



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD
Forty-eighth session
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**WRITTEN REPLIES BY THE GOVERNMENT OF GEORGIA
TO THE LIST OF ISSUES (CRC/C/GEO/Q/3) PREPARED
BY THE COMMITTEE ON THE RIGHTS OF THE CHILD IN
CONNECTION WITH THE CONSIDERATION OF THE THIRD
PERIODIC REPORT OF GEORGIA (CRC/C/GEO/3)***

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* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

Additional and Updated Information on the Implementation of the Convention on the Rights of the Child in Respect of the Third Periodic Report of Georgia (CRC/C/GEO/3)¹

PART I

A. Data and Statistics

1. The Government of Georgia having familiarized itself with the List of Issues to be taken up in connection with the consideration of the third periodic report of Georgia (CRC/C/GEO/3) contained in document CRC/C/GEO/Q/3 of 10 October 2007 adopted by the Committee on the Rights of the Child (hereinafter the Committee), the Government of Georgia is hereby transmitting information requested by the Committee;
2. The following reports provide information with respect to the Part I, II and III of the List of Issues, as the Committee did not require the answers to Part IV in written form. The questions posed within the latter Part will be dealt by the respectful members of the delegation of Georgia in the course of presentation of the Report;
3. In Paragraph 1, the Committee is interested in disaggregated data covering the years 2004, 2005 and 2006 of the number and proportion of children under 18 living in the State party, including ethnic minority groups and IDPs:

Statistic Data about Children	2004	2005	2006
Orphanages	210	216	...
Children taken on Record by the Police	...	11107	20070
Children with Disabilities on Pension	34118	44739	39681
Number of Students			
Pre-school Aged	75361	76416	77922
Junior Age (I-VI Grades)	338222	326597	322249
High School Age (VII-XI Grades)	310078	308127	313739

¹ Contact Information regarding the relevant Governmental Institutions can be accessed on the following web-sites:

Ministry of Foreign Affairs of Georgia - <http://www.mfa.gov.ge/>

Ministry of Education and Science of Georgia - <http://www.mes.gov.ge/?lang=eng>

Ministry of Labor, Health and Social Affairs of Georgia – <http://www.moh.gov.ge/news.php>

Ministry of Justice of Georgia - <http://www.justice.gov.ge/index1.html>

Ministry of Refugees and Accommodation - <http://www.mra.gov.ge/index.php>

Office of the Prosecutor General of Georgia - <http://www.psg.gov.ge/en/>

Population by sex and age 2004-2006

In thousand

Age	2004			2005			2006		
	Both sex	Men	Women	Both sex	Men	Women	Both sex	Men	Women
0	45.0	24.2	20.8	48.4	25.4	23.0	45.6	24.2	21.4
1-4	195.7	99.3	96.4	188.6	97.3	91.3	189.1	98.4	90.7
5-9	252.3	129.0	123.3	247.2	126.4	120.8	250.2	127.9	122.3
10-14	310.7	159.2	151.5	307.3	156.7	150.6	301.9	154.2	147.7
15-19	349.2	177.0	172.2	343.7	174.8	168.9	340.6	173.5	167.1

Year 2004												
Grade	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	Total
Total	51537	52564	53841	55313	53922	58898	67210	70358	69836	48554	43534	625567
Grade	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	Total
Girls	20583	20972	21961	22609	22086	24214	27688	28491	28450	20148	18232	255434
Grade	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	Total
Boys	30954	31592	31880	32704	31836	34684	39522	41867	41386	28406	25302	370133

Year 2005												
Grade	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	Total
Total	48923	53530	55081	56232	56926	55961	60615	68640	71329	59468	48232	634937
Grade	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	Total
Girls	22685	24881	25763	26580	27133	26895	29043	33313	34579	29215	24018	304105
Grade	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	Total
Boys	26238	28649	29318	29652	29793	29066	31572	35327	36750	30253	24214	330832

Year 2006												
Grade	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	Total
Total	50762	48704	53732	55477	56382	57190	56175	60925	68645	65921	61986	635899
Grade	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	Total
Girls	23171	22897	25306	26111	26990	27501	27091	29455	33750	32719	30912	305903
Grade	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	Total
Boys	27591	25807	28426	29366	29392	29689	29084	31470	34895	33202	31074	329996

**Statistic Data of Children according to Ethnicity
for Year 2006**

Ethnicity	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	Total
Georgian	35819	35582	39514	41274	42375	43675	42955	46619	53482	52553	48212	437	482241
Azeri	3677	3778	3867	3645	3630	3714	3254	3159	3171	2386	2134	34	36449
Armenian	2397	2384	2475	2589	2388	2386	2429	2898	3152	2916	2902	33	28949
Russian	295	269	346	327	324	294	278	364	375	457	412	83	3824
Abkhazian	5	4	4	0	5	8	8	9	4	5	4	0	56
Ossetian	174	188	233	281	229	201	184	225	267	244	237	16	2479
Greek	22	31	26	18	24	18	18	27	28	26	18	0	256
Jewish	4	4	7	4	7	4	7	4	6	10	6	0	63
Ukrainian	7	2	10	8	6	7	5	5	11	9	3	0	73
Belorussian	0	0	0	0	0	0	0	0	0	0	2	0	2
Curt	9	1	2	8	2	6	2	6	3	6	4	0	49
German	0	0	0	0	0	0	1	0	1	1	0	0	3
Pole	0	0	0	0	0	1	0	0	0	0	1	0	2
Aisor	2	3	0	3	4	5	1	1	6	2	5	0	32
Other	518	544	602	570	566	465	481	509	562	411	379	22	5629
Total	42929	42790	47086	48727	49560	50784	49623	53826	61068	59026	54319	625	560107

For the Information regarding the general distribution of the population by the regions based on ethnic origin please view Annex I.

4. In Paragraph 2, the Committee asked disaggregated data for the years 2005, 2006 and 2007 on budget allocations and trends allocated to the implementation of the CRC².

5. With Respect to Education noted in paragraph 2(a) the following table provides information on budget allocations:

Type of Establishment	Costs for 2005	Costs for 2006	Costs for 2007
Comprehensive Schools	-----	187,396,528.46	200,000,000.00
Special nursery schools	257,194.09	Financed from the local budget	Financed from the local budget

6. With respect to Health Care noted in paragraphs 2(b)³, please note that –

- 2005 year Programmes (Annual Budget):

² Budget is given in national currency – Georgia Lari i.e. GEL;

³ Source: Georgian State Budget Law of 2005 year; Decree No 62/N of 2005 2nd March of the Minister of Labor, Health and Social Affairs of Georgia about “Social care, Employment and Health care State Programs of 2005”; Decree No 53/N of 2006 15th February of the Minister of Labor, Health and Social Affairs of Georgia about “Labor, Health and Social care State Program of 2006”; Georgian State Budget Law of 2006 year; Decree No 40/N of 2007 7th February of the Minister of Labor, Health and Social Affairs of Georgia about “2007 year Medical care Program”; Georgian State Budget Law of 2007 year;

- Ambulatory care State Program of the Population – **19,673.0 thousand GEL**;
- Inpatient care State Program- Psychiatric care component – **3,102.0 thousand GEL⁴**;
- Inpatient care State Program – Children (0-3 year old) medical care component – **6,000.0 thousand GEL**;
- Inpatient care State Program – Infectious disease care component – **2,186.0 thousand GEL⁵**;
- Inpatient care State Program – Oncological disease diagnostic and care component – **4,500.0 thousand GEL⁶**;
- Inpatient care State Program – Children without parental care, abandoned, orphan children and for children who need long-term care – **300.0 thousand GEL**;
- Children and adult with diabetics medical care component – **1,200.0 thousand GEL**;
- Immunization component – **800.0 thousand GEL**;
- HIV/AIDS (2003-2007 Global Fund) program, HIV/AIDS, Tuberculosis and Malaria Prevention and Control Program (based on the International Grants) – **5,787.4 thousand GEL**;

•
2006 year Programmes (Annual Budget):

- Ambulatory care State Program of the Population – 21,640.0 thousand GEL;
- Inpatient care State Program Psychiatric care component – 4,000.0 thousand GEL⁷;
- Inpatient care State Program – Children (0-3 year old) medical care component – 6,000.0 thousand GEL;
- Inpatient care State Program – Infectious disease care component – 2,186.0 thousand GEL⁸;
- Inpatient care State Program – Oncological disease diagnostic and care component, annual budget – 5,033.0 thousand GEL⁹;
- Children without parental care, abandoned, orphan children and for children who need long-term care – 300.0 thousand GEL;
- Children and adult with diabetics medical care component – 1,200.0 thousand GEL;
- Immunization component – 800.0 thousand GEL;
- HIV/AIDS (2003-2007 Global Fund) program, HIV/AIDS, Tuberculosis and Malaria Prevention and Control Program (based on the International Grants) budget for 2006 – 6,145.9 thousand GEL;

•
2007 year Programmes (Annual Budget):

- Primary Health care State Program – 41,850.0 thousand GEL¹⁰;

⁴ Including children and adult psychiatric rehabilitation, annual budget – 25.0 thousand GEL;

⁵ Including HIV/AIDS component – 395.0 thousand GEL;

⁶ Including children oncohematology – 550.0 thousand GEL;

⁷ Including children and adult psychiatric rehabilitation – 25.0 thousand GEL;

⁸ Including HIV/AIDS component – 395.0 thousand GEL;

⁹ Including children oncohematology – 583.0 thousand GEL;

- Inpatient care State Program – Psychiatric care component – 4,960.0 thousand GEL;
- Inpatient care State Program – Children (0-15 year old) medical care component – 13,240.0 thousand GEL¹¹;
- Inpatient care State Program – Infectious disease care component – 2,720.0 thousand GEL¹²;
- Inpatient care State Program - Oncological disease diagnostic and care component – 4,950.0 thousand GEL¹³;
- Immunization component – 600.0 thousand GEL;
- HIV/AIDS (2003-2007 Global Fund) program, HIV/AIDS, Tuberculosis and Malaria Prevention and Control Program (based on the International Grants) budget for 2005 – 5,900.0 thousand GEL;

7. With respect to Programmes and Services for Children Disabilities noted in paragraph 2(c)¹⁴, please note that –

2005 year Programmes:

- *Integration and Adaptation of the Persons with Disabilities Included Rehabilitation Program for the Children with Disabilities* and had total budget 3,885.2 thousand GEL, while annual budget for the Rehabilitation Program for the Children with Disabilities – 600.0 thousand GEL;

2006 year Programmes:

- *Integration and Adaptation of the Persons with Disabilities included Rehabilitation Program for the Children with Disabilities* and had total annual budget of the main program – 3,114.4 thousand GEL, while annual budget for the Rehabilitation Program for the Children with Disabilities – 400.0 thousand GEL;

2007 year Programmes:

- *Program Social Rehabilitation of the people with disabilities, elders and children without parental care, includes Rehabilitation Program for the Children with Disabilities* and has total annual budget of the main program – 4,237.3 thousand GEL, while annual budget for the Rehabilitation Program for the Children with Disabilities – 640.0 thousand GEL;

8. Following Special Programs and Services for the Children with Limited Abilities are carried out by the Ministry of Education and Science:

¹⁰ Including Children and adult with diabetics medical care component – 450.0 thousand GEL;

¹¹ Including Children without parental care, abandoned, orphan children and for children who need long-term care – 300.0 thousand GEL;

¹² Including HIV/AIDS component – 600.0 thousand GEL;

¹³ Including children oncohematology – 850.0 thousand GEL;

¹⁴ Source: Georgian State Budget Law of 2005 year; Georgian State Budget Law of 2006 year; Georgian State Budget Law of 2007 year;

- **Project on the establishment of inclusive education at comprehensive schools** – In January 2007, the Ministry of Education and Science of Georgia in cooperation with the Ministry of Education and Science of Norway launched the project for the establishment of inclusive education at 10 schools of Tbilisi¹⁵. The program entails the adaptation of physical environment at school, retraining of teachers and parents, public awareness activities. One of the main points for the establishment and development of inclusive education represents the multidisciplinary group. The group is responsible for the evaluation of children, the monitoring of the education process, the preparation of the recommendations for teachers and parents. For the moment over 100 children are involved in the educational program. **Budget:** 55,000.00 GEL;
- **Special educational service of the children with limited intellectual abilities at public school №10** – the aim of the program is to help children with special needs acquire practical and academic skills. The number of beneficiaries amounts to 15 (children with limited abilities). The program includes the following directions: the creation of the adapted academic environment for children with limited abilities, the assessment of the individual abilities of children and the creation of plans on the basis of individual abilities. **Budget:** 10,000.00 GEL;
- **Let's learn together** – The aim of the program is to support the establishment of inclusive education in regions (Rustavi and Gori). It is comprised of two sub-programs: the increase of teachers' awareness about the inclusive education and the conduct of children integrated activities. 60 teachers and 30 children were engaged in the program. **Budget:** 6,500.00 GEL;
- **Training of teachers for the purpose of effective education and assessment of the children with special needs** – the aim of the program was the training of 25 teachers of the Logopedia School in order to improve their qualification. **Budget:** 6,500.00 GEL;
- **The program for the support of social adaptation and integration of children with special educational abilities** – aimed at training 60 teachers of inclusive and special school in order to familiarize them with the contemporary methods of working with children with special needs. **Budget:** 6,500.00 GEL;
- **Residence program "In Children's Village"** – the goal of the program is the creation of the care and living facilities close to that of family environment for the children with limited abilities and integrate them in the society. The number of beneficiaries of Children's Village amounts to 24 children. The program provides for the following general directions: medical (the health monitoring, laboratory researches, examination at medical institutions, the protection of the sanitary and hygienic norms); development of functional/practical skills, development of academic skills, support of social integration, sport activities. **Budget:** 63,000.00 GEL;
- **Early development program for the children with limited abilities** - the goal of the program was the environmental adaptation of the children with limited abilities (under the age of 7) and their parents coupled with awareness rising activities. 24 families

¹⁵ The multidisciplinary group was selected on January 17, 2007, as a result of the competition. The group is composed of 9 members. The members include teachers, psychologists, occupational therapeutics and neuropathologists;

having children with special needs are the beneficiaries of the program. **Budget:** 36,600.00 GEL;

- **In 2005 working drafts of the following documents were elaborated: the aim of inclusive education, general principles, strategy.** The project for the establishment of inclusive education was drafted for 10 schools in Tbilisi. The project was prepared by the Ministry of Education and Science, Educational Reform Project and the coalition – “Education of individuals with limited abilities” and 20 Children in total were engaged in the program. For the purpose of the support and encouragement of inclusive education, the schools where the processes thereto were taking place were supplied with computers, copy machines, sport equipments, and the issuance of additional salaries for collective and supporting teachers was ensured. The trainings were conducted with the aim to develop the practical skills of working with children with limited abilities.

