

For participants only

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COMMITTEE ON THE RIGHTS OF THE CHILD

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Pre-sessional Working Group

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IMPLEMENTATION OF THE CONVENTION OF THE RIGHTS OF THE CHILD

List of Issues to be taken up in connection with the consideration of  
the initial report of Georgia (CRC/C/41/Add.4/Rev.1)

GENERAL MEASURES OF IMPLEMENTATION  
(Articles 4, 42, and 44, paragraph 6 of the Convention)

1. Please indicate whether the Convention on the Rights of the Child can be invoked in domestic courts and, if so, provide some examples of its use in this regard. With reference to paragraph 8 of the report, please identify the inconsistencies between the Convention and the Constitution and other domestic law and highlight the measures taken to address these inconsistencies. Please also provide information on any additional measures taken and/or envisaged to bring legislation and practice into line with the principles and provisions of the Convention.
2. Please provide additional information regarding the mandate and activities of the Committee for the Protection of Human Rights and for Ethnic Relations as well as the Office of the Public Human Rights Defender or Ombudsman and indicate the extent to which these two bodies cooperate or interact with each other. Additionally, please indicate whether the executive committee or the office of the ombudsman is specifically mandated to handle cases in relation to the violation of children's rights. If so, please describe the procedure and indicate the number and nature of such cases dealt with so far.
3. Please describe the measures taken and/or envisaged to establish a new agency or to empower an existing one to coordinate and monitor the implementation of the Convention.

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Please also provide information on the measures taken and/or envisaged to ensure that the principles and provisions of the Convention are disseminated at all levels of society. Additionally, please indicate whether measures have been taken or are envisaged to elaborate and implement a National Plan of Action for Children to facilitate the implementation of the Convention.

4. In light of article 4 of the Convention, please provide additional information on the measures taken to implement economic, social and cultural rights to “the maximum extent of [...] available resources and, where needed, within the framework of international cooperation” for the rights of children. Additionally, please specify the percentage of the national budget allocated to children’s programmes.

5. Please indicate whether measures have been taken or are envisaged to develop indicators and collect disaggregated data on the status of children, especially those belonging to vulnerable groups, including children living in South Ossetia, Abkhazia and the mountainous regions, children with disabilities, institutionalized children, child victims of abuse, children living and/or working on the streets, children of single parent families, and children of poor or economically disadvantaged families. Further, please describe the extent to which these indicators and data are currently used in the formulation of policies and programmes for the effective implementation of the Convention.

#### GENERAL PRINCIPLES

(Articles 2 ,3, 6 and 12 of the Convention)

6. In light of article 2 of the Convention and with reference to paragraph 63 of the report, please outline the policies and programmes undertaken and/or envisaged to ensure non-discrimination against children. Additionally, please provide further information on the specific measures taken and/or envisaged to ensure that the principles of the best interests of the child (article 3), and respect for the views of the child (article 12) are reflected in legislation and customary law as well as actions taken by social welfare institutions, courts of law and administrative authorities. Please also provide some examples of implementation of these principles by courts as well as administrative or other bodies.

#### CIVIL RIGHTS AND FREEDOMS

(Articles 7, 8, 13-17 and 37 (a) of the Convention)

7. Please provide information on the use of corporal punishment in families, schools, care and other institutions. Additionally, please indicate whether there is an intention to prohibit by law all forms of corporal punishment. Further, please also indicate what measures have been taken to prevent police brutality and/or unlawful use of force by the police or military forces, particularly as regards children living and/or working on the streets, children in war-torn areas, and children in conflict with the law. Please also provide information on the procedures and mechanisms established to address alleged cases of police brutality and to facilitate the rehabilitation of child victims in this regard.

FAMILY ENVIRONMENT AND ALTERNATIVE CARE  
(Articles 5, 18 (1) and (2), 9, 10, 11, 19, 20, 21, 25, 27 (4), and 39)

8. Please indicate whether a code of standards has been developed or envisaged for children's homes and alternative care institutions in Georgia which addresses issues such as size, occupancy rates, sanitation, medical care, nutrition, programmes and activities including and where necessary educational activities. In this regard, please indicate whether efforts have been made or are envisaged to increase the level of resources (financial and human) allocated to alternative care and to correct the deficiencies in the system referred to in paragraph 172 of the report. Please provide additional information on the policy and administrative arrangements regarding foster care in Georgia. Additionally, please indicate what legal and administrative procedures have been established to guarantee the periodic review of the placement of children in alternative care, including those in foster care, in light of article 25 of the Convention. Please also provide additional information and statistical data on the situation of domestic adoptions, including criteria for placement, monitoring, evaluation and follow-up and on the practice of informal/traditional adoptions. In this context, please also describe the policies and programmes implemented and/or envisaged to provide support to vulnerable families and discourage the abandonment of children.

9. Please indicate what strategies have been developed to prevent child abuse, including sexual abuse within the family, and neglect. Please also indicate whether mechanisms have been established to adequately assist both the victims and perpetrators of abuse. With reference to information provided in paragraph 190 of the report, please provide additional information on the "inspectors for the affairs of minors", in particular, please indicate whether they function as police officers or as trained social workers. Further, please also provide additional information on "Ndoaba" or "Trust", the crisis centre for the social and psychological assistance of child victims of abuse. In particular, please highlight the successes and challenges of the programme and indicate how each of the three sections function.

