

Additional 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)

Note: This information provides in written form answers or guide to the questions that had been posed by the members of the Committee during the presentation of the 3rd Periodic Report¹.

ISSUE 1 – Steps taken by the Government of Georgia with respect to conflict regions of Abkhazia, Georgia and South Ossetia, Georgia that does not fall under the control of the central Government. Protection of the children’s right in those regions as well as who can bear responsibility for the application of the Convention [Note: this is the general information as to what is happening with application of all human rights treaties within the conflict regions and what project are implemented by the Government of Georgia].

Due to an armed conflict that erupted between the Georgian governmental forces and the separatist forces of Abkhazia in 1992/3, Georgia lost the *de facto* control over the regions². Similarly, the central government of Georgia cannot exercise *control* in the territory of South Ossetia, since the separatist regime exercises *de facto* authority over the said territory³. As a result of that, Georgia was not empowered to secure full application of all freedoms and rights prescribed by the relevant human rights instrument on the so-called “break away” territories. It is the position of the Government of Georgia that as a Contracting State it still bears positive obligations under relevant international human rights treaties⁴ and the Government is taking all necessary steps to comply with the said duty, prevent their repetition and if possible, provide effective remedy in the event of a violation:

- The Government of Georgia on numerous occasions⁵ informed the Office of the High Commissioner for Human Rights as well as relevant Special Procedures (Special Rapporteur, Special Representative, Independent Expert or Working Group) regarding the human rights violations that take place on the territory of Abkhazia, requesting for the support and cooperation in prevention of the similar facts/incidents;
- There is a continuous dialogue between the Special Rapporteur on the Protection of the Human Rights of IDPs Walter Kaelin and the Government of Georgia. The Special Rapporteur several times visited Georgia as well as, he is actively involved in the positive initiatives aimed at the protection of the rights and interests of IDPs in Georgia⁶. Those initiative are either supported or widely welcomed by the Government of Georgia in conjunction with the national stakeholders, relevant organizations (UNHCR, NRC, DRC) and local NGOs;

¹ Issues have been grouped thematically and encompasses questions posed by several members of the Delagation;

² See for example Security Council Resolution 892, S/Res/892, 22 December 1993;

³ The Decree of the Parliament of Georgia on the Existing Situation in the Conflict Zones and Peace Operations, Decree N1927 of 10 October 2005;

⁴ See for example Article 2(1) of the ICCPR that states, state parties must ensure that everyone *within their territory or subject to their jurisdiction enjoys the rights therein*. This means that a State party must respect and ensure the rights laid down in the Covenant to anyone within the power or effective control of that State Party, even if not situated within the territory of the State Party [*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*]. In the present case, the Government of Georgia submits that it has territorial jurisdiction over Abkhazia, since it constitutes integral part of Georgia.

⁵ 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 ;

⁶ For example, view *infra* information regarding the National Strategy for IDPs;

- The law enforcement authorities initiate investigations into the facts of human rights violations that take place in breakaway regions⁷;
- With respect to Abkhazia, Georgian side supports application of the confidence building measures during the Geneva Talks format.

Please further note, that Georgia has obtained full control over Zemo [Upper] Abkhazia in 2006 that now falls under the full jurisdictional control of the central government⁸.

It shall be noted, that the Government of Georgia remains strongly committed to the peaceful resolution of internal conflicts through intensification of international efforts, activation of existing negotiation formats, strengthening direct dialog with local communities, economic cooperation, advancement of rehabilitation programs, and negotiating broad political status.

Currently, central goal of the Government of Georgia is to use existing international framework more efficiently, to increase activities of the UN and Group of Friends, and to make their presence more visible. This, *inter alia*, includes evaluation of existing security arrangements, including mandate, configuration and composition of peacekeeping forces deployed in the region. In order to support a political dialogue, the Government of Georgia initiated high-level meetings of the Group of Friends of the UN Secretary General in 2007 and 2008, respectively in Geneva and Bonn, alongside with several efforts to arrange high-level bilateral meetings between the Georgian leadership and representatives of *de facto* authorities.

The issue related to safe return of IDPs to their homes (permanent places of residence) remains one of the top priorities on the agenda of the Government of Georgia during the aforementioned negotiation processes.

Furthermore, the social-economic rehabilitation program is being actively implemented in Abkhazia. Possibilities to link EU-Georgia Neighborhood Policy Action Plan to the overall rehabilitation programs have been put forward for discussions⁹.

⁷ 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.

⁸ Matter of a particular concern for the Government of Georgia is situation in Upper Abkhazia/Kodori Valley and permanent threats from the side of Sokhumi *de facto* authorities to use force for military take over of this territory. Accordingly, peaceful population living in the Upper Abkhazia has been already attacked several times from the air as well as from the land. On 11-12th of March, administrative building of Abkhazia Government in the village Azhara was bombed. The UN launched the investigation of this incident, but organizers of the assault have not been punished up to the present. On 5th of January, 2007, *de facto* armed groups assaulted the police guard post of Ganmukhuri, leaving one person dead and one policeman injured. In spring 2007, the fire has been opened three times from the military maritime facilities of *de facto* armed formations in the direction of civil marine vessels and their crews of the security zone of the sea aquatoria. On 20th of September, 2007, another military action was carried out from the side of Sokhumi *de facto* authorities to the direction of the upper Abkhazia. The threat has been localized by the Ministry of Internal Affairs of Georgia, with the casualties among the assaulters, including the commander of the military unit - the former officer of the CIS PKF – Igor Muzavatkin. It is of a particular concern that military leadership and training for illegal formations are provided by those officers that have acquired certain experience in the period of performing their peacekeeping mission in Georgia.

