as in most cases women are the main care takers of sick family members.

People use water from rivers and irrigation canals, exacerbating the sanitary and epidemiological situation, this is often the cause of major outbreaks of infectious diseases (typhoid fever, paratyphoid fever, bacillary dysentery and hepatitis A) transmitted by water.¹²⁴ Poor water quality causes waterborne diseases that disproportionately affect children (81.6% of the diagnosed diseases concern children under 14, from which 40.6% - are less than one year old).¹²⁵

In case of the predominant sanitation situation of outdoor pit latrines, the lack of privacy (e.g. poor superstructure, no doors, no locks) in the facilities is of a greater burden to women than to men.

Women try to drink as little as possible during the day and often suffer from associated health problems such as urinary tract infections, chronic constipation and other gastric disorders. In rural areas, men often avoid using pit latrines where they are badly maintained (stench, dirt) and relieve themselves outside whilst women remain dependent on the pit latrines.

124. WECF/Social Technologies Agency, *Analytical Recommendations, Gender Aspects of Access to Clean Drinking Water and Sanitation (2014)*, <http://www.wecf.eu/english/publications/2014/IWE-Publication.php>, Accessed 2 December 2015.

125. *Ibid.*

An additional challenge for women and girls is menstruation hygiene management (MHM) when adequate WASH conditions are absent, e.g. a lack of sufficient and safe water for washing. A number of diseases can be caused by poor menstrual hygiene management. In rural areas, it is often difficult (or unaffordable) to purchase hygienic material to manage menstruation in a hygienic way, particularly in public spaces, in school and at the work place. An issue is also the embarrassment that prevents young girls and women sharing their questions about MHM, because there is a taboo to talk about it.¹²⁶

Due to the failure of the institutional organisation of rural drinking water, part of the water supply has deteriorated. Thus, in 35 villages where aqueducts were built by donors they are no longer functional.¹²⁷ Lack of structures and funds mean that improvements are not sustained in the long run and there is no monitoring system in place in rural areas. This leads to violations of the law and of the rights of citizens.¹²⁸ The state does not allocate funds for water supply since 1990, it relies on foreign aid, which indicates the absence of a state priority in this area.¹²⁹

A model in the rural areas are the Community Based Drinking Water User's Unions (CDWUU) which manage the small water supplies in some regions. Of 4175 individuals working in the CDWUUs women comprise only 18 %. Only 7 out of 433 CDWUUs all over the country are chaired by women; 10 women are deputy Chairs of CDWUUs. Thus representation of women at CDWUU level is extremely low. Even though, equal representation of men and women in the CDWUUs is known to improve management efficiency.¹³⁰

Gender mainstreaming into water resource management has been recognised in many bilateral and multilateral agreements at various level, such as the International Conference on the Population and Development (Cairo 1994), the Fourth World Conference of Women (Beijing 1996), UN Millennium Summit (New York 2000), the World Summit on Sustainability Development (Rio 92, Johannesburg 2002) and RIO+20 in 2012.¹³¹



The Kyrgyz society is very much male dominated. Women are generally underrepresented in governance and administration and play a smaller role in decision-making. Access of women and men to decision making on water issues at all levels is noted as unequal throughout the country. Only 2 women head the Urban Water Utility Companies "Vodocanal", meanwhile 80% of tariff collectors in the water utility companies are women.¹³²

Another worrying phenomenon affecting Kyrgyzstan is the significant decline in numbers of paediatricians, doctors in sanitary and epidemiological service etc.¹³³ Lack of access to proper health care combined with climate change and the rise in temperature leading to shortage and/or excess of water resources due to flooding will facilitate the development of diseases and their propagation thereby exacerbating the issues of public health.

In order to improve the situation, funding for maintenance of the water supply and sewage system must be allocated. Furthermore, there must be an increase in capacity at the national and local level to oversee the infrastructure revival that would allow access to a proper, clean and safe water supply. Ensuring easy access to clean water and sanitation would improve the population's health and alleviate the burden on women responsible for so many tasks linked to it. Kyrgyzstan with more than half of the country's population living in rural areas must do more to ensure access to safe drinking

126. WECF/UNDP Global Water Solidarity, *Improving Water and Sanitation through Decentralized Cooperation in the Republic of Kyrgyzstan* (2014), http://www.wecf.eu/download/2014/May/Kyrgyzstudyfinal_eng.pdf, Accessed 3 December 2015.

127. WECF/Social Technologies Agency, *Analytical Recommendations, Gender Aspects of Access to Clean Drinking Water and Sanitation* (2014), <http://www.wecf.eu/english/publications/2014/IWE-Publication.php>, Accessed 2 December 2015.

128. Ibid.

129. WECF/UNDP Global Water Solidarity, *Improving Water and Sanitation through Decentralized Cooperation in the Republic of Kyrgyzstan* (2014), http://www.wecf.eu/download/2014/May/Kyrgyzstudyfinal_eng.pdf, Accessed 3 December 2015.

130. Ibid.

131. Ibid.

132. Ibid.

133. WECF/Social Technologies Agency, *Analytical Recommendations, Gender Aspects of Access to Clean Drinking Water and Sanitation* (2014), <http://www.wecf.eu/english/publications/2014/IWE-Publication.php>, Accessed 2 December 2015.

water and sanitation for its people. Lack of access to water and adequate sanitation affects the health, which in turn affects working capabilities, education and thus can incur significant income loss. Knowledge sharing, education, training and resource management regarding water, health and sanitation need to be a part of the state's plan to ensure gender equality and women's rights.

In accordance with the UN Resolution "The human right to water and sanitation"¹³⁴, the access to clean water is considered a basic human right and a public good. Accordingly, its distribution and management should be under public control. Women should be included in decision-making and management of water resources. The importance of participation is also highlighted in the regional legally binding agreement the UNECE/WHO-EURO Protocol on Water and Health to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (1999)¹³⁵. This is the first legally binding agreement linking the sustainable management of water resources and the reduction of the number of diseases related to water. Despite the urgency of the problem for its population, Kyrgyzstan is still not a party to it¹³⁶, but has set first targets.

7. CEDAW Article 14

Article 14 of CEDAW requires all countries to ensure that the particular needs of rural women are met in relation to access to services, training and employment opportunities, and social equity schemes.

Challenges are multi-folded for women living in rural areas. About two thirds of Kyrgyzstan's population lives in rural areas. Living conditions are harsh, limited economic and education opportunities have impacts on men and women (i.e. forcing men to leave and look for work abroad), and poor access to resources, such as to safe water and energy lead to repercussions on people's health and capacity to live a decent life. The majority of the population is working in the agriculture sector, which continues to be the driving force of the economy. Land grabbing and land privatisation add to the growing poverty rate. Most of the poor are subsistence farmers and livestock breeders. Pressures on natural resources are increased by certain land management and cultivation activities. Furthermore, there is not sufficient access to services that could provide health care to livestock along with poor access to mar-

kets. Ultimately, financial burdens such as debts are an important reality in rural communities.¹³⁷

Traditional patriarchal systems continue to fuel discrimination against women, inter alia when it comes to inheritance – especially of land – which women so heavily depend on for agricultural purposes. As the second poorest country of Southern Asia¹³⁸, Kyrgyzstan's unemployment rate is significant and has therefore triggered migration of people leaving the country in search of work elsewhere. In consequence, several NGOs have been actively involved in changing the legislation to ensure that rural girls and women have access to land which provides them with opportunities to advance economically and socially.¹³⁹ Educating rural women, equipping them with skills and resources, not only benefit them but also the entire communities and ultimately the country as a whole. Assistance includes the empowerment of women through sustainable activities, e.g. establishing seed farms and self-help groups to support women's engagement and increase their access to resources.

The EWA programme in Kyrgyzstan aims to empower rural women to be actively engaged in tackling the challenges regarding access to safe water and sanitation. By providing gender leadership trainings, women are encouraged to rise to leadership positions in order to effectively contribute to the social-economic development of their communities and beyond.¹⁴⁰ During a meeting between WECF partners Social Technologies Agency (STA) and the Kyrgyz Members of Parliament in Kyrgyzstan in December 2013, it was noted that "there is a need to strengthen the monitoring system for sanitation and to develop mechanisms that guarantee equal access to safe drinking water and sanitation for men and women."¹⁴¹ It is urgent that words are turned into action not only to improve the situation of water and sanitation in the rural communities but also to prevent and mitigate the adverse impacts from climate change.

137. The International Fund for Agricultural Development (IFAD), *Rural Poverty Portal in the Kyrgyz Republic*, <http://www.ruralpovertyportal.org/country/home/tags/kyrgyzstan>, Accessed 2 December 2015.

138. UNICEF, *Central and Eastern Europe and the Commonwealth of Independent States - Kyrgyzstan*, http://www.unicef.org/arabic/hac2011/files/HAC2011_4pager_Kyrgyzstan_rev1.pdf, Accessed 20 July 2015.

139. UN Women, *News: In Kyrgyzstan we need to expand women's access to economic resources* (4 March 2014), <http://www.unwomen.org/ru/news/stories/2014/3/expanding-womens-access-to-economic-resources-in-kyrgyzstan>, Accessed 20 July 2015.

140. WECF, *EWA Kyrgyzstan: leadership trainings and the access to drinking water* (24 September 2014), <http://www.wecf.eu/english/articles/2014/09/ewa-kyrgyzpartner-caaw.php>, Accessed 24 July 2015.

141. WECF, *EWA Kyrgyzstan News: Kindle the interests of MPs on water and sanitation issues*, (24 September 2014), <http://www.wecf.eu/english/articles/2014/09/EWA-STApartner.php>, Accessed 24 July 2015.

The EWA partner, a rural women's association from Kyrgyzstan, ALGA submitted the following recommendations to the CEDAW Committee in 2013:

- *Adequate sanitation, warm water and energy belong to the basic infrastructure for a healthy economy. In order to bridge the divide between rural and urban areas and make the rural life more adequate and comfortable for women new and affordable technologies are needed.*
- *Sanitation, water supply and energy solutions should be supported in terms of financial incentives and an enabling policy framework.*
- *Political will and support is needed in order to introduce new technologies. Safe and sustainable sanitation is of national benefit. Given the enormous costs in public health every euro investment in sanitation can have a return rate 4.80 € on national level.¹⁴² Therefore in particular sanitation needs policy attention.*
- *Local authorities should consider providing low-interest micro-credits for technologies which help to improve the situation of rural women as the technologies have considerable benefits in the long run, economically as well as ecologically.*
- *Small-scale entrepreneurship is a key for long term and sustainable development. Continuous capacity development is useful to improve and sustain living conditions of rural women.*
- *Social financial mechanisms for non-commercial infrastructure or social housing in rural areas are needed. There are many financial institutions in the country, but they do not provide support for social needs of rural women.*
- *Pro-poor financial systems for basic infrastructure should be developed and promoted on national level.*

The Concluding Observations of 2015 of the CEDAW Committee reflect this recommendations by calling upon the States party to ensure equal participation of rural women and to combat poverty by taking action, "... including effective measures to ensure rural women's access to justice, education, health services, housing, safe drinking water, sanitation, formal employment, skills development and training opportunities, income-generating opportunities and microcredit,

142. See here: http://www.who.int/water_sanitation_health/publications/2012/globalcosts.pdf.

and ownership and use of land, taking into account their specific needs"¹⁴³.

