

COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-eighth session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

Concluding Observations: GEORGIA

1. The Committee considered the third periodic report of the Republic of Georgia (CRC/C/GEO/3) at its 1316th and 1317th meetings (see CRC/C/SR.1316 and 1317), held on 20 May 2008, and adopted, at the 1342nd meeting, held on 6 June 2008, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's third periodic report, which gave a clear overview of the situation of children in the State party and the written replies to the list of issues (CRC/C/GEO/Q/3/Add.1). The Committee further notes with appreciation the open and constructive dialogue with the multi-sectoral delegation of the State party.

B. Follow-up measures and progress achieved by the State party

3. The Committee notes with appreciation the legislative and programmatic measures taken with a view to implementing the Convention, including:
 - a) The Law on Combating Domestic Violence, Prevention of and Support to Victims, in June 2006;
 - b) The Law on Adoption, in May 2008;
 - c) The Safe School Programme, aimed to reduce violence on and off school premises, introduced in 2007; and
 - d) The Action Plan for Child Care (2008-2011).
4. The Committee also welcomes the ratification/accession by the State party to:
 - a) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on 28 June 2005;

- b) The Council of Europe Convention on Action against Trafficking in Human Beings, on 14 March 2007;
- c) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, on 4 September 2006;
- d) The Framework Convention for the Protection of National Minorities, on 22 December 2005;
- e) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 9 August 2005; and
- f) The Rome Statute of the International Criminal Court, on 28 June 2002;

C. Factors and difficulties impeding the implementation of the Convention

- 5. The Committee notes that the *de facto* lack of control by the State party over Abkhazia and South Ossetia/Tskhinvali region is a serious obstacle for the State party in the implementation of the Convention in those regions.

D. Principal areas of concern and recommendations

1. General measures of implementation (arts. 4, 42 and 44, paragraph 6 of the Convention)

Committee's previous recommendations

- 6. The Committee notes that several concerns and recommendations made upon the consideration of the State party's second periodic report (CRC/C/15/Add.222) have been addressed. However, it regrets that some of its concerns and recommendations have been insufficiently or only partly addressed, including those related to: legislation; allocation of resources; reduction of poverty; social security and services; internally displaced children; street children; and juvenile justice.
- 7. **The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the second periodic report that have not yet been implemented or sufficiently implemented and to provide adequate follow-up to the recommendations contained in the present concluding observations on the third periodic report.**

Coordination

- 8. The Committee regrets that there is no mechanism responsible for the coordination and evaluation of the implementation of the Convention in the State party.
- 9. **The Committee recommends the State party to allocate principal responsibility for the coordination and evaluation of implementation of the Convention to a single mechanism and provide regular and adequate**

financial and human resources in order for it to comprehensively coordinate children's rights.

National Plan of Action

10. While welcoming the adoption of the National Action Plan for Child Care for 2008-2011, the Committee regrets that it does not cover all areas of the Convention. The Committee also regrets that the previous National Plan of Action for Children (2002-2003) was not implemented due to insufficient financial backing from the state budget.
11. **The Committee encourages the State party to adopt a comprehensive action plan that covers all areas of the Convention and ensure cross-sectoral implementation of the Convention, in consultation with civil society and all sectors involved in the promotion and protection of children's rights. In this regard, the Committee encourages the State party to take into account the principles and provisions of the Convention as well as the outcome document of the 2002 General Assembly special session on children, "A world fit for children" and its mid-term review of 2007. The Committee further urges the State party to allocate sufficient financial resources to the action plan to ensure its full and effective implementation.**

Independent Monitoring

12. While welcoming the establishment of the Child's Rights Centre of the Office of the Public Defender and its role in the protection of the rights of the child, the Committee regrets that the Child Rights Centre does not have adequate human and financial resources to fulfil its mandate throughout the country. The Committee is also concerned that the reports and the recommendations of the Child's Rights Centre are not considered in a timely fashion by Parliament. The Committee is further concerned about the inability of the Child's Rights Centre to have unhampered access to children in state institutions.
13. **The Committee recommends that the State party secure the necessary human and financial resources to enable the Child's Rights Centre, to adequately execute its mandate throughout the country and that it be provided with unhampered access to all institutions caring for children. The Committee further recommends that the State party consider reports and recommendations of the Child's Rights Centre and respond to them in a timely manner. In this regard, the Committee draws the attention of the State party to the general comment No. 2 (CRC/GC/2002/2) on the role of independent national human rights institutions in the protection and promotion of the rights of the child.**
14. **The Committee urges the State party to take the necessary measures to establish an independent complaint mechanism that is easily accessible to and user-friendly for all children, to deal with complaints of violations of their rights and to provide remedies for such violations.**

