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WOMEN'S ECONOMIC EMPOWERMENT AS AN IMPORTANT COMPONENT OF SUBSTANTIVE EQUALITY

ABSTRACT

The constitutional reform implemented in 2017 brought substantial changes and established the principle of substantive equality between men and women within the constitution. The constitutional principle of equality, encompassing the implementation of targeted state measures to combat inequality, and women's economic empowerment, as a crucial global concern, derives from its potential to advance equality.

This article delves into the principle of equality, entrenched in numerous international and national legal frameworks, and explores how the right to equality serves to eliminate the cornerstone of discriminatory practices and ensure women's access to economic resources, opportunities, and decision-making processes. Highlighting the interconnectedness of women's economic empowerment and fundamental human rights principles, underscores the necessity of embracing a comprehensive, rights-based approach.

The paper explores how the current national legislative framework addresses systematic barriers and examines the ways in which executive authorities incorporate a rights-based perspective to advance women's economic empowerment.

By acknowledging and protecting the right to equality, parliament and government play significant influence in fostering inclusive economic growth and unlocking the full potential of women.

I. INTRODUCTION

Policy makers and development partners around the world have placed women's economic empowerment at the top of the global agenda. More than two decades after the landmark 1995 World Conference on Women in Beijing and, more recently, with the consensus on the 2030 Agenda for Sustainable Development, the global commitment to women's economic empowerment has never been stronger.²

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Georgia is actively engaged in the development of a significant legal framework and relevant policy documents aimed at fostering women's economic empowerment, which allows women to fully realize their potential in the economic sphere.

In this article, we will explore the key achievements of Georgia regarding women's economic empowerment and assess whether they align with the essential equality principle outlined in the Constitution of Georgia. Moreover, we will examine the challenges women experience in accessing economic resources and determine whether these barriers violate the fundamental constitutional right to equality.

The primary goal of this work is to highlight the advancements made in women's economic empowerment in Georgia and simultaneously examining the present obstacles. Additionally, we will outline the relevant policy documents adopted by the state and the standards it relies on to achieve the essential equality between women and men. Furthermore, the article analyzes the practices observed in several countries.

The paper incorporates descriptive, analytical, statistical, and comparative research methods.

II. INTERNATIONAL INITIATIVES FOR WOMEN'S ECONOMIC EMPOWERMENT

The nature of equality stands as a crucial prerequisite for the realization of human potential, the struggle for the idea of equality has been a constant concern for centuries, and manifested in various philosophical definition, notably as expressed in the concept of Egalitarianism within political philosophy.¹

An egalitarian favors an equality: People should be treated as equals, should treat one another as equals, should relate as equals, or enjoy an equality of social status of some sort.²

In order to ensure the equal rights and duties for both men and women in all spheres of personal and public life, numerous international legal acts provide guarantees. Signatory states ensure within their jurisdiction to develop and establish legal and policy bases that will facilitate access to these rights. Georgia is a signatory to all these significant international legal documents and shares the values aimed at empowering women.

The United Nations Universal Declaration of Human Rights adopted in 1948 affirms equality, both in economic and labor relations, in terms of equal access to opportunities for individuals.³

¹ Gaelle Ferrant and Annelise Thim, 'Measuring Women's Economic Empowerment: Time Use Data and Gender Inequality' (2019) 16 OECD Development Policy Papers 5.

² Richard Arneson, 'Egalitarianism' (2013) Stanford Encyclopedia of Philosophy <<https://plato.stanford.edu/entries/egalitarianism/#EquFunHumWor>> [last accessed on 07 April 2024].

³ *ibid.*

In addition, the Universal declaration emphasizes that everyone, without any discrimination, has the right to equal pay for equal work.⁴

According to the international covenant on civil and political rights, the states parties to the present covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present covenant.⁵

The right of everyone to the enjoyment of just and favorable conditions of work is recognized in the International Covenant on Economic, Social and Cultural Rights.⁶ All workers have the right to a fair wage. Not only should workers receive equal remuneration when they perform the same or similar jobs, but their remuneration should also be equal even when their work is completely different but nonetheless of equal value when assessed by objective criteria.⁷

The extent to which equality is being achieved requires an ongoing objective evaluation of whether the work is of equal value and whether the remuneration received is equal. It should cover a broad selection of functions. Since the focus should be on the “value” of the work, evaluation factors should include skills, responsibilities and effort required by the worker, as well as working conditions. It could be based on a comparison of rates of remuneration across organizations, enterprises and professions.⁸

It should be noted that, Convention on the Elimination of All Forms of Discrimination against Women determines that States Parties shall take measures in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women , for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.⁹ Moreover, States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work.¹⁰

⁴ Article 22, Universal Declaration of Human Rights (1948) <<https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf>> [last accessed on 07 April 2024].