⁹ Under the first phase of the rehabilitation program (1,98m Euros) the main focus was put on the rehabilitation of local electricity network (Gali, Ochamchire, Tkvarcheli), public health and basic services (Gali, Ochamchire, Tkvarcheli), as well as promotion of local Agricultural development (Gali, Ochamchire, Tkvarcheli). Main priorities for the second phase (1,98m Euros) were defined as: rehabilitation of Enguri hydro-power plant (1,780,00 Euros – Zugdidi/Gali districts), support to civilian police (CIVPOL) activities (90,000 Euros - Zugdidi), providing Enguri shuttle bus (20,000 Euros). Information sharing centre (90,000 - Sokhumi) was also established. Within the framework of the rehabilitation program under the EU-Georgia Neighborhood Policy Action Plan European assistance (4m Euros.) will be directed to the projects aiming at basic infrastructure rehabilitation, income-generation activities with

Regarding South Ossetia/Tskhinvali Region, Georgia following shall be noted - In April 2007, Parliament of Georgia adopted the Law of Georgia on Creating Appropriate Conditions for the Peaceful Resolution of the Conflict in the Former South Ossetian Autonomous District. The Law established a framework for setting up provisional administrative-territorial unit in Tskhinvali region, on the territory of former South Ossetian Autonomous District.¹⁰

As a logical follow up of the above developments, the State Commission on Elaboration of Proposals on the Future Autonomous Status of Former South Ossetian Autonomous District was established by the decree of the Prime Minister of Georgia in July 2007.¹¹ Invitation to participate in the activities of the Commission is inclusive: current *de facto* leadership of Tskhinvali was offered such possibility; Russian Federation was officially asked to be involved in the work of the Commission. Representatives of the Republic of North Ossetia/Alania are invited to contribute. Special focus is placed on the broad participation of local communities, including all ethnic groups, political forces, NGOs and other interested partners. Under current composition, the Commission reflects the will of the majority of the local population, both Ossetians and Georgians, who are widely represented as members of the Commission and its working groups, and can therefore contribute, to a peaceful, lasting and fair resolution of the conflict¹².

the focus on widening economic opportunities for the local population and shelter assistance. Government of Georgia will forward concrete projects to the EU Mission to Georgia within the nearest future. Alongside the rehabilitation program mentioned above, Government of Abkhazia located in Upper Abkhazia carries out social-economic projects funded by the Georgian Government.

¹⁰ Main objectives of a creation of the provisional administrative-territorial unit are:

- promotion of the process of a peaceful resolution of the conflict;
- restoration of constitutional order in the area;
- protection of the rights and interests of local community including all ethnic groups represented in the region;
- creation of appropriate conditions for democratic elections;

After the adoption of the Law, the Georgian Government invited all political forces and representatives of local communities in Tskhinvali Region/South Ossetia to start the process of political consultations in order to reach an agreement on formation of administration for the provisional administrative-territorial unit. Invitation to the dialogue was inclusive; current *de facto* leadership of Tskhinvali was also offered a possibility to participate in the process of consultations. As a result of consultations, political forces willing to engage in conflict resolution and representing interests of the local communities received the mandate to form the new administration. Accordingly, based on the Law, a month later, on May 10, 2007, the Administration of the provisional administrative-territorial unit was established by a decree of the President of Georgia and with the consent of the Parliament of Georgia. Head of the administration was not directly appointed by the President. Instead, decree delegated authority to the head of the new administration to represent interests of local population in the conflict resolution process.

¹¹ Main objectives of the Commission are, to:

- continue previous peaceful initiatives of the Georgian government and promote process of political negotiations leading to a peaceful resolution of the conflict. While previous initiatives (Peace Plan, Road Map, etc) are mostly focused on current steps how to resolve the conflict, objective of the Commission is to table a comprehensive offer covering also the post-resolution period;
- create conditions and to prepare comprehensive offer for granting wide European-style autonomy to the region, guaranteeing political self-governance and preservation of national identity and cultural rights of ethnic Ossetians residing in the area;
- facilitate participation of local communities including all ethnic groups and political forces in the process of conflict resolution;
- promote confidence building between the central Government and the local communities, to improve general climate in support of political conflict resolution process, economical rehabilitation and social development;
- create a positive precedent for the conflict resolution in Abkhazia, Georgia;

¹² In order to prepare a comprehensive proposal covering all major aspects of European-style modern autonomy, 5 working groups had been established within the Commission:

- *Working group on constitutional and legal issues* – to elaborate legal framework of the future autonomy, to prepare legal scheme for the division of power between the center and the region in a way guaranteeing broad political rights and protection of the state integrity;
- *Working group on fiscal and financial issues* – to elaborate basis for the fiscal and financial autonomy, to set up relevant financial institutions, to work out special tax distribution and budgetary money transfer arrangements for the region;

ISSUE 2 - Situation of the children IDPs and Refugees in Georgia and what measures are done for the protection of their rights. Specific question related to their enjoyment of the right to education. General question related to the alternatives developed by the Government of Georgia to closure of collective centres (as to whether the privatization process can serve as an alternative to this). Particular emphasis has been paid to the refugees from Chechnya in Pankisi.

