Georgia

National Child Protection Legislation

National Legislation

- **Age of Child:** under 18 years of age
  
  **Code on the Rights of the Child 2019**
  
  **Art. 3 – Definition of the terms used in this Code**
  
  For the purposes of this Code, the terms used herein shall have the following meanings:
  
  a) child – a minor under the age of 18;
  
  b) adolescent – a child from the age of 10 up to the age of 18

- **Age of Consent:** 16 years of age
  
  **Criminal Code of Georgia**
  
  **Art. 140 – Penetration of a sexual nature into the body of a person below 16 years of age**
  
  1. Penetration of a sexual nature into the body of a person below 16 years of age, committed knowingly by an adult, shall be punished by imprisonment for a term of seven to nine years.

- **Age of Marriage:** 18 years old
  
  **Civil Code of Georgia**
  
  **Art. 1108 – Marriage age**
  
  1. Marriage shall be permitted from the age of 18.
  
  2. The marriage of an adult with limited capacity to contract shall be permitted with a prior written consent of his/her custodian.

- **Age of Criminal Responsibility:** 14 years old
  
  **Criminal Code of Georgia**
  
  **Art. 33 – Releasing from criminal liability due to age**
  
  A person shall not be blamed for an unlawful act provided for by this Code if he/she has not attained 14 years of age before the act was committed.

  **Art. 50 – Fixed term imprisonment**
  
  2°. Fixed term imprisonment shall not apply to minors under Article 26(8) of the Code on Child Rights, except for the cases provided for by the legislation of Georgia.

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- Extraterritoriality

**Criminal Code of Georgia**

**Art. 5 - Criminal liability for crimes committed abroad**

1. Citizens of Georgia and persons having a status of stateless person in Georgia, who have committed abroad an act under this Code, which is considered as a crime under the legislation of the state where it was committed, shall be criminally liable under this Code.

2. Citizens of Georgia and persons having a status of stateless person in Georgia who have committed abroad an act under this Code, which is not considered as a crime under the legislation of the state where it was committed, shall be criminally liable under this Code, provided that the act constitutes a serious or a particularly serious crime against the interests of Georgia, or if criminal liability for this crime is provided for by an international agreement of Georgia.

3. Foreigners and stateless persons who commit a crime abroad shall be criminally liable under this Code, provided that the act constitutes a serious or a particularly serious crime against the interests of Georgia, or if criminal liability for this crime is provided for by an international agreement of Georgia.

4. Citizens of Georgia and persons having a status of stateless person in Georgia who have committed abroad an act under Articles 221, 223¹, 223², 223³, 223⁴, 338, 339 or 339¹ of this Code, which is not considered as a crime under the legislation of the state where it was committed, shall be criminally liable under this Code.

5. Foreign citizens and stateless persons who have committed abroad an act under this Code and who exercise public legal powers for Georgia shall be criminally liable under this Code for committing a crime provided for by Articles 221, 338, 339 or 339¹ of this Code.

6. A person who has committed a crime in the territory of a diplomatic mission or a consular office of Georgia abroad shall be criminally liable under this Code, unless otherwise provided for by an international agreement of Georgia.

**Art. 6 - Surrender and extradition of offenders**

1. Citizens of Georgia and persons having a status of stateless person in Georgia may not be extradited to another state for the purpose of criminal prosecution or serving a sentence, unless otherwise provided for by an international agreement of Georgia. Citizens of Georgia and persons having a status of stateless person in Georgia shall be surrendered to the International Criminal Court (ICC) in cases and under the procedure provided for by the Statute of the ICC (Rome Statute) and the Law of Georgia on International Cooperation in Criminal Matters.

2. Foreigners and stateless persons that have committed a crime and who are staying in Georgia may be extradited to another state or surrendered to the International Criminal Court for the purpose of criminal prosecution or serving a sentence under an international agreement of Georgia.

3. It shall be inadmissible to surrender an asylum seeker who has committed a crime and who is persecuted because of his/her political beliefs, or a person who has committed an act that is not considered a crime under the legislation of Georgia, or

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if the crime committed is subject to death penalty in the country seeking the surrender. The question of the criminal liability of such persons shall be decided under the international law.

- **Dual Criminality**
  The legislation of Georgia does not require the dual criminality for executing requests not involving coercive measures (e.g. search and seizure).
  
  Double criminality is a precondition for granting extradition request. Under the Georgian law, the requirement dual criminality is deemed fulfilled, irrespective of whether the Georgian legislation places the offence within the same category of offence or denominates the offence by the same terminology as the requesting state, provided that the conduct underlying the offence for which extradition is sought is a criminal offence under the Criminal Code of Georgia.

- **Mandatory reporting requirements**
  **Criminal Code of Georgia**
  
  **Art. 376 – Failure to report a crime**
  1. Failure to report a crime by a person who actually knows that a serious crime is being prepared or has been committed, shall be punished by imprisonment for a term of two to six years.
  3. Failure to report a crime by a person who actually knows that a particularly serious crime is being prepared or has been committed, shall be punished by imprisonment for a term of three to seven years.