Data collection

15. The Committee, while noting that the State Department for Statistics under the Ministry of Economic Development is responsible for comprehensive data collection, remains concerned that the lack of reliable statistics on children are hampering effective follow-up or evaluation of the implementation of the Convention. The Committee is particularly concerned that disaggregated data and analytic information in important areas of the Convention are not available such as on children with disabilities, refugee and internally displaced children, child abuse and neglect, children who are victims of sexual exploitation, including prostitution, pornography and trafficking, substance abuse and children working and/or living in streets.
16. **The Committee reiterates its recommendation that the State party continue and strengthen its efforts to develop a comprehensive system of collection of data on the implementation of the Convention. The data should cover all children below the age of 18 years and be disaggregated by sex, with particular attention to groups of children who are in need of special protection. The Committee encourages the State party to further its cooperation with UNICEF in this regard.**

Dissemination of the Convention and Training

17. The Committee welcomes the efforts undertaken by the State party, with the support of UNICEF, to increase the awareness of the Convention, by, *inter alia*, including the principles and provisions of the Convention in the National Curriculum as part of civic education, and ensuring that all judges involved in criminal proceedings involving minors are specially trained in child rights. However, the Committee remains concerned that systematic training is still lacking for all professionals working with and for children, in particular on the duties and responsibilities stemming from the Convention.
18. **The Committee encourages the State party to continue to strengthen its efforts to provide adequate and systematic training and/or sensitisation on children's rights of professional groups working with and for children, including law enforcement officials, as well as judges, lawyers, health personnel, teachers, social workers, school administrators and others as required.**

Cooperation with civil society

19. While noting the existence of an active civil society in Georgia, the Committee notes with regret that insufficient efforts have been made to support civil society as partners in the implementation of the Convention, and to involve NGOs in the preparation of the third periodic report to the Committee.
20. **The Committee recommends that the State party encourage and support the active and systematic involvement of civil society, including NGOs, in the promotion and implementation of children's rights, including, *inter alia*, their**

participation in the follow-up to the concluding observations of the Committee and in the reporting process.

2. General Principles

(arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

21. The Committee is concerned that, despite the Constitutional and other guarantees, the principle of non-discrimination is not fully respected in practice with certain groups of children, including, *inter alia*, for children belonging to minorities; children with disabilities; refugee and asylum-seeking children; children who are internally displaced; children of disadvantaged families; street children; children in juvenile justice system and children living in rural or remote areas. The Committee also notes with concern that girls in particular are disproportionately affected, due to gender-discrimination,
22. **The Committee recommends that the State party increase its efforts to monitor and ensure implementation of existing laws guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention. It also recommends the collection of appropriate disaggregated data to enable monitoring of discrimination against children, including those belonging to the above-mentioned vulnerable groups, and in particular, girls, with a view to developing comprehensive strategies aimed at ending all forms of discrimination.**

Best interests of the child

23. The Committee is concerned that procedures to determine the best interest of the child (article 3) are lacking in the laws and the decision-making processes of the State party on matter relating to children, particularly in the areas of juvenile justice and adoption.
24. **The Committee recommends that the State party fully incorporate the principle of the best interests of the child in all programmes, policies, judicial and administrative proceedings, including in the implementation of national action plans.**

Respect for the views of the child

25. The Committee notes with appreciation the State party's efforts to promote and respect children's right to freely express their views and to participate in society, including the amendments being made to the Code of Ethics for Teachers and Students in the 2008-9 academic year. However, the Committee is concerned that the State party's efforts to promote the right to participation of those children who belong to vulnerable groups, including internally displaced children, have been insufficient, particularly in civil, judicial and administrative procedures. The

Committee also regrets that children's forums for participation and decision making for matters affecting them, such as the Youth Parliament, are no longer supported by the State party. The Committee further notes with concern that the traditional attitudes in Georgian society may limit children's right to freely express their views within the family, in schools and in the community at large.

26. The Committee recommends that the State party, taking into account the recommendations adopted by the Committee after the Day of General Discussion on the right of the child to be heard in 2006:

- a) **Further promote, facilitate and implement in practice, within the family, schools, the community level, in institutions as well as in civil, judicial and administrative procedures, the principle of respect for the views of children and their full participation in all matters affecting them, in accordance with article 12 of the Convention;**
- b) **Support forums for children's participation, such as the Youth Parliament; and**
- c) **Continue to collaborate with civil society organizations, to increase opportunities for children's participation, including in the media.**

3. Civil Rights and Freedoms

(arts. 7, 8, 113-17 and 37(a) of the Convention)

Birth registration

27. The Committee welcomes the progress achieved with regard to birth registration rates due to the simplification of the birth registration procedure in 2003 and that birth registration is now free-of-charge. However, the Committee remains concerned that large numbers of children belonging to minority groups, as well as internally displaced and refugee children are still not registered at birth.