A. Internally Displaced Persons (IDPs)

Following the armed conflicts in Abkhazia (1992-1993) and the former South Ossetia Autonomous Region (1991-1992), an estimated 250,000 IDPs sought refuge in Georgia.

The Law on Forcibly Displace and/or Internally Displaced Persons of 1996¹³ (hereinafter the Law on IDPs) provides legal basis for the definition of the legal status of the IDPs/FDPs. Apart from the right to live on the temporary place of residence and receive other kind of assistance, the basic obligation of the State is to assist the IDPs/FDPs in returning to their habitual places of residence. IDPs/FDPs are entitled to receive following types of assistance¹⁴:

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- *Working group on economic issues* – to elaborate a special incentive scheme for region’s economic development, to regulate issues related to the distribution of property, to set up mechanisms for trans-frontier trade and economic cooperation;
 - *Working group on education issues* – to elaborate proposals guaranteeing the special status of Ossetian language, to set up principles of education system for the region;
 - *Working group on cultural issues* – to elaborate mechanisms for the preservation of national identity and cultural rights of ethnic Ossetians residing in the area.

¹³ The term used in the Law is “Forcibly Displaced Person” but it may be used interchangeably with Internally Displaced Person.

¹⁴ **Monthly Financial Assistance to FDP/IDP**

- 11 GEL per person in the places of compact resettlement;

- 14 GEL per person for individual resettlement.

One time financial assistance for FDP/IDP in need (50-100 GEL per person)

- 1996 year: 100 000 GEL;
- 1997 year: 150 000 GEL;
- 1998 year: 167 681 GEL;
- 1999 year: 278 582 GEL;
- 2000 year: 200 000 GEL;
- 2001 year: 300 000 GEL;
- 2002 year: 300 000 GEL;
- 2003 year: 300 000 GEL;
- 2004 year: 500 000 GEL;
- 2005 year: 508 760 GEL;
- 2006 year: 200 000 GEL.

Total: 3 005 023 GEL.

1997-2005 year

- Utilities: 4 GEL per person;
- Administrative costs: 2 GEL per person;
- Construction expenses 107 188 768 GEL for the whole period;
- Heating: 2004-2005 year – 250 000 GEL for 500 families.

2006 year

- Utilities: 8 523 114 GEL;
- Administrative costs: 706 083 GEL;
- Construction expenses: 1 200 000 GEL;

Transportation Expenses

- 1999 year: 3 971 485 GEL;

- 2000 year: 4 203 200 GEL;

- be granted the temporary place of residence¹⁵ and immediate assistance;
- be entitled to *receive social assistance including monthly assistance*;
- have *medical expenses* covered by the State;
- be supported in finding jobs according to their qualification and work experience;
- have communal expenses in the places of compact resettlement covered by the State;
- be *freed from taxes on land granted for temporary ownership*;
- *be assisted to enjoy right to education*.

IDPs/FDPs are given *special registration cards* as a guarantee that they can enjoy from the aforementioned rights/benefits.

Specifically, to address the needs of the IDPs within a strategic framework, the government developed *the State Strategy on IDPs*, which was approved by the Prime Minister on 2 February, 2007 (Decree No. 47).

The State Strategy aims at securing for IDPs the conditions to live in dignity, and their integration into Georgian society as well as creates necessary conditions to enable IDPs to return voluntarily, in dignity and in safety¹⁶. The English version of the State Strategy is enclosed as an **Annex I**.

The Action Plan is structured along the two main *goals* stated in the State Strategy for IDPs, which are sub-divided into the following two *objectives*:

Goal 1: *Creation of Conditions for the Dignified and Safe Return of IDPs*

- a. Creation of return conditions;
- b. Support to presumed returnees.¹⁷

Goal 2: *Reintegration of the Displaced Population*

- c. Improvement of the living conditions of IDPs;
- d. Improvement of the social-economic conditions of IDPs.

