



**GEORGIAN
YOUNG
LAWYERS'
ASSOCIATION**

INFORMATION FROM CIVIL SOCIETY ORGANISATION

submitted to

THE COMMITTEE ON THE RIGHTS OF THE CHILD

prepared by

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Contents

Abbreviations	3
Introduction and Background Information	4
<i>Alarming developments in Georgia against human rights, including children's rights</i>	4
<i>Adoption process of the national human rights strategy and action plan</i>	6
CHILDREN ACCESS TO JUSTICE	8
<i>Sexual abuse of children</i>	8
<i>Sexual Violence Against Girls With Disabilities</i>	9
<i>Child marriage</i>	12
Education	13
<i>Pre-school education</i>	13
<i>School education and extracurricular activities</i>	14
<i>Information on education programmes in Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, which remain outside the effective control of the State party</i>	15
CHILDREN DEPRIVED OF FAMILY ENVIRONMENT	16
ECONOMIC EXPLOITATION AND CHILD LABOUR	16
CHILDREN IN STREET	17
RECOMMENDATIONS	18

Abbreviations

Art.	Article
CRC	Convention on the Rights of the Child
CRC Committee	Committee on the Rights of the Child
CSE	Comprehensive Sexuality Education
CSO	Civil Society Organization
GYLA	Georgian Young Lawyers' Association
MIA	Ministry of Internal Affairs of Georgia
NGO	Non-governmental organization
NNLE	Non-entrepreneurial Non-commercial Legal Entity
PDO	Public Defender's Office of Georgia
POG	Prosecutor's Office of Georgia
SRH	Sexual and Reproductive Health
UN	United Nations

Introduction and Background Information

1. The Georgian Young Lawyers' Association submits the Information on Georgia for consideration by the Committee on the Rights of the Child at its 96th Session (06 May 2024 - 24 May 2024).
2. GYLA is a non-governmental organisation operating in Georgia which protects human rights and promotes good governance in Georgia through strategic litigation, advocacy and awareness-raising on human rights. For about 30 years, GYLA has been implementing a number of projects dedicated specifically to the recognition and protection of children's rights.
3. With this alternative report, GYLA submits information about: (1) alarming developments in Georgia against human rights, including children's rights; (2) the process of adoption of national human rights strategy and action plan, information about the (3) implementation of access to justice, sexual abuse of children, sexual violence against girls with disabilities and closed institutions, child marriage, education, including education programmes in Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, which remain outside the effective control of the State party, children deprived of family environment, economic exploitation and child labour, children in street. By the end of the report, relevant recommendations are presented.

Alarming developments in Georgia against human rights, including children's rights

4. In April 2024 the Ruling Party announced¹ the reintroduction of so-called foreign agents law at the parliament of Georgia. The proposed bill, known as The Draft Law on Transparency of Foreign Influence, closely resembles the previously proposed 'foreign agents law' from the preceding year, which was withdrawn by the ruling Georgian Dream party amidst widespread street demonstrations. However, the new bill adopts a different terminology, referring to its targets as "organizations advocating the interests of a foreign power" instead of "agents of foreign influence." Notably, unlike its predecessor, this iteration of the draft law on foreign influence transparency originates from the Georgian Dream faction itself, rather than individual members from satellite political parties with anti-Western leanings.
5. Under the law, "Foreign Power" encompasses entities within the governmental structure of a foreign nation, non-citizen individuals, legal entities not established under Georgian law, and those created under foreign state or international law. This terminology, within the Georgian context, holds significant implications, potentially fueling conspiracy theories and facilitating the discrediting of civil society and foreign donors. Additionally, an "Organization advocating the interests of a foreign power" is broadly defined to include entities receiving over 20% of

¹The draft law is available here: <<https://info.parliament.ge/file/1/BillReviewContent/359740>>, Updated: 08.04.2024

their income from a foreign source, encompassing most non-commercial legal entities, critical media outlets, and online content creators.

6. Entities falling within the scope of this legislation are required to register as "organizations advocating the interests of a foreign power" with the Ministry of Justice's Public Registry Agency and annually disclose financial declarations detailing funds received and expended. The Ministry of Justice is tasked with monitoring such organizations, reviewing financial declarations, and has the authority to initiate monitoring independently or upon application by any individual, including anonymously.
7. Failure to register or submit financial declarations within the stipulated timeframe incurs a fine of 25,000 GEL (approximately 9,500 USD), with the state empowered to enforce registration. Subsequent non-compliance results in additional fines, escalating up to 20,000 GEL (approximately 7,400 USD) per month. These penalties are notably disproportionate when compared to fines for other infractions under Georgian law, such as fire safety or medical malpractice.
8. *The proposed legislation raises significant concerns regarding human rights standards. Compelling civil society and media organizations to register involuntarily as 'advocates of the interests of a foreign power' represents an unjustifiable infringement on the rights to freedom of association and expression. Moreover, the stigmatizing language employed by the law tarnishes the reputation of targeted organizations, portraying them as either disloyal or beholden to foreign interests. Furthermore, the legislation appears to indiscriminately target international donors, governments of friendly nations, and international organizations, labelling them as "foreign powers" and casting doubt on their altruistic motives in supporting Georgia's democratic and economic development.*
9. On 08.04.2024 up to 500 NGOs and media outlets, including GYLA, spread statement against the draft law.² Number of international stakeholders reacted promptly and condemned the reintroduction of draft law on foreign agents as it poses real and imminent danger for human rights situation in Georgia.³
10. According to the **The United Nations Human Rights office**: *“Georgia: We urge the authorities to withdraw the draft law labelling civil society and media that receive over 20% of their funding from abroad as “organisations acting in the interest of a foreign power”. This poses serious threats to freedoms of expression and association.”*⁴

²Available here: <<https://gyla.ge/en/post/yes-to-europe-no-to-russian-law#sthash.GEjmKY5d.dpbs>>, Updated: 08.04.2024.

