



End Violence
Against Children



End Corporal
Punishment

Corporal punishment of children in Georgia

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Child population 938,000 (UNICEF, 2020)

Law reform has been achieved. Corporal punishment is unlawful in all settings, including the home.

Prohibition of corporal punishment

Home

Corporal punishment is prohibited in the home. Article 53.2 of the Code on the Rights of the Child 2019 states (unofficial translation): “Corporal punishment, torture or any other cruel, degrading or inhuman treatment or punishment of children shall be prohibited in the family, preschool or general education institutions, alternative care services, medical and/or psychiatric institutions, penitentiary facilities and any other places. The commission of such acts shall be punishable under the effective legislation of Georgia.” Article 24.5 of the Code states that (unofficial translation): “The application of the methods in the process of upbringing or educating the child by the parents or the person responsible for his/her upbringing which includes corporal punishment or other cruel, degrading or inhuman treatment and/or punishment towards the child shall be inadmissible.” This is reiterated in article 25.5.

Additionally, article 60.2 of the Code on the Rights of the Child 2019 puts an obligation on Georgia to “take all administrative, social and educational measures necessary to eliminate corporal punishment of children and the practice of any other cruel or inhuman or degrading treatment or punishment of children” (unofficial translation). The Code came into force in September 2020. In December 2020, the Government indicated that it had produced guidance documents, trained specialists on the implications of the new law, established child protection services in municipalities, and launched a child protection hotline.

Prior to this reform, corporal punishment was not fully prohibited in the home. In 2014, the Civil Code had been amended to prohibit “methods of upbringing of a minor by a parent that cause physical or psychological pain to a minor” (art. 1198, unofficial translation) and battery or other violence which causes physical pain was punishable under the Criminal Code. However, these provisions and others in the Code of Administrative Offences, the Law on Education 1997, the Law on the Elimination of Domestic Violence 2006 and the Constitution 1995 did not explicitly prohibit all corporal punishment.

Georgia became a Pathfinder country with the Global Partnership to End Violence Against Children in May 2018. This committed the Government to three to five years of accelerated action towards the achievement of Target 16.2 of the Sustainable Development Goals.

Alternative care settings

Corporal punishment is unlawful in alternative care settings under article 30.3 of the Code on the Rights of the Child 2019, which states (unofficial translation): “It is prohibited to apply the disciplinary and behaviour control measures which includes, inter alia, the child’s physical punishment, other cruel, inhuman or degrading treatment, including placement in a locked area, restriction of contact with the parents, other members of the family and outside world or any other physical or mental harassment.” Article 53.2 of the Code also applies.

Day care

Corporal punishment is unlawful in day care under article 53.2 of the Code on the Rights of the Child 2019. It is also prohibited in educational day care settings under article 38.2 of the Code (see under “Schools”).

Schools

Corporal punishment is unlawful in schools under article 38.2 of the Code on the Rights of the Child 2019, which states (unofficial translation): “The use of physical punishment or other cruel or degrading treatment against children as a measure of discipline shall be inadmissible in educational institutions”. Article 19 of the Law on General Education 2005 states that school discipline must respect pupils’ dignity.

Penal institutions

Corporal punishment is unlawful as a disciplinary measure in penal institutions under article 53.2 of the Code on the Rights of the Child 2019.

Article 92 of the Juvenile Justice Code 2015 (in force from January 2016) sets out the types of minor disciplinary punishment for juvenile rehabilitation facilities and these do not include corporal punishment. Article 34 provides for the use of force, which “shall not be humiliating or degrading manner”. It is not a permitted disciplinary measure under the Law on Imprisonment.

Sentence for crime

There is no provision for judicial corporal punishment in the Criminal Code 1999 or the Juvenile Justice Code 2015.