To create return conditions, which would enable a voluntary return in dignity and safety as specified under Goal 1, the Action Plan prioritizes the following measures:

- To promote dialogue between the parties to the conflict with the active support of the international community (UN, EU, OSCE, Council of Europe, etc.) with the aim of reaching a peaceful settlement;
- To promote community dialogue and tolerance by strengthening relations between the communities affected by the conflict in Abkhazia and the former South Ossetian Autonomous Region;
- To provide humanitarian assistance to presumed returnees in Abkhazia and the former South Ossetian Autonomous Region to ensure their basic needs are met, with the parties to the conflict guaranteeing humanitarian access to beneficiaries and space to implement their programs;
- ***To protect IDP housing, land and property (HLP) rights through the registration of the latter and the establishment of a restitution mechanism as well as determining whether a complaint can be submitted to the European Court of Human Rights;***

¹⁵ It is prohibited to deprive FDP/IDP his/her temporary place of residence unless there is concluded a contract with him/her; new place of residence is allocated; in case of natural disaster; the FDP/IDP entered the place of residence unlawfully.

¹⁶ National Strategy has been elaborated with active participation of the international organizations (UNCHR, NRC, DRC) and local NGOs, as well as through the consultations with the Special Representative of the Secretary General on the Human Rights of Internally Displaced Persons;

¹⁷ The term 'presumed returnees' is used, as many IDPs have not been able to return permanently to the Gali region; insecurity in this area forces these presumed returnees to commute between Georgia and the Gali region. Conditions for a return in safety and in dignity do not exist.

- **To improve the quality of and access to social services, with a focus on education and health;**
- To provide increased access to job and job training opportunities as well as micro-credit and grants.

The **Action Plan** already envisages following activities with respect to **right to education of children IDPs** in conflict regions (both of Abkhazia, Georgia and South Ossetia, Georgia):

- **Improvement and accessibility of Social services in conflict regions:**
 - **Financial assistance of employees of educational institutions in the conflict regions;**
 - **Provision and raise of teaching of Georgian language as well as other languages in the schools in the conflict regions;**
 - **Professional Training of teachers from in conflict regions;**
 - **Rehabilitation of the Schools in conflict regions;**
- **Provision of equal opportunity to IDPs to access education;**
 - **Both in Georgia and abroad;**
 - **Realization of relevant researches to identify gaps in the education system of IDPs;**

Property Issues - to support the reintegration of IDPs as specified under Goal 2, the Action Plan foresees the implementation of the following measures:

- In preparation for the gradual closure of the Collective Centers (*hereinafter* CCs), a database will be created and the CCs will be categorized; housing stock and real estate surveys will be conducted to fine-tune the voucher prices and clear procedures for the closure of the CCs will be established. Vulnerability criteria will be developed to determine eligibility for the different tailor-made housing solutions and IDPs will be informed about the various programs and their rights by means of a comprehensive information campaign as well as the provision of legal assistance;
- In terms of housing solutions, tailor-made solutions will be provided to IDPs based on their vulnerability. IDPs will either receive monetary compensation or a voucher, which will enable them to purchase their own house or apartment; following the closure of the CC they are living in. A limited number of IDPs will be provided with alternative replacement housing, including in the CCs if they are privatized by IDPs themselves. Vulnerable IDPs will be provided with either social or affordable housing depending on their vulnerability criteria. For the most vulnerable IDPs, such as the elderly or disabled, specialized care will be provided in existing state institutions, which meet certain minimum standards.
- In addition to the tailor-made housing solutions, IDPs, who are eligible, will have access to tie-in projects to reduce their dependence on state assistance and to increase their self-reliance. The IDPs will be provided with information about and access to job opportunities, professional training, income-generating schemes, and micro-credit.

For information regarding **registration of Property owned by IDPs in Abkhazia, Georgia** through the **Special Program “My House”** view **Annex II**.

Privatization of the Collective Centres - The closure of the Collective Centers and the offer to IDPs the durable housing solution has been one of the priorities of the Georgian government. The Government however became capable to do so not long ago, as this issue is closely related to the general economical and social situation in the country. As a result of the set of reforms both in economic, social and administrative spheres, increase in economical capabilities of the country, sharp increase of the State budget, as well as flow of foreign direct investments, it became possible to commence the procedure of closing down collective centers and providing IDPs with the adequate living conditions.

It shall be noted that the process of closing down of the centers took place in different cities and regions of Georgia, including Tbilisi, Kutaisi, Batumi, tc. The process has been conducted in accordance with the requirements of Georgian legislation; in particular, the families living in the collective centers were provided with and signed contracts, which envisaged the adequate compensation. A decision concerning the signature of contracts was voluntary. In cases when families deny signing a contract they are provided by the alternative living space. For instance, 6 families that were residing in Republican Hospital in Tbilisi and denied to sign contracts were provided by rented flats, fees of which are born by state.

This approach gives the IDP families opportunity to buy flats or houses receiving the monetary compensation when they leave the collective centers. The compensation represents more than the minimum market price of flat or house in the given city or country side. At the same time, the buildings left by IDPs are being rehabilitated and are returning to their primary functions. This process was of high importance especially to the region of Adjara, as it is a resort region and it was important to close the collective centers placed in the hotels in order to develop tourism in this region

It shall be noted that there has not been registered a single complain from the IDPs, when they refer to courts in relation to the procedure of closing down and eviction process from collective centers.