9. With respect to information regarding the children living below poverty line as mentioned in paragraph 2(e), the Ministry of Labor, Health and Social Affairs provides the program of aid for inhabitants below the poverty line. The beneficiaries of the component are the families registered in the “united database of socially unprotected families” whose rating point is no more than 70 000 (including children). The annual budget of the program is 43 990 GEL and supports two main objectives:

- Providing service foreseen for the 480 500 beneficiaries who own the medical aid card (except inhabitants of Tbilisi and Imereti);
- Providing with medical insurance 179 000 beneficiaries living in in Tbilisi and Imereti.

10. With respect to information regarding protection of the children who are in need of alternative care, including the support of care institutions, noted in paragraph 2(f), as well as programmes and services for orphans and abandoned children mentioned in paragraph 2(h), please note that the following program has been and are carried out by the Ministry of Health, Labour and Social Affairs:

- **2005 year Program:** Inpatient care State Program – Children without parental care, abandoned, orphan children and for children who need long-term care, annual budget – 300.0 thousand GEL;
- **2006 Year program:** Inpatient care State Program – Children without parental care, abandoned, orphan children and for children who need long-term care, annual budget – 300.0 thousand GEL
- **2007 year Program:** Inpatient care State Program – Children (0-15 year old) medical care component, annual budget – 13,240.0 thousand GEL (including Children without parental care, abandoned, orphan children and for children who need long-term care, annual budget – 300.0 thousand GEL).

11. In 2001 the Ministry of Education and Science of Georgia elaborated and financed the “Program for the Support of Orphans and Children without Care”. The main directions of the Program are as follows: the immediate assistance of orphan and children without parental care that are under the state support and for their families; the developments and improvement of the material and technical base of children’s home, deinstitutionalization of children, their further education and rest and recreation that represents the inseparable part of the reforms taking place in the sphere of children’s welfare. In 2007 the Ministry of Education and Science of Georgia

continued to work in this direction. Correspondingly, the Ministry has elaborated the Program for the Support of Orphan and Children without Care the main directions of which are being carried out through the under-mentioned sub-programs:

- Prevention and deinstitutionalization of the abandonment of orphans and children without care;
- Rest and recreation for orphans and children without parental care under the state support;
- Improvement of the material and technical basis of the children's homes and boarding schools;
- Immediate support to the families in order to prevent child abandonment;
- "Our house";
- Post-school education of the orphans and children without care;

The name of the program	2005 Budget in national currency	2006 Budget in national currency	2007 Budget in national currency
The programs of alternative form for the support of the homes, boarding schools and of the nursery and boarding schools of special regime for orphans and children without care	794,116.52		
Alternative programs for the support of the children under the state care		1,323,653.75	
The program for the support of orphan and children without care			1,831,770.00

12. Furthermore, the budget of 2005, 2006 and 2007 allocated for the programs to be carried out at the care institutions for the children without parental care that are under the state support:

The name of the program	2005 Budget in national currency	2006 Budget in national currency	2007 Budget in national currency (last 9 months)
The programs for the support of the comprehensive boarding schools for orphans and children without care	2,473,006.34	2,104,798.26	-----
The support of the children's homes	1,119,430.91	1,041,500.94	-----
The program for the support of the closed special schools and rehabilitation centers	242,506.00	230,798.30	-----
The program for the support of subsidiary, sanatorium and specialized children's boarding schools	2,890,015.71	3,939,516.91	
The programs for the support of the educational, musical and sport institutions for orphans and children without parental care	-----	-----	5,275,293.54

13. With respect to information regarding programmes/service for street children mentioned in paragraph 2(j) of Part I, please note –

- **The program for the supportive service of families** – the aim of the program is to support the qualitative alternative service of socially vulnerable children and their families in the local community. The afore-mentioned service comprises the following: consultation service for the children and their families, the service of psychological support of children (interviewing, the identification of behavioral problems, determination of the ways for prevention), the creation of the professional workshops where children learn working on wood, ceramics, wool, etc. The program is carried out in Rustavi and in Tbilisi. Over 1200 beneficiaries are involved in the program. The program is implemented by the NGO – ”Child and the Environment.” **Budget:** 20,000.00 GEL;
- **The program for the development of small family service at Rustavi Children’s House** – the aim of the program is to provide with family environment those children from Rustavi Children’s House, who currently are not subjected to other alternative care. The program operates for approximately 10 children. The focus groups comprise those 11-16 year old children, whose biological family do not exist or is characterized with extremely low social functioning. The children at issue are distinguished by their complicated and antisocial behavior and have psycho-emotional and physical development problems. The program is carried out by the organization “Every Child.” **Budget:** 35,440.00 GEL;
- **The program of Tianeti Day Centre** – the aim of the program is to support the creation and development of the family support service in Tianeti settlement. The beneficiaries of the Day Centre are over 20-25 children without care. The program is implemented by the organization “Every Child”. **Budget:** 53,300.00 GEL;
- **Sub-program ”Child tolerance and the community cooperation activities”** - aims at the correct organization and the management of the leisure of children by the community, schools and families through the engagement of children in community activities, the identification of community problems and the ways of their resolution. Thus the competition named „*Everyday ask yourself what have you done for the good of others*” is conducted under the auspices of the program. The representatives of the institutions engaged in the program carry out the community activities. Within the framework of these activities, children from the kinder gardens, schools and other establishments together with their parents and teachers are taking care of old people and the children living in the families below the poverty level. The measures are children of the mentioned categories are planning the activities under the program for poor old people, the children with limited abilities. Hence, aim of the program is the self-integration of the socially vulnerable families and children from children’s homes into the society. The so-called “street children” are engaged in the program as well. The authors of the planned and conducted programs are awarded with monetary prizes at the end of the year. The seminars are conducted under the sub-program for the purpose of support of the inclusive education and for bringing disabled children into classes. The seminars are aimed at the awareness rising of the community. **Budget:** 14,126.50 GEL (2006); 14,126.50 GEL(2007);
- **Program “Correct organization and the management of the leisure”** – aims at the establishment of the alternative methods for the implementation of the educational

programs and considers the retraining of the employees of the childcare establishments in this direction. The program provides for practical activities with the beneficiaries of the establishments, including the children with limited abilities in order to offer them the activities corresponding to their interests. **Budget 5,000.00 GEL;**

14. As regards the information on juvenile justice, juvenile crime prevention and social integration as noted in paragraph 2(k), please view Annex II;

15. With respect to data requested in Paragraph 4(a/b/c/d) of the List of Issues, please note -

Data on Children	Number of Children in 2004					Number of Children in 2005					Number of Children in 2006				
	Gender		Age			Gender		Age			Gender		Age		
	Female	Male	0-6	6-12	12-18	Female	Male	0-6	6-12	12-18	Female	Male	0-6	6-12	12-18
Separated from their parents and placed under the supervision of the State Institutions	Total: 832		----	-----	----	Total: 754		----	-----	----	Total: 534		----	-----	----
	352	480	-		-	300	474				200	334	-		-
Beneficiaries of Child-Care Institutions	Total: 5204		48	416	55	Total: 4552		35	357	62	Total: 4076		40	372	31
	203	316	9	4	1	189	265	5	5	2	178	229		3	3
	5	9				5	7				6	0			
Children in Foster Families	Total: 42					Total: 70					Total: 108				
Children adopted within Georgia (domestically)	Total: 25		20	3	2	Total: 205		14	42	18	Total: 186		12	38	25
	11	14				124	81	5			74	112	3		
Children adopted outside Georgia (intercountry)	Total: 39		36	3	0	Total: 17		16	1	0	Total: 9		7	2	0
	25	14				10	7				3	6			

16. Concerning the data requested in paragraph 5(a/b/c/d) of the List of Issues please note –

Data on Children	Number of Children in 2004					Number of Children in 2005					Number of Children in 2006				
	Gender		Age			Gender		Age			Gender		Age		
	Female	Male	0-6	6-12	12-18	Female	Male	0-6	6-12	12-18	Female	Male	0-6	6-12	12-18
Living in Institutions	Total:1305		50	628	627	Total: 1445		50	598	797	Total:1595		39	875	720
	509	796				625	820				725	870			
Place in Foster Care	Total: 22		22			Total: 30		29	1		Total: 35		32	3	
	10	12				12	18				16	19			
Attending Regular Schools											Total: 1645				
Attending Special Schools	Total: 1111		0	986	125	Total: 1036		0	618	418	Total: 995		0	521	474
	412	699				418	618				400	596			
Not Attending any Schools	0		0	0	0	Total: 310		70	95	145	Total: 300		65	95	140
	0	0				135	175				130	170			

17. In addition please note –

Dynamics of Deinstitutionalization

	2003	2004	2005	2006	2007	2008	Total
Reintegration	66	44	54	342	340	330	1176
Prevention	86	84	124	383	409	608	1694
Foster Care	89	42	70	108	131	316	756
Total	241	170	248	833	880	1254	3626

Number of Children in State Residential Institutions and Special Boarding Schools for May 2008

Disabled	Orphan	With One Parent	With Both Parents	In Residential Institutions	In SEN Boarding Schools	TOTAL
1090	184	830	1679	1760	933	2693

	2004	2005	2006	2007	2008
Number of Children in Institutions	5200	4100	3800	3500	2693

- 51% Reduction Since 2003
- Approximately 1200 children live in non-state (Church, NGO) institutions.

Types and Number of Institutions

Boarding Schools for Children with Special Education Needs	Residential Institutions	Boarding Schools for Children with Antisocial or Deviant Behavior	Residential Institutions for Disabled Children	TOTAL
10	26	2	2	40

18. With respect to information requested in paragraph 6 (a/b/c/d) of the List of Issue Please note:

Rates of infant and child mortality

Age coefficients of the mortality - the quantity of dead children with relevant age group within 1000 person¹⁶:

¹⁶ Source: Healthcare, Statistic Reference Book, Georgia 2005;

	2003	2004	2005
total	10.6	11.3	9.3
0-1	25.4	25.2	19,5
1-4	0.7	0.7	0.3
5-9	0.1	0.4	0.8
10-14	0.2	0.3	0.2
15- 19	0.3	0.4	0.4

Rates of immunization

Propylactic examinations, Georgia, 2005 - Quantity of examined children 59 715

Vaccinations - Prophylactic Vaccinations

Table 1. Data about vaccinations in proper time, Georgia 2005

Vaccine	Age of vaccination by calendar	Target group	Quantity of inoculated children by calendar	%
BCG – 1	1 year	48920	46388	94.8
DTP (diphtheria, tetanus, pertussis) – 1	2 month. – 11 month. 29 days old	44326	40700	91.8
DTP – 2	3 month. – 11 month. 29 day	44326	38775	87.5
DTP – 3	4 month. – 11 month 29 day	44326	36344	82.0
DTP – 4	18 – 24 months	44153	31237	70.7
Polio – 1	2 months. – 11 month. 29 days	44326	40008	90.3
Polio – 2	3 months – 11 months. 29 days	44326	38826	87.6
Polio – 3	4 months – 11 months 29 days	44326	36117	81.5
Polio – 4	18 – 24 months	44153	31115	70.5
Polio – 5	5 years – 5 years. 11 month. 29 days	47487	36089	76.0
Hepatitis B – 1	0 – 24 hours 25 hours – 11 months 29 days	48920	45237	92.5
Hepatitis B – 2	2 months. – 11 months. 29 days	44326	40111	90.5
Hepatitis B – 3 (proper time)	3 months. – 11 months 29 days	44326	31727	71.6
Hepatitis B – 3 (Late)	1 years >	9548	7492	78.5
MMR (measles, mumps, rubella) – 1	12- 24 months	43486	39677	91.2
MMR – 2	5 years – 5 years. 11 months 29 days	47487	41265	86.9
MMR	13 years	69360	59741	86.1
DT (diphtheria, Tetanus)	5 years 11 months 29 days	47487	43390	91.4
DT	14 years	73450	52039	70.8

Table 2. The immunization rates by regions Georgia 2005

	BCG 1		DTP		Polio – 3	
	The quantity of inoculated	%	The quantity of inoculated	%	The quantity of inoculated	%
Adjara	4175	96.1	4095	94.1	4079	93.7
Tbilisi	19870	100.0	10987	80.2	11229	82.0
Kakheti	2993	89.8	3295	88.7	3470	93.4
Imereti	6102	95.5	4768	89.5	4601	86.4
Samegrelo	2581	84.3	2071	80.2	2053	79.5
Shida Qartli	2475	96.2	2477	83.7	2387	80.6
Qvemo Qartli	4057	87.0	3803	66.3	3438	60.0
Guria	837	78.5	1025	92.5	967	87.3
Samckhe-Javakheti	2040	86.7	2002	82.0	2113	86.6
Mcxeta-Mtianeti	531	85.4	803	85.4	799	85.0
Racha-Lechkhumi and Qvemo Svaneti	154	85.6	185	65.4	178	62.9
other	573	97.4	833	69.9	803	66.9
Georgia	46388	94.8	36344	82.0	36117	81.5

