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**CHILD MARRIAGE IN GEORGIA - ENFORCEMENT OF THE  
LAW IN LIGHT OF THE UNCRC**

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## **Abbreviations**

CCG – Criminal Code of Georgia

CEDAW - Convention on the Elimination of All Forms of Discrimination Against Women  
(1979)

ICCPR - International Covenant on Civil and Political Rights (1966)

ICESCR - International Covenant on Economic, Social and Cultural Rights (1966)

IPV – Intimate partner violence

LEPL – Legal Entities under Public Law

PDO – Office of Public Defender (Ombudsman) of Georgia

SSA – Social Service Agency

UDHR – The Universal Declaration of Human Rights (1948)

UN – The United Nations

UNCRC – The United Nations Convention on the Rights of the Child (1989)

UNFPA – The United Nations Population Fund

USSR - Union of Soviet Socialist Republics (Soviet Union)

## **Abstract**

In some countries, the problem of underage marriages still remains. Approximately 12 million women under the age of 18 are getting married every year. Research at hand studies the main determining factors of the existent problem of child marriage on the example of Georgia, as it still is a relevant and critical legal issue for the country. The thesis defines how accurately the main principles of The United Nations Convention on the Rights of the Child are implemented and harmonized in national legislation of Georgia and investigates the gap between existing obligations and their comprehensive fulfilment. This research applies qualitative method to analyse and answer the research question. In interpreting the legal norms several methods are used, especially teleological and historical.

The thesis determines whether legislative and enforcement deficiencies currently exist related to the issue of child marriage. Case analysis incorporated in the research reveals complexity of the problem and demonstrates specificities of failures in the law enforcement. Disclosed executive deficiencies bring into light aspects of the problem of child marriage to which attention should be drawn and legal, human and financial resources shall be directed. By concluding the findings of the thesis in a constructive manner, author proposes certain systemic legal conduct for elimination of child marriage in Georgia.

**Keywords:** Child marriage, Child's rights, Law enforcement, Georgia

## INTRODUCTION

As one of the oldest social institutions in the world, marriage has been tackled by legislators and policy makers time after time. When considered through a human rights framework this complex institution entails particular issues, among which consent and age at marriage are of the most importance.

In some countries, the problem of underage marriages still remains. Child marriage is considered to be a violation of human rights and, in particular, children's rights, as children can not afford free and full consent to marriage. According to the data of UNICEF, approximately 12 million women under the age of 18 are getting married every year. Globally, one in six girls between 15-19 is currently in the union. More than 650 million women and girls alive today were married before 18. If current levels of child marriage sustain, more than 150 million underage girls will become child brides by 2030.<sup>1</sup>

Marriage where one or both of the spouses have not attained legal age is considered as 'child marriage' or as interchangeably called - early marriage.<sup>2</sup> In separate instances, 'Early Marriage' and 'Child Marriage' have been interpreted as synonyms. The United Nations reports and resolutions apply Early Marriage and Child Marriage without any apparent difference.<sup>3</sup> Early marriage is often referred to as 'forced marriage' as well.<sup>4</sup>

Child marriage is an issue of concern for boys as well as girls. However, this research will focus on girls, for two major reasons. First of all, the phenomenon is not as widespread among boys.<sup>5</sup> Second of all, physical dangers associated with early childbirth, the problem of gender inequality, high risk of domestic and sexual violence and many related consequences, are specific to girls.

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<sup>1</sup> UNICEF (2018) Online Data on Child Marriage.

Accessible: <https://data.unicef.org/topic/child-protection/child-marriage/> , 19 December 2018.

<sup>2</sup> Early marriage shall be perceived as more inclusive than child marriage, since it also includes marriage where one or both parties have reached age of majority according to their national legislation, but the reached age of majority is less than 18 years.

<sup>3</sup> UN Human Rights Council (2014) Preventing and eliminating child, early and forced marriage: Report of the Office of the United Nations High Commissioner for Human Rights. – 26<sup>th</sup> Session. *UN Human Rights Council. A/HRC/26/22.*

<sup>4</sup> Ibid.

<sup>5</sup> UNICEF (2018), supra nota 1.

This research aims to study the main determining factors of the existent problem of child marriage on the example of Georgia, as it is still a relevant and critical issue for the country. The aim of this thesis is to contribute in portraying and raising awareness about causes and consequences of child marriage and to draft existing situation in Georgia. Also, to define how accurately the main principles of The United Nations Convention on the Rights of the Child<sup>6</sup> (hereinafter UNCRC) are implemented and harmonized in national legislation of Georgia and investigate the gap between existing obligations and their comprehensive fulfilment. Selection of the topic is based on the current situation in Georgia regarding child marriage.

In some regions of Georgia, child marriage is a part of the culture. Traditions strengthened over the centuries imply engagement of psychophysically immature girl in marital life and early childbearing. Abovementioned situation is still often actual determining the fate of an underage person. In a country where traditional gender roles still govern supreme<sup>7</sup>, opinion of a bride is not decisive. Georgia's data of child marriage is considered to have undesirably high index (page 20). However, the official data only partially reflects real situation, since it neglects data of unregistered marriages, which occur much more often.

This legal research raises the following question: Whether legislative amendments and enforcement improvements are necessary in light of the UNCRC for elimination of child marriage in Georgia? Thesis consists of three chapters. The first one discusses harmful implications of child marriage regarding the state of health, education and aspects of the violence against the child appropriate to the topic. Discussion serves to define the severity of current issue and extent of legal problems related to it. In the second chapter, the thesis narrows down the issue to Georgia. It describes historic and current bases of still existing practice of child marriage and its country specific peculiarities. Chapter outlines the degree of concern and examines how this issue hampers the country's development. First sub-section of the second chapter discusses the legal side of the issue. It highlights and analyses appropriate articles of the UNCRC regarding child marriage relevant to Georgia and its national legislation. Second sub-section examines subject of law enforcement, its complexities and deficiencies, in order to be able to suggest methods for improvement.

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<sup>6</sup> UN General Assembly (1989) Convention on the Rights of the Child. - *Treaty Series*, Vol. 1577, p 3. New York.

<sup>7</sup> UNFPA (2018) *Exploring Harmful Practices of Early/Child Marriage and FGM/C in Georgia*, 1-75, Georgia. p 11.

Finally, third chapter provides analysis of a recent real life case. Section provides legal assessment of important shortcomings, with intention to determine substantial, practical aspects of child marriage. Author proposes essential conduct for abolition of child's right violation and systemic methods for elimination of child marriage in Georgia. Moreover, author suggests that a multi-factor research be conducted.

The subject of the research is the analysis of how comprehensively national legislation of Georgia regulates protection of a child from social behaviour harmful for his/her full development such as child marriage. Also, on what degree executive branch fulfils obligations specified in the UNCRC and national legislation and which legal methods are the bases of effective conduct by different branches of the government. This thesis will use qualitative method to analyse and answer the research question. Author will use relevant legal literature, peer reviewed articles and journals to examine the topic. In interpreting the legal norms, several interpretation methods will be used, especially teleological and historical interpretation.



# 1. IMPLICATIONS OF CHILD MARRIAGE

Parents have tremendous and decisive role in a child's life. All around the world, child marriage, either forced or voluntary, occurs with the action or inaction of parents. Often parents believe that forcing their child to engage in marriage will be the best for their future.<sup>8</sup> Depending on the region and traditional practices characteristic to it, significant part of the girls internationally, are forced to marry.<sup>9</sup> These young women have little choice over the age at which they marry, much less the partner they marry, because the marriage is typically arranged or coordinated by patriarchal families.<sup>10</sup>

Reasons may vary. Some parents are afraid that a child will behave not as they request, becomes a victim of sexual assault and rape, have sex without wedlock or/and get pregnant.<sup>11</sup> Some families with many children, force them into marriage and relieve themselves from financial burden of raising another child in order to survive and benefit others in the family.<sup>12</sup> Child marriage in the poor family quintiles occurs 2.5 times more often and is more likely than in the wealthy quintiles.<sup>13</sup> The reason for placing a girl at risk of marriage can be based on a custom or religion, as well as insufficient legislation of a country.<sup>14</sup> Strong believers in their cultural norms would even insist that child marriage is not child abuse.<sup>15</sup> In the context of human rights, argument of neither religion nor culture shall be used to justify the practice of child marriage.<sup>16</sup>

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<sup>8</sup> Otoo-Oyortey, N., Pobi, S. (2003) Early marriage and poverty: exploring links for policy and programme development. - *The Forum on Marriage and the Rights of Women and Girls*. Taylor & Francis, 1-48.

<sup>9</sup> UNFPA (2012) Marrying Too Young, End Child Marriage. – UNFPA, 1-74. ISBN: 1618000144.

<sup>10</sup> Ibid., p 8.

<sup>11</sup> Bunting, A. (1999) Particularity of Rights, Diversity of Contexts: Women, International Human Rights and the Case of Early Marriage. -*University of Toronto Press*, 1-319; Joamets, K., Roots,L. (2015) Marriage of An Adolescent in the Context of Migration. – European Studies – The Review of European Law, Economics and Politics. Vol.2, 117-130.p 122.

<sup>12</sup> UNICEF (2001) Early Marriage: Child Spouses. - *Innocenti Digest no. 7*.

<sup>13</sup> UNICEF (2005) Early Marriage. A Harmful Traditional Practice. A Statistical Exploration. - *New York*.

<sup>14</sup> UNICEF (2014) Ending Child Marriage: Progress and Prospects. - *New York, NY*.

