



**Georgia's Compliance with the Convention on the Rights of the Child
Report for the Pre-Sessional Working Group of the Committee on the Rights of the Child**

Submitted by The Advocates for Human Rights,
a non-governmental organization in special consultative status with ECOSOC
and
Anti-Violence Network of Georgia,
a non-governmental organization

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I. Reporting Organizations

1. **The Advocates for Human Rights** (“The Advocates”) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates’ Women’s Human Rights Program has published 25 reports on violence against women as a human rights issue, frequently provides consultation and commentary on drafting laws on domestic violence, and trains lawyers, police, prosecutors, and judges to effectively implement new and existing laws on domestic violence.
2. **Anti-Violence Network of Georgia** (AVNG) is the first organization in Georgia that has been providing comprehensive services for the victims of domestic violence since 2003. Furthermore, AVNG is the first organization that has established shelter for women and children who are victims of domestic violence. The goal of the organization is to promote the establishment of such social, legal and institutional environment in Georgia, where the right of victims of domestic violence, especially of women and children, shall be duly protected. On this stage AVNG unites 9 regional committees and 5 sub-committees throughout Georgia.¹

The organization holds meetings throughout the country with local governments on the issue of raising public awareness on the problem of domestic violence and engages them in the process. In addition, the organization regularly holds meetings with women’s groups in regions and villages for the purpose of revealing problems. To support the implementation of

¹AVNG, as UNICEF mentioned in its survey (National Survey of Knowledge, Attitude and Practice”, July, 2013), is a leading Georgian NGO working with victims of domestic violence. (For more information see: http://avng.ge/index.php?lang_id=2)

the existing legislation against domestic violence, AVNG is permanently conducting trainings, both in Tbilisi and in the regions, for police officers, service inspectors, prosecutors, lawyers, judges and human rights activists. In order to ensure the systematic character and effectiveness of the above-mentioned trainings, AVNG has prepared a course, module and manual for the Police Academy. Together with the representatives of other governmental and non-governmental institutions, AVNG is the co-author of the law “On Prevention of Domestic Violence, Protection and Assistance of Victims of Domestic Violence” which was adopted by the Parliament on 25 May 2006. Since 2007, AVNG is the author of 5 packages of legal amendments that included 22 draft laws aimed at the creation of the legislative framework enabling a successful fight against domestic violence, and effective protection of domestic violence victims. Furthermore, AVNG runs shelters for victims of domestic violence in Tbilisi and in Akhaltsikhe. AVNG was the first organization to open the shelter of this kind and nowadays, besides the State, the organization remains the only non-governmental organization that provides this service.

II. Summary

3. This report identifies violations of the rights of children in Georgia. Although the State party has taken some recent positive actions, including the ratification of the Convention on the Rights of Persons with Disabilities and ratifying new laws, there are still many areas that show a need for improvement so that children can exercise the rights that are set forth in the Convention on the Rights of the Child.

III. General Principles

Social Workers

4. Social workers play many roles in Georgia with respect to children; however, there are a very limited number of social workers throughout the country and they lack sufficient resources. As stated in Article 3 of the Convention, States Parties shall ensure that institutions, services, and facilities responsible for the care or protection of children shall conform to the standards established by competent authorities, especially in the number and suitability of staff. There are only approximately 239 social workers that work for the Ministry of Labour, Health, and Social Affairs. There are reportedly plans to hire an additional 67 social workers, but even with these additions, the number of social workers in the country is too low.
5. Even with an increase in numbers, social workers lack training, in particular with respect to domestic violence. This lack of training was highlighted by the Committee in 2008, when it recommended that the State Party ensure that professionals working with children (e.g., teachers and social workers) receive training on their obligation to report and take appropriate action in suspected cases of domestic violence.²
6. In addition, social workers are not provided with sufficient resources to carry out their roles. For example, social workers do not receive compensation or reimbursement of expenses

² Committee on the Rights of the Child, 48th Session, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Concluding observations: Georgia, CRC/C/GEO/CO/3, 28 June 2008, ¶41(c).

when they need to travel to visit a family. Social workers pay these expenses from their own salaries, which are approximately \$250 per month. As a result, social workers can only afford to meet with a family or a child once, which is insufficient to make objective conclusions.

