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**THE OFFICE OF PUBLIC DEFENDER OF GEORGIA**

**REPORT ON CHILD, EARLY AND FORCED MARRIAGES IN GEORGIA**

(Information for The United Nations High Commissioner for Human Rights, pursuant to the resolution 35/16 of the Human Rights Council)

**2018**

1. **Please provide information and data on the prevalence of child, early and forced marriage, in relation to the number of women and girls living in specific humanitarian settings. Kindly provide data disaggregated by sex and age, and in relation to the overall number of women and girls, as well as boys where relevant, in the population.**

The issue of Child Marriage has gained recognition in the country during the last few years as a result of evidence-based advocacy by Public Defender, UNFPA, civil society organizations. The existing data for Georgia and the research findings indicates that Child Marriage is not a rare occurrence in the country and is linked to gender inequality, among other factors. According to the most recent data up to 14 per cent of Georgian women marry before turning 18. The situation in the country with regard to child marriage is not homogenous, but rather varies according to ethnic, religious, and regional factors. It would appear that child marriages occur more frequently among certain ethnic and religious groups, namely, ethnic minorities in Kvemo Kartli and Kakheti regions.

Since 1st January 2017, on the basis of Public Defender’s legislative proposal, the registration of marriage of under-18 persons has been prohibited. A positive impact of this move was a decreasing number of such marriages. However, the indicator of under-age parents of newborns remains high and the problem of coexistence in early age, forced marriage, engagement and abduction persists.

The analysis of cases studied by the Office of Public Defender shows a weak coordination among general educational institutions, law enforcement agencies and the Social Service Agency on cases of early marriage. This is also proved by the information provided by the Social Service Agency, saying that it studied only 98 cases of early marriage in 2017. Yet another challenge along with the early marriage is the early engagement. According to the information provided by the Interior Ministry, the investigation was launched into 6 cases of forced marriage, pursuant to Article 1501 of the Criminal Code of Georgia[[1]](#footnote-1), but terminated in five cases; moreover, a court did not hear any of such cases[[2]](#footnote-2).

1. **What measures were taken to strengthen data gathering, contextual analysis and analysis of social factors contributing to child, early and forced marriage in humanitarian settings?**

According to national action plan on the measures to be implemented for combating Violence against Women and Domestic Violence and Protection of Victims/Survivors, LEPL L. Sakvarelidze National Center for Disease Control and Public Health and Ministry of Education and Science of Georgia had an obligation to conduct a baseline study of the causes, practices, consequences and prevalence of early marriages.

Ministry of Education periodically processes and analyzes the facts of abandonment of the early age marriages. The collection and analysis of statistics at the Public Defender's Office is based on the information provided by various ministries.

Regarding data gathering, national databases on early/child marriage should be strengthened and indicators through mixed method research designs, ensuring both male and female perspectives should be captured. Also, exploring the links between early/child marriage and urban poverty, and rural poverty, researches suggests that the practice does not happen only in rural areas or areas only inhabited by ethnic minorities.

1. **What are the specific challenges and gaps in the prevention and eliminating of the practice of child, early and forced in humanitarian settings? How could such challenges and gaps be overcome?**

Despite the sharply-reduced number of registered marriages, implementation of a response to actual cohabitation remains a problem to be addressed. The measures and activities undertaken in this direction by relevant authorities are monitored as well. The study conducted by the office of the Public Defender revealed that the major challenge is the low level of consciousness of the public and an inefficiency of mechanisms of access to the relevant services. Also, involvement of all interested structures (stakeholders) defined by the law is necessary, and compliance with described instructions is needed. Another challenge is that information regarding reproductive health and contraception is not sufficient.

1. **What are the lessons learned and promising practices identified in preventing and eliminating child, early and forced marriage in such settings?**

Public Defender of Georgia is working systematically on the issue of early age marriages and apart from the information campaigns and advocacy meetings - proposals and recommendations are given to the government of Georgia. Main focuses of the recommendations is to focus on the prevention of early marriages by raising awareness among teachers; coordination between service providers; organizing seminars on reproductive and sexual rights and working out of guidelines of response to early marriages and enhancement of the role of district inspectors for informing local communities (especially representatives of ethnic minorities) and offering consultations on issues of early marriages.