<sup>15</sup> Kopelman, L.M. (2016) The Forced Marriage of Minors: A Neglected Form of Child Abuse. - *The Journal of Law, Medicine & Ethics*. SAGE Publications, Vol. 44, Issue 1, 173 – 181, p.177-178.

<sup>16</sup> Joamets, K., Roots,L. (2018) Cultural Aspects and Human Rights of Minors in the Process of Marriage in the European Union. – *European Studies*. ECSA Moldova. Chisinau, Moldova, 11-34. ISSN 2345-1041.

Sometimes underage girls are abducted by older boys or men which is steady pre-condition for the concluded marriage, in most cases entailing silence and acceptance from parents.<sup>17</sup> Their explicit or implicit reasoning for silence is, that in order to preserve ‘family honour’ girl should stay with the kidnapper, accept the fate and do not return home to her parents.<sup>18</sup>

Child marriage is mostly connected with early age at first childbirth, when physical development is still incomplete.<sup>19</sup> Many studies have shown that childbirth at early age can result in severe health issues for both a woman and a child.<sup>20</sup> Unintended pregnancy<sup>21</sup>, mortality rate of both the mother and the child<sup>22</sup> and HIV<sup>23</sup> are some of the worst consequences of child marriage. Pregnancy complications and childbirth are the main reasons of death among 15-19-year-old girls and the second prominent cause of death is considered the pregnancy itself.<sup>24</sup> Teenage mothers are 2-6 times more likely to give birth to a child whose weight is lower than of those born to adult mothers (over 20) and are at much more danger to have problems with development.<sup>25</sup>

## 1.1 Violence against a child

Since child marriage is the matter where age intersects with gender, it shall be discussed in this context as well. Gender inequality is a huge implication of child marriage, which violates rights of young women and adolescent girls.<sup>26</sup> Adolescent girls in marriage are likely to

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<sup>17</sup> Belhorma, S. (2016) Two months of marriage were sufficient to turn my life upside down: early marriage as a form of gender-based violence, *Gender & Development. Taylor & Francis*, Vol. 24, No.2, 219-230. DOI: v10.1080/13552074.2016.1194558.

<sup>18</sup> Thomas, C. (2009) Forced and Early Marriage: A Focus on Central and Eastern Europe and Former Soviet Union Countries with Selected Laws from Other Countries. – *United Nations. UN Conference Centre, Ethiopia*, 1-19. p 8-9.

<sup>19</sup> Ibid.

<sup>20</sup> Senderowitz, J. (1995) Adolescent health: reassessing the passage to adulthood. *World Bank discussion papers. Washington, D.C.: The World Bank*, No. WDP 272, 1-68.

<sup>21</sup> Nour, N.M. (2006) Health consequences of child marriage in Africa. - *Emerging Infectious Diseases*, Vol. 12, 1644-1649.

<sup>22</sup> Raj, A., Saggurti, N., Winter, M. et al. (2010) The effect of maternal child marriage on morbidity and mortality of children under 5 in India: cross sectional study of a nationally representative sample. - *BMJ. Springer*, Vol. 340, 42-58.

<sup>23</sup> Santhya, K. (2011) Early marriage and sexual and reproductive health vulnerabilities of young women: a synthesis of recent evidence from developing countries. - *Current Opinion in Obstetrics and Gynecology. Guttmacher Intitute*, Vol. 23, 334–339.

<sup>24</sup> World Health Organization (2015) Fact Sheet on Adolescent Pregnancy. - *WHO, Geneva*.

<sup>25</sup> Ibid.

<sup>26</sup> Belhorma, S. (2016), supra nota 17.

experience different kinds of violence throughout their lives. There are various factors promoting violence encountered by child brides, which require discussion.

**Physical** violence still remains to be seen as a personal matter, motivated by the culture of silence and ‘family business’ attitude surrounding it.<sup>27</sup> Women rarely report violence, and as a result such conduct makes it very problematic to identify the violence between spouses.<sup>28</sup> Every type of violence may have different results and costs. In some instances, because of the lack of access to the public sphere and financial status, victims of physical violence cannot take proper care of their injuries, which by itself may be a reason to cause depression and other psychological issues.<sup>29</sup> According to multiple researches, child marriage creates even higher chances for domestic violence (both physical and sexual<sup>30</sup>) than adult marriage, which gives rise to additional harmful physical and mental health aftermaths<sup>31</sup>.

Different reasons may be mentioned to describe why women married as children may be at greater risk of violence, such as likelihood of insufficient education<sup>32</sup>, poverty<sup>33</sup>, submission to established gender norms<sup>34</sup>. This may in return result in absence of autonomy<sup>35</sup> and power imbalance<sup>36</sup>, often due to age gaps between spouses. All of these are potential cases of intimate

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<sup>27</sup> UNFPA (2018), supra nota 7.

<sup>28</sup> UNFPA (2018), supra nota 7, p 50.

<sup>29</sup> Belhorma, S. (2016), supra nota 17, p 226.

<sup>30</sup> Kidman, R. (2017). Child marriage and intimate partner violence: a comparative study of 34 countries. – *International Journal of Epidemiology*. Oxford University Press, Vol. 46, Issue 2, 662–675.

<sup>31</sup> Rees, S., Silove, D., Chey, T. et al. (2011) Lifetime prevalence of gender-based violence in women and the relationship with mental disorders and psychosocial function. – *JAMA*, Vol. 306, No.5, 513–21; Heise, L., Ellsberg, M., Gottmoeller, M. (2002) A global overview of gender-based violence. – *International Journal of Gynecology and Obstetrics*. Elsevier, Vol. 78, No.1, 5–14; Campbell, J.C, Soeken, K.L. (1999) Forced sex and intimate partner violence effects on women’s risk and women’s health. - *Violence Against Women*. SAGE Publications, Vol. 5, 1017–35; Peterman, A., Johnson, K. (2009) Incontinence and trauma: Sexual violence, female genital cutting and proxy measures of gynecological fistula. *Soc. Sci. Med. Elsevier*, Vol. 68, 971–9; Campbell, J.C. (2002) Health consequences of intimate partner violence. *Lancet*, Vol.359, 1331–36; Ellsberg, M., Jansen, H.A.F.M., Heise, L., Watts, C., Garcia-Moreno, C. (2007) Intimate partner violence and women’s physical and mental health in the WHO multi-country study on women’s health and domestic violence: an observational study. – *Lancet*, Vol. 371, 1165–72; Coker, A.L. (2007) Does physical intimate partner violence affect sexual health? a systematic review. *Trauma Violence Abuse*. Sage Publications, Vol. 8, 149–77.

<sup>32</sup> UNICEF (2014), supra nota 14.

<sup>33</sup> UNICEF (2014), supra nota 14.

<sup>34</sup> Santhya, K., Ram, U., Acharya, R., Jejeebhoy, S.J., Ram, F., Singh, A. (2010) Associations between early marriage and young women’s marital and reproductive health outcomes: evidence from India. - *International Perspectives on Sexual and Reproductive Health*. Guttmacher Institute, Vol. 36, No.3, 132–39.

<sup>35</sup> Jensen, R., Thornton, R. (2003) Early female marriage in the developing world. - *Gender & Development*. Taylor & Francis Group, Vol. 11, 9–19.

<sup>36</sup> Santhya, K. (2010), supra nota 34.

partner violence (hereinafter IPV).<sup>37</sup> A recent study suggests that domestic violence begins on average 3.5 years after the marriage.<sup>38</sup> The younger the child is, the more severe the outcomes of marriage and IPV are.<sup>39</sup>

Physical violence always entails **psychological** suffering in a form of depression and mental illness.<sup>40</sup> This type of violence is of a specific form that can keep women and girls subservient to men<sup>41</sup>. Violence and its consequences also transfer to the next generation and affect it very deeply traumatizing and potentially causing them to become either victims or perpetrators of violence in future.<sup>42</sup>

Forced marriage viewed as a cultural norm in different communities can be considered as a **social** violence legitimized by ensuring continuity of community values.<sup>43</sup> Violence experienced by young women within the family is disregarded and much of it is believed to be normal because of male dominance and female inferiority in the community.<sup>44</sup> Social violence against girls has severe consequences. Besides deprivation of education, lack of ability to take control of their lives and access to health services, girls are also not protected by laws against rape and other 'legitimate' forms of violence in the framework of marriage, which outside of marriage would be seen as criminal acts.<sup>45</sup>

Within child marriages, male spouses are usually older, have more education and better social status than their female partners.<sup>46</sup> Women who dropped out of school early, or did not get

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<sup>37</sup> Fulu, E., Jewkes, R., Roselli, T., Garcia-Moreno, C. (2013) Prevalence of and factors associated with male perpetration of intimate partner violence: findings from the UN Multicountry Cross-sectional Study on Men and Violence in Asia and the Pacific. –*Global Health. Lancet*, Vol. 1, 187–207.

<sup>38</sup> Peterman, A., Bleck, J., Palermo, T. (2015) Age and intimate partner violence: an analysis of global trends among women experiencing victimization in 30 developing countries. - *Journal of Adolescent Health. Society for Adolescent Medicine (U.S)*, Elsevier, Vol. 57, 624–30.

<sup>39</sup> Erulkar, A. (2013) Early marriage, marital relations and intimate partner violence in Ethiopia. – *International Perspective on Sexual and Reproductive Health. Guttmacher Institute*, Vol. 39, 6–13.

<sup>40</sup> Belhorma, S. (2016), supra nota 17, p 227-228.