8. Climate Change

Climate Change will impact on Kyrgyzstan's water resources. The US based Centre for Climate and Security summarises the situation in one sentence "Climate change complicates an already complicated situation."¹⁴⁴ The vital geographical location of Kyrgyzstan attracts a lot of movement through the country into Afghanistan, but also as a transit of the Silk Road. The Centre for Climate and Security states that the headwaters of many of Central Asia's major rivers are a critical source of fresh water for neighbouring countries besides Kyrgyzstan. Therefore, the water crisis, which is part of the focus of the EWA programme, is a regional concern. Climate change causes the glaciers to melt and strips the mountainous region of snow cover having a direct impact on the water supply. More and more conflicts are triggered by battles over scarce resources. In the case of Kyrgyzstan, these battles are fought over land and water resources. As mentioned in the baseline study by EWA, more than half of Kyrgyzstan's population lives in rural communities and lacks access to safe water supplies. These scarcities have the potential to trigger conflicts and clash due to the need to secure access to basic resources. In fact, Kyrgyzstan has been called the "water tower" of Central Asia because it is the source of a majority of the region's fresh water, which means it has a significant geopolitical value and its control will undoubtedly continue to attract interest and will be a source of great tensions. Research is limited in terms of gathering local data on glacier and studying water flow impacts. According to the Intergovernmental Panel on Climate Change (IPCC), by 2050, there will be an increase in winter precipitation in Central Asia but a decrease in summer precipitation. This projection is said to influence droughts in the summer and glaciers will continue to recede.¹⁴⁵ With such troubling forecasts, considering that there are even worse scenarios, such as a rise of 4 degrees Celsius in the next two decades, the impacts of climate change on the environment will intensify the challenges already faced by rural communities. Rural women are likely to be

143. UNHCR, CEDAW/C/KGz4, *Concluding observations on the 4th periodic report of Kyrgyzstan* (11 March 2015), http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=3&DocTypeID=5, Accessed 3 December 2015.

144. The Center for Climate and Security, *Exploring the security risks of climate change, Kyrgyzstan: Climate Change, water and security* (2012), <http://climateandsecurity.org/2012/05/25/kyrgyzstan-climate-change-water-and-regional-security/>, Accessed 24 July 2015.

145. Sorg, Annina, *EurekAlert, Researchers analyze melting glaciers and water resources in Central Asia*, (29 July 2012), http://www.eurekalert.org/pub_releases/2012-07/udg-ram072712.php, Accessed 24 July 2015.

significantly more affected and existing prevalent economic and political tensions will increase in the region.

According to the International Fund for Agricultural Development (IFAD), Kyrgyzstan is amongst the most vulnerable countries to climate change impacts in Central Asia. These impacts, which are intensifying and becoming more frequent, include drought, floods, river erosion and land/mudslides. Women are especially vulnerable to the impacts of climate change because of their traditional gender roles confine women to household chores that depend heavily on the availability of basic resources such as clean water. Their involvement in decision-making processes is limited, which restricts access to their valuable knowledge in coping or to innovative strategies in the wake of potential slow and sudden environmental challenges.¹⁴⁶ Women are important actors to encourage adaptation measures to climate change; however, they lack the support to gain additional knowledge or to exploit the opportunities to share existing skills, which could then become alternative income generating activities. Solutions such as solar greenhouses, solar dryers or electricity powered options would support women to strengthen their community and confront the challenges of climate change through innovative approaches.¹⁴⁷

9. Sustainability

According to the National Sustainable Development Strategy for the Kyrgyz Republic for the period of 2013 – 2017, which was developed as input for the UN SDG process, the aim is "a stronger democratic, secular state with stable political system, dynamically developing economy and steadily rising income of the population."¹⁴⁸ The plan focuses on lifting the country out of poverty and improving the quality of life. While all these ambitions are driven by development and economic appraisal, there is little in the strategy to ensure environmental safety, rural opportunities or on the scale of investment in renewable energy. Issues relating to women and gender concerns are mainly outlined in the section "Increasing the role of the family and gender development" and are not at all addressed in a cross-cutting way. The five-year plan is meant to be a transition phase towards sustainable development.

146. . *The International Fund for Agricultural Development (IFAD), The Gender Advantage: Women on the front line of climate change* (2014), <http://www.ifad.org/climate/resources/advantage/gender.pdf>, Accessed 24 July 2015.

147. *Ibid*

148. National Council for Sustainable Development of the Kyrgyz Republic, *National Sustainable Development Strategy for the Kyrgyz Republic* (2013), p.107.

The development initiatives include education and trainings that promote the development of 'green' projects, 'green' investment and 'ecoservices'.¹⁴⁹ Even though the plan is meant to channel economic and political decisions to be more conscious of sustainable implications regarding environmental health and to address the country's challenges such as corruption and poverty, core issues of rural sustainable development are not addressed. Without an integrated focus on women and environmental protection, not only climate change impacts will seriously impair the future of the people of Kyrgyzstan.

10. Conclusion

In the national legislation of Kyrgyzstan discrimination based on gender is forbidden, however, gender discrimination is embedded in cultural and traditional patriarchal approaches present in the urban and even more in rural areas. For example, only registered marriages are recognised which exclude women and girls who have been forced into marriages but are not registered leaving them with no legal rights regarding joint property, inheritance or divorce. Violence against women, trafficking and forced marriages are realities and the legal system does not have the capacity to provide effective measures to tackle these problems. Support for women who find themselves in these situations is limited and consequently, victims often decide not to involve authorities, as they do not act upon their claims. Rural women are often excluded from inheritances that traditionally trickle down to the men of the family and household. The CEDAW Committee observed that women are often not aware of their rights, for example to land, and encouraged the government to implement campaigns to educate women in this regards as well as to develop skills for agricultural advancement. NGOs play an important role in Kyrgyzstan in providing such trainings, education and protection for women. However, these commendable initiatives even if effective are sadly underfunded. Kyrgyzstan is trying to adhere to the recommendations made by the international community, but faces the challenging task of both fostering economic development and ensuring environmental protection. In such case, economic development often outweighs the focus on sustainability even though it should be a combined approach. However, the focus on gender equality, women's empowerment, educational, political and social opportunities in conjuncture with sustainable development would address the root causes of poverty and advance the country towards a sustainable future.

149. UN, *Sustainable Development Knowledge Platform, Mainstreaming Sustainable Development in National Development Strategies: Kyrgyz Republic*, <http://sustainabledevelopment.un.org/content/documents/3911Kyrgyzstan.pdf>, Accessed 24 July 2015.



E. Tajikistan



1. History Timeline

1860-1900 - Tajikistan divided, with the north under Tsarist Russian rule while the south is annexed by the Emirate of Bukhara • **1921** - Northern Tajikistan becomes part of the Bolshevik-designated Turkestan Autonomous Soviet Socialist Republic (ASSR) • **1924** - Tajik ASSR set up by Soviets and becomes part of the Uzbek Soviet Socialist Republic (SSR) • **1970s** - Increased Islamic influence, violence towards non-indigenous nationalities • **1978** - Some 13,000 people take part in anti-Russian riots • **1991** - Independence. Supreme Soviet declares Tajikistan independent from the Soviet Union; Rahmon Nabyev, Communist leader during 1982-85, wins Tajikistan's first direct presidential election • **1992** - Anti-government demonstrations in Dushanbe escalate into civil war between pro-government forces and Islamist and pro-democracy groups. Violent demonstrations force Nabyev to resign in September; Imomali Rahmonov, a pro-Nabyev communist, takes over as head of state in November • **1993** - Government re-establishes control, suppresses political opposition and imposes strict media control; Supreme Court bans all opposition parties, leaving the Communist Party of Tajikistan as the only legal party; **1994** - Rahmonov elected president in election deemed by inter-

national observers as neither free nor fair • **1996** - Islamist rebels capture towns in south-western Tajikistan; UN-sponsored ceasefire between government and rebels comes into effect • **1997** - Government and rebel United Tajik Opposition sign peace accord • **1999** - Rahmonov re-elected for second term • **2003** - Referendum: allowing President Rahmonov to run for further two consecutive seven-year terms after the one ending in 2006 • **2004** - Parliament approves a bill abolishing the death penalty. Leader of opposition Democratic Party, Mahmadrusi Iskandarov, arrested in Moscow at request of Tajik prosecutor's office • **2005** - Ruling party wins overwhelming victory in parliamentary elections. International observers say poll fails to meet acceptable standards • **2005** - Opposition leader Mahmadrusi Iskandarov sentenced to 23 years in jail on terrorism and corruption charges • **2006** - President Rahmonov wins a third term • **2008** - Tajikistan appeals for aid after suffering its worst winter in 50 years as well as an energy crisis • **2010** - President Rakhmon's People's Democratic Party wins an overwhelming majority in parliamentary elections. International monitors say widespread fraud took place • **2010** September - Suicide car bomb attack on police station; Islamists kill 23 soldiers in an ambush • **2011** - Tajikistan set-

ties a century-old border dispute with China by agreeing to cede some land • **2012** – Tajikistan accuses Uzbekistan of an economic blockade, citing gas supply cuts and rail freight curbs. Tensions are high over a Tajik dam that Uzbekistan fears will restrict irrigation water supplies • **2013** – Several websites, including Facebook and Radio Free Europe, are blocked • **2013** – President Rakhmon gains another seven years in office following elections.¹⁵⁰ • **2015** – Parliamentary elections were held; observers did neither judge them free nor fair.