⁵ *ibid*, Article 23.

⁶ Article 3, International Covenant on Civil and Political Rights <<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>> [last accessed on 07 April 2024].

⁷ Article 7, paragraph 1, International Covenant on Economic, Social and Cultural Rights <<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>> [last accessed on 07 April 2024].

⁸ United Nations, Economic and Social Council, Committee on Economic, Social and Cultural Rights, General comment N23 (2016) on the right to just and favorable conditions of work (article 7 of the International Covenant on Economic, Social and Cultural Rights) (2016) 4. Paragraph 11.

⁹ *ibid*, Paragraph 12.

¹⁰ Article 3, Convention on the Elimination of All Forms of Discrimination against Women <<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>> [last accessed on 07 April 2024].

This Convention is particularly important because it further specifies the circumstances in which women are more vulnerable. In addition to promote gender equality in labor rights, the convention addresses women's economic empowerment in terms of access to resources and specifies and emphasizes the need to empower women living in rural areas. 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 to organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment, also 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.¹¹

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular the right to family benefits and the right to bank loans, mortgages and other forms of financial credit.¹² Committee recommends that the State should support, as far as practicable, the creation of implementation machinery and encourage the efforts of the parties to collective agreements, where they apply, to ensure the application of the principle of equal remuneration for work of equal value.¹³

The Convention on the Protection of Human Rights and Fundamental Freedoms obliges states to protect the right to property, and the enjoyment of any right established by law must be ensured without any discrimination.¹⁴

The Beijing Platform for Action highlights the importance of advancing women's economic independence, including employment, and guaranteeing equal access for women to resources, opportunities and public services. The Millennium Development Goals on gender equality and women's empowerment adopted an increase in women's share of non-agricultural employment as one of its indicators of women's empowerment. Full and productive employment and decent work for all, including for women and young people became a target linked to the overarching MDG on halving extreme poverty. While neither of these documents attempted to define women's economic empowerment, their formulation paved the way for a greater equation between women's economic empowerment and their access to productive resources, including paid work.¹⁵

¹¹ *ibid*, Article 11, paragraphs a, d.

¹² *ibid*, Article 14.

¹³ *ibid*, Article 13.

¹⁴ Committee on the Elimination of Discrimination Against Women, General Recommendation N13: Equal Remuneration for Work of Equal Value, Eighth session (1989).

¹⁵ Additional Protocols N1, N12, The Convention on the Protection of Human Rights and Fundamental Freedoms <https://www.echr.coe.int/documents/d/echr/Convention_ENG> [last accessed on 07 April 2024].

Besides aforementioned international legal acts, the Sustainable Development Goals (SDGs), particularly Goal 5 (Gender Equality)¹⁶ and Goal 8 (Decent Work and Economic Growth)¹⁷, call for measures to eliminate gender disparities in economic opportunities and ensure equal participation in the workforce.

It should be noted that, Georgia is also a part of the Equal Remuneration Convention which is adopted by International Labor Organization and the convention focuses on gender discrimination in employment and outlines principles for the equal remuneration for work of equal value regardless of the sex of an employee.

By ratifying and implementing of above-mentioned international instruments, Georgia has already demonstrated its willingness to promote women's rights including economic empowerment on the international stage. And at the same time, by establishing both a legal and a policy base, the number of women in the economic sector has greatly increased in Georgia, which has a significant impact in terms of achieving substantive equality.

III. EQUALITY IN NATIONAL LEGISLATION

The 1921 Constitution of Georgia was based on the approach to strengthening the idea of equality at the constitutional level. According to the 1921 Constitution of Georgia, all citizens are equal before the law. Furthermore, it underscores that equality between citizens of either sex is equal in terms of political, as well as civil, economic, and family rights.¹⁸

The spirit of the principle of equality of 1921 Constitution is reiterated in the preamble of the modern constitution of Georgia.¹⁹

The constitutional amendments of 2017 introduced higher standards of guarantees to ensure the protection of specific basic rights and independence of constitutional bodies. The constitutional amendments, added the norm on essential gender equality between sexes, which establishes in a tangible form the state's obligation to ensure essential

¹⁶ Naila Kabeer, 'Women's Economic Empowerment and Inclusive Growth: Labour Markets and Enterprise Development' (2012) 7 <<https://www.womenindisplacement.org/sites/g/files/tmzbd11471/files/2020-10/Womens%20Economic%20Empowerment%20and%20Inclusive%20Growth.pdf>> [last accessed on 07 April 2024].