³ Available here: < <https://civil.ge/archives/589823>>, Updated: 08.04.2024.

⁴Available here: <https://twitter.com/UNHumanRights/status/1775904834241110361?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweete>

11. Also, the **UN in Georgia** stresses in respect with draft law's impact on CSOs: *“stigmatizing their work risks leaving persons with disabilities, internally displaced, minorities, older persons, women, youth and children, survivors of domestic violence and other people in need without effective assistance and support.” The United Nations in Georgia also recalls that “the draft law falls short of a number of Georgia’s international obligations.”*⁵
12. **Mary Lawlor, UN Special Rapporteur on Human Rights Defenders:** *“I’m deeply concerned by the reintroduction of the foreign agents law in Georgia’s parliament, despite assurances made during my visit that it wouldn’t happen. I highlighted the harm of this bill in my report and will continue to closely monitor developments.”*⁶
13. **The reintroduction of a foreign agents law reminiscent of Russian legislation poses a significant obstacle to the effective implementation of the Convention on the Rights of the Child by Georgia, the State party. This legislation directly undermines the peaceful existence of civil society and media within Georgia. Therefore, GYLA urges the Committee to address this matter within its mandate.**

Adoption process of the national human rights strategy and action plan

14. The first National Strategy for Human Rights approved by the Parliament of Georgia in 2014 expired at the end of 2020. The working version of the new strategy became publicly available on August 23, 2022.⁷ The Government of Georgia set a deadline of 2 weeks for external interested parties to submit opinions on the Strategy for Human Rights, and the Strategy was approved on September 5, 2022, immediately after the deadline.⁸ The adoption and development process of the National Strategy for Human Rights lacked inclusivity of stakeholders and civil society, while the strategy itself failed to address number of pressing human rights challenges.

mbed%7Ctwterm%5E1775904834241110361%7Ctwgr%5E7e63691865a0fff4b8b09aa5a79f645a9366c217%7Ctwc on%5Es1_&ref_url=https%3A%2F%2Fnetgazeti.ge%2Fnews%2F716559%2F, Updated: 08.04.2024.

⁵Available here: <https://georgia.un.org/en/265569-statement-united-nations-georgia?fbclid=IwAR3KwwQBhRzFairzqA9onkKJ5zxR42XwpwSznms8ioRTtZgH6KsXW-0PnIM_aem_AceKEWjfbXZPu9gFzbJKzUbvfh2EEcEvqgp2DXsNGwkfftpHpITDHIIvRhlnMMW2oNGpKm3iNwF_Vuq3UtLQtAnQ>, Updated 12.04.2024.

⁶ Available here:< <https://twitter.com/MaryLawlorhrds/status/1776255469046071541>>, Updated 12.04.2024.

⁷ GYLA, Document For Monitoring The Development And Implementation of The National Strategy For Human Rights For 2022-2030 Regarding Labor And Environmental Rights, 2023, 10, available: <<https://gyla.ge/files/%E1%83%AC%E1%83%9A%E1%83%98%E1%83%A3%E1%83%A0%E1%83%98%20%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%94%E1%83%91%E1%83%98/MONITORING%20OF%20THE%20NATIONAL%20STRATEGY.pdf>>, Updated: 08.04.2024

⁸ *ibid.*

15. Civil society organizations, in addition to the strategy development process, had critical comments and suggestions on the content of the National Strategy for Human Rights, as the strategy did not address a number of human rights challenges in the country, including: (1) *The need to reform the High Council of Justice, in terms of the development of the justice system;* (2) *problems related to individual independence of judges;* (3) *effective investigation of possible criminal facts committed by law enforcement officers;* (4) *the issue of human rights protection during the implementation of the mandate of the State Security Service and the conduct of covert investigative actions;* (5) *effective implementation of the preschool education system reform;* (6) *prevention of early marriage;* (7) *the issue of continuation and improvement of the reform of labor legislation of Georgia;* (8) *the issue of elimination/prevention of continuous occupation;* (9) *the issue of improving the legal status of women, LGBT community, children and disabled persons living in the occupied territory;* (10) *the issue of effective investigation of the facts of alleged torture in the occupied territories and the use of preventive measures.* (11) *total exclusion of LGBTQI+ people and their rights from the document.*⁹

16. Based on all of the above, the process of development of the National Strategy for Human Rights by the Government of Georgia did not meet the standards of development of the policy document defined by the Resolution #629 of the Government of Georgia of December 20, 2019,¹⁰ especially in the part of participation of external stakeholders and public discussions, which, in turn, negatively influenced the definition of the content part of the strategy.

