

**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: Apart from the relevant Annexes, please view enclosed with this document the Law of Georgia on Patients Rights and Reproductive Health Survey 2005.*

**ISSUE 7 – General question related to the participation of children in legal matters as well as their right to express views as envisaged in relevant paragraphs of article 12 of the Convention. Child victim to be heard and participate in legal matters. Complain Procedure for Children. Question has been raised regarding the child’s rights within the school community and their views being heard in schools.**

The Government of Georgia notes that the right of a child envisaged in article 12 represent a general principle of the Convention as identified by the Committee in General Comment No.5. Having said so, in this particular document particular attention is devoted to specific details that were questioned or subject of consideration/interest for the members of the Committee.

The answer of this question has been divided in two parts in accordance with article 12 of the Convention that contains 2 paragraphs:

- paragraph one deals with the right of a child to express views in all matters effecting the child and have due weight be given to his/her view;
- paragraph two deals with the opportunity to be given to a child to be heard in judicial and administrative proceedings affecting the child.

The former paragraph (art. 12(1)) has been interpreted as to give for example child opportunity to express his/her views in a school life<sup>1</sup>, family and within communities<sup>2</sup> (in guardianship, care and accommodation arrangements<sup>3</sup>). It is a general rule, that child’s view be heard, with due weight in accordance with their age and maturity<sup>4</sup>.

The backbone of the General Education Reform has been high level of decentralization of the entire system. Promotion of children participation in governing schools has been one of the prerequisites of the process. Namely:

1. a child must be presented in the Board of Education- the governing body of the school;
2. a child must be presented in the Disciplinary Committee, and
3. a child must be presented in the Committee of Appeals.

In addition to all that, almost all schools, if not all, have the Students Self-Government Body. The schools administrations, with help of Regional Resource Centres, are required to help students to organize election process. This body, via consultations with the entire school students’ population and the parents committee, develops a program which defines ***how the human and financial resources should be allocated for extracurricular and hobby activities at schools***. As practice shows, majority of the programs are approved by the School Boards, consisting of teachers, parents, a student and a local representative.

With particular emphasis on Freedom of Expression covered by article 13, this issue was considered as one of the main challenges to be solved in the Nationwide Safe School Program and in the ***Policy Document***. From the beginning of the new academic year (2008-2009), 50 largest

<sup>1</sup> General Comment No.1, 2001 (CRC/GC/2001/1, 17 April 2001, para. 8;

<sup>2</sup> General Comment No. 4, 2003 (CRC/GC/2003/4),1 July 2003, para. 8;

<sup>3</sup> General Comment No. 6, 2005, (CRC/GC/2005/6) 1 September 2005, para. 25;

<sup>4</sup> Age and maturity elements has been underlined in General Comments 2 and 3;

schools in the country, representing 14% of the entire students population, will implement the program (consist of 21 subprograms). One of the main subprograms of the ***Safe School Program*** is ***Violence Reduction in Schools Program***, implemented with the help of CoE/UNICEF experts. The subprogram will equip school administration, teachers, parents and students to create code of conducts for students, teachers and school staff at large. It must be emphasized ***that students' participation in the process is vital and strongly recommended by the Ministry of Education and Science*** (schools will be provided with an intensive training cycle).

As for ***participation of a child in legal matters for example, the criminal legislation*** of Georgia provides participation of a ***child as a witness in criminal matters***. For example, a child/minor can give a witness testimony according to article 306 of the Criminal Procedure Code of Georgia, only if he/she can verbally or in other form present information vital for the criminal case. The child witness is questioned in the presence of the teacher or legal representative. In case of a child under 7 age, his/her questioning can take place only in the presence of the parent or in absence of the latter, in presence of guardian, other legal representative. If a child acquires the status of a victim in criminal case, the relevant criminal legislative guarantees are afforded to him/her. The questioning of a child victim under age of 16 always takes place with participation of his/her representative (article 309).