¹⁷ Sustainable Development Goal 5, 'Achieve gender equality and empower all women and girls' <<https://sdgs.un.org/goals/goal5>> [last accessed on 09 April 2024].

¹⁸ Sustainable Development Goal 8, 'Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all' <<https://sdgs.un.org/goals/goal8>> [last accessed on 09 April 2024].

¹⁹ Article 16, Article 36, Constitution of Georgia, 21 February 1921 <<https://matsne.gov.ge/en/document/view/4801430?publication=0>> [last accessed on 11 April 2024].

equality and eliminate inequality.²⁰ Moreover, the State is required to implement special measures for ensuring the substantive equality between men and women and eliminating gender inequality.²¹

The constitutional principle of equality before the law implies the equal recognition and protection of the rights of all people who are in the same conditions and have the same attitude to a certain issue.²²

Since the adoption of the Constitution of Georgia, it strengthened the general norm-principle of equality and prohibited any discriminatory treatment. The Constitutional Court has interpreted the provision of establishing equality before the law as follows: "Equality does not mean treating all people in the same conditions, regardless of nature and abilities. From it comes only the obligation to create such a legislative space, which for each specific relationship will essentially create equal opportunities for equals, and the opposite for unequal."²³

The purpose of the right to equality before the law is to provide equal opportunities to individuals, to ensure equal realization of their skills, equal access to public goods. However, the realization of human potential is influenced by many social aspects beyond the legal environment. Equal treatment by law in various fields, in some cases, cannot ensure the equal realization of human potential. Law operates in a specific peculiarity of the society, which implies that the conditions of completely equal legal regulations may not realize their opportunities equally with others due to the artificial barriers.²⁴

The concept of equality provided by the constitution is even more concrete and explains that equality between men and women must be real, essential, which will give both women and men the opportunity to fully realize their potential. However, historically women have been more deprived of the opportunity to realize themselves on par with men. One significant challenge in this regard is the lack of economic opportunities available to women.²⁵

The positive obligation of the state enshrined in the Article 11, Clause 3 of the Constitution of Georgia, emphasizes the socio-political inequality existing outside the

²⁰ Preamble, Constitution of Georgia <<https://matsne.gov.ge/en/document/view/30346?publication=36>> [last accessed on 11 April 2024].

²¹ Article 11, Explanatory card on the Draft Constitutional Law of Georgia "On Amending the Constitution of Georgia" (2017) <<https://info.parliament.ge/file/1/BillReviewContent/149115>> [last accessed on 07 April 2024].

²² Article 11, Constitution of Georgia <<https://matsne.gov.ge/en/document/view/30346?publication=36>> [last accessed on 07 April 2024].

²³ Judgment of the Constitutional Court on the case N1/2/213, 243 "Uta Lipartia, Giorgi Khmelidze, Eliso Janashia and Gocha Ghadua v. the Parliament of Georgia", 16 February 2005. Paragraph 22.

²⁴ Judgment of the Constitutional Court on the case N3/3/1526 "Political Union of (NNLE) Citizens "New Political Center", Herman Sabo, Zurab Girchi Japaridze and Ana Chikovani v. the Parliament of Georgia", 25 September 2020. Paragraphs 19 and 20.

²⁵ *ibid*, Paragraph 24.

law and promotes the equal realization of opportunities. In general women and men have the same skills to achieve success and to be successful. Ensuring the real equality, is a challenge for the whole world and Georgia is not an exception.²⁶

In fact, the achievement of equality cannot be guaranteed without strengthening the economic opportunities for women, especially when the Constitution of Georgia emphasizes the goal of achieving essential equality, which is why the women's economic empowerment is directly related to the principle of equality.

The idea of essential equality between men and women deriving from the Constitution of Georgia is incorporated in the national legislation.

The Parliament of Georgia adopted the Law on Gender Equality in 2010, with the purpose of preventing the discrimination in any aspect of public life, in order to create proper conditions for realization of equal rights, freedoms and opportunities for men and women.²⁷

In May 2014, the Parliament of Georgia adopted the Law on the Elimination of All Forms of Discrimination, prohibiting discrimination based on sex, among other grounds. It further explicitly banned any support or encouragement of the discriminatory actions.²⁸

IV. POLICY DOCUMENTS ON WOMEN'S ECONOMIC EMPOWERMENT

The amended legislations on equality, paved the way for the adoption of the new policy documents, for instance: a new State Concept of Gender Equality was adopted in December 2022 by the Parliament of Georgia.²⁹ The concept is based on the principle of essential equality guaranteed by the Constitution of Georgia and international human rights instruments and aims to implement this principle in all spheres of Georgian legislation, state policy, practice, and public life. For the purposes of the concept, gender equality means equal rights, duties, responsibilities and equal participation of men and women in all spheres of personal and public life.³⁰

The State Concept reinforces the guarantees of economic empowerment and the protection of labor rights. It also emphasizes the crucial role of economic empowerment

²⁶ *ibid*, Paragraph 25.