The statistic information concerning the closing down of the collective centers and compensation is provided:

Tbilisi

- Republican Hospital – around 200 families have been given compensation in amount of 10.000 USD per room;
- Hotel “Iveria” – around 200 families have been given compensation in amount of 7.000 USD per family;
- Hotel “Adjara” – 250 around families have been given compensation in amount of 7.000 USD per family;
- Hotel “Ipodromi” – a round 80 families have been given compensation in amount of 18.000 USD per family;

Kutaisi

- Hotel "Kutaisi" – 70 families have been given compensation in amount of 6.000 USD per family;
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All of these families were contracted and the compensation was deposited on their personal accounts. The amount of compensation ensured IDPs to buy flats in Tbilisi or houses in the regions.

Adjara region

The 1916 IDP families were resettled from the hotels situated in Adjara and were given adequate compensation that guaranteed them to buy houses in the region. Many of them bought houses in Adjara and Imereti.

B. Refugees in Georgia

According to the 2006 census there are in total of 1074 refugees on the territory of Georgia. 412 of them are ethnic Chechens and 643 are ethnic Kists. Since 2002, 334 Chechen refugees have been resettled to the third countries by the Office of the United Nations High Commissioner for Refugees (*hereinafter* the UNHCR).

Law of Georgia on Refugees of 1998 (*hereinafter* the Law) determines the legal status of refugees and persons seeking the status of refugee. For detail information regarding the compliance of Georgia’s legislation with the Refugee Convention and the Optional Protocol please view **Annex III**.

Under Article 3 of the Law the refugee status seeker is entitled to:

- move freely, to live at the place of temporary residence and to utilize the communal services;
- receive determined portion of food;
- benefit from single monetary or other kind of assistance from the state budget, in an amount established by the Georgian Legislation.
- educate his/her child in the public school or kindergarten.

According to Article 5 of the Law, the Refugee is entitled to:

- live at the place of temporary residence for 6 months and enjoy all rights prescribed in Article 3 of the Law;
- apply to the Ministry of Justice for being granted Georgian nationality in accordance with the Organic Law of Georgia on Nationality;
- return voluntarily in the country of permanent residence or move to another country;
- enjoy all rights prescribed in Chapter V of the Law of Georgia on the Legal Status of Aliens.¹⁸

Article 8 of the Law establishes the legal guarantees for refugees. Namely, the protection of the rights of refugee by the state, ***the prohibition of the refoulement of the refugee to his county of nationality or permanent residence without his/her will and before the termination of the circumstances mentioned in Article 1.***

With respect to ***Chechen refuges***, in 1999 year the Pankisi Gorge was chosen as a place of residence due to its ethnic composition. Pankisi Gorge is mainly inhabited by the ethnic Kists who have close ethnic links with Chechens. They were also offered other places of residence in different parts of Georgia. The Government of Georgia would like to reiterate once more that in accordance with Article 26 of the Convention relating to the Status of Refugees of 1951, Chechen refugees are free to choose and take their place of residence on the whole territory of Georgia and this right has never been hindered. This is the right provided to them both on the legislative and practical level. As documentation to the above statement please view the chart below on the places of resettlement:

Place of Residence	Number
Kutaisi (Western Georgia)	2
Telavi (Eastern Georgia)	13
Tbilisi (The Capital)	98
Akhmeta (Eastern Georgia)	812

With respect to welfare of Chechen refugees the Government of Georgia puts all its efforts to ensure respective protection and assistance to the refugees as envisaged by international instruments as well as Law of Georgia on Refugees. The Government also relies on international support and extensively cooperates with international organizations. It should be emphasized that

¹⁸ Under Chapter V of the aforementioned Law, foreigners are equal before law and any kind of discrimination is prohibited. They have the right to life, right to personal integrity, right to engage in investment and commercial activities, right to work, right to leisure, right to health, right to property and inheritance, right to protection of intellectual property, right to education, right to enjoy cultural values, right to marriage, right to free movement and free choice of place of residence, right to privacy, right to free development, right to asylum, freedom of speech, conscience and religion and etc.

due to the lack of financial resources the assistance to the refugees was limited to some extent. However, in recent years the amount and type of assistance is steadily increasing.

International cooperation is extremely important in this regard. The following programs are being carried out:

- UNHCR, together with the World Food Program is implementing the program on food assistance of the refugees;
- Norwegian Refugee Council supports the operation of the Public Center that carries out number of educational and integration programs in Pankisi Gorge.
- Norwegian Refugee Council carries out educational programs, legal consultations.
- TAG is assisting the refugees in medical and hygienic matters.

Protection/Assistance of Refugees - In line with the positive obligations deriving from the Convention Relating to the Status of Refugees of 1951 the Government of Georgia takes all the possible measures to ensure the protection of best interests of refugees.

Under Article 7 (g) of the Law on Refugees, State organs are obliged to appoint and deliver regular financial assistance to refugees. The financial assistance is delivered by the Ministry of Refugee and Resettlement on monthly basis.

The refugees also receive product supplies on monthly basis by the UNHCR.

In 2007 they are also involved in the Presidential Program on assistance. 436 families shall receive the mentioned assistance.

