



# Convention on the Rights of the Child

Distr.: General  
6 March 2020

Original: English

## Committee on the Rights of the Child

### Decision adopted by the Committee under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, concerning communication No. 45/2018\* \*\*

<i>Communication submitted by:</i>	Anna Arganashvili
<i>Alleged victim:</i>	M.D.
<i>State party:</i>	Georgia
<i>Date of communication:</i>	30 January 2018
<i>Subject matter:</i>	Isolation of children by parents at home
<i>Substantive issues:</i>	Protection of the child from physical or mental violence, injury or abuse; right to education
<i>Articles of the Convention:</i>	19 and 28

1. The author of the communication is a member of the non-governmental organization Partnership for Human Rights. She files the communication on behalf of M.D., who was born in 2010 and is the youngest of eight siblings, five of whom were minors at the time of the submission of the communication. She claims that M.D. is a victim of a violation by the State party of articles 19 and 28 of the Convention. She contends that M.D.'s parents have kept her and her seven siblings isolated in their house, in a village in the Lentekhi region of Georgia, with no external contact or visits since 2010. The children are not allowed to attend school. They are authorized to leave the house only in order to attend medical appointments and accompanied by their parents. In that regard, the author notes that two of M.D.'s siblings suffer from diabetes and have regular medical appointments. In 2010, several teachers attempted to visit the house in order to instruct the children at home but the parents did not allow them to do so. By decision of the Lentekhi Regional Court of 2 June 2011, parental rights were restricted and the children were placed under the guardianship of the Social Service Agency. However, the author alleges that this decision has not been enforced. After having visited the house several times, staff of the social services considered that the children should not be removed from the house. They noted that there was no evidence of physical violence against the children, who showed attachment to their parents. The family was receiving financial aid and food vouchers from the Government for being under the poverty line. The author notes that she could not exhaust domestic remedies in the present case because the Social Service Agency was the only entity that could

\* Adopted by the Committee at its eighty-third session (20 January–7 February 2020).

\*\* The following members of the Committee participated in the consideration of the communication: Suzanne Aho Assouma, Aissatou Alassane Sidikou, Amal Salman Aldoseri, Hynd Ayoubi Idrissi, Bragi Gudbrandsson, Philip Jaffe, Olga A. Khazova, Cephaz Lumina, Gehad Madi, Faith Marshall-Harris, Benyam Dawit Mezmur, Clarence Nelson, Mikiko Otani, Luis Ernesto Pedernera Reyna, José Ángel Rodríguez Reyes, Ann Marie Skelton, Velina Todorova and Renate Winter.



represent the children and file a complaint on their behalf. However, the Agency was not acting in their best interests. Similarly, the author could not access the alleged victim in order to obtain her consent to represent her before the Committee because she was being kept in isolation by her parents.

2. In its submission of 17 September 2018, the State party informed the Committee that M.D.'s parents had been providing home education to their children, despite the unsuccessful attempts of the social workers who had regularly visited them to convey the importance of social integration for the children's development. On 16 February 2012, the Lentekhi Regional Court restored the representation rights of the parents on the basis that the family had accepted that a local schoolteacher supervise the children's learning process. On 29 January 2018, the Lentekhi Regional Department of the Ministry of Internal Affairs initiated an investigation into allegations of acts of coercion by M.D.'s father against his family members. Based on the resulting report on the investigation, the Prosecutor's Office brought a motion before the Court. By judicial decision of 13 August 2018, M.D.'s father was arrested and, as a result, M.D., together with her mother and siblings, were transferred to the crisis centre of the State Fund for Protection and Assistance of Victims of Human Trafficking in Tbilisi. As victims of domestic violence, they receive accommodation, psychological and social rehabilitation, medical care and legal assistance on issues related to domestic violence. Through the State Fund, efforts are being made to enrol the children into educational institutions. Therefore, the State party has requested that consideration of the communication be discontinued.

3. On 29 July 2019, the author agreed to discontinue consideration of the present communication.

4. At a meeting on 7 February 2020, the Committee, having considered the State party's request, decided to discontinue consideration of communication No. 45/2018, in accordance with rule 26 of its rules of procedure under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

---