Table 3. The immunization rates by regions Georgia 2005

	MMR- 1		MMR – 2		DT	
	The quantity of inoculated	%	The quantity of inoculated	%	The quantity of inoculated	%
Adjara	4063	94.0	4749	97.4	5274	90.0
Tbilisi	11657	87.7	10156	78.0	11403	79.2
Kakheti	3487	97.0	3822	95.5	3677	85.5
Imereti	5391	96.2	6027	96.8	6404	90.5
Samegrelo	2327	95.8	2857	90.1	3144	81.9
Shida Qartli	2878	98.6	2983	87.9	2649	67.0
Qvemo Qartli	4875	85.0	4826	77.7	4765	52.6
Guria	997	93.1	1331	98.1	1523	84.5
Samckhe-Javakheti	2157	95.1	2416	97.4	2314	90.7
Mcxeta-Mtianeti	877	93.0	1037	94.8	1073	90.1
Racha-Lechkhumi and Qvemo Svaneti	226	93.8	266	69.1	283	68.6
other	742	79.0	795	63.8	881	51.6
Georgia	39677	91.2	41265	86.9	43390	

Distribution by age groups of the sexuality transmitted infections¹⁷:

	Age groups		
	Total	0 – 14	15 – 19
All forms of Syphilis	509	6	44
Gonococcus	1202	10	206
Chlamydia	1030	7	170
Trichomona	3440	14	452

19. With respect to Paragraph 9 (a/b/c/d/e) of the list of issues please note –

Rates of literacy below and over 18 years

1.1 According to CIA (CIA, World Fact book, 2007) literacy rate over 15 years is 99% (males-100%, females-98%).

1.2 According to Human development report (Human development reports, UNDP, 2007) adult literacy rate is 100%.

¹⁷ Following the data given by dispensaries, in 2005 there were 14, 2 % (564) new cases of the mental and behavioral disorders in the age 0-14 years old. As in the last year, in 2005 the leader in the mental disorders was psychosis, that was 40, 9% of registered mental disorders (there is not included alcoholic psychosis), mental backwardness (oligophrenia)-29, 5% and a non-psychos nature psychic disorders-29, 7%. In the structure of psychoses 55, 7% is schizophrenia. In the class of non-psychoses disorders 38,5% had neurosis, 13,6%-psychopathy, 12,3 %- epilepsy without psychotic disorders. In the general quantity of mental backwardness, moronity was 43%. In 2005 88 people committed suicide- 70 men and 18 women. Hanging, asphyxiation and drown was committed by 66 person (13-women and 53-men). 3 men committed suicide by firearm, intended self-intoxication was committed by 3 person (2 was men). 16 people committed intended self-injury, 12 was men.

Rates of enrolment in pre-primary, primary and secondary schools

Gross Enrollment rate *												
	2004			2005			2006			2007		
	Females	Male	Total	Females	Male	Total	Females	Male	Total	Females	Male	Total
Primary	77%	106%	92.50%	95.80%	100.00%	98%	96.70%	99.30%	98%	97.40%	100.20%	98.80%
Basic	76%	111%	94%	82%	97%	90%	89%	91%	90%	109%	106%	107%
Secondary	55%	80%	65%	76%	76%	76%	85%	83%	84%	83%	84%	84%

* As the calculation of Gross enrollment rate includes all students, enrolled in the particular grades, the Gross Enrollment rate exceeds 100%, due to over-aged or under-aged pupils studying at grades of primary, basic or secondary education.

** Since we don't have students' personal database, the information about students' age distribution per grades is unavailable. It means that it was impossible to calculate Net enrollment rate.

*** To calculate enrollment rate by urban and rural area and children belonging to ethnic minority groups the appropriate data is needed.

Percentage of children completing primary and secondary education

Completion rate												
	2004			2005			2006			2007		
	Females	Male	Total	Females	Male	Total	Females	Male	Total	Females	Male	Total
Primary	70%	98%	85%	93%	96%	94%	98%	100%	100%	93%	95%	94%
Secondary	53%	67%	61%	68%	69%	69%	86%	85%	85%	81%	81%	81%

Number and percentage of dropouts and repetitions

Dropout rate 2004 (%)			
	Urban	Rural	Total
Primary	0.06	0.09	0.08
Basic	0.2	0.4	0.3
Secondary	1	2	1.5

Dropout rate 2004 (N)			
	Urban	Rural	Total
Primary	110	143	253
Basic	241	385	626
Secondary	554	834	1388

Dropout rate 2005 (%)			
	Urban	Rural	Total
Primary	0.0002	0.1	0.05
Basic	0.3	0.5	0.3
Secondary	0.8	1.7	1.2

Dropout rate 2005 (N)			
	Urban	Rural	Total
Primary	46	149	195
Basic	324	405	730
Secondary	516	781	1297

Dropout rate 2006 (%)						
	Females	Males	Urban	Rural	Ethnic minorities*	Total
Primary	0.06	0.08	0.05	0.1		0.07
Basic	0.3	0.5	0.3	0.6		0.4
Secondary	0.1	0.6	0.5	0.8		0.6

Dropout rate 2006 (N)						
	Females	Males	Urban	Rural	Ethnic minorities*	Total
Primary	106	137	95	148		243
Basic	323	510	345	488		833
Secondary	362	439	379	422		801

Dropout rate 2007 (%)						
	Females	Males	Urban	Rural	Ethnic minorities*	Total
Primary	0.1	0.07	0.07	0.1		0.09
Basic	0.4	0.4	0.2	0.7		0.4
Secondary	0.7	0.9	0.7	1.06		0.8

Dropout rate 2007 (N)						
	Females	Males	Urban	Rural	Ethnic minorities*	Total
Primary	179	119	127	171		298
Basic	383	424	257	550		807
Secondary	455	650	542	563		1105

** Data regarding dropouts and repetition of children belonging to ethnic minority groups is not reliable.*

Repetition rate (%) 2005											
	I	II	III	IV	V	VI	VII	VIII	IX	X	XI
Urban	0.3	0.2	0.2	0.2	0.2	0.2	0.4	0.4	0.4	0.8	0.7
Rural	0.5	0.3	0.2	0.3	0.3	0.3	0.4	0.5	0.4	0.5	0.3
Total	0.4	0.3	0.2	0.2	0.3	0.3	0.4	0.4	0.4	0.7	0.5

Repetition (N) 2005											
	I	II	III	IV	V	VI	VII	VIII	IX	X	XI
Urban	93	62	57	59	61	80	152	150	159	243	179
Rural	124	70	55	67	82	95	122	163	11	98	49
Total	217	132	112	126	143	175	274	313	170	341	228

Repetition rate (%) 2006											
	I	II	III	IV	V	VI	VII	VIII	IX	X	XI
Urban	0.3	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.3	0.2	0.08
Rural	0.9	0.5	0.5	0.5	0.6	0.7	0.7	0.7	0.7	0.7	0.4
Total	0.5	0.3	0.3	0.3	0.4	0.4	0.4	0.4	0.5	0.4	0.2

Repetition (N) 2006											
	I	II	III	IV	V	VI	VII	VIII	IX	X	XI
Urban	71	66	57	58	63	64	92	100	114	74	24
Rural	183	122	120	113	142	167	179	188	214	160	82
Total	254	188	177	171	205	231	271	288	328	234	106

Repetition rate (%) 2007											
	I	II	III	IV	V	VI	VII	VIII	IX	X	XI
Urban	0.1	0.2	0.2	0.2	0.5	0.2	0.3	0.3	0.3	0.3	0.07
Rural	0.5	0.3	0.2	0.4	0.3	0.3	0.4	0.4	0.3	0.4	0.2
Total	0.3	0.3	0.2	0.3	0.4	0.3	0.3	0.4	0.3	0.3	0.1

Repetition (N) 2007											
	I	II	III	IV	V	VI	VII	VIII	IX	X	XI
Urban	31	71	62	57	153	66	82	110	113	110	29
Rural	118	63	51	95	82	79	93	118	100	120	45
Total	149	134	113	152	235	145	175	228	213	230	74

Teacher/children ratio and number of children per class

Teacher/students ratio				
	2004	2005	2006	2007
Urban	0.1	0.09	0.09	0.1
Rural	1.3	0.14	0.16	0.16
Total	0.11	0.12	0.125	0.125

Student/Teacher ratio				
	2004	2005	2006	2007
Urban	9.9	10	10	10
Rural	7	6.8	6.1	6
Total	8.7	8.3	8	8

Number of students per class											
	I	II	III	IV	V	VI	VII	VIII	IX	X	XI
2004	57012	57519	58672	57715	62342	70691	74202	73676	64105	47439	43615
2005	53757	54787	55841	57401	55752	60684	69317	72334	71640	49703	44659
2006	48910	53518	55075	56124	56919	55951	60585	68612	71291	59420	48219
2007	49498	48818	53879	55617	56555	57316	56338	61073	68908	66127	62152

20. With respect to paragraph 10 of the List of Issues regarding children infected and/or affected by HIV/AIDS, please note that at the end of 2005, 144 patients were under anti-retrovirus treatment, 102 men, 42 women (among them 5 children). Among the patients under that treatment, 135 were taking medicines of first line and 9 patients were treated with the medicines of second line¹⁸.

¹⁸ Source: Ministry of Labor, Health and Social care of Georgia, *Annual Report of Public Health in Georgia. 2005*, Tbilisi, 2007.

21. With Respect to data requested in Paragraph 11 of the List of Issues, please note -

Persons under 18 who have allegedly committed the crime

#	Type of Offence	2004		2005		2006		2007
		Girls	Boys	Girls	Boys	Girls	Boys	Both
1	Total Recorded Crime	3	554	3	757	8	989	674
2	Intentional Murder		7		5		10	15
3	Attempted Homicide		1		7		14	12
4	Serious Intentional Health Injury		7		11		10	6
5	Rape		4		6		2	2
6	Theft	1	308	1	406	5	583	346
7	Robbery	1	47		47	1	56	59
8	Armed Robbery/Burglary		39		60	1	54	35
9	Damaging or Destruction of Objects		15		46		49	
10	Arbitrary Detention		4	1	1		1	
11	Hooliganism		13		26		29	33
12	Illegal Appropriation of Vehicles		11		11		6	
13	Violation of Traffic Rules		3		1		6	
14	Drug Offences	1	23		21		24	11
15	Unlawful Acquisition, Storage, Carriage, Creation/Manufacturing, Transfer or Sale of Firearms, Exploding Substance or Devices		18		22		29	27
16	Other Offences		54	1	87	1	116	128

Persons under 18 who were charged with a crime and sentenced

2004

#	Type of Offence	Age of Convict			Girls	Boys	Type of Sentence										
		14-15 years old	16-18 years old	Total			Deprivation of Liberty/Imprisonment							Correctional Work	Probative Sentence	Suspended Sentence	Other
							to one year	from 1 to 2 years	from 2 to 3 years	from 3 to 5 years	from 5 to 10 years	from 10 to 15 years	Total				
1	Total among them	17 0	42 8	59 8	1 0	58 8	1 0	31	29	50	19	1	14 0	7	41 1	1	3 9
2	Theft	10 0	18 6	28 6	5	28 1	3	20	14	21	2		60	5	20 7		1 4
3	Robbery	10	52	62		62	2	3	3	2			10	2	47		3
4	Armed Robbery/Burglary	6	17	23		23		1	6	6	9		22		1		
5	Fraud		2	2		2		1					1		1		
6	Appropriation and Waste of Property	1	1	2		2									2		
7	Intentional Murder	2	3	5		5				1	3	1	5				
9	Negligent Homicide	1		1		1				1			1				
10	Serious Intentional Health Injury	2	6	8		8		1		3			4		2		2
11	Serious Health Injury which Resulted in Death	1		1		1					1		1				
12	Rape																
13	Hooliganism	3	10	13		13	2	1					3		5		5
14	Drug Offences	1	25	26	1	25	1	1		1	1		4		20		2
15	Other Offences	43	12 6	16 9	4	16 5	2	3	6	15	3		29		12 6	1	1 3

2005

#	Type of Offence	Age of Convict			Girls	Boys	Type of Sentence										
		14-15 years old	16-18 years old	Total			Deprivation of Liberty/Imprisonment						Correctional Work	Probative Sentence	Suspended Sentence	Other	
							to one year	from 1 to 2 years	from 2 to 3 years	from 3 to 5 years	from 5 to 10 years	from 10 to 15 years					Total
1	Total among them	127	348	475	6	469	4	26	28	28	16	2	104	9	333	3	26
2	Theft	95	204	299	1	298	2	11	15	13	2		43	4	241	1	10
3	Robbery	8	33	41		41		3	7	2			12	2	26		1
4	Armed Robbery/Burglary	3	20	23		23		3	1	6	8		18	1	4		
5	Fraud		1	1		1							1				
6	Appropriation and Waste of Property	2		2		2				1	1		2				
7	Intentional Murder	1	4	5		5				1	2	2	5				
9	Negligent Homicide	1	1	2		2									2		
10	Serious Intentional Health Injury		3	3		3				1			1		2		
11	Serious Health Injury which Resulted in Death		1	1		1			1				1				
12	Rape		1	1		1			1				1				
13	Hooliganism	2	10	12		12				1	2		3	1	8		
14	Drug Offences	1	10	11		11		1	1				2		8		1
15	Other Offences	14	60	74	5	69	2	8	2	3	1		16		42	2	14

2006

#	Type of Offence	Age of Convict			Girls	Boys	Type of Sentence										
		14-15 years old	16-18 years old	Total			Deprivation of Liberty/Imprisonment						Correctional Work	Probative Sentence	Suspended Sentence	Other	
							to one year	from 1 to 2 years	from 2 to 3 years	from 3 to 5 years	from 5 to 10 years	from 10 to 15 years					Total
1	Total among them	323	679	1002	23	979	17	59	77	81	94	12	340		620		42
2	Theft	224	351	575	9	566	9	35	40	43	8		135		419		21
3	Robbery	21	53	74		74		9	7	12	1		29		45		
4	Armed Robbery/Burglary	24	74	98	2	96	2	2	13	12	63	1	93		5		
5	Fraud	2	8	10		10		1	1		1		3		7		
6	Appropriation and Waste of Property																
7	Intentional Murder	5	16	21	2	19				4	8	9	21				
9	Negligent Homicide		1	1		1									1		
10	Serious Intentional Health Injury	4	10	14		14		3	2				5		9		
11	Serious Health Injury which Resulted in Death																
12	Rape	1	3	4		4			3		1		4				
13	Hooliganism	6	36	42		42	2	3	4				9		26		7
14	Drug Offences	2	24	26		26		2		2	4		8		18		
15	Other Offences	34	103	137	10	127	4	4	7	8	8	2	33		90		14

