

GEORGIA

CRC CRC/C/97 (2000)

77. The Committee considered the initial report of Georgia (CRC/C/41/Add.4/Rev.1) submitted on 21 January 1998, at its 619th to 620th meetings (see CRC/C/SR.619-620), held on 17 May 2000, and adopted the following concluding observations:

A. Introduction

78. The Committee welcomes the submission of the State party's initial report which followed the established guidelines. The Committee welcomes the written replies to its list of issues (CRC/C/Q/GEO/1) which allowed for a clearer understanding of the situation of children in the State party. The Committee is encouraged by the constructive and open dialogue it had with the State party and welcomes the positive reactions to the suggestions and recommendations made during the discussion.

79. The Committee acknowledges that the presence of a high-ranking delegation directly involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children in the State party.

B. Positive aspects

80. The Committee notes the efforts of the State party in the area of legal reform. In particular, it notes the adoption of a new Constitution (1995) which guarantees universally recognized rights and freedoms. The Committee also notes the enactment of the National Ombudsman Act (1995), the Education Act (1997), the Adoption Act (1997), the Criminal Procedures Code (1997), the Civil Procedural Code (1997), the Law on the Protection and Encouragement of the Natural Feeding of Children (1999) and the Criminal Code (1999). In this context, the Committee welcomes the establishment of the Parliamentary Subcommittee on Mother and Child Affairs to participate in the preparation of draft laws relevant to children. It is noted that the Subcommittee has devoted considerable attention to the situation of children in pre-schools, children's homes and special boarding schools for children.

81. The Committee welcomes the establishment of the Office of the Public Defender (1996) to examine complaints of violations of human rights and notes that it includes a Commissioner for the Rights of Women and Children.

82. The Committee welcomes the ratification by the State party of the six main international human rights instruments as well as its accession to the Council of Europe and its subsequent ratification of the Convention on the Protection of Human Rights and Fundamental Freedoms.

83. The Committee expresses satisfaction that the State party, with the support of the Office of the High Commissioner for Human Rights and UNICEF, has translated the Convention on the

Rights of the Child, the Universal Declaration of Human Rights and other human rights instruments into the Georgian and Abkhaz languages.

84. The Committee welcomes the election of the Youth Parliament of Georgia (April 2000) which is mandated to consider relevant youth issues and prepare recommendations in this regard to the National Parliament of Georgia. The Committee notes that 50 per cent of the Youth Parliament's 166 members are between the ages of 14 and 18.

C. Factors and difficulties impeding the implementation of the Convention

85. The Committee acknowledges that the economic and social difficulties facing the State party have had a negative impact on the situation of children and have impeded the full implementation of the Convention. In particular, it notes the impact of the structural adjustment programme and the high levels of unemployment and poverty. The Committee further notes that the civil and political unrest which emerged soon after the State party declared its independence in 1991 has slowed the period of transition and prevented the implementation of adequate programmes and services for children, especially those in conflict zones.

D. Subjects of concern and recommendations

1. General measures of implementation

Legislation

86. While the Committee notes the recent efforts by the State party to enact additional legislation and to undertake a review of its legislation to ensure greater consistency with the Convention, it is concerned that domestic legislation still does not fully reflect the principles and provisions of the Convention.

87. The Committee recommends that the State party reinforce its efforts to ensure that its laws conform fully with the principles and provisions of the Convention, and in this regard encourages the prompt submission of the recommendations of the review of legislation to Parliament with a view to their early implementation. The State party is further encouraged to consider the possibility of enacting a comprehensive code for children.

Coordination

88. The Committee notes with concern the lack of an effective mechanism to facilitate the coordination and systematic implementation of the Convention and to monitor the progress achieved in this regard. While the Committee notes the efforts of the State party to foster closer relations and cooperation with NGOs involved in the implementation of children's programmes, it is concerned that insufficient efforts have been made to include civil society in the coordination and implementation of the Convention. The Committee notes the State party's intention to prepare a national plan of action for children.

89. The Committee recommends that the State party adopt a comprehensive national plan of

action to implement the Convention, allocate resources, both human and financial, develop capacity, and give attention to intersectoral coordination and cooperation at and between national and local levels of government. The State party is encouraged to provide adequate support to local authorities for the implementation of the Convention.

Data collection

90. The Committee is concerned that the current data collection mechanism is insufficient to afford the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all categories of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children.

91. The Committee recommends that the State party reinforce its efforts to introduce a comprehensive system of data collection incorporating all the areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children living in the mountainous regions; children with disabilities; children living in poverty; children in conflict with the law; children of single-parent families; child victims of abuse, including sexual abuse; children living and/or working on the streets; internally displaced children; and children affected by armed conflicts, especially those in South Ossetia and Abkhazia, particularly in the Gali district. The Committee takes note of the State party's request for technical assistance in this regard and encourages it to follow up with, among others, the United Nations Population Fund (UNFPA) and UNICEF.

Independent monitoring structures

92. While the Committee notes the establishment of the Office of the Public Human Rights Defender to examine complaints of violation of human rights, it is concerned that insufficient efforts have been made to ensure that this complaint mechanism is easily accessible and available to children whose rights have been violated. Concern is also expressed that the post of Public Defender has remained vacant for several months and that insufficient resources have been allocated for the effective functioning of the Office of the Public Defender.

93. The Committee suggests that the State party take all appropriate measures to ensure that its independent complaints mechanisms are easily accessible to and user-friendly for all children so that it may deal with complaints of violations of their rights and provide remedies for such violations. In this regard, the Committee suggests that the State party introduce an awareness-raising campaign to facilitate the effective use by children of such a mechanism. Further, the Committee recommends that the State party allocate adequate financial and human resources to ensure the effective functioning of the Office of the Public Defender in all regions of the country. The State party is encouraged to consider the early appointment of regional representatives in this regard.

Allocation of budgetary resources

94. While the Committee notes that the civil and political unrest, the economic crisis and the structural adjustment programme have had adverse effects on social investment, it is concerned that

in light of article 4 of the Convention, not enough attention has been paid to allocating budgetary resources in favour of children “to the maximum extent of ... available resources”. Concern is also expressed at the widespread practices of tax evasion and corruption which are believed to have an effect on the level of resources available for the implementation of the Convention.

95. In light of articles 2, 3 and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation. The Committee recommends that the State party undertake all appropriate measures to improve its system of tax collection and reinforce its efforts to eradicate corruption.

Dissemination of the principles and provisions of the Convention

96. The Committee notes that the Convention has been translated into the Georgian and Abkhaz languages and that human rights, including the rights of the child, have been included in the school curricula in Tbilisi. The Committee remains concerned, however, that insufficient efforts have been made to promote awareness of the principles and provisions of the Convention and that professional groups, children, parents, and the public at large are generally not sufficiently aware of the Convention and the rights-based approach enshrined therein.