<sup>41</sup> Afkhami, M., Hofman Nemiroff, G., Vaziri H. (1998) Safe and Secure: Eliminating Violence against Women and Girls in Muslim Societies. - *Bethesda: Sisterhood Is Global Institute*, Vol. 164, MO.

<sup>42</sup> WHO (2007) The Cycles of Violence. The relationship between childhood maltreatment and the risk of later becoming a victim or perpetrator of violence. Key facts. - *Regional Office for Europe. Copenhagen, Denmark*.

<sup>43</sup> Belhorma, S. (2016), supra nota 17.

<sup>44</sup> Ouis, P. (2009) Honourable Traditions - Honour Violence, Early Marriage and Sexual Abuse of Teenage Girls in Lebanon, and Occupied Palestinian Territories and Yemen.-. *17 Int'l J. Child. Rts. Brill Academic Publishers*, 445-474.

<sup>45</sup> Belhorma, S. (2016), supra nota 17.

<sup>46</sup> Jain, S., Kurz, K. (2007) New insights on preventing child marriage. - *International Center for Research on Women (ICRW)*, Washington DC.

appropriate education after it to maintain themselves (and their children) without help of their spouses, are socially vulnerable and are subject to **financial** violence.<sup>47</sup> Financial dependence on their breadwinner husbands increase women subordination to men and decrease perception of self-efficacy.<sup>48</sup> Which means that, in order to survive and satisfy essential needs, women who have married as children are forced to deal with often unbearable and abusive forced<sup>49</sup> marriage.

## 1.2 Access to education

Child Marriage is more prevalent in the places where traditional attitudes towards women are maintained.<sup>50</sup> Naturally, in such areas marriage is an obstacle to education.<sup>51</sup> Often it is expected from women to drop-out of school in order to become permanent housewives.<sup>52</sup>

Not getting comprehensive primary education compromises child's complete development, which results in lack of self-confidence, knowledge, and skills to engage in labour market.<sup>53</sup> Overall consequences in long run are poverty, absence of employment opportunities, social deprivation and domestic violence.<sup>54</sup> Poverty plays a crucial role in the occurrence of child marriage,<sup>55</sup> which perpetuates it down the generations, thereby contributing to the 'feminization of poverty'.<sup>56</sup>

To conclude, this chapter deduces that parent's role in girls' lives is decisive and most likely determines whether or not a girl is engaged in child marriage. Major factors influencing parents to marry off a child are poverty, patriarchal norms and 'family honour'. Health danger

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<sup>47</sup> Belhorma, S. (2016), supra nota 17, p 228.

<sup>48</sup> Ibid.

<sup>49</sup> Jewkes, R., Levin, J., Mbananga, N., Bradshaw, D. (2002) Rape of girls in South Africa. – *Lancet*, Vol. 359, 319–20.

<sup>50</sup> LeVine, R.A., Norman, K. (2008) Attachment in anthropological perspective. - LeVine RA, New RS (eds) *Anthropology and Child Development: A cross-Cultural Reader*. Blackwell Publishing, 127-142.

<sup>51</sup> Otoo-Oyortey, N. (2003), supra nota 8, p 12.

<sup>52</sup> Otoo-Oyortey, N. (2003), supra nota 8.

<sup>53</sup> Atinc, Manuelyan, T., Gustafsson-Wright, E. (2013) Early Childhood Development: the Promise, the Problem, and the Path Forward.-. *Series: Costing Early Childhood Development*. Center for Universal Education. Brookings Institution Press, 1-9.

<sup>54</sup> Heise, L, Ellsberg, M, and Gottemoeller, M (1999), Ending Violence against Women. Population Reports, Series L, No. 11, Baltimore, MD: Johns Hopkins University. School of Public Health, Population Information Program, 1-44.

<sup>55</sup> Gaffney-Rhys, R. (2011) 'International law as an instrument to combat child marriage'. - *The International Journal of Human Rights*. Taylor & Francis, Vol.15(3), 359–373.

<sup>56</sup> UNICEF (2001), supra nota 12.

associated with early childbirth and high rate of mortality of both mother and child have to be emphasized. A girl engaged in child marriage is at risk of experiencing various types of violence such as physical, sexual, psychological, social and financial. One of the most important conclusions of this chapter is that being married as a child as opposed to being married as an adult increases the odds of physical and/or sexual violence. This chapter also deduces that lack of access to education is another aspect of child marriage because of traditional attitudes and lack of autonomy. Its consequences in a long run are poverty, absence of employment opportunities, social isolation and domestic violence. Author has concluded, that discussion of causes, consequences, peculiarities, the environment and characteristics of child marriage, has substantial legal importance, because these are all closely related to a child's rights.

## 2. GEORGIA – CURRENT NATIONAL ISSUE AND BASIS FOR STILL EXISTING PRACTICE

### 2.1 General Overview

The situation in Georgia concerning child marriage is not satisfactory as well. Among countries of Eastern Europe, Georgia has one of the highest percentages of child marriage – 1% under the age 15 and 14% under the age 18.<sup>57</sup> There are different conditions in different regions of Georgia and statistics also differ. Nonetheless, the result is the same – child marriage of girls is well-established practice.<sup>58</sup>

Author argues, child marriage in Georgia is practiced on several certain bases. Since its foundation Georgia has been in a defence mode, fighting the invaders and trying to preserve its identity, territory and population.<sup>59</sup> For this reason, in order for the nation to survive, as soon as a girl became reproductive – able to carry a child and give birth, she was married away.<sup>60</sup> All these circumstances, which were relevant at that time,<sup>61</sup> turned into practice, which create shortcomings in the process of contemporary democratic development of the nation.<sup>62</sup>

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<sup>57</sup> UNICEF Data and Analytics Section; Division of Data, Research and Policy (2018) Percentage of women aged 20 to 24 years who were first married or in union before ages 15 and 18. – *UNICEF Global databases, based on Demographic and Health Surveys(DHS), Multiple Indicator Cluster Surveys (MICS) and other nationally representative surveys.* New York.

Accessible: <https://data.unicef.org/topic/child-protection/child-marriage/>, 19 December 2018.

<sup>58</sup> Public Defender of Georgia (2017) Annual Report on the Public Defender of Georgia: The situation of Human Rights and Freedoms in Georgia. – *Office of Public Defender of Georgia.* 146-147.

<sup>59</sup> Javakhishvili, I. (1982) The History of the Georgian Nation, Vol.1,2,3,4,5. *Tbilisi State University Press*, Georgia.

<sup>60</sup> Georgian ethnological sources describe rich historical traditions regarding the marriage ceremony. One of them is tradition of the “Mdade/Dade”. The “Mdade/Dade” was a married experienced woman, who was chosen to accompany a young girl during the ceremony and first period of marriage. The resources discussing the “Mdade/Dade” tradition, can be used as an evidence that girl was underage. Also, girl’s young age shall be proved by the fact that she would take her toys with her to new home to play.

Ivelashvili, T. (1999) Traditional Marital Customs in Georgia. Historic and ethnographic research. - *Ivane Javakhishvili Institute of History and Ethnology. Publishing house “Science”.* 1-357. Tbilisi, Georgia; Topchishvili, R. general edition (2010) Georgia’s Ethnography/Ethnology. *Ivane Javakhishvili Institute of History and Ethnology. Publishing house “Universali”.* Tbilisi, Georgia, 1-736.

<sup>61</sup> Ibid.

<sup>62</sup> Abashidze, A. (2015) The Phenomenon of Child Brides and its Impact on Georgia’s EU Integration. *Open Society Georgia Foundation, Riga/Tbilisi*, 1-8.

Growth of life expectancy in the country had been happening gradually<sup>63</sup>, whereas, after collapse of USSR 1991<sup>64</sup>, the country had to quickly gain its sovereignty<sup>65</sup> and identity in order to engage in world movement towards capitalism and globalization, which happened to be hard for the society that had just gained its independence after 200 years<sup>66</sup> (70 years in USSR).

At the same time, author states, that Georgia has significant history of exceptional respect towards women<sup>67</sup> and for this reason, there exists a solid ground to consider the country as an implementer and protector of acknowledgement of women as legitimate members of the society. Since the country is working to shift from a developing<sup>68</sup> to a developed one, gender equality ought to be established in Georgia.

Author notes, that there is a long path before Georgia becomes legally, politically, economically and environmentally strong and stable. Since the country strives towards EU integration<sup>69</sup>, it is vital to emphasise the problems, which hamper Georgia on this path. It is important to mention, that practice and environment of child marriage is not homogeneous and remarkably differs depending on the ethnicity and religion of the population inhabiting different regions of the country.<sup>70</sup>

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<sup>63</sup> World Health Rankings: Georgia Population Pyramid.

Accessible: <https://www.worldlifeexpectancy.com/country-health-profile/georgia>, 19 December, 2018.

<sup>64</sup> Declaration № 142-H (1991) of the Soviet of the Republics of the Supreme Soviet of the Soviet Union, formally establishing the dissolution of the Soviet Union as a state and subject of international law.

<sup>65</sup> Nohlen, D., Grotz, F., Hartmann, Christof (2001) *Elections in Asia: A data handbook*. Oxford University Press. Vol. I, 1-770. p 394. ISBN 0-19-924958-X

<sup>66</sup> Avalov, Z. (1901) Georgia's Accession to Russia. - *A.S. Suvorina. Saint Peterburg*. 1-322.

<sup>67</sup> The most distinct and evident example shall be the fact that in the 12<sup>th</sup> century, already during his reign, King George the III chose her daughter to the throne and left her as the King Tamar of Georgia (Not the Queen).

