



PUBLIC DEFENDER  
(OMBUDSMAN) OF GEORGIA

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# SPECIAL REPORT

CHILD LABOUR DURING  
THE NEW CORONAVIRUS  
PANDEMIC AND BEYOND

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## INTRODUCTION

This report presents the key findings of a study conducted by the Public Defender of Georgia<sup>1</sup> in 2020 - “Child labour during the new coronavirus pandemic and beyond”.

The study was conducted in four regions<sup>2</sup> of Georgia and reviews the legislative regulation in the field of child labour and the needs identified in practice; Particular attention is paid to the analysis of the situation before the Covid-19 pandemic, as well as the impact of the pandemic on child labour; Along with assessing needs, the report offers recommendations for to responsible agencies.

A lot of children are involved in the forms of labour that hinder their psycho-physical development and education all around the world. Poverty and economic hardship are one of the factors conditioning child labour. According to the 2020 study conducted by the International Labour Organization and the United Nations Children’s Fund (UNICEF), the world’s population living in extreme poverty is growing from 40 to 60 million; The poverty rate increased by 20% in the first quarter of 2020 due to the Covid-19 pandemic. As a result, children have become even more vulnerable to this problem.<sup>3</sup>

The EU Directive (94/33/EC) on the protection of young people at work<sup>4</sup> says that Member States shall take the necessary measures to prohibit work by children (under the age of 15). Member States may make legislative exceptions for the prohibition of work by children not to apply to children employed for the purposes of cultural, artistic, sporting or advertising activities. The mentioned document is very important for non-EU countries as well, including Georgia,<sup>5</sup> as it sets a high standard of protection in the field of child labour, which shall be used by states as a guiding principle in their domestic legislations.

According to the world practice, children are often employed in both formal and informal sectors; they work in private households, as helpers in the family, including in their own families, as cleaners, etc. Similar practice is common in Georgia as well, where child labour and their protection from the worst forms of labour are one of the major challenges. The issue of child poverty has become even more problematic during the Covid-19 pandemic; The risks of child involvement in harmful and/or heavy forms of labour have increased.<sup>6</sup>

National studies and statistical information on child labour are scarce in Georgia; it can be said that this issue is less studied substantially. According to the 2015 report of the National Statistics Office of Georgia,<sup>7</sup> the number of children involved in labour was 4.2% of the population aged between 5 and 17, i.e. about 24,400 children, whose daily activities in most cases harm their health and social development and hinder their education.

1 The special power of the Public Defender’s Office under the Code on the Rights of the Child is to oversee the enforcement of other legislative acts of Georgia relating to the protection of the rights of the child, Convention on the Rights of the Child and other international legal acts, to identify, examine and respond to the cases of violation of the rights of the child.

2 Adjara, Guria, Kakheti, Samtskhe-Javakheti.

3 Information available: <http://bit.ly/3pjAiaf> [last accessed: 22.01.2021]

4 Information available: <http://bit.ly/3qRXnkO> [last accessed: 22.01.2021]

5 According to Article 228 and Article 229 (Multilateral labour standards and agreements) of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, the Parties undertake to respect, promote and effectively implement in their law and practice the fundamental, internationally recognized labour standards.

6 Information available: <http://bit.ly/3pjAiaf> [last accessed: 22.01.2021]

7 Information available: <http://bit.ly/2Mqnn7W> [last accessed: 22.01.2021]

Based on all the above, the Public Defender of Georgia hopes that the recommendations developed on the basis of the present findings will be implemented by the responsible agencies, which will improve the rights situation of children in Georgia.

## RESEARCH METHODOLOGY

The study was conducted using qualitative research method and desk research. **In the first stage**, international norms in the field of child labour were analyzed and the compliance of domestic legislation with international standards was evaluated. **In the second stage of the study**, focus groups and in-depth interviews were conducted with target groups in four regions of Georgia: Adjara, Guria, Kakheti and Samtskhe-Javakheti using pre-designed methodological document.

For the purposes of this study, the term “child” refers to a juvenile between the ages of 5 and 18. Since Georgian legislation does not define terms such as “child labour”, “hazardous labour” and “worst forms of labour”, these terms are used in this report in accordance with their international definitions.

### **Four main areas were identified as the objectives of the practical research:**

- Researching the specifics of child labour in households, which includes housework and agricultural work;
- Analysing the specifics of child labour in formal sector (hired labour);
- Researching the specifics of child labour in informal sector - street work, work during tourist season and at tourist places, as well as any other cases of informal employment;
- Child labour migration.

### **As part of the practical research, 36 meetings and 2 interviews were conducted with the following target groups:**

- NGOs working on child’s rights;
- Human rights organizations and donors;
- Social workers working in the field of child care;
- Representatives of households (families with children);
- School teachers;
- Representatives of local self-governments (city hall, municipality, local self-government social workers);
- Adolescents aged between 15 and 17 years;
- Representatives of the Agency for State Care and Assistance to Victims of Human Trafficking;
- Representatives of the Ministry of Education and Science of Georgia.

Based on the obtained information and analysis of the documented interviews, this report and recommendations have been drawn up.

## KEY FINDINGS

According to the findings of this study, child labour is a widespread practice in Georgia. Due to poverty, poor socio-economic situation, inadequate standard of living, neglect and various social factors, children engage in labour that poses a risk to their age and development. Despite the seriousness of the issue, the state is not responding effectively to this problem. The responsible agencies have not yet developed an appropriate response mechanism or prevention lever; In addition, there is no risk assessment mechanism. As a result, no effective control of child labour is carried out.

In addition to the problems identified in practice, the study clearly showed the need to regulate the legislative space. In order to make child labour elimination efforts efficient and effective, first of all, it is necessary to bring the domestic legislation and norms in line with international standards and to make the legislative regulation mechanisms more flexible.

### The study identified the following key challenges and needs:

- National legislation regulating child labour sets the relevant standard for the protection of the rights of juveniles in labour relations, at the minimal level, but there remain challenges and needs in terms of bringing the domestic law closer to the international standards, namely:
  - According to the relevant standards of the International Labour Organization, children shall not work overtime, however, the above is allowed by domestic legislation in cases of an agreement between the parties and with the observance of working hour limits, which does not comply with the relevant ILO norm;
  - According to the EU directive, the maximum number of working hours of children depends on whether it is a school period or holidays, while the cases when child labour is part of educational practice is regulated separately. According to the Labour Code of Georgia, the maximum number of working hours does not provide such a differentiation, as a result of which, the law allows a school child in Georgia to work more (maximum 36 hours) in a week outside school hours than it is allowed by the directive (maximum 12 hours);
  - The Labour Code of Georgia provides for a break during the working day on the basis of one and the same principle for everyone (a 60-minute break in case of working for more than 6 hours). The break norm is not defined separately for persons under the age of 18 years, while according to the EU Directive, children shall enjoy a 30-minute break during a **working** day of **4.5** hours.
- Child labour and protection of children from the worst forms of labour had been problematic in Georgia before the Covid-19 pandemic as well and has remained so during the pandemic; According to the focus group respondents, the number of juveniles involved in labour migration and formal sector has decreased during the pandemic;
- The risks of child involvement in labour has increased in the context of Covid-19, given the general socio-economic situation of the population and the increased risks of child poverty;
- According to the information received from the focus groups, it is a common practice in the regions to involve juveniles in households, seasonal work, which poses as a risk to their development and their access to education; Heavy forms of child labour such as scrap

- scavenging, truck work and regular farming have also been identified;
- Labour migration of children is also a common practice. Respondents often indicated heavy labour of children during labour migration abroad; Some respondents pointed to the low payment received by children for their work and poor living conditions on the ground;
  - Mobile groups<sup>8</sup> working with children who live and work on the streets, consisting of a social worker, psychologist, peer educator and driver, do not operate in big cities such as Batumi, Kobuleti, Telavi, Akhaltsikhe, etc;
  - It is problematic that children systematically miss or drop out of school due to their involvement in labour; children are not involved in the educational process during seasonal work, household labour, temporary labour migration;
  - Employees of educational institutions, teachers and administration, in some cases, do not record the absenteeism by students or the reasons for the above; As a result, not all cases of child involvement in labour are recorded and thus they remain unresponded;
  - Public awareness of child’s labour rights and their protection from harmful forms of labour is low. The society is, in some cases, tolerant towards similar cases. The attitude of parents and caregivers towards the exercise of child’s right to leisure, rest and development is especially problematic;
  - Involvement of minors in anti-social activities, such as begging for mercy, peddling or service work, is a widespread problem in the regions; Elimination of child labour on the street, prevention of the involvement of children in anti-social activities in a timely manner, proper identification of the needs of children living and working on the streets remain as a challenge;
  - Due to inadequate response mechanisms, the responsible agencies are not able to properly control or timely respond to the cases of child labour in practice, especially the cases of heavy labour and informal labour activities;
  - Stereotypical attitudes are also common in the community in terms of imposing “suitable” work on girls and boys. Thus, differences were identified in the context of the gender analysis of labour as well.