Universal Periodic Review of Georgia’s human rights record

Georgia was examined in the first cycle of the Universal Periodic Review in 2011 (session 10). The following recommendations were made:¹

“Develop and implement a comprehensive set of measures to fight discrimination and protect the rights of women and children, adopt a comprehensive legislation to fight the sexual exploitation of children as well as corporal punishment, adopt a plan of action to combat domestic violence and create a mechanism to protect the rights of a child (Russian Federation);

“Develop legislation to explicitly prohibit all forms of corporal punishment of children in all settings, in accordance with the recommendations of the Committee on the Rights of the Child (Mexico)”

The Government rejected the recommendations, stating: “Georgia shares the aim of the recommendation to prohibit all forms of corporal punishment of children. Georgia however, believes that the existing Georgian legislation provides for a blanket prohibition on all forms of corporal

¹ 6 March 2011, A/HRC/17/11, Report of the working group, paras. 106(26) and 106 (36)

punishment, including directed against children. Its existing national legal framework is in compliance with international standards and adequately protects children from any form of corporal punishment. Thus, Georgia does not intend to amend the applicable legislation.”²

Examination in the second cycle took place in 2015 (session 23). The following recommendations were made and were accepted by the Government, stating that they were already being implemented or in place:³

“Provide legislation explicitly prohibiting corporal punishment of children, including in the home, and consider awareness-raising activities to increase public knowledge about the issue (Estonia);

“Clearly prohibit all corporal punishment of children in all settings, including at home, and make awareness-raising campaigns to increase public knowledge about its harmful effects (Hungary);

“Abandon the practice of corporal punishment of children and encourage non-violent forms of discipline (Poland)”

During the third cycle of the UPR in 2021 (session 37). The following recommendation was made:⁴

“Prohibit corporal punishment in all education institutions (Montenegro)”

The Government accepted the recommendation.⁵

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(21 June 2022, CRC/C/90/D/84/2019, Views adopted by the Committee under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, concerning communication No. 84/2019, paras. 7.8, 9 and 10).

In 2018, a communication was submitted against Georgia, by a minor subjected to corporal punishment by a teacher at his public kindergarten when he was aged 4. The Committee also concluded that:

“In the light of the foregoing, the Committee concludes that the national authorities have not shown due diligence and have failed to investigate the alleged corporal punishment promptly and effectively, in violation of the State party’s obligations under article 19 of the Convention”

“The State party is under an obligation to provide an effective reparation to the author. The State party is also under an obligation to take all steps necessary to prevent similar violations from occurring in the future, in particular by ensuring that cases of corporal punishment are promptly and effectively investigated.”

“In accordance with article 11 of the Optional Protocol, the Committee wishes to receive from the State party, as soon as possible and within 180 days, information about the measures it has taken to give effect to the Committee’s Views. The State party is requested to include information about any such measures in its reports to the Committee under article 44 of the Convention. The State party is also requested to publish the present Views and to disseminate them widely in the official languages of the State party.”

Committee on the Rights of the Child

(9 March 2017, CRC/C/GEO/CO/4, Concluding observations on fourth report, paras. 5, 21 and 22)

“The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in

² 31 May 2011, A/HRC/17/11/Add.1, Report of the working group: Addendum

³ 13 January 2016, A/HRC/31/15, Report of the working group, paras. 117(14), 117(15) and 117(16)

⁴ 1 April 2021, A/HRC/47/15, Report of the working group, para.148(228)

⁵ 11 June 2021, A/HRC/47/15/Add.1, Report of the working group: Addendum

the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: corporal punishment and child abuse (paras. 21-22), sexual exploitation and abuse (paras. 23-24), family environment (paras. 26-27), children with disabilities (paras. 29-30), health and health services (paras. 31-32) and internally displaced children (paras. 38-39)."

"While welcoming the efforts made by the State party to combat domestic violence, including amendments to the law on combating domestic violence and the new child protection referral mechanism adopted in 2016, the programme on the identification and prevention of violent and behavioural disorder, piloted from 2016 onwards, and the standing programme on violence against children and the redirection procedures in case of the need for child protection, implemented since 2015, the Committee is strongly concerned by:

- (a) The prevalence of corporal punishment in the home as well as schools and institutions;
- (b) The lack of legislation criminalizing corporal punishment and of awareness-raising activities to combat that practice...