2. History and Politics

Tajikistan is located west of China and south of Kyrgyzstan in Central Asia. About 85% of the countries' 8 millions population are Sunni Muslims.¹⁵¹ In the 1860's the Tajik People came under Russian rule and in 1923 became the autonomous Soviet Socialist Republic within Uzbekistan. Like Georgia and Kyrgyzstan, Tajikistan gained its independence after the fall of the Soviet Union in 1991. Almost instantly thereafter, Tajikistan went through a violent civil war driving the non-Muslim population to flee the country. It was a battle rooted in clinging on to communism versus Islamic and democratic alliances. The civil war, which began in 1992 and lasted until 1997, triggered massive ethnic cleansing especially targeting Russians and Jews with a death toll soaring up to 100,000 people. More than a million people became refugees and internally displaced.¹⁵²

Since 1994, Imomali Rahmonov leads the government, and after being re-elected four times, he is in power up until today. By 1997, an anticipated cease-fire was agreed between the United Tajik Opposition and Imomali Rahmonov, who became president. The United Nations initiated a peace agreement and the war was finally ended. Not only did the civil war worsened the economic situation, making the country dependant on foreign aid. Its geographical location turned it into a drug transit hub of Afghan heroin and opium being sold to Europe and other markets.¹⁵³

There are no legal restrictions for women in politics; however, there are hardly any women in political positions. Cultural and social attitudes towards women keep them at home rather than in politics. It is difficult for women to participate in elections due to a combination of factors (e.g. lack of support as well as customs); they also hinder women in presenting themselves as candidates. Furthermore, family voting is an accepted practice, but it is usually men who are allowed

to vote for their entire family (known as proxy-vote). This does not allow women to even choose women candidates let alone candidates whom they believe would represent their rights.¹⁵⁴

The first woman to run in a presidential race was Oinihol Bobonazarova. She is the director of the non-governmental organisation Perspective-Plus, which advocates for the rights of prisoners, labour migrants, and women.¹⁵⁵ In 1990, she was placed under house arrest for her active opposition and in 1993 she was jailed for her work with the Democratic Party. The Tajik opposition nominated Bobonazarova to run for presidency during the 2013 elections. It provoked a shock to the conservatives in the country to see a woman running and publicly raising the importance to empower women in Tajikistan.¹⁵⁶ Bobonazarova dropped eventually out of the race claiming that the police interfered with her campaign and that governmental institutions hindered her in registering as candidate.¹⁵⁷

According to GenderWatch, the small number of women active in politics reflects the impacts of strong cultural and traditional norms combined with the poor economic situation.¹⁵⁸ Currently women hold 10 out of 63 seats or 15.9% in parliament in the lower or single house. In the upper house or Senate women hold 4 out of 34 seats or 11.8%.¹⁵⁹

The Tajik government in under the watchful eyes of the international community for the repressive laws, restrictions of the media, discrimination against women and allegations of torture. International watch groups have called Tajikistan a "country of concern". According to a Human Rights Watch Report of 2013, Tajikistan's respect of human rights is 'poor'; the report also concluded that violence against women is widespread.¹⁶⁰

154. European Forum for Democracy and Solidarity, *Tajikistan, Women in Politics* (2013), <http://www.europeanforum.net/country/tajikistan>, Accessed 31 July 2015.

155. Eurasianet.org, *Tajikistan: Surprise Presidential Candidate Shakes Up Political Scene* (25 September 2013), <http://www.eurasianet.org/node/67549>, Accessed 31 July 2015.

156. Europe European Forum for Democracy and Solidarity, *Tajikistan, Women in Politics* (2013), <http://www.europeanforum.net/country/tajikistan>, Accessed 31 July 2015.

157. Euroasianet.org, *Tajikistan's Opposition Challenger Forced Out of Presidential Race* (11 October 2013), <http://www.eurasianet.org/node/67616>, Accessed 31 July 2015.

158. EU GenderWatch, *A Gender Analysis of EU Development Instruments and Policies in Tajikistan Representing Central Asia*, (2007), http://www.neww.org.pl/download/EU_GenderWatch_Tajikistan.pdf, Accessed 31 July 2015.

159. Inter-Parliamentary Union, *Women in National Parliament* (1 August 2014), <http://www.ipu.org/wmn-e/classif.htm>, Accessed 31 July 2015.

160. Human Rights Watch, *World Report 2013: Tajikistan* (2013), <http://www.hrw.org/world-report/2013/country-chapters/tajikistan?page=1>, Accessed 31 July 2015.

3. CEDAW – Periodic Reports, Concerns and Recommendations

Ratified CEDAW: 26 October 1993¹⁶¹

Ratified Optional Protocol: 22 July 2014¹⁶²

(without accepting the procedure of individual complaints and the inquiry procedure)

Periodic Report	Due	Received	Examined	Report
Initial Second Third Report	25 October 2012	5 May 2005	7 June 2005	CEDAW/C/TJK/1-3
Fourth/Fifth Report	30 November 2010	4 August 2011	21 March 2012	CEDAW/C/TJK/4-5

Tajikistan's accession to CEDAW took place in 1993. Their initial report was due in 2002, but was not submitted until 2005. This resulted in the initial report being merged with the second and third periodic report. The Committee examined the overdue report in 2007.¹⁶³ The government of Tajikistan in its report to the Committee highlighted that the civil war had ravaged the economy and hampered the democratic and lawful process of development. The report stressed that the Constitution states that men and women are equal under the law with equal rights. Furthermore, it asserted that after the country had ratified CEDAW, the Convention was disseminated amongst the population including students, scholars and state employees. Tajikistan acceded to several international human rights treaties, including inter alia the Convention on the Political Rights of Women in 1999, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (supplementing the Convention against Transnational Organized Crime, 2002), the Convention against Discrimination in Education and the following ILO Conventions: Convention concerning the Employment of Women on

161. United Nations Human Rights, Office of the High Commissioner for Human Rights, *Reporting Status by Tajikistan*, http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=TJK&Lang=EN, Accessed 31 July 2015.

162. Ibid.

163. UN Women, *CEDAW 37th Session (15 January – 2 February 2007), Initial Reports Tajikistan*, <http://www.un.org/womenwatch/daw/cedaw/37sess.htm>, Accessed 31 July 2015.

Underground Work in Mines of All Kinds (No. 45), Convention regarding the Reduction of Hours of Work to Forty a Week (No. 47) and the Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (No. 100).¹⁶⁴

The 1998-2005 National Plan of Action for the Advancement of Women of the Republic of Tajikistan and for the Enhancement of the Status and Role of Women's main purpose was to set up crisis centres to provide psychological support for women victims of violence.

The report stressed that NGOs were involved in providing this support.

The "Guidelines for a State policy to ensure equal rights and equal opportunities for men and women of the Republic of Tajikistan for the period of 2001 – 2010" aimed at addressing violence against women by updating legislation, introducing stricter punishment, addressing the issue of law enforcement institutions being involved in preventing and reporting cases of violence against women and providing care for women who suffered from physical and/or psychological harms.

The Committee of Women's and Families' Affairs was established in 1999. The purpose of this Committee is "to promote and implement a policy for the advancement of women in all spheres of the public life of the State." The National Plan of Action for the Enhancement of the Status and Role of Women's (1998 – 2005) main purpose was to advance women's equal rights in health and education and their economical and educational opportunities in order to improve women's standard of living. The National Plan also called for action to prevent violence against women and to decrease the harmful affects of environmental risks on women's health. The Strategic Plan for Reproductive Health of the Public (2004 – 2014) goes further and aimed at improving social policy concerning health care and creating measures in order to ensure reproductive rights and family planning.

164 Ibid.



Tajikistan submitted their fourth and fifth combined report in 2011. The report reiterated that the constitution is based on equality between men and women and further highlighted additional regulations of both the Labour and the Criminal Codes. The aim was to show adherence to the gender equality expectations of the international community. Despite new laws and encouraging steps towards ensuring gender equality, the Committee was disappointed with the lack of mechanisms to effectively implement the laws. The Committee was very concerned that indirect discrimination against women continues to be widespread and that the country has not done enough to weed out stereotypes that keep women underrepresented at political level for example and that women are less able to access higher positions, be it in politics or other realms. The Committee was not convinced that the Convention has gained proper footing in the country and that many Tajiks are aware of women's human rights. Furthermore, the Committee challenged Tajikistan to advance on women's rights and gender equality by adopting a National Plan that focuses on the implementation of the Committee's recommendations and that ensures a "legal culture supportive to non-discrimination and the equality of women."¹⁶⁵

4. Gender Equality in the National Law

Equality between women and men is mentioned throughout Tajikistan's Constitution. However, there are limited mechanisms that ensure proper implementation of the equality policies. The

government was not successful in promoting societal change in order to break traditional stereotypes, such as the traditional women's role to stay at home. Reforms of state policies could be a trigger to raise the ambitions for women's economic and political opportunities. This was attempted in 1991 through the establishment of the Committee on Women's and Family Affairs under the Government of the Republic of Tajikistan. The Committee aimed to increase the status of women in the society especially in the sphere of social issues and employment as well as improving women's economic situation and access to health.¹⁶⁶

The first National Plan of Action for the Advancement of Women of the Republic of Tajikistan and for the Enhancement of the Status and Role of Women was approved in 1998 for the time frame of 1998-2005. The Action Plan resulted in the adoption of the Law on Reproductive Health and Reproductive Rights in 2002 and the Poverty Reduction Strategy Paper in the Republic of Tajikistan, also in 2002.¹⁶⁷ However, the overall implementation of programmes, plans and aims is very slow and results are not consistently measured. According to GenderWatch, the "implementation of the plan was mainly done by state structures and no representatives of civil society or independent experts were present."¹⁶⁸ The National Plan from 2001 – 2010 represented the main strategic document of the State Policy for Ensuring Equal Rights and Opportunities of Men and Women in the Republic of Tajikistan.

166. EU GenderWatch, *A Gender Analysis of EU Development Instruments and Policies in Tajikistan Representing Central Asia* (2007), http://www.neww.org.pl/download/EU_GenderWatch_Tajikistan.pdf, Accessed 31 July 2015.

167. *Ibid.*

168. *Ibid.*

165. UNHCR, *Concluding Observations, CEDAW/C/TJK/CO/4-5, Tajikistan* (2013), http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/TJK/CO/4-5&Lang=En, Accessed 31 July 2015.

This plan's main objective was to include state programmes that laid out a new effort to enhance gender policy, financing and evaluating the progress. Some of the progressive steps included the adaptation of the 2005 Law on State Guarantees of Equal Rights and Opportunities for Men and Women.

The state has taken a number of positive measures to promote gender equality through the adoption of the laws and strategies, such as the National Strategy for the advancement of the role of women in the Republic of Tajikistan for 2011-2020 (2010) and the approved Presidential Grants for Women Entrepreneurs (2008-2011).¹⁶⁹ However, in their shadow report, the Public Organisations of Tajikistan raised concerns around funding and implementation. According to this shadow report, enforcement mechanisms are absent thus measuring progress was very difficult.¹⁷⁰ According to the same report, problems of women's employment and women's entrepreneurship development are linked to the non-competitiveness of women, and one of the major factors that reduces the potential of women in the labour market is a lower level of education.¹⁷¹

While the government has taken steps over the years to improve gender equality through policy and legislation amendments, more needs to be done to bridge the gap between theory and practice. To progress with the legal aspect of gender equality without enforcing and/or implementing existing rights is counterproductive. As CEDAW mentions in the review of the fourth/fifth Periodic Report of Tajikistan, the Committee is concerned that the Convention is not properly implemented, thus it calls upon the States party "to adopt a comprehensive legal definition of discrimination against women, in accordance with article 1 of the Convention, covering both direct and indirect discrimination in the public and private spheres, in its Constitution or other appropriate national legislation."¹⁷² The Committee provided several recommendations especially regarding the government's responsibility to do more towards the implementation of policies and laws. The Committee awaits Tajikistan's sixth periodic report by 2017 with high hopes of improvement of the country's gender equality aims.¹⁷³

169. Coalition of NGOs of Tajikistan (2012), *The Second Shadow Report on the Realization of the Convention on the Elimination of All Forms of Discrimination Against Women by Public Organizations of Tajikistan*, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/CoalitionOfNGOs_Tajikistan_Sub-Short_PSWG_CEDAW56.pdf, Accessed 29 July 2015.

170. *Ibid.*

171. *Ibid.*

172. UNHCR, *Concluding Observations, CEDAW/C/TJK/CO/4-5, Tajikistan*, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/TJK/CO/4-5&Lang=En, Accessed 31 July 2015.