## 1. INTERNATIONAL STANDARDS ON CHILD LABOUR

International standards on child labour mainly include framework documents adopted by the International Labour Organization, EU directives and international acts on the rights of the child. As child labour is an acute issue today, legal acts regulating this area need to be considered in a complex manner, both in the context of International Labour Organization’s framework documents and other international and domestic legal acts.

The International Labour Organization (hereinafter - ILO) has developed a number of conventions and recommendations on child labour, such as Worst Forms of Child Labour Convention<sup>9</sup> (C182, 1999) and Minimum Age Convention No. 138.<sup>10</sup> These international documents, obliges states to bring domestic legislation in compliance with international norms.

<sup>8</sup> Mobile groups operate in 3 cities - Tbilisi, Kutaisi and Rustavi.

<sup>9</sup> Information available: <https://bit.ly/3cbdV2V> [last accessed: 20.01.2021]

<sup>10</sup> Information available: <https://bit.ly/3iOZkf6> [last accessed: 20.01.2021]

The present chapter reviews the compliance of national legislation with international legal acts in the field of child labour and analyzes the changes that are necessary to be made in the national legislative space.

## 1.1 DEFINITION OF “CHILD LABOUR”

According to international standards, the terms “economic activity of children” and “child labour” carry different connotations. Child labour is a term that carries a negative connotation and expresses child activity that is undesirable and should be eliminated, while economic activity of children may in some cases even be encouraged. In particular, economic activity that does not adversely affect child’s health or personal development may include: assisting parents at home, assisting family business that does not harm child’s physical health, development; This type of activity is often a means of developing child’s personality and additional skills, gaining experience and making “pocket money.”

The International Labour Organization defines “child labour” **as labour that is harmful to child’s physical and mental development.**<sup>11</sup> More specifically, it refers to **work that:**

- is mentally, physically, socially or morally dangerous and harmful to children; and/or
- Interferes with their schooling by: depriving them of the opportunity to attend school; obliging them to leave school prematurely; or requiring them to attempt to combine school attendance with excessively long and heavy work.

ILO notes that whether or not particular forms of “work” can be called “child labour” depends on the child’s age, the type and hours of work performed, the conditions under which it is performed and the objectives pursued by individual countries. The answer varies from country to country, as well as among sectors within countries.<sup>12</sup>

The United Nations Sustainable Development Goals also address the same issue. Target 8.7 (Ensuring Decent Work and Economic Growth for All) calls for taking immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, and by 2025 end child labour in all its forms.<sup>13</sup>

Article 32 of the United Nations Convention on the Rights of the Child (1989)<sup>14</sup> states that children have the right to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development. The Convention obliges States Parties to take legislative measures to ensure the implementation of the present article. To this end, States Parties shall in particular:

- Provide for a minimum age or minimum ages for admission to employment;

11 Information available: <http://bit.ly/39ZTL9s> [last accessed: 20.01.2021]

12 Ibid.

13 Information available: <https://bit.ly/3iOZy5W> [last accessed: 20.01.2021]

14 Information available: <http://bit.ly/36aLA9m> [last accessed: 20.01.2021]

- Provide for appropriate regulation of the hours and conditions of employment;
- Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

## 1.2 WORST FORMS OF CHILD LABOUR

The ILO Worst Forms of Child Labour Convention<sup>15</sup> (C182, 1999) requires States to take measures to prevent and eliminate the worst forms of child labour, as well as to provide rehabilitation and social integration measures for children involved in this type of work, and to develop action plan and monitoring mechanism.

According to the Convention, **the worst forms of child labour comprises:**

- All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs;
- Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, etc.

The worst forms of child labour, in turn, are divided into “*unconditional worst labour*” and “*hazardous labour*.” The unconditional worst forms refer to the types of labour listed above and are called unconditional worst because such work can in no way be considered acceptable; Most of them are illegal activities, therefore, they are unacceptable not only for a child but also for an adult. Individual states have no prerogative to decide at their own discretion, independently, what can be called unconditional worst form of child labour and what cannot; In this case, the minimum and mandatory standard is to ban and eliminate all “unconditional worst” forms of child labour at the national level.

As for the term “*hazardous child labour*”, although ILO offers its definition, States have the opportunity to determine by themselves at the national level what can be classified as such work. More specifically, Article 3 of ILO Recommendation 190<sup>16</sup> defines hazardous labour as:

- work which exposes children to physical, psychological or sexual abuse;
- working underground, under water, at dangerous heights or in confined spaces;
- working with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
- working in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;
- working under particularly difficult conditions such as work for long hours or during the

<sup>15</sup> Information available: <https://bit.ly/3cbdV2V> [last accessed: 20.01.2021]

<sup>16</sup> Information available: <https://bit.ly/2YgEYSs> [last accessed: 20.01.2021]

night.

In some cases the work conditions can be altered in a way that ultimately results in the labour not being “hazardous”. Meaning, the fact that activities are currently affecting the health and safety of the children who do them, can, in some cases, be changed by altering the circumstances. For example, if a young person works in a factory using machinery without safety guards, investing a protection device to the machine may make the activity non-hazardous and the work to be eliminated from the category of worst forms child labour. The kinds of hazardous work in question can be either an occupation as such or specific tasks. The latter tend to be easier to deal with.<sup>17</sup>

## 1.3. MINIMUM AGE FOR THE EMPLOYMENT AND WORKING CONDITIONS

### 1.3.1. MINIMUM AGE

The ILO Minimum Age Convention (138)<sup>18</sup> determines the minimum age for the employment of children and adults. The Convention differentiates between general minimum age, minimum age for hazardous work and minimum age for light work. According to the Convention, the general minimum age for the employment shall be not less than 15 years, while a member whose economy is insufficiently developed may specify a minimum age of 14 years.

The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of young persons shall not be less than 18 years. However, according to the Convention, national laws or regulations or the competent authority may, after consultation with the organizations of employers and workers concerned, authorize employment or work as from the age of 16 years under the condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity. National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is: a) not likely to be harmful to their health or development; and (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority. The minimum age for light work in developing countries may be 12 years.

ILO Minimum Age Recommendation 146<sup>19</sup> also clarifies that, even though the Minimum Age Convention makes some exceptions for countries with low economic development, the countries that ratify the Convention should strive to gradually bring the minimum age closer to the limits set out in the Convention. At the same time, these norms should be fixed at the same level for all sectors of economic activity.

17 Information available: <http://bit.ly/3iKHwlf> [last accessed: 20.01.2021]

18 Information available: <https://bit.ly/3iOZkf6> [last accessed: 20.01.2021]

19 Information available: <https://bit.ly/3pwPTDD> [last accessed: 20.01.2021]

According to the EU Directive (94/33 / EC), the minimum age for the employment of children, as an exception, may be 13 or 14 years. The employment of young people should be strictly controlled by the relevant authorities. The Directive details the regulation of working conditions, which largely complies with the norms set by the ILO conventions. However, the Directive further states that the primary responsibility for protecting young people at work rests with the employer, who shall regularly monitor working conditions. The Directive also sets out a list of activities that children should not engage in.