- **Statute of Limitations**
  **Criminal Code of Georgia**
  
  **Art. 71 – Releasing from criminal liability due to expiration of the limitation period**
  1. A person shall be released from criminal liability if:
     a) two years have passed after committing a crime for which the maximum sentence provided for under the Special Part of this Code does not exceed a two-year term of imprisonment;
     b) six years have passed after committing another less serious crime;
     c) ten years have passed after committing a serious crime;
     c1) fifteen years have passed after committing crimes provided for in Articles 332-342 of this Code, unless they constitute particularly serious crimes;
     c2) twenty years have passed after committing crimes provided for in Articles 137-141 of this Code, unless they constitute particularly serious crimes;
     d) thirty years have passed after committing a particularly serious crime.
  2. The limitation period shall be calculated starting from the day when the crime is committed up to the day when formal charges are brought against the person. If

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another crime is committed, the limitation period shall be calculated for each individual crime.

3. The running of the limitation period shall be suspended if the offender absconds during the investigation or trial. In this case, the running of the limitation period shall be resumed from the moment the offender gets arrested or appears with the confession of guilt.

4. The court shall decide whether to apply the limitation period to a person sentenced to life imprisonment. If the court considers it impossible to apply the limitation period, life imprisonment shall be substituted by a fixed term imprisonment.

5. The limitation period shall not apply in the case provided for by an international agreement of Georgia.

5.1 The limitation period shall not apply to the acts provided for by Articles 1441-1443 of this Code, as well as in respect of minors where the acts provided for by Articles 137-141 and 253-2552 of this article have been committed.

6. The limitation period shall be suspended for the period during which the person is protected by immunity.

7. Except as provided for by paragraphs 3 and 6 of this article, the running of the limitation period shall also be suspended during the time when it is impossible to carry out appropriate procedural actions under Article 16(2) of the Law of Georgia on International Cooperation in Criminal Matters against a person extradited to Georgia.

8. When criminal case materials and their duly certified copies are transmitted for their use in subsequent legal proceedings in Georgia according to Article 42 of the Law of Georgia on International Cooperation in Criminal Matters, the grounds provided for by the legislation of the foreign country for suspending the limitation period shall be taken into consideration by the agency in Georgia responsible for the proceedings only if these grounds are similar to the grounds provided for by this article for suspending the limitation period.

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Code on the Rights of the Child 2019
Art. 77 – Limitation period
In the case of sexual, economic, domestic or other forms of violence against a child, the limitation period for applying to a court to seek damages shall be suspended until the child attains majority or applies to a court before attaining majority.

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● Obligations of Educational Institutions

On Early and Preschool Education
Art. 6- Protection of children
1. Any kind of violence against children at institutions is prohibited.
2. Institutions shall ensure that caregiver-pedagogues, caregivers and other personnel of such institutions know and use methods of non-violent treatment and care, and are informed about the results of violence against children and the forms of responsibility.

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3. The training and retraining of caregiver-pedagogues, caregivers and other personnel of institutions shall include training in the necessary knowledge and skills for the protection of the best interests of children, for the impermissibility of violence against children, and for ensuring effective mechanisms for children to manage their own behaviour and for ensuring a safe and non-violent environment.

4. Institutions shall ensure the prevention of violence against children (inter alia, by providing appropriate education and information to the parents and/or legal representatives of children), and shall ensure the identification and assessment of any violence, and shall take appropriate measures to report and adequately respond to such violence in accordance with the referral procedures for the protection of children.

5. Failure to fulfil the obligation to provide relevant state authorities with information regarding violence against children and the detection thereof shall entail liability as provided for by the legislation of Georgia.

6. Institutions shall designate persons within their system to ensure the prevention of violence against children and their protection.

Law of Georgia on General Education
Art. 20 - Inadmissibility of violence and safety
1. Violence against a pupil or any other person at school shall be inadmissible. In the case of physical and/or verbal abuse a school shall be obliged to immediately respond adequately as provided for by the legislation of Georgia.

2. The actions performed by law enforcement bodies on school grounds in order to ensure safety shall be regulated by the legislation of Georgia.

Art. 20¹ - Obligation of a teacher to communicate information
A teacher shall communicate information on a fact of alleged commission of violence against women and/or domestic violence to an appropriate authorised person defined by the school principal if there is a danger of repeated violence.

Art. 48⁴ – Legal protection of resource officers of educational institutions
1. During the performance of official duties, resource officers of educational institutions shall be protected by law. During the performance of official duties the legal requirements of resource officers are binding on all pupils.

2. No one shall have the right to interfere with the official activities of resource officers of educational institutions except as provided for by law.

3. Impeding, infringing honour and dignity, resisting, threatening, demonstrating violence and infringing upon the life, health or property of a resource officer of an educational institution while he/she is performing his/her official duties shall result in liabilities provided for by the legislation of Georgia.

4. Resource officers of educational institutions shall perform their official duties as provided for by the legislation of Georgia.

5. Resource officers of educational institutions shall have the right to apply to a court in order to defend their rights and freedoms.