173. *Ibid.*

5. Violence Against Women

According to Amnesty International's annual human rights report (2013): "between a third and a half of all women in Tajikistan have experienced physical, psychological or sexual abuse by husbands or other family members".¹⁷⁴ Although the government has made attempts towards alleviating domestic violence and violence against women, services to protect, support and shelter women are scarce. Due to the lack of action taken and the risk of family vengeance, women are apprehensive to report incidents of violence. Consequently, there is no action taken against the person responsible of this crime. Furthermore, domestic violence is considered a family matter rather than something the authorities should get involved with.¹⁷⁵ In December 2013, the law on preventing domestic violence was adopted.¹⁷⁶ The Domestic Violence Law provides assistance to victims through legal and medical and mental services. Furthermore, others can report abuse to women, not only the victim, allowing law enforcement authorities to involve eyewitnesses in order to identify abusers.

Under the Family Code only registered marriages are properly protected. UN Women reports that women in religious marriage without a registered marriage can be forced to leave their home – an unfortunate gap in the system that has been affecting many women.¹⁷⁷ Crisis and shelter centres have to care for a huge number of victims of violence and abuse leaving unregistered marriages, who cannot rely on the legal system, A new legal amendment allows for women to gain entitlements, including property and inheritance, despite their marriage being unregistered. The Criminal Code of the Republic of Tajikistan will provide for elements of an offence (falling under the category of discrimination against women) to include "rape, sexual assault, forced sexual acts, sexual intercourse or other acts of a sexual nature with persons who have not reached the age of 16, sexual abuse, groundless refusal to hire or groundless dismissal of a woman who has a child under the age of three".¹⁷⁸

174. Amnesty International, *Human Rights Report Tajikistan – Violence against women* (2013), <http://www.amnestyusa.org/our-work/countries/europe/tajikistan>, Accessed 31 July 2015.

175. *Ibid.*

176. *Ibid.*

177. UN Women, *Tajikistan moves towards a law to prevent domestic violence* (1 March 2013), <http://www.unwomen.org/en/news/stories/2013/3/tajikistan-moves-towards-a-law-to-prevent-domestic-violence>, Accessed 31 July 2015.

178. UNHR, *CEDAW considers report of Tajikistan* (2013), <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=13843&LangID=E>, Accessed 31 July 2015.

While reviewing Tajikistan's fourth and fifth periodic reports, the Committee recognised the positive development and the efforts to address the recommendations made. However, traditional gender roles and stereotypes continue to make the elimination of violence against women a lengthy process. The need to raise more awareness through media, education and trainings remains an imperative.

6. CEDAW Article 14

Article 14 of CEDAW requires all countries to ensure that the particular needs of rural women are met in relation to access to services, training and employment opportunities, and social equity schemes.

Over two-thirds of Tajikistan's population live in rural areas and there is a development of 'ruralisation'.¹⁷⁹ In the country's combined fourth and fifth periodic report, the state mentioned the Agricultural Policy Framework that was adopted in 2008, which established working groups on gender issues and focuses on women's participation in agriculture and its development.¹⁸⁰ Furthermore, the report stated that the National Bank is "doing all it can" to ensure equal rights to men and women regarding access to credit. It is difficult for rural women to access credit schemes and women remain financially dependant on men who are usually the head of the household. Due to economic challenges, many men have migrated for work and have left women to take over most family responsibilities, including household tasks, farm work and securing additional income. As a result, rural women have little time and fewer chances to access education, and make the most of other economic and political opportunities. The Shadow Report submitted by the Public Organizations of Tajikistan¹⁸¹ mentioned specific issues that affect rural women. Amongst these issues are the "underdevelopment of the infrastructure in rural areas, the domination of patriarchal attitudes and the pressure of gender stereotypes, the low levels of education, the overall lack of knowledge about some progress made on the legislative framework regarding women's rights, and their access to land."¹⁸² The Shadow Report also concluded that legislation re land and land laws require further improvement through

gender mainstreaming and agricultural reform. Furthermore, it recommended improving the capacity of policy makers to address gender issues and raise awareness about the issue, to introduce gender-sensitive monitoring and evaluation options for policies through the use of quantitative and qualitative indicators. Throughout the report, the importance to involve women in decision-making, especially in farm restructuring and land distribution cases was repeatedly stressed. Furthermore, women should be provided with relevant trainings on agricultural issues as well as for professional development.¹⁸³

7. EWA Tajikistan: Land Rights

The definition of "access to land" is: "a person can use land for purposes of cultivation, property or housing although the person does not necessarily have to have legal rights to do so."¹⁸⁴ According to the International Fund on Agricultural Development (IFAD), the poorest people in Tajikistan are living in rural areas and most are landless, unemployed or underemployed.¹⁸⁵ Historically and to date, owning land has been a source of wealth reserved to a small percentage of the population. It means wider social inclusion is a prerequisite to influence decision-making processes in rural communities.¹⁸⁶ Possessing land gives access to resources, such as water, and ensures food security. Landlessness prevents people from enjoying their human rights, fulfilling their basic needs, and ultimately it means denying them the ability to progress economically and socially. Considering the significant number of female-headed households in Tajikistan's rural areas, the lack of a gender analysis of access to land (e.g. lack of sex disaggregated data) and the lack of action by the government to improve the situation means women's condition remains dire.

Similarly, the EWA baseline on Gender Livelihood and Socio Economic Study in Tajikistan¹⁸⁷ assesses the impact of male migration on women, leaving them responsible for the family, in-laws, household, crops and family plot of land despite their lack of access to the necessary resources and skills to engage in all these

new activities. Furthermore, access to essential needs such as safe drinking water, sanitation and sources of energy is a continuous problem that challenges these women on a daily basis. The study shows that women face difficulties obtaining the necessary credits to enable them to, for example, purchase land, buy materials or start their own business. According to the baseline study, personal funds and savings are used to invest in agricultural activities. Farmers lack access to water, arable land, energy sources, fertilizers and seeds – these issues combined further diminish the farmers' ability to improve their livelihoods, economic situation, but also negatively impact on their health and education opportunities.¹⁸⁸ It is a vicious circle, which negatively reinforces itself.

Article 2 of Tajikistan's Constitution as well as the Civil Code state that land and its natural resources are state property. According to Article 71 of the Land Code every family is entitled to a 'household plot' of up to 0,12 hectares of irrigated land and up to 0,25 hectares of dry land – however this is not always implemented and women are not often aware that they do have the same rights.¹⁸⁹ Of particular interest is the "Law on Dekhan Farms" which provides every Tajik citizen the right to establish a dekhan farm (family type farm) by applying for a Land Use Certificate. In theory, women and men are eligible for the land use title, however, in practice women do rarely hold such a title.¹⁹⁰

Due to the male mass migration in search of economic opportunities outside of Tajikistan there has been an increase in women managing land. Equipping women with the necessary skills to manage agricultural production and supporting them with access to finances would trigger women's empowerment. It would also ensure better food security, launch entrepreneurial opportunities, enhance participation in community decision-making processes and finally enable women to progress economically.¹⁹¹ In a research paper conducted to analyse Tajik's women's access to land and financial resources it was found that "individual land property rights have the potential to empower women by strengthening their position in intra-household decision-making

and by reducing their economic dependence on male family members and the exploitation of their labour."¹⁹²

Between 2001 and 2008, a gender analysis of the legislation on family, land and labour law was undertaken as part of a joint project and with the support of UNIFEM, UNICEF and OSCE. It revealed many gaps within the legislation and policy framework and partly provided an impetus for national solutions to various discriminatory practices and policies, e.g. the State Programme "Access of Rural Women to Land"¹⁹³, including the establishment of local legal advice centres, was adopted in the consequence of the project. Furthermore, since 2007 the Agency of Statistics has been publishing an annual statistic "Gender Indicators of Economic Activities of Dekhan Farms", which allows a gender assessment of the performance of dekhkan farms¹⁹⁴.

However, many problems are still existing; one main challenge is the distribution of Land Use Certificates which are often only given to the head of the household, traditionally to a man. Other gender stereotypes cultivated by religious or traditional practices hinder women to make use of their right to land. Even though the number of women with access to land (dekhan farm) has risen, women with registered Land Use Certificates still represent less than 10 per cent of the Tajik population (data from 2010)¹⁹⁵. Research of several Tajik NGOs¹⁹⁶ shows that the missing link in law between the Land Use Certificate and matrimonial property law is an obstacle. The spouse (male or female) of a formal landholder who received the Land Use Certificate during the marriage has no right to the land despite his or her contribution while working on it during the existence of the marriage. When the title owner disposes the land right, in particular while taking on a mortgage, the other spouse has no influence whatsoever on this decision. In the case of a divorce the land title cannot be split. If the titleholder deceases the other spouse cannot inherit the title. Experience shows that the same applies when a man migrates to another country: the Land Use Certificate cannot be transferred to the

179. Al'yich Imshenetsky, Aleksandr, *Encyclopedia Britannica, Tajikistan* (3 December 2013), <http://www.britannica.com/EBchecked/topic/581047/Tajikistan/73597/Settlement-patterns>, Accessed 31 July 2015.

180. UNHRC, *CEWAW, Concluding Observations, CEDAW/C/TJK/CO/4-5* (2013), http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/TJK/CO/4-5&Lang=En, Accessed 29 July 2015.

181. Coalition of NGOs of Tajikistan (2012), *The Second Shadow Report on the Realization of the Convention on the Elimination of All Forms of Discrimination Against Women by Public Organizations of Tajikistan*, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/CoalitionOfNGOs_Tajikistan_Sub-Short_PSWG_CEDAW56.pdf, Accessed 29 July 2015.

182. *Ibid.*

183. *Ibid.*

184. Pereira Rezende Teixeira, Alessandra, *International Human Rights in Land as a Tool to Empower Women in Post-Conflict Countries*, Faculty of Law Lund University (2011), <http://lup.lub.lu.se/luur/download?func=downloadFile&recordId=2155103&fileId=2198993>, Accessed 3 August 2015.

185. Rural Poverty Portal, *Rural Poverty in Tajikistan* (2010), <http://www.ruralpovertyportal.org/country/home/tags/tajikistan>, Accessed 3 August 2015.

186. Pereira Rezende Teixeira, Alessandra, *International Human Rights in Land as a Tool to Empower Women in Post-Conflict Countries*, Faculty of Law Lund University (2011), <http://lup.lub.lu.se/luur/download?func=downloadFile&recordId=2155103&fileId=2198993>, Accessed 3 August 2015.

187. WECF, *Tajikistan: Gender Livelihood and Socio Economic Study* (2014), http://www.wecf.eu/download/2015/February/finalfinalTajikistanbaseline30_1_2015.72DPI.pdf, Accessed 3 August 2015.

188. *Ibid.*

189. Knuth, Lidija, *Institutional, Policy and Legislative Framework of Food Security of Tajikistan* (2008), FAO, <http://www.fao.org/docrep/016/ap600e/ap600e.pdf>, Accessed 3 August 2015.

190. Stock, Anke, *Paper for the 3rd UNITAR-Yale Conference on Environmental Governance and Democracy, 5-7 September 2014, Human Rights, Environmental Sustainability, Post-2015 Development, and the Future Climate Regime, Women's Right to Land and Its Cross-Cutting Nature: Experiences from Tajikistan and a Human Rights Based Sustainable Development Framework*.