Eastmond, A. (1998). *Royal Imagery in Medieval Georgia*. - *University Park, PA: Pennsylvania State Press*. ISBN 0-271-01628-0; Eastmond, A. (2010). *Royal Imagery in Medieval Georgia*. *Penn State Press*, 1-263. p 93. ISBN 978-0271016283.

It is also relevant, that Georgian language is rich with phrases exemplifying respect to women and in particular mother.

<sup>68</sup> List of Developing countries. Accessible: <https://www.isi-web.org/index.php/resources/developing-countries>, 19 December 2018.

<sup>69</sup> Abashidze, A. (2015), supra nota 62.

<sup>70</sup> UNFPA (2018), supra nota 7, p 57.



## 2.2 Relevant international and national law

Marriage is recognized as the union of two people as partners in a personal relationship. When engaging in this kind of union, consent is a necessary part for moral and legal reasons.<sup>71</sup> In order to recognize consent, it shall be voluntary and competent.<sup>72</sup> Marriage in which one or both spouses is married without his or her consent is a 'forced marriage'.<sup>73</sup>

As defined in 1989 United Nations Convention on the Rights of the Child article 1 "a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier"<sup>74</sup>. It is important to note, that other international conventions (signed and ratified by Georgia) such as : UN 1962 Convention on the 'Consent to Marriage, Minimum Age for Marriage and Registration'<sup>75</sup> ; UN 1956 Supplementary Convention on the 'Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery'<sup>76</sup> ; The 1979 Convention on the 'Elimination of All Forms of Discrimination Against Women' (CEDAW)<sup>77</sup> suggest a minimum age for marriage of 18 years, consistent with the definition of child articulated in the UNCRC. Author considers, that the fact that in all of these aforementioned conventions article 1 of the UNCRC is supported and reaffirmed, indicates worldwide universality of the legal definition of a child.

During his/her development, until a child has matured physiologically, emotionally, sexually and psychosocially,<sup>78</sup> he/she shall be treated with special care, diligence and consideration of his/her best interests.<sup>79</sup> In the UNCRC the child marriage is not explicitly mentioned. However,

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<sup>71</sup> UN General Assembly (1948) Universal Declaration of Human Rights. Article 16(2); UN General Assembly (1964) Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages. Articles 1 and 2; UN General Assembly (1966) International Covenant on Civil and Political Rights (ICCPR) Article 23.3 *United Nations. - Treaty Series*, Vol. 999, p. 171; UN General Assembly (1966) International Covenant on Economic, Social and Cultural Rights (ICESCR) Article 10.1 - *United Nations, Treaty Series*, Vol. 993, p 3.

<sup>72</sup> Ibid., 1964 Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages.

<sup>73</sup> Maruf, A.S. (2012) Forced Marriage: A Study on British Bangladeshi Community. – *Author House*. 1-116. Page ix.

<sup>74</sup> UN (1989), supra nota 6, Article 1.

<sup>75</sup> UN General Assembly (1962) Convention on Consent of Marriage, Minimum Age of Marriage and Registration of Marriages, *Treaty Series*, Vol. 521, p. 231. Article 2.

<sup>76</sup> UN (1956) Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery. - *Treaty Series*, Vol. 266, p. 3. Article 2.

<sup>77</sup> UN General Assembly (1979) Convention on the Elimination of All Forms of Discrimination Against Women. - *United Nations, Treaty Series*, Vol. 1249, p. 13. Article 16.

<sup>78</sup> WHO (2008) Children are not Little Adults. - *Children's Health and the Environment WHO Training Package for the Health Sector World Health Organization*. Geneva, Switzerland.

<sup>79</sup> Ibid.

even so child marriage is related to other rights: The primary consideration and protection of the best interests of the child<sup>80</sup>; The right to not be separated from parents against will<sup>81</sup>; The right of freedom from discrimination on any grounds, including sex, religion, ethnic or social origin, birth or other status<sup>82</sup>; The right to be provided maximum support for survival and development<sup>83</sup>; The right to protection from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation of all forms<sup>84</sup>, including sexual abuse<sup>85</sup>; The right to the enjoyment of the highest attainable standard of health<sup>86</sup>, which includes the right to protection from all forms of harmful traditional practices<sup>87</sup>; The right to protection from abduction<sup>88</sup>; The right to express his or her views freely in all matters affecting the child<sup>89</sup>; The right to freedom of expression including the right to seek, receive and impart information and ideas<sup>90</sup>; The right to education on the basis of equal opportunity<sup>91</sup>; The right to benefit from social security<sup>92</sup>; The right to have an adequate standard of living<sup>93</sup> and the right to rest and leisure, and to participate freely in cultural life<sup>94</sup>. Child marriage denies these rights guaranteed by the UNCRC.

As the signatory country of the UNCRC from 1994, Georgia has taken the obligation to implement and fulfil all the obligations specified by the articles. Nevertheless, insufficient action of the executive branch and failure to enforce number of articles is still observable, by occurrence of child marriage in the country. In the national law of Georgia, law against practice of child marriage is stipulated in the Criminal Code of Georgia (hereinafter CCG)<sup>95</sup>, which states that sexual intercourse or any other act of sexual nature with a person who has not

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<sup>80</sup> UN (1989), supra nota 6, Article 3.

<sup>81</sup> UN (1989), supra nota 6, Article 9.

<sup>82</sup> UN (1989), supra nota 6, Article 2.

<sup>83</sup> UN (1989), supra nota 6, article 6.

<sup>84</sup> UN (1989), supra nota 6, Article 36.

<sup>85</sup> UN (1989), supra nota 6, Article 19(1) and 34.

<sup>86</sup> UN (1989), supra nota 6, Article 24(1).

<sup>87</sup> UN (1989), supra nota 6, Article 24(3).

<sup>88</sup> UN (1989), supra nota 6, Article 35.

<sup>89</sup> UN (1989), supra nota 6, Article 12.

<sup>90</sup> UN (1989), supra nota 6, Article 13.

<sup>91</sup> UN (1989), supra nota 6, Articles 28 and 29.

<sup>92</sup> UN (1989), supra nota 6, Article 26.

<sup>93</sup> UN (1989), supra nota 6, Article 27.

<sup>94</sup> UN (1989), supra nota 6, Article 31.

<sup>95</sup> Law of Georgia. Criminal Code of Georgia (1999) Tbilisi, Georgia.

attained the age of 16 years<sup>96</sup>, unlawful imprisonment of a minor<sup>97</sup> and forced marriage of a minor (including unregistered marriage)<sup>98</sup> are criminal acts and shall be punished by imprisonment.<sup>99</sup>

## **2.3 Enforcement of the Law prescribed by the UNCRC and Georgian Legislation**

Despite the fact, that child marriage legislation complies with internationally accepted norms, author states, that situation is different in practice. Comprehensive research studying the causes, dimensions and consequences of child marriage has not been conducted in Georgia.<sup>100</sup> The reasons for this may be long-term invisibility of this problem<sup>101</sup> and also, lack of statistical data<sup>102</sup>. Limited amount of existing data regarding child marriage and law enforcement is an indirect result of the research conducted on reproductive health and human rights conditions.<sup>103</sup> Furthermore, data cannot be complete, because child marriage is not officially recorded – a person under the age 18 (16 before 2017) cannot officially register the marriage. Still, available research provides with interesting information.

In this sub-section, important positive developments of the legislation are encapsulated, major findings provided by Ombudsmen of Georgia (Public Defender's Office)<sup>104</sup> in the last

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<sup>96</sup> Ibid., Article 140: Sexual intercourse, homosexual or lesbian or other sexual intercourse in a perverted form committed knowingly by an adult offender against a person who has not attained the age of 16 years, - shall be punished by imprisonment for a term of seven to nine years.

<sup>97</sup> Supra nota 93, Article 143: 1. Unlawful imprisonment shall be punished by imprisonment for a term of two to four years. 3. The same act committed: d) knowingly by the offender against a pregnant woman, a minor or a helpless person; e) using violence or threat of violence dangerous for life or health, - shall be punished by imprisonment for a term of seven to ten years.

<sup>98</sup> Supra nota 93, Article 150: 1. Forced marriage (including an unregistered marriage), - shall be punished by community service for two hundred to four hundred hours or with imprisonment for up to two years. 2. The same act committed knowingly against a minor, - shall be punished by imprisonment for up to four years.

<sup>99</sup> Article prohibiting forced marriage (Article 150)<sup>99</sup> shall be supported by the “Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence”, which recently came into force in the country (September 2017). Convention puts positive obligation on states to criminalize forced marriage and to offer the special protection to a child by taking into account his/her best interests.

Council of Europe (2014) The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. Article 37.

<sup>100</sup> UNFPA (2018), supra nota 7, p 20.

<sup>101</sup> UNFPA (2018), supra nota 7, p 4.

<sup>102</sup> UNFPA (2018), supra nota 7, p 17.

<sup>103</sup> UNFPA (2018), supra nota 7.

<sup>104</sup> See <http://www.ombudsman.ge/>

5 years are analysed, and correspondingly legal assessment of the existing situation in light of the UNCRC is provided.

Several positive developments in Georgian national legislation took place over the past 5 years. From 2014 it is required to indicate the reason for dropping out of school<sup>105</sup>; at the end of 2015 parliament abolished parental consent on underage marriage between 16-18 and only allowed it by court ruling<sup>106</sup>; In 2016 Joint order of Minister of Georgia on Approval of Child Protection Referral Procedures<sup>107</sup> became the Ordinance of the Government of Georgia<sup>108</sup>; Starting from 2017 the registration of marriage of individuals under 18 has been prohibited<sup>109</sup>, which in authors opinion is a critical legal achievement towards combating the problem.