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● Prohibition to hold certain positions

Criminal Code of Georgia

Art. 43 – Deprivation of the right to hold an office or carry out activities

1. Deprivation of the right to hold an office or carry out activities shall mean that a convicted person shall not hold an appointed office in public service or in municipal bodies or pursue professional or other activities.

2. Deprivation of the right to hold an office or carry out activities shall be imposed as a basic punishment for a term of one to five years and as a supplementary punishment for a term of six months to three years.

3. Deprivation of the right to hold an office or to carry out a particular activity may be imposed as a supplementary punishment even when it has not been considered as a punishment for the committed crime under the relevant article of this Code provided that, based on the character and quality of the threat of the crime and the offender’s personality, the court considers it impossible to reserve him/her the right to hold an office or carry out activities.

4. At the time of imposing community service or corrective labour as a basic punishment, also, in the case of a conditional sentence, the term of a supplementary punishment imposed in the form of the deprivation of the right to hold an office or carry out activities shall be calculated from the moment when the court judgment enters into force. The term of a supplementary punishment imposed in the form of the deprivation of the right to hold an office or carry out activities in addition to the house arrest or imprisonment imposed as a basic punishment, shall be calculated from the moment when the court judgment enters into force and shall extend over the entire term of service of the basic punishment.

Art. 1075 – Deprivation of the right to carry out activities

1. Deprivation of the right to carry out activities shall mean prohibiting a legal person from carrying out one or several types of activities indefinitely or for a term of one to ten years.

2. Deprivation of the right to carry out activities may apply to the activities during or with regard to performance of which the crime was committed.

● Employment Law

Labour Code

Art. 47 – Grounds for terminating employment agreements

1. The grounds for terminating employment agreements are:
   a) economic circumstances, and/or technological or organisational changes requiring downsizing;
   b) the expiry of an employment agreement;
   c) the completion of the work under an employment agreement;
   d) the voluntary resignation of an employee from a position/work on the basis of a written application;
   e) a written agreement between parties;

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the incompatibility of an employee’s qualifications or professional skills with the position held/work to be performed by the employee;

g) the gross violation by an employee of his/her obligations under an individual employment agreement or a collective agreement and/or of internal labour regulations;

h) the violation by an employee of his/her obligations under an individual employment agreement or a collective agreement and/or of internal labour regulations, if any of the disciplinary steps under the said individual employment agreement or collective agreement and/or internal labour regulations has already been taken against the employee during the last year;

i) long-term incapacity for work, unless otherwise determined by an employment agreement, if the incapacity period exceeds 40 consecutive calendar days, or the total incapacity period exceeds 60 calendar days within a period of 6 months, and, at the same time, the employee has already used his/her leave under Article 31 of this Law;

j) the entry into force of a court judgment or other decision precluding the possibility of performing the work;

k) a decision on declaring a strike illegal that was delivered by a court in accordance with Article 67(3) of this Law and that became final;

l) the death of an employer who is a natural person, or of an employee;

m) the initiation of liquidation proceedings against an employer who is a legal person;

n) other objective circumstances justifying the termination of an employment agreement.

2. The violation of an obligation under the internal labour regulations provided for by paragraph 1(g) and (h) of this article may serve as a basis for terminating an employment agreement only where the internal labour regulations are an integral part of the employment agreement.

3. Where an employment agreement is terminated on the ground referred to in paragraph 1(n) of this article, an employer shall substantiate in the written notification provided for by Article 48(1) and (2) of this Law the objective circumstance justifying the termination of the employment agreement.

4. The legal representatives of minors, or custody/guardianship authorities, may request the termination of an employment agreement with a minor if continuing work endangers the life, health, or other significant interests of the minor.

5. Terminating labour relations shall be inadmissible:

   a) on grounds other than those referred to in paragraph 1 of this article;

   b) on the grounds of discrimination referred to in Article 4 of this Law;

   c) during the period under Article 46(2)(g) of this Law from notification to the employer from a female employee about her pregnancy, except for the termination of an employment agreement on the grounds referred to in paragraph 1(b), (c), (d), (e), (g), (h), (j) or (l) of this article;

   d) due to an employee being conscripted into compulsory military service or military reserve service, and/or during an employee’s period of compulsory
military service or military reserve service, except for the termination of an employment agreement on the grounds referred to in paragraph 1(b), (c), (d), (e), (g), (h), (j) or (l) of this article;

e) during the period of being a member of a jury in court, except for the termination of an employment agreement on the grounds referred to in paragraph 1(b), (c), (d), (e), (g), (h), (j) or (l) of this article.

Art. 48 – Procedure for terminating employment agreements

1. Where an employment agreement is terminated by an employer on any of the grounds referred to in Article 47(1)(a), (f), (i), or (n) of this Law, the employer shall notify the employee thereof in writing at least 30 calendar days in advance. In such case, the employee shall be granted severance pay in the amount of at least 1 month’s remuneration.