28. The Committee recommends that the State party continue and strengthen its ongoing efforts to establish institutional structures, for example through the use of mobile registration centres, in order to ensure full birth registration throughout the country. The Committee recommends, in addition, that information campaigns be used to inform the population of birth registration requirements.

Torture and inhuman or degrading treatment or punishment

29. While welcoming the accession by Georgia in 2006 to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), and the elaboration of the Anti-Torture Action Plan, as well as the establishment of the Inter-agency Coordinating Council for fight against torture in June 2007, the Committee remains concerned about information indicating that children continue to be victims of arbitrary detentions, police brutality and ill-treatment in detention facilities.

30. The Committee recommends that the State party, in close cooperation with relevant NGOs:

- a) Investigate thoroughly all allegations of torture and ill-treatment by public officials and ensure that perpetrators are rapidly brought to justice and tried;**
- b) Provide adequate reparations, rehabilitation and recovery programs for victims of such abuses; and**
- c) Consider strengthening the existing system of independent monitoring for detention centres for juveniles; and**
- d) Ensure the accessibility of the existing mechanism, with the involvement of civil society as equal partners in this process, to receive complaints from, or on behalf of, children of ill-treatment or abuse by members of the police.**

Corporal punishment

31. While noting the legal prohibition of corporal punishment in school as stipulated in Article 19 of the Law on General Education, the Committee notes with concern that corporal punishment in the home remains lawful. Furthermore the Committee concerned that corporal punishment continues to occur in the home as well as schools and institutions.

32. The Committee recommends that the State party adopt legislation explicitly prohibiting all forms of corporal punishment of children in all settings, including the home. The State party should also conduct awareness raising and public education campaigns against corporal punishment and promote positive, non-violent forms of discipline as an alternative to corporal punishment, while taking due account of the General Comment no. 8 of the Committee on the Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment (2006).

Follow-up to the UN Study on Violence against Children

33. With reference to the United Nations Secretary-General's Study on violence against children (A/61/299), the Committee recommends the State party to:

- a) Take all necessary measures for the implementation of the recommendations contained in the report of the independent expert of the United Nations study on violence against children while taking into account the outcome and recommendations of the Regional Consultation for Europe and Central Asia held in Ljubljana from 5-7 July 2005. In particular, the Committee recommends that the State party pay particular attention to the following recommendations:**
 - (i) Prohibit all violence against children**
 - (ii) Strengthen national and local commitment and action**
 - (iii) Prioritize prevention**
 - (iv) Promote non-violent values and awareness-raising**

- (v) **Provide recovery and social reintegration services**
 - (vi) **Ensure accountability and end impunity.**
- b) **Use these recommendations as a tool for action in partnership with civil society and in particular with the involvement of children, to ensure that every child is protected from all forms of physical, sexual and mental violence and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse; and**
- c) **Seek technical assistance from UNICEF, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the World Health Organization (WHO) for the above mentioned purposes.**

4. Family Environment and Alternative Care

(arts. 5; 18 (paras. 1-2); 9-11; 19-21; 25; 27 (para.4); and 39 of the Convention)

Family environment

- 34.** The Committee is deeply concerned that a large number of children are customarily placed in institutions due to the lack of adequate services and financial support to families or the absence of social service alternatives and effective gate-keeping mechanisms, and that most of the children placed in residential care are in fact not orphans. The Committee is also concerned that the social services network remains underdeveloped and that qualified social workers and social services are in short supply. The Committee also notes with concern that the current reforms focus mainly on children in institutions, without addressing social exclusion issues such as poverty and domestic violence so that needs of children and families at risk could be adequately addressed and abandonment and institutionalization of children is effectively prevented.
- 35.** **The Committee encourages the State party to allocate sufficient resources to provide adequate support and assistance through its social services system for all families, particularly those economically disadvantaged, up to the age of 18 years and their families, and those in rural and remote areas. The Committee further recommends that the Special Project on Poverty be expanded so that no child comes into state care as a result of poverty of his/her parents.**

Alternative care

- 36.** While welcoming the progress achieved under the 2005-2008 National Plan of Action on the Protection of Children and De-institutionalization, the Committee remains concerned about the current state of institutional care and the pace of reunification of children with families. Furthermore, the Committee, while noting the adoption in 2006 of the national standards of childcare for alternative care institutions, remains concerned at the number of children in institutions which are neither state funded nor regulated. The Committee is also concerned about the

absence of any state mechanism monitoring and providing follow-up assistance for those leaving institutional care.