²⁷ *ibid*.

²⁸ Article 2, Law of Georgia on Gender Equality, Chapter I – General Provisions <<https://matsne.gov.ge/en/document/view/91624?publication=9>> [last accessed on 14 April 2024].

²⁹ Committee on the Elimination of Discrimination against Women, 'Sixth Periodic Report Submitted by Georgia under Article 18 of the Convention' (2018) UN Doc CEDAW/C/GEO/6. Paragraph 38.

³⁰ Committee on the Elimination of Discrimination against Women, 'Replies of Georgia to the List of Issues and Questions in Relation to Its Sixth Periodic Report' (2023) UN Doc CEDAW/C/GEO/RQ/6. Paragraph 16.

of women in achieving gender equality and economic development of the country. The state policy is aimed at achieving substantial gender equality in the economic sphere, which also means taking special measures to increase equal access to the economic resources, including financial resources, real estate, inheritance, property registration and property rights.³¹

The concept recognizes that women with different socio-economic status have different needs in terms of economic empowerment. The state should promote the existence of gender-separated socio-economic indicators which varies in different regions and municipalities.³²

In March 2023 the concept for women's economic empowerment was adopted by the Parliament. The concept is the first holistic document in the region that reviews the state's positive commitment to women's economic empowerment in a long-term perspective and the required necessary steps. Georgia has taken important, positive steps to ensure women's equal economic empowerment, challenges remain, for example: there are inequalities in terms of the access to the resources, unequal distribution of unpaid and care work and stereotypical attitudes. Existing barriers especially affect the socio-economic well-being of low-income women. It's noteworthy, that the State concept of women's economic empowerment, is based on UN High-Level Recommendations. The steps for enforcing the State Concept involves equal access to resources, strengthening legal frameworks, improving public and private sector employment practices, addressing unpaid care work, formalizing informal economic activity, and challenging social norms.³³

In 2022 the Government approved and in 2023 the Parliament adopted the second National Strategy for the Protection of Human Rights in Georgia for 2022-2030.

Strategy indicates the progress made in addressing gender equality, protecting women's rights, and combating domestic violence through enhancements in the legal framework as well as the response mechanisms, and the establishment of protection and rehabilitation services. The strategy emphasizes the need for the implementation of effective measures at both central and local levels. Furthermore, it advocates for the economic empowerment of women, fostering their active participation.³⁴

Strategy indicates, that strengthening gender equality principle, ensuring equality in accordance with legal guarantees and promotion of equal opportunities and de facto

³¹ Article 1, Resolution of the Parliament of Georgia on a State Concept of Georgia on Gender Equality <<https://matsne.gov.ge/ka/document/view/5664358?publication=0>> [last accessed on 19 April 2024].

³² *ibid.*

³³ *ibid.*, Article 5.

³⁴ Resolution of the Parliament of Georgia on Women's Economic Empowerment <<https://matsne.gov.ge/ka/document/view/5755428?publication=0>> [last accessed on 19 April 2024].

equality, to empower women and girls, women's economic empowerment is achieved by strengthening an equitable environment.³⁵

On December 28th, the Government adopted the 2024-2026 Action Plan for the implementation of the Human Rights Strategy.³⁶

The action plan outlines various activities aimed at ensuring women's economic empowerment. The main activities include: increasing women's participation in state employment promotion programs and active labor market policies, supporting networking opportunities for women entrepreneurs in the private sector through information meetings, providing information and support to women managers to access new international markets via the Export Manager Certification Course, promoting women's entrepreneurship by offering training in project management skills, organizing a week of technological entrepreneurship for local girls, implementing a mentoring program for women innovators, hosting a forum for women innovators to advance women's economic empowerment.³⁷

These activities collectively contribute to enhancing women's participation and success in economic endeavors.