17. On June 6, 2023, at the initiative and facilitation of the Public Defender of Georgia, a meeting was held with Prime Minister's adviser on human rights Niko Tatulashvili and civil society representatives.¹¹ The meeting aimed to discuss the issues related to the development of the Action Plan of the National Strategy for Human Rights between the government administration and civil society representatives, mainly in the direction of the need to ensure the continuous involvement of civil society organizations. At the meeting, representatives of civil society organizations voiced the key concerns related to the deterioration of the legal situation in the country, including the practices of narrowing the space for civil society.¹²

⁹ GYLA's Report on DOCUMENT FOR MONITORING THE DEVELOPMENT AND IMPLEMENTATION OF THE NATIONAL STRATEGY FOR HUMAN RIGHTS FOR 2022-2030, p11, available here < <https://www.gyla.ge/en/mod/publications/25> > , Updated: 15.04.2024

¹⁰ Resolution #629 of the Government of Georgia of December 20, 2019 on the approval of the procedure for development, monitoring and evaluation of policy documents; available: <<https://matsne.gov.ge/ka/document/view/4747283?publication=0>>, Updated: 08.04.2024

¹¹ GYLA calls on the Secretariat of Human Rights of the Government of Georgia to ensure the format of continuous involvement of civil society in the process of developing the action plan; available: < <https://gyla.ge/ge/post/gyla-calls-on-the-secretariat-of-human-rights-of-the-government-of-georgia-to-provide-a-format-for-the-continuous-involvement-of-civil-society-in-the-process-of-developing-the-action-plan> > Updated: 08.04.2024

¹² *ibid.*

18. On October 31, 2023, the Georgian government administration shared the working version of the human rights protection strategy Action Plan with civil society organizations and invited them to a working meeting on November 1, 2023.¹³ Civil society organizations were not given a reasonable time to familiarize themselves with the working version of the Action Plan and present their views at the meeting since the working version of the Human Rights Strategy Action Plan was shared a day before the meeting.
19. On 6-7 December 2023 Government organized meeting with international organizations and civil society organizations to discuss the Human Rights Action plan.¹⁴ The meeting was supposed to be followed by further deliberations and cooperation with the civil society, however **on 28 December 2023, the government adopted the action plan¹⁵ without taking any steps for effectively engaging with the civil society organizations or taking their opinions into consideration.**

CHILDREN ACCESS TO JUSTICE

Sexual abuse of children

20. In 2023, challenges persisted regarding the prevention of sexual violence against children, timely case detection, effective response, and access to rehabilitation and support services for children and their families. National legislation and evidentiary standards did not align with international obligations. Notably, current laws require violence, threats of violence, or the exploitation of helplessness as prerequisites for classifying rape and other sexual acts against children. Moreover, circumstances involving coercion, exploitation of trust, authority, or influence alone do not automatically constitute rape or other sexual offenses. Furthermore, the legislation lacks a specified minimum age threshold where a child's consent is not considered, automatically categorizing minors as individuals in a position of helplessness due to their age. Addressing these legal and systemic gaps is crucial to enhancing protection for children and

¹³ GYLA, Document For Monitoring The Development And Implementation of The National Strategy For Human Rights For 2022-2030 Regarding Labor And Environmental Rights, 2023, 14-15, available here:

<<https://gyla.ge/files/%E1%83%AC%E1%83%9A%E1%83%98%E1%83%A3%E1%83%A0%E1%83%98%20%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%94%E1%83%91%E1%83%98/MONITORING%20OF%20THE%20NATIONAL%20STRATEGY.pdf>>, Updated: 08.04.2024

¹⁴ The measures for the implementation of steps defined for Georgia in the European Commission's Communication on the 2023 Enlargement Policy, available:

< https://www.gov.ge/files/288_86884_123528_ActionPlanforEUs9steps.pdf > Updated: 08.04.2024

¹⁵ ordinance of the Government of Georgia of Dec 28, 2023 №528 on the approval of the Action Plan for the Protection of Human Rights (for 2024-2026); available here:

< <https://www.matsne.gov.ge/ka/document/view/6053557?publication=0> > Updated: 08.04.2024

ensuring that perpetrators of sexual violence are appropriately prosecuted and held accountable¹⁶

21. Another challenge is the lack of services focused on child victims of sexual violence crimes, their limited geographic accessibility, and the scarcity of specialists working with children. The "Psychosocial Service Center for Child Victims of Violence," which provides all investigative and procedural activities with the child's participation in one space while offering rehabilitation services, is currently only available in Tbilisi. Despite the passing years, a similar center planned for Western Georgia has yet to be established. Additionally, the requirement to produce a printed protocol instead of allowing video-audio recordings of child interviews as evidence hampers the effective use of a child-oriented approach in the justice process and the prevention of secondary victimization.¹⁷
22. In the framework of national study on violence against women in Georgia, females were asked to recall instances of sexual harassment and specify whether it happened before and/or after the ages of 15 and 18. Among those who reported experiencing sexual harassment, only 8.6 percent stated that it occurred before the age of 15, while 24.5 percent reported being sexually harassed before the age of 18.¹⁸ Statistics indicate that in 2022, a total of 902 individuals aged 0-17 years and 1,356 individuals aged 15-24 years were impacted by sexual crimes. In 2021, there were 804 victims under the age of 0-17, and 1,415 among persons aged 15-24. Consequently, there has been an increase in the number of victims aged 0-17.¹⁹

Sexual Violence Against Girls With Disabilities

23. The Criminal Code of Georgia covers various offenses related to the sexual abuse of children and persons with disabilities. Certain actions are classified as aggravating circumstances within existing sex crime articles.²⁰ Additionally, specific provisions within the legislation (Article 140; 141) directly address actions against children, specifically those under the age of sixteen, such as penetration of a sexual nature into the body of a person below 16 years of age and the lewd act.²¹ Notably, when such actions target a person with a disability, they are considered aggravating circumstances. The two articles previously mentioned uniquely encompass both circumstances (actions against children and persons with disabilities), whereas in other instances, they are treated as distinct aggravating circumstances.²²

¹⁶ The 2023 report of the Public Defender of Georgia on the state of protection of human rights and freedoms in Georgia, p. 284, available here: < <https://ombudsman.ge/res/docs/2024040116015759558.pdf> >, Updated: 12.04.2024.