191. Shahriari, Helen; Danzer, Alexander; Giovarelli, Renee, *Improving women's access to land and financial resources in Tajikistan*. World Bank (2009), <http://siteresources.worldbank.org/INTTAJIKISTAN/Resources/CombinedGenderESWreportENG.pdf>, Accessed 3 August 2015.

192. *Ibid.* p. 26.

193. Coalition of NGOs of Tajikistan (2012), *The Second Shadow Report on the Realization of the Convention on the Elimination of All Forms of Discrimination Against Women by Public Organizations of Tajikistan*, p.51.

194. *Ibid.* p.52.

195. Committee on the Elimination of Discrimination Against Women, *CEDAW/C/TJK/4-5, 2012, Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women, Combined Fourth and Fifth Periodic Report, Tajikistan*, para.193.

196. Coalition of NGOs of Tajikistan (2012), *The Second Shadow Report on the Realization of the Convention on the Elimination of All Forms of Discrimination Against Women by Public Organizations of Tajikistan*, p53 and Kuvatova, A., 2014, *Women and Farming, Women in Europe for a Common Future, The Netherlands, Youth Ecological Center, Tajikistan*, p20.

woman who stays behind often with her children, parents and in-laws. This situation creates enormous problems for the women who stay at home having to provide for their families. Given the peculiarity of land rights in Tajikistan, namely the absence of private ownership, the disposal of the right to use land and the division of property upon the dissolution of a marriage (by death or divorce) have to be addressed adequately in order to secure the right to land.

As mentioned above, since the land is owned by the state, only farmers can obtain long-term land use rights. The "Presidential Land" (see decree by the President in 1995 and 1997) allows land plots to be used by households for the purpose of alleviating poverty in rural areas – a situation that seems to be deteriorating.¹⁹⁷ However, women receive only between 12 and 15% of state and presidential allocated land and only "inherited land in less than one out of seven cases".¹⁹⁸

On the other hand, research found that women are creating collective collaboration and share their equipment.¹⁹⁹ Through these supportive associations, women are able to share their utensils, practical skills and wider knowledge with each other.

The EWA programme encourages this support by providing essential trainings to contribute to the economic and political empowerment of rural women. WECF has been active in promoting policy campaigns for agricultural reforms. The EWA programme has held gender trainings for men and women²⁰⁰ as well as leadership trainings, which are considered to lay ground for a sustainable and long-term path in achieving gender equality. Gaining access to leadership tools allows women to grasp gender concepts and obtain skills that they can pass on within their community. Recognising that women's access to land is essential for a sustainable development and the alleviation of poverty, the EWA programme focus mainly on exploring ways to enable women to gain access to resources, such as land. Furthermore, raising awareness and providing education to these women about their rights under the law allows them to make use of those rights, for example to get access to some land in order to start a small farm. To tackle the "feminisation" of poverty it is important to address all of these issues holistically (e.g. increasing legal awareness, enabling women's access to land, development of skills, information and

knowledge through training, access to credit). In other words, empowering women and giving them the opportunity to fully participate in economic and social realms benefit not only women but also entire families. It provides a way out of poverty for those families – all of which are essential steps towards gender equality in Tajikistan.

8. Climate Change

Tajikistan is a mountainous country and nestled in a seismic belt that is known for disastrous earthquakes. Climate change is already gripping the country with droughts and extreme weather impacts that particularly affect impoverished rural communities. The increasing temperatures are causing glaciers to melt and triggering water shortages. These impacts have major influence on the lives of the Tajik population. Climate change has the potential to bring about more difficulties to an already vulnerable country and will directly impact on rural communities, which are struggling to secure land, adequate access to water and resources.²⁰¹

According to an extensive research conducted by Oxfam regarding climate change and poverty in Tajikistan²⁰², there is a need to raise awareness on climate change, its causes and consequences. This is necessary to allow the population to participate in mitigating the effects of climate change and also in adapting to the changes taking place, but also to trigger additional research and policy plans that can provide mitigation and adaptation suggestions tailored to local needs. Climate adaptation planning and disaster risk reduction need to become a focus in the government and have to be mainstreamed in all sectors of society and national planning, it must be given the necessary national budget to implement more sustainable development while lifting the population out of poverty.²⁰³ Although the government of Tajikistan is aware of the potential and harmful impacts climate change may cause on the already vulnerable and impoverished country, it lacks adequate resources to respond to this threat. The lack of funding and lack of capacity to cope with the challenges, along with the absence of data, research and solutions, represent a huge undertaking for the government.

Another major concern is the rise of temperature since this affects the glaciers and thus the water supply. Water is already scarce and agriculture relies heavily on it. Tajikistan's glaciers provide for nearly

197. WECF, *Tajikistan: Gender Livelihood and Socio Economic Study (2014)*, p. 35, http://www.wecf.eu/download/2015/February/finalfinalTajikistanbaselin e30_1_2015.72DPI.pdf, Accessed 3 August 2015.

198. *Ibid.* p. 35

199. *Ibid.*

200. *Women in Europe for a Common Future*, WECF organises gender trainings in Tajikistan, (13 May 2013), http://www.wecf.eu/english/articles/2013/05/gender_training_tajikistan.php, Accessed 4 August 2015.

201. UNDP, *National Human Development Report 2012, Tajikistan: Poverty in the Context of Climate Change*, http://hdr.undp.org/sites/default/files/tajikistan_2013.pdf, Accessed 4 August 2015.

202. Oxfam International, *Reaching Tipping Point? Climate Change and Poverty in Tjikistan (2010)*, <https://www.oxfam.org/en/research/reaching-tipping-point-climate-change-and-poverty-tajikistan>, Accessed 4 August 2015.

203. *Ibid.*



20% of the runoff that feeds into the river systems, which farmers depend on during the summer season. The melting of the glaciers has the potential to trigger serious droughts.²⁰⁴ Likewise, severe cold has damaged the water system in previous years, causing pipes to freeze and making it difficult to access drinking water. The Tajikistan National Action Plan for Climate Change Migration stated: "water needs for irrigation of basic agriculture crops will rise by 20-30 per cent compared to present climate conditions."²⁰⁵

In other words, Tajikistan does face much adversity to its fragile state and access to valuable resources. Without a proper response to climate change, adequate financial commitments and approaches towards sustainable development being drawn, the country will continue to face serious problems. It is important that the entire nation is involved in tackling this challenge with women being given an equal say. As mentioned previously, many rural households are led by women who are also responsible for the land and agricultural production, these responsibilities will be directly affected by climate change. Women must also be included in the decision-making processes in order to enhance local capacity, strengthen resource management and prepare for disasters.²⁰⁶

204. *Ibid.*

205. *Ibid.*

206. *Ibid.*

9. Sustainability

The United Nations Development Program (UNDP) observed that Tajikistan is the most vulnerable country to climate change in the region but amongst the least able to adapt to it.²⁰⁷ Climate solutions need to simultaneously address the issue of poverty and be sustainable.²⁰⁸ Sustainable development solutions would improve the lives of rural communities by providing long-term solutions to problems such as access to water by upgrading or building the necessary infrastructure. It would also help mitigate some of the harmful impacts from climate change by making this infrastructure resistant to extreme events such as the winter of 2008, which has seen temperatures plummet dramatically. In these cases, a resilient infrastructure capable to withstand such cold temperatures is crucial. Creating energy saving and energy efficient policies is important. As Tajikistan's primary industry is agriculture it is important to ensure sufficient funding for the maintenance of soil fertility and compliance with environmental requirements to avoid the depletion of natural capacity and a lack of sustainability of agricultural production in the long term.²⁰⁹

The government has an important role to play to design these policies. However it is important to note that the participation of women in designing these solutions is paramount in order for these to be better suited to address their needs as well as men's needs. Furthermore, it is important to include women's practical knowledge of the local constraints especially in rural areas. Several sustainable options have been proposed including solar greenhouses that enable the vegetable to grow during the off-season (as done within the EWA project), improving the information system on climate change to improve communication and raise awareness, supporting research, and introducing trainings and programmes to disseminate sustainable practices to reduce the impacts of extreme events or disasters. These are all ideas to combat the effects of climate change in Tajikistan.²¹⁰ The government lacks funding to support efforts towards sustainable development and combating climate change. According to the UNDP report "green economic policies and measures can offer win-win opportunities to improve the integration of economic development with environmental sustainability to all countries, regardless of the

207. UNDP, *National Human Development Report 2012, Tajikistan: Poverty in the Context of Climate Change*, http://hdr.undp.org/sites/default/files/tajikistan_2013.pdf, Accessed 4 August 2015.

208. *Ibid.*

209. Oxfam International, *Reaching Tipping Point? Climate Change and Poverty in Tjikistan (2010)*, <https://www.oxfam.org/en/research/reaching-tipping-point-climate-change-and-poverty-tajikistan>, Accessed 4 August 2015.

210. UNDP, *National Human Development Report 2012, Tajikistan: Poverty in the Context of Climate Change*, http://hdr.undp.org/sites/default/files/tajikistan_2013.pdf, Accessed 4 August 2015.

structure of their economy and their level of development".²¹¹ In other words, investing in sustainable solutions ensure the country's present and future resilience, building a more stable society and healthier economy resistant to shocks (e.g. economic and climate related shocks). It is crucial for Tajikistan to pursue the approach that will put the country on the road to a development that is sustainable.

10. Conclusion

As it is the case for other EWA project countries, Tajikistan has gender equality embedded in the legal system though a major gap is found when one looks at the implementation and practice of the law. One important legal obstacle is linked to the absence of marriage registration, which often means that women cannot assert their legal rights, over the land for example. Similarly to other EWA countries, Tajikistan's women and girls face underage marriage, but also trafficking in some cases. The existing lack of legal protection means there is little support structure for women to seek help. Domestic violence is also problematic in a country that continues to be dominated by patriarchy as the ruling social system. Insufficient data to understand the extent of the issue, the lack of laws and criminal prosecution for perpetrators, all mean the issue is mostly left unaddressed. As a result, women refrain from reporting incidents of violence and are unable to seek assistance. There is no capacity in shelters or safe homes created to assist these women.

Tajikistan is a very poor country and its primary industry remains agriculture. Therefore, the issue around land rights is an important one for many women who would benefit from easier, fairer access to land. Although the Land Code states that every family is entitled to a 'household plot' of up to 0,12 hectares of irrigated land and up to 0,25 hectares of dry land, women are mostly unaware of this law. Despite the progress made by the government in terms of legislation, the tradition continues to give land entitlements to men. It is the result of a combination of factors 1) women are often unaware of their legal rights in general and over the land in particular, 2) traditional gender roles continue to relegate women to low-paid and low-status positions. In recent years, with the increased number of men migrating to find work abroad to look for better economic opportunities, women have found themselves both responsible for the household and the land without the necessary skills and resources/services to manage the latter. As the situation for women is deteriorating under this increasing burden, alternatives and sustainable solutions that provide long-term security (e.g. in terms of food production, access to water or energy) would benefit women. Better access to land is central,

trainings and skills are needed for women to progress economically, socially and politically and succeed in being an integral part of the solution.

²¹¹ Ibid.