V. ACCESS TO ENTREPRENEURSHIP

According to the World Bank, the exclusion of women from the labor market and low economic activity in Georgia, results in the loss of 11% of GDP every year. Statistics indicate that society in general will benefit from women's economic empowerment.³⁸

Georgia pursues to adhere to the best practices prevalent on the world stage, in terms of gender equality and women's economic empowerment. One of the leaders in these fields is Canada. According to the Ministry of Small Business of Canada,³⁹ increasing women entrepreneurship could add billions to the GDP. Yet gender stereotypes and other barriers still prevent many women from reaching their business goals. Only 16.8% of Canadian small and medium-sized businesses are owned by women, representing a huge, missed opportunity.

³⁵ Human Rights Strategy of Georgia for 2022-2030, 26 <<https://matsne.gov.ge/ka/document/view/5757268?publication=0>> [last accessed on 16 April 2024].

³⁶ *ibid*, 26-27.

³⁷ Ordinance of the Government of Georgia N528, (28/12/2023) on adoption of Human Rights Action Plan for 2024-2026 <<https://matsne.gov.ge/ka/document/view/6053557?publication=0>> [last accessed on 18 April 2024].

³⁸ Human Rights Action Plan of Georgia for 2024-2026 <<https://myrights.gov.ge/ka/documents/action%20plans/>> [last accessed on 18 April 2024].

³⁹ Group of authors, Decade of Women's Empowerment, Major achievements and challenges of 2012-2022 (Georgian Parliamentary Research Center 2023) 105 <<http://genderequality.ge/ge/libraries>> [last accessed on 13 April 2024].

Women's employment and financial independence affects not only their role in the family and distribution of family activities, but also contributes significantly to the creation of the country's economic power, overcoming poverty and improving the economic situation.⁴⁰

The Government of Canada is advancing women's economic empowerment with the first ever Women Entrepreneurship Strategy, representing nearly \$7 billion in investments and commitments. The WES aims to increase women-owned businesses access to the financing, networks, and expertise they need to start up, scale up and access new markets.⁴¹

The Women Entrepreneurship Strategy encompasses the programs and services of multiple federal departments, crown corporations and agencies dedicated to supporting women entrepreneurs. In 2021–22, WES initiatives delivered almost 9,000 affordable loans to women entrepreneurs; more than 22,000 women participated in learning and networking events through the Women Entrepreneurship Knowledge Hub; and the WES Ecosystem Fund helped more than 10,000 women start or grow their businesses.⁴²

Sweden has implemented advanced approach towards gender equality and women's economic empowerment. However, even in Sweden women are still underrepresented as entrepreneurs. Savings and ownership are unevenly distributed between men and women. This, in combination with wage differences, means that men and women have different personal finances and thus different amounts of influence over their life choices.

In this regard, the Swedish government pays special attention to raising awareness in order to increase the involvement of women in entrepreneurship.⁴³

The Swedish Agency for Economic and Regional Growth – Tillväxtverket, provides grants for several entrepreneurs to support their programs, including targeting women. One of the main tasks of the Swedish Agency for Economic and Regional Growth is to strengthen Sweden's economy and competitiveness, with this in mind, the government is actively improving conditions for women, to run and develop business.⁴⁴

To strengthen women's position as entrepreneurs and at the same time contribute to increased investments in Swedish companies, the government implements

⁴⁰ Rechie Valdez, Minister of Small Business of Canada, 'Statement of the Minister of Small Business of Canada' <<https://ised-isde.canada.ca/site/women-entrepreneurship-strategy/en>> [last accessed on 26 April 2024].

⁴¹ Group of authors, *supra* note 39, 106.

⁴² Government of Canada, 'Women Entrepreneurship Strategy: Progress Report 2022' <<https://ised-isde.canada.ca/site/women-entrepreneurship-strategy/en>> [last accessed on 26 April 2024].

⁴³ Group of authors, *supra* note 39, 106.

⁴⁴ Regeringen, 'Uppdrag om kvinnors företagande och ägande' <<https://www.regeringen.se/contentassets/d1990cc2aeb5455f92b9f782173845b6/uppdag-om-kvinnors-foretagande-och-agande.pdf>> [last accessed on 25 April 2024].

initiatives that will contribute to better conditions for women in business. The efforts contribute to increasing awareness, interest, and competence among women regarding entrepreneurship and investments as well as ownership of companies.⁴⁵

Within the framework of the entrepreneurship promotion policy, supporting women entrepreneurs and their economic empowerment is one of the most important directions in Georgia.⁴⁶

Women's entrepreneurship became one of the seven priority directions of the "2021-2025 Strategy for the Development of Small and Medium Enterprises of Georgia". It should be emphasized that even though the 2016-2020 strategy covered above mentioned issue, it was decided to establish promotion of women's entrepreneurship as a separate priority in the new strategy, with corresponding goals and objectives.⁴⁷