¹⁷ *ibid* 285.

¹⁸ National Study On Violence Against Women in Georgia, 2022, p.138, available here < <https://eca.unwomen.org/en/stories/news/2023/12/new-study-shows-social-norms-regarding-violence-against-women-are-changing-in-georgia> >, Updated 13.04.2024

¹⁹ Children and Youth in Georgia 2023, 210, available at < <https://www.geostat.ge/en/single-archive/3405#>>, Updated 14.03.2023

²⁰ Articles 137.3(d); 137.4(c,d); 138.3(a,b,d); 139.3(d); 139.4(b) of the Criminal Code of Georgia

²¹ Article 140; 141 of the Criminal Code of Georgia

²² *ibid*

24. As the articles of the Criminal Law Code of Georgia do not exclusively designate crimes committed against disabled persons or women/girls as qualifying circumstances, data regarding crimes committed on this basis is not processed.²³ In the parliamentary report of 2023, PDO recommends the minister of MIA separately record cases of violence against children, including those cases where the disposition of the article provides for the committing of a crime against minors as well as other individuals, to be grouped according to the status of the victim and not to be included in one classification.²⁴ In more detail, according to PDO's Special report, neither the Ministry of Internal Affairs of Georgia nor the General Prosecutor's Office of Georgia²⁵ compile statistics regarding crimes committed against disabled persons or women/girls.²⁶ Statistics only capture the initial classification of cases, resulting in instances reclassified as sexual abuse of minors not being counted.²⁷
25. Besides the problems in legal regulations, there are challenges like disabled victims' lack awareness of their rights, low engagement with relevant agencies, difficulties in detecting instances of violence, and barriers to accessing justice pose significant problems.²⁸ Victim's testimony serves as crucial evidence in sexual offence cases. However, in PDO's report it is underlined that in practice, due to a victim's young age or disability, they may not accurately perceive or articulate facts.²⁹ Furthermore, the testimony of individuals, particularly girls and women with intellectual disabilities, is often not regarded as credible, leading to perpetrators evading prosecution.³⁰ Gathering evidence poses challenges due to investigators' lack of knowledge on acquiring evidence and communicating with women with disabilities.³¹

²³ Report of the Public Defender of Georgia on ASSESSMENT OF THE NEEDS OF WOMEN AND GIRLS WITH DISABILITIES AND THE STATE OF PROTECTION OF THEIR RIGHTS IN GEORGIA, 2022, 12, available here <<https://www.ombudsman.ge/res/docs/2022032913195226234.pdf>>, Updated 25.03.2023; Letter of the Ministry of Internal Affairs of Georgia MIA 9 21 02044993, 04.08.2021.

²⁴ Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia, 2023, p. 294, available here < <https://www.ombudsman.ge/res/docs/2024040116015759558.pdf> > Updated 13.04.2024

²⁵ Statistics of POG on Crimes against sexual freedom and integrity, 2017-2022, available here <<https://pog.gov.ge/uploads/f5f0b401-sqesobrivi-danashaulebi.pdf>> Updated 13.04.2024

²⁶ Special Report of the Public Defender of Georgia - Research and Monitoring of Administration of Justice on Crimes of Sexual Abuse and Sexual Exploitation of Children, 2021, 78, available here <<https://www.ombudsman.ge/res/docs/2021080215240417960.pdf>>, Updated 13.04.2024; Letters of the Ministry of Internal Affairs of Georgia MIA 4 20 02699713, 18/11/2020, Letters of the General Prosecutor's Office of Georgia 13/38462, 13/07/2020, 13/11725, 02/03/2021.

²⁷ Special Report of the Public Defender of Georgia - Research and Monitoring of Administration of Justice on Crimes of Sexual Abuse and Sexual Exploitation of Children, 2021, p.80, available here <<https://www.ombudsman.ge/res/docs/2021080215240417960.pdf>>, Updated 13.04.2024

²⁸ Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia, 2023, p.270, available here < <https://www.ombudsman.ge/res/docs/2024040116015759558.pdf> > Updated 13.04.2024

²⁹ ibid, 26

³⁰ ibid, 55

³¹ Report of the Public Defender of Georgia on ASSESSMENT OF THE NEEDS OF WOMEN AND GIRLS WITH DISABILITIES AND THE STATE OF PROTECTION OF THEIR RIGHTS IN GEORGIA, 2022, p.14, available here <<https://www.ombudsman.ge/res/docs/2022032913195226234.pdf>> Updated 13.04.2024

26. In 2024, amendments were made to the Criminal Procedure Code of Georgia, resulting removing 50.2 Article according to “*A person who, due to his/her disability, is not able to properly comprehend, memorise and recollect the circumstances that are essential to the case, and to give information or testimony, shall not be interviewed or interrogated as a witness.*”³² The mentioned Article declared a disabled person as "inadequate" witness due to his/ her disability, and at the same time, no additional procedure was established on how to determine the above-mentioned prerequisites.³³ It is problematic, that in its report PDO mentions that a child victim of sexual abuse, aged 5-6, may be dismissed as imaginative, ignoring their age and developmental stage. This perspective, shared by a Ministry of Internal Affairs representative, suggests that similar findings from expert analyses hinder the progression of investigations.³⁴

Examining the Ongoing Investigation at Ninotsminda St. Nino Boarding School

27. Based on the PDO’s Report, in 2023, 1721 children were raised in state care.³⁵ Previously, PDO highlighted that the issue of transitioning away from large closed institutions, notably in psychiatric, child welfare, and disability care contexts, has persisted without a clear resolution.³⁶ One of the resonance cases in Georgia concerning the infringement of children's rights in closed institutions was the situation at the St. Nino boarding school.
28. The NNLE Javakheti Ninotsminda St. Nino Boarding School is a licensed residential child care institution that has been operating since 2016. It offers round-the-clock services to minors under state guardianship.³⁷ Monitoring conducted in these facilities uncovered systemic violations of children's rights and instances of degrading, inhuman, and unequal treatment of minors at the Ninotsminda boarding school, persisting over several years.³⁸
29. On November 15, 2019, following a report from a social worker, the Samtskhe-Javakheti Police Department initiated an investigation into the reported rape of a child at the Ninotsminda Boarding School, purportedly occurring in 2018.³⁹ On February 9, 2021, the Ninotsminda Division launched an investigation into violence committed against children in 2018-2019.