2007

#	Type of Offence	Age of Convict			Girls	Boys	Type of Sentence										
		14-15 years old	16-18 years old	Total			Deprivation of Liberty/Imprisonment						Correctional Work	Probative Sentence	Suspended Sentence	Other	
							to one year	from 1 to 2 years	from 2 to 3 years	from 3 to 5 years	from 5 to 10 years	from 10 to 15 years					Total
1	Total among them	298	762	1060	34	1026	22	85	54	102	137	26	426		597		37
2	Theft	196	355	551	11	540	9	45	32	60	29		175		373		3
3	Robbery	13	55	68		68	3	4	3	14	9	2	35		33		
4	Armed Robbery/Burglary	18	70	88	1	87		3	8	10	55	9	85		3		
5	Fraud	7	28	35	2	33	1	6	2	5	1		15		20		
6	Appropriation and Waste of Property																
7	Intentional Murder	11	29	40	1	39				3	26	10	39		1		
9	Negligent Homicide	2	1	3		3		1	1				2		1		
10	Serious Intentional Health Injury	4	5	9		9		4	1				5		4		
11	Serious Health Injury which Resulted in Death																
12	Rape		1	1		1									1		
13	Hooliganism	5	38	43	2	41	3	1	1	1	2		8		34		1
14	Drug Offences	2	26	28	3	25	2	4	1	1	1	1	10		17		1
15	Other Offences	40	154	194	14	180	4	17	5	8	14	4	52		110		32

3 Months of 2008

#	Type of Offence	Age of Convict			Girls	Boys	Type of Sentence										
		14-15 years old	16-18 years old	Total			Deprivation of Liberty/Imprisonment						Correctional Work	Probative Sentence	Suspended Sentence	Other	
							to one year	from 1 to 2 years	from 2 to 3 years	from 3 to 5 years	from 5 to 10 years	from 10 to 15 years					Total
1	Total among them	71	200	271	18	253	15	24	21	23	18	6	107		156		8
2	Theft	44	106	150	3	147	5	9	18	16	5	1	54		95		1
3	Robbery	9	16	25	7	18	4	5	1	1	2		13		12		
4	Armed Robbery/Burglary	1	4	5		5				1	2	1	4		1		
5	Fraud		5	5	1	4	3		1		1		5				
6	Appropriation and Waste of Property		1	1		1									1		
7	Intentional Murder		9	9		9				2	3	3	8		1		
9	Negligent Homicide																
10	Serious Intentional Health Injury	2	3	5						1			1		4		
11	Serious Health Injury which Resulted in Death																
12	Rape																
13	Hooliganism	7	16	23		23		3	1				4		19		
14	Drug Offences	1	2	3	2	1		1			1		2		1		
15	Other Offences	7	38	45	5	40	3	6		2	4	1	16		22		7

Detention facilities for persons under 18 and the capacity of these facilities

The capacity of penitentiary establishments where juveniles were detained in 2004, 2005 and 2006 is as follows:

- Kutaisi N2 Prison and Strict Regime Establishment – designed for 18 juveniles;
- Batumi N3 Prison – designed for 33 juveniles;
- Common and Prison Regime Establishment for Women and Juveniles – designed for 110 juveniles;
- Zugdidi N4 Prison – not strictly determined;
- Correctional Establishment for Juvenile Offenders – designed for 160 juveniles;

Detention facilities in accordance with each penitentiary establishment are as follows:

Kutaisi N2 Prison and Strict Regime Establishment – the special block for juveniles is situated in the two-floor building standing separately on the territory of the establishment. Juveniles are placed in 4 cells. Adequate space, ventilation, lightning, food, water supply, toilet and shower facilities are provided in the establishment.

Batumi N3 Prison – juveniles are placed in several cells. Adequate space, ventilation, lightning, food, water supply, toilet and shower facilities are provided in the establishment.

Common and Prison Regime Establishment for Women and Juveniles – there are 22 cells in the establishment. Each cell is equipped with isolated toilet and the proper lightning. Juveniles can use the shower facilities two times a week. The prison is provided with bed clothing that is changed and washed once a week. The adequate heating and ventilation is guaranteed. The special room is allocated in prison for the library with approximately 200 books. Juveniles can take a walk for 2 hours a day. Food is of high quality due to the increased funding. Meat is provided 3 times a week, fish – 4 times a week, eggs – 3 times a week and vegetables – every day. Besides, there is a prison shop opened where juveniles can acquire additional food and hygiene items using credit cards.

Zugdidi N4 Prison – there is one special isolated cell for juveniles. Adequate space, ventilation, lightning, food, water supply, toilet and shower facilities are provided in the establishment.

Correctional Establishment for Juvenile Offenders – cells were divided into smaller living spaces in order to allow juveniles for more privacy and comfort. Adequate space, ventilation, lightning, food, water supply, toilet and shower facilities are provided in the establishment.

- The general educational institution is allocated in the Correctional Establishment where juveniles are given the opportunity to get the secondary education. Teaching process is conducted in two (morning and afternoon) sessions with approximately 5 lessons a day. 10 teachers are leading the teaching courses.
- There is a computer class in the establishment with 6 computers where various computer software is studied. Computer classes run separately from the general education course and nearly all juveniles are involved in them.

- Sport playgrounds, football and basketball, table tennis and wrestling mat on the territory of the establishment ensure that the juveniles are actively involved in sport activities.
- There is library functioning in the establishment equipped with approximately 2,200 books in different languages.
- Within the framework of the project implemented by UNICEF in 2007 a stationery, school textbooks, 2 washing machines, a water heater, and sport gears were donated to the Establishment.

Persons under 18 detained in detention facilities for juveniles and persons under 18 detained in adult facilities

Juveniles are strictly separated from adults (Article 22 of the Law on Imprisonment). Juveniles in pre-trial detention are placed in special Juvenile Blocks of the respective penitentiary establishments listed above while convicted juveniles are placed in the Correctional Establishment for Juvenile Offenders in Avchala.

Number of juveniles under pre-trial detention

In 2004 – 96 juveniles;
In 2005 – 110 boys and 2 girls;
In 2006 – 139 boys and 3 girls;

Number of juveniles serving the sentence

In 2004 - 21 juveniles;
In 2005 – 30 juveniles;
In 2006 – 195 juveniles;

Persons under 18 in pre-trial detention and the average length of their detention

Juveniles under pre-trial detention are placed in the Juvenile Blocks of the following penitentiary establishments: Kutaisi N2 Prison and Strict Regime Establishment, Zugdidi N4 Prison, Batumi N3 Prison, Common and Prison Regime Establishment for Women and Juveniles.

Number of juveniles under pre-trial detention

In 2004 - 96 juveniles;
In 2005 – 110 boys and 2 girls;
In 2006 – 139 boys and 3 girls;

The Criminal Procedure Code of Georgia sets the average length of pre-trial detention.

In 2004 the average length was 3 months;
In 2005 – 3 months;
In 2006 – 2 months;

Persons under 18 involved in Rehabilitation Programmes

The Correctional Establishment for Juvenile Offenders in Avchala provides for the possibility to receive general as well as professional education. As of nowadays a secondary school operates in the establishment where juveniles have possibility to receive general (pre-primary, primary, secondary) education.

In 2006 with the support of the City Hall a football pitch was built in Avchala Correctional Establishment.

There is a gymnastic hall in the establishment, which is equipped with a wrestling mat, a table tennis set and other sport gears.

There is also functioning a library in which books are systematically renewed. The literature is recorded in the Registry.

A number of rehabilitation programs are carried out in the Correctional Establishment for Juvenile Offenders:

- 1) Psycho-social rehabilitation centre “Empatia” – 58 juveniles (courses are voluntary);
- 2) Charity Organization “Zarebi” – computer courses for juveniles (nearly all juveniles undergo these courses);
- 3) Psycho-social rehabilitation centre for victims of torture – 15 juveniles;

22. With respect to paragraph 12 of the List of Issues please note that fight against the crime of human trafficking, including trafficking in minors, represents one of the main priorities of the Government of Georgia. The Government of Georgia is consistently undertaking measures for the suppression, prevention, prosecution and punishment of trafficking in persons in Georgia (three Ps).¹⁹ For the detail information please view Annex III;

B. General Measures of Implementation

23. Information on the activities carried out in accordance with the recommendations made in the review issued with regard to the Second Periodic report of Georgia - Under the Governmental Decree №75 (21.04.2005) on the “Adoption of the National Action Plan on Child Protection and Deinstitutionalization and the Adoption of the Charter of Governmental Commission on Child Protection and Deinstitutionalization”, the Governmental Commission has been established. The primary objective of the Government Action Plan on Child Care and

¹⁹ - The Georgian Parliament ratified protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime on June 7, 2006. The said convention is mostly important for the fight against the trafficking in minors.

- On November 24, 2006, the Georgian Parliament ratified the Council of Europe Convention on Action against Trafficking in Human Beings. It shall be noted that the Georgian legislation regarding TIP fully corresponds with the standards established by the Council of Europe Convention.

Deinstitutionalization 2005-2007 was to reduce the number of children deprived of parental care in Georgia by strengthening social welfare structures and management capacity at local and national levels. Respectfully:

- 40% of formally institutionalized children placed in alternative care by the end of 2007;
- 70% of children at risk of institutionalisation placed in alternative care (prevention) by the end of 2007.

24. There were six main components to the Action Plan 2005-2007:

- a. 'Optimization' of large-scale residential institutions;
- b. Improvements in the legislative framework;
- c. Consolidation and strengthening of regional management of child welfare systems under one Ministry;
- d. Establishing a system of registering and assessing needs of disabled children and their families;
- e. Development of services and responses aimed at social inclusion of marginalized groups of children – in particular, street children and children with disabilities;
- f. Informing the public and professionals about the changes in the child welfare system.

25. The MoES set out its detailed implementation plan in its State Child Care Reform Strategy 2006-8 which focuses on separating the education and care provision functions of the MoES boarding schools, orphanages and other facilities providing services to vulnerable children; expanding prevention, reintegration and foster care services and closing down institutions in cases where it is possible to meet children's needs through other services.

26. The MoES also took control over admissions into all forms of institutional care – from 2005 children's homes and boarding schools were no longer allowed to admit children without a 'visa' from the MoES Child Care Division.

27. Government funding for the whole child welfare sector under MoES has increased by **14% from 2007 to 2008**, and the percentage of funding diverted to community-based care has increased from **22% to 38%** of total expenditure in the same period.

28. The number of state social workers providing family support, reintegration and foster care services has increased **from 51 in 2006 to 135 in 2008** and there is a growing number of state-funded alternative forms of child care (foster care, day care centres, small family-type homes) available for children who cannot live with their own parents or extended family. Over the period of the current child welfare reform which begun in 1999, the decision-making process has changed according to government policy and according to the changing capacity within MoES.

29. Although the childcare system remains centrally managed, in effect a considerable amount of decision-making power has been delegated to regions. Particularly important move has been

increase and formalization of the role of social work assessment in the decision-making process²⁰.

30. The key decision-making bodies are the **Education Resource Centre (ERC)**²¹, MoES local level representations, and the Panel for Prevention of Children's Abandonment and Deinstitutionalization (Panel)²².

31. Major developments coming in 2008 include:

²⁰ **Law on Social Assistance** - The Law specifies the role of a social worker in making recommendations about children lacking parental care or requiring state care and about the need to remove children from their families. The Law defines a social worker as '*a certified person with special authorization from the guardianship and care agency, who makes a recommendation on assigning the status of a child lacking care, foster care, use of care by the state for children lacking care and use of types of care for adults lacking care under the Civil Code of Georgia, as well as a recommendation on taking a child away with or without depriving a parent of his/her parental rights*'. The Law also refers to social workers working on '*prevention of family violence, protection of and assistance to the victims of the family violence and human trafficking*'. **Social worker job description** - The MoES social worker job description was reviewed in January 2008. It sets out the main role of the social worker and lists 17 key areas of responsibility. It also includes a section on the role the social worker should play in interagency cooperation. The job description includes the requirement to carry out initial and comprehensive assessments, provide recommendations on the form of child care the child requires, develop an intervention plan, and manage cases from referral up to closure, and to supervise and review cases. **Standard social work forms - Initial assessment:** It is divided into five main sections – Information about the child, Information about family and environmental resource, Social Worker's Conclusion/Recommendation, Action Plan and Organizations that were involved in the assessment process. Standard practice is that the assessment form should be completed within a 5-day period and should involve at least 3-5 visits to the family and child. The form has 28 questions which social workers are required to explore each response should be backed up by evidence as to how the social worker has made that conclusion. **Comprehensive assessment:** There are 3 separate comprehensive assessment forms according to the age of the child (0-3 years, 3-6 years, 6-18 years). In essence the comprehensive assessment forms follow the same pattern as the initial assessment form but require the social workers to go into much greater depth. In addition the comprehensive assessment form has some specialized sections depending on the age of the child (for example, the comprehensive assessment form for 0-3 age group includes a section on the pre-natal and neo-natal periods). The comprehensive assessment form also requires that the social worker completes a genogram for the child, and separate eco-maps for the child and for the family. To give some impression of the difference between the initial and comprehensive assessment form, the initial assessment form includes 7 questions under the Behavioral and emotional development needs section, in the comprehensive assessment for the same section includes 24 questions. In particular, the comprehensive assessment form requires much more in-depth exploration of the child's family and relatives and the social networks surrounding the child and family. The comprehensive assessment should be carried out within 20 days and should involve at 5-10 visits to a family or child.

²¹ **Ministerial Order # 31, January 17 2006** - Sets out the typical statutes of educational resource centers including Article 2 (n) which states that the ERC should carry out the functions of the guardianship and care agency, coordinate the process of adoption and foster care, manage the relevant database and monitor the activities of institutions. **Ministerial Order # 857, October 11 2006** - Makes an amendment to the statutes of the ERCs by adding an extra sub-clause (q) to Article 2 which states that the ERCs prepare conclusions on placement of children into state care institutions and liaises with the institution regarding the placement.