The civil legislation of Georgia also provides ***for participation of a child in civil matters***. As a general rule, the parents of the child are his/her legal representatives in civil matters. However, ***article 1198(4) determines that the right of the parent can not be used against the interest of a child***. As such, there is a general provision in favour of the best interest of child that should guide both parents and relevant institutions in civil matters. For example, the decision as to where a child should live in case of divorce shall be decided taking into consideration the interests of a child. If parents cannot agree, than the court shall decide the matter taking into consideration the best interest of a child (article 1201 of the Civil Code of Georgia). In the court proceedings, the child is represented by a legal representative appointed by the Child Care Institution (as parents are parties of the dispute before the court they can not use their parental rights of representation in order to avoid abuse of power). For example, the law prohibits adoption of a child who has attained 10 years ***without his/her explicit consent*** (article 1255 of the Civil Code of Georgia). Similarly, the law provides that a child who has attained 10 years ***shall be asked by the court his/her opinion*** in cases dealing with the restoration of the lost parental right (article 1209 of the Civil Code of Georgia).

#### **ISSUE 8 – Body mandated to coordinate implementation of the rights of the child on national level with NGOs involvement.**

The Child Welfare Reform has been supported by large number of donors and NGOs over the last years. An interagency institution exists in a form of ***the Government's Commission on Child Protection and Deinstitutionalization***, bringing together representatives from the Minister of Education and Science, the Minister of Labour, Health and Social Affairs and the Minister of Finance of Georgia. The primary goal of the Government's Commission is to ensure effective implementation of the Children Action Plans in Georgia. Commission directly reports to the Prime-Minister of Georgia

The Government's Commission is supported by Technical secretariat, which consists of 8 members, one of which is an NGO representative. The NGO representative is elected and presented by NGO. Every 6 month new representative is presented.

The Technical Secretariat of the Government's Commission is actively communicating within relevant Government and non-government organisations. The Secretariat holds roundtable discussion twice a year for NGO. Coordinator of the Technical Secretariat is working closely with

UNICEF, to be charged with undertaking and documenting a donor and NGO review on an annual basis. The National Coordinator and Technical Secretariat have been working with donor organizations to develop an annual communication plan. Namely, individual meetings are organized at least twice a year with all key government officials responsible for donor liaison, as well as with all donors participating in the Child Welfare Reform. For example, meetings are held with the Ministry of Foreign Affairs and the Office of the State Minister for European and Euro-Atlantic Integration.

For the information regarding *National Alliance for Early Childhood Development* please view below *Issue 10*, as well as *Annexes VI, VII, VIII and IX*.

## **ISSUE 9 – National Action Plans for Children**

### ***A. Progress on Government’s Action Plan 2005-2007***

In 2004 the Government of Georgia launched state child welfare reform, in order to systematize the reform, the child welfare reform strategy and the Government’s Action Plan on Child Care and Deinstitutionalisation for 2005-2007. The primary objective of the Action Plan 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 of government. Two targets were developed as a measure of whether this objective was met:

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

The achievements against targets at the end of 2007 were:

- Number of children in State residential care dropped *from 5200 in 2004 to 2693 at the start of 2008 (51% reduction)*;
- *60% of children at risk of institutionalization were prevented from abandonment.*

	2004	2005	2006	2007	2008
<b>Number of Children in Institutions</b>	5200	4100	3800	3500	2693

Other Achievements:

- 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*;
- The *number of state social workers* providing family support, reintegration and foster care services has increased *from 51 in 2006 to 135 in 2008* ;
- The number of state-funded alternative forms of child care (foster care, day care centers, small family-type homes) available for children who cannot live with their own parents or extended family is increasing.
- Considerable amount of decision making power has been decentralized and delegated to regional level. The role of social work assessment in the decision-making process has been increased and formalized. The key decision-making bodies are the Education Resource Centre (ERC), a regional arm of the MoES, and the panel for prevention of children’s abandonment and deinstitutionalization (panel);
- Radical changes were carried out in state residential Institutions. Some childcare institutions were closed, number of institutions merged. Children, who under boarding

schools had to study at the schools linked to the care institutions, since the year 2005 have started to attend regular schools.

- Motivated, experienced and trained directorate took over the most of orphanages.
- National minimum standards for family support and family substitute services have been elaborated and piloted;

#### **Dynamics of Deinstitutionalization**

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

#### **B. New Action Plan 2008-11 (CAP)**

In 2007-8 a new policy document (the Children’s Action Plan 2008-2011) has been developed. This Action Plan builds on the previous Government Action Plan on Child Care and Deinstitutionalization but also reflects some new trends. Namely, it moves away the Government’s focus from de-institutionalization towards the development of a sustainable, modern child welfare system.