### 1.3.2. REGULATION OF WORKING CONDITIONS

According to Article 13 of ILO Recommendation 136, States shall pay special attention to the provision of fair remuneration, the strict limitation of the hours spent at work in a day and in a week, and the prohibition of overtime, so as to allow enough time for education and training, for rest during the day and for leisure activities; the granting of a minimum consecutive period of 12 hours' night rest, and of customary weekly rest days; the granting of an annual holiday with pay of at least four weeks; coverage by social security schemes available in the country.<sup>20</sup>

According to Article 7 of the European Social Charter,<sup>21</sup> all persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control. Therefore, at the national level, domestic laws should provide for detailed regulatory norms on the systematic medical examination of minors during and after employment.

The EU Directive on the protection of young people at work provides detailed instructions on the regulation of working hours of children. Namely, Member States shall adopt the measures necessary to limit the working time of children to:

- eight hours a day and 40 hours a week for work performed under a combined work/training scheme or an in-plant work-experience scheme;
- two hours on a school day and 12 hours a week for work performed in term-time outside the hours fixed for school attendance;
- seven hours a day and 35 hours a week for work performed during a period of at least a week when school is not operating;
- seven hours a day and 35 hours a week for light work performed by children no longer subject to compulsory full-time schooling under national law.

The issue of breaks is also worth noting. According to the EU Directive, Member States shall adopt the measures necessary to ensure that, where daily working time is more than four and a half hours, young people are entitled to a break of at least 30 minutes.<sup>22</sup>

It is important to note that the International Labour Organization adopted two conventions in 1946 - Convention 77 on Medical Examination of Young Persons (Industry) and Convention 78 on Medical Examination of Young Persons (Non-Industrial Occupations). These conventions regulate the rules and conditions of compulsory medical examination of children.

<sup>20</sup> Information available: <https://bit.ly/2LWQGPH> [last accessed: 20.01.2021]

<sup>21</sup> Information available: <https://rm.coe.int/168007cf93> [last accessed: 25.01.2021]

<sup>22</sup> Information available: <http://bit.ly/3qRXnkO> [last accessed: 20.01.2021]

According to the relevant regulations,<sup>23</sup> children and young people should not be employed unless the medical examination confirms that they are eligible for a particular job. Georgia has not ratified these documents.

## 2. DOMESTIC LEGISLATION AND ITS COMPLIANCE WITH INTERNATIONAL STANDARDS

Georgia has ratified most of the ILO Conventions on child labour (except for Convention 77 and Convention 78). Consequently, the country has specific obligations to bring the national legislative space in line with international standards. Georgia is also a signatory to the United Nations Convention on the Rights of the Child.

The principles recognized by the ILO Constitution formed the basis for the adoption of the Declaration of Fundamental Principles and Rights at Work. Adopted in 1998, the Declaration commits Member States to respect and promote principles and rights in four categories, whether or not they have ratified the relevant Conventions. These categories are: freedom of association and the effective recognition of the right to collective bargaining, the elimination of forced or compulsory labour, the abolition of child labour and the elimination of discrimination in respect of employment and occupation.

The Labour Code of Georgia<sup>24</sup> stipulates that the labour capacity of a natural person arises from the age of 16, which is fully in line with the international standard that sets the general minimum age, as already mentioned, at 15 years. Under Georgian law, a person under the age of 16 may be employed only with the consent of his/her legal representative or a guardianship body, provided that the relevant employment does not conflict with the interests of the juvenile, does not harm his/her moral, physical or mental development and does not restrict his/her right and possibility to receive mandatory primary or basic education. The above also complies with the norms set by ILO.

The same article of the Labour Code states that an employment contract with a juvenile under the age of 14 may be concluded only for the activities in the field of sports, arts, culture or advertising. This norm may also be considered adequate in so far as the ILO Minimum Age Convention stipulates that, in agreement with employers and employees associations, the competent authority may disregard the general minimum age for the employment.

As for the worst and hazardous forms of child labour, the Labour Code of Georgia completely prohibits the involvement of juveniles in similar activities. In particular, the Code prohibits the employment of juveniles for heavy, harmful and hazardous work, or in nightclubs for the production, transportation or sale of pharmaceutical and toxic substances, or production of erotic and pornographic products. Thus, Georgian legislation is in compliance with the ILO Worst Forms of Child Labour Convention.

<sup>23</sup> Article 2, paragraph 1.

<sup>24</sup> Information available: <http://bit.ly/2MnkUev> [last accessed: 20.01.2021]

According to the Labour Code, the working hours of a person between the ages of 14 and 16 shall not exceed 4 hours a day and 24 hours a week, while the working hours of persons aged between 16 and 18 shall not be more than 6 hours a day and more than 36 hours a week (Labour Code of Georgia, Article 24 (8, 9)). It is impossible to directly compare these norms with international norms, because, as mentioned above, the EU Directive differentiates between permitted working hours according to the type of activity the child is involved in. It is important to note, however, that such a general regulation carries a risk of violating the international standard: for example, according to the EU Directive, working hours outside school hours should not exceed 2 hours a day and 12 hours a week. Georgian legislation does not differentiate between the age limits for the employment of children or the permissible working hours, including in relation to children between the ages of 14 and 18 (i.e. schoolchildren); As a result, we get a situation where a school student may work more than it is allowed by international norms.<sup>25</sup>

According to paragraph 2 of Article 17 of the Labour Code of Georgia, it is prohibited to make a juvenile work overtime without his/her consent; According to paragraph 3, overtime is a period of time agreed on between the parties, which lasts more than 40 hours a week for a juvenile, 36 hours a week for a juvenile aged between 16 and 18, and 24 hours a week for a juvenile between the ages of 14 and 16. The duration of child's overtime work should not exceed a total of 2 hours during the working day and a total of 4 hours during the working week. However, according to ILO Recommendation 146, States should focus on prohibition of overtime for juveniles. Consequently, by permitting overtime work of juveniles, even on the basis of mutual consent, the domestic law contradicts the relevant ILO standard.

In addition, the regulation of breaks under the Labour Code of Georgia is general; In particular, according to Article 24 (5), if the duration of the working day exceeds 6 hours, the employee shall have a break of at least 60 minutes. The Labour Code does not provide for a special regulation for juveniles, which may be considered a gap in domestic law.

Article 54 of the Code on the Rights of the Child<sup>26</sup> stipulates that a child has the right to be protected from performing work that interferes with his/her schooling or is detrimental to his/her health, physical, mental, moral, emotional or social development. To protect children from hazardous, heavy and harmful work, the Code stipulates that the State shall:

1. Make and periodically update a list of specific forms of labour that may be hazardous, heavy, harmful or dangerous for the child;
2. Establish rules for identifying the forms and places of work that may be hazardous, heavy, harmful or dangerous for the child, as well as measures to be taken in this direction and responsible agencies;
3. Establish the minimum age for the employment of children, their working hours and mandatory standards of working conditions;
4. Establish an agency with labour inspection authority to which the child may apply in case of violation of his/her rights.

<sup>25</sup> It should be noted that Georgia is not obliged to implement this EU directive under the Association Agreement. However, clearly, this does not diminish its importance as an international norm.