"In the light of its general comments No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment and No. 13 (2011) on the right of the child to freedom from all forms of violence and taking note of target 16.2 of the Sustainable Development Goals on ending abuse, exploitation, trafficking and all forms of violence against and torture of children, the Committee urges the State party to:

- (a) Adopt legislation explicitly prohibiting all forms of corporal punishment of children in all settings, including educational institutions, alternative care institutions and the home;
- (b) Further strengthen programmes and policies combating violence against children, including community-based programmes and campaigns aimed at preventing and tackling domestic violence, child abuse and neglect, and involve children, former child victims, volunteers and community members in their implementation so as to promote positive, non-violent and participatory forms of child-rearing and discipline..."

Committee on the Rights of the Child

(23 June 2008, CRC/C/GEO/CO/3, Concluding observations on third report, paras. 31 and 32)

"While noting the legal prohibition of corporal punishment in school as stipulated in Article 19 of the Law on General Education, the Committee notes with concern that corporal punishment in the home remains lawful. Furthermore the Committee is concerned that corporal punishment continues to occur in the home as well as schools and institutions.

"The Committee recommends that the State party adopt legislation explicitly prohibiting all forms of corporal punishment of children in all settings, including the home. The State party should also conduct awareness raising and public education campaigns against corporal punishment and promote positive, non-violent forms of discipline as an alternative to corporal punishment, while taking due account of the General Comment no. 8 of the Committee on the Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment (2006)."

Committee on the Rights of the Child

(27 October 2003, CRC/C/15/Add.222, Concluding observations on second report, paras. 44 and 45)

"The Committee welcomes the fact that the State party considers corporal punishment totally unacceptable and inadmissible. However, the Committee notes that the prohibition of corporal punishment, referred to in the second periodic report of Georgia to the Human Rights Committee (see CCPR/C/GEO/2000/2, paragraph 117), refers only to the educational system and institutional care establishments, and regrets that corporal punishment is not explicitly prohibited in the family.

"The Committee encourages the State party expressly to prohibit corporal punishment in the family in legislation and to fully implement the prohibition of the use of violence, including corporal punishment,

in schools and institutions, inter alia, by promoting positive, non-violent forms of discipline, especially in families, schools and care institutions in light of article 28 (2) of the Convention.”

Committee on the Rights of the Child

(28 June 2000, CRC/C/15/Add.124, Concluding observations on initial report, paras. 42 and 43)

“While the Committee notes that corporal punishment in schools is prohibited by law and that there is an intention also to prohibit its use within the family, it is concerned that this type of punishment continues to be used in schools, families and care institutions.

“The Committee recommends that the State party take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment, within the family, schools and care institutions. The Committee further recommends that the State party, through, for example, public awareness campaigns, promote positive, non-violent forms of discipline as an alternative to corporal punishment, especially in families, the schools and care institutions.”

Human Rights Committee

([July 2014], CCPR/C/GEO/CO/4, Concluding observations on fourth report, para. 9)

“While acknowledging the measures taken to combat domestic violence, including the criminalization of domestic violence in June 2012, the Committee is concerned that domestic violence remains underreported due to gender stereotypes and lack of due diligence of law enforcement officers in investigating such cases, insufficient protection measures for victims, including insufficient enforcement of restrictive and protective orders and limited number of State-funded shelters and support services. The Committee also notes with concern that corporal punishment, especially in the home, traditionally continues to be accepted and practised as a form of discipline by parents and guardians (arts. 2, 3, 6, 7, 24 and 26).

The State party should strengthen its efforts to prevent and combat all forms of domestic violence by ensuring the effective implementation of the existing relevant legal and policy frameworks, including by: ...

e) taking practical steps, including through legislative measures where appropriate, to put an end to corporal punishment in all settings, encouraging non-violent forms of discipline as alternatives to corporal punishment, and conducting public information campaigns to raise awareness about its harmful effects.”