The Children’s Action Plan 2008-2011 aims to adhere to these principles and policy objectives whilst pursuing ambitious targets to prevent children from leaving the care of their biological families, to protect children from abuse and to provide family-like care for children who do have to leave the care of their biological families and enter the care of the state. The three main objectives of this action Plan are:

- Ensuring Georgia has widespread and accessible support services for families struggling to meet their children’s needs because of poverty or other risk factors;
- Creation of systems for reporting and reacting to child abuse in order to ensure that children are protected as far as possible;
- Reducing reliance on large-scale institutional care for children who require the care of the state;

The Children’s Action Plan 2008-2011 has been developed using a participative policy-making approach. The consultation with children, parents, NGOs, policy makers and experts has been carried out. For the Action Plan 2008-2011 please view **Annex X**.

#### **ISSUE 10 – What concrete steps have been taken in the field of Early Childhood Development in Georgia.**

The Government of Georgia is strongly committed to the principles of Early Childhood Development. Reforms within the education sector reflect the principles of Education for All Goals. Thus, the country has responded to international frameworks of change with enhanced policy and programmatic commitments. We strongly believe that efforts to improve early child development are an investment, not a cost. With this understanding *National Alliance for Early Childhood Development* (hereinafter ECD Alliance) was established upon decision of the Health and Social Affairs Committee of the Parliament of Georgia on 26 January 2007. For detail information please view **Annexes VI, VII, VIII and IX**.

Members of the Alliance are Representatives of the Parliament of Georgia, Ministry of Labour, Health and Social Affairs, Ministry of Education and Science, Academia, Professional Associations, local NGOs and International Development Partners. The Alliance elaborated National Strategic Plan for Early Childhood Development 2007-2009. Overall Goal of the ECD Alliance is:

- to support the national government's efforts in providing opportunities for achieving greater results for young child survival and development;
- To ensure that all children of Georgia (0-6 years of age) reach their potential in cognitive and socio-emotional development for school readiness and have access to the world-wide acknowledged essential early childhood rights.

The following 5 thematic working groups supported by *in-kind technical assistance of the group leaders and alliance members* will be working under the aegis of the Alliance Board of Advisors:

- ECD mainstreaming in national policies
- ECD mainstreaming into the health sector & services
- ECD mainstreaming into the pre-school education sector and services
- ECD integration into the Academia, and
- ECD education programmes for parenting/families

The National Strategic Plan for Early Childhood Development 2007-2009 is based on the following understandings:

- The earliest years of a child's life offer the greatest opportunity for holistic human development.
- The earliest years of a child's life also hold the greatest potential for harm due to poor health, nutrition, or development.
- These effects may be greatest for children who suffer under poverty, exclusion, social disadvantage, or are exposed to violence or abuse.
- Parents and families play a critical role in the development of their young children
- They need to be supported by high quality and accessible basic services.
- Each sector has a particular leadership area, but they should be coordinated and harmonized.
- These actions must be supported by policy and systems of financing and accountability.

The Health Sector has taken the leadership in meeting the goals and objectives for younger children 0-3, while supporting the above-mentioned basic principles. The Education Sector has taken the leadership in meeting goals and objectives for children of age 4-7. Both sectors share responsibility for strengthening the role of parents and families. A social welfare sector should participate in the strategy and activities as well.

In sum, three dimensions shall be highlighted:

- Development stage: the initial phase of the development of strategies (including materials, capacity development strategies, etc.);
- Implementation stage: the process of implementing the new strategies, and
- Mainstreaming stage, or integrating the new elements into regular programming, including the monitoring and support for programs.

The five sections are Policy Development, Health Sector, Education Sector, Parenting Programs, and the Academic Support.

## **ISSUE 11 – Decentralization of the system in the Ministry of Education and Science**

## **A. Education Resources Centers (ERCs)**

As part of decentralization process, the MoES has created 70 *Education Resource Centers (ERCs)* throughout the country. The ERCs provide an interactive venue to connect the needs of schools, institutions, child care services and communities with the resources and expertise of the Georgian Ministry of Education and Science, other related institutions, and international organizations. In the educational domain, the ERCs are facilitative agents of change. They identify the needs from the perspectives of the Ministry of Education and Science and schools, so that instructional and professional services are supported for school improvement as well as insure implementation of Child's Rights. The ERCs have become the primary intermediary (communication tools) for most information and services at schools, Children Institutions and Alternative Services as well as play role in the development of general education reforms.