- 37. The Committee recommends that the State party expedite the deinstitutionalization programme, including reunification with families and the recruitment of foster parents. At the same time, the Committee recommends that the conditions in existing institutions be improved in the areas of nutrition, sanitation, training of staff, monitoring and visitation, complaint mechanism and periodic review of placement, in conformity with article 25 of the Convention. The Committee also recommends that all institutions providing alternative care to children be regulated by the State and requests that the State party specifically report on its efforts to regulate all institutions and the number of children in their care. The Committee further recommends the State party to consider introducing measures to ensure and provide for follow-up and after-care to young persons leaving care centres.**

Adoption

38. The Committee welcomes the steps being taken by the State party to establish an appropriate procedure for adoption in accordance with the Convention and the Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Intercountry Adoption (1993), as well as the enactment, in May 2008, of the Law on Child Adoption which, *inter alia*, prohibits direct adoptions. The Committee however regrets the lack of sufficient information received on: programmes for the preparation of the prospective adoptive parents and the children to be adopted; bilateral agreements on adoption; number of accredited adoption agencies and their regulations; information, including statistical data, on children awaiting adoption who are living in temporary accommodations or with foster families; and programmes that encourage adoption of older children and groups of siblings.
39. **The Committee recommends that the State party continue with its efforts and provide appropriate professional and financial resources with a view to strengthening programs related to adoption, its promotion and its respective control, by, *inter alia*:**
- a) **Strengthening the central authority on adoption, in order for it to successfully perform all the functions mandated by the national legislation and the 1993 Hague Convention, through, *inter alia*, programs, regulations and instruments to facilitate training and monitoring the performance of all actors involved in adoption;**
 - b) **Raising public awareness about adoption and the conditions for adopting. In this connection, special attention should be given to the identification of prospective adoptive families for children who may have particular difficulties in being adopted, including: older children; groups of siblings; children with disabilities; and children belonging to minority groups; and**

- c) **Establishing a system which effectively identify children who are potentially adoptable (having explored the possibility to maintain the link with their families) and expedite the adoption process.**

Abuse and Neglect

40. While welcoming the enactment, in June 2006, of the Law on Combating Domestic Violence, Prevention of and Support to Victims, the Committee regrets that the Action Plan on Measures to Prevent and Combat Domestic Violence, as envisaged in the aforementioned legislation, has not yet been adopted. The Committee also regrets the paucity of information provided by the State party on the extent of violence, sexual abuse and neglect within the family, including statistical information.

41. The Committee urges the State party to:

- a) **Strengthen public awareness campaigns and provide information, parental guidance and counselling with a view, *inter alia*, to prevent child abuse and neglect;**
- b) **Reinforce mechanisms for monitoring the number of cases and the extent of violence, sexual abuse and neglect within the family;**
- c) **Ensure that professionals working with children (including teachers, social workers, medical professionals, members of the police and the judiciary) receive training on their obligation to report and take appropriate action in suspected cases of domestic violence affecting children;**
- d) **Strengthen support for victims of abuse and neglect in order to ensure their access to adequate services for recovery, counselling and other forms of rehabilitation; and**
- e) **Support the establishment of a toll-free, 24-hour and nationally accessible child helpline service with three-digit number, in order to be able to reach out to all children in need of care or assistance throughout the country.**

5. Basic Health and Welfare

(arts. 6; 18, para.3; 23; 24; 26; 27, paras 1-3 of the Convention)

Children with disabilities

42. The Committee, while welcoming the various measures aimed at promoting inclusive education for children with disabilities with a view to using the model in all schools, regrets the lack of a comprehensive government policy for children with disabilities which takes into account their overall developmental needs, including their right not to be discriminated against, the right to education and the right to health.

43. The Committee recommends that the State party, taking into account the General Comment No. 9 (2006) on the rights of children with disabilities (CRC/C/GC/9):

- a) Consider ratifying the Convention on the Rights of Persons with Disabilities and its Optional Protocol;**
- b) Ensure implementation of the Standard Rules for Equalizing the Possibilities for Persons with Disabilities, adopted by the United Nations General Assembly on 23 December 1993;**
- c) Pursue efforts to ensure that children with disabilities may exercise their right to education to the maximum extent possible;**
- d) Undertake awareness-raising campaigns to sensitize the public, and parents in particular, about the rights and special needs of children with disabilities, including those with mental health concerns; and**
- e) Undertake greater efforts to make available the necessary professional (i.e. disability specialists) and financial resources, especially at the local level and to promote and expand community-based rehabilitation programmes, including parent support groups.**

Health and health services

44. The Committee welcomes the various measures undertaken by the State party in the context of health reform, including the adoption of the National Policy and Strategic Plan of Healthcare for 1999-2010, the introduction of the free-of-charge medical treatment for children. However, the Committee is gravely concerned by the high rates of neonatal deaths and premature births as well as the overall state of prenatal and post-natal health care, in particular, among the minority groups. The Committee is also concerned that many children have limited access to medical care as a result of geographic restrictions, and about the marked disparities in the quality of water which continues to have negative impact on health of the population in rural areas.

