

Child Marriage in Georgia (Summary)



If I could, I would have changed everything except giving birth to my first child. I would have given more time to my career. I would have given more time to myself.

—Child spouse, Tbilisi

Legal context

Georgia ratified the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC) in 1994. In theory, these international initiatives, along with national legislature – the Civil Code, Criminal Code, and the Law on Elimination of Domestic Violence, Protection, and Assistance of Domestic Violence Victims (2006) – should ensure the protection of children’s rights. In practice, as the interviews carried out for this study revealed, the lack of implementation mechanisms, strategies, and monitoring mean that these instruments do not function effectively.

Article 1108 of the Georgian Civil Code states that the minimum legal age for marriage is 18; however, this can be lowered by up to two years with parental consent or permission from the court. Experts noted that the court grants permission in the case of exceptional circumstances, such as pregnancy.

The Georgian Civil Code defines a child as anyone under the age of 18; however, if an adolescent marries legally at 16 or 17, she or he gains full legal capacity.

Article 140 of the Criminal Code stipulates that cohabitation with a child under the age of consent (16) shall be punished by deprivation of liberty for up to three years. However, in such cases of de facto child marriage, police rarely intervene. At present, there is no criminal legislation specifically addressing forced marriage.

According to the Constitutional Treaty between the Georgian state and the Georgian Orthodox Church, the state should recognise marriages performed by the Orthodox Church. In reality, only civil marriages registered in the office of the Civil Registry of Georgia are legally recognised.

Family planning and reproductive rights

In Georgia, the Law on Health Protection and the Law on the Rights of the Patient guarantee the right of all citizens to have access to medical services, including reproductive and sexual health services. The law also permits termination of pregnancy within the first 12 weeks of pregnancy. While children under 16 generally need parental permission to receive medical treatment, adolescents aged 14 to 18 have the legal right to consult healthcare providers for ‘the treatment of sexually transmitted disease[s] or ... for counselling about nonsurgical methods of contraception or

Child marriage is not a rare occurrence in Georgia and is linked to gender inequality, among other issues. In addition, the factors that trigger child marriage are not homogenous and vary according to religious, ethnic, and regional differences.



for abortion' without the consent of their parents or legal guardian. This research shows, though, that girls belonging to ethnic minorities may face additional barriers in accessing medical facilities; for instance, language barriers.

Data from the 2010 Reproductive Health Survey Georgia indicate that awareness of contraception varies by region, and is lowest in the Kvemo Kartli region and highest in the capital Tbilisi. In addition, the survey shows that ethnic Georgian women use modern methods more often and traditional methods less often than ethnic Azeri and Armenian women. The survey also found that access to contraceptive counselling is higher among Georgian women than among women of other ethnic groups.

In Georgia, education on reproductive health issues is not part of the school curriculum. The Reproductive Health Survey Georgia found that only 3 per cent of young women aged 15 to 24 stated that they had learned about contraception at school before they reached age 18; the most important sources of information about sexual matters among young women aged 15 to 17 were friends and parents, according to the survey.

Very few of the child spouses who were interviewed for this research knew anything about reproductive health and family planning when they married. It was revealed that most of the girls interviewed became pregnant immediately or soon after getting married, reflecting social expectations to get pregnant as soon as possible after marriage.

Child marriages in Georgia

Experts and research participants interviewed for this study noted that child marriage is not taken seriously at either the state or the societal level. In addition, child marriage is not currently a priority for either child rights or women's rights organisations. Until now no comprehensive research has been conducted in Georgia on child marriage. There is no comprehensive statistical data, and the limited data that does exist is a side product of research conducted into reproductive health and human rights.

The existing data shows that up to 17 per cent of Georgian women were married before the age of 18. However, the true figure is unknown, as most child marriages are not registered, including all those

involving children under 16, as these cannot be officially registered. Existing data and this research indicate that child marriage in Georgia is not homogenous, but rather varies according to ethnic, religious, and regional factors. It would appear that child marriages occur more frequently among certain ethnic and religious groups; namely, religious minorities in the mountainous areas of Adjara, and ethnic minorities in the Kvemo Kartli region.

Child marriage is associated with a number of grave consequences for girls, such as social isolation, absence of reproductive control, and dropping out of school. While early school dropout may be linked to poverty, a report by the Georgian Public Defender found a strong relationship between girls leaving education and child marriage. A review of the few available reports suggests that the school dropout rate is especially alarming in the Kvemo Kartli region and in Tbilisi.