## **B. ERCs as Guardianship Bodies**

The MoES represents central body of guardianship and care in Georgia. The ERCs are its structural units and acts as a territorial body of MoES in issues related to guardianship and care. These two entities are authorized to carry out child adoption procedures within as well as outside the country. The ERCs are responsible for local adoptions, child care, service monitoring, gate keeping and promotion of inclusive education. These functions are explicitly described in their statutes. Guardianship and care bodies have been recruited by new staff employed based on competition. This staff is being trained. They are receiving constant instructions and recommendations about the child adoption and guardianship issues.

The **ERCs** have following *objectives*:

1. Protect the rights and interests of the children under care;
2. Provide environment that will reveal the skills, talent and potential of the children under care;
3. Support prevention of institutionalization of children;
4. Develop components of the social work;
5. Activities of the territorial body are based on the principles of democratic and free development of a person, protection of the best interests of a child as well as the principles of transparency and openness while keeping information on each customer confidential;

The **ERCs** in respect of guardianship and care carries out following *functions*:

1. Implementation of the enrollment rules and procedures in the educational-childcare or childcare institution;
2. Ensures full protection of the child's interests and provision of the respective services at the local level, namely - on the territory within its authority;
3. Implementation of child adoption, appointment of guardian/caregiver on the territory within its authority;
4. Monitoring/overview of the situation of adopted children or children under custody or care;
5. Obtains, detects, processes, evaluates and registers information on the children (0-18) deprived of parental care and takes the necessary measures in accordance with the rule established by the law;
6. Takes measures against and controls violence against and neglect of children;
7. Advocates for state policy on child welfare on the territory within its authority;
8. Detects and registers the risk-groups (families, children) and plans/takes respective measures;
9. Maintains local information bank / registers orphans, children deprived of parental care and adopted children, as well as potential adoptive parents, and children under guardianship / care;
10. Ensures procedures for admitting the consumers to the educational-childcare or childcare institutions;
11. Ensures creation of a safe environment for a child;
12. Prevents children from being left without care;

13. Promotes use of alternative services based on an individual approach to a child;
14. Ensures submission of the data (on orphans and children deprived of parental care, adopted, children under guardianship / care, as well as on potential adoptive parents) available at the local information banks / registers to the central information bank of the Ministry of Education and Science of Georgia;
15. Prepares a conclusion on adoption of a child or cancellation of adoption for submission to the Court;
16. Prepares a conclusion on deprivation or limitation of parental rights for submission to the Court;
17. Implements the procedures for appointment/dismissal of a guardian/caregiver (including guardian of property) of a child;
18. Assesses the state of the children that are victims to violence and neglect and assists them;
19. During family disputes prepares a conclusion for submission to the Court and defends the child's interests;
20. Exercises other authorities defined by the Georgian legislation;

The document also defines regulations for placement of children in educational-childcare or childcare institution, registration of the applicants for adoption of a child, registration of orphans and children deprived of parental care, preparation of adoption process, principles governing the information bank and functions of **the Guardianship and Care Territorial Body Council**.

For effective performance of the Council the territorial body (MoES) is obliged to invite high-skilled professionals of various sectors working in the field of child protection (NGO, doctor, lawyer, psychologist, etc). The Council itself is entitled to:

- Make positive or negative decision on the cases studied and assessed locally by a representative of the territorial body (the ERCs) on adoption or appointment of custodian/caregiver based only on the best interests of the child;
- Review the cases of adoption, potential adoptive parents, custody/care, and based on the assessment, conclusion and recommendation prepared by a representative of the territorial body (the ERCs), make the right decision on raising the child in a family or family-like environment (adoption, custody / care).

## **ISSUE 12 – How the training and education of the Social Workers in conducted in Georgia**

### ***A. University Level - Bachelor and Master Programs***

***Iv. Javakhishvili Tbilisi State University*** is involved in a 3 year EU funded TEMPUS programme running from 2005 and due to end in September 2008 for 'The Establishing of Social Work Education in Georgia'. This is done in partnership with Sheffield Hallam University from the UK and Ljubljana University from Slovenia. The University has developed social work curriculum at three levels, a one year certificate programme (now in its second round), a BA now in its second academic year and an MA course to run from 2008.

***Chavchavadze State University*** provides an MA course that has been developed in cooperation with California State University (funding is provided by the Academic Fellowship Programme). Additionally, the University provides a Social Welfare Programme within their Higher Professional Education Programme. This program is designed for professional degree students who entered higher degree studies based only on their test results in general skills. The program was developed for students who want to serve as social service providers and the focus is on the social welfare system and case management.