²² According to existing regulations, available guidelines and MoES practice, no child should be placed in a state care institution without a conclusion drawn up by the local ERC, which in turn should base its decision on a social work assessment. Similarly children are placed in foster care or included on the MoES prevention of abandonment and reintegration programme based on the recommendation of the panels. In the majority of cases, children at risk of being placed in a care institution receive an initial social work assessment using standardized forms and the new requirement for stricter control of entries does appear to have had a significant impact on numbers of new entries.

- a. Written procedures and training for all stakeholders involved in the decision-making process;
- b. The introduction of formalized child protection procedures including referral and emergency placement procedures;
- c. The extension of obligatory assessment to all children at risk of placement in state care with initial emphasis on those entering residential schools and municipal care institutions;
- d. The long-term requirement for one independent decision-making body which reviews all cases where children are at risk of being placed outside parental care;
- e. The requirement for a more systematized approach to review of children in state care and the need for more rigorous procedures to ensure children's safety on exiting state care.

32. Radical changes were carried out in **State Residential Institutions**. While some childcare institutions were closed, the others merged. Since 2005 children, who had previously under boarding schools to study at the schools linked to the care institutions, have started to attend regular schools. One of the most important and large-scale activities of last academic year, organized by the Ministry of Education and Science at care institutions was the closing of boarding schools and transfer of children to the regular schools. Motivated and experienced directorate took over the most of the orphanages. Every institution has obtained the status of legal entity of public law. Charters, child program, staffing schedule and newly planed budget have been approved for them.

33. **National minimum standards for family support and family substitute services** was elaborated, adopted and jointly approved by the Ministers of Education and Science and Labor, Health and Social Affairs. **Separate standards were developed for Family Substitute Services and Family Support Services**. A core set of standards emerged common to all family substitute and family support services and in future joint standards will be adopted.

34. Currently MoES carries out the following new child welfare programs:

1. Social services – Social Work Teams all regions of Georgia (135 social workers);
2. Shelter for mothers and infants (in Tbilisi);
3. Daycare centers (Rustavi, Tianeti, Akhmeta, Tbilisi);
4. Small group homes (Telavi, Kutaisi, Batumi, Rustavi, Akhmeta, Ozurgeti, Mtskheta);
5. Higher Education Grant programs for children, deprived of care (full coverage of Tuition and stipend);
6. Prevention of child abandonment and deinstitutionalization (financial support of vulnerable families);
7. Emergency assistance to the families (medical or other);
8. Foster Care.
- 9.

35. In 2007-8 a new policy document - **the New Government Action Plan for Child Care for 2008-2011** has been developed by the Ministry of Education and Science and the Ministry of Labor, Health and Social affairs under the leadership of Technical Secretariat of Government

Commission of Child Protection and Deinstitutionalization (GCCPD). The Action Plan tackles three main problems in child welfare:

- Poverty, as hampering factor for families to provide relevant care for the child;
- Child Abuse;
- Wide use of “large-scale” residential institutions that are harmful for the development of children

The Action Plan is a result of a participative policy-making process, involving the relevant target/client groups, thus creating a bottom up approach.

36. The Ministry of Education and Science of Georgia represents central body of guardianship and care. Educational resource centers (territorial agencies of guardianship and care) are its structural units on the sites. These two entities are authorized to carry out child adoption procedures within as well as outside the country. From 2004, adoption process has been unambiguously restricted and regulated. Proof of this statement is the following statistics of Inter-county adoptions:

- 2005 - 17 (1 kinship);
- 2006 - 9 (3 kinship);
- 2007 – 5 (1 kinship);

37. Numbers of children put for adoption within the country have increased:

- 2005 - 205 children (41 direct, 34 kinship);
- 2006 - 183 (54 direct, 56 kinship);
- 2007 – 175;

38. Guardianship and care agencies have been recruited by new staff employed based on competition. The staff is being constantly trained and instructed on the recommendations about the child adoption and guardianship issues. Their activities are coordinated by the MoES. .

39. New **Law on Child Adoption** has been recently initiated by the parliament; it came into force on May 1, 2008. It will assist children, deprived of parental care to find a home environment and help potential parents to put into reality their wish to adopt a child. Work of specially trained professionals (social workers) with the issues of child adoption as well as parental obligations (subject to the restriction or withdrawal of parental right in case of inappropriate fulfillment) in front of the children are included in the draft law²³.

²³ **Law on Child Adoption** introduces following important novelties:

1. Activities connected with adoption shall be carried out solely by a social worker working on the problems of the juvenile. Rights and duties of a social worker working in the field of adoption are: to assess the prospective adoptive parent in the terms of his or her biographical background, personal characteristics, social status and the state of health; to establish the prospective parent's motives for the adoption of a child and their conformity with the objects of adoption; to assess the prospective adoptive child in the terms of his or her biographical background, personal characteristics, social status and the state of health; to determine the degree of compatibility between the adoptive parent and the prospective adoptive child; to draw up an action plan and to carry it out; etc.

40. With respect to application of the Convention in the breakaway regions of Abkhazia, Georgia and South Ossetia, Georgia – please note that As Article 2(1) of the Convention imposes upon the State Parties an obligation to “respect and ensure the rights set forth in the present Convention to each child within their jurisdiction”. As enunciated by the Human Rights Committee, this type of obligation which is common to all the major human rights instruments requires a State party ensure the rights laid down in the Convention to anyone within the power or effective control of that State Party, even if not situated within the territory of the State Party.²⁴ As such, the requirement set forth for the State would be the exercise of effective control over the territory in order to bear both positive and negative obligations under the Covenant. The exercise of jurisdiction is a necessary condition for a Contracting State to be able to be held responsible for acts or omissions imputable to it, which gives, rise to an allegation of the infringement of rights and freedoms set forth in the Convention. The said proposition is reflective of the international customary law principle that state responsibility is established when a) there is a breach of international obligation of that state and b) that breach is imputable to the state.²⁵ In the present case, the Government of Georgia submits that it has territorial jurisdiction over Abkhazia and South Ossetia/Tskhinvali Region, since they constitute integral part of Georgia. However, due to the armed conflicts that erupted on the said territories of Georgia in 1992 and 1993 between the Georgian governmental forces and the separatist forces of Abkhazia/South Ossetia-Tskhinvali Region, Georgia lost the *de facto* control over the parts of

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2. In order to prevent child abandonment and illegal adoptions: The administration of a medical institution shall be obliged, within 24 hours from the admission to this institution of a parturient woman, to provide the information concerning a parturient woman, admitted to the institution without a certificate of identity, to the local guardianship and custodianship agency, and the latter must notify the Central Authority within 48 hours; The local guardianship and custodianship agency, with the help of the territorial bodies of the Ministry of the Internal Affairs of Georgia, shall, in the required form established by the Georgian legislation, identify the social status and address of the presumed place of residence of the mother subject to the risk of abandoning her infant; Notwithstanding the organizational and legal form of the medical institution, the failure on the part of the administration of the said medical institution to report to the guardianship and custodianship agency the fact of the woman recently confined leaving the institution without permission, will result in administrative responsibility in the required legal form established by the Georgian legislation.
 3. If, notwithstanding the filling in of the primary form, the parent should fail, to appear before the guardianship and custodianship agency to attest his or her (their) final decision, and the child remains without care, the guardianship and custodianship agency shall immediately, but no earlier than 6 weeks after the childbirth, apply to a court of law with claim in respect of the deprivation of parental rights.

New bylaws have been elaborated and will be soon approved:

- Approving initial and main forms of agreement with putting child for adoption;
- Approving the program on preparing adoptive and foster family;
- The rule of preparing and issuing conclusion on putting for adoption;
- Preparing special form of agreement with central entity (if not available, appropriate authorized organization, licensed in adopting country and accredited in Georgia) of adopting country;
- Elaborating special form for delivering information about the health and social condition of a child put for adoption from Georgia;
- Approving the rule for maintaining departmental register of social workers and their training courses;
- Rule on storing and issuing available information connected with putting child for adoption.

²⁴ General Comment N. 31 (80), Nature of the General Legal Obligation Imposed on State Parties to the Covenant, CCPR/C/21/Rev.1/Add.13, 26 May 2004, para.10;

²⁵ Article 2 of the International Law Commissions Draft Articles’ on State Responsibility, ILC, 2001;

those regions. All these, resulted in the fact that Georgia has not been in the position to secure all freedoms and rights prescribed by the Convention on the so-called “break away” territories of Abkhazia and Tskhinvali Region. Please further note, that Georgia has obtained full control over Zemo [Upper] Abkhazia and now the said territory falls under the full jurisdictional control of the central government.

41. Despite the mentioned situation, Georgia has never negated the positive obligations imposed by the Convention and the customary international law, that is, the duty to take all the possible measures which it is still within its power to take and endeavor, with all the legal and diplomatic means available to continue to guarantee the enjoyment of the rights and freedoms envisaged by the Convention on the “break away” territories. To this effect the Government, has been taking all the necessary and possible steps to redress each and every violation of the Convention. The non-exhaustive list of the said measures is the following

- The Government of Georgia on numerous occasions informed the Office of the High Commissioner for Human Rights as well as relevant Special Procedures regarding the human rights violations that take place on the territory of Abkhazia and South Ossetia/Tskhinvali Region, requesting for the support and cooperation in prevention of the similar facts/incidents.²⁶
- The law enforcement authorities initiate investigations into the facts of human rights violations that take place in the “break away” regions.²⁷
- With respect to Abkhazia, Georgian side supports application of the confidence building measures during the Geneva Talks format.

42. **Discriminatory Educational Policy in Abkhazia, Georgia** - Articles 28 and 29 of the Convention recognize the right of child to education and stipulate extremely important role of education in development child's personality, talents and mental and physical abilities. As provided by the Committee on the Rights of the Child in its General Comment No. 1, the aim of the education is to “promote, support and protect the core value of the Convention: the human dignity innate in every child and his or her equal and inalienable rights.”²⁸ It is again an established principle that education should be free from any discriminatory elements. Under Article 2 of the Convention, each right set out in the Convention should be ensured without discrimination of any kind. Even more, education should be used as a main tool in the process of fight against discrimination xenophobia etc. This principles was specifically highlighted by the Committee in the following way “[r]acism and related phenomena thrive where there is ignorance, unfounded fears of racial, ethnic, religious, cultural and linguistic or other forms of difference, the exploitation of prejudices, or the teaching or dissemination of distorted values. A

²⁶ See for example the Note Verbales 8/129-02 (ICRC), 8/128-02 (OHCHR), 8/127-02 (Special Representative on IDPs), 8/126-02 (UNHCR), of the Permanent Mission of Georgia to the UN Office and Other International Organizations at Geneva regarding illegal acquisition of the government and private property by the de facto authorities of Abkhazia and South Ossetia/Tskhinvali Region or Note Verbales of the Mission regarding the ;

²⁷ The Georgian law enforcement authorities attempt to address human rights violations committed on the territory of Abkhazia, Georgia through initiation of the investigations in 37 criminal cases during 18 months (year 2005 and first six months of year 2006). Unfortunately the law enforcement bodies were not allowed to carry out any operative investigative activities (question the witness, examine the evidences, etc) on the territory falling under control of the *de facto* Abkhaz authorities.

²⁸ General Comment No. 1, The Aims of Education, CRC/GC/2001/1, 17 April, 2001, para. 1.

reliable and enduring antidote to all of these failings is the provision of education which promotes an understanding and appreciation of the values reflected in article 29 (1), including respect for differences, and challenges all aspects of discrimination and prejudice. Education should thus be accorded one of the highest priorities in all campaigns against the evils of racism and related phenomena.” Against this background, ethnic Georgian children living in Gali District have been deprived opportunity to receive education in native language due to the so-called “educational policy” of *de facto* Abkhaz authorities since 2003.²⁹ As a result, the educational policy bears discriminatory elements, depriving ethnic Georgians their right to receive education in native language.³⁰

43. Information regarding the activities carried out for training and the conduct of awareness raising campaigns on the Convention on the Rights of the Child and human rights in general for the children, parents, teachers, social workers and other professionals working with children:

- The Convention on the Rights of Child and the human rights related issued in general represent the compulsory part of the general education (the National Educational Plan adopted by the Ministry of Education and Science of Georgia under the Order №841 of 28 September 2006 (amendments – Order №808 of 06.09.2007), that defines the academic programs of general education). The afore-mentioned issue is clearly defined in the programs of the public science thematic groups (both in the integrated and civil educational courses). The details of all these programs may be viewed at the following web site: http://www.reform.edu.ge/index.php?lang_id=GEO&sec_id=155 or <http://www.ganatleba.org/index.php?m=102>.
- The program on the regular trainings of teachers and members of school administration by the Centre of National Educational Plan and Assessment in the period of the piloting and establishment of new thematic programs (correspondingly, the publications) is based on the enjoyment of the aforementioned rights and contains extensive information on the issues. The details of all these programs may be viewed at the following web site: <http://ganatleba.org/forums/viewtopic.php?t=44> and <http://www.ganatleba.org/?m=125>. The training program has been under way since September, 2005.