97. The Committee recommends that greater efforts be made to ensure that the provisions of the Convention are widely known and understood by adults and children alike. The Committee further recommends the reinforcement of adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers and school administrators, especially outside of the capital; health personnel, including psychologists, and social workers; and personnel of childcare institutions. It further suggests that the State party seek to ensure that the Convention is fully integrated into the curricula in all regions of the State party and at all levels of the educational system. In this regard, the Committee encourages the State party to continue its technical cooperation programmes with OHCHR and UNICEF, among others.

2. Definition of the child

98. The Committee notes with concern that the law does not include legal minimum ages for sexual consent and medical treatment without parental consent.

99. It is recommended that the State party enact relevant legislation concerning the minimum legal ages for sexual consent and medical treatment without parental consent.

3. General principles

Non-discrimination

100. The Committee notes with concern that the principle of non-discrimination is not adequately

implemented with respect to certain vulnerable groups of children, including children living in conflict areas, children living in institutions, children living in the mountainous regions, children with disabilities, children of single parent families, children of poor families, children in conflict with the law, children living and/or working on the streets, refugee children and internally displaced children. The Committee is particularly concerned about their limited access to adequate health, education and other social services.

101. The Committee recommends that the State party increase its efforts to ensure implementation of existing laws guaranteeing the principle of non-discrimination and their full compliance with article 2 of the Convention, particularly as it relates to the vulnerable groups.

Best interests of the child

102. The Committee is concerned that the general principle of the best interests of the child has not been taken fully into account in the State party's legislative, administrative and judicial decisions, as well as in policies and programmes relevant to children.

103. The Committee recommends that the State party take all appropriate measures to ensure that the general principle of the best interests of the child is appropriately integrated in all legal provisions as well as in judicial and administrative decisions and in projects, programmes and services which have an impact on children.

Respect for the views of the child

104. The Committee notes the efforts of the State party to encourage respect for the views of the child in court and administrative proceedings as well as within the school environment through, inter alia, the establishment of school councils where students are represented and allowed to promote the views of their peers. It is concerned, however, that the views of children are still not adequately respected within the family and in society generally.

105. The Committee recommends that the State party develop a systematic approach to increasing public awareness of the participatory rights of children and encourage respect for the views of the child within the family, communities, and care and other institutions.

4. Civil rights and freedoms

Freedom of association

106. The Committee notes with concern that the law prohibits youth from becoming members of political parties and that this prohibition limits the opportunity for youth to learn about the political process, delays their preparation for political leadership, and denies their full right to freedom of association.

107. In light of article 15 of the Convention, the Committee recommends that the State party amend its legislation to ensure that youth are allowed to join political parties and that they fully enjoy their right to freedom of association.

Access to appropriate information

108. The Committee notes with concern that despite existing prohibitions, including the enactment of legislation banning abuse of the naivety and inexperience of minors in advertising, children are still not adequately protected from harmful information, including violence and pornography.

109. In light of article 17 of the Convention, the Committee recommends that the State party strengthen its efforts to protect children from harmful information.

5. Family environment and alternative care

Protection of children deprived of a family environment

110. While the Committee welcomes the State party's programme of deinstitutionalization, it is concerned about the still high number of institutionalized children and the poor standard of living and quality of care in institutions.

111. The Committee recommends that the State party establish a code of standards to ensure that children deprived of a family environment receive adequate care and protection. The Committee recommends that the State party reinforce its efforts to provide additional training, including in children's rights, for the staff of institutions; ensure the periodic review of placements in institutions; and establish an independent complaint mechanism for children in alternative care institutions. The Committee encourages the State party to introduce measures to guarantee and protect the human dignity of children living in institutions and to make these institutions more child friendly. The State party is also encouraged to increase the level of resources allocated for the protection and care of children deprived of a family environment. Finally, the Committee recommends that the State party increase its efforts to prevent institutionalization and pay special attention in that regard to vulnerable families by, for example, providing them with adequate support services.

Foster care

112. While the Committee notes that the State party has recently adopted a new law on foster care, it remains concerned that insufficient resources impede the effective implementation of this new law. Concern is also expressed at the unregulated nature of the practice of kinship fostering.

113. The Committee recommends that the State party provide adequate resources, both financial and human, for effective implementation of the new law on foster care; introduce programmes to raise awareness and promote foster care; and undertake measures to regulate kinship fostering in order to ensure that the best interests of the children concerned are taken into account.

Adoption

114. The Committee notes with concern that both domestic and intercountry adoptions are inadequately monitored. While the Committee notes the State party's concerns regarding adoptions and the need to keep the identity of genetic parents confidential, it is deeply concerned that the law

on adoption provides that the date and place of birth of an adopted child may be changed at the request of the adoptive parents.

115. In light of article 21 of the Convention, the Committee recommends that the State party introduce proper monitoring procedures with respect to both domestic and intercountry adoptions. With reference to articles 3 and 7 of the Convention the Committee recommends that the State party consider amending its legislation to ensure that information about the date and place of birth of adopted children and their genetic parents are preserved and, where possible, made available to these children upon request and when in their best interests. Additionally, the Committee further encourages the State party to consider the possibility of acceding to the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

Abuse/neglect/maltreatment/violence

116. The Committee notes with appreciation that a department for the protection of the rights of children has been established within the Ministry of Education to monitor and prevent abuse and neglect of children and that a research project was conducted in 1997 to ascertain the real situation of abuse of children within schools, the family and in society generally. The Committee welcomes the appointment of inspectorates for the affairs of minors that are mandated to monitor the situation of abuse within families, as well as the establishment of a crisis centre which includes rehabilitation programmes for street children and women victims of domestic violence. However, the Committee remains concerned at the high and increasing incidence of abuse of children, including sexual abuse, neglect, abandonment and domestic violence. The Committee also expresses concern at the lack of awareness and information on domestic violence, ill-treatment and abuse (physical, sexual and psychological) of children and the insufficient financial and human resources allocated, as well as at the inadequacy of the programmes established to prevent and combat all forms of abuse of children. While the Committee notes that a State programme for the protection, development and social adaptation of minors has been established, it is concerned that funding allocated for its implementation is insufficient.

117. In light of article 19, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and abuse (including sexual abuse within the family) with a view to adopting adequate policy measures and to changing traditional attitudes. The Committee recommends that all appropriate measures be taken to introduce mandatory reporting of abuse, including sexual abuse of children. It also recommends that cases of domestic violence, ill-treatment and abuse of children be properly investigated within a child-friendly judicial procedure and sanctions applied to perpetrators, including treatment, with due regard given to protecting the right to privacy of the child. Additional measures should also be taken to ensure the physical and psychological recovery and social reintegration of child victims in accordance with article 39 of the Convention, and the prevention of criminalization and stigmatization of victims. The Committee recommends that the State party take all appropriate measures to discourage the neglect and abandonment of children. The State party is encouraged to allocate funds to implement the State programme for the protection, development and social adaptation of minors. The Committee recommends that the State party seek technical assistance from UNICEF, among others.