Suggested questions for the Committee's list of issues:

- **Please describe the trainings that are available for social workers, especially with respect to domestic violence, and describe which organization or institution provides these trainings.**
- **What steps is the State party taking to increase the number of social workers and the resources available to them?**

IV. Civil Rights and Freedoms

Forced marriage

7. As described in the Joint general recommendation/general comment on harmful practices, child marriage is any marriage when at least one of the parties is under 18 years of age, and it is considered a form of forced marriage.³ In recognition of a child's evolving capacities and autonomy, there may be exceptional circumstances in which a mature and capable child under the age of 18 years old may be allowed to marry, provided that the child is at least 16 years old and that a judge makes the decision based on legitimate, exceptional grounds defined by law and on the evidence of maturity, without deference to cultures and traditions.⁴
8. The State party has criminalized forced marriage and recently amended the requirements for marriages under the age of 18. In addition to parental consent, a child over the age of 17 may now marry with court approval. The law provides that the judge may only approve the request for an early marriage in case of pregnancy or the birth of a child.⁵

Suggested questions for the Committee's list of issues:

- **What steps is the State party taking to ensure that judges are trained in the implementation of the new law?**
- **What steps is the State party taking to prevent child marriage, especially in regions when marriages may still be performed and not registered with the State?**
- **What steps is the State party taking to inform the public about the criminalization of forced marriage, legal requirements, and the consequences of early marriage?**

Protection of young mothers

³ Joint general recommendation/general comment No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices, CEDAW/C/GC/31-CRC/C/GC/18, 4 November 2014, ¶19.

⁴ Joint general recommendation/general comment No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices, CEDAW/C/GC/31-CRC/C/GC/18, 4 November 2014, ¶19 and 54(f).

⁵ Regina Jegorova-Askerova, *Georgia Tightens Up on Early Marriage*, Institute for War & Peace Reporting, 7 December 2015, available at <https://iwpr.net/global-voices/georgia-tightens-early-marriage>.

9. Although the State party has criminalized statutory rape,⁶ the State party also needs to ensure the protection not only of the victims of statutory rape but also of any children that result from statutory rape. As stated in Article 27 of the Convention, “States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and abroad.”⁷ However, if men refuse to acknowledge the child as their own, the young mothers are left without the ability to receive support for the child from the father. DNA analysis is available to establish paternity, but there are limited resources available for these tests; thus, these tests are not used as often as they should be.

Suggested questions for the Committee’s list of issues:

- **What steps is the State party taking to ensure that young mothers are able to establish paternity for their children and receive child support from the fathers?**

V. Basic Health and Welfare

Children with Disabilities

10. On 13 March 2014, the State party ratified the Convention on the Rights of Persons with Disabilities. Although this is a commendable advance by the State party, there are still many steps it needs to take to advance the rights of those with disabilities, especially children with disabilities.
11. In 2008, the Committee recommended that the State party pursue efforts to ensure that children with disabilities may exercise their right to education to the maximum extent possible.⁸ However, there are no special schools that are available for children with disabilities, and schools lack qualified instructors to provide appropriate educational services for children with disabilities. As a result, many families with children with disabilities feel stigmatized⁹ and children with disabilities lose educational opportunities.
12. In addition, in general there is limited infrastructure for those with disabilities. Sidewalks and streets have not been converted to being accessible, there are no public or private transportation options that are accessible, and there are limited rehabilitation programs

⁶ US State Dep’t, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2014: Georgia, available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236526#wrapper>. The minimum age of consensual sex is 16 years. If the perpetrator is shown to be aware of the age of the victim, the penalty for violating the law is up to 9 years of incarceration.

⁷ Convention, Art. 27, subd. 4.