2. Where an employment agreement is terminated by an employer on any of the grounds referred to in Article 47(1)(a), (f), (i), or (n) of this Law, the employer may notify the employee thereof in writing at least 3 calendar days in advance. In such case, the employee shall be granted severance pay in the amount of at least 2 month’s remuneration.

3. Where an employment agreement is terminated on the initiative of an employee on the ground referred to in Article 47(1)(d) of this Law, the employee shall notify the employer thereof in writing at least 30 calendar days in advance.

4. An employee may, within 30 calendar days from receiving an employer’s notification about terminating an employment agreement, request the employer in writing to be provided with a written substantiation of the grounds for terminating the employment agreement.

5. An employer shall provide a written substantiation of the grounds for terminating an employment agreement within 7 calendar days after an employee submits a request.

6. An employee may, within 30 calendar days from receiving an employer’s written substantiation, appeal in court against the employer’s decision on terminating the employment agreement. Where a court refuses to accept or dismisses a claim filed by the employee, the employee may file again the same claim with a court within 30 calendar days from receiving a ruling on refusing to accept the claim or a ruling on dismissing the claim.

7. If an employer fails to provide a written substantiation of the grounds for terminating an employment agreement within 7 calendar days after an employee submits the request, the employee may appeal in court against the employer’s decision on terminating the employment agreement within 30 calendar days after the period of 7 calendar days elapses. In such case, the burden of proof for determining facts of the dispute shall rest with the employer. Where an employee does not request from an employer a written substantiation of the grounds referred to in paragraph 4 of this article, the employee may appeal in court against the employer’s decision on terminating the employment agreement within 30 calendar days from receiving the employer’s notification about terminating the employment agreement.
8. If an employer’s decision on terminating the employment agreement is declared void by the court, the employer shall, under the court decision, reinstate the person whose employment agreement was terminated, or provide the person with an equal job, or pay compensation in the amount determined by the court.

9. An employee may, in addition to being reinstated, or to receiving an equal job, or receiving compensation in exchange therefor, as provided for by paragraph 8 of this article, request compensation for lost earnings from the date when the employment agreement was terminated up to the date when the final court decision declaring void the employer’s decision on terminating the employment agreement was enforced. In determining compensation for lost earnings, a court shall take into account any severance pay granted to the employee by the employer in accordance with paragraph 1 or 2 of this article.

- **Criminal Law - Defamation**

  **On Freedom of Speech and Expression**

  **Art. 1 - Definition of Terms**

  e) defamation – a statement containing a substantially false fact influencing harm on a person; a statement damaging a person’s reputation

  **Art. 13 - Defamation of a private person**

  A person shall bear responsibility under the civil law for defamation of a private person, if the plaintiff proves in court that the statement of the respondent contains a substantially false fact in relation to the plaintiff, and that the plaintiff suffered damage as a result of this statement.

  **Art. 14 - Defamation of a public person**

  A person shall bear responsibility under the civil law for defamation of a public person, if the plaintiff proves in court that the statement of the respondent contains a substantially false fact in relation to the plaintiff, and that the plaintiff suffered damages as a result of this statement, and the falseness of the stated fact was known to the respondent in advance, or the respondent acted with apparent and gross negligence, which led to spreading a statement containing a substantially false fact.

  **Art. 15 - Qualified privilege for defamation**

  A person shall be granted a qualified privilege for a statement containing a substantially false fact, if:

  a) he/she took reasonable measures to verify the accuracy of the fact, but was unable to avoid a mistake, and took effective measures in order to restore the reputation of the person damaged by the defamation;

  b) he/she aimed to protect the legitimate interests of society, and the benefits protected exceeded the damage caused;

  c) he/she made the statement with the consent of the plaintiff;

  d) his/her statement was a proportional response to the plaintiff’s statement against him/her;
e) his/her statement was a fair and accurate report in relation to the events attracting public attention.

Art. 16 - Limits of liability for defamation
A person shall be released from liability for defamation, if he/she did not know and could not have known that he/she was disseminating defamation.

Art. 17 - Reimbursement of damage caused by defamation
1. In relation to defamation, a respondent may be required by court to publish a notice on the court decision in a form determined by the court.
2. Forcing a respondent to apologise shall be unacceptable.
3. If the respondent makes a correction or denial within the time limit determined by the law, but publishing the correction or denial is not sufficient for proper reimbursement of the damages caused by the defamation to the plaintiff, the respondent may be required to reimburse property and/or non-property (moral) damages to the plaintiff.

Art. 18 - Groundless claim for defamation
If an apparently groundless claim for defamation has been filed that is aimed to create an unlawful restriction of freedom of speech and expression, the respondent shall have the right to demand monetary compensation, within reasonable limits, from the plaintiff.

Art. 19 – Period of limitation
A defamation suit shall be filed with the court within 100 days after the person familiarized or could have familiarized himself/herself with the statement.