Corporal punishment

118. While the Committee notes that corporal punishment in schools is prohibited by law and that there is an intention also to prohibit its use within the family, it is concerned that this type of punishment continues to be used in schools, families and care institutions.

119. The Committee recommends that the State party take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment, within the family, the schools and care institutions. The Committee further recommends that the State party, through, for example, public awareness campaigns, promote positive, non-violent forms of discipline as an alternative to corporal punishment, especially in families, the schools and care institutions.

6. Basic health and welfare

Right to health and access to health services

120. The Committee notes with appreciation the elaboration of a National Health Policy to the year 2010 with the support of WHO and the World Bank, which includes the enhancement of the health of mothers and children as one of its priorities. However, the Committee is concerned about the health situation of children which continues to be affected by the poor economic situation within the State party. In particular, it notes the limited access to and quality of health services, particularly among children living in conflict zones as well as in the mountainous regions; the increasing cost of basic health care of which the State party covers only 15-20 per cent; the inadequate allocation of funding for health; the high maternal, child and infant mortality rates; the increasing malnutrition rate; and the deteriorating situation of sanitation and safe drinking water supplies. While the Committee notes that the State party is receiving technical assistance for the immunization campaign, it is concerned that vaccines continue to be unavailable and that negative social attitudes towards vaccinations have resulted in a resurgence of preventable diseases such as diphtheria.

121. The Committee recommends that the State party allocate appropriate resources for the implementation of the National Health Policy and, where appropriate, develop additional policies and programmes to improve the health situation of children, especially those living in mountainous regions and conflict zones; facilitate greater access to and quality of primary health services; ensure the availability of vaccines; reduce the incidence of maternal, child and infant mortality; prevent and combat malnutrition, especially in vulnerable and disadvantaged groups of children; and increase access to safe drinking water and sanitation. Additionally, the Committee encourages the State party to continue its cooperation with respect to the Integrated Management of Childhood Illnesses initiative.

Adolescent health

122. The Committee expresses its concern with respect to the limited availability of programmes and services and the lack of adequate disaggregated data in the area of adolescent health, including teenage pregnancy, abortion, HIV/AIDS and STDs, alcohol, drug and substance abuse, including tobacco use, violence, and mental health.

123. The Committee recommends that the State party increase its efforts in promoting adolescent health policies and child-friendly counselling services as well as strengthening reproductive health

education, including the promotion of acceptance by men of the use of contraceptives. The Committee suggests that a comprehensive and multidisciplinary study be undertaken to ascertain the scope of adolescent health problems, including the special situation of children infected with, affected by or vulnerable to HIV/AIDS and STDs. Additionally, it is recommended that the State party take further measures, including the allocation of adequate human and financial resources, to increase the number of social workers and psychologists, and to develop youth-friendly care and rehabilitation facilities for adolescents. It is further recommended that the State party seek technical assistance from UNICEF and WHO, among others.

Children with disabilities

124. The Committee welcomes the 1997-2000 State programme for social protection and rehabilitation of children with disabilities as well as the survey undertaken in this regard. The Committee remains concerned, however, about the absence of protection and the lack of adequate facilities, coordination and services for children with disabilities. The Committee is also concerned that insufficient efforts have been made to facilitate the inclusion of children with disabilities in the regular school system and in society generally.

125. In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69), it is recommended that the State party develop early identification programmes to prevent disabilities, increase its efforts to implement alternatives to the institutionalization of children with disabilities, establish special education programmes for children with disabilities and, where possible, encourage their inclusion in the regular school system and in society generally. The Committee recommends that the State party take all appropriate measures to ensure that adequate resources are allocated for the effective implementation of programmes and services for children with disabilities, as well as their families. Further, the Committee recommends that the State party undertake an awareness-raising campaign to sensitize the public about the rights and special needs of children with disabilities, including children with mental health concerns. The Committee further recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities from WHO, among others.

Right to an adequate standard of living

126. The Committee notes with concern the large percentage of the population living below the poverty line (approximately 43 per cent and mainly in urban centres) and the inability of the social security system to improve the situation of the growing number of poor families.

127. In accordance with article 27 of the Convention, the Committee recommends that the State party increase its efforts to provide material assistance and support to economically disadvantaged families and guarantee the right of children to an adequate standard of living. In this context, the State party is encouraged to promote programmes to discourage and prevent child begging. The Committee encourages the State party to proceed with the programme, in cooperation with the World Bank, to eradicate poverty, especially among children.

7. Education, leisure and cultural activities

Right to and aims of education

128. While the Committee notes that the Constitution provides for the right to education and that the 1997 Education Act was adopted with a view to improving the situation of education in the State party, it remains concerned at the situation of education, particularly of children in conflict zones and the mountainous regions. In this connection, the Committee expresses concern at the impact of the economic situation on the educational system as well as the decline in enrolment and attendance rates, particularly at the secondary level; the poor infrastructure, including inadequate heating, classrooms and other facilities for instruction; the limited availability of learning materials; insufficient resources, both human and financial; and inadequate instruction in local languages. The Committee also notes with concern that the current economic conditions in the State party and the increasing cost of child care services have led to a significant decline in the enrolment of children in pre-school.

129. The Committee recommends that the State party take all appropriate measures, including the allocation of adequate financial, human and technical resources, to improve the situation of education and ensure that all children enjoy the right to education. The Committee further recommends that the State party seek to implement additional measures to encourage children to stay in school, particularly during the period of compulsory education, and to facilitate pre-school education. The Committee encourages the State party to take all appropriate measures to improve the quality of teaching, to develop child-friendly schools, and to facilitate the introduction of traditional languages into the school curricula. It is recommended that the State party seek to strengthen its educational system through closer cooperation with UNICEF and UNESCO.

8. Special protection measures

Refugee, asylum-seeking and internally displaced children

130. The Committee notes that despite limited resources, Georgia has received some 5,000 Chechnyians, mainly women, children and elderly people. The Committee notes that the State party has enacted the Refugees Act; however, it is concerned that insufficient efforts have been made to establish a special refugee status determination procedure for unaccompanied minors. Concern is also expressed at the absence of specific regulations regarding family reunification.

131. The Committee recommends that the State party take all appropriate measures to protect the rights of refugee, asylum-seeking and unaccompanied children and facilitate their access to adequate housing, education, health and other social services. In this regard, the State party should consider the adoption of legislation on asylum-seekers. Additionally, it is recommended that the State party take measures to facilitate family reunification and to establish an efficient refugee status determination procedure for unaccompanied minors. The Committee further recommends that the State party undertake a study on refugee, asylum--seeking and unaccompanied children to ascertain the extent to which they are victims of torture or other cruel, inhuman or degrading treatment and punishment; economic exploitation, including forced labour; commercial sexual exploitation; sale, trafficking and abduction; and abandonment, abuse and neglect.