European Committee of Social Rights

(March 2020, Conclusions 2019)

“In its previous conclusion the Committee found that the situation was not in conformity with the Charter as not all forms of corporal punishment in institutions, schools and in the home were prohibited (Conclusions 2017). The Committee notes that the report refers to the new child referral mechanism (adopted in 2016) and states that the mechanism prohibits all forms of violence, including corporal punishment in all settings, including the home. The Committee notes that the referral mechanism foresees the development of an integrated database of cases of child violence by January 2019. The database will gather information on the child victims, the perpetrators, the forms of violence, etc. Moreover, all governmental institutions and their structural units, public law entities subordinate to government agencies, nursery schools, general education institutions, sports and arts schools, medical service providers of all kinds including general practitioners, as well as local authorities, all have a duty to refer possible cases of child violence to both the Social Service Agency and the police. However, the Committee considers that this does not amount to a statutory ban on corporal punishment in all settings. The Committee also notes from other sources (Global Initiative to end Corporal Punishment of Children – Briefing to the European Committee of Social Rights 2019, UN Committee on the Rights of the Child, Concluding Observations on the fourth periodic report of Georgia (CRC/C/GEO/CO/4, March 2017) that there is no explicit prohibition of corporal punishment of children in Georgia. However, a draft Code on the Rights of the Child is currently under discussion, which provides for a full prohibition

of all corporal punishment. The Committee asks to be kept informed of all developments in this respect, but meanwhile, concludes the situation still is not in conformity with the Charter.

...

“The Committee concludes that the situation in Georgia is not in conformity with Article 17§1 of the Charter on the ground that not all forms of corporal punishment are prohibited in all settings.”

European Committee of Social Rights

(January 2016, Conclusions 2015)

“In its previous conclusion the Committee found that the situation was not in conformity with the Charter as corporal punishment of children was not explicitly prohibited in the home. The Committee notes from another source (Global Initiative to end Corporal Punishment of Children) that prohibition is still to be achieved in the home, alternative care settings and schools.

“According to the same source, in rejecting a recommendation to prohibit all corporal punishment made during the Universal Periodic Review of Georgia in 2011, the Government stated that existing legislation “provides for a blanket prohibition on all forms of corporal punishment, including directed against children” and “adequately protects children from any form of corporal punishment”, and that Georgia therefore “does not intend to amend the applicable legislation”.

“The Committee recalls that under Article 17 of the Charter, the prohibition of any form of corporal punishment is a measure that avoids discussions and concerns as to where the borderline would be between what might be acceptable form of corporal punishment and what is not (General Introduction to Conclusions XV-2). The Committee recalls its interpretation of Article 17 of the Charter as regards the corporal punishment of children laid down most recently in its decision in World Organisation against Torture (OMCT) v. Portugal (Complaint No. 34/2006, decision on the merits of 5 December 2006; §§19-21):

“To comply with Article 17, states’ domestic law must prohibit and penalize all forms of violence against children, that is acts or behaviour likely to affect the physical integrity, dignity, development or psychological well-being of children.

The relevant provisions must be sufficiently clear, binding and precise, so as to preclude the courts from refusing to apply them to violence against children.

Moreover, states must act with due diligence to ensure that such violence is eliminated in practice.”

“The Committee has noted that there is now a wide consensus at both the European and international level among human rights bodies that the corporal punishment of children should be expressly and comprehensively prohibited in law. The Committee refers, in particular, in this respect to the General Comments Nos. 8 and 13 of the Committee on the Rights of the Child (Complaint No 93/2013 Association for the Protection of All Children (APPROACH) v. Ireland , decision on the merits of 2 December 2014, §§45-47).

“The Committee considers that in the absence of information regarding the specific legal basis for prohibition of all forms of corporal punishment in the home, in schools and in institutions, it considers that the situation is not in conformity with the Charter as it has not been established that such prohibition in the home, in schools and in institutions has a precise legislative basis.”

“The Committee concludes that the situation in Georgia is not in conformity with Article 17§1 of the Charter on the ground that it has not been established that the prohibition of all forms of corporal punishment in the home, in schools and in institutions has a precise legislative basis.”