Enterprise Georgia, under the Ministry of Economy and Sustainable Development of Georgia has been operating Micro and Small Business Support Program since 2015, offering micro grants up to 30,000 GEL to promote the growth of small businesses, foster a modern entrepreneurial culture, and create job opportunities in Georgia. Since 2020, women are given priority and receive an additional point at the stage of evaluating business ideas, within the framework of the program. It should be noted that in 2022-2023, the share of female beneficiaries already exceeded 50%.⁴⁸

In 2022-2023, LEPL "Georgia's Innovation and Technologies Agency" under the Ministry of Economy and Sustainable Development of Georgia, undertook several initiatives focused on promoting and advancing opportunities for women. The agency implemented a range of activities that included organizing training, workshops, and capacity-building programs, encouraging access to finance and resources, and facilitating mentorship opportunities that focused on empowering and inspiring women to pursue careers in technology and innovation.⁴⁹

One of the criteria for evaluating the grant application is the participation of women in startups. The startups, with female majority participation are given an additional 2 points. The rule aims to encourage the involvement of women in entrepreneurial activities.⁵⁰

At the regional level, women's economic empowerment is vital to eliminate gender inequality and overcome population decline in aging rural settlements. The statistics

⁴⁵ *ibid.*

⁴⁶ *ibid.*

⁴⁷ Group of authors, *supra* note 39, 108.

⁴⁸ *ibid.*, 106.

⁴⁹ *ibid.*

⁵⁰ In particular: "Promotion of women's entrepreneurship - creativity, how to create an innovative product"; "Women in Technology"; "Ms. Tech - UI/UX Design for Girls"; "Wix Development Course for Girls"; "Training with female entrepreneurs"; "Tech Bootcamp for High School Girls" and "Technovation Girls Sakartvelo 2023". Totally, over 386 females benefited from the events.

clearly indicate a clear decline in rural population, which has further decreased by 8% since 2012.⁵¹

Women and girls living in regions are more likely to suffer from gender inequality due to local culture, perceptions, and stereotypes, as well as relatively low access to economic and social services. These further increase the risks of poverty and economic inequality for women and girls. The economic improvement of girls and women in rural areas, is also mentioned in the recommendations prepared for Georgia within the framework of international cooperation.⁵²

One of the goals of the Ministry of Agriculture is to strengthen the entrepreneurial abilities of women and to ensure the maximum involvement of various groups of women. The Rural Development Agency, under the Ministry of Environmental Protection and Agriculture, adopted the “Gender Strategy and Action Plan 2022-2024”.⁵³

It's noteworthy, that the 2021-2027 strategy of agriculture and rural development envisages diversification/development of economic opportunities in rural areas, improvement of social conditions and living standards, based on the principles of sustainable development.⁵⁴

In 2022, the Agency implemented a “Pilot Program for Women” in two municipalities of Georgia - Lagodekhi and Marneuli. The goal of the Program is to integrate economically inactive women into society within the pilot municipalities, by improving their socio-economic status and stimulating women's involvement in agricultural activities.⁵⁵

VI. WOMEN IN THE LABOR MARKET

Ensuring equal access to fair wages, protection of discrimination and employment opportunities are main aspects of women's economic empowerment.

Sweden has huge experience regarding the protection of gender equality in the workplace. Legislation prohibits discrimination based on gender and with the purpose of discovering, rectifying, and preventing unwarranted pay differentials and other terms of employment between women and men, the employer shall annually survey and analyses regulations and practice concerning pay and other terms of employment that are applied with the employer and pay differentials between women and men who perform work which is regarded as equal or of equal value.⁵⁶

⁵¹ Group of authors, *supra* note 39, 110.

⁵² *ibid*, 113.

⁵³ *ibid*.

⁵⁴ *ibid*.

⁵⁵ *ibid*.

⁵⁶ The budget of the mentioned program is 300,000 USD: UN Women - 240,000 USD, the Agency - 60,000 USD.