Employment of refugees - Article 17 of the Convention obliges the States to accord to refugees the most favorable treatment accorded to nationals of a foreign country in the same circumstances, as regards the right to engage in wage-earning employment.

Article 18 of the Convention stipulates that “the Contracting States shall accord to a refugee lawfully in their territory treatment as favorable as possible and, in any event, not less favorable than that accorded to aliens generally in the same circumstances, as regards the right to engage on his own in agriculture, industry, handicrafts and commerce and to establish commercial and industrial companies.”

The domestic legislation as well as actual practice in Georgia with respect to Chechen refugees is fully in line with the mentioned standards.

It should be highlighted that the Georgian legislation does not envisage any restrictions with respect to the employment of refugees. Consequently they are free to seek and take employment without any additional process or permit. Under Article 31 of the Law of Georgia on the Legal Status of Aliens that is applicable to the refugees,¹⁹ they may take employment in accordance with Georgian legislation. As mentioned, already a refugee is not subject to any restrictions with respect to employment. Consequently, the contention in the Report about unemployment of refugees does not correspond to reality.

On the contrary, pursuant to Article 7 (b) of the Law on Refugees the State organs and the organs of local government and self-government should assist refugees in finding employment.

¹⁹ Under Article 5 (d) of the Law on Refugees, the refugees is entitled to the rights enumerated in Chapter V of the Law on the Legal Status of Aliens.

It should be pointed that more than 18 income generating programs are being implemented in Pankisi Gorge in cooperation with UNHCR, Norwegian Refugee Council, Danish Refugee Council and different embassies.

For example: NGO “*Kakheti*” has been carrying out Income Projects. The projects are directed at assisting the refugees in developing agriculture. The budgets of each project amounts to 3000-5000 GEL. 13 Projects have already been implemented with more than 40 beneficiaries. Three Projects shall be launched in the nearest future.

The same NGO runs rabbit, fish, mushroom and bee farms. More than 60 Chechen refugees are employed in the farm on permanent basis. Apart from this, around 150 refugees were employed in the process of installation of farms. The income is distributed between the employees as well as the refugee families who are in need.

The Norwegian Refugee Council also runs employment programs. Within the framework of the programs 28 refugees are employed in the kindergartens and schools. Apart from this, 20 refugees are employed in shoe-repairing and tailoring programs.

Education of refugees - In accordance with the obligations arising out of Article 22 of the Convention Relating to the Status of Refugees of 1951, the children from refugee families have a free access to basic education free of charge.

Deriving from Article 36 of Law of Georgia on the Legal Status of Aliens,²⁰ refugees have the same right to education as the citizens of Georgia.

Article 3.2 of the Law of Georgia on Education stipulates that the basic education is free and equally accessible for everybody. Hence, this principle is fully implemented with respect to children from the Chechen refugee families. They are usually involved in the Russian speaking sectors of Georgian schools. The functioning of Russian speaking sectors is financially supported by the Norwegian Refugee Council in three schools. As of today more than 80 children from refugee families receive education at the secondary schools in Pankisi Gorge.

The same policy is implemented with respect to the higher education of refugees. In 2007 five refugees entered the higher education institutions of Georgia with the support of scholarships from the UNHCR and the Embassy of Federal Republic of Germany.

Apart from these, the “Youth Centre” has been functioning in Pankisi Gorge. Georgian language, English language, Russian language, Computer, tailoring and culinary classes are provided in the Centre that is widely attended by the children from refugee families.

Healthcare of refugees - Chechen refugees are provided with adequate health-care that is free of charge and accessible for everyone. National Healthcare Centre is operating in Akhmeta District (the district adjacent to Pankisi Gorge). Apart from this, three healthcare centers are functioning in three villages of Pankisi Gorge. The Centers are supplied with medication on monthly basis. As noted above, the healthcare is free of charge for the refugees.

Derived from the above-mentioned it is apparent that the Government of Georgia puts all the efforts in order to meet the obligations arising out of international law as well as national legislation. Consequently, the claim that the Chechen refugees are living in ghetto and suffer from living conditions is groundless and does not correspond to reality in this respect.

²⁰ See *ibid.*

On the detailed information with respect to the assistance provided by the UNHCR to the Chechen refugees please refer to **Annex IV**.

ISSUE 3 – Programme for Children National Minorities.

The general policy of the Georgian State is that there should be no difference between the national groups living within the State and that it is not polite from the State to demand from civil servants the information about their national belonging and to collect statistical information in this direction. The ability of persons belonging to national minorities to speak Georgian varies depending on the region. In Tbilisi, only 5% of population belonging to national minorities state that they do not speak Georgian. In Imereti, which is the region almost exclusively populated by ethnic Georgians (1.5% of the population belongs to the national minorities), every person belonging to national minorities speaks Georgian. On the contrary, in Samtskhe-Javakheti and in Kvemo Kartli, respectively 75.4% and 83.1% of the inhabitants who belong to national minorities say that they do not speak the state language.