³² Law of Georgia on Amendments to the Criminal Procedure Code of Georgia 21.02.2024, available here < <https://matsne.gov.ge/ka/document/view/6098829#DOCUMENT:1;>> Updated 13.04.2024

³³ Access to Justice for Women with Disabilities Policy Document of Partnership for Human Rights (PHR), 2023, p.5, available here < <https://www.phr.ge/publication/documents/652?lang=eng> > Updated 13.04.2024

³⁴ Report of the Public Defender of Georgia on ASSESSMENT OF THE NEEDS OF WOMEN AND GIRLS WITH DISABILITIES AND THE STATE OF PROTECTION OF THEIR RIGHTS IN GEORGIA, 2022, p.12, available here <<https://www.ombudsman.ge/res/docs/2022032913195226234.pdf>> Updated 13.04.2024

³⁵ Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia, 2023, p.287, available here < <https://www.ombudsman.ge/res/docs/2024040116015759558.pdf>> Updated 13.04.2024

³⁶ Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia, 2022, p.11, available here < <https://www.ombudsman.ge/res/docs/2023120411211781277.pdf>>, Updated 13.04.2024

³⁷ Special Report On the Rights of Children in NNLE Javakheti Ninotsminda St. Nino Boarding School, 2021, p.5, available here < <https://ombudsman.ge/res/docs/2022012417163458457.pdf>> , Updated 13.04.2024

³⁸ Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia, 2022, p.11, available here <<https://www.ombudsman.ge/res/docs/2023120411211781277.pdf>>, Updated 13.04.2024

³⁹ Special Report On the Rights of Children in NNLE Javakheti Ninotsminda St. Nino Boarding School, 2021, p. 21, available here < <https://ombudsman.ge/res/docs/2022012417163458457.pdf>>, Updated 13.04.2024

Children and young individuals reported various forms of punishment, including prolonged kneeling, squatting, and holding a large chair while balancing on one leg. A child reported witnessing another child massaging a caregiver's feet while entering a room on the eve of the St. Nino holiday.⁴⁰ Although evidence of inhumane treatment of children was discovered, the criminal investigation was initiated under the expired statute of Article 126, Part 11 (Violence).⁴¹

30. On 24th of February, 2024 media reports, the investigation into the matter is still ongoing, despite most children in the boarding house are not granted victim status. Additionally, no charges have been filed against anyone involved.⁴² The facility continues to operate, and it currently houses 9 children, further forms of care closer to the family have not yet been determined for them, and this process is protracted.⁴³

Child marriage

31. According to the Public Defender's assessment, early and child marriage remains a significant challenge. Despite a decrease in the number of underage pregnancies and births compared to the previous year, the rates remain high. In 2023, the National Health Agency registered 679 pregnancies among minors and identified 409 minor parents. The tragic case of 14-year-old Aitaji in 2023 highlights the grim consequences of early marriage. According to his mother, a 27-year-old man took her son from the village of Dmanisi, "from the pastures," two months ago to the village of Lambalo in Kakheti, ostensibly for marriage. This ultimately led to the girl's murder.⁴⁴ Alongside child marriage, the engagement of underage girls through parental agreements continues to be a prevalent issue. The Public Defender's analysis of cases reveals that betrothal fundamentally violates children's rights, highlighting the importance of criminalizing agreements made for the purpose of betrothing or marrying a minor. However, coordination between the Ministry of Internal Affairs, educational institutions, and care agencies remains problematic. The responsible agencies lack specific guidelines for addressing child marriage and betrothal cases, and there is still no unified communication strategy for prevention. As a consequence, many cases receive inappropriate responses, leading to

⁴⁰ *ibid*, p.17

⁴¹ Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia, 2022, p.55, available here < <https://www.ombudsman.ge/res/docs/2023120411211781277.pdf> >, Updated 13.04.2024

⁴² Report of Formula News, available here < <https://formulanews.ge/News/106675> > (1:18 - 4:19), Updated 13.04.2024

⁴³ Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia, 2023, p.287, available here < <https://www.ombudsman.ge/res/docs/2024040116015759558.pdf> >, Updated 13.04.2024

⁴⁴ How Aitaji was killed - a 14-year-old girl from Dmanisi, Radio Freedom, 09.10.2023, available here <: <https://www.radiotavisupleba.ge/a/%E1%83%A0%E1%83%9D%E1%83%92%E1%83%9D%E1%83%A0-%E1%83%9B%E1%83%9D%E1%83%99%E1%83%9A%E1%83%94%E1%83%A1-%E1%83%90%E1%83%98%E1%83%97%E1%83%90%E1%83%AF%E1%83%98-14-%E1%83%AC%E1%83%9A%E1%83%98%E1%83%A1-%E1%83%92%E1%83%9D%E1%83%92%E1%83%9D-%E1%83%93%E1%83%9B%E1%83%90%E1%83%9C%E1%83%98%E1%83%A1%E1%83%98%E1%83%93%E1%83%90%E1%83%9C/32630008.html> >, Updated: 12.04.2023

inefficient use of existing protection and assistance mechanisms. Addressing these challenges requires comprehensive strategies, including legal reforms, improved interagency coordination, development of clear guidelines, and implementation of effective communication strategies to prevent child marriage and uphold children's rights more effectively.⁴⁵