European Committee of Social Rights

(January 2012, Conclusions 2011)

“The Committee recalls that under Article 17 of the Charter States' domestic law must prohibit and penalise all forms of violence against children, that is acts or behaviour likely to affect the physical integrity, dignity, development or psychological well being of children. The relevant provisions must be

sufficiently clear, binding and precise, so as to preclude the courts from refusing to apply them to violence against children. There will be no sufficient prohibition in law unless a state can demonstrate that legislation is interpreted as prohibiting corporal punishment and effectively applied as such.

“The Committee notes from another source² that 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.

“The Committee considers that the situation is not in conformity with the Charter.

...

“The Committee concludes that the situation in Georgia is not in conformity with Article 17§1 of the Charter on the ground that corporal punishment of children is not explicitly prohibited in the home.”

Prevalence/attitudinal research in the last ten years

A study involving 6,797 children between the age of 1-14 years found that 68% of the children experienced any form of violent discipline method, 4.6% experienced severe physical punishment, 66.3% experienced psychological aggression and 28.2% experienced only violent discipline method. Moreover, 8.1% of 3,883 mothers/caretakers believed that a child needs to be physically punished.

(National Statistics Office of Georgia. 2019. Georgia Multiple Indicator Cluster Survey 2018, Survey Findings Report. Tbilisi, Georgia: National Statistics Office of Georgia)

A study of foster care, small group homes and day care centres, which involved interviews with foster parents, managers, staff, children and parents, found that in day care centres and foster homes, children experienced corporal punishment including being spanked, having their hair or ears pulled, being yelled at and being threatened.

(EveryChild (2011), Advocacy for Participation to Protect Children’s Rights: Georgia – Needs Assessment of the Alternative Child Care Services)

The 2011 report of the Public Defender of Georgia on the monitoring of residential childcare institutions documented corporal punishment in large residential institutions, small group homes and schools attended by children living in childcare institutions, including children having their ears pulled, being beaten with a stick and being shaken. The report was based on interviews with 212 children, 110 of whom were living in large residential institutions and 102 of whom were living in small group homes. It was carried out in the capacity of the Public Defender of Georgia as National Preventive Mechanism under the Optional Protocol to the Convention Against Torture and followed on from the 2010 report of the Public Defender, which had similar findings.

(Public Defender of Georgia (2012), Report on the Monitoring of Residential Childcare Institutions for 2011, Council of Europe & Public Defender of Georgia)

The 2010 report of the Public Defender of Georgia documented corporal punishment in children’s homes and schools attended by children living in children’s homes, including children being beaten with a stick, having their hair pulled, being slapped, having their ears “boxed”, being insulted and being denied food. The report was based on visits to 15 children’s homes.

(Public Defender of Georgia (2010), Annual Report for 2010: Monitoring of Children’s Homes, Council of Europe & Public Defender of Georgia)

A study carried out in 2007-2008 found that, according to parents’ and carers’ reports, 79.8% of children had experienced physical discipline in the past year and 82.3% had experienced psychological punishments. Common types of physical punishment included “spanking” children on the bottom with a bare hand, shaking them and twisting their ears. Over seven children in ten (71.1%) living in social care institutions reported experiencing physical violence in their institutions in the past year: 29% of these said the violence was perpetrated only by other children, 12% only by adults and in 58% by both children and adults. At school, 47.1% of children had experienced physical violence in the past year: 32% of these said only children were the perpetrators, 25% only adults and 27% both children and adults. The first phase of the study, which examined violence in homes and social care

institutions, involved interviews with 1,650 parents and carers of children aged under 11, 1,050 children aged 11-17 who were living at home and 301 children aged 11-17 who were living in social care residential institutions. The second phase examined violence in schools and involved 1,300 children aged 11-17, in 99 schools.

(Lynch, M. A, Saralidze, L., Gogvadze, N. & Zolotor, A. (2008), National Study on Violence against Children in Georgia, UNICEF & IPSCAN)

[End Corporal Punishment](#) is a critical initiative of the [Global Partnership to End Violence Against Children](#). Previously known as The Global Initiative to End All Corporal Punishment of Children, we act as a catalyst for progress towards universal prohibition and elimination of corporal punishment of children. We track global progress, support and hold governments to account, partner with organisations at all levels, and engage with human rights treaty body systems.