<sup>26</sup> Information available: <http://bit.ly/3qOBLFV> [last accessed: 20.01.2021]

National legislation also addresses certain areas of child labour in terms of the child's right to be protected from adverse effects. According to the Code on the Rights of the Child, it is prohibited for a child to work in an establishment where alcoholic beverages, erotic products, toxic substances, psychotropic and narcotic drugs permitted for medical use and/or tobacco products are stored, transported, or sold, or in an establishment that operates as a gambling business or a nightclub.<sup>27</sup>

Despite some positive changes, as can be seen from the review above, domestic legislation contains a number of inaccuracies relating to working hours and conditions, therefore paragraph 3 of Labour Code of Georgia is only partially satisfied. As for other paragraphs, they can be considered fully fulfilled. In particular, on November 11, 2020, the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia adopted a decree approving a list of heavy, harmful and hazardous works for persons under the age of 18.<sup>28</sup> The decree defines heavy, harmful and hazardous work for minors as follows:

1. Heavy work is a work process that mainly affects the musculoskeletal and functional systems of the human body that ensure person's activity, which is characterized by physical and dynamic workload, the mass of load to be lifted and moved, the total number of stereotypical occupational movements, the size of static load, the form of working posture, the degree of body tilt, and the movement of the body through the space.
2. Harmful work is an occupational environment and/or a work process, which affects a person in a way that may cause, in certain conditions, occupational diseases, a temporary or permanent decrease of working capacity, an increase in the frequency of somatic and infectious diseases, and endanger the health of offspring;
3. Hazardous work is defined as an occupational environment and/or a work process that may become a cause of (an) acute disease, a sudden and severe deterioration in health, or the death of a person.

The appendix to the decree provides a list of prohibited works and risk factors for persons under the age of 18. The definitions and the list of hazardous works are fully in line with international norms (ILO Convention 182), which obliges State Parties to develop such definitions and to specify what "hazardous work" is.

On the basis of the above-mentioned decree, the Labour Inspection Service (LEPL) was authorised to carry out state supervision over the labour of juveniles. According to the Labour Conditions Inspection Department,<sup>29</sup> state oversight at this stage includes identification of alleged cases of child labour, forced labour and labour exploitation for the purpose of preventing or referring them to the relevant administrative bodies for further response. In particular, the Labour Inspection Service monitors the age of employees in the companies inspected and in case of detection of the employment of persons under 18 years of age, the cases are referred to the relevant agencies if the work environment contains a significant risk. In 2018-2020, the Labour Inspection Service detected only one case of the employment of a juvenile at high-risk, heavy, harmful and hazardous work. Considering that the Labour Inspection Service monitors only a small number of companies during the year, the above number cannot be considered an indicator of the fact that there is no child labour problem in Georgia.

<sup>27</sup> Code on the Rights of the Child, Article 63 (2).

<sup>28</sup> Information available: <http://bit.ly/36dnnzf> [last accessed: 25.01.2021]

<sup>29</sup> Letter No. KA030186714327820 from the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, 02/12/2020.

The decree approving the list of heavy, harmful and hazardous works for persons under 18 years of age also obliges the employer to assess risk factors in case of employment of a juvenile, to provide appropriate instructions and constant supervision. It is also critical to note that under the decree, juveniles are not eligible for the employment at similar works without medical examination. Until they turn 18, they shall be subject to periodic medical examination each year,<sup>30</sup> which fully complies with ILO Conventions 77 and 78.

In the process of expanding the mandate of the Labour Inspection Service, it will be important to fulfill the obligation set out in ILO Convention 138, which stipulates that national laws or regulations or the competent authority shall prescribe registers or other documents which shall be kept and made available by the employer; such registers or documents shall contain the names and ages or dates of birth. This obligation is not reflected in Georgian legislation at all. It should also be noted that even the commitments undertaken by the state under the Code on the Rights of the Child are of a general nature and there are no specific deadlines for the development of the relevant documents.

It can be said that the national legislation on child labour is partially in line with international standards. Although the Labour Code of Georgia complies with the basic principles of ILO Conventions 182 and 138, there are still a number of issues that do not comply with international norms. This mainly concerns working conditions. In particular, national legislation is either too general (creating a risk of non-compliance) or in clear conflict with international standards in terms of working hours, overtime and breaks; It should be noted that Georgia has not ratified the international norms defining working conditions (in particular, ILO Recommendation 146 and EU Directive 94/33/EC), therefore, it is important to put the ratification of these norms on the agenda and further refine Georgian legislation.

### 3. CHILD LABOUR IN GEORGIA: RESULTS OF PRACTICAL RESEARCH

In this chapter, the main findings of the practical research and present respondents' opinions will be reviewed together with experiences relating to child labour. The problems raised during survey indicate that children in Georgia often have to perform work that is inappropriate for their age or development, dangerous to their health, which violates their best interests and individual needs.

The survey made it clear that in cases of involuntary child labour, the responsible state agencies do not have an effective mechanism to tackle this issue and achieve positive results; the pandemic has made it even more challenging to meet the needs of families living in poverty; the risks of child labour have been further increased.

<sup>30</sup> Information available: <http://bit.ly/36dnnzf> [last accessed: 25.01.2021]

## 3.1. REVIEW OF CAUSES OF CHILD LABOUR

The causes of child labour in Georgia are specific and are mostly related to the socio-economic situation of the population, neglect of child's true interests and individual needs by the family, and low level of parental awareness.

Among the types of child labour, the following are common in Georgia: working in household, working on the streets, labour migration, seasonal work, alleged cases of labour exploitation and peculiar domestic work.

*“Due to the low level of education, parents cannot understand the risks posed by their children's labour. The rate of socially functioning families are low, economic poverty is high. These are the major factors.”*

*A social worker from Samtskhe-Javakheti*

The survey results indicate that the leading factors, due to which children in Georgia are often engaged in labour, are poverty and inadequate standard of living. Children living in socially vulnerable and economically poor families are, in some cases, involved in labour that is inappropriate for their age and development in order to buy food, clothes, household and educational items. Juveniles participating in the survey also spoke about the cases of child labour caused by poverty.

*“When there are too many children and when there is hardship, and when there is no work in the village, I see my schoolmates scavenging for scrap, in the winter, without wearing coats, being very very cold. They find small pieces, then they go and buy bread for their parents. They bring the money to their families. I have seen such cases, and very often these children are victims of bullying at school, they are ridiculed because their clothes are not good enough.”*

*A juvenile from Kakheti*

Low level of parental awareness on the child's needs is among the factors causing child labour. The perception of child labour by those taking care of children (parents) is, in some cases, positive; they sometimes use it as an upbringing method. Often parents do not have a proper understanding of what harm can be done to the child by being engaged in various heavy forms of labour, by imposing household labour on them during the time that should be spent on their education.

*“Parents should not force their children to go and work, but children are forced to, because their parents cannot afford to buy a pen or a notebook for school, or something else... They have no other option, they need elementary personal things, but they see that parents cannot afford it, so they are forced to go and work.”*

*A representative of a household from Kakheti*

*“The mother did not allow her juvenile child to take part in the school graduation event, nor did she let the child go to the graduation exam to get a certificate. Instead, the child was sent to work in Russia. I do not know exactly what kind of work this child is performing there. The family was socially vulnerable.”*

*A juvenile from Samtskhe-Javakheti*

*“They should be able to till the land, to certain extent. And they should also be interested in selling the tomato after they grow it. But the teacher should not take tomatoes home to cook, I would get furious about that. “*

*A representative of a household from Kakheti*

In the so-called traditional communities, the child is considered a “mini-adult”; consequently, like all adults, they are required to earn a living.

*“I have seen a family who did not have financial difficulties, but sent their 16-year-old child to work in Turkey to earn his own money for school, and this child was doomed to work literally for the whole summer; instead of letting him play or read a book, they sent him to work.”*

*A representative of a household from Adjara*

*“They get to know the taste of making money from an early age. They bring part of it home, but they spend the rest to buy drinks at an early age, or on nicotine, harmful substances, namely they spend it to live a life-threatening life that is inappropriate for their age and, of course, has a detrimental impact on them.”*

*A representative of a household from Adjara*

Children’s views relating to the involvement in labour are mixed. Some of them welcome working during their free time and consider it an acceptable practice to prepare for an independent life, while others think that it is better to spend that time on education and realization of their skills.