F. South Africa



1. History Timeline

1795 - British occupy Cape Colony from the Netherlands
1880-81 - Boers rebel against the British, sparking the first Anglo-Boer War. Conflict ends with a negotiated peace
1899 - The second Anglo-Boer War begins
1902 - Treaty of Vereeniging ends the second Anglo-Boer War
1910 - Formation of the Union of South Africa
1912 - Native National Congress founded, later renamed African National Congress (ANC)
1913 - Land Act introduced to prevent blacks, except Cape Province, from buying land outside reserves
1914 - National Party founded
1934 - Country declared "a sovereign independent state"
1948 - Apartheid legislation. National Party (NP) takes power over
1950 - Population classified by race. Group Areas Act passed to segregate blacks and whites. Communist Party banned. ANC responds with campaign of civil disobedience, led by Nelson Mandela
1960 - ANC banned
1964 - ANC leader Nelson Mandela sentenced to life imprisonment
1989 - De Klerk becomes president
1990 - ANC unbanned. Mandela released after 27 years in prison
1994 - Mandela becomes presi-

dent. Commonwealth membership restored. South Africa takes seat in UN GA after 20-year absence
1996 - Parliament adopts new constitution. NP withdraws from coalition
1999 - ANC wins general elections: Thabo Mbeki president
2004 - Thabo Mbeki begins a second term as president
2006 - Former deputy president Jacob Zuma is acquitted of rape charges - reinstated as deputy leader of the governing ANC
2006 - South Africa becomes the first African country, and the fifth in the world, to allow same-sex unions
2008 - Wave of violence directed at foreigners hits townships across the country
2009 - Parliament elects Jacob Zuma as president
2011 - Opposition Democratic Alliance chooses a coloured woman - Lindiwe Mazibuko - as leader in parliament
2013 December - Nelson Mandela dies aged 95
2014 - Ruling ANC party wins a majority in general elections. Zuma remains president.²¹²

²¹² BBC, South Africa profile: Timeline (19 May 2014), <http://www.bbc.com/news/world-africa-14094918>, Accessed 10 July 2015.



2. History and Politics

South Africa is comprised of nine provinces, has eleven official languages and is with a range of cultures and religions multi-ethnic; hence the country's nickname 'Rainbow Nation'.²¹³ In the mid 1600s, Dutch traders arrived in what is now known as Cape Town. Nearly a century later, the British followed seizing the Cape Colony. When it was discovered that South Africa was extremely rich in resources such as diamonds and gold, an influx of immigrants arrived from Europe and Asia. The first war between the Zulu and British broke out in 1879, followed by the first Anglo-Boer war in 1880-1881 and the second Anglo-Boer war from 1899-1902. Heavy racial tensions and inequality plagued the country. Racial segregation was enacted through legislation such as the Native Location Act and the Natives Land Act that restricted movement and land ownership of blacks. In 1948, when the National Party was elected they established a policy to separate the development of races. Thus apartheid began and did not end until 1994.²¹⁴

Apartheid had devastating impacts on the country, and men and women irrespectively, fuelling racial and gender inequality, poverty, corruption and violence. Resistance came from both black and white activists taking shape in violent and non-violent action. The opposition was led by the African National Congress (ANC), headed by Nelson Mandela and other prominent figures, such as Walter Sisulu and Oliver Tambo.²¹⁵ The long walk to freedom, as Mandela often referred to, was a brutal struggle, led by several movements over the course of decades that eventually prevailed.²¹⁶

Women played a tremendous role in the anti-apartheid resistance movement. The ANC Women's League was formed in the 1950s and by 1954 the Federation of South African Women (FSAW) was founded.²¹⁷ Thousands of women were active in the fight against racism and oppression and faced violence, imprisonment or even exile. Eventually, like the ANC, the FSAW was banned. Nonetheless, the Federation continued to operate and to fight for their freedom. Lilian Ngoyi a fierce activist and resistance fighter, who



helped launch the FSAW, was a leading figure in the movement fighting apartheid. She became the first woman elected to the executive committee of the ANC being president of the Women's League. In 1956 she led the historic march on Pretoria, in which 20,000 women protested against apartheid.²¹⁸

Other Political reforms during the 1990's catapulted women's representation in politics to an international high status. South Africa held their first democratic elections in 1994 and Nelson Mandela became president. At the opening of the first democratic parliament, Mandela said: "Freedom cannot be achieved unless women have been emancipated from all forms of oppression... Our endeavours must be about the liberation of the woman, the emancipation of the man and the liberty of the child."²¹⁹ During apartheid, women represented only 2.7% of the parliament. After 1994 this figure jumped to 27%. Now, South Africa's female representation in Parliament is 44% with the aim of a 50/50 gender parity goal by 2015.²²⁰ Eliminating violence against women has been one of the major priorities of women in political positions.

213. South Africa History Online, Archbishop Emeritus Mpilo Tutu (2011), <http://www.sahistory.org.za/people/archbishop-emeritus-mpilo-desmond-tutu>, Accessed 10 July 2015.

214. Bundy, Colin J, South Africa (10 February 2014), *Encyclopedia Britannica*, <http://www.britannica.com/EBchecked/topic/555568/South-Africa>, Accessed 10 July 2015.

215. New World Encyclopedia, Nelson Mandela (21 July 2014), http://www.newworldencyclopedia.org/entry/Nelson_Mandela, Accessed 10 July 2015.

216. Bundy, Colin J., South Africa (10 February 2014), *Encyclopedia Britannica*, <http://www.britannica.com/EBchecked/topic/555568/South-Africa>, Accessed 10 July 2015.

217. South Africa History Online, History of Women's Struggle in South Africa, <http://www.sahistory.org.za/topic/turbulent-1950s-women-defiant-activists>, Accessed 10 July 2015.

218. *Ibid.*

219. Media Club South Africa, Mandela: a champion for women's rights (16 July 2014), <http://www.mediaclubsouthafrica.com/nelsonmandela/3936-mandela-a-champion-for-women-s-rights>, Accessed 5 August 2015.

220. *Ibid.*

3. CEDAW – Periodic Reports, Concerns and Recommendations

Acceded to CEDAW: 15 December 1995

Acceded to Optional Protocol: 18 October 2005²²¹ (accepting the procedure of individual complaints and the inquiry procedure)

treaties and conventions.²²⁴ The initial report focused on advancing gender policy through a National Women's Empowerment Policy, the National Women's Justice Program and a Gender Equality Bill and through affirmative action. However, it was acknowledged that gender discrimination has not been addressed in major policies and that this was a critical necessity. The lack of gender-disaggregated data was noted which was also in focus of the Committee upon its review.²²⁵

Periodic Report	Due	Received	Examined	Report
Initial Report	14 January 1997	05 February 1998	24 June 1998	CEDAW/C/ZAF/1
Second Third and Fourth Periodic Report	14 January 2001	02 July 2009	21 January 2011	CEDAW/C/ZAF/2-4

South Africa signed CEDAW just a year before the end of apartheid and Mandela ratified CEDAW in 1995.²²² South Africa submitted the initial periodic report in 1997. The report was double the required length and covered a wide range of issues from the development and advancement of women and general recommendations on violence against women. South Africa stated that racial discrimination were a key obstacle to overcome, but agreed that discrimination against women is of similar importance to be addressed in order to spark a new democratic start within a changing nation.

South Africa, for the purpose of CEDAW, established the following definition of discrimination against women: "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing and nullifying the recognition, employment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field".²²³ However, there is no law that defines discrimination against women. At the time of the report South Africa had signed, but not yet ratified several international

The report highlighted the gender roles and stereotypes and called for the state to modify the social and cultural patterns to eliminate prejudices. The report called upon the importance of the role of parents and the way they raise their children. Women are discriminated against because of cultural beliefs and practices as well as on religious grounds. The report noted that South Africa is a patriarchal society. Heads of household are mostly men; they are in charge of the decision-making and hold important positions while women are often subjected to low-paid positions and responsible for the upbringing of children and the household chores. In rural areas women have little to no say regarding their life and their body, as the report states, women are often seen as "property". In the educational system and in the media, gender stereotypes are infused and perpetuated. While the report repetitively acknowledges the difficulties women in South Africa face, the direct and indirect discrimination they are subject to, the report also praises the country's move out of turmoil times and lists numerous attempts to tackle gender inequality through policy, law, programmes and changing traditional perceptions of women in society.²²⁶

221. United Nations Treaty Collections, CEDAW OP (9 October 2014), https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-8-b&chapter=4&lang=zh, Accessed 5 August 2015.

222. National Women's Law Center, *To be Free: Nelson Mandela and Women's Rights* (25 June 2013), <http://www.nwlc.org/our-blog/be-free-nelson-mandela-and-womens-rights>, Accessed 5 August 2015.

223. UNHRC, CEDAW/C/ZAF/1, Initial Report, South Africa (1998), http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEAW%2FC%2FZAF%2F1&Lang=en Accessed 10 July 2015.

224. *Ibid.*

225. *Ibid.*

226. *Ibid.*

The second submission by South Africa covered a period of 10 years – from 1998 to 2008.²²⁷ The second and third country reports (due in 2001 and 2005) were not submitted in time, hence, they were amalgamated into one single submission prepared with the government's, parliament's, civil society's and women's organisations' participation. The report notes the progress of post-apartheid's aim towards realising gender equality. Within the 10-years South Africa had adopted a number of programmes and policies that addressed gender equality and the elimination of discrimination against women. The Committee was pleased with South Africa's adoption of a 50/50 gender parity, which led to 44% of women in parliament and 43% of women to be member of the cabinet.²²⁸ South Africa also exceeded the expectations of women working in the public service sector with more than 53% of female representatives.²²⁹

However, the Committee voiced concerns regarding the second, third and fourth periodic report, such as the lack of awareness about the Convention and the Optional Protocol within the government, the law and regional and local communities and thus called for South Africa to take more action on sharing information within the country and particularly amongst women to raise more awareness about women's rights. Furthermore, the Committee stated that changes to legislation have to be made to include the prohibition of direct and indirect discrimination against women. Women's access to justice should be strengthened throughout, e.g. free legal aid or systematic training aiming at explaining the details of the Convention and the Optional Protocol. The Committee further argued that infrastructures should be improved through proper funding to support the implementation of programmes aiming at the advancement of women's opportunities, i.e. the extension of gender mainstreaming at policy level. The Committee also pointed out shortcomings in changing stereotypes and harmful cultural practices, such as prohibiting virginity tests for girls. Finally, the concluding observations included the promotion of women's participation in decision-making, the importance to raise public awareness about women's roles in society and the guarantee of equal and safe access to education for girls and women, as well as the need to ensure equal opportuni-

ties for women in the labour market and the strife against violence against women at the local and national level.²³⁰

4. Gender Equality in the National Law

In 1996, nearly two years after apartheid was abolished, South Africa adopted the Constitution and the Bill of Rights, which outline the values of human dignity, equality and non-racism.²³¹ By the time the second third and fourth periodic reports were reviewed by the Committee, South Africa had signed and ratified a number of international treaties and Conventions to advance human rights and equality. However, during the concluding observations of these combined reports, the Committee noted that "neither the Constitution nor other relevant legislation of the States party embodies the principle of substantive equality between women and men, or prohibits direct and indirect discrimination against women in accordance with article 1 of the Convention".²³² The Committee urged for a speedy adoption of a gender equality bill to ensure 'de jure equality for women' so that South Africa may fully implement the respective law and achieve its goals.