Despite gradual positive development of the legislation against child marriage, author argues that important deficiencies concerning enforcement of the law have appeared:

#### **1. Fulfilment of an obligation prescribed by the UNCRC. National law and Sufficient inter-agency communication**

In 2015 611 marriages of minors were registered (in 2014 – 665 minors<sup>110</sup>). 95% of this minors were girls (in 2014<sup>111</sup> as well).<sup>112</sup> In 2017 the number of juvenile parents at time of childbirth was as high as 835<sup>113</sup>. The problem of cohabitation in early age, forced marriage (6 cases compared to 3 in 2016<sup>114</sup>), and child abduction for marriage (41 abductions) persisted.<sup>115</sup>

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<sup>105</sup> Public Defender of Georgia (2014) Annual Report on the Public Defender of Georgia: The situation of Human Rights and Freedoms in Georgia. –*Office of Public Defender of Georgia*. 434-435.

<sup>106</sup> Public Defender of Georgia (2015) Annual Report on the Public Defender of Georgia: The situation of Human Rights and Freedoms in Georgia. –*Office of Public Defender of Georgia*. 570-573.

<sup>107</sup> Law of Georgia: Order of Minister of Georgia (2010) Joint Order №152/N–№496–№45/N of the Minister of Labour, Health and Social Affairs of Georgia, the Minister of Internal Affairs of Georgia and the Minister of Education and Science of Georgia: On approval of child protection referral procedures. Tbilisi, Georgia.

<sup>108</sup> Law of Georgia: Ordinance of the Government of Georgia (2016) Ordinance №437 of the Government of Georgia On approval of child protection referral procedures. Tbilisi, Georgia.

<sup>109</sup> Public Defender of Georgia (2017), supra nota 58.

<sup>110</sup> Public Defender of Georgia (2014), supra nota 105.

<sup>111</sup> Public Defender of Georgia (2014), supra nota 105.

<sup>112</sup> Public Defender of Georgia (2015), supra nota 106.

<sup>113</sup> In 2014 - 1527 girls; In 2015 - total:1449 parents, out of which girls:1372; In 2016 - total:1278, girls:1224.

<sup>114</sup> Public Defender of Georgia (2016) Annual Report on the Public Defender of Georgia: The situation of Human Rights and Freedoms in Georgia. –*Office of Public Defender of Georgia*. 396-398.

<sup>115</sup> Public Defender of Georgia (2017), supra nota 58.

Accordingly, data of de facto child marriages shall be retrieved from data about underage childbirth.<sup>116</sup>

Over the last 5 years the percentage of criminal proceedings conducted under CCG article 140 has increased.<sup>117</sup> Nonetheless, the study revealed case terminations without any grounds,<sup>118</sup> loyal treatment towards alleged offenders and negligence of obligations by the law enforcement bodies.<sup>119</sup> In the instances where marriage was concluded by an adult males and females under 16, the law enforcement authorities opted not to get involved in the investigation of alleged sexual offences.<sup>120</sup> Only a statement from the couple, that no sexual intercourse would occur until the girl is 16, was sufficient for the case to be dismissed by the authorities.<sup>121</sup> In 2017 out of 6 cases launched against forced marriage, 5 were terminated and not heard by the court.<sup>122</sup>

Social Service Agency (hereinafter SSA) has studied only 98 cases in 2017.<sup>123</sup> This proves the lack of inter-agency coordination and inefficient enforcement of the law.<sup>124</sup> Unless child marriage is undoubtedly evident SSA underlined the voluntary nature of the marriage, found it difficult to identify the problem<sup>125</sup> and often covered up the incidence.<sup>126</sup> SSA quite often chose not to separate the child from the family, even when cases included child abuse<sup>127</sup>, and evaluated the existing family environment as approvable and non-violent for the child in question.<sup>128</sup>

Based on the assessment of enforcement agencies' conduct through the UNCRC standpoint, author found a number of violations of the UNCRC provisions: Article 3<sup>129</sup> all legislative and administrative measures to ensure the protection of the best interests of the child; Art.19(1)<sup>130</sup> protection from sexual abuse ; Art.19(2)<sup>131</sup> the obligation to follow-up instances

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<sup>116</sup> Public Defender of Georgia (2015), supra nota 106.

<sup>117</sup> Public Defender of Georgia (2015), supra nota 106

<sup>118</sup> Public Defender of Georgia (2015), supra nota 106.

<sup>119</sup> Public Defender of Georgia (2015), supra nota 106.

<sup>120</sup> Public Defender of Georgia (2016), supra nota 114.

<sup>121</sup> Public Defender of Georgia (2016), supra nota 114.

<sup>122</sup> Public Defender of Georgia (2017), supra nota 58.

<sup>123</sup> Public Defender of Georgia (2017), supra nota 58. 79 cases studied in 2016; 45 in 2015.

<sup>124</sup> Ibid.

<sup>125</sup> Public Defender of Georgia (2016), supra nota 114.

<sup>126</sup> Public Defender of Georgia (2015), supra nota 106.

<sup>127</sup> Public Defender of Georgia (2016), supra nota 114.

<sup>128</sup> Public Defender of Georgia (2016), supra nota 114.

<sup>129</sup> UN (1989), supra nota 6, Article 3.

<sup>130</sup> UN (1989), supra nota 6, Article 19.

<sup>131</sup> UN (1989), supra nota 6, Article 19.

of child maltreatment, report and referral to relevant entity; Art.34(a)<sup>132</sup> prevent a child from engagement in unlawful sexual activity; Art.24(3)<sup>133</sup> take all measures to abolish traditional practices prejudicial to the health of children.

Author suggests that when a state ignores the symptoms and results of child marriage and does not interfere with the aim to protect best interests of the child, positive obligation to protect juvenile and his/her best interests is violated. This responsibility on the state level, rests on several governmental branches, including Ministry of Internal Affairs, Ministry of Education, Ministry of Labour, Health and Social Affairs of Georgia.<sup>134</sup>

In case sexual abuse has already taken place, the state party has a positive obligation to take adequate care of the victim. The fact that the victim is under 18 intensifies the responsibility to be alert. Author argues, that when the state fails to take adequate action on child marriage instances, it leaves children at risk of physical or mental violence. Usually, when the state parties act negligently and carelessly, a child suffers from physical and mental violence, abuse and negligent treatment from both the perpetrator and the state. When there exists a reasonable doubt that exploitation of any form might take place in a child's life, state parties have a positive obligation to combat this action. Negligence or failure to fulfil this obligation is the critical violation of child's rights.

Author analyses, that every instance of an underage pregnancy and childbirth is prejudicial to child's health and endangers her well-being. Therefore, every instance of an underage pregnancy shall be investigated according to the criminal law and every relevant actor shall be engaged in the process.<sup>135</sup> This is not the case in Georgia, child's best interests are not adequately protected and her sexual protection is not sufficiently established. Author observes, that slight decrease in the number of underage childbirths is the result of legislative changes, whereas still persistent high rate of the data is the result of insufficient enforcement of the law.

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<sup>132</sup> UN (1989), supra nota 6, Article 34.

<sup>133</sup> UN (1989), supra nota 6, Article 24.

<sup>134</sup> Law of Georgia (2016) supra nota 108, Article 5.

<sup>135</sup> Law of Georgia (1999), supra nota 95, Article 150<sup>1</sup>.

## **2. Awareness about risks of child marriage, reproductive health and Lack of knowledge about one's rights related to this matter**

As the author observes, in all of the reports from 2013-2017 substantial lack of awareness of every aspect of child marriage is sustained. In particular, there persists lack of awareness about risks associated with child marriage, ways of prevention of harmful traditional practice, reproductive health and contraception, knowledge about relevant legislation and obligations assigned in case of violation of child rights.

Author analyses, that lack of knowledge of reproductive health endangers child's health and prevents the state from fulfilling the obligation to protect best interest's of the child according to articles 3<sup>136</sup> and 24 (right to health)<sup>137</sup> of the UNCRC. Accordingly, every responsible person including parents and other relevant actors in accordance to the convention<sup>138</sup> has to possess relevant information and guidance to what is right and necessary for a child to live in the most adequate standards achievable.

## **3. High rate of School drop-out**

As the studies conducted by Public defender's office revealed, the main reason for girls to drop out of school is child marriage, decided either by girl herself or her parents.<sup>139</sup> As author states, data regarding school drop-out is inconsistent. It is interesting to observe the data regarding abandonment indicator provided by different entities. Based on the data provided by the Ministry of Education, 18 children have abandoned school because of marriage,<sup>140</sup> whereas the Ministry of Internal Affairs claims that this number is 75 in 2017.<sup>141</sup>

This inconsistency once again strengthens author's perception that serious lack of coordination exists between agencies. The Ministry of Internal Affairs has derived this data from investigations launched in 2017, whereas the Ministry of Education provides

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<sup>136</sup> UN (1989), supra nota 6, Article 3.

<sup>137</sup> UN (1989), supra nota 6, Article 24.

<sup>138</sup> UN (1989), supra nota 6, Article 42.

<sup>139</sup> Public Defender of Georgia (2013) Annual Report on the Public Defender of Georgia: The situation of Human Rights and Freedoms in Georgia. –*Office of Public Defender of Georgia*. 272-273.

Between October 2011 - January 2013: 7367 – mostly the reason was child marriage. In 2015 because of marriage 576 children dropped out of school. In 2016 115 juveniles.