*“Having a job is very useful, because when a child has his/her own money and no longer needs to ask for money from parents, it is very cool in terms of financing. Education is also very important, but if there is an opportunity for a child to work at least 1-2 days a week to have some money, it is very cool. If I personally had a chance to work, I would work, in order to have my own money, then I would not have to request it from my parents. “*

*A juvenile from Kakheti*

## 3.2. CHILD LABOUR IN HOUSEHOLDS AND AGRICULTURE

The analysis of children’s labour in households shows that the socio-economic status of the family, poverty, is the determining factor. Parents do not give proper importance to the child’s rest and leisure activities, especially in families living below the poverty line. They perceive the child’s leisure and rest as a waste of time. They do not have a positive attitude towards education either. According to the respondents, the population sometimes ignores the necessity of education, especially if school and work contradict each other. In such a case, they push children into labour as it brings direct economic benefits. In addition, parents may fear that school may direct children against traditional norms, which would prevent them from fulfilling their function of “making money for the family.”<sup>31</sup> Parents in similar cases justify child labour by saying that labour helps a child develop the sense of responsibility and skills for independent life.

<sup>31</sup> Information available: <http://bit.ly/3iKHwlf> [last accessed: 20.01.2021]

Child labour in households may involve doing chores as well as farming and agricultural work, especially seasonally. According to the focus group respondents, the cases of child involvement in chores and agriculture are quite frequent in the regions.

*“The children in the village were alone involved in agricultural work, in digging up potatoes and harvesting hay in the summer, and the pandemic has no effected that.”*

*A representative of a household from Samtskhe-Javakheti*

*“In our municipality, both in the spring and in the autumn, the agricultural works were completed without any problems. The pandemic has not had any impact on the activities of the children involved.”*

*A representative a household from Samtskhe-Javakheti*

In addition, involvement in labour begins at an early age and is sometimes forced; For example, according to the survey respondents, boys are often involved in cattle farming: *“Farming is more common in our region, and mainly boys are involved in it. They take care of cattle, mow the lawn, etc. Boys are engaged in these activities from an early age. It is a hard work, of course, it is not appropriate, but there is probably no other option and they are forced to.”*<sup>32</sup>

It is common when juveniles are involved in heavy labour, which is unsuitable for their age and harmful to their health, for a long time; this may include involvement in seasonal harvesting or tilling the land.

*“My friend is in Guria, where we all know there is a citrus period now, and he helps his father carry boxes to the car and then to the trailer.”*

*A juvenile from Guria*

*“We have cases when children from the age of 16 work for private farmers as carriers during sowing and harvesting potatoes on their own free will. We do not have enough factories or companies for children to work, so they mainly work seasonally for private individuals.”*

*A representative of a household from Samtskhe-Javakheti*

Heavy forms of child labour are evident in Samtskhe-Javakheti as well, including seasonally and during the school period.

*“Seasonally, when potatoes need to be carried and then selected.. It takes about two or three months.”*

*A teacher from Samtskhe-Javakheti*

*“When they {children} go to dig up potatoes, they go very early, at 7 a.m., before the sun arises; I have seen them working on my way to school many times. They are still working when I leave at 7 p.m. They may work all day long, thus they miss classes.”*

*A teacher from Samtskhe-Javakheti*

Regular or periodic heavy forms of labour make child physically and mentally tired, which is why children, even after returning to school, are unable to engage effectively in or concentrate properly on the learning process.<sup>33</sup> According to one of the teachers participating in the focus group:

<sup>32</sup> One of the respondents (parent) from the Adjara household.

<sup>33</sup> The study also revealed cases of the worst forms of labour (for example, one respondent reported that a juvenile was involved in trucking).

*“When a child is physically loaded, he/she can no longer think mentally, this is especially easy to notice on the second, third day, but after a certain period of time, they return to the normal learning mode and are active during lessons.”*

*A teacher from Adjara*

Interviews with social workers show that in mountainous regions and villages, cases of labour exploitation outside family are less common; They say it is more common for children to be involved in domestic work. According to one of the social workers from Samtskhe-Javakheti, they are less addressed with regard to labour exploitation.

*“In our community and environment, children get used to work from the very beginning. They do not do all this by force ... “*

*A social worker from Samtskhe-Javakheti*

The survey results also show that in rural and mountainous regions, child labour may occur both in the family or in exchange for payment seasonally. Payments vary, but are often low compared to the workload. Involvement of children in seasonal farming may last for a long time or for a short period, on a daily basis.

*“Children are very involved, of course, as you know, vegetables .. autumn works.. and of course, they are involved and somehow it may look a little different, it may even be considered as exploitation by parents, but you have to look at it a little differently, because it also happens on the initiative of the child, they help their parents in earning a living, with a different attitude.”*

*A representative of a household from Samtskhe-Javakheti*

Child labour also has important gender aspects; In Georgia, the gender context of juveniles involved in agriculture and domestic work is unequal and different. For example, according to the respondents, a large percentage of girls have to work at home, at the expense of their education, rest and leisure; In some cases, parents believe that the above is girls' "debt" and obligation; Attitudes of the community are often tolerant in this regard, it has become a rule for girls to get used to doing chores.

*“You know how it is established in Georgian families: in general, girls are assigned to do woman's chores and boys are assigned to do man's work.”*

*A representative of a household from Guria*

### 3.3. WORKING ON THE STREETS AND DURING TOURIST SEASON

The survey results made it clear that during summer season, in the resort areas, there are frequent cases of children working on the beach, in various restaurants and service facilities. In the resort areas, children have to perform heavy work under conditions of high temperature, which is inappropriate for their age and physical ability; However, such activities can also be voluntary - some juveniles want to have independent financial resources for various needs.

“It is common to sell maize and other things on the beach. Children go and peddle together with their parents in the summer.”

*A representative of a household from Adjara*

*“This will have a bad effect on him, both physically and personally. At the same time, he is in a discriminatory situation compared with his peers. When selling maize, he may be seen by his classmate or friend, and therefore he may feel oppressed, and this will have a great negative impact on his personal formation and development.”*

*A representative of a household from Adjara*

Children living and working on the streets represent a particular challenge. The Public Defender has been emphasizing the seriousness of this problem and the need to address it in her annual reports.<sup>34</sup>

The UNICEF Report on Children Living and/or Working in the Streets of Georgia<sup>35</sup> identifies two subgroups of children living and working in the streets – those working together with their parents and those working independently, which also differ from each other according to where they spend nights. As a rule, all of them spend most of the day on the street, but at the end of the day, some of them return home, while others spend nights on the street. Labour is an integral part of the daily lives of children living and/or working on the streets. Peddling, theft and begging are often organized and controlled by adults. Most of these children and young people are left beyond the education system.<sup>36</sup>

*“There are children for whom this is a profession and there are children who are forced to bring money to someone in the evening. Nobody pays attention to this. They really need help. It has become a profession, each beggar makes between \$ 200 and \$ 300 every day. Then they give the money to someone ... In most cases, children and adults play begging.”*

*A representative of a household from Kakheti*

*“You have probably seen a lot of children begging, standing near the traffic lights in the evening. I urge everyone not to give them money, as thus they hope that if they go there, they will make money. This is a very big problem, it breaks my heart. Recently I have noticed 12-13-year-old girls in Telavi, new ones. When I tried to talk to one of them, she ran away.”*

*A representative of a household from Kakheti*

Among the surveyed regions, the problem of street children turned out to be most acute in Adjara - Batumi and Kobuleti, as well as in the Kakheti region, including in terms of begging for mercy, engaging in anti-social activities and peddling. In this respect, the attitudes and perceptions of the community are different, especially towards children belonging to ethnic minorities. The population, in some cases, believes that the above is common for ethnic minorities, especially in Roma-populated areas, and that combating this problem will be less effective. The cases of children working on the streets are especially frequent during the tourist season.

34 Information available: <http://bit.ly/3pqj632> [last accessed: 20.01.2021]

35 Information available: <https://uni.cf/2M8HXX1> [last accessed: 20.01.2021]

36 Ibid.

*“When we walk, we see children begging for mercy in every 5-10 meters and do you know what the attitude is? - They are not Georgians, they will go to the street anyway, I do not know who they are, Moldovans or whoever, but many of them have Georgian surnames and it does not matter what nationality or religion they represent - the streets are full of such children. The parents stand nearby and it looks like trafficking. Children beg for mercy, then the parent comes and takes the money. Until now, this had been especially intensive in the summer, but now, even under the conditions of the pandemic, even in this season, their number has significantly increased. Naturally, the reason is that the families have found themselves in a difficult situation. This has affected the children as well.”*

*A representative of a household from Adjara*

*“This is especially noticeable in the summer, homeless children spend nights on the street, beg for mercy all day long or work to carry cargo or drag heavy things on the beach, and are under high temperatures endlessly.”*

*A representative of a household from Adjara*

Working and begging on the street are mostly seasonal in the Adjara region, while in the Kakheti region the above less depends on the season. Similar cases were indicated by social workers as well, although they also pointed to the weakness of the relevant services.