45. The Committee urges the State party allocate increased resources to address the high rates of neonatal deaths and premature births, by, *inter alia*, improving ante- and post-natal care and develop campaigns to inform parents about basic child health and nutrition, advantages of breastfeeding, hygiene and environmental sanitation, family planning and reproductive health. In this connection, the Committee encourages the State party to consider establishing a governmental body in charge of maternal and child health care and development at the executive and sub-national levels. The Committee also encourages the State party to continue to develop the system of fully subsidised healthcare that ensures the provision of the highest standard of health for all children, paying special attention to the most vulnerable families, including those in rural and remote areas.

46. In light of article 24 (c) of the Convention, the Committee also recommends that the State party strengthen measures to implement the Law on Product Harmlessness/Safety and Quality, with a view to preventing and combating the damaging effects of low-quality or contaminated water supplies, taking into account the particular vulnerability of children.

Adolescent health

47. In view of the high number of pregnancies and the high and increasing rates of abortion, as well as the increasing incidence of sexually transmitted diseases, including HIV/AIDS, among adolescents, the Committee is concerned about the limited availability of health services, including reproductive health education and assistance for adolescents. The Committee also notes with concern the legislative provision which stipulate that a child under the age of 16 who wishes to see a doctor must be accompanied by a parent, and that sex and reproductive health education is not part of the school curriculum.
48. **The Committee recommends that the State party promote and ensure access to reproductive health services for all adolescents, including sex and reproductive health education in schools as well as youth-sensitive and confidential counselling and health care services, taking into due account the Committee's General Comment no 4. on adolescent health and development in the context of the Convention (CRC/GC/2003/4). In this regard, the Committee urges the State party to take legislative measures to ensure to all children under the age of 16 free and confidential access to medical counsel and assistance with or without parental consent.**

Mental health

49. The Committee is concerned about the absence of a national child mental health policy, particularly given the existence of serious gaps in the provision of mental health services for children, particularly adolescents, in the State party.
50. **The Committee recommends that the State party formulate a modern, evidence-based child mental healthcare policy, and invest in the development of a comprehensive system of services, including mental health promotion and prevention activities, out-patient and in-patient mental health services, with a view to ensuring effective prevention of violence, suicidal behaviour and institutionalisation of children.**

HIV/AIDS

51. The Committee is concerned at the increasing number of children with HIV/AIDS or who are affected by the HIV/AIDS-related illness or death of their parents and other family members, and at the lack of concerted action by the State party.
52. **In the context of the Committee's General Comment No. 3 on HIV/AIDS and the rights of the child and the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37), the Committee urges the State party to make efforts to accurately assess and monitor the scale of the HIV/AIDS problem in the country, to prevent the spread of HIV/AIDS and to allocate increased resources with a view to providing assistance to children with HIV/AIDS and to children whose parents and other family members have HIV/AIDS. The Committee further recommends that the State party give particular attention to HIV/AIDS orphans and to ensuring that children with**

HIV/AIDS are not discriminated against. In this regard, the Committee encourages the State party to seek technical cooperation with UNICEF, WHO and UNAIDS.

Standard of living

- 53.** Despite the impressive overall economic progress achieved by the State party, the Committee remains concerned by the persistence of widespread poverty and deprivation in the country and notes that the overall standard of living of many children is very low, as measured by indicators such as access to housing, water and sanitation. In particular, it expresses concern at the large disparities in living standards among children in the State party, depending on, *inter alia*: rural/urban residence; family size and structure; refugee or IDP status. The Committee also notes with regret that no information was provided by the State party on whether children are prioritised and mainstreamed in its poverty-reduction strategy.
- 54.** **The Committee recommends that the State party take steps to improve the standard of living of children as a matter of priority, giving particular attention to housing, water and sanitation. In this regard, the State party is urged to allocate sufficient funds in order to counteract the persistent inequality and effectively reduce the disparities and improve the extremely low standard of living of *inter alia*, families with several children, refugee and internally displaced families, and families living in rural and remote areas. In particular, increased access to basic services including clean running water and sewerage disposal should be targeted as a priority.**
- 55.** **The Committee urges the State party to mainstream children and prioritise their needs in a separate chapter its poverty reduction strategy, the “Programme on Economic Growth and Elimination of Poverty”. This should ensure the implementation of programmes which specifically promote the full development of children and protect them against detrimental effects of growing up in poverty and extreme poverty. The Committee further recommends that the State party monitor the poverty situation of children regularly and take urgent measures to address all negative indicators.**

6. Education, Leisure and Cultural Activities

(arts. 28, 29 and 31 of the Convention)

- 56.** The Committee welcomes the enactment of the Law on General Education, in 2005, and notes with appreciation the increase in the allocation of state resources to education, particularly in the 2006 and 2007 budgets, as well as the progress of the programme to develop school infrastructure and the intensified teachers’ in-service training. Nevertheless, the Committee remains concerned about the general quality of education and about the poor infrastructure of many schools, as well as the growing disparity in educational standards between rural and urban areas. The Committee is concerned about the hidden costs of education which may hinder access for children from low-income families, and that drop-out rates are progressively higher in later stages of schooling, particularly in rural areas.