### ***B. Training Programs***

British organization *EveryChild* have played a key role in the introduction of social work theory and practice to enhance the work of those involved in child and family social work. Through the group of Social Work Technical Advisors, this organization continues to be a key training provider for child care social workers of the MoES.

In additions, the *EU Support to Child Welfare Reform project* includes a 30 day foundation course in child care social work and prepares ToTs of child welfare social workers for MoES.

The *Georgian Association of Social Workers (GASW)*, a voluntary group established by graduates of the Open Society Institute's Social Work Fellowship Programme have stated goals all geared to the development of professional social work practice. The graduates have received Masters level social work training in the USA. Most of them are employed by agencies involved in social care development and education. The graduates are heavily relied upon to be lecturers for the university courses, trainers within and for international NGOs and form the core of the *EveryChild* and EU Support for Child Welfare Reform Project technical experts.

### **C. General Information**

In general the **Law on Social Assistance** 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.

### **ISSUE 13 – Law on Adoption**

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 fulfilment) in front of the children are included in the draft law.

**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.

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.

Inter-county adoptions:

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

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;

**ISSUE 14 – Inclusive Education and Programs for Children with Disabilities**

Currently MoES runs several projects in support of *Inclusive Education and Children with Special Needs*:

1. trainings for public schools and public awareness campaigns to promote inclusion of disabled children (Tbilisi and Regions);
2. multidisciplinary support teams for disabled pupil, schools, teachers and parents (Tbilisi, Kutaisi);
3. day care centers for rehabilitation and non-formal education of disabled children (Regions and Tbilisi);
4. foster care (in all regions of Georgia); and early intervention programs for disabled children and their families (Tbilisi).

In addition, MoES has significantly improved conditions and financing of special education institutions and institutions for disabled abandoned children (Tbilisi, Senaki and some Regions).

Up to 200 children were included in mainstream education since 2007 in inclusive model schools of Tbilisi. Based on lessons learned, the Government of Georgia is in process of elaboration of *the Strategy and the Action Plan for Special and Inclusive Education*. Teacher training and ToT of special educators is ongoing. For example, the specialists have been sent to the University of Oslo to pursue masters Degree in Special Education.

In parallel, the project will be launched in 2008, aimed to introduce inclusive education in ten schools in the regions of Georgia (Batumi, Kutaisi, Telavi, Zugdidi, Rustavi, Ozurgeti, Gori, Mtskheta, Akhaltsikhke, Marneuli). The project will be directed towards such issues as physical and emotional adaptation of school environment; registration, classification and distribution of children with disabilities, selection and assessment of schools and their needs, teacher trainings; trainings of parents and ERCs employees; It also envisages establishment of mobile multidisciplinary groups etc. One of major activities of the project will be facilitation of the *Summer School* - "Special Needs Education course" as well as organization of workshops at the Universities.

## **ISSUE 15 – Sexual Exploitation and Sex Tourism**

No child sex tourism problem has been identified in Georgia. None of the child rights protection organizations or law enforcement has reported cases of child sex tourism in Georgia. Therefore there has been no case of arresting a criminal for the crime of paedophilia and no requests by the third state for an extradition. For sexual exploitation of minors, please view information regarding trafficking in minors - ISSUE 4. Notably, Georgian legislation admits both types of trafficking: international (crossing of border) and local (internal trafficking without the crossing of border).

Even though the current Georgian legislation is broad enough to provide possibilities for investigating child pornography cases and prosecuting the offender, certain initiatives were undertaken to review the legislation in force and adopt changes and amendments if necessary. Thus there was a package of legislative amendments produced and discussed at meetings at the Office of the Prosecutor General of Georgia<sup>5</sup>. Due to recent developments in the country the

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<sup>5</sup> It's worthy to mention that on November 12, 2007 the Office of the Prosecutor General of Georgia, together with the U.S Embassy, arranged a meeting for organizations working on the problems of child pornography and trafficking. This was the result of the event which was hosted by the Office of the Prosecutor General of Georgia in May 2007. The purpose of the meetings was the review of the legislation against child pornography in Georgia, and in case of need, identifying the necessary amendments to be made to the legislation.

At the first meeting, which was held in May 2007, the representatives and individual experts from the Georgian Parliament, the Office of the Public Defender, the Office of the Prosecutor General, UNICEF, GYLA, the NGO "Child and Environment", World Vision Georgia, the NGO "Every Child", and the U.S Embassy to Georgia participated.