The findings of the interviews with experts, child spouses, and community members carried out for this study support the argument that there is a strong link between school dropout and early marriage. In some regions, there is little value attached to girls' education, and to their role in society. Especially in socially disadvantaged families, girls drop out of school, and then the only option left for them is marriage; some also drop out when they get engaged. Parents failing to send their children to school face administrative penalties, but these are rarely enforced, as it is considered inappropriate to interfere in the family, even in cases of violation of the law.

This research only covered a few areas in rural and urban settings of the country; these limited findings indicate that early marriages take place across Georgia, in both urban and rural areas, but that the characteristics of the practice, as well as the factors triggering it, vary. For instance, early marriages arranged by parents seem to be more widespread among ethnic and religious minorities, especially in the regions.

Both in the capital and in the regions covered, this research found that early marriage is associated with poverty and low social status. Early marriage for daughters is a desirable solution for families in economic hardship. In addition, tensions and difficulties at home may mean that girls see early marriage as a way out of a precarious situation.

Outside of Tbilisi, this research found that in some regions, child marriages are justified by unwritten traditions and norms, which support the practice. According to community members participating in this study, these traditions are actually relatively new, and can be traced back to the dissolution of the Soviet Union and the unemployment and social and economic instability that accompanied it.

In the 1990s, early marriage across the country was linked with bride kidnapping: in order to prevent their daughters from being kidnapped, parents would take them out of school and marry them early to a suitable groom. In the years since bride kidnapping became regulated by criminal law, cases of abduction have decreased and now rarely occur.

Experts interviewed for this study cited other reasons for child marriage, including lack of integration of some ethnic and religious minorities into the wider society. Many girls and young women from these communities don't speak Georgian adequately, which makes their isolation more profound and does not provide them with many options in terms of a career. This reinforces gender roles and triggers early marriage as the only alternative and 'unavoidable destiny' for girls. In cases of child marriage, state authorities are often reluctant to interfere, in the name of respecting traditions.

Condemnation of premarital sexual relations also acts as a trigger for early marriage, as young people have no option but to marry, if they want to be together. Girls are not always forced to marry: it may be their 'choice' resulting from their desire to conform, or fear of social stigma. Another factor is a lack of information about sexual and reproductive health, which leads to a higher probability of girls becoming pregnant, which in turn is one of the reasons for early marriage.

Child spouses interviewed for this study lived with their parents-in-law at the beginning of their marriage. Some experienced a great deal of stress and pressure from the mother-in-law, and after some time managed to 'escape' and live separately with their husbands. The only advantage child spouses highlighted in regard to early marriage was their children. All the child spouses interviewed for this study expressed regret that they married before age of 18. They felt special remorse over their inability to continue their studies, and that marrying early had reduced their educational and career prospects.

Responses to child marriage

Reaching out to young people. Informal education has been used to improve access to reliable information on reproductive health and rights issues among young people in Georgia. UNFPA has piloted and disseminated a youth peer education model that includes youth forums, active participation of media, youth information-education sessions at summer camps, a wide range of educational materials, and other initiatives. Young people have been the special target group for awareness-raising activities. More than 55,000 young people, including those from vulnerable groups, such as IDPs and minorities, have been reached since 2006. However, integration of these issues into the formal education system is essential to ensure sustainable changes in knowledge, attitudes, and behaviour among young people.

Recommendations

- Set 18 as the minimum legal age for marriage. Exceptions should only be permitted in cases of pregnancy, and only if the would-be spouse has reached the age of 16.
- Conduct a comprehensive quantitative and qualitative research study into the issue of child marriage and its consequences. Information that is representative of the country as a whole is indispensable for the development of policy and intervention strategies.
- Integrate the issue of early marriage into the national policies and action plans related to gender equality and youth development, to ensure the implementation of international and national instruments related to children's and women's rights in Georgia.
- Organise a nationwide campaign to raise awareness about the issue of child marriage and its adverse manifestations. In particular, such a campaign should focus on the most affected areas of the country where there are higher rates of child marriage, among girls under the age of 18. Partner with UNFPA offices in neighbouring countries to conduct such campaigns among the ethnic minority groups, using materials in local languages that are culturally and socially appropriate.
- The Ministry of Education and Science of Georgia should develop comprehensive 'reproductive health and rights and gender equality' education lessons appropriate to the cultural context and the students' ages, and introduce these into the school curriculum. In addition, special training programmes should be provided for teachers. The training programmes should include modules on gender equality and girls' rights to education and family planning.
- Provide training on girls' rights and gender equality to primary healthcare and reproductive healthcare providers to enable them to provide counselling to mothers of adolescent girls, and introduce youth-friendly reproductive health services at the primary healthcare level.
- Adopt effective initiatives to integrate ethnic minority communities into the wider society.



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