<sup>140</sup> Public Defender of Georgia (2017), supra nota 58, Chapter Conditions on the Rights of a Child.

<sup>141</sup> Public Defender of Georgia (2017), supra nota 58, Chapter on Early Marriage.

aforementioned number depending on the information provided to them by schools<sup>142</sup>. Together all these peculiarities give asymmetrical and inconsistent representation of the data and cast shadow on real situation.

Furthermore, data provided by the Ministry of Education may not even be reliable. The ombudsman has detected the lack of knowledge among teachers to notify relevant authorities to keep data about reasons for students for dropping out.<sup>143</sup> Furthermore, teachers have not felt responsible to involve themselves in ‘family affairs’ after learning about incidence of child marriage.<sup>144</sup>

Author argues, that a number of violations of the UNCRC can be seen regarding the matter of school drop-outs: Article 6 right to survival and development of the child; Art.19(1) all appropriate administrative measures to protect the child from neglect or negligent treatment; Art.19(2) Identify, report, refer, investigate, provide treatment and follow-up on instances of maltreatment of all forms; Art.28(1)(e) all appropriate measures to encourage regular attendance at schools and the reduction of drop-out rates.

When a girl drops out of school, it hampers her process of development and jeopardizes her ability to survive in the world. State entities and in particular, the Ministry of Education, shall ensure that a child stays in school. When a child enters school he/she for the most part remains under their responsibility. Any failure to fulfil the positive obligation of the school or neglect of the child is a violation of the article 19. Author suggests, that there is no evidence of prompt intention to apply art.24(3) in order to abolish traditional practices prejudicial to the health of children. Whenever a state fails to identify, report, refer and investigate instances of school drop-outs, it fails to fulfil the obligation specified in art.28(1)(e). On the national level, whenever a state fails to refer the case to other entity, it fails to fulfil the obligation specified in referral procedures<sup>145</sup>.

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<sup>142</sup> It is important to create certain procedure according to which school will be able to determine validity of indicated reason.

<sup>143</sup> Public Defender of Georgia (2015), supra nota 106.

<sup>144</sup> Public Defender of Georgia (2014), supra nota 105.

<sup>145</sup> Law of Georgia (2016), supra nota 108, Article 4.



#### 4. Abduction for marriage

As of 2017, abduction with the aim of marriage still persists to be a problem.<sup>146</sup> Even though percentage of prosecution of perpetrators under CCG article 143 has increased,<sup>147</sup> it has been detected, that Prosecutor's Office of Georgia happens to have difficulty identifying the reasons for instances of illegal imprisonment.<sup>148</sup> The reason for such failure could not be identified either,<sup>149</sup> which as the author assumes, indicates inadequate fulfilment of an obligation and/or improper coordination of information. Failure to prevent, detect or investigate abduction of a child for the purpose of marriage is the violation of the Art.35<sup>150</sup> of UNCRC and Art.143(3)(d) CCG<sup>151</sup>.

#### 5. Poverty

Today socio-economic conditions and poverty shall be considered as one of the bases for child marriage,<sup>152</sup> even as the most critical one as well, as named by young citizens of Georgia<sup>153</sup>.

Author analyses, that socio-economic conditions and poverty in the scope of child marriage, illustrate the failure of the state to comply with number of articles of the UNCRC: Article 3<sup>154</sup> best interests of the child; Art.4<sup>155</sup> maximum extent to ensure economic and social rights; Art.18(2)<sup>156</sup> assistance to parents, development of institution, facilities and services for the care of children; Art.19(2)<sup>157</sup> establishment of social programmes; Art.24(1)<sup>158</sup> rights to health, access to facilities for the treatment of illness and rehabilitation of health; Art.26<sup>159</sup>

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<sup>146</sup> Public Defender of Georgia (2017), supra nota 58.

<sup>147</sup> Public Defender of Georgia (2015), supra nota 106.

<sup>148</sup> Public Defender of Georgia (2015), supra nota 106.

<sup>149</sup> Public Defender of Georgia (2015), supra nota 106.

<sup>150</sup> UN (1989), supra nota 6, Article 35.

shall also be strengthened by the article 9 obligation to ensure that a child is not separated from his/her parents against his/her will. Article 9 is violated when state does not act as an effective eliminator of forced marriage cases and abduction.

<sup>151</sup> Law of Georgia (1999), supra nota 95, Article 143.

<sup>152</sup> UNFPA (2018), supra nota 7, p 36.

<sup>153</sup> Public Defender of Georgia (2013), supra nota 139.

<sup>154</sup> UN (1989), supra nota 6, Article 3.

<sup>155</sup> UN (1989), supra nota 6, Article 4.

<sup>156</sup> UN (1989), supra nota 6, Article 18.

<sup>157</sup> UN (1989), supra nota 6, Article 19.

<sup>158</sup> UN (1989), supra nota 6, Article 24.

<sup>159</sup> UN (1989), supra nota 6, Article 26.

the right to benefit from social security, social insurance; Art. 27<sup>160</sup> (1) right to a standard of living adequate for the child's physical, mental, moral and social development, (3) Assistance of parents (guardians), material assistance and provision of support programmes; Art.28(1)(a) and (b)<sup>161</sup> compulsory primary education, accessible secondary education, financial assistance in case of need.

Author points out that girls living in poverty are unable to enjoy an adequate standard of living. For this reason, in order to escape poverty, they opt to marry early.<sup>162</sup> When adolescent girls in marriage get pregnant or have issues regarding reproductive health, poverty once again deprives them from access to the best health services available, or any at all<sup>163</sup>. It once again violates girls' rights and endangers their health.

To conclude this chapter, author has deduced, that because of Georgia's complex history, child marriage used to have an explanation, but today it has transformed into the rudiment for the nation. Currently, this stigmatized practice hampers the country on the path of development. Child marriage denies numerous rights guaranteed by the UNCRC and even though national legislation complies with the Convention, the situation is different in practice. Even though gradual legislative changes attempt to decrease prevalence of child marriage, insufficient enforcement and high index of data are sustained. This chapter has reached the conclusion, that with numerous failures to fulfil their positive obligations, enforcement bodies continuously fail to protect the best interests of a child.

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<sup>160</sup> UN (1989), supra nota 6, Article 27.

<sup>161</sup> UN (1989), supra nota 6, Article 28.

<sup>162</sup> UNFPA (2018), supra nota 7, p 36.

<sup>163</sup> UNFPA (2018), supra nota 7, p 10. Language barrier for minorities (Art. 28 and 30) and infrastructure barrier (failure to provide facilities art.24) for accessing services easily are one of the major challenges for the people living in rural areas.

### 3. CASE ANALYSIS<sup>164</sup>

In this chapter, author analyses how the UNCRC and Georgian legislation have been applied by analysing recent incident documented in the country. In 2015, it was revealed<sup>165</sup>, that in one of the villages of East Georgia a 12 year old girl (T.D) and a 18 year old boy (P.G) have married unofficially. The ombudsman of Georgia has started to study the case. After the correspondence with Ministry of Education, it has been found that T.D voluntarily got married to his villager P.D during summer holidays. The school principal and a girl's tutor found out about this at the beginning of the study year, but did not report the incident.

In the second semester of the school year, T.D was often absent from school. For this reason, the teacher and the principal of the school visited the girl's family and parents confirmed her pregnancy. T. D's mother stated that, unofficial husband P.G, kicked her 12 years old wife T.D, who was 6 months pregnant at that time, out of the house and got back together with his first 13-year-old wife, who at the time was 9 months pregnant from him. Ombudsman found that the girl needed psychological and social rehabilitation. Regional representation of SSA does not have a psychologist in village. For this reason, psychological rehabilitation of the child was hindered.

T.D moved back to her family, which lives in extreme poverty and requires additional financial help from the government. The family consists of 6 members and is ascribed the status of socially vulnerable, but is not included in "Emergency assistance public sub-program of families with children in critical condition".

As the result of this incidence, 18 year old P.G. got arrested and sentenced under Article 140 of CCG<sup>166</sup>. Furthermore, the response regarding psychologist for T.D's recovery was not

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<sup>164</sup> This case has been assembled from official documents requested from PDO. Documents were provided with the condition of confidentiality. For this reason, case is presented with changed names and without specification of region where incident occurred.

<sup>165</sup> Based on the information published in electronic media: Info 9. Society. Spouse abandoned 12-year-old 6-month pregnant girl. Video recording. Georgia. February 17, 2015. Accessible: <http://www.info9.ge/sazogadoeba/videoreportazhi/109662-momwyinda-ubralod-qali-mindodao-wlis-gogona-meurlem-6-tvis-orsuli-miatova.html?lang=ka-GE>.

<sup>166</sup> Law of Georgia (1999), supra nota 95, Article 140.

received in proper time. As regards the engagement in social programmes, inflicted girl's family has not been included in any additional rehabilitation program.

Author suggests that for protection of T. D's rights prescribed by the law, prompt and effective conduct is required. Based on the case at hand, the conduct of relevant actors, in particular, the school, SSA, police and parents shall be analysed in light of the UNCRC and national legislation:

### **1. School**

In the beginning of the school year, after the school was informed about T.D's marriage, responsible figures did not act. As soon as they found out about the girl's marriage, the principal and tutor were obliged to inform relevant entities about the criminal offence, the violation of the girl's right of health and the violation of the right to education.