The survey results also show that the involvement of juveniles in anti-social activities is widespread in big cities, while the response leverage of the state social system is quite weak:

*“It is a disease of Kobuleti that, seasonally, children go out and peddle; In many cases, they beg for mercy; The beach, in many cases, is full of children and it is difficult to deal with it, because in fact you have neither the means nor the resources nor can you be on duty for 24 hours on the beach. The worst thing is that during the tourist season they come together with their parents from other regions as well, they spend nights outside and peddle during the day.”*

*A social worker from Kobuleti*

*“Begging is the biggest problem in Gurjaani, including due to Covid. They are not protected at all and they are not controlled either, they have contact with so many people and in my opinion, it is a very big problem ... they do not even go for testing.”*

*A social worker from Kobuleti*

According to the surveyed agencies and self-governments, the registration mechanism in relation to children living and working on the streets is weak, which hinders the establishment of the real scale of the problem. Individual cases of child labour on the streets are responded mainly by mobile groups of the guardianship-care body (Tbilisi, Kutaisi) and social workers, while the municipal services in this area are limited to general programmes.

### 3.4. CHILD LABOUR MIGRATION

Labour migration is one of the most important challenges in terms of realizing the rights of the child. According to the survey, child labour migration is found in practice both seasonally and in the short and long term, while the age of children mostly ranges from 14 to 18 years.

The state monitoring and response mechanisms to cases of labour migration abroad are ineffective. Public schools fail to respond appropriately; Teachers often do not report cases of children missing school, therefore, it is not possible to detect or register similar cases in a timely manner.

*“Such families are socially vulnerable, they do not pay attention to the child’s education. There are 2-3 families that go to Turkey. Then they will not continue their education, mainly boys ... they mainly pick tea and during this pandemic they help their fathers to cut firewood. I assume they will not continue getting education.”*

*A representative of a household from Guria*

The issue of temporary labour migration is especially acute in the Guria and Adjara regions. According to the study of the Young Teachers’ Union,<sup>37</sup> seasonal labour migration from these regions to Turkey is very active and involves a large percentage of young people. 223 young people aged between 14 and 22 years were surveyed within the framework of the study, 86% of whom said that they first went to Turkey between the ages of 15 and 17 and had been doing so periodically since then.

Most of the young people go to work in tea and hazelnut plantations in Turkish cities (mainly Ordu and Rize). It is true that they mostly go there in the summer, however, during the second and subsequent visits, the cases of labour migration during the school period are more frequent. The reason for the above is the neglect of such cases by schools.<sup>38</sup>

The main factors conditioning labour migration are socio-economic problems and the needs of families living in poverty, as a result of which, parents themselves push and/or agree that their children be employed abroad for a variety of works, under conditions that are inappropriate for their age and physical development.

*“While visiting one of the places before the pandemic, I learned that an uncle was taking his nephew to Turkey for seasonal work. This child obviously had a mental retardation and I actively tried to prevent this from happening. Even the departure of mentally healthy children should be strictly controlled by the state, as this will have a detrimental effect on those whose minds are only occupied with helping their parents in physical labour.”*

*A representative of a household from Adjara*

*“When there was no pandemic, children used to be taken to Turkey to pick tea in the summer. It is believed that a child over the age of 16 is able to do this job and it is not an offence, but even 13-year-old children used to be taken to Turkey and it is unacceptable. I do not know how exactly this is written in the law, but a 13-year-old child should not work for 8-10 or 12 hours.”*

*A representative of a household from Guria*

*“Children work like slaves in Turkey in exchange for a very low payment and the relevant structures are already interested in it. They in fact don’t even get an education, as they go to work during the school period.”*

*A representative of a household from Adjara*

<sup>37</sup> Young Teachers Union (2015), “Exploring the practice of labour migration of minors from Adjara and Guria regions to Turkey”. Information available: <https://bit.ly/3ol1a8D> [last accessed: 08.02.2021]

<sup>38</sup> Ibid.

According to the survey of the Young Teachers Union, when talking about their first visit, only 2.2% of respondents said that they went to Turkey during the school period, but 13.7% said the same when speaking about their third visit. Most of the respondents (average 63%) rate working conditions as hard or very hard. The hardness of the work, in this case, implies long working days (9-10 hours a day) and continuous physical work during that time. Cases of physical and sexual violence were also mentioned. According to these characteristics, it is obvious that the labour of children and young people in Turkey contains signs of the so-called “child labour.”<sup>39</sup>

All this is proved by the present study of the Public Defender of Georgia as well. Labour migration abroad often hinders the exercise of the right to education, children are forced to miss school, in addition to being involved in labour that is inadequate for their age and physical development, they have to work in an unhealthy environment and have heavy workload. According to the respondents, children often have improper living conditions, disordered diet, sleep and rest regimes.<sup>40</sup>

Focus group respondents also spoke about the hard work of children during labour migration: *“This process {labour migration} is active. Children go to Turkey and other countries together with their parents. I have heard that they are mostly engaged in construction works, which is quite hard and hinders their education. In similar cases, they drop out of school.”* Another participant in the same focus group also noted that *“It is very hard to work there. Apart from Turkey, they also go from Kobuleti to Iraq, together with their families, where they mainly work as construction workers. It has been two years since they started to actively go to Iraq.”*

*A representative of a household from Adjara*

*“...It was terrible and in general, they had to work in factories, there was a mushroom factory. The kids and we would get up at 6 a.m. and work until 10 p.m., sometimes we would work all night long, if there was a lot of work. Locals worked from 10 a.m. to 6:30 p.m. and had twice as much payment.”*

*A representative of a household from Kakheti*

Representatives of the focus group from Samtskhe-Javakheti region also spoke about the child labour migration in the period before the pandemic:

*“We have similar cases here in Akhalkalaki, they mainly go to Russia, Yerevan, but mainly to Russia. However, now, during this period, there are delays and they cannot go anywhere. I do not have an exact answer about juveniles leaving, but I know that they used to go very periodically, systematically, mostly to Russia, because this is their source of livelihood.”*

*A local self-government representative from Samtskhe-Javakheti*

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

### 3.5. CHILD LABOUR IN FORMAL SECTOR

According to the National Statistics Office, in 2015 alone, 63.9% of working children (out of 24,400 children) was engaged in hazardous labour. In addition to hazardous work, there have been cases of: unhealthy and violent conditions (constant screaming, physical abuse), harmful work environment (dust, smoke, high temperature, cold, etc.), contact with hazardous substances, devices and/or working for a long period of time. 51.8% of children involved in child labour are between the ages of 5 and 13, which is a gross violation of any international and domestic norms. “Hazardous labour” is mainly widespread in the cities and 87.8% of children involved in it work in an environment that is harmful to their health; About 8,800 children were involved in similar work.

According to the respondents participating in the Public Defender’s survey, juveniles are involved in formal labour mostly in supermarkets, food facilities, restaurant services, hotels, small advertising services. The average age of employees mostly ranges from 15 to 18 years, although, as mentioned above, under legislation of Georgia, the working capacity of the juvenile arises from the age of 16 years.

*“We have a blueberry factory and they pick blueberries in the summer, in May and June. They go to pick blueberries and it is not a difficult work, but it is very hot in that season. They are not forced, they are volunteers. I did not let my children go.”*

*A representative of a household from Guria*

The analysis of the focus groups also made it clear that the cases of employment of juveniles in Kakheti hotels are quite frequent. Juveniles also noted that their peers were actively involved in similar activities. Several juveniles also pointed out that the labour rights of the children were protected and they were legally employed. However, the opposite cases were revealed in terms of child employment in factories, where respondents talked about the hard forms of labour.