Internally displaced children

132. The Committee notes the adoption of the Forcibly Displaced Persons-Exiles Act and the State party's efforts, in cooperation with UNHCR, to provide humanitarian assistance to internally displaced persons, including free health care and education for children. However, the Committee remains concerned about their situation.

133. The Committee recommends that the State party implement the "New Approach" to internal displacement, which is to improve the current conditions of internally displaced persons while continuing to support their right to return voluntarily to their homes in safety and dignity, as developed by UNDP, UNHCR, the World Bank and the Office for the Coordination of Humanitarian Affairs (OCHA) and endorsed by the State party.

Children in armed conflict

134. The Committee is concerned that insufficient efforts have been made to guarantee and protect the rights of children living in conflict areas, including in South Ossetia and Abkhazia (especially in the Gali district). The Committee expresses grave concern at the significant number of landmines still in the State party, especially in the western regions along the border zones. The Committee notes with concern the insufficient efforts made by the State party to locate and clear these landmines and to protect children in this regard. Concern is also expressed about the inadequate programmes to facilitate the care and rehabilitation of child victims of landmines and the insufficient efforts to raise awareness and to prevent accidents involving children and landmines.

135. In light of articles 38 and 39 of the Convention, the Committee recommends that the State party take all appropriate measures to ensure the protection and care of children affected by armed conflict, including their physical and psychological recovery and social reintegration. The Committee strongly recommends that the State party take all appropriate measures to locate and clear the landmines in its territory, and promote awareness about the potential dangers. The State party is recommended to undertake a study to determine the impact of landmines in its territory, particularly as this affects children living in the western regions along the border. The Committee recommends that the State party reinforce its efforts to accede to the Convention on the Prohibition of the Use, Production, Transfer and Stockpiling of Anti-Personnel Landmines and on Their Destruction, which it signed in December 1997. Additionally, the State party is encouraged to seek technical cooperation with the United Nations Mine Action Service (UNMAS), among others.

Economic exploitation

136. The Committee welcomes the State party's ratification of the ILO Convention concerning the Minimum Age for Access to Employment (No. 138). In light of the current economic situation, declining school enrolment and attendance rates, and the increasing number of children living and/or working on the streets, the Committee is concerned about the lack of information and adequate data on the situation of child labour and economic exploitation within the State party, including in the informal sector. Concern is also expressed at the significant number of children begging on the streets and their vulnerability to exploitation and abuse.

137. The Committee encourages the State party to introduce monitoring mechanisms to ensure the enforcement of labour laws and protect children from economic exploitation, particularly in the informal sector. The State party is encouraged to continue its cooperation with IPEC to finalize, by the end of 2000, a child labour survey to assess the situation of children in this regard. The Committee encourages the State party to consider ratifying the ILO Worst Forms of Child Labour Convention, No. 182.

Children living and/or working on the streets

138. Concern is expressed at the large and increasing number of children living and/or working on the streets.

139. The Committee recommends to the State party to establish mechanisms to ensure that children living and/or working on the streets are provided with identity documents, food, clothing and housing. Moreover, the State party should ensure that these children are provided adequate access to health care, rehabilitation services for physical, sexual, and substance abuse, protection from police brutality, services for reconciliation with their families and education, including vocational and life-skills training. The Committee recommends to the State party to cooperate and coordinate its efforts in this regard with civil society.

Drug abuse

140. The Committee is concerned at the increasing incidence of drug, alcohol and substance abuse among youth as well as the lack of financial and human resources, inadequate monitoring mechanisms and insufficient psychological, social and medical programmes and services available in this regard.

141. In light of article 33 of the Convention, the Committee recommends that the State party take all appropriate measures, including administrative, social and educational measures, to protect children from the illicit use of alcohol, narcotic drugs and psychotropic substances and to prevent the use of children in the illicit production and trafficking of such substances. It encourages the State party to support rehabilitation programmes dealing with child victims of alcohol, drug and substance abuse. In this regard, the Committee encourages the State party to consider seeking technical assistance from UNICEF, WHO, United Nations International Narcotics Control Board, among others.

Sexual exploitation and abuse/sale, trafficking and abduction

142. The Committee expresses concern about the increasing number of child victims of commercial sexual exploitation, including prostitution and pornography. Concern is also expressed at the insufficient programmes for the physical and psychological recovery and social reintegration of child victims of such abuse and exploitation. The Committee also notes with concern that there have been reported incidents of sale, trafficking and abduction of children, especially girls, for commercial sexual exploitation.

143. In light of article 34 and other related articles of the Convention, the Committee recommends

that the State party undertake studies with a view to designing and implementing appropriate legislation, policies and measures, including care and rehabilitation, to prevent and combat the sexual exploitation of children, as well as the sale, trafficking and abduction of children for commercial sexual exploitation.

Juvenile justice

144. Concern is expressed at the increasing number of children in conflict with law and the limited measures taken by the State party to address their concerns. In particular, the Committee notes:

- (a) The absence of adequate legislation on juvenile justice, as well as the inconsistency of the juvenile justice system with the Convention and other relevant United Nations standards;
- (b) The poor conditions of juvenile detention facilities, including the lack of adequate food, clothing, heating, educational opportunities and leisure activities for child detainees;
- (c) The inadequate facilities for children in conflict with the law; the insufficient numbers of trained personnel to work with children in this regard; and the lack of a complaint mechanism for children whose rights have been violated.

145. The Committee recommends that the State party:

(a) Take all appropriate measures to implement a juvenile justice system that is in conformity with the Convention, in particular articles 37, 40 and 39, and other United Nations standards in this field, such as 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) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Use 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, including their right to privacy; and ensure that children deprived of their liberty remain in contact with their families;

(c) Take all appropriate measures to improve the situation of children in juvenile detention facilities, including their access to adequate food, clothing, heating, educational opportunities and leisure activities;

(d) Introduce training programmes on relevant international standards for all professionals involved with the administration of juvenile justice;

(e) Consider seeking technical assistance from, among others, OHCHR, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice and Assistance in Juvenile Justice.

9. Dissemination of reports

146. Finally, the Committee recommends that, in light of article 44, paragraph 6, of the

Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.

CRC CRC/C/133 (2003)

515. The Committee considered the second periodic report of Georgia (CRC/C/104/Add.1) at its 914th and 915th meetings (see CRC/C/SR.914 and 915), held on 1 October 2003, and adopted, at the 918th meeting, held on 3 October 2003, the following concluding observations.

A. Introduction

516. The Committee welcomes the timely submission of the State party's second periodic report prepared in accordance with its general guidelines regarding the form and contents of periodic reports (CRC/C/58). The Committee welcomes the written replies to its list of issues (CRC/C/Q/GEO/2), which give a clearer understanding of the situation of children in the State party. It further notes with appreciation the high-level delegation sent by the State party and the constructive and open dialogue.