BASIC HEALTH AND WELFARE

(Articles 6, paragraphs. 2, 23, 24, 26, and 18, paragraphs 3, and 27, paragraphs 1-3)

10. Please provide information on the measures taken or envisaged to address the high rates of child and maternal mortality and to promote proper breastfeeding practices. In this regard, please describe the mechanisms established to monitor violations of the code on the marketing of breast milk substitutes. Further, please provide information on the "Safe Motherhood and Child Survival Programme", including the allocation of resources (financial, human and technical) as well as the implementation and evaluation of strategies. Additionally, please also describe how this programme relates to the "Integrated Management of Childhood Illness" strategy. Please also provide additional information on the situation of tuberculosis (TB) among children and indicate whether there is an intention to extend the coverage of the "Directly Observed Treatment Strategies" (DOTS) for children with TB and introduce measures to ensure its sustainability.

11. Please provide additional information concerning the implementation of article 23 of the Convention. In particular, please provide details about the prevalence of childhood disabilities as well as the programmes established to assist these children and their families. In this context,

please also indicate what measures have been taken to facilitate the training of professionals working with children with disabilities. Please describe the prevailing social attitude toward children with disabilities and indicate what measures have been taken to raise public awareness about their special needs. Additionally, please describe the measures taken to ensure the social integration of children with disabilities and to further guarantee the rights of those children with disabilities living in institutions.

12. Please provide additional information on the situation of adolescent health, including reproductive health, teenage pregnancy, HIV/AIDS and STDs, violence and suicide, and outline the policies and programmes implemented in this regard. Please describe the role of adolescents in identifying health priorities for their age group and in planning, implementing and monitoring these interventions.

13. With reference to information provided in paragraphs 237-239 of the report, concerning the deterioration of the social services system in Georgia, please provide information on the measures taken and/or foreseen to improve the system and (re)establish adequate programmes for the economically disadvantaged in the country.

#### EDUCATION, LEISURE AND CULTURAL ACTIVITIES

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

14. Please provide additional information, including statistical data, on the student teacher ratio; the enrolment and dropout rates; and the availability of classrooms, qualified teachers, relevant learning material, and other resources. Please also indicate what measures have been taken to introduce alternative methods of teaching and develop life skills education, including in the areas of reproductive health, decision-making and conflict resolution. Further, please indicate what measures have been taken to ensure equal opportunities and access at all levels of the system, especially at the secondary level, for children residing in all regions of the country. Additionally, please provide information on the level of resources allocated to education, including in South Ossetia and Abkhazia.

15. Please indicate whether training on the principles and provisions of the Convention has been introduced for school managers, administrators and teachers. Please also indicate whether human rights education, including on the rights of the child, has been fully incorporated into the school curricula, particularly schools in rural areas.

16. With regard to information provided in paragraph 257 of the report, please indicate whether measures have been taken or are envisaged to ensure the realization of the participatory rights of children within the school system, including their concrete involvement in the school teacher councils and disciplinary proceedings. Further, with respect to information provided in paragraph 189 of the report, concerning the results of the survey on, *inter alia*, the use of corporal punishment in schools, please indicate whether a complaints procedure has been established within the school system for students whose rights have been violated. Additionally, please indicate whether there is a concern with respect to violence among and against students in school.

SPECIAL PROTECTION MEASURES  
(Articles. 22, 30 and 32-40 of the Convention)

17. Please indicate whether the State party envisages enacting domestic legislation to protect and guarantee the rights of unaccompanied and asylum-seeking children. Further, please provide additional information, including statistical data, on the status of internally displaced children, especially from the South Ossetia, Abkhazia, and Gali regions as well as asylum-seeking, unaccompanied, refugee, and stateless children. Please also outline the measures undertaken by the State to protect the rights of these children, particularly as regards their access to education, health and other social services.

18. Please provide additional information on the situation of children in South Ossetia, Abkhazia and Gali and indicate what measures have been taken to facilitate the realization of the rights of these children as guaranteed under the Convention. Please provide information on landmines in Georgia and indicate what measures have been taken to locate and clear landmines, especially in the western regions of the country, along the border zones. Additionally, please indicate the number of child victims of landmines and outline the programmes established to facilitate their care and rehabilitation. Further, please provide information on the programmes established to raise awareness and to prevent future mishaps involving children and landmines.

19. In light of articles 37, 40 and 39 of the Convention, concerning the rights of children alleged as, accused of, or recognized as having infringed the penal law, please provide additional information on:

- (a) The use of arrest, detention or imprisonment of a child as a measure of last resort and for the shortest period of time;
- (b) The measures taken to introduce alternative forms of punishment (other than imprisonment) for children in conflict with the law;
- (c) The possibility to have prompt access to legal or other appropriate assistance, as well as for challenging the legality of the deprivation of liberty before a court or other competent, independent and impartial authority, and of having a prompt decision thereon;
- (d) The measures taken to ensure that legal proceedings are conducted in a language which is understood by the child or that interpreters are provided by the State to facilitate the process in this regard;
- (e) The extent to which the complaint procedure recently established under the procurator's office is known and utilized by children in detention to address issues of ill-treatment and other violations of their rights;
- (f) Services for the recovery and rehabilitation of children alleged as, accused of or recognized as having infringed the penal law and their effectiveness;
- (g) The measures taken and/or foreseen to ensure that the juvenile justice system is equally accessible in all regions of the State party;

(h) The treatment of girls in conflict with the law (especially detention facilities for girls).

20. Please provide additional information on the sexual abuse and exploitation of children, including child prostitution, child pornography and sale and trafficking of children for commercial sexual exploitation. Additionally, please highlight the measures taken and/or foreseen to prevent and combat these concerns.

21. Please provide additional information, including statistical data, on the situation of minorities, including children living in the mountainous regions, and highlight the measures taken and/or envisaged to ensure the realisation of their rights guaranteed under the Convention.

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