



Global Initiative to  
**End All Corporal Punishment  
of Children**

## **GEORGIA**

### **BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 10<sup>th</sup> session, 2011**

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*Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General's Study on Violence against Children, as a highly significant issue, both for asserting children's status as rights holders and for the prevention of all forms of violence.*

*The Global Initiative to End All Corporal Punishment of Children ([www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)) has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states' response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.*

*In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies, and regional human rights mechanisms, have condemned all corporal punishment. In October 2006, the report of the UN Secretary General's Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment as a matter of priority.*

### **Summary**

**This briefing describes the legality of corporal punishment of children in Georgia despite the repeated recommendations of the Committee on the Rights of the Child. We hope the Review will highlight the importance of prohibiting all corporal punishment of children in all settings, including the home, and urge the Government to ensure that legislation is drafted and enacted to achieve this.**

## **1 Legality of corporal punishment in Georgia**

1.1 Corporal punishment is lawful in the **home**. Provisions against violence and abuse in the Civil Code (1997), the Code of Administrative Offences, the Criminal Code (1999), the Law on Education (1997), the Law on the Elimination of Domestic Violence (2006) and the Constitution (1995) are not interpreted as prohibiting corporal punishment of children. In September 2008, the Minister for Education and Science, Mr Giorgi Nodia, signed the Council of Europe's petition against all corporal punishment of children.

1.2 According to statistics from UNICEF, 66% of children aged 2-14 experienced physical punishment and/or psychological aggression in 2005-2006.<sup>1</sup> In a study by the Red Cross Committee of Georgia of over 4,000 children aged 6-17, almost two in five (39.2%) reported being physically punished at home and almost a third (31.8%) at school.<sup>2</sup>

1.3 Corporal punishment is considered unlawful in **schools** under article 19 of the Law on General Education, which states that school discipline must respect pupils' dignity, but there is no explicit prohibition.

1.4 Corporal punishment is unlawful in the **penal system**. It is reportedly prohibited in institutional care establishments, but we have no details of applicable law. There is no explicit prohibition of corporal punishment in other **alternative care settings**.

## **2 Recommendations by human rights treaty monitoring bodies**

2.1 The **Committee on the Rights of the Child** has three times recommended that the Government of Georgia prohibit corporal punishment of children in the home and other settings – in its concluding observations on the state party's initial report in 2000 (CRC/C/15/Add.124, para. 43), on the second report in 2003 (CRC/C/15/Add.222, para. 45), and on the third report in 2008 (CRC/C/GEO/CO/3, para. 32).

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<sup>1</sup> UNICEF (2009), *Progress for Children: A report card on child protection*, NY: UNICEF

<sup>2</sup> Red Cross Committee of Georgia (2000), "Child Abuse and Neglect", Red Cross/UNICEF