32. The Ministry of Internal Affairs of Georgia initiated investigations into 152 potential crimes related to marriage with a minor. According to the prosecutor's office, 73 children were identified as victims of such crimes, leading to criminal prosecution against 84 individuals. Notably, the rate of school dropouts attributed to marriage or engagement has decreased compared to previous years; however, in 2023, 38 minors discontinued their education due to marriage. Girls are particularly affected by early marriage, often resulting in the cessation of their education. Despite the decline, the persisting data remains concerning.⁴⁶

Education

Pre-school education

33. Pre-school education is voluntary. Even though the accessibility to free pre-school education is guaranteed by the law,⁴⁷ certain barriers, such as **absence of preschool services in some rural areas and placements on waiting lists**, still prevent children from accessing pre-school education.⁴⁸ According to a recent study, 27.8% of preschool aged children were not attending kindergarten, with 21.6% of children not attending based on parent's choice and **6.2% unable to attend due to barriers**.⁴⁹
34. With respect to access to pre-school education, there is a considerable disparity between children living in cities and children living in urban areas, with Children living in rural areas being more than seven times more likely to lack access to preschool education than urban children.⁵⁰
35. Even though there has been a significant progress in development/rehabilitation of pre-school infrastructure, the existing number of facilities do not fully correspond to the number of pre-

⁴⁵ The 2023 report of the Public Defender of Georgia on the state of protection of human rights and freedoms in Georgia, pp. 204-205, available here <<https://ombudsman.ge/res/docs/2024040116015759558.pdf>>, updated: 12.04.2024

⁴⁶ *ibid* p.206.

⁴⁷ Law of Georgia on Early and Preschool Education, available here: <<https://matsne.gov.ge/en/document/view/3310237?publication=0>>, Updated 13.04.2024

⁴⁸ UNICEF, GEOSTAT, Children Wellbeing in Georgia 2023, 6, available here: <[https://www.unicef.org/georgia/media/8221/file/Child%20Welfare%20Survey%20\(CWS\).pdf](https://www.unicef.org/georgia/media/8221/file/Child%20Welfare%20Survey%20(CWS).pdf)>, Updated 13.04.2024

⁴⁹ *ibid*.

⁵⁰ *ibid*, 7.

school children.⁵¹ Problems with infrastructural soundness and geographical accessibility of facilities disproportionately affect children in rural regions and members of ethnic minorities.⁵²

School education and extracurricular activities

36. Nine years of general education are mandatory. Upon finishing the 9th grade, students have the option to continue their education up to 12th grade, leading to a high school diploma. Alternatively, they can choose to pursue vocational education or exit the education system altogether.⁵³ Rates of enrollment in schools and parents' satisfaction with education are high with 97.5% of school-age (6-17 yrs old) children in school and 79.7% of parents/family members being satisfied or very satisfied with the quality of schooling.⁵⁴
37. However, economic disparities continue to affect access to education, as 45.3% of children appear to miss at least one educational material they want to have. Urban/rural disparity is large in this case, with 59.6% of rural children lacking some educational material compared to 35.6% of urban children. The most striking difference is observed between materially deprived and non-deprived children– three out of four (74.9%) deprived children do not have some desired educational material while the same is true for one out of four (25.5%) non-deprived children.⁵⁵
38. Comprehensive sexuality education (CSE) topics are poorly represented in Georgia's general education system. Significant gaps exist in the National Curriculum, the teacher pre- and in-service training programmes, the monitoring and evaluation system, and links to sexual and reproductive health (SRH) services.⁵⁶ Despite the fact that some CSE topics are represented in the National Curriculum, they are not reflected in teachers' pre- and in-service training programmes. There is no national level monitoring and evaluation system in place to assess curriculum implementation.⁵⁷
39. Nutrition during school hours is a significant challenge.⁵⁸ Unlike most European countries, in Georgia there is no organized system of feeding children at school.⁵⁹ Only a little more than a

⁵¹ Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2023, p.279, available here: <<https://ombudsman.ge/res/docs/2024040116015759558.pdf>>, Updated 13.04.2024

⁵² *ibid.*

⁵³ Law of Georgia on General Education, available here: <<https://matsne.gov.ge/en/document/view/29248?publication=68>>, Updated 13.04.2024

⁵⁴ UNICEF, GEOSTAT, Children Wellbeing in Georgia 2023, 19, 21, available here: <[https://www.unicef.org/georgia/media/8221/file/Child%20Welfare%20Survey%20\(CWS\).pdf](https://www.unicef.org/georgia/media/8221/file/Child%20Welfare%20Survey%20(CWS).pdf)>, Updated 13.04.2024

⁵⁵ *ibid.* 23.