Sexual Offences Against Children

Criminal Code of Georgia

Art. 137 – Rape
1. Rape, that is any form of penetration of a sexual nature of the body of a person with any bodily part or object, committed with violence, under the threat of violence or by abusing a helpless condition of a person affected, – shall be punished by imprisonment for a term of six to eight years, with or without restriction of the rights regarding weapons.
2. The same act:
   a) committed by abusing the official position;
   b) that caused a serious damage to the health of a person affected, or other serious consequence, – shall be punished by imprisonment for a term of eight to ten years, with or without restriction of the rights regarding weapons.
3. The same act committed:
   a) repeatedly;

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b) by a person who had previously committed any crime under Articles 138-141 of this Code;
c) by a group of persons;
d) knowingly by an offender against a person with disability or a pregnant woman;
e) against a person under the custodianship, guardianship or surveillance, or a family member, of an offender;
shall be punished by imprisonment for a term of ten to thirteen years, with or without restriction of the rights regarding weapons.

4. The same act:
   a) committed against a person affected or any other person with extreme cruelty;
   b) that caused death of a person affected;
   c) committed knowingly against a minor;
   d) committed against a minor using trust, and authoritative and influential position;
shall be punished by imprisonment for a term of fifteen to twenty years, or life imprisonment, with or without restriction of the rights regarding weapons.

Art. 138 – Another action of a sexual nature
1. Another action of a sexual nature, which does not contain elements of crime under Article 137 of this Code, committed with violence, under the threat of violence or a helpless condition of a victim,
shall be punished by imprisonment for a term of four to six years, with or without restriction of the rights regarding weapons.

2. The same act:
   a) committed repeatedly;
   b) committed by abusing the official position;
   c) committed by a group of persons;
   d) committed knowingly by an offender against a person with disability or a pregnant woman;
   e) committed by a person who had previously committed any crime under Articles 137, 139, 140 and 141 of this Code;
   f) committed against a person under the custodianship, guardianship or surveillance, or a family member, of an offender;
   g) that has caused a serious damage to the health of a person affected, or other serious consequence,
shall be punished by imprisonment for a term of six to nine years, with or without restriction of the rights regarding weapons.

3. The same act:
   a) committed knowingly against a minor;
   b) committed knowingly against a minor using trust, and authoritative and influential position;
   c) that caused death of a person affected,
shall be punished by imprisonment for a term of eleven to fifteen years, with or without restriction of the rights regarding weapons.

4. The same act:
a) committed knowingly by an offender against a person that has not reached 14 years of age;
b) committed with the extreme cruelty, –

shall be punished by imprisonment for a term of fifteen to twenty years, with or without restriction of the rights regarding weapons.

Art. 139 – Coercion into penetration of a sexual nature into the body of a person, or into another action of a sexual nature

1. Coercion into penetration of a sexual nature into the body of a person, or into another action of a sexual nature, committed under the threat of damaging property, disclosing defamatory information, information representing private life or such information that may substantially affect the right of that person, and/or by abusing a helpless condition of a person affected, or material, official or other kind of dependence, –

shall be punished by a fine or imprisonment for a term of up to five years, with or without restriction of the rights regarding weapons.

2. The same act that has caused a serious damage to the health of a person affected, or other serious consequence, –

shall be punished by imprisonment for a term of five to seven years, with or without restriction of the rights regarding weapons.

3. The same act committed:
   a) repeatedly;
   b) by a person who had previously committed any crime under Articles 137, 138, 140 and 141 of this Code;
   c) by a group of persons;
   d) knowingly by an offender against a person with disability or a pregnant woman;
   e) against a person under the custodianship, guardianship or surveillance, or a family member, of an offender, –

shall be punished by imprisonment for a term of seven to nine years, with or without restriction of the rights regarding weapons.

4. The same act:
   a) having caused death of a person affected;
   b) committed knowingly against a minor, –

shall be punished by imprisonment for a term of nine to fifteen years, with or without restriction of the rights regarding weapons.

Art. 140 – Penetration of a sexual nature into the body of a person below 16 years of age

1. Penetration of a sexual nature into the body of a person below 16 years of age, committed knowingly by an adult, –

shall be punished by imprisonment for a term of seven to nine years.

2. The same act committed:
   a) knowingly by an offender against a person with disability or a pregnant woman;
   b) by a group of persons;
   c) against two or more persons;
   d) repeatedly;
e) by a person who had previously committed any crime under Articles 137-139 and 141 of this Code, –
shall be punished by imprisonment for a term of eight to twelve years.

Art. 141 – Lewd act
1. A lewd act of an adult committed knowingly by an offender without violence against a person that has not reached 16 years of age, –
shall be punished by imprisonment for a term of five to nine years.
2. The same act committed:
   a) knowingly by an offender against a person with disability or a pregnant woman;
   b) by a group of persons;
   c) repeatedly;
   d) against two or more persons;
   e) by a person who had previously committed any crime under Articles 137-140 of this Code;
   f) knowingly by an offender against a person that has not reached 14 years of age;
   g) using trust, and authoritative and influential position, –
shall be punished by imprisonment for a term of eight to twelve years.