Author analyses, that during the child's illegal marriage, none of the obligations prescribed by the law have been fulfilled by school (what should have been done by school, has been done by PDO). For this reason, author suggests, that following articles of UNCRC and National legislation have been violated: Article 3<sup>167</sup> the best interests of the child; Art.28(1) right to education and art.28(1)(e)<sup>168</sup> encouragement of regular attendance at schools and the reduction of drop-out rates; Art.34(a)<sup>169</sup> and art.19(1)<sup>170</sup> Right to be protected from Sexual violence and unlawful sexual activity; Art.19(2)<sup>171</sup> obligation to report and refer an unlawful sexual activity; Art.24(1)<sup>172</sup> right of the child to the enjoyment of the highest attainable standard of health and Art.24(2)(b)<sup>173</sup> obligation to ensure the provision of necessary medical assistance and health care; Art.24(3)<sup>174</sup> the obligation to contribute in abolishing traditional practices prejudicial to health; Art.42<sup>175</sup> obligation to make the principles and provisions of the UNCRC widely known; CCG art.140<sup>176</sup> Sexual intercourse with a person under 16; National Referral

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<sup>167</sup> UN (1989), supra nota 6, Article 3.

<sup>168</sup> UN (1989), supra nota 6, Article 28.

<sup>169</sup> UN (1989), supra nota 6, Article 34.

<sup>170</sup> UN (1989), supra nota 6, Article 19.

<sup>171</sup> Ibid.

<sup>172</sup> UN (1989), supra nota 6, Article 24.

<sup>173</sup> Ibid.

<sup>174</sup> Ibid.

<sup>175</sup> UN (1989), supra nota 6, Article 42.

<sup>176</sup> Law of Georgia (1999), supra nota 95, Article 140.

Procedures art.4<sup>177</sup> about child protection referral system which includes revealing the child as a victim of violence, assessment of the condition of the child, informing relevant bodies about the case of child abuse, supervision over the case of violence; National Referral Procedures art.13<sup>178</sup> supervision of the child's condition.

Author assumes, that the reason for such conduct from the school shall be the stigma, which is especially present in rural areas with small population, where everyone knows each other and most importantly, the community does not consider underage marriage as a crime.<sup>179</sup> Unfortunately, in such cases, community is inclined to stigmatized judgements,<sup>180</sup> rather than the obligation to detect, act on and prevent the crime.

## **2. Social Service Agency**

According to the report of a social worker, the girl required psychological assistance. Even so, SSA was not able to guarantee sufficient presence of a psychologist with the child. Also, the social worker did not work with the parents to raise awareness of the best interests of the child. Despite the fact that T. D's family is socially vulnerable, SSA was not able to guarantee the family's timely engagement in state program of "Child Care and Social Rehabilitation"<sup>181</sup>.

Author analyses, that actions taken by SSA resulted in failure to fulfill the obligations specified in UNCRC, in particular: Art.19(2)<sup>182</sup> establishment social programmes, provision of treatment and follow-up on instances of maltreatment of all forms ; Art.24.1<sup>183</sup> Right to health and to facilities for the treatment of illness and rehabilitation of health; Art.26<sup>184</sup> right to benefit from social security; Art.27(1)<sup>185</sup> right to a standard of living adequate for the child's physical, mental, spiritual, moral and social development and (3) Assistance of parents (guardians), material assistance and provision of support programmes<sup>186</sup> ; Art.39<sup>187</sup> promotion of physical

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<sup>177</sup> Law of Georgia (2016), supra nota 108, Article 4.

<sup>178</sup> Law of Georgia (2016), supra nota 108, Article 13.

<sup>179</sup> UNFPA (2018), supra nota 7.

<sup>180</sup> UNFPA (2018), supra nota 7.

<sup>181</sup> LEPL. Social Service Agency website. Accessible: [http://ssa.gov.ge/index.php?lang\\_id=ENG&sec\\_id=43](http://ssa.gov.ge/index.php?lang_id=ENG&sec_id=43)

<sup>182</sup> UN (1989), supra nota 6, Article 19.

<sup>183</sup> UN (1989), supra nota 6, Article 24.

<sup>184</sup> UN (1989), supra nota 6, Article 26.

<sup>185</sup> UN (1989), supra nota 6, Article 27.

<sup>186</sup> Strengthened by ICESCR articles10(1),11(1),11(1)(a).

<sup>187</sup> UN (1989), supra nota 6, Article 39.

and psychological recovery and social reintegration of a child victim of any form of neglect, exploitation, or abuse.<sup>188</sup>

SSA is LEPL of the Ministry of Labour Health and Social Affairs, and accordingly is financed by the state. Because of limited budget of the Ministry, human resources are limited, social workers are over-occupied and unable to cope with the amount of work presented to them.<sup>189</sup> Likewise, there are only 11 psychologists all over the country working in SSA.<sup>190</sup> The cause for not engaging the family in “Child Care and Social Rehabilitation” program is its inexistence in practice<sup>191</sup>. Social Service does not provide rehabilitation program for children who have been exposed to violence in general.<sup>192</sup>

Author suggests, that the state of SSA results in failure to fulfil the obligations prescribed by the UNCRC, in particular, Art. 3(1) and art.3(2)<sup>193</sup> protection of the best interests of the child; Art.3(3)<sup>194</sup> the institutions, services and facilities responsible for the care or protection of children in conformity with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision; Art.18<sup>195</sup> assistance to parents (guardians), development of institutions, facilities and services; Art.24(3)<sup>196</sup> effective measures to abolish traditional practices prejudicial to the health of children.

### **3. Police**

After Police had been notified, it started legal proceedings and began to investigate the case. The husband got arrested and sentenced. Author analyses, that police fulfilled its obligations specified in UNCRC and national legislation. In particular, Art.3(1)<sup>197</sup> administrative

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<sup>188</sup> Strengthened by Article 14.1 of “Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse”, - assistance of victims of sexual abuse.

<sup>189</sup> Abashidze, A. (2015), supra nota 62, p 4.

<sup>190</sup> Abashidze, A. (2015), supra nota 62, p 4.

<sup>191</sup> On LEPL. Social Service Agency website does not provide information about “Child Care and Social Rehabilitation” and accordingly does not provide this service. Accessible: [http://ssa.gov.ge/index.php?lang\\_id=ENG&sec\\_id=43](http://ssa.gov.ge/index.php?lang_id=ENG&sec_id=43).

<sup>192</sup> Ibid.

<sup>193</sup> UN (1989), supra nota 6, Article 3.

<sup>194</sup> Ibid.

<sup>195</sup> UN (1989), supra nota 6, Article 18.

<sup>196</sup> UN (1989), supra nota 6, Article 24.

<sup>197</sup> UN (1989), supra nota 6, Article 3.

measures; Art.19(2)<sup>198</sup> investigation; Art.24(3)<sup>199</sup> measure to abolish traditional practice prejudicial to health; Art.19<sup>200</sup> and art.34(1)(a)<sup>201</sup> unlawful sexual activity; and national referral procedures.

#### **4. Parents**

Author states, that subject of parents' state of awareness shall be emphasized. The incidence of child marriage was revealed only after husband kicked his pregnant wife out of the house. Essentially, parents' claim was based solely on this fact. Otherwise, the girl's parents approved 12 year old daughter's marriage and pregnancy. Such an approach from parents can also be proved by the fact that in the same family, another daughter got married when she was 14 years old.

There may be more than one reason for parents to act in such a way. It is clear, that because of lack of awareness parents do not realize the magnitude of the outcome child marriage has had on their daughter. Since this family is considered as socially vulnerable and lives in extreme poverty with many children, parents focus on basic needs and necessities and consequently, an opportunity to marry off a girl is relief for the family. Unluckily, after her incident, T.D returned home with her child to live under her parents' responsibility.

Based on peculiar problems in T.D.'s family, author deduces, that state has failed to fulfil the following articles: Art. 3(1)<sup>202</sup> and art.18<sup>203</sup> best interest of the child - State parties shall assist parents/legal guardians who have primary responsibility for the upbringing and development of the child; Art. 19(1)<sup>204</sup> state parties shall ensure that child is not neglected while in the care of parent(s)/legal guardian(s) ; Art.42<sup>205</sup> State parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

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<sup>198</sup> UN (1989), supra nota 6, Article 19.

<sup>199</sup> UN (1989), supra nota 6, Article 24.

<sup>200</sup> UN (1989), supra nota 6, Article 19.

<sup>201</sup> UN (1989), supra nota 6, Article 34.

<sup>202</sup> UN (1989), supra nota 6, Article 3.

<sup>203</sup> UN (1989), supra nota 6, Article 18.

<sup>204</sup> UN (1989), supra nota 6, Article 19.

<sup>205</sup> UN (1989), supra nota 6, Article 42.

As the result of the research, it can be stated that national legislation is not motionless. Apart from the slow legislative development, the research showed that, on the enforcement level there is a lack of fulfilment of an obligation prescribed by law (the UNCRC and national law) and insufficient inter-agency communication; lack of awareness of risks of child marriage, reproductive health and one's rights related to this matter; high rate of school drop-out; abduction for marriage and poverty.

Based on the analysis performed in the thesis, child marriage in Georgia is still an existing problem. Accordingly, author suggests, that the government should prioritize steady protection of child's rights and his/her best interests. In order to entirely eliminate child marriage, it is essential that all relevant entities of the government, legislative branch, enforcement agencies, as well as municipalities, NGOs and community organizations, contribute to the process. It is vital that the aim of aforementioned entities or organizations be united and the approach be systemic.