⁵⁶ UNFPA, Report on Results, Sexuality Education Review and Assessment Tool, 2022, 4-5, available here, <https://georgia.unfpa.org/sites/default/files/pub-pdf/georgia_serat.pdf>, Updated 13.04.2024

⁵⁷ *ibid.*

⁵⁸ Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2023, p. 282, available here <<https://ombudsman.ge/res/docs/2024040116015759558.pdf>>, Updated 13.04.2024

⁵⁹ UNICEF, GEOSTAT, Children Wellbeing in Georgia 2023, 25, available here: <[https://www.unicef.org/georgia/media/8221/file/Child%20Welfare%20Survey%20\(CWS\).pdf](https://www.unicef.org/georgia/media/8221/file/Child%20Welfare%20Survey%20(CWS).pdf)>, Updated 13.04.2024

quarter of children (27%) eat every day during school hours. More alarmingly, more than a third of children (34.9%) never eat during school hours. Materially deprived children are far more likely to never eat during school hours (44.9%) than non-deprived children (28.4%).⁶⁰ In 2023 the Ministry of Education, Science and Youth of Georgia started the program which entails studying and evaluating the resources and needs of schools on municipal level for further developing the strategy for free school feeding.⁶¹

40. Access to extracurricular activities remains a challenge. Participation in extracurricular arts classes, such as music, dance and drawing classes is very low among 6-17 year-old children - 12.2%.⁶² Twice as many children would like to attend arts classes, but are unable to, mainly because their families cannot afford to pay for it or because such service is not available in their neighbourhood or village.⁶³ Lack of access to extracurricular arts activities disproportionately affects girls and materially deprived.⁶⁴ Enrolment in extracurricular sports classes is also low, due to similar reasons, especially among rural children, girls, and materially deprived children.⁶⁵

Information on education programmes in Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, which remain outside the effective control of the State party

41. Access to education remains a challenge in russian-occupied territories, where education on native, Georgian language has been fully prohibited.⁶⁶ Since September 2015, the Russian language has been gradually replacing Georgian as the language of instruction starting from grades one to four in the schools in Gali and adjacent districts. In September 2021, the Russian language replaced Georgian in the upper two grades of all the remaining Georgian schools in Gali District, completing the transition of Georgian schools to the Russian language of instruction.⁶⁷ The last generation of students studying in the Georgian language graduated in May 2022. This policy constitutes linguistic annually deprives more than 4,000 schoolchildren and around 600 children at kindergartens of their right to receive education in their native Georgian language.⁶⁸
42. This change in the language of instruction and associated issues are undermining the quality of education in the schools and are likely to lead to significantly lower learning achievements for ethnic

⁶⁰ *ibid.*

⁶¹ Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2023, 283, available here: <<https://ombudsman.ge/res/docs/2024040116015759558.pdf>>, Updated 13.04.2024

⁶² UNICEF, GEOSTAT, Children Wellbeing in Georgia 2023, 22-23, available here: <[https://www.unicef.org/georgia/media/8221/file/Child%20Welfare%20Survey%20\(CWS\).pdf](https://www.unicef.org/georgia/media/8221/file/Child%20Welfare%20Survey%20(CWS).pdf)>, Updated 13.04.2024

⁶³ *ibid*

⁶⁴ *ibid*

⁶⁵ *ibid*

⁶⁶ Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2023, 22, available here: <<https://ombudsman.ge/res/docs/2024040116015759558.pdf>>, Updated 13.04.2024

⁶⁷ Report of the United Nations High Commissioner for Human Rights, 2022, A/HRC/51/64, para 55, available here: <<https://www.ecoi.net/en/file/local/2077001/G2240510.pdf>>, Updated 13.04.2024

⁶⁸ *ibid*

Georgian children in Abkhazia. Abkhaz, Armenian and Russian communities in Abkhazia continue to enjoy different degrees of education in their native languages.⁶⁹

43. Due to above-mentioned facts, In its recent decision against Russia, The European Court of Human Rights declared that right to education “was curtailed to such an extent as to impair its very essence and deprive it of its effectiveness”.⁷⁰ The Court concluded that there was an administrative practice contrary to Article 2 of Protocol No. 1 of the Convention (right to education).⁷¹

CHILDREN DEPRIVED OF FAMILY ENVIRONMENT

44. Practice of separating children from their biological families as a result of lack of services, aimed at their social and economical empowerment, remains problematic.⁷² State has still not taken any tangible measures to empower families in a manner that would prevent the need for separation of a child and a family because of socio-economic circumstances.⁷³
45. Protecting the rights of children, placed in small group homes remains a challenge. Some of the most alarming problems concern children’s physical and psycho-emotional safety, protecting them from violence and neglect, providing special rehabilitation services tailored to needs of children with mental disabilities.⁷⁴ Children living in small group homes do not have information about their rights, specialists working with these children are in need of training about rights of children and positive behavior management.⁷⁵
46. Although the foster care sub-programme has been implemented for several years, the services for children with disabilities are characterized by a number of challenges, among them: lack of special foster carers, lack of services tailored to the individual needs of children with disabilities, quality of education of beneficiaries, scarcity of measures necessary to promote independent living, creation/provision of an accessible environment.⁷⁶

ECONOMIC EXPLOITATION AND CHILD LABOUR

47. Child labour is a widespread practice in Georgia.⁷⁷ Due to poverty, poor socio-economic situation, inadequate standard of living, neglect and various social factors, children engage in

⁶⁹ *ibid*, para 56

⁷⁰ case of Georgia v. Russia (IV), 9 April 2024, [39611/18](#), para 81.

⁷¹ *ibid*, para 83.

⁷² Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2023, 288, available here: <https://ombudsman.ge/res/docs/2024040116015759558.pdf>, Updated 13.04.2024

⁷³ *ibid*.

⁷⁴ *ibid*, 288-289.

⁷⁵ *ibid*.