⁸ Committee on the Rights of the Child, 48th Session, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Concluding observations: Georgia, CRC/C/GEO/CO/3, 28 June 2008, ¶43(c); *see also* Article 23 of the Convention.

⁹ US State Dep’t, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2014: Georgia, available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236526#wrapper>.

available. Although there are crisis centers for those with disabilities, it is difficult to obtain access to the center because there are limited places available.¹⁰

Suggested questions for the Committee’s list of issues:

- **What steps is the State party taking to ensure that children with disabilities are able to exercise their right to education?**
- **What steps is the State party taking to ensure access to rehabilitation programs and crisis centers for children with disabilities?**

VI. Education, Leisure, and Cultural Activities

Bullying

13. Article 28 provides that States parties shall take measures to encourage regular attendance at schools and reduce dropout rates.¹¹ Rates of bullying have increased in schools in Georgia, which can decrease attendance and negatively impact education for those children who are targeted. The State party has taken a positive step with some preventative measures with a campaign in schools, but there are no laws or policies that address this issue.

Suggested questions for the Committee’s list of issues:

- **Please describe the steps that the State party is taking to reduce bullying in schools.**

VII. Special Protection Measures

Street Children

14. There are an unknown number of children who live on the streets and are compelled by another person to beg for money. These children often face violence and lack legal documents, preventing them from accessing medical care, education, or other government benefits.¹²

15. As stated in Articles 32 and 36, States parties acknowledge a child’s right to be free from economic exploitation and shall protect the child against all forms of exploitation prejudicial to the child’s welfare.¹³ The State party has taken a positive step, and there is a draft law that will define homelessness and allow these street children to obtain identification documents. This new law also provides that social workers can be named as custodians for the street children, which will also allow social workers to remove children if their parents are the perpetrators of violence against them.

16. The State party has also taken steps to establish crisis centers for street children. In 2008, the Committee recommended that the State party provide street children with recovery and social reintegration services, and provide them with adequate nutrition, housing, healthcare and

¹⁰ *Id.*

¹¹ Convention on the Rights of the Child, Art. 28, para. 1€

¹² US State Dep’t, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2014: Georgia, available at

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dclid=236526#wrapper>.

¹³ Convention on the Rights of the Child, Articles 32, para. 1 and 2, and 36.

educational opportunities and ensure sufficient availability of shelters.¹⁴ The State party acknowledged that establishing crisis centers for these children needs to be a major goal, and described the three mobile units and the one day care center that was operating as of January 2014.¹⁵

Suggested questions for the Committee's list of issues:

- **Please describe the trainings that will be provided to social workers with respect to the new law that authorizes them to remove children in situations of violence and become custodians.**
- **Please describe your timeline for launching all of the crisis centers and shelters, how many children will be able to access services, the State party funding that has been allocated to this initiative, and whether the services will be available to all children, regardless of their nationality.**

Protection of victims and witnesses of crimes

17. In 2008, the Committee recommended that the State party ensure that all children victims or witnesses of crimes are provided with the protection required by the Convention and take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime.¹⁶ The State party has not implemented this recommendation, and there are no good conditions for child witnesses in trials. Although social workers are designated to work with children through the process, as indicated above there are an insufficient number of social workers and the resources provided to them are limited; thus, they are unable to meet these needs.

Suggested questions for the Committee's list of issues:

- **What steps is the State party taking to provide additional resources to social workers or otherwise re-allocate these obligations to ensure that child witnesses are supported during trials?**

¹⁴ Committee on the Rights of the Child, 48th Session, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Concluding observations: Georgia, CRC/C/GEO/CO/3, 28 June 2008, ¶65(a) and (c).

¹⁵ Fourth Periodic Report on the Implementation of the Convention on the Rights of the Child: Georgia, ¶195.

¹⁶ Committee on the Rights of the Child, 48th Session, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Concluding observations: Georgia, CRC/C/GEO/CO/3, 28 June 2008, ¶74.