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

517. The Committee welcomes the many legislative and other measures taken by the State party with a view to the implementation of the Convention, such as:

- (a) The amendments to the Civil Code providing children of 14 years or older with a legal standing in court proceedings (June 2003);
- (b) The amendments to the Code of Criminal Procedure providing for significant improvements of the rules applicable to juveniles in conflict with the law (1 January 2004);
- (c) The changes to the Code of Administrative Offences strengthening the protection of children from economic exploitation and drug abuse;
- (d) The changes to the Criminal Code improving the protection of minors from trafficking;
- (e) The approval by the President (August 2003) of the National Plan of Action for Children (2003-2007);
- (f) The ratification (July 2003) of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour of 1999;
- (g) The ratification of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993;
- (h) The ratification of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction of 1997.

C. Factors and difficulties impeding the implementation of the Convention

518. The Committee notes that the State party is prone to natural disasters (last earthquake 2002) and is experiencing serious socio-economic problems due, inter alia, to the transition to a market-oriented economy. Furthermore, the ethnic and political conflicts (regions of Abkhazia and South Ossetia), create serious obstacles for the State party in exercising its jurisdiction with regard to the implementation of the Convention in those regions.

D. Principal subjects of concern and recommendations

1. General measures of implementation

The Committee's previous recommendations

519. The Committee welcomes the efforts made by the State party to address some of the concerns and recommendations (CRC/C/15/Add.124) it made upon consideration of the State party's initial report (CRC/C/41/Add.4/Rev.1), but regrets that many have not or have insufficiently been addressed, (inter alia those contained in paragraphs 15, 25, 31, 35, 45 and 55). The Committee notes that those concerns and recommendations are reiterated in the present document.

520. The Committee urges the State party to make every effort to address those recommendations from the concluding observations on the initial report that have not yet been implemented and to address the list of concerns contained in the present concluding observations on the second periodic report.

Legislation

521. The Committee welcomes the many legislative changes (see paragraph 3 above) introduced with a view to improving the protection of children's rights, but is concerned at the rather scattered nature of these legislative activities and at the sometimes large gap between the laws and their implementation in practice.

522. The Committee recommends that the State party continue its efforts to bring domestic law into compliance with the Convention on the Rights of the Child in a more comprehensive and with a stronger rights-based focus. In this regard, the Committee recommends the consideration of drafting and adopting a comprehensive children's rights act. Furthermore, the Committee recommends that the State party take all necessary measures to ensure the effective implementation of all legislation relevant to the Convention.

National Plan of Action, implementation, coordination and evaluation

523. The Committee welcomes the Presidential Decree (8 August 2003) requiring all relevant governmental bodies to take into account and implement the Plan of Action for Children when elaborating plans for social and economic development. However, it is concerned that this Plan is not sufficiently oriented to child rights and that the lack of adequate human and financial resources may seriously hamper its implementation.

524. The Committee recommends that the State party take the necessary measures for a child-rights

oriented implementation of the National Plan of Action, provide the necessary human and financial resources, and cooperate closely with international donors and with national and international non-governmental organizations (NGOs) in a participatory process of implementation. It further recommends that the Bureau of Programme Implementation and Monitoring of the State Chancellery be provided with the necessary resources and that there be effective cooperation between this Bureau and the Bureau of Coordination and Monitoring of the Economic Development and Poverty Reduction Programme in order to ensure that children are included in the implementation of the poverty reduction strategy paper.

Independent monitoring

525. The Committee welcomes the establishment of a Child's Rights Centre within the Georgian Public Defender's Office with regional representatives in six regions, but is concerned that the organizational structure and the insufficient capacity of this Centre may prevent it from discharging its mandate effectively and regrets it has not expanded to the remaining regions.

526. The Committee recommends that the State party take the necessary measures for the development of a systematic organization of the activities of the Child's Rights Centre at the national and regional levels, provide it with adequate human and financial resources and expand its activities to all regions of the country.

Allocation of resources

527. The Committee is deeply concerned at the very low budget allocation for the implementation of the Convention, noting particularly the constant decrease in public expenditure on health and education which is now at a very low level despite the reasonably high level of economic growth (5.2 per cent in 2002). The Committee reiterates in this regard its concern at the very poor system of tax collection and, although acknowledging the efforts of the State party to address corruption, at the still widespread corruption.

528. The Committee reiterates its previous recommendation to the State party to significantly improve the effectiveness of its tax collection system and urges the State party to substantially increase the budget allocation and ensure transparency of the use of funds for the implementation of the Convention, in particular in the areas of health and education, and strengthen its efforts to eliminate corruption.

Data collection

529. The Committee notes the difficulties the State party encounters in introducing a comprehensive system of data collection, as recommended by the Committee in its previous concluding observations. However, the Committee maintains that such data are crucial for the monitoring and evaluation of progress achieved and the impact assessment of policies with respect to children.

530. The Committee reiterates its previous recommendations, and urges the State party to intensify its efforts to establish a central registry for data collection and introduce a comprehensive system of data collection incorporating all the areas covered by the Convention. Such a system should

cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable.

Training/dissemination of the Convention

531. The Committee welcomes the information provided in the State party's report on awareness-raising initiatives supported by the United Nations Children's Fund (UNICEF) and various NGOs, and notes the information included in the written replies to its list of issues relating to the integration of the Convention into the educational system.

532. The Committee encourages the State party to continue its efforts to provide adequate and systematic training and/or sensitization on children's rights for professional groups working with and for children, in particular law enforcement officials, parliamentarians, judges, lawyers, health personnel, teachers, school administrators and others as required.

2. General principles

533. The Committee is concerned that the right to non-discrimination (article 2 of the Convention), the principle of the best interests as a primary consideration (art. 3), the right to life, survival and development of the child (art. 6) and the right of the child to express his or her views freely according to age and maturity (art. 12) are not yet fully reflected in the State party's legislation, policies and programmes at the national and local levels.

534. The Committee recommends that the State party:

- (a) Appropriately integrate the general principles of the Convention, namely, articles 2, 3, 6 and 12, in all relevant legislation concerning children;
- (b) Apply these principles in all political, judicial and administrative decisions, as well as in projects, programmes and services which have an impact on all children;
- (c) Apply these principles in planning and policy-making at every level, as well as in actions taken by social and health welfare and educational institutions, courts of law and administrative authorities.

Non-discrimination

535. The Committee is encouraged by the approval in March 2003 of the Plan of Action for Strengthening Protection of Human Rights and Freedoms of Minorities Living in Georgia (2003-2005), but does not have sufficient information to assess the impact which the Plan of Action will have on children and the extent to which issues affecting minorities will be addressed. The Committee also notes that changes were introduced in the Criminal Code to include anti-discrimination provisions addressing in particular racial discrimination, but remains concerned that this piece of legislation does not fully reflect article 2 of the Convention, nor does it include all vulnerable groups, such as children with disabilities.