²⁹ United Nations Observer Mission In Georgia/Human Rights Office In Abkhazia, Georgia (UNOMIG/HROAG), quarterly public report, September 22, 2004; Country Reports on Human Rights Practices, 2005, See also Country Reports on Human Rights Practices 2003;

“At the end of August, the *de facto* Education Department of the Gali district instructed school directors to use the Russian language in all grades. Some of the native Georgian teachers, who could not meet this requirement, had to leave and no new Russian-speaking teachers were recruited” -

Report of the Secretary -General on the Situation in Abkhazia Georgia, S/2005/657

³⁰ See supra note 13, para.42; United Nations Observer Mission in Georgia/Human Rights Office in Abkhazia, Georgia (UNOMIG/HROAG), quarterly public report, September 22, 2004; Report of the Secretary-General on the Situation in Abkhazia Georgia, S/2005/657, para. 27;

- Apart from the all the aforementioned, in spring 2007, the Ministry of Education and Science of Georgia conducted the trainings of the members of supervisory council (comprising of teachers, parents and pupils) with regard to the operation of the self-government of schools. The said trainings are in line with the realization of the Law on “Comprehensive Education” (http://www.mes.gov.ge/index.php?lang_id=GEO&sec_id=255&info_id=447) that provides for the implementation of the provisions of the Convention in school life.
- In 2000, UNICEF established training group, which trained the teachers of comprehensive schools on the Convention on the Rights of the Child during the following two years. The aforementioned courses were delivered for other professionals engaged in the sphere of childcare: social workers, doctors, and law-enforcement officials.
- In 2006, the Government adopted the national standards of childcare for the purpose of serving both replacing (large educational institutions, boarding-schools, the small/medium family type houses) and family supporting (biological families, night shelters, the temporary shelters for families, temporary shelters for children) institutions. The mentioned standards must be followed by the services established by Government as well as non-governmental organizations. As far as the standards of child care requires the good knowledge of the Child Convention, the representatives of all the aforesaid services, such as educators, teachers, biological and receiving families, as well as the other specialists engaged in the sphere of child care are trained on the issues related to the Convention.

44. Georgian Code of Criminal Procedure provides that the judges involved in the criminal proceedings of juveniles should pass special trainings.³¹ Moreover, On May 23, 2007 amendment was introduced to the CPC stipulating that only those ***judges, prosecutors and investigators*** having passed the special training in psychology and pedagogy are eligible to participate in the criminal proceedings involving juveniles. This article shall enter into force on July 1, 2008. Until that time the Ministry of Justice, the Ministry of Internal Affairs, the High School of Justice and the Office of the Prosecutor General together with the Ministry of Education and the Ministry of Labour, Health and Social Affairs shall ensure elaboration of training programmes for judges, prosecutors and investigators who will be authorized to deal with the juvenile cases. In addition, the above-mentioned institutions shall cooperate closely in order to provide the necessary training of judges, prosecutors and investigators competent to participate in criminal proceedings involving juveniles. For the current moment the process of implementation of the above-mentioned provision is under way. The high school of Justice has started the training for judges on March 22, 2008. During the training carried out in close cooperation with UNICEF 120 judges will be educated. The trainings involve national as well as international expertise. As regards the Prosecution Service of Georgia, the program for training has already been elaborated. The training of Prosecutors will start in September, 2008.

³¹ Article 654 of CPC

PART II

45. On 29 December 2006 the *Law of Georgia on "Social Aid"* was adopted which implies several articles regulating the rights of the child. According to the law orphans and children lacking parental care are placed in the category of persons in need of special care. The law envisages two types of social aid: pecuniary and non-pecuniary social aid. The pecuniary social aid foresees remuneration for taking a child under fosterage. According to paragraph 1 of article 10 of the Law of Georgia on "Social Aid" remuneration for taking a child under fosterage is a pecuniary social aid, which is given to a foster mother and a foster father to remunerate the labor of caring and fostering a child. Paragraph 1 of article 12 of the law sets out the right to non-pecuniary social aid for persons needing special care. According to paragraph 2 of the same article, non-pecuniary social aid for preventive purposes can be rendered to a child or his/her family if the conditions in the family give sufficient grounds for recognizing a child as lacking parental care. The law also envisages placing children in specialized institutions which are entirely or partially funded by the government. The competent organ makes the decision of placing a child in a specialized institution, as well as placing juveniles in a twenty-four-hour specialized institution. As to the found children, the Ministerial Order regulates their placement in a specialized institution.

46. On 27 June 2007 was adopted the *Law of Georgia on "Public health"*. The law contains a separate chapter on policy of healthy life style, health of mothers, children and adolescents. Pursuant to article 27 of the law the Ministry of Labour, Health and Social Affairs defines the policy of healthy nutrition. In particular, the Ministry defines the principles of healthy nutrition, elaborates and adopts sanitary and hygienic norms, sets norms of security of fortified and special (dietary and diabetic) products for children (including infants), defines the policy of combating disorders caused by deficiency or excessiveness of nutrition substances. The law contains article 28 on preservation of health of mothers, children and adolescents according to which the Ministry of Labour, Health and Social Affairs defines the health policy of mothers, children and adolescents. The Ministry also defines reproductive health policy. It is especially noteworthy that according to the law the Ministry of Labour, Health and Social Affairs provides the environment facilitating optimal development of children through cooperation with other competent Ministries and International Organizations.

47. **New Law on Child Adoption** – view infra paragraph 39;

48. **The Age of Criminal Responsibility** - In pursuance to the recent amendments the age of criminal responsibility has been lowered in Georgian from 14 to 12 years with respect to specific crimes. The decision was taken after the respective research and analyses that revealed the high number involvement of children below 14³² in criminal activities. Consequently the amendment was tailored specifically to meet those challenges. The age of criminal responsibility was lowered with respect to the following crimes: deliberate murder; deliberate murder in aggravating circumstances; deliberate grave injury to health; deliberate less grave injury to health; rape; robbery, armed robbery; carriage of a cold steel by a person who has not attained 21 years or a person with previous conviction or a person convicted under administrative law for

³² Under Article 33 of the Criminal Code the general age of criminal responsibility is 14 years.

using drugs. It is important to note, that the amendments have very often been interpreted as a decision of the Georgian Government to send minors below 14 to prison. Quite the contrary, the aim of the amendments was to establish quasi-correctional institution for juveniles in conflict with law. For this end, the amendment contains a reservation that it will not enter into force until an appropriate institution is established and the Ministry of Justice was given time until June 2008 to have institution ready. Up to date, no appropriate institution is established and the law will not enter into force within a foreseeable future.

49. Developments with Respect to Imposition of Criminal Sanction - The amendments of July 2007 to CPC were introduced in order to mitigate the sanctions imposed on juvenile offenders. The new formulation of Article 88 of the CPC introduced the following principles to that effect:

- deprivation of liberty shall be imposed upon a juvenile aged between 12-14 only in case of grave or utmost grave crime;
- the length of deprivation of liberty imposed upon a juvenile aged between 12-14 shall be reduced by half and shall not exceed 7 years;
- the length of deprivation of liberty imposed upon a juvenile aged between 14-16 shall be reduced by one third and shall not exceed 10 years;
- the length of deprivation of liberty imposed upon a juvenile aged between 16-18 shall be reduced by one fourth and shall not exceed 15 years.

The mentioned amendments will thus ensure that deprivation of liberty as a criminal sanction is applied only in cases of grave crimes and with the less possible length.

ANNEX I

Distribution of permanent population in the regions based on ethnic origin³³

Parties	Population	Georgian		Abkhazian		Ossetian		Armenian		Russian		Azeri		Greek		Ukrainian		Kists		Kurds	
		Person	%	Person	%	Person	%	Person	%	Person	%	Person	%	Person	%	Person	%	Person	%	Person	%
Georgia (Total)	4371535	3661173	83,8	3527	0,1	38028	0,9	248929	5,7	67671	1,5	284761	6,5	15166	0,3	7039	0,2	7110	0,2	18329	0,4
The City Hall of Tbilisi	1081679	910712	84,2	471	0,0	10268	0,9	82586	7,6	32580	3,0	10942	1,0	3792	0,4	3328	0,3	73	0,0	17116	1,6
Gldani-nadzaladevi district	320361	280399	87,5	145	0,0	4847	1,5	13706	4,3	8353	2,6	1965	0,6	800	0,2	805	0,3	13	0,0	7098	2,2
Didube-chugureti district	139447	121045	86,8	43	0,0	1193	0,9	8644	6,2	4094	2,9	328	0,2	392	0,3	444	0,3	0	0,0	1693	1,2
Isani-samgori district	284691	207504	72,9	104	0,0	2535	0,9	46757	16,4	12958	4,6	2740	1,0	1558	0,5	1213	0,4	27	0,0	6495	2,3
Mtatsminda-krtsanisi district	93342	75513	80,9	44	0,0	558	0,6	8259	8,8	2362	2,5	3096	3,3	507	0,5	271	0,3	1	0,0	1314	1,4
Vake-saburtalo district	243838	226251	92,8	135	0,1	1135	0,5	5220	2,1	4813	2,0	2813	1,2	535	0,2	595	0,2	32	0,0	516	0,2
Autonomic Republic of Abkhazia	1956	1912	97,8	9	0,5	2	0,1	1	0,1	23	1,2	6	0,3	0	0,0	2	0,1	0	0,0	0	0,0
Gulrifshi district	1956	1912	97,8	9	0,5	2	0,1	1	0,1	23	1,2	6	0,3	0	0,0	2	0,1	0	0,0	0	0,0
Autonomic Republic of Ajara	376016	351132	93,4	1558	0,4	208	0,1	8848	2,4	9073	2,4	542	0,1	2168	0,6	1056	0,3	8	0,0	76	0,0
Batumi	121806	104313	85,6	800	0,7	142	0,1	7517	6,2	6300	5,2	301	0,2	587	0,5	770	0,6	8	0,0	69	0,1
Kedi district	20024	19958	99,7	15	0,1	2	0,0	8	0,0	26	0,1	7	0,0	0	0,0	3	0,0	0	0,0	0	0,0

³³ Source – Statistics Department of the Ministry of Economic Development of Georgia

Kobuleti district	88063	83367	94,7	50	0,1	36	0,0	958	1,1	1692	1,9	79	0,1	1487	1,7	176	0,2	0	0,0	7	0,0
Shuakhevi district	21850	21796	99,8	25	0,1	5	0,0	5	0,0	14	0,1	1	0,0	1	0,0	2	0,0	0	0,0	0	0,0
Khelvachauri district	90843	88321	97,2	645	0,7	19	0,0	355	0,4	1029	1,1	151	0,2	91	0,1	103	0,1	0	0,0	0	0,0
Kulo district	33430	33377	99,8	23	0,1	4	0,0	5	0,0	12	0,0	3	0,0	2	0,0	2	0,0	0	0,0	0	0,0
Guria	143357	138942	96,9	78	0,1	152	0,1	2134	1,5	1558	1,1	91	0,1	49	0,0	194	0,1	2	0,0	23	0,0
Lanchkhuti district	40507	39868	98,4	7	0,0	33	0,1	160	0,4	345	0,9	33	0,1	18	0,0	28	0,1	0	0,0	0	0,0
Ozurgeti district	78760	75142	95,4	59	0,1	103	0,1	1944	2,5	1133	1,4	55	0,1	29	0,0	159	0,2	2	0,0	23	0,0
Chokhatauri district	24090	23932	99,3	12	0,0	16	0,1	30	0,1	80	0,3	3	0,0	2	0,0	7	0,0	0	0,0	0	0,0
Imereti	699666	689490	98,5	388	0,1	639	0,1	1890	0,3	4924	0,7	274	0,0	242	0,0	636	0,1	0	0,0	56	0,0
Kutaisi	185965	181465	97,6	92	0,0	245	0,1	613	0,3	2223	1,2	132	0,1	127	0,1	293	0,2	0	0,0	52	0,0
Tkibuli district	31132	30656	98,5	29	0,1	35	0,1	41	0,1	282	0,9	6	0,0	10	0,0	40	0,1	0	0,0	0	0,0
Tskaltubo district	73889	72885	98,6	48	0,1	58	0,1	130	0,2	576	0,8	55	0,1	16	0,0	73	0,1	0	0,0	2	0,0
Chiatura district	56341	55802	99,0	17	0,0	22	0,0	217	0,4	190	0,3	10	0,0	40	0,1	20	0,0	0	0,0	0	0,0
Bagdadi district	29235	29073	99,4	7	0,0	10	0,0	22	0,1	91	0,3	5	0,0	1	0,0	7	0,0	0	0,0	0	0,0
Vani district	34464	34279	99,5	24	0,1	13	0,0	8	0,0	96	0,3	18	0,1	9	0,0	9	0,0	0	0,0	0	0,0
Zestafoni district	76208	75412	99,0	53	0,1	56	0,1	141	0,2	370	0,5	7	0,0	6	0,0	72	0,1	0	0,0	0	0,0
Terjola district	45496	45220	99,4	29	0,1	13	0,0	38	0,1	150	0,3	4	0,0	1	0,0	15	0,0	0	0,0	0	0,0
Samtredia district	60456	58883	97,4	33	0,1	39	0,1	615	1,0	635	1,1	24	0,0	22	0,0	80	0,1	0	0,0	0	0,0
Sachkhere district	46846	46591	99,5	11	0,0	117	0,2	20	0,0	84	0,2	0	0,0	5	0,0	8	0,0	0	0,0	1	0,0
Kharagauli district	27885	27728	99,4	7	0,0	22	0,1	20	0,1	85	0,3	8	0,0	2	0,0	5	0,0	0	0,0	0	0,0
Khoni district	31749	31496	99,2	38	0,1	9	0,0	25	0,1	142	0,4	5	0,0	3	0,0	14	0,0	0	0,0	1	0,0
Kakheti	407182	341503	83,9	175	0,0	6109	1,5	3789	0,9	3844	0,9	40036	9,8	285	0,1	222	0,1	6997	1,7	495	0,1
Akhmeta district	41641	31237	75,0	10	0,0	1961	4,7	100	0,2	134	0,3	152	0,4	6	0,0	6	0,0	6928	16,6	2	0,0
Gurjaani district	72618	71148	98,0	32	0,0	463	0,6	484	0,7	350	0,5	58	0,1	16	0,0	36	0,0	0	0,0	6	0,0
Dedoplistskaro district	30811	27441	89,1	8	0,0	102	0,3	1286	4,2	701	2,3	1019	3,3	153	0,5	21	0,1	6	0,0	5	0,0
Telavi district	70589	60370	85,5	38	0,1	412	0,6	460	0,7	381	0,5	8373	11,9	20	0,0	63	0,1	58	0,1	357	0,5