Sweden's Gender Equality Policy,⁵⁷ is prescribed in six priority areas and one of the main areas is economic gender equality. In this regard, specialized policy documents are adopted, to ensure, that the same opportunities and conditions for paid work are achieved in practice.⁵⁸

In order to eliminate gender discrimination and barriers in the labor market, Georgia undertook the commitment within the framework of the sustainable development goals of the United Nations.⁵⁹ Sustainable Development Goal 10 on reducing inequalities calls on states to “ensure equal opportunities and reduce inequalities in work outcomes, including by eliminating discriminatory laws, policies or practices and promoting appropriate laws, policies or activities in this regard”.⁶⁰

The amendments implemented in the Labor Code of Georgia in 2020 ensured full compliance of the Code with the standards of the European Union and the International Labor Organization. It is worth noting that the European Parliament and Council Directive defines the principle of equal pay for equal work or work of equal value, and prohibits discrimination based on different criteria when determining pay. The said obligation was undertaken by Georgia within the framework of the Association Agreement.⁶¹

In response to the fulfillment of this obligation, amendments to the Labor Code of Georgia included the concept of “remuneration” and the principle of equal pay for equal work. In particular, the code established equal remuneration between female and male employees, for the same job performed, which is an important step forward in the process of reducing the gender wage gap.⁶²

In September 2021, Georgia also joined the “International Equal Pay Coalition”²⁰³ (EPIC), whose goal is to reduce wage differences worldwide and ensure equal pay for men and women for performing activities of equal value. To achieve this goal, the coalition supports states in building capacity, improving legislation and monitoring enforcement.⁶³

The amendments to the Labor Code introduced increased standards of parental leave, increasing the paid parental leave days to 183 calendar days or 200 calendar days in

⁵⁷ Act on Equality between Women and Men The Equal Opportunities Act (SFS 1991:433) Section 10 <<https://www.wcwonline.org/pdf/lawcompilation/Sweden-genderequality.pdf>> [last accessed on 25 April 2024].

⁵⁸ Government Office of Sweden, Ministry of Employment, ‘Gender Equality Policy in Sweden, A Government for Gender Equality’ <<https://government.se/contentassets/efcc5a15ef154522a872d8e46ad69148/gender-equality-policy-in-sweden-240229.pdf>> [last accessed on 25 April 2024].

⁵⁹ *ibid.*

⁶⁰ Group of authors, *supra* note 39, 4.

⁶¹ *ibid.*, 115.

⁶² *ibid.*

⁶³ *ibid.*, 116.

case of complicated childbirth or twin birth. Childcare leave, which can be used fully or partially for 604, was also introduced. This period may be distributed between the pregnancy and postnatal periods.⁶⁴ The Code also provides for additional unpaid parental leave, in particular, “employee may, upon his/her request, be granted, in whole or in parts, but not less than 2 weeks a year, additional unpaid parental leave of 12 weeks until the child turns 5.”⁶⁵ Employees who are breastfeeding infants under the age of 12 months are entitled to request an additional break of at least 1 hour a day. A break for breastfeeding shall be included in working time and shall be remunerated.⁶⁶

The Labor Code of Georgia also incorporated new provisions regulating the rights of a pregnant woman, a woman who has recently given birth or is breastfeeding, including the prohibition of their employment for night work,⁶⁷ providing them with reasonable accommodation, to request the performance of work in the same establishment that corresponds with her health condition,⁶⁸ releasing her from the performance of the duties under the employment agreement, which shall not be considered as a period of temporary incapacity for work.⁶⁹

Regarding the legal framework for individuals employed in public service, the Law on Public Service provides for 183 calendar days of paid leave for pregnancy, childbirth, and childcare. In cases of childbirth complications or the birth of twins, the leave period extends to 200 calendar days.⁷⁰

In addition, amended legislation establishes, that a pregnant woman, a woman who has recently given birth or is breastfeeding, a person with a disability, a minor, a legal representative or supporter of a person with a disability, and/or a person who has a child under the age of 3 years, shall not work overtime without his/her written consent.⁷¹ Employees have the right to part-time work for health reasons, or for raising a child of less than one year old and during pregnancy.⁷² The state-provided compensation is attributed to women employers. This benefit amounted to GEL 1,000 before 2023, afterwards it was increased to GEL 2,000.⁷³

⁶⁴ *ibid.*

⁶⁵ Article 37, paragraph 3, Labor Code <<https://www.matsne.gov.ge/document/view/1155567?publication=21>> [last accessed on 15 April 2024].

⁶⁶ *ibid.*, Article 40.

⁶⁷ *ibid.*, Article 24, paragraph 6.

⁶⁸ *ibid.*, Article 28, paragraph 3.

⁶⁹ *ibid.*, Article 20, paragraph 6.

⁷⁰ *ibid.*, Article 28.

⁷¹ Group of authors, *supra* note 39, 117.

⁷² Article 61, paragraph 11, Law on Public Service of Georgia.

⁷³ *ibid.*, Paragraph 5.