57. The Committee recommends that the State party:

- a) Continue to increase budget allocations to the educational sector;**
- b) Focus on an overall improvement of the quality of education provided, particularly in rural and minority regions, by, *inter alia*, ensuring that teachers are fully qualified and trained;**
- c) Take further measures to facilitate the accessibility to education of children from all groups in society by, *inter alia*, improving material provisions in schools and eliminate additional costs of schooling so that no child is discriminated in their enjoyment of the right to education due to the financial circumstance of his/her parents;**
- d) Take measures to increase school attendance and reduce drop-out and repetition rates, including by providing assistance and counselling to children; and**
- e) Take measures to increase enrolment in early childhood development programmes and pre-school institutions, in particular with regard to children growing up under economic hardship and deprivation.**

7. Special Protection Measures

(arts. 22; 30; 38; 39; 40; 37 (b)-(d); 32-36 of the Convention)

Refugee children

58. While welcoming the April 2007 amendments to the Law on Refugees Issues which grant refugees registered in Georgia temporary residence permits, and that the Law is in the process of being revised to bring it closer in line with international standards, the Committee is concerned about the deprived living conditions of refugees living in the State party, including Chechen refugees. The Committee is particularly concerned about the lack of sufficient protection of the rights of children in isolated refugee communities which severely hampers development and well-being of these children.

59. **The Committee recommends that the State party revise its legislation on refugees and asylum-seekers in line with the 1951 Convention. The Committee recommends the State party to meet the specific protection needs of refugee and asylum-seeking children, including unaccompanied and separated children, in line with the Committee's General Comment No. 6 (2005), Treatment of Unaccompanied and Separated Children Outside Their Country of Origin, should be taken into account.**

Internally displaced children

60. While welcoming the newly adopted draft action plan for the implementation of the national strategy on internally displaced persons adopted on 2 February 2007 with an increased focus on integration, the Committee remains concerned that internally displaced children in the State party continue to face serious socio-economic deprivation, especially their limited access to housing, health services

and education, as well as the physical and psychological impact of displacement on children. The Committee is further concerned about the potential negative impact of segregated schools for internally displaced children.

61. The Committee recommends that the State party give the highest priority to the protection of the rights of internally displaced children. In this regard, the Committee recommends that the State party:

- a) **Continue to follow up the recommendations of the Special Representative of the Secretary-General on Internally Displaced Persons contained in the report on his mission to Georgia (see E/CN.4/2006/71/Add.7), in particular those relating to the incorporation of the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2) in the State party's legislation and policies on internally displaced persons;**
- b) **Integrate internally displaced children and families into the State social assistance schemes as a matter of priority and ensure that all public services and programmes are accessible and available to them;**
- c) **Take measures to close segregated schools for internally displaced children, and integrate them in mainstream schools without delay; and**
- d) **Ensure that appropriate alternative accommodation is made available to all residents, especially families with children, upon the closure of collective centres, while seeking long-term solutions.**

Economic exploitation, including child labour

62. The Committee notes the State party's position that child labour is not a problem in Georgia, however it is concerned that the Child Labour Survey conducted by the State Department for Statistics in 2004 indicated that over 21.5% of children in the State party were engaged in economic activities and that 10.56% of children were undertaking work in conditions that violate their rights and harm their development.

63. In line with article 32 of the Convention and the ILO Conventions No. 138 concerning minimum age for admission to employment and No. 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour to which Georgia is a party, the Committee recommends that the State party take steps to prevent child labour by, *inter alia*:

- (a) **Formulating, in a participatory manner, a strategy to prevent child labour and eliminate the worst forms of child labour and to safeguard the rights of children who are legally allowed to work;**
- (b) **Strengthening the labour inspectorate to ensure the effective implementation of child labour laws, both in the formal and informal sectors; and**

- (c) **Seeking assistance from ILO International Programme on the Elimination of Child Labour (IPEC) in this respect.**

Street children

64. While noting that a study on street children is currently underway, the Committee remains concerned by the absence of strategic measures addressing the situation of children who work or live in the street. The Committee is particularly concerned about the plight of these children in view of the risks to which these children are exposed, including trafficking.