On legislative level, Georgian parliament has implemented the UNCRC and other corresponding regulations, which regulate the issue of the child marriage<sup>206</sup>. International obligations in national legislation are represented in a satisfactory manner. However, author states, that deriving from the severity of the issue, in order for young generation to fully develop and take active part in public life, it is crucial to comprehensively implement the universal principle of accessibility of the education (Article 28) and also, stable health protection of underage people (Article 24), especially girls.

Consequently, the state of child marriage requires further improvement in Georgia. In author's opinion this concerns regulation of the enforcement sector, in particular, proper and timely fulfilment of obligations by actors and constant communication between all relevant entities concerned with detection, identification and response to the problem. Moreover, prevention and rehabilitation of supposed victims of violence is of special importance (Article 39).

The executive branch shall realize its direct obligation to report and refer. Author proposes, that in an occasion when an employee of the relevant entity ineffectively fulfils his/her official duties, an appropriate administrative leverage shall exist, which will reveal such instances and

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<sup>206</sup> See Chapter 2.3.



regulate the administrative charges he/she shall face. Internal departmental monitoring system requires regulation in the first place. It should be noted, that according to the Decree on Internal Audit<sup>207</sup>, the department of internal audit of Ministry of Education does not conduct proactive monitoring and only responds to and starts studying the reported instances.

As regards external monitoring, PDO within its authority vested by Organic Law on the Public Defender of Georgia<sup>208</sup>, monitors human rights conditions of underage people, including subject of child marriage. In fact, national NGOs, which are quite strong in raising awareness in the society, also conduct research in their limited framework regulated by the national law in terms of monitoring.

Author suggests, that as a result of absence of solid knowledge of legislation, the nation has inefficient realization of imputed obligations of relevant actors in the society related to the problem of child marriage, which inevitably hampers fulfilment of other crucial legal strategies at hand. For this reason, raising awareness in the society (de-stigmatization) about complete prohibition of child marriage is a complicated problem, which requires much time and effort.

As it was mentioned in the previous chapters, in the distant past, as a result of country's reality, (political condition) underage marriage of girls as well as boys could have been justified. The case study analysed in this chapter proved that today, existence of the current problem is caused by other reasons, in particular socio-economic condition, which in turn results in lack of access to education and health (especially in rural areas<sup>209</sup>). Tradition of marrying underage - once justified in some way, now has transformed to be the rudiment.

Therefore, author suggests, that in current conditions, in order to eliminate this problem the government shall extend its work in three main directions: further development of legislation on the issue (closely resembling legal standards of the UNCRC), control of persistent fulfilment of obligations specified in legislation (positive obligation prescribed by the UNCRC) and raising awareness in society (Article 42 of the UNCRC). Raising awareness often happens to

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<sup>207</sup> Order of Minister Education and Science of Georgia (2012) On Approval of the Decree of the Internal Audit of the Ministry of Education and Science of Georgia. Article 13.

<sup>208</sup> Law of Georgia (1996) Organic Law on the Public Defender of Georgia.

<sup>209</sup> UNFPA (2018), *supra nota* 7, p 10.

be the hardest problem to combat, since it is connected to stigmatized thinking and consequent inactivity.

Author analyses, that the stigma existing in the society hampers its development. A part of society, also consists of people who serve for the government and are obliged to execute the law. Due to insufficient realization of imputed obligations and stigmatized thinking<sup>210</sup>, these people hamper the process of revealing the instances of child marriage, identifying persons engaged and responding sufficiently. Lack of awareness contributes to insufficient or failed fulfilment of obligations imputed on people serving in the government.

Good illustration of abovementioned inclination is the result of 2013 National Survey on Violence Against Children in Georgia<sup>211</sup> done by UNICEF, where 22 % of social workers do not think it is their job to respond to physical violence, since it is purely a family issue and the government should not interfere. As it has already been mentioned in chapter 1.2.1, index of physical as well as sexual violence is substantially higher among women who married in childhood. Positive correlation of child marriage to statistics of domestic violence has not been studied.<sup>212</sup>

The standpoint of the author is that, research with different angles and dimensions is a necessary pre-condition for elimination of the present issue:

1. It is recognized that Georgia is the multi-ethnic country, where besides Georgians, multiple ethnic and religious groups reside (multiple generations).<sup>213</sup> Each one has its own cultural and religious traditions and practices. It is worth to mention that these minorities are compactly populated in different regions of Georgia.
2. It shall be noted, that regardless of ethnical and religious attribution, stigma happens to be everywhere.

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<sup>210</sup> See Chapter 2.3.

<sup>211</sup> UNICEF (2013) Violence Against Children in Georgia. National Survey of Knowledge, Attitudes and Practices, Analysis of Child Protection Referral Procedures and Recommendations to the Government. Tbilisi, Georgia.

<sup>212</sup> Information provided by PDO <http://www.ombudsman.ge/en/>.

<sup>213</sup> UN Association of Georgia (2008) Assessment Survey Report: National Integration and Tolerance in Georgia. 1-78. Tbilisi, Georgia.

3. Current condition in distant mountainous regions with connection to the issue of underage marriage has to be researched as well.

This kind of comprehensive research has not been done yet. In author's opinion, the pre-condition for further sophistication of the national legislative database shall be such a multi-factor research regarding the subject.

To finalise, the case presented in this chapter revealed failure of the enforcement sector to fulfil obligations prescribed by the UNCRC and national legislation. The case established the power of stigmatized judgements over the power of law and the obligation to detect, act on and prevent the crime. The chapter revealed, that there exists a critical need to comprehensively implement the universal principle of accessibility of the education and also, a stable health protection of underage girls. Author proposes, that in an occasion when an employee of the relevant entity ineffectively fulfils his/her official duties, an appropriate administrative leverage shall exist, which will reveal such instances and regulate the administrative charges he/she shall face. Thus, internal departmental monitoring requires special attention. As a necessary pre-condition for elimination of the existing issue, author proposed a multi-factor research with the purpose to identify ethnicity factor, the extent of stigma and study the conditions in mountainous regions.

## CONCLUSION

The aim of the thesis was to reveal the main factors contributing to the problem of child marriage, as it is still relevant and remains to be the matter of concern for Georgia. The objective of this research was to identify the causes and consequences of child marriage and to draft current situation in the country. Also, the aim was to define how accurately the main principles of international treaties are implemented and harmonized in national legislation of Georgia and determine the size of the gap between existing obligations and their comprehensive fulfilment. The study conducted by this research revealed numerous interesting facts and factors regarding the issue.

The thesis found that role of the parents in girls' lives is decisive and most likely determines whether or not a girl is engaged in child marriage. Major factors influencing parents to marry off a child are poverty, patriarchal norms and 'family honour'. Health hazards associated with early childbirth and high rate of mortality of both a mother and a child have to be emphasized. A girl engaged in child marriage is at risk of experiencing various types of violence such as physical, sexual, psychological, social and financial (pages 10-13). One of the most important findings of the first chapter was that being married as a child, as opposed to being married as an adult, increases the odds of physical and/or sexual violence. It was also found that lack of access to education is another critical aspect of child marriage, because of traditional attitudes and lack of autonomy stemming from it. Consequences of lack of education in a long run are poverty, absence of employment opportunities, social isolation and domestic violence. Author has concluded, that discussion of causes, consequences, peculiarities, the environment and characteristics of child marriage, has substantial legal importance, because these are all closely related to a child's rights.

Author deduced, that because of Georgia's complex history, child marriage used to have an explanation, but today it has transformed into a rudiment for the nation. Currently, this stigmatized practice hampers the country on its path to becoming a developed state. Child marriage denies numerous rights guaranteed by the UNCRC and even though national legislation complies with the Convention, the situation is different in practice (chapter 2.3). Even though gradual legislative changes attempt to decrease prevalence of child marriage, insufficient enforcement and high index of data are sustained. This chapter reached the

conclusion, that with numerous failures to fulfil their positive obligations, enforcement bodies continuously fail to protect the best interests of a child.

The case presented in the second chapter revealed a severe failure of the enforcement sector to fulfil the obligations prescribed by the UNCRC and the national legislation. The case established the power of stigmatized judgements over the power of law and the obligation to detect, act on and prevent the crime. The chapter revealed, that there exists a critical need to comprehensively implement the universal principle of accessibility of the education and also, a stable health protection of underage girls (pages 28-29). Author proposes, that in an occasion when an employee of the relevant entity ineffectively fulfils his/her official duties, an appropriate administrative leverage shall exist, which will reveal such instances and regulate the administrative charges he/she shall face. Thus, internal departmental monitoring requires special attention. As a necessary pre-condition for elimination of the existing issue, author proposed a multi-factor research with the purpose to identify ethnicity factor, the extent of stigma and study the conditions in mountainous regions (pages 34-35).

Together, the second and the third chapters defined the current situation, which as author states, is decisive for the research question. These chapters determined exactly what kind of legal deficiencies exist today, which in turn serves to give the comprehensive answer to the research question.

Because of the topicality of this issue and the urgency to eliminate the problem, conclusions from the research are quite relevant to the development of the country's structural pyramid and improved engagement of all appropriate entities. Author states, that research question shall be answered as follows: On legislative level, Georgian national legislation has implemented the UNCRC on satisfactory level. The core problem lies in the enforcement of existing law. The thesis revealed critical enforcement deficiencies, thereby stating improvements necessary to eliminate child marriage problem in Georgia.

The country gradually makes positive steps towards more efficient implementation of the law to support the fulfilment of positive obligations specified in the UNCRC and other international documents. These changes will hopefully have positive impact on protection of child's rights, his/her best interests and gender equality.

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