The “State Language Program” is part of the Civil Integration Program and it has been implemented since 2004. The budget of the Program amounts to 460 000 GEL for 2007 and it contains two main directions. First, the Program is aimed at facilitating the knowledge of Georgia as a state language. Second, it is directed to protect minority languages existing in Georgia. The guiding principle of the Program is to promote the establishment of the society based on tolerance and respect of different cultures and languages. In line with international standards, the Government takes responsibility to assist minority groups to preserve and further develop their cultural identity. In order effectively to achieve the afore-mentioned goals the Program, *inter alia*, contains the following sub-programs:

- **Program on Georgian Integration and Language Problems** is aimed to reveal the current level of integration of minority groups and to research the problems they are facing in order to elaborate effective ways for their solution.
- **Program on Minority Protection** is also dedicated to promote the minority languages²¹.
- **Program on Teaching State Language for Adults** has been implemented since 2004 year²².
- **Program on Facilitating Teaching of State Language in Non-Georgian Schools** has been implemented since 2005²³.
- **Joint Programs of OSCE and Ministry of Education and Science**²⁴.

²¹ Within the framework of the program the process of the elaboration of the Abkhaz and Ossetian textbooks is being financed. Additionally, Sunday Schools are organized for minority representatives.

²² During 2004-2005 years, 40 highly qualified teachers of Georgian language were sent to the schools in the regions populated by minority groups. Currently teachers of Georgian language at those schools are submitting small-scale projects of learning state language for the adults. The special commission allocates financial recourse for the mentioned projects. To date, this kind of projects are being implanted in 4 (four) districts;

²³ The budget amounts to 250 000 GEL annually. The program incorporates the following activities: elaboration of the teaching standards and methods, trainings for teachers, elaboration of the textbooks for teachers and students, etc.

²⁴ Implementation of the new teaching methodologies and textbooks is not possible without the respective trainings for teachers. Hence, training of teachers is one of the components of the mentioned program that is being implemented in cooperation with the OSCE High Commissioner for Minorities. In 2005 for the trainings covered the non-Georgian schools of Samtskhe-Javakheti Region. In 2006 the same program took effect in Kvemo-Kartli schools. Currently the following projects are being implemented:

- Facilitation of Teaching of Armenian Language as a Mother Tongue in Samtskhe-Javakheti Armenian Schools;
- Facilitation of Teaching of Azerbaijani Language as a Mother Tongue in Kvemo-Kartli Azerbaijani Schools;
- Facilitation of Teaching of Georgian as a Second Language in Samtskhe-Javakheti Non-Georgian Schools; Language Houses (Language teaching courses, library, translation services, etc.)

It is worth to mention the **School Partnership Program** that involved participation from the schools with ethnic minority children in order to promote their social integration within Georgian community²⁵. The **Civil Integration Project** comprehends:

- Georgian language courses for Azeri and Armenian students;
- Sunday Ossetian and Abkhazian Language Schools for South Ossetian and Abkhazian students;
- Conference for Integration of ethnic minority groups;
- Creation of language books in Ossetian and Abkhazian;
- Scholarships for South Ossetian students in Bachelor Degree Programs.

In addition, special Armenian Language Houses in Akhalqalaqi and Ninotsminda, as well as Akhalqalaqi Hobby School for Armenian students has been established.

In addition, Ethnic Minorities benefit from Preparatory Courses for Unified National Exams, as well as they receive tuition fee waivers and a monthly stipend.

ISSUE 4 – Trafficking in Minors. Why do not you consider having an independent agency to coordinate fight against trafficking and mostly rely on the governmental structures? What is done in order to fight trafficking in persons? Do you have victim rehabilitation programs?

Georgian Government have undertaken significant steps in fighting against trafficking and have 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

²⁵ In 2007, 24 Georgian (2300 students), 17 Azeri (2670 students), 11 Armenian (450 students), 4 Russian (101 students), 2 Ossetian (20 students), and 1 Ukrainian schools participated in the program;

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 great attempts are made by both – Government and civil society actors to closely follow, reveal and record all the possible cases of trafficking, 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.

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.

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.

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.

ISSUE 5 – OPCAT, Draft Anti-Torture Action Plan and Monitoring Mechanisms within the Penitentiary Institutions.

The Government of Georgia ratified the Optional Protocol of the UN Convention on the Prohibition of the Torture, Inhuman and Degrading Treatment or Punishment, while the general consensus has been reached among all relevant stakeholders in Georgia (government, NGOs, experts, international organizations) that the Office of the Public Defender of Georgia shall be nominated as the National Preventive Mechanism envisaged by OCPAT. Currently, the relevant legislative steps are taken in that direction.

As for the Draft Anti-Torture Action Plan, which has been prepared based on the recommendation and proposal of the international human rights treaty bodies and experts²⁶, it includes specific measures with respect to reforms in juvenile justice system and children in conflict with laws:

²⁶ United Nations Committee against Torture, CoE Committee for the Prevention of Torture, UN Special Rapporteur on Torture, etc.

