



Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

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Refugee Documentation Centre

Country Marriage Pack

GEORGIA

Disclaimer

Country Marriage Packs (CMPs) are prepared by researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. CMPs contain a selection of representative links to and excerpts from sources under a number of categories for use as Country of Origin Information. Links are correct at the time of publication. Please note that CMPs are not, and do not purport to be, exhaustive with regard to conditions in the countries surveyed or conclusive as to the merit of any particular claim to refugee status or protection.

1. Types of Marriage

Civil Marriages

The Department of Public Registry of the Public Service Development Agency noted on their website:

“Marriage may be registered at wedding houses, any branch of the Public Service Development Agency and Public Service Hall. Marriage registration may be held in a festive atmosphere in Wedding Houses in Tbilisi, Batumi, Kutaisi, Rustavi, Signaghi, Akhaltsikhe and Mtskheta. Upon citizens’ request, marriage registration may be held outside a building, in any place and at any time.” (The Department of Public Registry of the Public Service Development Agency (undated) *Marriage Registration*)

Religious Marriages

See Civil Marriages.

Traditional/Other Marriages

The *United States Department of State* reports:

“Early and Forced Marriage: The legal minimum age for marriage for both men and women is 18. Forced marriage of an individual under the age of 18 was punishable by two to four years’ imprisonment. As of September the Public Defender’s Office reported it was reviewing 11 instances of potential early marriage and that two investigations had been launched by the Chief

Prosecutor's Office of alleged forced marriage. In December 2015 the government abolished the exception allowing parents or guardians to authorize marriage at 16. Reports of child marriages continued throughout the year, although there were no official statistics. Child marriages reportedly occurred more frequently among certain ethnic and religious groups." (US Department of State (3 March 2017) *2016 Country Reports on Human Rights Practices – Georgia*)

Proxy Marriage

No information could be found on Proxy Marriage among sources available to the RDC.

2. Formalities of Marriage (Consent, Minimum Age and Registration of Marriage)

The *UN Committee on the Rights of the Child* refers to the minimum age for marriage and provides an update on what is mentioned in the Civil Code below:

"It also welcomes the adoption of numerous legislative acts and institutional and policy measures, including the revision of the social assistance system to make it more child-sensitive and the adoption of the Juvenile Justice Code, both in June 2015, and the revision of the Civil Code in December 2015, abolishing exceptions to the minimum age for marriage, which is set at 18 years." (UN Committee on the Rights of the Child (9 March 2017) *Concluding observations on the fourth periodic report of Georgia*)

The *UN Human Rights Council* noted under the heading 'Sale of Children' – Child Marriage:

"Child marriage persists in Georgia among certain ethnic and religious minorities and in some rural areas. The Special Rapporteur noted that no comprehensive and up-to-date research has been conducted on the scope of child marriage, its practices and consequences." (UN Human Rights Council (21 December 2016) *Report of the Special Rapporteur on the sale of children, child prostitution and child pornography on her visit to Georgia*)

The *Institute for War and Peace Reporting* noted in November 2015:

"According to Lela Bakradze, UNFPA's assistant representative in Georgia, "Many early marriages, where the bride is not 16 years old, are performed by the church or the mosque and are often not officially registered [later on]."

Tamar Dekanosidze, a strategic litigation lawyer with the Georgian Young Lawyers' Association, adds that the widespread practice of cohabitation, where marriage is not registered with the civil authorities, leaves the government without a full picture, especially concerning minors.

"The amendments passed on the marriage law are important steps," said Dekanosidze. "But this is only a beginning. In the future, the number '16'

should not remain in the law. The legislative base needs to eliminate even the slightest possibility of underage marriage.”

Some politicians agree that marriage under 18 should be banned.” (Institute for War and Peace Reporting (November 2015) *Georgia Tightens Up on Early Marriage*)

The *Civil Code of Georgia* states:

“Article 1108 - Marriageable age

1. Marriage shall be permitted from the age of 18.
2. The marriage of a minor who has reached the age of 16 shall be permitted with the consent of his/her parents or custodian and the marriage of an adult of limited capacity to contract shall be permitted with a prior written consent of his/her custodian.
3. If the parents or the custodian withhold consent or if it is impossible to obtain a consent, a court may grant a permission to marry based on the application of the persons to be married, provided there are valid reasons for it. (Republic of Georgia (1 January 1997) *Civil Code of Georgia (Official consolidated version containing amendments up to October 2014)*)

The *Social Institutions & Gender Index* states:

“The Georgian civil code requires the free consent of both spouses for marriage, and the law sets the minimum age for marriage at 18 years for both men and women. In exceptional (unspecified) circumstances, marriage may be authorised from the age of 16 years.” (Social Institutions & Gender Index (Undated) *Gender Equality in Georgia*)

The *UN Human Rights Council* state under section 4 Right to marriage and family life:

“JS2 noted that during and after divorce, women face violations of their economic rights if their marriage is not registered officially. According to official data more than 50 per cent of marriages are without official registration.” (UN Human Rights Council (15 November 2010) *Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1*)

3. Divorce

The *Civil Code of Georgia* noted in Chapter Two ‘Termination of Marriage’:

Article 1123 – Exclusion of a divorce

1. If there is a dispute between spouses, the divorce shall be obtained through legal proceedings, in other cases, in a civil registration authority.
2. During the pregnancy of the wife and within one year after the birth of a child, the husband has no right to file for divorce without the wife’s consent.

Article 1127 - Judicial hearing of divorce cases

1. A court shall hear divorce cases under adversary proceedings established by the Civil Procedure Code of Georgia.
2. The court shall take measures to reconcile the spouses. It may adjourn the hearing and fix a period of a maximum of six months for reconciliation of the spouses.
3. A divorce shall be granted if the court finds that it is no longer possible for the spouses to live together and preserve the family despite the reconciliation measures taken.
4. When delivering a divorce decision, the court shall, if necessary, take actions to safeguard the interests of the minor children and a disabled spouse..." (Republic of Georgia (1 January 1997) *Civil Code of Georgia* (Official consolidated version containing amendments up to October 2014))

The Department of Public Registry of the Public Service Development Agency noted on their website:

"Divorce is a ground of termination of marriage of spouses. Divorce may be registered in any branch of the Public Service Development Agency or Public Service Hall.

Divorce is registered

1. On the basis of joint application of spouses who intend to divorce;
2. On the basis of application of one of spouses if:
 - 3.a) A court decision on divorce is available;
 - 4.b) Court has declared a spouse missing;
 - 5.c) Court has declared a spouse incapable;
 - 6.d) A spouse was convicted of a crime and sentenced to at least three years in prison.

If divorce is registered by a representative, documents to be additionally submitted are

- Power of attorney (duly certified);
- Document certifying the identity of representative (ID card or passport).

Documents required to register divorce on the basis of joint application of spouses

- Joint written application of spouses;
- Documents certifying the identity of spouses;
- Marriage certificate. (The Department of Public Registry of the Public Service Development Agency (undated) *Divorce Registration*)

The UN Committee on the Elimination of Discrimination Against Women states:

"Spouses have equal personal and property rights. Divorce takes place via court, if the spouses have a dispute. In other cases, divorce is registered by the Civil Registry Agency. If one of the spouses wishes to get back their pre-marriage last name, they shall apply to the Civil Registry Agency with this request at the time of divorce. The legislation limits a right of a husband to file divorce without the wife's consent during wife's pregnancy and during one year after the child is born." (UN Committee on the Elimination of

Discrimination Against Women (11 October 2012) *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women Combined fourth and fifth periodic reports of States parties Georgia*)

4. Marriage between Non Nationals and Nationals

The Department of Public Registry of the Public Service Development Agency noted on their website:

“If a seeker of marriage registration is a foreign citizen, the Agency may accept a foreign citizen’s passport without Georgian translation if his/her personal data in the passport is transliterated in Latin alphabet. A document issued (certified) in a foreign country shall be submitted after being duly legalized or apostilled in accordance with a corresponding rule, and shall be enclosed with a duly notarized Georgian translation unless otherwise provided by an international treaty or agreement of Georgia. To register marriage in Georgia, a foreign citizen must submit a document evidencing the legal ground of his/her stay in Georgia.” *The Department of Public Registry of the Public Service Development Agency (undated) Marriage Registration*)

The Law on the Republic of Georgia noted under Article 16. Marriage and family relations:

“Foreigners in the Republic of Georgia may contract and dissolve a marriage with citizens of Georgia and other persons in accordance with the legislation of the Republic of Georgia.

Foreigners in the Republic of Georgia have the same rights and duties in marriage and family relations as citizens of Georgia.” (Government of Georgia (1998) *Law on the Republic of Georgia*)

Gov.UK has an online questionnaire which will advise the following:

- which documents you can get
- how to apply for them
- if you can deposit your certificate with the General Register Office (GRO) in the UK.

It is available at: <https://www.gov.uk/marriage-abroad>

References

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