536. The Committee reiterates its previous concerns and recommendations (see CRC/C/15/Add.124, para. 25) and recommends that the State party review the existing legislation with a view to bringing it into compliance with article 2 of the Convention and ensuring its effective implementation.

537. The Committee requests that specific information be included, in the next periodic report, on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of general comment No. 1 on article 29 (1) of the Convention (aims of education).

Respect for the views of the child

538. The Committee welcomes the efforts of the Georgian State Department for Youth Affairs, supported by UNICEF, to revive the Children's Parliament and other activities to raise public awareness of the participatory rights of children and the changes to the Civil Code (see paragraph 3 above) allowing for improved implementation of article 12. However, the Committee is concerned at the lack of efforts to encourage respect for the views of the child within the family and care and other institutions.

539. The Committee recommends that the State party continue to promote and facilitate, within the family, schools, institutions, as well as in judicial and administrative procedures, respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention. It further encourages the State party to provide educational information to parents, teachers, government administrative officials, the judiciary, children themselves and society at large in this respect.

3. Civil rights and freedoms

Birth registration

540. While noting the high level of birth registration, the Committee is concerned at the information that some groups of children, in particular children abandoned at maternity wards, children whose parents cannot afford the registration (related) fee, refugee children and children of internally displaced persons still do have difficulties with proper birth registration.

541. The Committee recommends that the State party take the necessary measures to facilitate birth registration of children in difficult circumstances and make all birth registration free.

Freedom of expression

542. The Committee is concerned at the lack of legal guarantees for the freedom of expression for children below 18 years of age. It is also concerned at the inadequate attention being given to the promotion of and respect for the right of the child to freedom of expression and that prevailing traditional societal attitudes, in the family and in other settings regarding the role of children, appear to make it difficult for children to seek and impart information freely.

543. The Committee recommends that the State party take all appropriate measures, including amendments to legislation, to promote and guarantee the right of the child to freedom of expression within the family, in the school and other institutions and in society.

Freedom of association and peaceful assembly

544. The Committee welcomes the information provided in the State party's report on the Children's Parliament, the Children's Forum and the Georgian Children's Federation, as well as on the provisions of the Children's and Youth Associations Act, and notes the resolution of the Children's Parliament recommending representation of children with disabilities and children in institutions among its membership.

545. The Committee recommends that the State party continue and strengthen its efforts to promote and support these and other activities of children and in particular facilitate and support participation of children with disabilities and children in institutions.

Access to information

546. The Committee welcomes the steps taken by the State party to enact legislation to protect children from harmful information, such as the changes made in the Law on Advertisement in the context of prevention of pornography.

547. The Committee recommends that the State party ensure implementation of the new legislation to protect children from harmful information, while promoting the possibility of access for all children to appropriate information.

Torture and other cruel, inhuman or degrading treatment or punishment

548. The Committee welcomes the Presidential Decree approving a Plan of Action against Torture for 2003-2005 and the related plan to amend the Criminal Code with a view to strengthening the protection from torture and inhuman or degrading treatment or punishment. However, it remains concerned at the information that children are subjected to torture and other forms of violence and abuse in police stations, institutions and schools.

549. The Committee urges the State party to take all necessary measures for the expeditious and effective implementation of the Plan of Action against Torture, ensuring full protection of children from all forms of violence, proper interrogation, prosecution and sentencing of perpetrators, and the provision of care, recovery and compensation for all child victims.

4. Family environment and alternative care

Children deprived of their family environment

550. The Committee, while welcoming the State party's activities to reduce institutionalization, shares the concern of the State party about the poor standard of living of children in institutions and the fact that the Government does not allocate sufficient funds for these institutions. The Committee

is deeply concerned that many of these children are placed in institutions owing primarily to economic hardship of the families, especially when they are in need of special care. Furthermore, the Committee regrets that information is not provided on issues specifically addressed in its previous concluding observations.

551. The Committee recommends that the State party:

(a) Continue measures to strengthen support for families to enable them to care for their children at home by developing a comprehensive child-centred family policy;

(b) Improve social assistance and support to families through advice and education to promote positive child-parent relationships;

(c) Strengthen measures, including the development of strategies and awareness-raising activities and support to families, to prevent and reduce the abandonment of children;

(d) Consider strategies to address the situation of abandoned children with disabilities and ensure their inclusion primarily in residential schools;

(e) Provide adequate resources for the effective implementation of the new law on foster care and undertake measures to regulate kinship fostering in order to ensure that the best interests of the children concerned are taken into account;

(f) Strengthen and intensify the programme of de-institutionalization while taking all the necessary measures to improve living conditions in institutions and ensure that children living there for the shortest period possible are provided with adequate health care, education and food;

(g) Seek technical assistance from UNICEF.

Adoption

552. The Committee welcomes the accession of the State party to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993. However, it remains concerned that adequate monitoring procedures have not been introduced both with respect to domestic and intercountry adoptions. Furthermore, the Committee is concerned at the practice of direct intercountry adoption and the troublesome increase of newborns adopted by foreigners. Finally, it expresses its concern that legislation on adoption is complex.

553. The Committee encourages the State party:

(a) To expedite the revision of legislation on adoption with a view to adopting a comprehensive law on domestic and intercountry adoption and ensure that it is in full compliance with the Convention and other international standards, in particular the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993;

(b) To ensure that sufficient human and other resources are made available for the effective

implementation and monitoring of the legislation;

(c) To ensure that cases of intercountry adoption are dealt with in full accordance with the principles and provisions of the Convention, in particular article 21, and the relevant Hague Convention;

(d) To explore ways to encourage national adoptions so that intercountry adoptions can be reduced.

Periodic review of placement

554. The Committee regrets that a legislative framework applicable to the periodic review of placement has not yet been developed in Georgia.

555. The Committee reiterates its previous recommendations and urges the State party to establish a code of standards and to guarantee the right to periodic review of placement, in accordance with article 25 of the Convention, by, inter alia, ensuring the provision of the required human and financial resources.

Abuse, neglect and violence

556. The Committee notes the information provided in the written replies to its list of issues on the Plan of Action to Combat Violence against Women 2000-2002 and on the 2000-2003 State programme for the protection, development and social adaptation of minors. However, the Committee regrets that many of its concerns and recommendations expressed during the consideration of the initial report have not been addressed, and is deeply concerned at the high incidence of abuse, neglect and violence within the family and in other settings. The Committee is also concerned at the occurrence of violence (bullying) in schools. The Committee concurs with the concerns expressed by the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, with regard to the occurrence of domestic violence, as they relate to children. The Committee regrets that the State party has not introduced domestic violence as a specific offence in criminal law or criminal procedural legislation and has not considered undertaking studies, or other steps, in this respect.

