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The Phenomenon of Child Brides and its Impact on Georgia's EU Integration

POLICY BRIEF

Executive Summary

This policy brief provides an analysis of the human rights situation related to the issue of early marriages in Georgia. It concerns the gross and persistent violation of children's rights, in particular girls' rights, who continue to face gender-based violence without the relevant intervention by the government.

The brief includes an assessment of the scope and intensity of the issue. The assessment reveals shortcomings in the areas of law enforcement, education and social and medical services, which contribute to the high prevalence of child marriages in Georgia. The lack of data is highlighted as one of the reasons for the failure to appropriately address this issue. This document identifies child marriage as a clear example of the persistence of certain local traditions that have a detrimental impact on the pursuit of human rights, rule of law and democratic values in Georgia.

This policy brief asserts that Georgia will not meet the requirements of the Association Agenda for integration with the EU's human rights platform without appropriately addressing the issue of early marriages in Georgia.

Introduction

During the last several years, the Government of Georgia (GoG) has firmly declared its commitment to establishing closer relations with the EU and sharing the values of European society. This commitment was manifested in the Association Agreement and corresponding Association Agenda. However, these are not stand-alone commitments. Rather, they must be reinforced with relevant actions that comply with agreed human rights standards. The standards related to children's rights are presented in chapter 2.1 of the Association Agenda, which obliges Georgia to protect the rights of children, including tackling the issue of child poverty and protecting children against all forms of violence. Violence against children, as something that has a devastating affect on child development, has to be prioritised in all state reforms.

Child marriage constitutes one of the most severe forms of child abuse in Georgia. This phenomenon is widespread and is linked with child poverty. Overlooking the problem of child marriage threatens the fulfilment of the Association Agenda, specifically the goal to further strengthen respect for fundamental freedoms, human rights, including the rights of persons belonging to minorities, democratic principles, the rule of law and good governance.

Background

According to the Georgian Ministry of Education and Science, 7,367 girls dropped out of school before the age of 15 during the period of October 2011-January 2013. There are no data about the reasons that these girls dropped out, though based on the observations referred to in reporting by the Public Defender, early marriage was a prominent factor in most cases.¹

Georgia has one of the highest rates of marriage of girls under the age of 18 among European countries, ranking between Moldova (19%) and Turkey (14%). According to a report by the United Nations Population Fund (UNFPA),² up to 17% of Georgian women were married before the age of 18 in recent years. In the region of Kvemo Kartli, which has a majority ethnic minority population, 341 girls became the victims of early marriage between the years of 2008 and 2012. That number included girls as young as 12 years old. In several cases, girls trapped in forced marriages have committed suicide.³

In 2012, babies born to adolescent mothers aged 15-19 accounted for approximately 10% of all births in Georgia. The findings of the Reproductive Health Survey Georgia by UNFPA suggest that women who married before 18 were most likely to have not completed secondary or higher education. The same survey found that 76.6% of married women aged 15-19 used no modern method of contraception. The main reason for this is the lack of information. In Georgia, the school curriculum does not include education on reproductive health issues and there exist no state funded family planning or counselling centres.

¹ Annual Report of the Public Defender of Georgia, The Situation of Human Rights and Freedoms in Georgia 2012 (p.397), available at (last accessed on 19 April, 2015): <http://www.ombudsman.ge/en/reports/saparlamento-angarishebi>

² UNFPA (2013). Georgia – Child Marriage (p.3), available at (last accessed on 19 April, 2015): <http://en.calameo.com/books/00071352976da7c07b52b>

³ Kakheti Information Centre, available at (last accessed on 19 April, 2015): <http://ick.ge/videogallery/20328-i.html>

Legal framework

According to Article 1108 of the Civil Code of Georgia, the legal age for marriage is 18. In exceptional cases, marriage is allowed at the age of sixteen, subject to the prior consent of the parents or other statutory representatives. When consent is not given, a court, on the petition of the prospective spouses, may grant permission to marry based upon sufficient justification. According to Article 140 of the Criminal Code of Georgia, sexual intercourse between an adult and a person under sixteen is a criminal offense when the adult has prior knowledge that the child was under 18. Since April of 2015, a new regulation (article 150 of the Criminal Code) was adopted by the Georgian Parliament that makes forced marriage a criminal offense.

Analysis

While child marriage has been classified as a crime in the Criminal Code of Georgia, this regulation is not enforced. The lack of enforcement of this article has negatively influenced not only individual victims but society as a whole. Behind every case there is a failed obligation on behalf of the law enforcement, social workers, teachers, doctors and others to prevent the incident or protect the victim. Not collecting statistics both reflects the state's attitude toward child marriage and impedes public understanding of the implications and extent of the problem.

Frequently, poor socio-economic conditions are the main cause of child marriages. Families living in poverty may see the early marriage of their daughters as a way to relieve them of the need to feed and clothe them, or they could benefit from a bride price. The state poverty reduction program is not gender sensitive and does not identify or prevent such cases.

Child marriage is an act of sexual violence, though it is commonly not qualified as such. Traditional culture has long idealised the concept of marriage in Georgia. For women, including very young girls, getting married is considered the fulfilment of their highest moral obligation. These girls are often pushed to get married at an early age. Even though the legal concept of marriage cannot be claimed before the age of 18 (16 in exceptional cases), the abduction of girls by older men is still called "marriage" by official state representatives and the issue is not handled as a criminal offence.

