

Georgia

The Government of Georgia has developed a policy framework to eliminate and prevent the trafficking of minors. However, there continue to be reports of children working in agriculture and in the streets.

Large gaps remain in enforcement and the collection and dissemination of data is lacking, which hinders the ability to effectively target policies and programs to address the worst forms of child labor.



Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Georgia are exploited in the worst forms of child labor, predominantly working in agriculture.¹⁹³⁴ Many children under the age of 16 work on farms where they may be exposed to the use of potentially dangerous machinery and tools, carrying of heavy loads, and the application of harmful pesticides.¹⁹³⁵

Although the situation has improved over the past decade, children are also found working in the streets, primarily engaged either in begging or selling small items, such as scrap metal and glass.¹⁹³⁶ Many of the children begging on the streets are ethnic Roma.¹⁹³⁷ A 2009 study on urban street children found mothers as young as age 15 working on the streets with their children.¹⁹³⁸ Street children and children begging on the streets are exposed to hazards such as severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements. For example, street children have reported being forced to beg or steal in order to repay gambling debts they have incurred.¹⁹³⁹

Though not widespread, there have been cases of girls trafficked for commercial sexual exploitation.¹⁹⁴⁰ In addition, de facto authorities in the separatist region of

Abkhazia have reportedly forcibly conscripted teenage boys into the militia.¹⁹⁴¹

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code of Georgia sets the minimum age for work at 16 and the minimum age for hazardous work at 18.¹⁹⁴² Neither begging nor street work is recognized as hazardous work.¹⁹⁴³ Article 42 of the Administrative Violations Code empowers the courts to levy sanctions against employers found in violation of child labor laws.¹⁹⁴⁴

Article 30 of the Constitution of Georgia explicitly prohibits forced labor.¹⁹⁴⁵ The minimum age for entry into the armed forces is 18.¹⁹⁴⁶

Children in Georgia are required to attend school only until the age of 14, which leaves children age 15 vulnerable to the worst forms of child labor as they are not required to be in school and are below the minimum age for work.¹⁹⁴⁷

Articles 143.2 and 143.3 of the Criminal Code of Georgia (as amended in 2006) criminalize the trafficking of minors and the use of their services,

including for prostitution.¹⁹⁴⁸ Article 255 also prohibits the production, sale, distribution, or promotion of child pornography.¹⁹⁴⁹ The Criminal Code provides stringent penalties for committing these crimes.¹⁹⁵⁰ Enacted in 2006, the Law of Georgia on Combating Human Trafficking establishes the roles and responsibilities of state agencies and creates a comprehensive set of tools to facilitate the prevention of trafficking in persons as well as protect and assist victims of human trafficking.¹⁹⁵¹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Although research has found no evidence that the Government of Georgia has established a coordinating mechanism to combat the worst forms of child labor specifically, the Government has created a body to coordinate on trafficking, including trafficking of children.

The Interagency Anti-Trafficking Coordination Council for the Implementation of Measures against Human Trafficking (ICC) coordinates government efforts against trafficking in persons and children. The ICC is chaired by the Minister of Justice and includes representatives from state agencies and non-state entities.¹⁹⁵²

The Department of Child Protection and Social Programs, a sub-department in the Ministry of Labor, Health and Social Affairs' Department of Social Protection, is responsible for receiving and forwarding complaints of child labor to law enforcement agencies.¹⁹⁵³ The unit has 12 specialists.¹⁹⁵⁴

The Labor Inspectorate was abolished under the 2006 Labor Code, leaving Georgia without a means to actively monitor workplaces for violations of child labor laws.¹⁹⁵⁵

During the reporting period there were no complaints of child labor filed with the Department of Child Protection and Social Programs, nor did the Prosecutor's Office receive any information to initiate cases under the Article 42 of the Administrative Violations code.¹⁹⁵⁶

The exploitation of children in criminal activities is handled by the Ministry of Internal Affairs' (MoIA) Under-age Affairs Inspectorate. District-level inspectors are responsible for carrying out the Inspectorate's mandate.¹⁹⁵⁷ MoIA's Special Operations Department leads the criminal investigations of trafficking in persons, including the trafficking of children.¹⁹⁵⁸