- *An improved probation system for juvenile offenders starting from the principle that custody is used as a last resort and for the shortest possible period of time;*
- *Improvement of criminal justice system for juvenile offenders and those at risk of offending;*
- *To provide children with psychological and other forms of support at the earliest possible moment;*
- *Continuation of growing trend of using alternatives to imprisonment, in particular with Juveniles;*
- *Refinement of parole procedures;*
- *Improvement of prison conditions for Juveniles. Involvement of Juveniles in sport, educational and rehabilitative activities;*
- *Training of Judges and law enforcement officials on juvenile issues.*

Apart from the up-coming National Preventive Mechanism under OPCAT, there are several human rights monitoring mechanisms within the governmental agencies that overview detention facilities where children in conflict with law are situated. **Annex V** gives detail description. As for the independent institution charged with such an opportunity outside the state authority – the Office of the Public Defender of Georgia is entrusted with such duties. Namely, the **Ombudsman (Public Defender)** and his/her Office is vested with an extensive set of powers – it is an independent body that abides only to the Constitution and the Law. Coercion or interferences into the activities of the Public Defender is punishable by law.²⁷ Public Defender has a power to enter any detention facility at any time and become acquainted with the relevant information regarding the detainees held in the said detention facility. It shall be noted, that the representatives of the Public Defender vested with full authority to carry out monitoring and visit places of detention (Temporary Detention Cells, Pre-trial Detention Facilities, etc.) on regular basis. As such, the Child Centre within the Public Defenders Office is also vested with such power.

ISSUE 6 – Age of Criminal Responsibility and Juvenile Justice System Reform; Questions related to absence of alternative measures, conditions of penitentiary institutions, preventive mechanisms and strict separation between adults and juveniles.

Please note that with respect to nullification of the amendments of the Criminal Code of Georgia lowering the Age of Criminal Responsibility from 14 to 12, the relevant discussions are taking place in the Parliament of Georgia. In addition, according to the information received from the Ministry of Justice of Georgia, as a Ministry, it will support this initiative (nullifying the amendments) in the Parliament.

The Government of Georgia does not have an **Official Policy of Zero Tolerance** and the National Anti-Torture Action Plan is a vivid example of this, since all the activities are directed towards justice systems based on rehabilitation programs and increase of alternatives vis-à-vis detention; In addition, the Government of Georgia declares that **there is a clear separation between adults and juveniles in the penitentiary institutions** and such a problem does not exist.

As for the application of the alternative measures to the juveniles please note, the statistic data given below shows as example that alternative measures have been applied in more than 67% while detention has been applied only in 32,2%.

²⁷ Article 4, The Law on Public Defender;

Application of Pre-trial Measures of Constraint on Juveniles 2007		
Pre-trial detention	205	32,2%
Bail	391	61,4%
Personal guarantee	25	3,9%
Other	16	2,5%
Total	637	100%

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

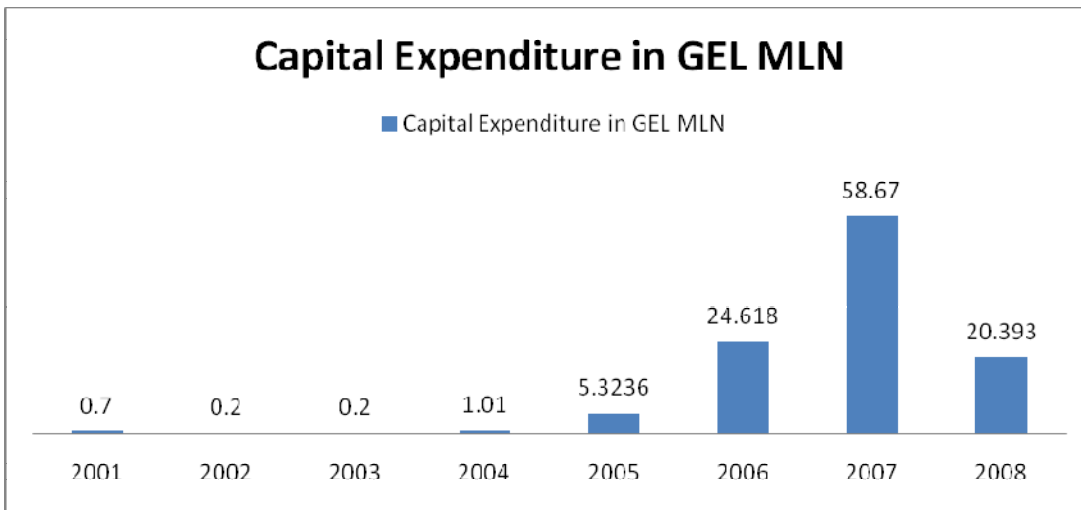
After Rose Revolution several penitentiary facilities, including Juvenile institutions have been constructed and refurbished. In 2007 basic renovation activities have taken place in **Avchala Juvenile Institution** in order to divide the living space in smaller cells and allow the inmates for more privacy and comfort²⁸.

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.

²⁸ 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 10.800.000²⁹. 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.

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.

²⁹ 80 GEL = 50 USD per prisoner;

The following rehabilitative projects are being carried out:

Avachala Juvenile Institution (2006-2007)

- Psycho-social rehabilitation centre Empathia – 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 Establishemnt – 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.