Child marriage is justified by parental approval. In the majority of cases, parents are the ones who plan, organise and facilitate child marriage. There have been cases of exchanging young girls for cattle (10 cows). There have also been cases of young girls committing suicide⁴ in protest of their parents' decision to marry them off. In these cases, law enforcement does not file charges against the parents for violating their children's rights.

Child marriage deprives girls of an education. The majority of child brides do not complete compulsory education, which limits their access to employment. Neither teachers nor school administrators report such cases as a violation of children's rights or intervene on behalf of the children involved.

⁴ Annual Report of the Public Defender of Georgia, The Situation of Human Rights and Freedoms in Georgia 2013 (p.272-273), available at (last accessed on 19 April, 2015): <http://www.ombudsman.ge/uploads/other/1/1934.pdf>

Children in Georgia are not educated about reproductive health and safety in either public or private schools. Teachers feel incompetent or embarrassed teaching about human anatomy and physiology and avoid the anatomy of reproductive organs. Often times, teachers say that their religious beliefs prevent them from teaching their students about sexual and reproductive health or contraception. Because children do not learn about the effects of early marriage and pregnancy, and thus remain uninformed or even misinformed on the issue, they are unable to make informed decisions about getting married or engaging in sexual relations.

School text-books present material that promotes gender inequality, which reinforces stereotypes and undermines young girls' belief that they are able to make their own choices. Both learning materials and the school environment are organised around the paradigm of a patriarchal, male-dominated society. There is an excessive focus on instructing students to follow traditional and conservative values. Free expression and leadership are deemed inappropriate for girls within the concept of the traditional Georgian woman. Girls are not encouraged to engage in sports or pursue sciences.

Girls married under the age of 18 are more vulnerable to gender-based violence. Oftentimes poor, undereducated and isolated from their peers and communities, these girls are at a greater risk of physical and emotional abuse, especially within the home. The state's approach to preventing domestic violence does not place any emphasis on cases of child marriage.

Early marriage puts immense stress on the health of child brides. These girls typically engage in sexual relations before they are physically or mentally prepared to do so. Further, pregnancy at an early age raises the risk of maternal fatality. Doctors and other medical staff do not report these cases to child protection services and do not have any protocol or guidelines for working with these girls.

Georgian social services are largely failing to meet the needs of the children threatened or affected by sexual and emotional abuse. Despite the fact that the Government of Georgia has declared the needs of socially vulnerable groups to be a priority, the infrastructure needed to successfully pursue this is not in place. There are only 242 social workers among Georgia's total population of 4.5 million people. This limited number of professionals is totally insufficient to deal with the 21 categories of beneficiary, including: children working and living in the street, children affected by domestic violence, children under state protection, children in foster care and small group homes, children and persons with disabilities and many others. The social workers employed in the state social services are not provided with any resources for transportation and communication. Social workers are also unable to react to complaints in more remote (mountainous) areas due to the time and cost of travel. Usually, they wait for several other allegations to accumulate during the month before visiting the village at their own expense. In most cases, social workers do not have a workspace where they can ensure the confidentiality of victims of sexual violence. In certain regions, social workers do not have individual desks or computers, but rather share space and equipment and take turns working on individual cases. Nation-wide there are only 11 psychologists employed in the social services. There are neither special guidelines and protocols nor any state services for victims of sexual violence. Victims simply cannot get back to their lives due to the inability to overcome trauma once having been abused.

Conclusion and Recommendations

The Government of Georgia does not place the necessary emphasis on nor allocate adequate resources for addressing the issue of early marriage/child brides. The silence of the girls being sexually abused is falsely perceived as consent. Under the current system, both the girls and their families are left without any assistance.

If the Georgian Government fails to effectively handle this issue, protecting children's rights and gender equality as part of the fulfilment of the Association Agenda will not happen. The Government of Georgia should take following steps to deal with this issue:

1. The state should develop a system of mandated reporters of early marriage (among other violations of children's rights) and conduct strict monitoring of law enforcement bodies to ensure enforcement of the legal framework. Accurate data should be collected by all state bodies (police, schools, hospitals etc.)
2. Police officers, as well as legal, medical and social professionals need to participate in a comprehensive education and capacity-building program that will ensure an adequate response to and management of individual case.
3. State policy documents on poverty, social welfare, education and combatting domestic violence should identify child brides as a group at greater risk of gender-based violence. Subsequently, appropriate modifications should be made in the policy documents on poverty, social welfare and education for preventing and reacting to these issues.
4. There should be a strong infrastructure developed for social and psychological counselling and rehabilitation services to assist girls affected by sexual and emotional abuse in overcoming the trauma and stigmatisation.
5. A mandatory course on reproductive and sexual health should be introduced in Georgian public schools. Girls should be encouraged to pursue professional careers by changing social and cultural stereotypes and supporting girls' involvement in decision-making about their lives.
6. Mainstream media as well as other information sources should conduct awareness raising campaigns about the violation of children's rights and the criminal liability related to early marriage/child brides.