**5****. What impact have exacerbating factors had on child, early and forced marriages in humanitarian settings?**

The impact of the exacerbating factors have had on child, early and forced marriages in Georgia has not been measured. In 90’s the early marriages and kidnapping have been more widespread practice than it is nowadays. However, this was a result not only of an ongoing wars in the Country, but also other complex underlying factors such as the rise of nationalistic rhetoric after gaining independence, economic hardship due to re-aligning to the market economy, etc.

Due to the loss of private property and housing, economic situation of families affected by conflicts are to be considered in this context. Notwithstanding the fact, that we are not able to discuss the situation in humanitarian settings as a segregated subject, we can conclude that conflict has affected the issue of early marriage too in the relevant regions. Another important conclusion from the study “*Exploring Harmful Practices of Early/Child Marriage and FGM/C in Georgia”* was that gender norms were a prevailing force that drives early/child marriage. Fathers were considered decision-makers while mothers were thought of as having opinions out of concern for their child. Norms, for instance, that restrict sexual activity before marriage, which are often rooted in a need to protect girls’ virtue and family’s honor, were deeply intertwined with adolescents seeking out marriage at a young age.

1. **What measures (e.g., legislative, regulatory, policy and programmatic) are in place or have been adopted to address the root causes and exacerbating factors of child, early and forced marriage?**

The international and national commitments undertaken by Georgia, including the EU Association Agenda, related to strengthening Child Rights and gender equality, combating violence against women and girls, respect for fundamental freedoms, human rights, including the rights of persons belonging to minorities, democratic principles, the rule of law and good governance call for undertaking effective and holistic strategies for prevention of Child Marriage.

The legislative measures already undertaken by the government include: criminalization of Forced Marriage (2014) and since 1 January, 2017 enacting the amendment to the Civil Code of Georgia strictly determining the legal age of marriage as 18 (without exceptions).

The latest qualitative research on early marriage and FGM practices in Georgia that was conducted by the National Center for disease control and public health found, that economic factors contributed to early/child marriage practices in the country. Challenges with economic circumstances that create obstacles for obtaining an education and consequently, employment was considered as a strong reason for “choosing” marriage as a path.

Public Defender’s Office has made a recommendation for the ministry of Education and Science of Georgia to introduce the subject of Comprehensive Sexuality Education in formal education, which would cover the most important matters of gender equality and therefore, root causes of early/child marriage.

1. **What measures are/have been undertaken to enhance the agency and autonomy of girls and women in humanitarian settings, including in relation to their participation and consultation in the design, implementation and evaluation of measures and initiatives that affect the enjoyment of their rights?**

According to the monitoring results of the NAP on Women Peace and Security[[3]](#footnote-3), the general issues regarding security, homelessness, freedom of movement and the availability of vital resources remain problematic. The activities outlined by the National Action Plan aimed at achieving this goal include providing legal aid through consultation meetings, supporting and raising awareness for professional education programmes, providing small grants and a plethora of other activities aimed at strengthening the position of women and girls.

Representatives from the Gender Equality Department of the Public Defender’s Office visited settlements hosting refugees and internally displaced people, as well as settlements located along the demarcation line. Such meetings revealed information contradictory to the data provided by the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees. Through meetings with the local population, it was observed that the institutions in question not only adopted a negligent attitude during times of crisis but also failed to hold appropriate meetings aimed at informing the locals. As a result, the conflict-affected population has a rather low awareness of their rights, as well as the services they are entitled to receive.

**8. What measures are/have been taken to effectively engage family members, community and religious leaders in raising awareness about, and countering child, early and forced marriage in humanitarian contexts?**

The Public Defender’s Office of Georgia has conducted informational meetings with school pupils, teachers and the parents in order to effectively engage family members and raise awareness on early marriages as the information available to the Office reveals that early marriages are often forced by parents or other family members, while girls do not have the right to refuse marriage or engagement, if there is no any special reason for it.