65. The Committee recommends that the State party:

- a) **Provide street children with recovery and social reintegration services, taking into account their views in accordance with article 12 of the Convention, and provide them with adequate nutrition, housing, necessary healthcare and educational opportunities;**
- b) **Carry out a comprehensive study to assess the scope, nature and root causes of the presence of street children in the country in order to develop a national policy for prevention;**
- c) **Ensure that the availability of shelters is sufficient, in Tbilisi as well as in other parts of the country;**
- d) **Develop a policy for family reunification where possible and in the best interests of the child;**
- e) **Conduct public awareness campaigns to address the stigma attached to street children; and**
- f) **Collaborate with NGOs and seek technical assistance from, *inter alia*, UNICEF.**

Sexual exploitation of children

66. The Committee is concerned about the paucity of information provided with regard to sexual exploitation and prostitution of children in the State party, and in particular, expresses concern about the absence of:

- a) Comprehensive legislation to prevent sexual exploitation of children;
- b) Protection and/or recovery assistance and social reintegration for children who are victims of sexual exploitation; and
- c) Data on the extent and patterns of sexual exploitation and prostitution.

67. The Committee recommends that the State party:

- a) **Adopt a comprehensive law to prevent sexual exploitation and prostitution of children;**
- b) **Take appropriate legal and other measures to protect children who are victims of sexual exploitation and prostitution, and prosecute perpetrators of sexual abuse and exploitation;**
- c) **Train law-enforcement officials, social workers, judges and prosecutors on how to receive, monitor and investigate complaints, and in a child-sensitive manner that respects confidentiality;**

- d) Implement appropriate policies and programmes for the prevention, recovery and social reintegration of child victims, including education and training as well as psychological assistance and counselling, taking into consideration the Declaration and Agenda for Action and the Global Commitment adopted at the first and second World Congress against Commercial Sexual Exploitation of Children in 1996 and 2001; and**
- e) Collaborate with relevant NGOs and seek technical assistance from, *inter alia*, UNICEF.**

Trafficking

- 68.** While welcoming the various measures taken to address the problem of trafficking in persons, including the adoption of a new anti-trafficking law in April 2006, the National Action Plan regarding the Fight against Trafficking in Persons in Georgia (2007-2008) and the establishment of an inter-agency Anti-trafficking Council, the Committee remains concerned that insufficient legal guarantees exist to ensure that child victims of trafficking are not penalised, and that insufficient attention has been paid to the particular vulnerabilities of orphans, children working and living in the street and internally displaced children to trafficking and other forms of exploitation.
- 69.** **The Committee recommends the State party to continue and strengthen its efforts to prevent and combat child trafficking. In this regard, the Committee encourages the State party to:**
- a) Improve the system of monitoring and evaluation of policies, programmes and projects, with particular attention to vulnerable groups of children;**
 - b) Ensure that all trafficking cases are investigated and that perpetrators are charged and punished;**
 - c) Ensure that child victims of trafficking are protected and not criminalized and that they are provided with adequate recovery and social reintegration services and programmes;**
 - d) Seek to establish further bilateral agreements and subregional multilateral agreements with countries concerned, including neighbouring countries, to prevent the sale, trafficking and abduction of children; and**
 - e) Continue its cooperation with, *inter alia*, UNICEF and IOM.**

Administration of juvenile justice

- 70.** While noting that that a reform of the criminal justice system is currently underway, the Committee is concerned that the Convention does not appear to be adequately reflected in guiding documents on the State reform of the criminal justice system, for example, the “Implementation Plan for the Strategy of Juvenile Justice Reforms in Georgia, 12 June 2006”. In particular, the Committee is concerned about:

- a) Abolishment, in November 2006, of the Commission of Minors and the Inspectorate of Minors, the only specialist unit dealing with prevention activities with regard to juveniles, and that apparently no appropriate mechanism has been put in its place;
- b) Increasing number of children entering the criminal justice system and receiving custodial measures and punishments;
- c) Lack of juvenile courts;
- d) Absence of efficient mechanisms to ensure that imprisonment is used as a last resort and for the shortest possible period of time (e.g pre-sentence reports, risk and needs assessment, individual sentence planning, parole board); and the often disproportionate length of sentences in relation to the seriousness of offences;
- e) Lack of community-based programmes offering an alternative to prosecution and custody, in particular, the negative impact of the 2006 “Zero-Tolerance” policy on juvenile offenders, such as the reduced possibility of alternative sentencing;
- f) Excessive length of pre-trial detention and the limited access to visitors during this period;
- g) Conditions of detention; and
- h) Absence of facilities for the physical and psychological recovery and social reintegration of juvenile offenders.