The Government increased its investigations of trafficking in 2009.¹⁹⁵⁹ However, only one known case of child trafficking was registered with the Prosecutor's Office and is still being investigated.¹⁹⁶⁰

The Government continues to work with the international community to increase capacity. In 2009, approximately 170 prosecutors and judges received trafficking training from local NGOs and international organizations.¹⁹⁶¹ Additionally, government officials from a variety of agencies received training on trafficking in persons.¹⁹⁶²

Government Policies on the Worst Forms of Child Labor

The Children's Action Plan 2008-2011 (CAP) establishes the overarching framework to improve the welfare of children, including support to street children and victims of trafficking and exploitation.¹⁹⁶³ According to a UNICEF-funded report, the Government has not fully funded the CAP.¹⁹⁶⁴

The question of whether this policy has an impact on the worst forms of child labor, in particular children working in agriculture, does not appear to have been addressed by researchers.

Since 2007, the Government of Georgia has been participating in several anti-trafficking initiatives, including the Development of Comprehensive Anti-trafficking Response in Armenia, Azerbaijan and Georgia (2007-2009), Enhancing the Effectiveness of National Action Plans Against Human Trafficking in Armenia, Azerbaijan and Georgia (2009-2010) and Strengthening of Comprehensive Anti-trafficking Responses in Armenia, Azerbaijan and Georgia (2009-2011).¹⁹⁶⁵ These initiatives aim to improve National Action Plans on combating trafficking in persons and legal frameworks in these countries.¹⁹⁶⁶

In January 2009, the Government launched the 2009-2010 Action Plan on the Fight Against Trafficking in Human Beings, to improve anti-trafficking efforts. Measures include educational programs in schools to raise awareness of the risk of trafficking, and training for law-enforcement officials and lawyers in dealing with minors.¹⁹⁶⁷ The Government is making progress on implementing the action plan. For example, Government officials have attended workshops, lectures and trainings, and the MoIA signed a Memorandum of Understanding with World Vision International in August 2009 to cooperate on the issue of child victims of trafficking.¹⁹⁶⁸

The Government has not collected data on the worst forms of child labor, hampering its ability to formulate policies and programs, though they have agreed to work with ILO-IPEC to undertake an assessment of child labor in Georgia.¹⁹⁶⁹

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government has worked largely in cooperation with international organizations, NGOs and foreign aid agencies to improve the welfare of children and address the plight of street children. During the reporting

period, the Government introduced a voucher system for street children that will enable them to receive support from NGOs.¹⁹⁷⁰ USAID is working with the Government and NGOs to assist street children who do not have the proper documentation or legal status to receive the vouchers.¹⁹⁷¹

The Government also continued its support for Rebuilding Lives Project, a USAID-funded initiative that included provision of services to vulnerable children, including children working in the streets, service provider capacity building, public awareness activities, and policy reform.¹⁹⁷²

Other government efforts included earmarking approximately \$5 million to provide textbooks to children of families living in poverty, providing children living in rural areas with free transportation, increasing funding to improve the quality of education, and continuing to construct new schools and renovate existing schools.¹⁹⁷³

The question of whether these programs have an impact on the worst forms of child labor does not appear to have been addressed.

During the reporting period, the Government of Georgia increased funding for the State Fund for Protection and Assistance of (Statutory) Victims of Human Trafficking (SFVPA), established by the Law of Georgia on Combating Human Trafficking to protect, assist and rehabilitate trafficking victims.¹⁹⁷⁴ The SFVPA implements the Government's Rehabilitation and Reintegration Strategy and operates the country's two trafficking shelters in Batumi and Tbilisi.¹⁹⁷⁵

Current efforts are not sufficient to reach children working in the streets. Research found no evidence of any programs to assist children engaged in agriculture.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Georgia:

IN THE AREA OF LAWS AND REGULATIONS:

- Enact legal protections for children engaged in street work and begging.
- Increase the age of compulsory schooling.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a mechanism to coordinate child labor efforts across the government.
- Reestablish the Labor Inspectorate, or establish an equivalent body, to enforce child labor regulations.
- Actively target inspections to areas where children are known to work in addition to complaint-driven inspections.