In a report by the presidency of South Africa highlighting progress made on the implementation of CEDAW from 1998-2002, South Africa praised itself for the "outstanding progress" regarding the "attainment of basic rights, such as access to clean drinking water, education, primary health care, social grants and civic participation including development planning".²³³ By that time, South Africa had a modern legal framework that strived to protect women's rights and promote their advancement, opportunities and roles in society. Affirmative action granted women access to education and opportunities to pursue political and economic pathways. However, de jure equality does not easily translate into de facto equality. The implementation of legislation, policies and programmes are in dire need of funding, human resources and strengthened capacity (inter alia of state institutions) in order to function properly.

230. *Ibid.*

231. UNHRC, CERD/C/ZAF/CO/3, *Concluding observations of the Committee on the Elimination of Racial Discrimination* (2006), http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/ZAF/CO/3&Lang=en, Accessed 10 July 2015.

232. UNHRC, CEDAW/C/ZAF/CO/4, *CEDAW Concluding Observations on South Africa* (2011), http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEAW%2FC%2FZAF%2FCO%2F4&Lang=en, Accessed 10 December 2015.

233. The Presidency of the Republic of South Africa, *Progress Made on the Implementation of the Convention for the Period 1998 – 2008* (4 January 2010), <http://www.thepresidency.gov.za/docs/pcsa/gdch/osw/cedaw/cover.pdf>, Accessed 10 July 2015.

Noteworthy progress for women came through the Maternal Child and Women's Health Strategy of 2009 – 2014 to combat HIV, combatting maternal mortality rates as well as through the Promotion of Equality and Prevention of Unfair Discrimination Act (Equality Act) 2000.²³⁴ The South African National Policy Framework on Women's Empowerment and Gender Equality has been hailed as a truly transformative policy. The development of a Local Government Gender Policy Framework serves as guidelines for gender mainstreaming on the local level. The Office on the Status of Women, the Joint Committee on the Improvement of Life and Status of Women in Parliament and the Commission on Gender Equality are all working towards a society free from gender oppression and inequality.²³⁵ The recognition of the Customary Marriage Act 1998, the Amendment to the Basic Conditions of Employment Act in 1997 (addressing fair pay for vulnerable groups and domestic as well as part-time workers) and the National Strategic Plan of 2007 – 2011 to combat HIV and Aids are all addressing women's rights.²³⁶

The Criminal Law (Sexual Offences and Related Matters) Amendment Act of 2007 increased the access to justice for vulnerable groups and thus their protection; the Children's Act of 2005 seeks to ensure gender-responsive treatment of girls in conflict with the law and protects children from sexual violence. Both laws are considered to be a progressive step in ensuring safety for girls. Other positive examples are: the establishment of the Women's Empowerment and Gender Equality Branch within the public services in 2006, the Ministry for Women, Children and People with Disabilities in 2009, the National Gender Machinery (NGM), the National Gender Policy, and the National Plan of Action to End Gender Violence. Most recently, the launch of the 'Agang' manifesto also known as the 'citizens' manifesto recognising the problem of violence against women and women's safety²³⁷ show further positive advancements. While highlighting several problems women face regarding gender-based violence, the manifesto fails to state how these challenges can be solved. Women still face discrimination in business, in communities and within their homes. Gender discrimination is exacerbated by further social de-

terminants, such as race, class, disability and sexual orientation as well as one's religion and where one lives, which are itself a ground of discrimination.²³⁸

Indeed, South Africa has made tremendous progress related to women's rights in theory especially since apartheid, however, the aim of gender equality is far from being achieved. In a review of Gender Equality in the 2014 South African elections, the Heinrich Böll Foundation concluded "South Africa is legislatively equal, substantively unequal" and "promises do not match practices."²³⁹ Even though women make up more than half of the country's population, they face tremendous hurdles in progressing in business, employment and face an epidemic of gender-based violence. Safety for women is a huge issue, furthermore funding to provide trainings and programmes to prevent violence and change the socio-economic situation for women is also lacking. The implementation of progressive, equality based laws, policies and programmes are complicated and not rooted in action.

5. Violence Against Women

The adoption of the Domestic Violence Act in 1998 was meant to "combat sexual offences, raising public awareness, building capacity amongst service providers and perfecting an integrated response to this social scourge".²⁴⁰ However, according to the report submitted to the CEDAW Committee compiled by the Commission for Gender Equality "the state has failed to align constitutional protection of religious and cultural practices with the secular rights held by women and girls under the Constitution and related legislation"²⁴¹ despite several national attempts to launch programmes, campaigns and actions to address violence against women. The 365 Day National Action Plan to End Gender Violence launched in 2007 involving the government, legislature, statutory bodies and civil society with the aim of "a South Africa free from gender based violence where women, men, girls and boys can realize their full potential" included awareness raising campaigns,

238. The Office on the Status of Women, *South Africa's National Policy Framework for Women's Empowerment and Gender Equality*, <http://unpan1.un.org/intradoc/groups/public/documents/cpsi/unpan035001.pdf>, Accessed 10 July 2015.

239. Johnston, Helen, *Voting for Change? Women and Gender Equality in the 2014 South African Elections*, Heinrich Boell Stiftung (5 May 2014), <http://za.boell.org/2014/05/05/voting-change-women-and-gender-equality-2014-south-african-elections>, Accessed 10 July 2015.

240. The Presidency of the Republic of South Africa, *Progress Made on the Implementation of the Convention for the Period 1998 – 2008* (4 January 2010), <http://www.thepresidency.gov.za/docs/pcsa/gdchi/osw/cedaw/cover.pdf>, Accessed 5 July 2015.

241. Commission for Gender Equality, *Report to CEDAW Committee on South Africa's Implementation of CEDAW 1998 – 2008* (2010), http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/CGE_SouthAfrica48.pdf, Accessed 5 July 2015.

support and empowerment as well as creating proper institutional mechanisms to confront the situation.²⁴²

Statistics regarding violence against women in South Africa remain disturbing. The staggering rates of not only physical and emotional violence against women, but also of murder are some of the highest in the world. The problem is so widespread in the country that it is being called 'femicide'.²⁴³ Overcoming violence against women is a challenge that requires changes to the social, political and economic situation of the country. Prevention programmes and changes to the legislation are only the starting point to tackle this problem. "South Africa has strong laws protecting women and children, but they are not being acted on."²⁴⁴

6. EWA South Africa: Agriculture

With a growing population and the need to increase food production, South Africa needs to create more sustainable farms. Several challenges, such as mismanaged agriculture, environmental pollution, soil erosion and water scarcity will have impacts on the agricultural and health sector if there is no realistic and meaningful change to ensure a sustainable future for the country. South Africa has undergone tremendous changes in the past decades, demonstrating perseverance and strength while nonetheless still being confronted by poverty and inequality. Sustainable agriculture is not only a means to address socio-economic challenges, but also supports efforts to combat climate change, create employment and provide basic needs and human rights to the people of the Rainbow Nation.

South Africa does not have an abundance of fertile land or rich nutrient soil. Grazing livestock, the largest agricultural sector of the country, is at its limits. Consequently the cattle trampling on the soil causes erosion and in the worst case, leads to desertification. Assessing the lands' carrying capacity for livestock is one way of maintaining fertile soil.²⁴⁵ Water use will also double by 2050 to meet the growing populations' needs. However, scarcity is one of the countries' main problems. According to WWF South Africa, "the agricultural sector is a critical stakeholder in the management

242. Women's Net, *365 National Action Plan to End Violence Against Women and Children* (2006), <http://www.womensnet.org.za/365-national-action-plan-end-violence-against-women-and-children.html>, Accessed 5 July 2015.

243. The New Age, *National/Provincial, Violence against women in South Africa is a disturbing trend* (17 April 2014).

244. Faul, Michelle, *The Huffington Post, South Africa Violence Against Women Rated Highest in the World* (3 August 2013), http://www.huffingtonpost.com/2013/03/08/south-africa-violence-against-women_n_2837804.html, Accessed 13 December 2015.

245. WWF, *South Africa, Agriculture: Facts and Trends*, http://awsassets.wwf.org.za/downloads/facts_brochure_mockup_04_b.pdf, Accessed 5 August 2015.

of natural resources, with 80% of the land's surface owned by agricultural users (including small-scale farmers, emerging farmers and commercial farmers). Nearly two thirds (63%) of all freshwater resources are currently being used by irrigated agriculture.²⁴⁶

The South Africa EWA project focuses on agriculture and food security, specifically on community gardens. The Decentralized Environmental Solutions (DES), partners of WECF, conducted a baseline study in South Africa, which focuses on addressing gender inequality through skills sharing and empowerment trainings in order to increase women's political participation and economic opportunities. Particularly disadvantaged women are obtaining valuable skills in creating sustainable gardens. The EWA country partners are helping women to learn how to maintain the gardens, harvest food and sell their products at the markets.²⁴⁷

The baseline study highlights the links between female-headed households and poverty – with 60% falling under the poverty line in comparison to 35% of male-headed households.²⁴⁸ Poverty, gender and health risks are also interconnected with high rates of infant and maternal mortalities and HIV/Aids. With the highest rape rates in the world, South Africa has a scourge of violence against women as mentioned in the previous chapter. Although female representation in the government is high, women at the corporate level or local level are underrepresented.²⁴⁹ This inequality is also visible in the agricultural sector where men are more likely to inherit land and property than women.

Cooperation in agriculture is a common practice in South Africa. Especially with the lack of land, supporting each other allows for the costs to be more affordable while increasing the potential for profit. Nonetheless, co-ops face internal conflicts of contributing equal resources and time for a fair remuneration of profit. Co-ops provide the benefit of sharing knowledge and teaching one another useful skills. The baseline study found that people are eager to improve their knowledge and learn more about farming.²⁵⁰ Furthermore, when it comes to selling products, people are unaware of the standard pricing consequently, farmers are not able to sell at the appropriate rate. The lack of scales, of food storage space, tools and products are also challenges faced by people when trying to earn a living. Access to water and adequate sanitation varies

246. WWF, *South Africa, Sustainable Farming* (2014), http://www.wwf.org.za/what_we_do/sustainable_agriculture/, Accessed 5 August 2015.

247. WECF, *How Gender and Sustainable Gardening are linked in South Africa*, (18 September 2014), <http://www.wecf.eu/english/articles/2014/09/ewa-southafricaupdate.php>, Accessed 5 August 2015.

248. *Decentralized Environmental Solutions (DES), Analysis Baseline Study* (2014) Durban, South Africa.