A draft amendment to the legislation was prepared which was first reviewed and discussed in October 2007, at the Office of the Prosecutor General. On October 12, 2007 meeting, which was held in the Office of the Prosecutor

further progressing of discussions with regard to the new legislative initiative is anticipated to be postponed.

#### **ISSUE 16 – Birth Registration of Children**

The reform of Civil Registry Agency is being undergone since 2004. On the primary stage one of the main problems constituted Birth Registration. For solution of the mentioned problem, the Action Plan has been elaborated and other relevant steps have been carried out, namely:

- Territorial Bureaus of Civil registry agencies, which exists in all territorial units of Georgia, have been refurbished and equipped with modern technologies and staff re-trained who is able to ensure birth registration and other related activities in very limited period of time;
- ***Birth registration became free of charge;***
- In cooperation with Local Government, ***Civil Registry Agency Personals periodically visit rural areas in order to issue identity cards for children and provide assistance in related matters.*** As a result all ***around 50 000 children obtained identity cards;***
- Separate project is being carried out for documentation of inmates of children's house (orphanages). The mentioned project has been launched in cooperation with the Ministry of Science and Education in December, 2007. Under the Project 7000 children will be provided with identity cards;
- In March, 2008 legislative amendment came into force ***which simplifies birth registration procedure.*** According to the new legislative amendment acknowledgment of birth registration became the competence of Civil Registry Agency substituting the court.

However, it should be underlined that birth registration of children still remains problematic in some regions of Georgia. To our estimation the figure of children whose birth have not been registered constitutes 10 000. Mainly, such problem exists in Kvemo Kartli settled by Azerbaijani population. For this reason, with financial support of United Nations Children Fund in Georgia and Office of the High Commissioner for Human Rights a new project has been initiated. Under the project lawyers visit abovementioned region and assist people in birth registration and other related issues.

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General of Georgia, along with the organizations mentioned above, the following organizations and individuals were also invited: the State Fund for the Protection and Assistance to (Statutory) Victims of Trafficking in Persons, the project "Support for Child Protection Reform", sponsored by the Ministry of Education of Georgia and the European Union, the coordinator for the technical secretariat of the Government Commission on Child Protection and Deinstitutionalization, an individual expert working on the legislative amendments, the Public Defender of the National Communication Committee of Georgia, representatives from "Caucasus Online", the U.S Embassy and the US Department of Justice.

As an overall conclusion, it was outlined by all the involved parties that child pornography is not an acute problem in Georgia, as none of the participating organizations – neither governmental, non non-governmental, could cite even one case of even hearing of child pornography in Georgia.

Along with this, it was also widely agreed that the current criminal legislation, by providing very broad definition of pornography – and child pornography in particular – do provide full basis for investigating and prosecuting child pornography *per se*, if such takes place.

However, along with these conclusions, ***a draft amendment package on child pornography was still elaborated*** and discussed at the Office of the Prosecutor General of Georgia, as well as by individual experts. After elaborating the legislative amendments, it is planned to study the investigation characteristics of online child pornography with the cooperation of the U.S Embassy.

**ISSUE 17 - Children's Right Centre at the Office of the Public Defender of Georgia. Can Public Defenders Office coordinate all activities of the NGOs?**

Children's Right Centre at the Office of the Public Defenders of Georgia/Ombudsman's Office is an integral structural part of the Apparatus of the Ombudsman's Office; as such Centre is guided by the same legal norms (the Constitution of Georgia, the Law on Public Defender of Georgia) along with its Statute adopted in 2006. The Centre carries out its activities under the authority of Public Defender. The Statute in detail manner describes the functions and activities of the Centre, among them are the right/duty to inquire into the complaints submitted by children. Article 27 of the Law on Public Defender's Office of Georgia provides that the employees of the Apparatus of the Ombudsman's Office are authorized to visit detention places upon the authorization granted by the Public Defender of Georgia. Consequently, the representatives of the Centre could visit places of detention where children in conflict with law are located upon the authorization granted to them by the Public Defender of Georgia.

The Public Defenders of Georgia is authorized by law to prepare expertise and analyzes with the participation of the non-governmental organizations, as well as invite specialists and experts for working group activities (article 18 of the Law on Public Defender of Georgia). In addition, the Statute of the Children's Rights Centre explicitly provides as one of its functions coordination and cooperation of activities among governmental institutions and NGOs.