IN THE AREA OF POLICIES:

- Conduct data collection efforts on the worst forms of child labor in order to inform policies and programs.
- Assess the impact that the Children's Action Plan may have on addressing the worst forms of child labor, in particular children engaged in agriculture.
- Ensure that sufficient resources are available to implement the Children's Action Plan fully.

IN THE AREA OF PROGRAMS:

- Assess the impact that existing programs may have on addressing the worst forms of child labor.
- Expand and develop social programs to assist children engaged in or at risk of entering the worst forms of child labor, in particular children working in the streets and in agriculture.

¹⁹³⁴ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

¹⁹³⁵ U.S. Embassy-- Tbilisi, *reporting*, February 17, 2010.

¹⁹³⁶ U.S. Department of State, "Georgia," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136032.htm>. See also U.S. Embassy-- Tbilisi, *reporting*, February 17, 2010. See also Katarzyna and Larry Dershem Wargan, *Don't Call Me a Street Child: Estimation and Characteristics of Urban Street Children in Georgia*, March 2009, 57; available from http://pdf.usaid.gov/pdf_docs/PNADO657.pdf.

¹⁹³⁷ U.S. Embassy-- Tbilisi, *reporting*, February 17, 2010.

¹⁹³⁸ Wargan, *Don't Call Me a Street Child*, 26, 57.

¹⁹³⁹ *Ibid.*, 59.

¹⁹⁴⁰ U.S. Department of State, "Country Reports- 2009: Georgia," section 6.

¹⁹⁴¹ *Ibid.*, section 1.g.

¹⁹⁴² The Labor Code prohibits "under-aged" persons from engaging in hazardous work. The Civil Code of Georgia defines an under-aged person as someone under 18 years of age. Government of Georgia, *Labor Code of Georgia*, (July 4, 2006); available from <http://www.doingbusiness.org/documents/lawlibrary/georgia-labor-code-of-georgia.doc>. See also ILO Committee of Experts, *Direct Request concerning Worst Forms of Child Labour Convention, 1999*, (No. 182), *Georgia (ratification: 2002)*, [online] 2009 [cited April 28, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23514&chapter=9&query=%28Georgia%29+%40ref+%2B+%23YEAR%3E2008&highlight=&querytype=bool&context=0>.

¹⁹⁴³ U.S. Embassy- Tbilisi official, E-mail communication to USDOL official, September 16, 2010.