Art. 143¹ – Human trafficking
1. Purchase or sale of human beings, or any unlawful transactions in relation to them, by means of threat, use of force or other forms of coercion, of abduction, blackmail, fraud, deception, by abuse of a position of vulnerability or power or by means of giving or receiving of payment or benefits to achieve the consent of a person having control over another person, as well as recruitment, carriage, concealing, hiring, transporting, providing, harbouring or receiving of a human being for exploitation, –
shall be punished by imprisonment for a term of seven to twelve years, with deprivation of the right to hold an office or to carry out activities for up to three years.
2. The same act committed:
   a) by the offender knowingly to a pregnant woman;
   b) knowingly by the offender against a helpless person or a person who financially or otherwise depends on the offender;
   c) by abusing the official position, –
shall be punished by imprisonment for a term of nine to fourteen years, with deprivation of the right to hold an office or to carry out activities for up to three years.
3. The same act committed:
   a) repeatedly;
   b) against two or more persons;
   c) by taking the victim abroad;
   d) using violence or threat of violence which is dangerous for life or health;
   e) by a group of persons with preliminary agreement, –
shall be punished by imprisonment for a term of 12 to 15 years, with deprivation of the right to hold an office or to carry out activities for up to three years.
4. The act provided for in paragraphs 1, 2 or 3 of this article:

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a) committed by an organised group;
b) that caused the death of the victim or resulted in other grave consequences, -
shall be punished by imprisonment for a term of 15 to 20 years, with deprivation of the right to
hold an office or to carry out activities for up to three years.

Note:
1. For the purposes of this article and Article 143² of this Code, the following shall constitute
exploitation for the purpose of gaining material or other benefit:
a) inducing a person to perform labour or other services;
b) inducing a person to provide sexual services;
c) engaging a person in criminal activities, prostitution, pornographic or other anti-social
activities;
d) removing, transplanting or otherwise using an organ, part of an organ or tissue of the
human body by force or deception;
e) subjecting a human being to practices similar to slavery or to modern-day slavery.
Subjecting a human being to modern-day slavery shall mean creation of such conditions
when the person performs certain work or renders services in favour of another person
in return for payment, inadequate payment or without payment, and he/she is not able
to change these circumstances because of his/her dependence on that person.
Dependence on a person may be caused by, among other things:
e.a) confiscation, control or intentional unlawful handling of personal identification
documents;
e.b) restriction of the right to free movement or control of free movement;
e.c) restriction or control of communication (including correspondence and phone calls)
with family members or other persons;
e.d) creation of coercive or threatening environment.
2. For the purposes of this article and Article 143² of this Code, it does not matter whether a
person consents to his/her pre-determined exploitation.
3. For the acts provided for by this article, a legal person shall be punished by deprivation of
the right to carry out activities or by liquidation and a fine.

Art. 143² – Child trafficking
1. Purchase or sale of children, or other unlawful transactions in relation to them, as well as
their recruitment, carriage, concealment, hiring, transportation, provision, harbouring or
reception for exploitation, -
shall be punished by imprisonment for eight to twelve years, with deprivation of the right to
hold an office or to carry out activities for up to three years.
2. The same act committed:
a) by the offender knowingly to a pregnant woman;
b) knowingly by the offender against a helpless person or a person who financially or
otherwise depends on the offender;
c) by abusing the official position, -
shall be punished by imprisonment for a term of 11 to 15 years, with deprivation of the right to
hold an office or to carry out activities for up to three years.
3. The same act committed:
a) repeatedly;  
b) using coercion, blackmail or deception;  
c) against two or more children;  
d) by taking the victim abroad;  
e) using violence or threat of violence dangerous for life or health;  
f) by a group of persons with preliminary agreement, –

shall be punished by imprisonment for a term of 14 to 17 years, with deprivation of the right to hold an office or to carry out activities for up to three years.

4. The act provided for by paragraphs 1, 2 or 3 of this article:
   a) committed by an organised group;  
   b) causing the death of the victim or other grave consequences, –

shall be punished by imprisonment for a term of 17 to 20 years, with deprivation of the right to hold an office or to carry out activities for up to three years, or by life imprisonment.

*Note:* For the acts provided for by this article, a legal person shall be punished by deprivation of the right to carry out activities or by liquidation and a fine.

**Art. 143³ – Abuse of services of a victim of (a person affected by) human trafficking**

1. Premeditatedly using the services of a victim of a crime or of an affected person under Articles 143¹ and 143² of this Code, which is an exploitation under Article 143¹ of the same Code, –

shall be punished by imprisonment for a term of three to five years.

2. The same act committed:
   a) repeatedly;  
   b) knowingly by the offender against a pregnant woman;  
   c) knowingly by the offender against a helpless person or a person who financially or otherwise depends on the offender;  
   d) by abusing the official position, –

shall be punished by imprisonment for a term of five to seven years, with deprivation of the right to hold an office or to carry out activities for up to three years.

3. The same act committed:
   a) against two or more persons;  
   b) with violence or under the threat of violence which is dangerous for life or health;  
   c) by a group of persons with preliminary agreement, –

shall be punished by imprisonment for a term of seven to twelve years, with deprivation of the right to hold an office or to carry out activities for up to three years.