249. *Ibid.*

250. *Ibid.*

from villages having proper sewage systems while others lack access or depending on self-made systems.²⁵¹

Local communities have welcomed the EWA food garden project in South Africa. The programme enables participants to learn how to grow food, harvest and sell products and share their skills with others. Through workshops organised by WECF's local partners, such as Urban Harvest, DES and Soil for Life, small-scale farming is fulfilling the aim of EWA to empower women and enable them to grow healthy food for their families as well as to increase their economic opportunities.²⁵² The food gardens provide nutritious food, they encourage self-esteem and social consciousness as well as community building and they are part of valuable sustainable practices. Not only does the food gardens project confront hunger and malnutrition, it also meets poverty with a viable solution.²⁵³

7. CEDAW Article 14

Article 14 of CEDAW requires all countries to ensure that the particular needs of rural women are met in relation to access to services, training and employment opportunities, and social equity schemes.

As already highlighted there are several disadvantages faced by rural women in South Africa including poverty, lack of access to health and social services and other services and assets, lack of involvement in decision-making processes, cultural and traditional pressures on women and girls and last not least violence. The CEDAW Committee has called upon South Africa to involve women in local development plans so that their needs can be addressed and to provide them with the opportunity to be part of these vital decision-making processes. Rural women need better access to health, clean water, education, proper sanitation services, land to secure means to earn an income. South Africa has outlawed the traditional practice of male primogeniture – the custom that allows the firstborn son to inherit the family estate. The Constitutional Court initiated the Reform of Customary Law of Succession and Regulation of Related Matters Act in 2009 as the original law excluded women and extramarital children from inheriting property.²⁵⁴ Socio-economic inequalities is one of the main challenges facing women in rural areas. The crosscutting

issues that contribute to the problems include poverty, discrimination, violence, HIV/Aids - overall the non-realisation of women's fundamental human rights as they lack access to justice.

According to the South African shadow report on the implementation of CEDAW conducted by the Centre for the Study of Violence and Reconciliation, the People Opposing Women Abuse and the Western Cape Network on Violence Against Women, systemic failure of ensuring rural women's rights consequently results in higher risk for women to being abused and excluded from political and public life.²⁵⁵ In addition, women suffer from underemployment, discrimination, lack of access to education, health care, social, economic and development resources. The shadow report states that the lack of a rural development strategy and transport policy combined with poor rural planning of resource management are the tip of the iceberg sparking discrimination against rural women. The shadow report recommends that a rural women's development strategy should be initiated and rural transportation services, access to information, media and technology along with strong, effective policies and strategies must also be implemented in order for progressive changes to happen that would alleviate the vulnerable situation in which many rural women find themselves.

8. Climate Change

Considering that South Africa is a country with tremendous socio-economic inequalities, climate change is very likely going to disproportionately affect the poor, causing further disparities and challenges. Impacts are already felt as temperatures are rising and rainfall patterns have been shifting. The impoverished population is vulnerable to extreme weather events as they have poor housing or other shelters to protect themselves from the wind, rain and cold. Access to safe drinking water and water shortages are significant existing risks that are further compounded by climate change. The agricultural system is heavily dependant on water – water shortage would impact the crops' growth, vegetation and indigenous plants.²⁵⁶ In other words, climate change has huge implications for food security.

According to a report published by Oxfam regarding climate impacts in South Africa, the country is "already living on the edge".²⁵⁷

251. *Ibid.*

252. WECF, *What happened in 2013 in our Food Gardens?, Stories from South Africa* (11 August 2014) <http://www.wecf.eu/english/articles/2014/08/EWA-Foodgardens.php>, Accessed 7 August 2015.

253. WECF, *EWA South Africa – Community Gardens* (1 April 2013) <http://www.wecf.eu/english/about-wecf/issues-projects/projects/ewa/south-africa.php>, Accessed 7 August 2015.

254. *African Law Reporter, Customary Law, South Africa* (2009), http://jurisafrika.org/html/customary_law.htm, Accessed 7 August 2015.

255. Mathonsi, Claire, *South Africa Shadow Report on the Implementation of CEDAW* (4 February 2011), http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/Joint_NGO_Report_for_the_session_SouthAfrica.pdf, Accessed 18 December 2015.

256. Griffin, Jenny, *Climate Emergency Institute, The Impacts of Climate Change on South Africa* (3 April 2012), http://www.climateemergencyinstitute.com/cc_s_africa_griffin.html, Accessed 10 August 2015.

257. Oxfam, *From Poverty to Power, How is Climate Change Affecting South Africa?* (7 Feb 2009), <http://oxfamblogs.org/fp2p/how-is-climate-change-affecting-south-africa/>, Accessed 10 August 2015.



The rise in global greenhouse gas emissions are worsening the situation and accelerating the effects already unfolding. The dry seasons are extended and the wet seasons are delayed – all of which causes a change of the growing seasons. South Africa is at risk of being exposed to tropical diseases, such as malaria, with such increase of temperature. Further health risks include water-borne diseases, dengue fever and cholera outbreaks. Along with the simultaneously challenge of water shortage and lack of access to clean drinking water, disease outbreaks are a real threat. In particular people who have HIV/Aids will be extremely vulnerable to the additional health risks that could worsen their already fragile condition.²⁵⁸

South Africa hosted the UN Climate Summit in 2011 and vowed to do its part in cooperative global solutions to fight the threats posed by climate change.²⁵⁹ However, South Africa's position is ambiguous: on the one hand, the government is making promises towards prevention, mitigation of and adaptation to climate change and on the other hand, South Africa continues to be one of the largest GHG emitters in Africa. There are several groups of civil societies that are tackling the multifaceted issues of climate

258. *Ibid.*

259. *Environmental Affairs Republic of South Africa, South Africa Government's position on climate change* (2011), <http://www.climateaction.org.za/cop17-cmp7/sa-government-position-on-climate-change>, Accessed 10 August 2015.

change, poverty and inequality, but there is a need for governmental interventions. Civil societies' efforts are often local initiatives

WECF and the country partners focus within the EWA programme on a number of sustainable solutions to not only combat climate change, but also to address the deep-rooted poverty that plague women and men across the country. Through the urban garden organisations such as Soil for Life and Urban Harvest, WECF supports the efforts to confront the challenges of food security by developing community food gardens.²⁶⁰ These initiatives do not just provide tangible resources; they also give intangible values such as empowerment, skills and community support.

9. Sustainability

The Integrated Sustainable Rural Development Strategy Report points out that women's rights have to be a priority in the design and implementation of rural development strategies aimed at addressing poverty and underdevelopment.²⁶¹ South Africa has been through numerous transitions and has prevailed in its transformation in some areas but lags behind in others. With many

260. WECF, *South Africa*, <http://www.wecf.eu/english/about-wecf/issues-projects/countries/south-africa.php>, Accessed 10 August 2015.

261. *South African Government, Integrated Sustainable Rural Development Strategy (ISRDS)* (17 November 2000), http://www.gov.za/sites/www.gov.za/files/isrds_0.pdf, Accessed 10 August 2015.

challenges confronting the country, sustainability is a common factor looked at to provide solutions. WECF and country partners make women's rights their priority by enabling sustainable agricultural projects, such as the community food gardens improving food security and income for women in Western Cape. These projects fuel long-term solutions to multifaceted challenges. Sustainability will only be truly achieved if it both preserves our environment and its ecosystems, which in turn support the livelihood of both men and women within the planet's capacity. It requires research and policy work in cooperating for the best solutions fitting the country's setting.

10. Conclusion

South Africa has a very good record regarding women's representation in the parliament. The country has implemented numerous projects, programmes and policies to address gender inequality and poverty. According to the World Bank, South Africa is one of 18 countries of 173 measured to not have any legal differences between men and women in the sector of employment and entrepreneurship. Nonetheless, these efforts are not translating into direct action that address the root causes of the discrimination against women. Access to justice remains a challenge for women. The negligent culture of silence regarding violence against women is problematic and devastating. Women do not feel safe and refrain from reporting incidents of violence against them because they are not taken seriously and furthermore experience 're-victimisation' in the judicial system. Various critical reforms in legislation are needed, for example to halt the practice of virginity testing. Deep-rooted traditional practices that contribute to the conviction that having sex with a virgin can cure HIV must be tackled as harmful and unfounded belief. The discrimination and persistent inequality faced by women represent serious obstacles towards change partially due to lack of information available on the monitoring and implementation of laws. South Africa needs to raise awareness of women's rights and the positive impact women's empowerment could have on poverty and environmental challenges. There is a desperate need for funding and efficient budget allocation is necessary in order to create and support projects and programmes that benefit women, especially rural and vulnerable women and women victims of violence and other discriminatory actions. The CEDAW Committee has made several observations and recommendations to South Africa in order to focus more efforts in tackling the aggressive male attitude and change the culture of violence, and behaviours that discriminate against women. Despite the undeniable progress the South African government has made on many of the CEDAW's priorities, more work needs to be done to scale up efforts to reach many more women, to empower them so they can play their crucial part in developing sustainable solutions to the most challenging issues; e.g. such as climate change.



G. Conclusion

The study is daunting since it shows that the dominating problem in all the countries looked at under this study remains violence against women. The EWA programme focuses on women's empowerment from an economic and political angle, but not directly on violence against women. However, the issue surfaces even while empowering women within the context of sustainable development. Violence as an underlying factor and as often in domestic circumstances not reported is impeding equality between men and women. This shows the virulence and the complexity of the problem "gender inequality" since violence – in particular when hidden - is the most aggressive way to execute and show power and thus hampering a transformation of existing structures and relations between the sexes. Thus Simone de Beauvoir's assumption is still valid: Gender discrimination remains a power struggle between the sexes.

Another common finding in the review of the current legislation of all the four countries is that an ambitious legal basis for the establishment of de lege gender equality does not guarantee de facto equality for women and men in the respective society. Laws alone are not sufficient, they have to be supported by effective implementation activities, such as access to justice, in particular the provision of legal aid, an effective and gender sensitive institutional infrastructure (e.g. police force, prosecution, victim support, etc.) and a democratic legal framework itself. These conditions can only be established with strong political will and sufficient financial support, furthermore, they need to be constantly up-scaled and capacitated. This includes awareness raising amongst women and men in poorer and rural

areas of their rights and obligations and the establishment and maintenance of legal support centres, also in remote areas.

Traditional norms and a general understanding of democracy within the society are another determining element. In particular, Tajikistan and South Africa are remarkable examples in this way. Both countries have progressive laws in force, but are lacking behind in behavioural change. In Tajikistan a strong patriarchal society with an increasing religious influence is an obstacle for more gender equality. In South Africa laws are gender equal, however, the struggle against violence against women is on-going and the identification of the root causes of violence against women challenging since many different factors have to be taken into consideration.

Concluding, law is one way to tackle gender inequalities, in particular the human right of women to be equal to men is essential. Nevertheless, gender equality can only be reached when it is addressed within all areas of society, as a cross-cutting issue. The new international framework succeeding the Millennium Development Goals the Sustainable Development Goals are promising to be a suitable tool. Goal no. 5 calls for gender equality and several targets throughout the 17 goals integrate the gender dimension in various other sectors and issues. However, due implementation remains a challenge and will require specific knowledge, gender mainstreaming expertise, the setting of relevant indicators and last not least financial means. The EWA programme aims at the economic empowerment of women and at integrating gender into sustainable development, mainly in the energy, the water and sanitation and the agricultural sector. Therefore, lessons learned and recommendations of the EWA programme's outcomes can help shaping further gender integrated programmes and should be used to upscale the approach.

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