- ¹⁹⁴⁴ U.S. Embassy-- Tbilisi, *reporting, February 17, 2010.*
- ¹⁹⁴⁵ Government of Georgia, *The Constitution of Georgia*, (August 24, 1995); available from http://www.parliament.ge/files/68_1944_951190_CONSTIT_27_12.06.pdf.
- ¹⁹⁴⁶ Coalition to Stop the Use of Child Soldiers, "Georgia," in *Child Soldiers Global Report 2008*, London, 2008, 149; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.
- ¹⁹⁴⁷ UNESCO, *EFA Global Monitoring Report 2009*, Paris, 2009, 292; available from <http://unesdoc.unesco.org/images/0017/001776/177683e.pdf>.
- ¹⁹⁴⁸ U.S. Embassy - Tbilisi, *reporting, March 11, 2010.* See also ILO Committee of Experts, *Direct Request C182: Georgia (2009).*
- ¹⁹⁴⁹ U.S. Embassy-- Tbilisi, *reporting, February 17, 2010.* See also ILO Committee of Experts, *Direct Request C182: Georgia (2009).*
- ¹⁹⁵⁰ U.S. Embassy - Tbilisi, *reporting, March 11, 2010.* See also U.S. Embassy-- Tbilisi, *reporting, February 17, 2010.*
- ¹⁹⁵¹ Government of Georgia, *Law of Georgia on Combating Human Trafficking*, (June 16, 2006); available from http://www.tracc.cdn.ge/documents/human-trafficking/Law_Georgia_Human_Trafficking_eng.pdf. See also U.S. Embassy - Tbilisi, *reporting, March 11, 2010.*
- ¹⁹⁵² Government of Georgia, *Law on Combating Human Trafficking.* See also U.S. Embassy - Tbilisi, *reporting, March 11, 2010.* See also ILO Committee of Experts, *Direct Request C182: Georgia (2009).*
- ¹⁹⁵³ U.S. Department of State, "Country Reports- 2009: Georgia," section 7. See also U.S. Embassy- Tbilisi official, E-mail communication, September 16, 2010.
- ¹⁹⁵⁴ U.S. Embassy-- Tbilisi, *reporting, February 17, 2010.*
- ¹⁹⁵⁵ ILO Committee of Experts, *Direct Request concerning Minimum Age Convention, 1973, (No. 138), Georgia (ratification: 1996)*, [online] 2009 [cited April 28, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23249&chapter=9&query=Georgia%40ref&highlight=&querytype=bool&context=0>.
- ¹⁹⁵⁶ U.S. Department of State, "Country Reports- 2009: Georgia," section 7. See also U.S. Embassy-- Tbilisi, *reporting, February 17, 2010.* See also U.S. Embassy- Tbilisi official, E-mail communication, September 16, 2010.
- ¹⁹⁵⁷ ILO Committee of Experts, *Direct Request C182: Georgia (2009).*
- ¹⁹⁵⁸ U.S. Embassy-- Tbilisi, *reporting, February 17, 2010.* See also U.S. Embassy - Tbilisi, *reporting, March 11, 2010.*
- ¹⁹⁵⁹ U.S. Department of State, "Georgia (Tier 1 Watch List)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/142979.pdf>.
- ¹⁹⁶⁰ U.S. Embassy-- Tbilisi, *reporting, February 17, 2010.*
- ¹⁹⁶¹ U.S. Department of State, "Trafficking in Persons Report- 2010: Georgia."
- ¹⁹⁶² U.S. Embassy-- Tbilisi, *reporting, February 17, 2010.*
- ¹⁹⁶³ UN Committee on the Rights of the Child, *Additional Information on the Implementation of the Convention on the Rights of the Child in Respect of the Third Periodic Report of Georgia (CRC/C/GEO/3)*, 2007, Annex X; available from http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/Additionalinformation_48Georgia.doc and http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/part2_48Georgia.doc.
- ¹⁹⁶⁴ Clare O'Brien, and Tata Chanturidze, *UNICEF: Assessment of the Child Welfare Reform Process in Georgia*, 2009, pages IX, 37; available from http://www.unicef.org/georgia/OPM_report_edited.pdf.
- ¹⁹⁶⁵ Anti-Trafficking.Net, *Activities, Commonwealth of Independent States*, [online] [cited May 4, 2010]; available from <http://www.anti-trafficking.net/91.html?&F=lwjcwbo>.
- ¹⁹⁶⁶ Ibid.
- ¹⁹⁶⁷ U.S. Embassy-- Tbilisi, *reporting, February 17, 2010.*
- ¹⁹⁶⁸ Ministry of Internal Affairs of Georgia, *Implementation Account of the Ministry of Internal Affairs of Georgia on the 2009-2010 Action Plan in the Fight against Trafficking in Human Beings*, [online] [cited August 12, 2010]; available from <http://www.police.ge/index.php?m=367&lng=eng>.
- ¹⁹⁶⁹ U.S. Embassy-- Tbilisi, *reporting, February 17, 2010.*
- ¹⁹⁷⁰ Ibid.
- ¹⁹⁷¹ Ibid.
- ¹⁹⁷² Ibid. See also USAID/Caucasus Mission, *USAID Celebrates Rebuilding Lives Project Successes*, Press Release, Tbilisi, September 2, 2010; available from <http://georgia.usaid.gov/index.php?m=28&newsid=517>.
- ¹⁹⁷³ U.S. Embassy-- Tbilisi, *reporting, February 17, 2010.*
- ¹⁹⁷⁴ U.S. Embassy - Tbilisi, *reporting, March 11, 2010.* See also Government of Georgia, *Law on Combating Human Trafficking.*
- ¹⁹⁷⁵ U.S. Embassy - Tbilisi, *reporting, March 11, 2010.* See also U.S. Embassy-- Tbilisi, *reporting, February 17, 2010.* See also U.S. Department of State, "Country Reports- 2009: Georgia," section 6.