Lagokekhi district	51066	35376	69,3	15	0,0	2239	4,4	561	1,1	1204	2,4	11392	22,3	16	0,0	48	0,1	0	0,0	25	0,0
Sagarejo district	59212	39409	66,6	21	0,0	125	0,2	231	0,4	377	0,6	18907	31,9	27	0,0	21	0,0	4	0,0	33	0,1
Signagi district	43587	42226	96,9	26	0,1	45	0,1	419	1,0	539	1,2	118	0,3	16	0,0	15	0,0	0	0,0	60	0,1
Kvareli district	37658	34296	91,1	25	0,1	762	2,0	248	0,7	158	0,4	17	0,0	31	0,1	12	0,0	1	0,0	7	0,0
Mtskheta-Mtianeti	125443	116476	92,9	60	0,0	3977	3,2	532	0,4	757	0,6	2248	1,8	163	0,1	143	0,1	5	0,0	96	0,1
Akxalgoti district	7703	6520	84,6	6	0,1	1110	4,4	37	0,5	20	0,3	2	0,0	2	0,0	1	0,0	0	0,0	1	0,0
Dusheti district	33636	32229	95,8	31	0,1	1167	3,5	43	0,1	103	0,3	5	0,0	19	0,1	18	0,1	3	0,0	0	0,0
Tianeti district	14014	13777	98,3	3	0,0	147	1,0	20	0,1	37	0,3	4	0,0	13	0,1	6	0,0	0	0,0	1	0,0
Mtskheta district	64829	58808	90,7	20	0,0	1464	2,3	427	0,7	583	0,9	2236	3,4	129	0,2	113	0,2	1	0,0	94	0,1
Kazbegi district	5261	5142	97,7		0,0	89	1,7	5	0,1	14	0,3	1	0,0	0	0,0	5	0,1	1	0,0	0	0,0
Racha-lechkumi and Kvemo Svaneti	50969	50565	99,2	36	0,1	121	0,2	28	0,1	109	0,2	47	0,1	8	0,0	16	0,0	0	0,0	0	0,0
Ambrolauri district	16079	15991	99,5	10	0,1	6	0,0	9	0,1	46	0,3	0	0,0	3	0,0	8	0,0	0	0,0	0	0,0
Oni district	9277	9093	98,0	7	0,1	108	1,2	13	0,1	19	0,2	4	0,0	1	0,0	2	0,0	0	0,0	0	0,0
Tsageri district	16622	16539	99,5	10	0,1	5	0,0	6	0,0	29	0,2	22	0,1	4	0,0	4	0,0	0	0,0	0	0,0
Lentekhi district	8991	8942	99,5	9	0,1	2	0,0	0	0,0	15	0,2	21	0,2	0	0,0	2	0,0	0	0,0	0	0,0
Samegrelo-zemo svaneti	466100	459614	98,6	423	0,1	163	0,0	476	0,1	4163	0,9	142	0,0	86	0,0	528	0,1	0	0,0	2	0,0
Zugdidi district	167760	166039	99,0	172	0,1	44	0,0	90	0,1	1142	0,7	47	0,0	13	0,0	109	0,1	0	0,0	0	0,0
Abasha district	28707	28474	99,2	32	0,1	14	0,0	11	0,0	124	0,4	10	0,0	0	0,0	15	0,1	0	0,0	0	0,0
Martvili district	44627	44399	99,5	37	0,1	8	0,0	16	0,0	131	0,3	8	0,0	6	0,0	14	0,0	0	0,0	0	0,0
Senaki district	52112	51532	98,9	36	0,1	19	0,0	92	0,2	263	0,5	10	0,0	5	0,0	41	0,1	0	0,0	0	0,0
Chkhorotsku district	30124	29895	99,2	36	0,1	2	0,0	30	0,1	127	0,4	1	0,0	1	0,0	20	0,1	0	0,0	0	0,0
Tsalenjikha district	40133	39764	99,1	42	0,1	5	0,0	26	0,1	224	0,6	7	0,0	7	0,0	42	0,1	0	0,0	0	0,0
Khobi district	41240	40929	99,2	29	0,1	6	0,0	6	0,0	216	0,5	16	0,0	1	0,0	21	0,1	0	0,0	0	0,0
Mestia district	14248	14168	99,4	12	0,1	3	0,0	11	0,1	52	0,4	0	0,0	0	0,0	1	0,0	0	0,0	0	0,0
Poti	47149	44414	94,2	27	0,1	62	0,1	194	0,4	1884	4,0	43	0,1	53	0,1	265	0,6	0	0,0	2	0,0
Samtskhe-Javakheti	207598	89995	43,4	42	0,0	822	0,4	113347	54,6	2230	1,1	59	0,0	740	0,4	162	0,1	0	0,0	1	0,0
Adigeni district	20752	19860	95,7	13	0,1	28	0,1	698	3,4	101	0,5	17	0,1	7	0,0	20	0,1	0	0,0	0	0,0
Aspindza district	13010	10671	82,0	4	0,0	9	0,1	2273	17,5	34	0,3	0	0,0	8	0,1	5	0,0	0	0,0	0	0,0

Akhalkalaki district	60975	3214	5,3	3	0,0	10	0,0	57516	94,3	157	0,3	3	0,0	51	0,1	14	0,0	0	0,0	0	0,0
Akhaltzikhe district	46134	28473	61,7	12	0,0	52	0,1	16879	36,6	410	0,9	13	0,0	129	0,3	42	0,1	0	0,0	0	0,0
Borjomi district	32422	27301	84,2	10	0,0	719	2,2	3124	9,6	585	1,8	24	0,1	540	1,7	75	0,2	0	0,0	1	0,0
Ninotsminda district	34305	476	1,4	0	0,00	4	0,0	32857	95,8	943	2,7	2	0,0	5	0,0	6	0,0	0	0,0	0	0,0
Kvemo Kartli	497530	222450	44,7	183	0,04	2184	0,4	31777	6,4	6464	1,3	22460	45,1	7415	1,5	527	0,1	22	0,0	463	0,1
Rustavi	116384	102151	87,8	44	0,04	1410	1,2	2809	2,4	3563	3,1	4993	4,3	257	0,2	395	0,3	15	0,0	293	0,3
Bolnisi district	74301	19926	26,8	35	0,05	80	0,1	4316	5,8	414	0,6	49026	66,0	438	0,6	14	0,0	0	0,0	0	0,0
Gardabani district	114348	60832	53,2	48	0,04	412	0,4	1060	0,9	994	0,9	49993	43,7	236	0,2	65	0,1	6	0,0	162	0,1
Dmanisi district	28034	8759	31,2	9	0,03	12	0,0	147	0,5	156	0,6	18716	66,8	218	0,8	7	0,0	0	0,0	0	0,0
Marneuli district	118221	9503	8,0	29	0,02	47	0,0	9329	7,9	523	0,4	98245	83,1	396	0,3	29	0,0	1	0,0	6	0,0
Teteritskaro district	25354	18769	74,0	16	0,06	205	0,8	2632	10,4	689	2,7	1641	6,5	1281	5,1	14	0,1	0	0,0	0	0,0
Tsalka district	20888	2510	12,0	2	0,01	18	0,1	11484	55,0	125	0,6	1992	9,5	4589	22,0	3	0,0	0	0,0	2	0,0
Shida Kartli	314039	288382	91,8	104	0,03	13383	4,3	3521	1,1	1946	0,6	5768	1,8	218	0,1	225	0,1	3	0,0	1	0,0
Gori district	148686	137957	92,8	45	0,03	6405	4,3	1972	1,3	1136	0,8	607	0,4	97	0,1	123	0,1	0	0,0	0	0,0
Kaspi district	52217	44162	84,6	13	0,02	3479	6,7	254	0,5	271	0,5	3962	7,6	27	0,1	35	0,1	0	0,0	0	0,0
Kareli district	50422	45593	90,4	25	0,05	2755	5,5	542	1,1	217	0,4	1183	2,3	52	0,1	21	0,0	0	0,0	0	0,0
Khashuri district	62714	60670	96,7	21	0,03	744	1,2	753	1,2	322	0,5	16	0,0	42	0,1	46	0,1	3	0,0	1	0,0

Annexe II

Juvenile Justice

The Prison Reform has been one of the main concerns of the Government of Georgia in recent years.

Please note that the following information does not contain the legislative initiatives in the Juvenile Justice system but is aimed to depict *the practical steps* taken by the Government of Georgia to further improve the situation within the penitentiary system, with particular care for juvenile.

Construction and Refurbishment of the Penitentiary Institutions

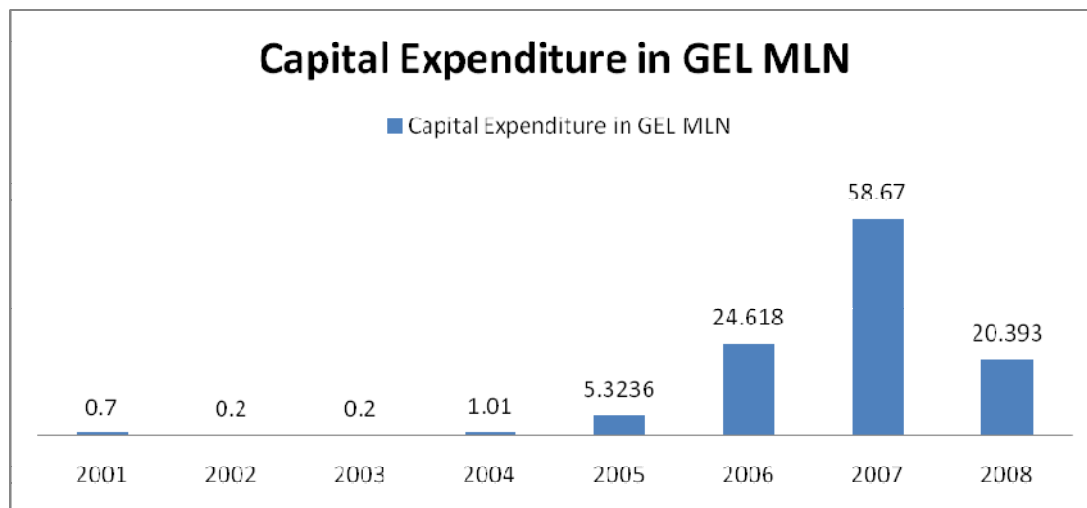
After Rose Revolution several penitentiary facilities, including Juvenile institutions have been constructed and refurbished. In 2007 basic renovation activities have taken place in **Avchala Juvenile Institution** in order to divide the living space in smaller cells and allow the inmates for more privacy and comfort³⁴.

Renovation activities were carried out in other pre-trial Juvenile detention facilities (Batumi #3 prison, Kutaisi #2 Prison) and Strict Regime Establishment. Meanwhile, in March 2008 Zugdidi #4 Prison and Common and Prison Regime Establishment for Women and Juveniles has been renovated.

Allocation of Budgetary Resources for Rehabilitation of Penitentiary System in Georgia

The expenditures for capital costs, salary of the Prison Department staff as well as the total budget of the Prison Department has been increasing, sometimes doubling or even tripling in comparison with previous years. The chart below demonstrates that the capital expenditure, which includes costs for contraction and renovation works, buying new equipment etc, has been increasing from 200 thousand GEL to more than 58 million GEL by year 2007.

³⁴ Ten new showers and toilet equipment were installed.



Food and Nutrition

In 2007 food expenditure item in the budget of the Department of Prisons increased by 247% reaching GEL 10.800.000³⁵. From 4 April 2006 the amount for food per prisoner per month has increased from GEL 23,5 up to GEL 50, and from October 5 of 2007 by the Order #321 of the Minister of Justice the abovementioned amount increased to GEL 80;

In October 2007, the winner company “Mega-Food” was revealed as a result of an open tender. This company will be responsible for nutrition of prisoners. Outsourcing of nutrition has already produced tangible results. Notably, the new system allows the penitentiary department to provide adequate nutrition to those prisoners who need special diet due to the health condition.

Healthcare

The most significant measures with respect to improvement of medical treatment in prisons have been taken recently. Particularly, system of insurance of inmates has been introduced. Under the contract between insurance company Aldagi-BCI and the Penitentiary Department, the former became responsible for medical treatment of prisoners. The contract and therefore the insurance regime became operational since 1 November 2007.

In addition, the insurance company must provide all prison institutions with necessary medications; increase the number of medical personnel and permanently deliver trainings to the latter. It should also be underlined that the medical staff that of the penitentiary system automatically became employees of Aldagi-BCI. It is noteworthy that despite the new insurance system, the Government does not find itself released from responsibility of ensuring adequate medical treatment to every prisoner. On the contrary, the Government carries out all necessary measures in order to sustain relevant medical service by means of monitoring of the insurance company’s activities by Prison Department of the Ministry of Justice.

³⁵ 80 GEL = 50 USD per prisoner;

Rehabilitation Activities

With the assistance of various NGOs and international donors, the Department of Prisons is implementing various educational and work activities in the institutions, including training, retraining as well psychological assistance and psycho therapy.

The following rehabilitative projects are being carried out:

Avachala Juvenile Institution (2006-2007)

- Psycho-social rehabilitation centre Empatia – 58 juveniles;
- Charity organization Zarebi – computer courses;
- Psycho -social rehabilitation for victims of torture – 15 juveniles;
- Sport activities (football, basketball, wrestling etc).

Rehabilitation Programmers for the year 2008

In the framework of the third stage of the “small grants for rehabilitation” program of NORLAG/PRI of 2008 it is planned to carry out the following programs” at the penitentiary department:

- Organization “Empatia” – Juvenile correctional establishment. The project is aimed at functioning of an art-studio, processing/modeling of clay, holding exhibitions.
- Organization ”GCRT” - Juvenile correctional establishment the project is aimed at refurbishment of a room allocated for enamel workshop and full equipment of the room, provision of juvenile convicts with professional education and skills.
- Association “Mkurnali” - Juvenile correctional establishment. In the framework of the project 10 convicts will learn working on cloisonné enamel and after finishing the program the participants will be granted certificates.
- Charity Center “Tanaziari” – Zugdidi #4 Establishment – provision of computer courses for juveniles who haven’t been convicted.