*“When I lived in Dedoplistskaro, you know, there are factories ... wheat and so on ... children were working there, which I did not like, because they were involved in very hard labour and they were very tired; Nor was there time limit for them, for example to work for about 4 hours and then to go and rest. They worked all day long.”*

*A juvenile from Kakheti*

The employment of juveniles in tourism services and in various factories are quite common: *“My friends and I personally used to work in companies seasonally. For example, I, as well as my friend, was employed in one of the wineries as well as in the tourism sector. And others as well, I know a few of them working as waitresses, others are engaged in their own businesses from the age of 16, when they get the right to work. I personally was 16 when I started working in the summer. In the company, some, for example, already have so much experience that they now start working in organizations. I have such friends too.”*

*A juvenile from Kakheti*

*“It was seasonal, my son used to work in two companies, first he started to work in one company and then he moved to another company. There was a contract between us - the company and parents, we also signed the consent document. There were working hours, I do not*

*remember - 4 or 5, the schedule was made according to the child's will, of course, in the first half of the day. It was a very good company, because children practised foreign languages and it was a very light job, just giving directions to foreigners - in one of the travel companies."*

*A representative of a household from Kakheti*

The cases of employment under contract is relatively low in the field of child tourism. Employers often prefer to hire juveniles without arranging a contract and official documentation, without proper pay.

*"The salary is paid to the adult and the child is not registered, because the company knows that it is not possible to employ a child. If it does, it will be punished. By law, a child cannot work for a fixed salary. Well, we know that, and personally I would not agree to that."*

*A representative of a household from Kakheti*

*"I do not think they used a contract, because this business has other participants as well, mainly it is a family business... these children, adults, guides... I do not really know anything more and what I can tell you is that it is impossible to sign any kind of contract in the field of tourism. They may be asked, by chance, to accompany them as a guide, or something like that, there is nothing official."*

*A representative of a household from Kakheti*

### 3.6. CHILD LABOUR AND VIOLATION OF THE RIGHT TO EDUCATION

The right to education is a fundamental right enshrined in the Constitution of Georgia, which stipulates that elementary and basic education shall be mandatory.<sup>41</sup>

According to the National Study on Child Labour,<sup>42</sup> the employment among children aged 5-13 does not have a significant impact on their involvement in the learning process; However, with

age, the level of employment increases, while involvement in education process decreases. In particular, the dropout rate among working children is 10.1%, while for children involved in hazardous work is 16.1%. For comparison, the dropout rate among non-working children is 1.4%.<sup>43</sup>

According to the survey of the Public Defender of Georgia, the cases of missing or dropping out of school due to child labour are frequent, while the school mechanisms to prevent the above are quite scarce.

*"I know one boy at my school who has good learning skills, but physical work hinders his education and he often misses lessons. He does not attend online lessons either and therefore I would say that work cannot be coordinated with education. Under these conditions, it is more necessary to study than to work"*

*A juvenile from Samtskhe-Javakheti*

<sup>41</sup> Constitution of Georgia, Article 27 (1, 2).

<sup>42</sup> Information available: <https://bit.ly/2Ml2pqV> [last accessed: 20.01.2021]

<sup>43</sup> Ibid.

*“When we ask students how difficult it is for them, for example, to provide services, have contact with drunk people, etc, when we go into these details, caution is needed, as we may push them to close the topic even more, make it more taboo”.*

*A teacher from Kakheti*

*“The whole educational process has failed during this pandemic. This applies to schools where online lessons are held, while in other schools where no online lessons are held, the quality of education is better. During online lessons, students cannot be controlled as needed, only elementary school children can be controlled. This internet connection has a detrimental effect on children’s health.”*

*A representative of a household from Samtskhe-Javakheti*

Child labour, in addition to its heavy and often forced nature, also hinders access to education. Children have to miss school due to involvement in agricultural activities seasonally. This period can last for several weeks or even longer.

*“...The 8-9th graders are forced by their parents to work, they cannot get involved in the Teams programmes, parents force them to get involved in farming and send homework at night. I can recall quantitatively and will say that 60 percent are involved in forced agricultural activities in Kobuleti and lower areas. Seasonally this rate increases, and I cannot say that the children of Batumi are not involved, because 60 percent of my beneficiaries are taken by their parents to pick mandarins.”*

*A representative of a non-governmental organization from Adjara*

*“... From what I have observed, my classmates often had to miss school because of work. Whether it is his will or not, the law should be such that the work should not interfere with education in any way, be it a waiter, an office manager or working in a vineyard, it should not be happening during school hours.”*

*A juvenile from Kakheti*

Focus groups referred to significant gaps in terms of children’s involvement in the remote learning process as well:

*“My minor child does not attend online lessons at all. He attends them only once or twice a week. When I asked him why he did not attend online lessons, he said that online lessons were very difficult and not interesting for him. “*

*A representative of a household from Samtskhe-Javakheti*

*“... The pandemic has contributed to the increase in child abuse, both in the direction of upbringing and the undesirable practices that we are talking about {child labour}, because children are disconnected from the learning process through direct attendance and online involvement is very low.”*

*A representative of a non-governmental organization from Guria*

The example of Adjara is also noteworthy. In particular, the respondent said: *“I was studying the needs of boarding school children in the Adjara region. We interviewed 250 respondents and it was found out that 70 percent of them could not be involved in the school process. The*

*involvement that they described cannot be called a full involvement. Of course, it raised a suspicion that, when these children did not have the internet, they were involved in domestic work, farming, etc.*

*A representative of a non-governmental organization from Guria*

Recording the cases of students' non-attendance by a teacher is considered a measure of responding to the problem; however, in some cases, teachers "hide" the cases of non-attendance and do not always record them in a class register. The student status is terminated and he/she is expelled from school in case he/she misses 90 school days in a row.<sup>44</sup>

*"When the city is full, the villages are full of tourists, when restaurants and hotels are full, they think of these little girls and boys as cheap labour. This is usually the reason for which they miss school. There are cases when students fall asleep during the lesson as they worked till late the previous day, I mean the hotels and restaurants, where these kids are involved. However, the students are also shy to share this with you, because this job is more important to them as a source of income, so they are cautious and prefer to hide this information."*

*A teacher from Kakheti*

The cases listed above clearly show how frequent and big the problem of missing or dropping out of school is and how children are prevented from getting full and quality education due to various economic activities.

The problem of school dropout has been indicated in the annual parliamentary reports of the Public Defender as well.<sup>45</sup> According to these reports, the school dropout rate is not fully accounted for, indicating the relevant reasons why official statistics do not reflect the scale of the situation in the country. It should be noted that according to the Ministry of Education, Science, Culture and Sports, 293 children dropped out of school in 2020 due to work.<sup>46</sup> In the regional context, the highest dropout rates for the above reason are observed in Kakheti and Kvemo Kartli, although as focus group meetings showed, teachers often do not record non-attendance, which indicates the unreliability of the relevant data.

### 3.7. IMPACT OF COVID-19 ON CHILD LABOUR

The economic and social crisis caused by the Covid-19 pandemic is particularly acute for juveniles and families with children, who are at risk of poverty. According to the International Labour Organization, up to 66 million children may be in extreme poverty worldwide due to the pandemic.

The United Nations Children's Fund and the International Labour Organization talk about the main reasons of why the coronavirus pandemic will further deepen the negative practice of child labour in various countries. First of all, the delay in receiving education is a problem: as a result of remote learning, children may spend more time on domestic work. Households that have lost their source of income as a result of the crisis may use child labour more actively. Children representing ethnic minorities or other marginalized groups, children living and work-

<sup>44</sup> An interview with a representative of the Ministry of Education and Science of Georgia made it clear that it is planned to reduce 90 school days to 45 days in order to make it a more reasonable period in practice.