557. The Committee recommends that the State party reinforce its efforts to formalize a comprehensive strategy to prevent and combat domestic violence and other forms of violence, including bullying in schools. The State party is encouraged to enact specific domestic violence legislation which brings together criminal and civil provisions, including remedies. In this respect, the State party is encouraged, inter alia, to consult the framework for model legislation on domestic violence (E/CN.4/1996/53/Add.2) which outlines important elements integral to comprehensive legislation on domestic violence. Furthermore, the Committee recommends that measures be taken to provide counselling and support services to all children victims of violence, including those who bully others in school.

Corporal punishment

558. The Committee welcomes the fact that the State party considers corporal punishment totally unacceptable and inadmissible. However, the Committee notes that the prohibition of corporal

punishment, referred to in the second periodic report of Georgia to the Human Rights Committee (see CCPR/C/GEO/2000/2, paragraph 117), refers only to the educational system and institutional care establishments, and regrets that corporal punishment is not explicitly prohibited in the family.

559. The Committee encourages the State party expressly to prohibit corporal punishment in the family in legislation and to fully implement the prohibition of the use of violence, including corporal punishment, in schools and institutions, inter alia, by promoting positive, non-violent forms of discipline, especially in families, schools and care institutions in light of article 28 (2) of the Convention.

5. Basic health and welfare

Children with disabilities

560. The Committee welcomes the programme for the countrywide reform of the system of institutionalizing disabled children and notes the need to set up an intersectoral working group for its implementation. Furthermore, the Committee notes that social assistance for families is limited to those caring for children up to 16 years. The Committee remains concerned that children with disabilities remain outside mainstream education and are marginalized in society.

561. The Committee encourages the State party to pursue actively its current efforts and continue:

(a) To review existing policies and practice in relation to children with disabilities, taking due regard of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted at its day of general discussion on the issue of "The rights of children with disabilities" (see CRC/C/69);

(b) To 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;

(c) To strengthen public awareness campaigns to change negative public attitudes towards children with disabilities;

(d) To take the necessary measures to integrate children with disabilities in the mainstream education system and society;

(e) To take necessary measures for the education that is relevant for their parenting of children with disabilities.

Health and health services

562. The Committee welcomes the information contained in the State party's report (para. 181) on the national health-care policy and on the strategic plan to develop health care in Georgia over the period 2000-2009. The Committee is aware of efforts to reduce infant mortality, but remains deeply concerned at the high rate of infant mortality during the reporting period (68/1,000 for 1998 and

51/1,000 for 1999). It is equally concerned that the supply of safe and good-quality drinking water is inadequate.

563. The Committee reiterates its previous recommendation regarding the allocation of human and financial resources for the implementation of the National Health Policy. In particular, the Committee recommends that the State party:

(a) Strengthen its efforts to implement the National Health Policy through adequate and sustainable allocation of resources (both human and financial), including the training of sufficient numbers of health-care professionals, the provision of adequate salaries for health-care workers, and investments in health-care infrastructure, especially in the most disadvantaged areas;

(b) Improve the effectiveness of antenatal care and maternal health education with a view to reducing the high incidence of infant mortality;

(c) Address the situation regarding the supply of safe drinking water by, *inter alia*, seeking further support from the World Bank for the Municipal Development Fund of Georgia for the rehabilitation of the network of water supply and sewerage systems;

(d) Seek technical assistance from, *inter alia*, UNICEF.

Adolescent health

564. The Committee notes with concern the increasing incidence of sexually transmitted diseases and that existing health services may not be tailored to the needs of adolescents, thus reducing their willingness to access primary health services.

565. The Committee recommends that the State party increase its efforts to promote adolescent health policies and strengthen the programme of health education in schools. It further recommends measures, including the allocation of adequate human and financial resources, to evaluate the effectiveness of training programmes in health education, in particular as regards reproductive health, and to develop child- and youth-sensitive confidential counselling, care and recovery facilities that are accessible without parental consent when this is in the best interests of the child. The State party could consider seeking technical cooperation and advice from UNICEF and the World Health Organization (WHO).

Social security and childcare services and facilities

566. The Committee notes that a government commission was set up to facilitate development of programmes to overcome poverty and promote economic growth. However, it also notes the recommendation made by the Committee on Economic, Social and Cultural Rights which encouraged the State party to reform its social security system and accord attention in particular to the most disadvantaged and marginalized groups. In addition, the Committee regrets that social benefits for children with disabilities are discontinued when they reach 16 years.

567. The Committee encourages the State party to pursue efforts to reform its social security

system, as recommended by the Committee on Economic, Social and Cultural Rights as this relates to children. Furthermore, it urges the State party to extend payment benefits to all children with disabilities, including those between 16 and 18 years of age.

Standard of living

568. The Committee, while noting that the primary responsibility of securing the necessary living conditions for the child lies with the parents, shares the concerns of the Committee on Economic, Social and Cultural Rights about the increasing level of poverty, the poor living conditions of the majority of the population, the high unemployment rate, the low level of salaries and of social security benefits, and the rampant problem of corruption. The Committee is concerned that such a situation adversely affects the physical, mental, spiritual, moral and social development of children. Furthermore, the Committee notes that certain benefits are limited to children and families residing in the capital, Tbilisi.

569. The Committee encourages the State party to implement fully the Poverty Reduction Programme and to take measures to assist parents and others responsible for children by intensifying efforts to combat poverty with a view to improving the standard of living of children and providing material assistance and support programmes, without discrimination based on place of residence, in accordance with article 27 of the Convention.

6. Education, leisure and cultural activities

570. The Committee welcomes the cooperation of the Ministry of Education with international organizations and NGOs and is encouraged by the educational reform being implemented and the significant support received, allowing secondary education to be provided free of charge. The Committee is, however, concerned at the decline in public expenditure on education and the existence of a system of informal payments whereby much of the budget of educational institutions is funded by households. It is also concerned at the lack of data on repetitions, expulsions and dropout rates. Furthermore, it is concerned that education is provided to mentally and physically disabled persons only in residential institutions, and that their number has significantly increased from 1997 to 2000, despite the general decline in the population.

571. The Committee urges the State party, taking into account its general comment No. 1 on the aims of education, pursue its efforts to ensure that all children enjoy the right to education consistent with articles 28 and 29 of the Convention, and that children with disabilities are integrated into the mainstream education in keeping with article 3 of the Convention. It encourages the State party to increase the level of public expenditure on compulsory education and to take measures to put an end to the participation of households in the so-called “school funds”, which may limit the attendance at schools of the most vulnerable children. The State party is further encouraged to collect disaggregated data on students who are expelled, drop out or experience other school-related problems and to provide them with assistance and counselling services.