However, the State has no effective mechanisms up to now, to engage family members, community and religious leaders in the dialogue.

**9. What concrete actions are/have been taken to provide appropriate protection and accountability mechanisms for women and girls at risk and also to victims or survivors of child, early and forced marriage, including those living in isolated and remote areas?**

The formation of the Gender Equality Department at the Ombudsman’s office was a critical step taken towards improving the situation of early/child marriage in the country. Programming is occurring as a joint initiative by the Ministry of Education in partnership with the Ministry of Internal Affairs and UN. This includes a “parent involvement program, which aims to prevent early/child marriage in the areas where the high rates of early marriage are described. It encompasses meetings with ethnic groups, parents, and local religious leaders.[[4]](#footnote-4)

According to the criminal code of Georgia, it is a criminal act for an adult to have sex with a minor under age of 16 and according to the civil code, it’s not possible to register a marriage of person under age of 18. The last measure has reduced the number of registered marriages but we don’t have information about the scope of the problem, since prohibition of registration does not hinder couples to live together as a family.

Force someone to a marriage is a criminal act according to criminal code of Georgia. The victims of this crime will have a statute of a victim of domestic violence and several services will be available to them (place in shelter for a limited time, services of a psychologist and a consultation with lawyer). As for the protection of women and girls at risk, there is also a referral procedure according to which, schools have to report cases of early/child/forced marriages but according to the latest research, the procedure is weak mostly because schools are unable to keep track of the attendance of girls.

**10. What efforts were taken to enhance coordination of programmes in humanitarian contexts towards the prevention and elimination of child, early and forced marriage?**

In 2015, the Task Force on the Issue of Early/Child Marriage, on the initiative of the *Gender Theme Group* (GTG) and the *Inter-Agency Council Implementing Measures for Elimination of Domestic Violence,* has been established.

The Task Force is coordinated by the Assistant to the Prime Minister on Human Rights and Gender Equality Issues/Chair of the Gender Equality Mechanism at the executive branch of the government and UNFPA Country Office in Georgia.

The 2017 nation-wide qualitative research[[5]](#footnote-5) on Child/Early marriage and FGM has provided comprehensive information regarding the local attitudes, beliefs, and practices as well as examine risk and protective factors, root causes and consequences of Child Marriages in the country. The research integrated the issue of FGM as well.

In light of the above mentioned, in March 2017 the mandate of the Task Force on the Issue of Early/Child Marriage, established in 2015 on the initiative of the *Gender Theme Group* (GTG) and the *Inter-Agency Council Implementing Measures for Elimination of Domestic Violence,* has been expanded to address harmful practices of Early/Child Marriage and female genital mutilation (FGM).

Dear Sir/Madam,

Please find the Information for The United Nations High Commissioner for Human Rights, pursuant to the resolution 35/16 of the Human Rights Council prepared by the Office of the Public Defender of Georgia.

Sincerely,

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1. Available <https://matsne.gov.ge/ka/document/download/16426/164/en/pdf> [↑](#footnote-ref-1)
2. Annual report of Public Defender of Georgia, “The Situation of Human Rights and Freedoms in Georgia”, Available at: <http://www.ombudsman.ge/uploads/other/5/5337.pdf> [↑](#footnote-ref-2)
3. Information available at: http://www.ombudsman.ge/uploads/other/5/5415.pdf [↑](#footnote-ref-3)
4. *Exploring Harmful Practices of Early/Child Marriage and FGM/C in Georgia,* National Center for Disease Control and Public health, 2017, p. 59. [↑](#footnote-ref-4)
5. Supported by UNFPA within the frames of the UN Joint Programme for Gender Equality (funded by the Governent of Sweden), in collaboration with UNICEF, NCDC&PH, Promundo US [↑](#footnote-ref-5)