VII. UNPAID WORK

Women bear a disproportionate burden of unpaid care work, resulting in negative social and economic outcomes for women. Unpaid care work significantly contributes to a country's economic and societal well-being. However, such work remains mostly invisible and unrecognized. In no country in the world do men and women equally share unpaid care work.⁷⁴

Unpaid care work is the main contributor to women's time poverty and is an obstacle to women's economic participation. Globally women perform more than 3 times of unpaid care work than men.⁷⁵

Unpaid household work is also challenging in Sweden. Women and men spend different amounts of time on unpaid household work. This is evident from Statistics time use survey of Swedes.

Women who provide a lot of care also experience poorer well-being as it affects their social life, finances, and health and it has impact on women's economic condition. The tax deduction on household services has increased both women's and men's participation in the labor market by reducing the time spent on cleaning and other household chores. However, the effects of the tax deduction on household services on the distribution of unpaid household and caregiving work and economic equality are still unclear.⁷⁶

The goal of achieving an equal distribution of unpaid household and care work has long been a neglected area in terms of political actions, and progress has almost come to a standstill. The National Board of Health and Welfare is currently developing a national strategy for relatives who are caregivers or who support elderly relatives.⁷⁷

Georgia also has the same policies as well as Sweden. However, Georgia also has the challenges like Sweden, both countries have their goals to develop several areas to reduce the women's care work and support their development.

In Georgia, the division of household labor is starkly segregated by gender, with women doing nearly all household chores. There is no significant discrepancy between women's and men's perceptions on this matter.⁷⁸

⁷⁴ Article 1, Resolution of the Government of Georgia "On determination of the amount of monetary assistance to be given for the period of paid leave due to pregnancy and childbirth and paid leave due to child care, as well as paid leave due to the adoption of a newborn, and some measures to be taken." <<https://matsne.gov.ge/document/view/5699771?publication=0>> [last accessed on 21 April 2024].

⁷⁵ UN Women, Issue Brief, 'Unpaid care work in Georgia' 1 <<https://georgia.unwomen.org/sites/default/files/2022-09/Unpaid-Care-Work%20V2%20eng.pdf>> [last accessed on 21 April 2024].

⁷⁶ *ibid.*

⁷⁷ Swedish Gender Equality Agency, 'Sub-Goal 4: Even Distribution of Unpaid Housework and Care Work' <<https://swedishgenderequalityagency.se/gender-equality-in-sweden/sub-goal-4-even-distribution-of-unpaid-housework-and-provision-of-care/>> [last accessed on 26 April 2024].

⁷⁸ *ibid.*

Most importantly, women's unpaid care-work creates barriers, which prevents women from keeping a paid job. Unpaid care responsibilities are one of the factors prompting women to join more precarious jobs, be self-employed or work in the informal economy, which in turn leaves them without adequate social security. While care work can also be rewarding, a systemic, unequal division of labor leads to overwork and time poverty, limiting women's economic opportunities, power and control over their lives and diminishing their overall enjoyment of dignified work and life.⁷⁹

VIII. CONCLUSION

An economically realized woman makes an important contribution to the economic development of the country.

Examples of Georgia, Sweden and Canada have shown the appropriate efforts made by the states in the direction of women's economic empowerment. Despite the legal and policy similarities of Georgia, it should be noted that the context of traditional, religious and cultural differences matter. Hence, the policies developed within an international legal framework should take the country's context into account.

Georgia has achieved significant development in the direction of women's economic empowerment by its authentic approaches, which directly translate into gender equality.

In Georgian context, the main objective of equality before the law is to equip people with equal opportunities and to promote the equitable utilization of their abilities. However, it's important to recognize that the realization of women potential is impacted negatively by many factors.

Georgia has a sophisticated legal framework in terms of gender equality harmonized with international standards. However, improving legislation and policy is a continuous process, it is appropriate to further bring the national legal framework closer to the best international standards, and learn from the international experience regarding policy making process on women's economic empowerment. Georgia should consider the possibility of ratifying appropriate thematic conventions of the International Labor Organization.

Although the participation of women in entrepreneurship support programs has increased significantly, it is important to increase this rate further by improving the gender sensitivity of economic support programs implemented by the state at the central and local levels.

Unpaid labor plays an important role in the creation of the economic state of the country. It is also important that the said burden is mostly carried out by women. Therefore, it is

⁷⁹ UN Women, *supra* note 75.

important for the state to have an appropriate care economy framework, which should include the principles of gender equality in social and educational services.

Moreover, an essential factor for women's economic empowerment is access to quality education, that will contribute to the elimination of social norms and stereotypes related to the role of women, as well as discriminatory attitudes established in society.

All the above, will contribute to the economic empowerment of women, that directly affects the essential equality of men and women, which is a fundamental principle of the Constitution of Georgia.