⁷⁶ Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2021, 227, available here: <https://ombudsman.ge/res/docs/2022070612391254904.pdf>, Updated 13.04.2024

⁷⁷ Special Report of the Public Defender of Georgia, Child Labour during the New Coronavirus Pandemic and Beyond, 2021, 6, available here: <https://www.unicef.org/georgia/media/6011/file/PDO%20report-Child%20Labour.pdf>, Updated 13.04.2024

labour that poses a risk to their age and development.⁷⁸ Despite the seriousness of the issue, the state is not responding effectively to this problem. The responsible agencies have not yet developed an appropriate response mechanism or prevention lever; In addition, there is no risk assessment mechanism. As a result, no effective control of child labour is carried out.⁷⁹

48. Child labour and protection of children from the worst forms of labour had been problematic in Georgia before the Covid-19 pandemic as well, however the risks of child involvement in labour has increased in the context of Covid-19, given the general socio-economic situation of the population and the increased risks of child poverty.⁸⁰
49. Labour migration of children is also a common practice, including heavy labour of children during labour migration abroad, with low payment received by children for their work and poor living conditions on the ground.⁸¹
50. Children systematically miss or drop out of school due to their involvement in labour; children are not involved in the educational process during seasonal work, household labour, temporary labour migration, however Employees of educational institutions, in some cases, do not record the absenteeism by students or the reasons for the above; As a result, not all cases of child involvement in labour are recorded and thus they remain unresponded.⁸²

CHILDREN IN STREET

51. Detecting and addressing the cases of homelessness of children remain problematic.⁸³ In 2023, 261 children were provided service under the Homeless Child Support Sub-Programme, 168 of which used the day center and 93 used shelters.⁸⁴ However, given the complexity of case detection and scarcity of services, it is likely that this number does not reflect the full contingent of children with similar needs.
52. In the context of providing homeless children with shelters, important systematic problems remain prevalent, such as problems concerning safety of staff and children, preventing violence, allocating sufficient resources and providing supporting services, including for children in conflict with the law, children with substance addiction issues and children with mental health needs.⁸⁵
53. Despite these challenges, no steps have been taken to address the above mentioned issues. Instead of combating the challenges and enhancing the provision of services, the number of

⁷⁸ *ibid.*

⁷⁹ *ibid.*

⁸⁰ *ibid.*

⁸¹ *ibid.*, 7.

⁸² *ibid.*

⁸³ Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2023, 288, available here:< <https://ombudsman.ge/res/docs/2024040116015759558.pdf>> 289-290.

⁸⁴ *ibid.*

⁸⁵ *ibid.*

day centers and shelters has decreased. Currently there are 4 day centers and 4 shelters,⁸⁶ while according to 2021 data, there were 7 day centers and 6 shelters.⁸⁷

RECOMMENDATIONS

Taking into account the above presented information, GYLA submits, that Georgia should:

- **First abandon any initiatives aiming at labeling CSOs and media as foreign agents, or entity representing foreign power.**
- **Revise human rights strategy and action plan with feasible CSO involvement.**
- **Approve the legislative package created within the framework of the working group to align sexual violence legislation with the Istanbul Convention.**
- **By making amendments to the Criminal Law Code of Georgia, criminalize engagement of a minor.**
- **Separate and record crimes of violence against minors according to the forms of violence in the production of statistics on reports of alleged violence by the Public Safety Command Center, "112".**
- **Record separately statistics on cases of violence against children during compiling statistics on the initiation of investigations, where the disposition of the article provides for the committing of a crime against minors as well as other persons, grouped according to the status of the victim and not be included in one classification.**
- **Launch in Western Georgia "Psychosocial service center for children victims of violence" and determined an action plan for the gradual strengthening of the center.**
- **Implement services dedicated to safeguarding the rights of women and girls with disabilities;**
- **Adopt necessary actions to alter stereotypical perceptions of women and girls with disabilities among professionals working in public and governmental sectors.**
- **Ensure that children with disabilities can access social protection, it is crucial to evaluate the needs of the children and develop specialized programs to address those needs. Additionally, individuals tasked with investigating and prosecuting violence against children with disabilities, as well as other crimes, should receive training on understanding the unique needs of this demographic and adhere to appropriate communication standards when interacting with them.**

⁸⁶ *ibid.*

⁸⁷ Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2021, 227, available here: <<https://ombudsman.ge/res/docs/2022070612391254904.pdf>>, Updated 13.04.2024

- **Ensure access to pre-school education, including by rehabilitating/building pre-school facilities, especially in rural areas.**
- **Take measures to combat economic disparity, which negatively affects children's access to education, including by taking steps to ensure access to learning materials and extracurricular activities, Regardless of geographical and socio-economic background.**
- **Develop school feeding program in a timely manner, based on existing best practices of other countries.**
- **Take measures aimed at empowerment of economically disadvantaged families, to avoid the need of separation of a child and their family due to economic reasons.**
- **Ensure that staff of small group homes receive continuous training on children's rights and positive behavior management. The state should take measures to ensure the psychological and physical well-being of children at small group homes.**
- **Provide services tailored to the needs of disabled children in small group homes, as well as in foster-care programs.**
- **Develop comprehensive mechanisms for detecting and combatting child labour.**
- **Develop a holistic policy for preventing, detecting and combatting homelessness and the reasons causing it.**
- **Take steps to provide services, tailored to children's needs, aimed at their rehabilitation, minimizing the chances of their return to street.**
- **Strengthen its efforts to adequately assess and respond to the scale of the problem, including by increasing the number of shelters/day centers and ensuring their geographical accessibility.**
- **Ensure the inclusion of disabled children in the personal assistant service within the framework of the state program of social rehabilitation and child care, prior to the compulsory integration of the personal assistant service into municipal bodies.**