<sup>45</sup> Information available: <https://bit.ly/3ol1a8D> [last accessed: 20.01.2021]

<sup>46</sup> Letter No. MES 1210000075489 from the Ministry of Education and Science of Georgia, 08/02/2021.

ing on the streets, homeless, displaced children and refugees are at particular risk. It should be underlined that the pressure on girls to engage in chores increases under the conditions of being stuck at home.<sup>47</sup>

In the light of these threats, UNICEF calls on governments to take steps to provide children with food, water, sanitation and hygiene items (especially for vulnerable groups), maintain a high level of involvement in education, and help families cope with financial problems (e.g. through financial transfers) and protect children from exploitation and violence.

The Covid-19-related problems, such as further impoverishment of families living in poverty, job losses, problems in the education sector, etc, have left even more children in poverty and poor living conditions in Georgia and increased the risk of informal employment, including during school hours.

Some of the respondents surveyed within the framework of the present study noted that due to the Covid-19 pandemic, the population were unable to go to the neighboring countries and children were also afraid to go, for example, to Turkey, which indicates a decrease in labour migration for a short period.

*“It was more frequent before the pandemic, they used to go every summer to pick tea, nuts. I know many who work, they take a leave in the summer and go to Turkey to work there together with their children. In fact, instead of resting, they burden their children with labour in order to bring extra two kopecks home.”*

*A representative of a household from Adjara*

## 3.8. EFFECTIVENESS OF STATE AND MUNICIPAL SERVICES

Cases of child labour, especially the worst forms of labour, require increased efforts from the state agencies to develop effective and adequate response mechanisms.

There are two national shelters for children involved in labour and/or affected by labour activities, which provide 24-hour service to beneficiaries and are designed for both adults and juveniles. The shelters provide the services of a psychologist, social worker and lawyer for juveniles. Beneficiaries of the shelters are mostly children over the age of 10 and adults, although children under the age of 10 may also be placed in the shelter, as an exception and temporarily, before being placed in proper care.<sup>48</sup>

A compensation of GEL 1000 is provided for the victims of labour trafficking.<sup>49</sup>

Mobile groups, consisting of a social worker, psychologist, peer educator and driver, respond to cases relating to children living and working on streets on weekdays, but they do not operate in all big cities (they operate in 3 cities - Tbilisi, Rustavi and Kutaisi). Mobile groups do not operate in big cities such as Batumi, Kobuleti, Telavi, Akhaltsikhe, etc; However, in these cities, especially in Batumi, the issue of children living and working on the streets is quite acute

<sup>47</sup> Information available: <http://bit.ly/3pjAiaf> [last accessed: 20.01.2021].

<sup>48</sup> For example, the foster care subprogram, the small group home service.

<sup>49</sup> According to a representative of the guardianship-care body.

and problematic seasonally.

Social workers working with homeless children and other members of the mobile group are actively involved in the process of working with children living and working on the streets. During fieldwork and/or on the basis of incoming messages, they try to identify and obtain information about their families, carers. It is a difficult process to gain their trust and establish relationship with them. Social workers working in this field often face many obstacles, especially in case of ethnic minorities, as families often refuse to cooperate with specialists and professional intervention is complicated.

Children living and working on the streets are offered shelters and day care centers intended for orphans. However, this cannot be considered an effective means of prevention or rehabilitation, as in most cases, children return to the streets again. In this process, the guardianship-care body cooperates with the relevant units of the Ministry of Internal Affairs of Georgia and Children's Referral Center of the Ministry of Justice. They make individual assessments and identify needs together, in the context of intersectoral meetings.

The Agency for State Care and Assistance to Victims of Human Trafficking (LEPL), together with various specialists, carries out interventions with juvenile victims of labour exploitation. Primary intervention in the case, protection of juvenile's safety, determination of the form of care (if necessary), involvement of support specialists, planning and implementation of support and strengthening measures, are based on professional analysis. Social workers, together with other participating specialists, assess the juvenile, his/her family and environment, use holistic and systemic approaches, outline biological, psychological and social aspects, evaluate and develop an action plan. Depending on the trauma suffered by the juvenile and the length of the rehabilitation process, the need for intervention is individual in each case and so is its duration. However, it should be noted that the legislation needs to be refined and support tools tailored to the prevention component should be created to enhance community services and rehabilitation/integration process.

The supervision and service levers of the state and municipal agencies are particularly problematic in the following areas:

- Timely identification of risks of heavy, worst forms of labour, its problems/causes, detection of cases and identification of children involved in labour;
- Effective and appropriate response to cases identified, assessment of the needs of child victims and identification of their best interests, by using multidisciplinary approach; Effective work in this regard is also hindered by the problem of overload of social workers in the local offices of guardianship-care body and the lack of resources, as well as problems relating to child-friendly physical environment tailored to the best interests and needs of the child;
- Monitoring and assessment of further development of a case, especially when it is necessary to establish whether the child victim of labour exploitation returned to the educational process, whether his/her social integration is effective, whether his/her health needs are satisfied, and whether there are recurring risks of engaging in labour activities.

The resources in the field of child labour are also quite limited on local governmental level. According to the results of the study, specific services or programmes that would help

prevent child labour or eliminate its causes at the municipal level are insufficient. However, it should be noted that within the framework of the commitments under the Code on the Rights of the Child, individual municipalities have actively started to work in this area. Special staff has been appointed to oversee the child protection support system at the local level, including in the mountainous regions. For example, the Khulo municipality administration has established a child protection and support unit, which is responsible for studying the needs of juveniles and assisting them at the local level, within its competence.

## CONCLUSION

The findings of the study indicate that child labour is an acute and pressing issue in Georgia. This problem is insufficiently studied and requires in-depth research. Along with the lack of empirical data, Georgian legislation does not fully comply with international standards, which makes children even more vulnerable in terms of involvement in child labour.

The analysis of the present research shows that children in Georgia are involved in various labour activities due to poverty, poor living standards and other factors, which significantly hinders the enjoyment of their fundamental rights, including rights to education, health, development, leisure and rest. State and municipal services in the field of child labour are scarce and insufficient; Due to the ineffective response mechanism, children are unable to access the services they need.

## RECOMMENDATIONS

### To the Parliament of Georgia:

- Further detail the norms regulating the working hours and breaks for juveniles in the Labour Code of Georgia in order to harmonize it with international standards;
- Due to the fact that international standards do not allow overtime work of juveniles, revise national legislation and, as possible, limit the overtime work of juveniles, in order to make it consistent with international standards;
- Impose additional responsibilities on employers in relation to the employment of juveniles, such as, for example, maintaining a register, ensuring the safety of working conditions, assessing risks and providing relevant instruction for the employed juveniles.

### **To the Government of Georgia:**

- In accordance with the Code on the Rights of the Child, develop, at the central level, a child labour policy document and relevant tools for its effective implementation in practice, both for the municipalities and government agencies;
- Revise national legislation to better address child labour safety and health issues by strengthening the role of national centers for disease control and public health, primary health care centers; To prevent child labour, develop a health risk assessment document protecting children at work from heavy, harmful and hazardous affects.

### **To the Agency for State Care and Assistance to Victims of Human Trafficking (LEPL):**

- Take efficient and active measures in response to the cases and reports on child labour, including by taking effective response measures in a timely manner in every case, identifying the juvenile affected and, if necessary, referring him/her to a responsible agency and/or a psychologist;
- Within the scope of its competence, plan effective measures for the prevention and elimination of child labour; inter alia, on the basis of a multidisciplinary approach, with participation of a social worker and a psychologist, individually assess the needs of children involved in labour, pay due attention to the monitoring of the situation of children affected by heavy forms of labour;
- In the context of the Covid-19 pandemic, pay special attention to the risk groups of families with children, in the direction of their social empowerment.

### **To the Ministry of Education and Science of Georgia:**

- Strengthen the supervision of educational process and accurate recording of students' attendance in general educational institutions;
- Ensure the referral of the cases of school non-attendance due to child labour;
- Plan information campaigns for the prevention of child labour, especially the heavy and worst forms of labour;
- Integrate child labour issues as an educational topic into the school curriculum, within the teacher's hour and/or as an independent activity.