7. Special protection measures

Refugee and internally displaced children

572. The Committee regrets that its recommendations contained in paragraph 55 of its previous concluding observations have not been fully implemented. Furthermore, while noting that there has been no progress in the right of internally displaced persons to return to their homes in safety and dignity, the Committee regrets that the report does not include information on efforts made to improve the current conditions of the internally displaced persons, as envisaged by the “New Approach”. The Committee is also concerned at the situation of refugee children and lack of sufficient programmes targeting refugee children, in particular the most vulnerable ones.

573. The Committee reiterates the recommendations made following the consideration of the initial report. Furthermore, it urges the State party to pay particular attention to the situation of internally displaced children and their families, while continuing to support their right to return voluntarily to their homes in safety and dignity. It further recommends that the State party amend the 1998 Law on Refugees and by-laws to fully reflect its commitments under the Convention relating to the Status of Refugees of 1951 and its Protocol of 1967 by offering a clear legal status to *prima facie* refugees.

Economic exploitation

574. The Committee welcomes the State party’s ratification of the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. Furthermore, the Committee welcomes the child labour survey, which gives the State party an opportunity to assess the scope of the problem with a view to addressing it appropriately. The Committee is concerned at the involvement of children in economic activity.

575. The Committee recommends that the State party, in accordance with article 32 of the Convention, and ILO Conventions No. 138 on the Minimum Age for Admission to Employment and No. 182, which the State party has ratified:

- (a) Take steps to ensure the implementation of article 32 of the Convention, and ILO Conventions Nos. 138 and 182, taking due account of ILO Minimum Age Recommendation, 1973 (No. 146) and the Worst Forms of Child Labour Recommendation, 1999 (No. 190);
- (b) Continue its cooperation with the International Programme on the Elimination of Child Labour (IPEC), as well as strengthen its cooperation with and support of NGOs working in this area.

Sexual exploitation/trafficking

576. The Committee notes that the human rights treaty bodies which considered the reports of Georgia have consistently expressed concern at the practice of trafficking in persons, in particular women, and at the lack of protection of women, including young children, from, *inter alia*, sexual exploitation and trafficking.

577. The Committee recommends that the State party:

- (a) Undertake measures to reduce and prevent the occurrence of sexual exploitation and trafficking, including by sensitizing professionals and the general public to the problems of sexual abuse of children and trafficking, through education including media campaigns;

(b) Increase protection provided to victims of sexual exploitation and trafficking, including prevention, social reintegration, access to health care and psychological assistance in a coordinated manner, including by enhancing cooperation with NGOs, taking into account the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children;

(c) Ensure that a confidential, accessible and child-sensitive mechanism is established to receive and effectively address individual complaints from all children, including those in the 15-18 years age group;

(d) Train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute reported cases of sexual abuse, in a child-sensitive manner;

(e) Ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;

(f) Seek technical assistance from, inter alia, UNICEF.

Street children

578. The Committee shares the concern expressed by the Committee on Economic, Social and Cultural Rights and the findings of the Special Rapporteur on the sale of children, child prostitution and child pornography regarding the high number of street children who are often victims of trafficking networks and various other forms of exploitation, indicating that the number of children living on the streets is increasing and that families are allowing children as young as 7 to make a living on the streets. Furthermore, the Committee is deeply concerned by allegedly widespread police brutality towards street children.

579. The Committee recommends that the State party:

(a) Undertake a study to assess the scope and causes of the phenomenon and consider establishing a comprehensive strategy to address the increasing number of street children with the aim of preventing and reducing this phenomenon in the best interests of these children and with their participation;

(b) Make additional efforts to provide protection to children living on the streets and to ensure their access to education and health services;

(c) Strengthen the support and assistance to families in this respect;

(d) Continue to support NGOs to assist these children.

Substance abuse

580. The Committee shares the concern of the State party about the growing phenomenon of substance abuse, but regrets that the State party does not sufficiently address the concerns and

recommendations made in its previous concluding observations, including taking administrative, social and educational measures to protect children from the illicit use of alcohol, narcotic drugs and psychotropic substances and to prevent the use of children in the illicit production and trafficking of such substances.

581. The Committee reiterates its previous recommendation to the State party in this respect, and encourages the State party to strengthen preventive measures and to support recovery programmes dealing with child victims of alcohol, substance and drug abuse by, inter alia, seeking assistance from UNICEF and WHO.

Juvenile justice

582. The Committee welcomes the transfer of the penitentiary system from the Ministry of the Interior to the Ministry of Justice, as well as the ongoing cooperation of the State party with the Council of Europe's Committee for the Prevention of Torture. The Committee is, however, deeply concerned by allegations of ill-treatment of children by the police and the lack of follow-up to the previous recommendations of the Committee relating to juvenile justice.

583. The Committee reiterates its previous recommendations that the State party:

(a) Ensure the full implementation of juvenile justice standards and in particular articles 37, 40 and 39 of the Convention, as well the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), in the light of the day of general discussion on the administration of juvenile justice, held by the Committee in 1995;

(b) Use detention, including pre-trial detention, only as a measure of last resort, for as short a time as possible, and develop alternative measures, such as community service and half-way homes to deal with juvenile delinquents in a more effective and appropriate manner;

(c) In light of article 39, take appropriate measures to promote the recovery and social reintegration of the children involved in the juvenile justice system, including adequate education and certification to facilitate their reintegration;

(d) Strengthen preventive measures, such as supporting the role of families and communities in order to prevent juvenile delinquency;

(e) Request technical assistance in the area of juvenile justice from, among others, the Office of the United Nations High Commissioner for Human Rights and UNICEF.

Children belonging to minority groups

584. The Committee welcomes the ratification by the State party of the International Convention on the Elimination of All Forms of Racial Discrimination. However, while the Committee is cognizant of the ethnic and religious diversity and tolerance in Georgia, it remains concerned at the increasing instances of direct or indirect discrimination and intolerance and the lack of an adequate

response, as noted by the Council of Europe's European Commission against Racism and Intolerance (ECRI).

585. The Committee encourages the State party to take measures to combat racism, xenophobia, discrimination and intolerance by, inter alia, ensuring follow-up to the recommendations of the United Nations treaty bodies and ECRI, in particular as they relate to children. The Committee recognizes the important role of education in this respect and encourages the State party to continue to support education in languages of the minorities as well as education in their mother tongue for the ethnic Georgian population not having access to it.

8. Optional Protocols

586. The Committee encourages the State party to ratify the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

9. Dissemination of the report, written answers and concluding observations

587. In light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring at all levels of administration of the State party and among the general public, including concerned NGOs.

10. Next report

588. The Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States parties' responsibilities to children under the Convention includes ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the implementation of the Convention. In this regard, regular and timely reporting by States parties is crucial. The Committee invites the States party to submit its third periodic report by 1 July 2006. The report should not exceed 120 pages (see CRC/C/118).