4. The act provided for in paragraphs 1, 2 or 3 of this article committed by an organised group, –

shall be punished by imprisonment for a term of 12 to 15 years, with deprivation of the right to hold an office or to carry out activities for up to three years.

*Note:* A person who committed a crime under this Code shall be released from criminal liability if he/she voluntarily provided information about this to the investigative authorities in writing or by using any technical means of communication, contributed to the conduct of investigation and his/her actions do not contain elements of any other crime.
Art. 255 – Illegal making or sale of a pornographic work or other items

1. Illegal making, dissemination or advertisement of pornographic works, printed publications, images or similar items, as well as trade in or storage of these items for marketing or dissemination purposes, –

shall be punished by a fine or corrective labour for up to two years or by imprisonment for the same term.

2. The act under paragraph 1 of this article, committed repeatedly, –

shall be punished by imprisonment for a term of four to six years.

3. Knowingly purchasing, storing, possessing, attending the demonstration of, or using pornographic work containing images of minors, –

shall be punished by imprisonment for a term of five to ten years.

4. Knowingly offering, importing, exporting, disseminating, transferring, advertising, or providing access to pornographic work containing images of minors, –

shall be punished by imprisonment for a term of nine to fifteen years.

5. Knowingly making and selling pornographic work containing images of minors, –

shall be punished by imprisonment for a term of fifteen to twenty years.

6. The act under paragraph 3 of this article, committed:

   a) repeatedly;

   b) against a person under the custodianship, guardianship or surveillance, or a family member, of an offender, –

shall be punished by imprisonment for a term of ten to fifteen years.

7. The act under paragraph 4 or 5 of this article, committed:

   a) repeatedly;

   b) against a person under the custodianship, guardianship or surveillance, or a family member, of an offender, –

shall be punished by imprisonment for a term of fifteen to twenty years or by life imprisonment.

Note:

1. A pornographic work containing images of minors shall mean a visual or audio-visual material produced by any method, also a staged performance which, using various means, depicts the participation of minors or of characters with the appearance of a minor in the actual, simulated or computer-generated sexual scenes or displays genitalia of a minor for the gratification of a consumer’s sexual needs. A work shall not be considered to be pornography if it has medical, scientific, educational or artistic value.

2. For an act under this article, a legal person shall be punished by a fine, with deprivation of the right to carry out activities, or by liquidation and a fine.

Art. 255¹ – Engagement of minors in illegal production and sale of pornographic works or other similar items

1. Engagement of a minor in the illegal production of a pornographic work or any other item of pornographic nature, and dissemination, advertisement or sale of such material, which is not related to the participation of the minor concerned in the actual, simulated or computer-generated sexual scenes, –

*The information contained herein should not be construed as offering legal advice or guidance.*
shall be punished by imprisonment for a term of five to nine years.
2. The same act committed:
   a) repeatedly;
   b) against two or more persons;
   c) against a person under the custodianship, guardianship or surveillance, or a family
      member, of an offender, –
shall be punished by imprisonment for a term of eight to twelve years.
Note: For the act under this article, a legal person shall be punished by a fine, with deprivation
of the right to carry out activities, or by liquidation and a fine.

Art. 255² – Offering a meeting of a sexual character to a minor
1. The offer of a meeting knowingly made by an adult to a person under 16 years of age by
   using information and communication technologies for the purpose of committing the
   offence defined in Article 140, where the offer was followed by actions directed towards
   the holding of such a meeting, –
shall be punished by imprisonment for a term of two to six years.
2. The offer of a meeting knowingly made by an adult to a person under 18 years of age by
   using information and communication technologies for the purpose of committing the
   offence defined in Article 255(5) of this Code, where the offer was followed by actions
   directed towards the holding of such a meeting, –
shall be punished by imprisonment for a term of three to eight years.

Code on the Rights of the Child 2019

Art. 56 – Protecting the child from all forms of sexual exploitation
1. The child shall have the right to be protected from sexual exploitation and any other forms
   of sexual violence.
2. It shall be prohibited to force a child to be engaged in any sexual activity.
3. It shall be prohibited to engage a child in prostitution and other sexual activity.
4. It shall be prohibited to engage a child in a pornographic activity, in the production,
   promotion, distribution, transfer, receipt, export and import of pornographic materials and
   trading in such materials.
5. The State shall take appropriate administrative, social and educational measures to protect
   all children, including girls and children with disabilities, from sexual exploitation or other
   forms of sexual violence.

Art. 57 – Prohibition of child trafficking
1. Child trafficking, i.e., the transfer of a child by a person or a group of persons to another
   person or another group of persons, in exchange for money or for any other benefit, shall
   be prohibited.
2. The child may not be offered, transferred or received in any form for sexual or labour
   exploitation, organ transplantation or for other benefit.
3. It shall be prohibited to trade in a child for adoption purposes or to persuade a person
   through a mediator to give consent to place a child for adoption in violation of the Law of
   Georgia on Adoption and Foster Care and relevant international legal norms.

*The information contained herein should not be construed as offering legal advice or guidance.
4. The State shall take all administrative, social and educational measures in order to prevent and eradicate child trafficking.