Education

In 2007, the new concept of secondary program in penitentiary system has been elaborated, which is fully in line with existing educational standards in Georgia. New educational program will be launched in September 2008 under the supervision and coordination of the Ministry of Science and Education. Meanwhile, draft penitentiary code of Georgia is a ground for developing of the high education within the penitentiary system. With a view to education of prisoners the libraries of the penitentiary establishments were renewed and provided with modern literature.

Probation

The zero-tolerance policy declared after Rose Revolution has contributed to improvement of the criminological situation. The logical continuation of the said success would be to shift criminal law policy to a new stage that will ensure increase of non-custodial measures of punishment,

rehabilitation and reintegration of criminals in social life. Bearing all this in mind strengthening the probation system and increasing its efficiency is put on the agenda. For this reason following steps have been taken:

- With support to UNICEF the draft *Juvenile Justice Strategy* is being elaborated;
- With support to UNICEF *two year diversion project* is being launched for juvenile probationers in Batumi and Kutaisi. The program aims to:
 - address the needs of juveniles and their offending behaviour in a holistic manner;
 - ensure that wherever possible young people are able to continue to live with their families during the rehabilitative process.

Draft Anti-Torture Action Plan

Draft Anti Torture Action Plan has been elaborated by the Inter-Agency Council composed of representatives of governmental as well as non-governmental bodies and has been submitted for adoption to the President of Georgia. Action Plan introduces in detail manner improvements to be taken in the course of the Criminal Justice System of Georgia, in particular for juvenile offenders and those at risk of offending. Namely, an improved probation system for juvenile offenders shall be achieved, guaranteeing that custody is used as a measure of last resort and shortest possible period of time. Consequently, action plan foresees continuation of growing trend of using alternatives to imprisonment.

ANNEX III

MEASURES TAKEN BY THE GOVERNMENT OF GEORGIA TO FIGHT TRAFFICKING IN PERSONS

Georgian Government has undertaken significant steps in fighting against trafficking and has indeed made considerable progress in that respect. It is noteworthy that the country was placed in Tier One in the US Department of State 2007 Trafficking in Persons Report. The measures leading to this success included actions directed at protection of *children* victims of trafficking as well. Georgia, as a party to the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the Council of Europe Convention on Action against Trafficking in Human Beings, and the Convention on the Rights of the Child, undertakes all possible measures to ensure protection of children victims of trafficking in the best possible way.

The activities carried out by Georgian Government in the fight against trafficking include:

- a. **Creation of Appropriate Legal Basis**, - *introducing amendments to the criminal, administrative and civil legislation, to the Law of Georgia on the Status of Foreigners in Georgia, as well as the adoption of the Law on Combating Trafficking in Persons and adoption of the National Action Plan to fight trafficking in persons;*
- b. **Advancement of Institutional Capacity**, *including establishment of the Permanent Interagency Coordination Council for Carrying out Measures Against Trafficking in Persons, creation of the State Fund for Protection and Assistance to Victims of Trafficking in Persons and establishment of the shelters for victims of trafficking;*
- c. **Provision of TIP Victim Protection**, *including enactment of the System Provided by the Law via the National Referral Mechanism, elaboration of Programs of Assistance and Reintegration of Victims of Trafficking and granting compensation to them, as well as provision of safe return of victims of the trafficking to the countries of their origin;*
- d. **Arranging the wide Public Awareness Activities**, *including trainings, establishment of hot-lines, elaboration of special curriculum, broadcasting of public service announcements and TV and radio programs, preparation and dissemination of the print information material, public discussions on the issue of trafficking in persons;*
- e. **Prosecution of Trafficking and Cooperation with other countries in investigation.**

Georgian anti-trafficking legislation is well elaborated and detailed, complying with both – UN and Council of Europe standards in the field of prevention, protection of victims and prosecution of trafficking in persons. In addition, the laws contain special reference to the minors as victims of the trafficking.

The Criminal Code of Georgia provides for two different articles related to the trafficking: Art. 143¹ refers to the trafficking in adults, in general, whereas Art. 143² criminalizes trafficking in minors. Thus, the sanctions prescribed by the two articles also differ: the minimum sanction provided by Art. 143¹ is deprivation of liberty for 7 years, whereas the Art. 143² sets as a minimum sanction deprivation of liberty for 8 years. The maximum possible sanctions, provided

by these articles are as follows: Art. 143¹ provides for 20 years of deprivation of liberty, whereas maximum sentence in aggravating circumstances, as prescribed by the Art. 143² is life sentence. On May 8, 2007, the Georgian Parliament introduced yet another amendment to the Criminal Code of Georgia, criminalizing use of services of a (statutory) victim of trafficking in persons. The Law envisages deprivation of liberty from 4 to 15 years, as a sanction for committing this crime.

The Georgian legal system contains special provisions regarding protection, assistance, rehabilitation and reintegration of *minor victims* of human trafficking, taking into account the Convention on the Rights of the Child:

- a. The Georgian Law on Combating Trafficking in Human Beings mandates the relevant State agencies to consider the victims' age, sex and special needs, particularly the special needs of children for appropriate housing, education and care;
- b. Under the Law, child victims/injured parties of human trafficking are entitled to protection under the mechanisms established by the Convention on the Rights of the Child, the European Convention on Combating Trafficking in Human Beings and the guidelines of the international organizations on the protection of the rights of child victims of human trafficking;
- c. According to the Law, if the age of a human trafficking victim/injured party is not ascertained, and there are grounds to think that this person is a minor, then he/she is considered as a minor and is entitled to special protection measures until his/her age is ascertained.

Even though the existing regulations provide for special treatment for children victims of trafficking, the legislation is being further improved. Thus the legal basis is being enhanced, to specify some of the protection mechanisms available specifically to children. To that end, in June 2007, a special drafting committee was set up, composed of the respective Government bodies, NGOs and international organizations. The bill was submitted to the Parliament on the fall session in 2007. The draft amendment once again specifically outlines that, children victims of trafficking in persons shall be provided with the social and legal protection, assistance and rehabilitation, taking into consideration their special situation. The following documents with a specific focus on children are added by the draft amendment to the list of the international instruments to be used as guidelines for protection and assistance delivered to specifically children victims of trafficking:

- a. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,
- b. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime.

The draft amendment specifically states that Georgia shall undertake necessary measures to establish identity, nationality, parents and whereabouts of the family of a child victim of trafficking. In cases of need, a special guardian shall be appointed to a child by the State. The Bill provides that any identity-related information of a child is secret and cannot be revealed,

unless it is necessary for establishment of the whereabouts of the parents and the family of the child, provided that disclosure of this information does not threaten security of the child victim concerned.

Even though the current Georgian legislation entitles children victims of trafficking to the protection and assistance on the equal footing with adults, and taking into consideration their special situation, the draft amendment has been elaborated in order to determine in detail appropriate rest, assistance, rehabilitation and reintegration services including education and other, as prescribed by the internal regulation of the shelter. Along with that, the draft amendment clearly states that children of trafficked parents can also be accommodated in a shelter. This provision is added to the Law based on the reality and existing practice of already functioning shelters, according to which 2 children of trafficked parents were placed in shelters along with the parents.

As for the cases of trafficking of children in Georgia:

- **2 victims** were revealed **in 2006**: 1 girl trafficked for the purpose of sexual exploitation and 1 boy was sold for the purpose of adoption.

In 2007 two criminal cases of child trafficking have been initiated. On both cases the court has rendered the judgments and sentenced the offenders. One case initiated in December 2007 is still being investigated.

Although both – Government and civil society actors to closely follow, reveal and record all the possible cases of trafficking, make great attempts none of the NGOs, working on children protection have reported a case of child victim of trafficking.

Full Implementation of the Law of Georgia on Combating Trafficking in Persons

The Georgian Parliament adopted the *Law of Georgia on Combating Trafficking in Persons* on April 28, 2006. The State Fund for Protection of and Assistance to (Statutory) Victims of Trafficking in Persons was established on the basis of the Law; The Law also ensured the creation of the institution providing services for the victims of TIP (the shelter) and the first shelter started functioning in summer 2006. Shelter started provision of active support to the victims of trafficking in persons from the very first days of its opening.

The second shelter, as envisaged by the Georgian 2007-2008 National Action Plan regarding Fight Against Trafficking in Persons in Georgia, was opened in September 2007. It is located in east Georgia – Tbilisi. The local NGOs and international organizations were involved in selecting staff for the shelter, as well as supplementing the state-sponsored activities in terms of equipping the shelter. In this regard a specially refurbished section of the shelter is specifically devoted to child recreational activities in the shelter.

In addition the Law provides that any natural or legal person is entitled to establish a shelter in a form of a private non-profit legal entity, provided that a shelter meets the standards established by the Georgian legislation. Therefore, any non-governmental organization upon a will could establish a shelter for victims of trafficking subject to reservation regarding general standards, which are of technical character and are only aimed at granting equal treatment, shelter and assistance to all victims of trafficking.

In order to ensure protection and rehabilitation of possible children victims of trafficking, activities of the Georgian Prosecution Service, Ministry of Interior, Ministry of Labor, Health and Social Protection, Ministry of Education and Science and the Ministry of Foreign Affairs are very closely coordinated. Coordination of anti-trafficking activities and cooperation of governmental and non-governmental actors is specifically regulated by the National Referral Mechanism.

A-TIP Information and Education Campaigns

The anti-trafficking information campaign and the large-scale educational activities conducted by the Georgian Government in cooperation with the international and local NGOs also contribute to both prevention and prosecution of TIP in Georgia and to the protection of the victims thereof. Namely, the various trainings have been conducted for the following target groups with the support of the Office of the Prosecutor General of Georgia: army servicemen, judges and prosecutors, high school teachers, the officials of the Ministry of Internal Affairs and the Ministry of Labor, Health and Social Protection, and the representatives of the Office of the Public Defender and the Mass Media. The trainings were concentrated on the various topics, depending on the nature of the activities of the target groups. The undertaken activities increased the effectiveness of the work of the officials of different institutions.

Funding of the A-TIP activities

The State Fund, as the state body coordinating assistance/protection and rehabilitation activities for victims of trafficking, receives permanent funding from the Georgian State Budget. The funding for 7 months in 2006 (July – December, as the Fund was created in mid-2006) constituted 80,000 GEL (approximately 56,000 USD), while additional 20,000 GEL (approximately 11,100 USD) were allocated by the Ministry of Labor, Health and Social Protection in order to cover specific medical programs. Direct funding allocated from the Georgian State Budget to the State Fund in 2007 constitutes 300,000 GEL (approximately 180,000 USD). Along with the direct funding, during the first 7 months of 2007 the State Fund received alternative funding for protection and rehabilitation activities from the Development and Reform Fund of Georgia (functioning under the President of Georgia), OSCE, UNICEF and Catholic Relief Services, constituting in total 80,152 GEL (approximately 48,000 USD). Additional 51,000 GEL were allocated for rehabilitation of the second shelter in Tbilisi by the Development and Reform Fund of Georgia, under the President of Georgia. The amount provided includes one-off compensation (1,000 GEL) provided by the State Fund to the victims of trafficking in persons. Budget for upcoming budgetary year is calculated at GEL 400,000.

Activities of the Permanent Interagency Coordination Council

The Permanent Interagency Coordination Council for Carrying out Measures Against TIP, established by the Decree of the President of Georgia dated September 1, 2006, held 3 plenary meetings and organized a number of thematic working group meetings in 2007, in order to elaborate and approve the remaining acts envisaged by the Law facilitating effective enforcement of the anti-trafficking measures in Georgia.

Along with developing the recommendations and guidelines for all governmental, non-governmental and international organizations acting in the field of fight against trafficking in

persons in Georgia, the Coordination Council is a good forum for all the interested parties to provide information on the activities implemented or the plans for future cooperation.

It must also be underlined, that all the documents elaborated and approved by the Coordination Council relate to the National Referral Mechanism, which envisages cooperation of NGOs and governmental bodies in the field of fight against trafficking in persons.

Thus, there is an effective mechanism of monitoring of anti-trafficking activities by the Government, non-governmental and international organizations in Georgia, as well as dissemination of the relevant information and an active exchange of best practices among different stakeholders.

Major novelties during the reporting period include, but are not limited to the following:

- a) Adoption of the amendment to the Criminal Code of Georgia, criminalizing the use of services of a victim of trafficking in persons;
- b) Drafting Amendments to the *Law of Georgia on Combating Trafficking in Persons*, with a special focus on children victims of trafficking in persons.
- c) 2nd TIP victims' shelter was open in September in Tbilisi.
- d) First shelter opened in 2006 in Batumi remains operational and is in use.
- e) Compensations (GEL 1000 per victim) rewarded by the State Fund to two victims of trafficking.
- f) Coordination Council approved the Strategy for Rehabilitation and Reintegration into Society of the (Statutory) Victims of Trafficking in Persons.
- g) The Strategy for Rehabilitation and Reintegration into Society of the (Statutory) Victims of Trafficking in Persons was put into operation, victims benefiting from respective services.
- h) Sentences ruled by the courts for TIP convictions were significantly increased – average 14 years.
- i) A strong new Public Service Announcement campaign was broadcast on TV during January-March 2007 on how to avoid trafficking in persons/becoming a victim to trafficking in persons.
- j) Government made stronger the professional training of different target groups, including prosecution service, police, judges, consular officers, etc.
- k) Prosecutor's Office, Public Defender's Office and State Fund run active public awareness campaign through meetings with different target groups, including students, religious minorities, ethnic minorities, different professionals (journalists, prosecutors, Georgian consular service, police, judges and teachers).
- l) Cooperation with IOM in safe repatriation of TIP victims.
- m) Cooperation with international organizations and NGOs in trainings of different professional target groups (ABA, IOM, UNODC, GYLA, World Vision).
- n) Sharing Georgian experience and good practices with other countries, including Ukraine, Kazakhstan, and Turkey.

Very important steps were undertaken to actively develop the practice of implementation of the National Referral Mechanism in Georgia and involve in this all the relevant state actors – as those operating within the Georgian territory, as well as the Georgian official missions abroad. Along with involving all the relevant state bodies in the active implementation of the National Referral Mechanism, very active cooperation was undertaken with the local non-governmental

organizations and respective international organizations working in Georgia in the field of fighting against Trafficking in Persons.
