



Convention on the Rights of the Child

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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. 112/2020* **

<i>Communication submitted by:</i>	I.A. (represented by counsel, Anna Arganashvili of Partnership for Human Rights)
<i>Alleged victim:</i>	The author
<i>State party:</i>	Georgia
<i>Date of communication:</i>	28 November 2019
<i>Date of decision:</i>	24 May 2024
<i>Subject matter:</i>	Denial of victim status to autistic boy by the domestic authorities in the criminal proceedings brought against his father on charges of domestic violence
<i>Articles of the Convention:</i>	2, 12 and 19

1. The author of the communication, dated 28 November 2019, is I.A., a national of Georgia born on 4 April 2010. He claims to be a victim of violations by the State party of articles 2, 12 and 19 of the Convention. The Convention entered into force for the State party on 2 June 1994. The author is represented by counsel.

2. I.A. is a nine-year-old boy with disabilities, who has been diagnosed with autism and an intellectual disability. He is unable to speak or communicate. He claims that his father did not accept his disability and subjected him to corporal punishment on the basis of his religious beliefs, namely that children should be punished for bad behaviour. I.A.'s mother was occasionally beaten by his father if she tried to protect I.A. from physical abuse.

3. In September 2018, I.A.'s parents separated, and his mother reported the father's abuse to the police. On 10 September 2018, the police issued a restraining order against I.A.'s father, and on 17 September 2018, the prosecutor opened a criminal investigation. I.A.'s father was subsequently charged with domestic violence and threats against his ex-wife.

4. On 19 February 2019, the prosecutor granted victim status to I.A.'s mother. However, the authorities did not grant victim status to the author or to his two sisters (M.A. and A.A.), despite the fact that they had witnessed the abuse against their mother and that I.A. himself had been subjected to physical violence on multiple occasions. On 9 August 2019, the author

* Adopted by the Committee at its ninety-sixth session (6–24 May 2024).

** The following members of the Committee participated in the examination of the communication: Suzanne Aho, Thuwayba Al Barwani, Aïssatou Alassane Sidikou, Hynd Ayoubi Idrissi, Mary Beloff, Rinchen Chopel, Rosaria Correa, Bragi Gudbrandsson, Philip Jaffé, Otani Mikiko, Luis Ernesto Pedernera Reyna, Ann Skelton, Velina Todorova, Benoit Van Keirsbilck and Ratou Zara.



submitted a petition requesting the prosecutor to acknowledge his and his sisters' victim status. Subsequently, the author filed a complaint with Tbilisi City Court based on the prosecutor's failure to acknowledge the victim status of the three children. On 9 September 2019, the superior prosecutor granted victim status only to M.A. and A.A. In the resolution, it was stated that there was not enough evidence to conclude that the father's behaviour towards I.A. had caused him physical or emotional suffering, which is a necessary element of the crime in question, and accordingly it was not possible to acknowledge in the resolution the author's victim status.

5. According to the author, his condition, namely his inability to communicate verbally, led the prosecutor to assume that there was not enough evidence to establish that he had experienced suffering as a result of the physical violence against him. The prosecutor also did not take into account the fact that the author had witnessed his father's violent acts towards his mother, causing him psychological trauma. In contrast, this was recognized in the case of his sisters; in fact, his sisters were granted victim status on this very ground. The author was therefore treated differently from his sisters on the basis of his disability. Tbilisi City Court upheld the prosecutor's decision.

6. On 12 February 2020, pursuant to article 6 of the Optional Protocol, the Committee, acting through its Working Group on communications, registered the communication. On 21 August 2020, the State party provided its observations on the admissibility and the merits.

7. On 7 January 2021, the author submitted his comments on the State party's observations on the admissibility and the merits, and on 7 May 2021, the State party requested the Committee to discontinue its consideration of the communication, as I.A. had been granted victim status on 29 March 2021, according to a decision of the prosecutor and on the basis of additional evidence obtained during the investigation. On 7 July 2021, the author submitted additional comments on the State party's submission and confirmed that he had indeed been granted victim status.

8. At its meeting on 24 May 2024, the Committee, having considered the State party's request and having noted that the matter had been resolved, decided to discontinue its consideration of communication No. 112/2020, 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.