**Art. 58 – Protecting the child from trafficking**

1. It shall be prohibited to seek to transport or transfer the child, or to transfer or receive or place the child, by menace, force or the use of other forms of coercion, abduction, forgery, deception, abuse of power, use of helplessness of the victim, or to obtain the consent of a person who is under the influence of a person giving or receiving money or for transferring or obtaining other benefits in order to obtain such consent under coercion, for exploitation purposes.

2. The State shall take all administrative, social and educational measures to protect a child from trafficking.

**Art. 59 – Protection of the child from participation in armed conflict**

1. The child shall have the right to be protected from participation in an armed conflict.

2. In order to protect the child from participation in an armed conflict, the State shall take all necessary administrative, social and educational measures.

3. The State shall take all measures for releasing a child involved or engaged in an armed conflict, and for their physical and psychological rehabilitation and social reintegration.

**Art. 60 – Prevention of violence against the child**

1. The State shall take appropriate administrative, social and educational measures to effectively prevent child exploitation, child trafficking, child prostitution, child pornography and all forms of violence harmful to the harmonious development of the child.

2. The State shall take all necessary administrative, social and educational measures to eradicate the practice of physical punishment of a child, or other cruel, inhumane or degrading treatment or punishment of the child.

3. In order to eradicate all forms of violence against the child, various measures shall be taken, including to:
   a) improve the legal basis by prohibiting all forms of violence against the child, protecting the child from harmful influence and creating other specific legal guarantees;
   b) support a parent and other person responsible for the upbringing of the child by developing positive, non-violent parenting practices and skills, socio-economic support, consultations and providing information;
   c) provide specialised training for and inform persons engaged in issues related to the child in the fields of education, health and social care, sports, culture and justice, including creating safe and violence-free environments for children and changing social norms which involve violence;
   d) take educational measures, including on the Internet, concerning the risks of violence against the child, non-violent communication with the child, peaceful resolution of conflicts and mechanisms for protecting the child from violence;
   e) promote the participation of the child in the development and implementation of policy documents, programmes and initiatives, in order to eradicate various forms of violence;
f) promote the participation of the private sector including tourism, banking and financial institutions in the development and implementation of policy preventing various forms of child exploitation and violence;

g) promote the active participation of media in the coverage of child exploitation and all aspects of other forms of violence and in the dissemination of relevant information while protecting the private life of a child, and meeting the principle of confidentiality and other ethical standards;

h) provide non-governmental organisations with state support, including financial resources, in order to prevent violence against children and implement child rights protection programmes by these organisations.

4. The State shall undertake appropriate activities in order to eradicate factors promoting violence against children, including various kinds of social danger, poverty, and unequal treatment of children.

5. The State shall develop and implement medical and psychosocial therapy and counselling programmes intended to prevent violence, change abusive attitudes of violators, and eradicate the causes of violent behaviour.

Art. 61 − Protection, support and rehabilitation of crime victims, victims of violence and witnesses

1. The State shall provide short-term and long-term programmes and services accessible to children who are crime victims and/or victims of violence for their physical and psychosocial rehabilitation, and mechanisms for protecting children from humiliation, repeated traumas and damage, and for providing accessibility to justice, appeal and compensation for damage.

2. A child who is a crime victim and/or a victim of violence and/or a child who is an alleged victim shall have the right to receive compensation from the State, including compensation for financial loss, through rapid procedures, when it is not possible to receive such compensation from an offender.

3. The State shall ensure the protection of the rights and prevention of the secondary victimisation of children who are crime victims and crime witnesses, as well as the prevention of the secondary victimisation of a child who is a crime victim, at all stages of rendering justice, in accordance with the legislation of Georgia, including the Juvenile Justice Code of Georgia.

4. The State shall ensure mandatory training/specialisation for all persons working in a public institution and dealing with children who are witnesses and/or victims of violence, in accordance with established standards.

Related legislation

Child/Early/Forced Marriage

Criminal Code of Georgia
Art. 150¹ – Forced marriage
1. Forced marriage (including an unregistered marriage), –
shall be punished by community service for two hundred to four hundred hours or by imprisonment for up to two years, with or without restriction of the rights regarding weapons.

2. The same act committed:
   a) knowingly against a minor;
   b) repeatedly, –

shall be punished by imprisonment for a term of two to four years, with or without restriction of the rights regarding weapons.

Female Genital Mutilation

Criminal Code of Georgia
Art. 1332 – Female genital mutilation
1. Under the influence of a religious, ceremonial, ethnic or another tradition, or without such influence, complete or partial cutting, infibulation or another mutilation of female genitals, or coercion or persuasion of a woman to undergo such an operation, –

shall be punished by imprisonment for a term of two to six years.

2. The same act committed:
   a) by a group of persons;
   b) knowingly by an offender against a minor, a helpless person, a person with disability or a pregnant woman;
   c) repeatedly, –

shall be punished by imprisonment for a term of three to seven years.

3. The same act that caused death or another serious consequence, –

shall be punished by imprisonment for a term of seven to eleven years.