71. The Committee reiterates its previous recommendation that the State party bring the system of juvenile justice fully in line with the Convention, in particular articles 37, 40 and 39, and with other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (the Havana Rules) and the Vienna Guidelines for Action on Children in the Criminal Justice System; and the Committee’s general comment No.10 (2007) on children’s rights in juvenile justice. In this regard, the Committee recommends the State party in particular:

- a) **Undertake all necessary measures to ensure the establishment of juvenile courts and the appointment of juvenile judges in all regions of the State party;**
- b) **Ensure that all professionals involved with the system of juvenile justice are trained on relevant international standards;**
- c) **Consider deprivation of liberty only as a measure of last resort and for the shortest possible period of time; protect the rights of children deprived of their liberty and monitor their conditions of detention; and ensure that children remain in regular contact with their families while in the juvenile justice system;**
- d) **Take a holistic and preventive approach to addressing the problem of juvenile crime (e.g. addressing underlying social factors) advocated in the Convention with a view to supporting children at risk at an early stage, by using alternative measures to detention such as diversion,**

probation, counselling, community service or suspended sentences, wherever possible;

- e) **Provide children with legal and other assistance at an early stage of the procedure and ensure that children in detention are provided with basic services (e.g. schooling and healthcare); and**
- f) **Request further technical assistance in the area of juvenile justice and police training from the UN Interagency Panel on Juvenile Justice.**

Minimum age for criminal responsibility

- 72. The Committee deeply regrets the decision of the State party to lower the minimum age for criminal responsibility from 14 to 12,
- 73. **The Committee strongly urges the State party to reinstate, as a matter of urgency, the minimum age of criminal responsibility at 14 years, taking into account the Committee's General Comment No. 10 (2007) on child rights in juvenile justice, in which States parties are urged not to lower their minimum age of criminal responsibility to the age of 12 (para. 33) on the grounds that a higher age, such as 14 and 16 years of age, contributes to the juvenile justice system which deals with children in conflict with the law without resorting to judicial proceedings, providing that the child's human rights and legal safeguards are fully respected, in accordance with the article 40(3)(b) of the Convention.**

Protection of victims and witnesses of crimes

- 74. **The Committee recommends that State party ensure, through adequate legal provisions and regulations, that all children victims and or witnesses of crimes e.g. children victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes are provided with the protection required by the Convention and to take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005).**

Children belonging to minority groups

- 75. While recognising the State party's efforts to ensure equal enjoyment of rights for children belonging to minority groups, including the establishment, in 2005, of the Council of National Minorities and the National Council on Civic Integration and Tolerance (NCCIT), the Committee remains concerned that children from minority populations experience discrimination in the enjoyment of their rights as stipulated in the Convention, in particular, concerning culture and language.
- 76. The Committee notes that after the "Rose Revolution", the State party has been encouraging its population, through the enforcement of its language law, to use Georgian in all public spheres. However, the Committee is concerned that

insufficient efforts have been made by the State party to facilitate learning by children belonging to minority groups in Georgia, both in Georgian and in their own language.

77. The Committee urges the State party to:

- a) **Recognize the rights of children belonging to minority groups to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language in line with article 30 of the Convention, and to consider adopting a comprehensive legal act providing protection of their rights;**
- b) **Guarantee, in the context of the State Language Programme, the quality of instruction of the Georgian language to children belonging to minority groups so as to ensure that minority-language-speaking children can participate on a more equal level with Georgian-speaking children, in particular at higher education levels;**
- c) **Take the necessary measures to ensure that access to higher education by pupils belonging to minority groups is not hindered by their inability to pass the Georgian language exams alone;**
- d) **Implement the National Civic Integration Strategy and Action Plan in such a way that all the children of Georgia will be taught about the culture, history and identity of the various groups living in Georgia and that exchanges are organized between pupils of different schools in order to foster contacts, friendships and mutual respect among children from all groups of society;**
- e) **Ensure that the rights of all children to use their own language is guaranteed in practice, through, *inter alia*, strengthened efforts to address linguistic needs of children belonging to minority groups; and**
- f) **Strengthen its mechanisms for data collection on children belonging to minority groups so as to identify existing gaps and barriers to exercise their rights to their own culture, use of their own language and preservation and development of their own identity, with a view to developing legislation, policies and programmes to address such gaps and barriers.**

9. Follow-up and dissemination

Ratification of international human rights instruments

78. The Committee notes with regret that the State party has not yet ratified: the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; the International Convention on the Protection of the Rights of All Migrant Workers and their Families; the Convention on the Rights of Persons with Disabilities; and the International Convention for the Protection of all Persons from Enforced Disappearances.

79. The Committee encourages the State party to consider ratifying the international human rights instruments to which it is not yet party.

Follow-up

80. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, *inter alia*, by transmitting them to the Parliament (*Umaghlesi Sabcho*), relevant ministries and the municipal authorities for appropriate consideration and further action.

Dissemination

81. The Committee further recommends that the third periodic report and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available in the relevant languages (including minority languages), including through internet (but not exclusively), to the public at large, civil society organizations, youth groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

10. Next report

82. The Committee invites the State party to submit the 4th periodic report, by 1 July 2011. This report should not exceed 120 pages (see CRC/C/118).
83. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the “Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents”, approved at the Fifth Inter-Committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).
