



**Convention on the  
Rights of the Child**

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION**

**Third periodic report of States parties due in 2006**

**GEORGIA\***

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\* For the second report submitted by Georgia, see CRC/C/104/Add.1, for its consideration by the Committee, see documents CRC/C/SR.914, CRC/C/SR.915 and for the concluding observations see CRC/C/15/Add.222.

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## I. INTRODUCTION

1. Georgia acceded to the Convention on the Rights of the Child (CRC) in June 1994. In January 1998, it submitted its initial report (CRC/C/41/Add.4/Rev.1), in compliance with the provisions of CRC, to the Committee on the Rights of the Child. The initial report was considered in May 2000 (see CRC/C/SR.619 and 620) and following that discussion, the Committee adopted its concluding observations (CRC/C/15/Add.124).
2. In June 2001, Georgia submitted its second periodic report (CRC/C/104/Add.1) which was considered by the Committee at its 914th and 915th meetings (see CRC/C/SR.914 and 915) held on 1 October 2003. At its 918th meeting, on 3 October 2003, the Committee adopted its concluding observations (CRC/C/15/Add.222).
3. The present report covers the period from the submission of the second report in June 2001 and up to 2005 inclusive.
4. In the course of the preparation of the present report, all the concerns that had been articulated in the concluding observations of the Committee (CRC/C/15/Add.124) were taken into consideration and addressed.
5. The present report has been prepared by the Ministry for Foreign Affairs of Georgia. The factual information contained in the report has been provided by or obtained from the official websites of the Ministry of Labour, Health and Social Affairs; the Ministry of Internal Affairs; the Ministry of Economic Development (State Department for Statistics); the Ministry of Education and Sciences; the Ministry of Refugees and Accommodation; the Ministry of Justice; the Prosecution Service of Georgia and the Office of the Public Defender of Georgia.
6. In compliance with paragraph 73 of the concluding observations of the Committee, the Government of Georgia has taken all necessary steps to publicize the second periodic report. Given the strained economic situation and the lack of financing from the central budget for such publications in 2001, the Government appealed for assistance to the United Nations Children's Fund (UNICEF), and with its support, the second periodic report was published in Georgian language, in a print-run of 1,000 copies.
7. During the reporting period, Georgia continued to undertake building of the State based on democratic values and the rule of law, with the view to integrating into the international community and the European structures.
8. After the "Rose Revolution" in 2003, a radical change has taken place in the political life of Georgia. Protection of human rights became one of the key issues on the agenda of the new Government. Within the framework of ongoing full-scale reforms, significant legislative

amendments have been adopted in order to ensure the consistency of Georgian legislation with the standards established by international human rights instruments. To that end, significant amendments were introduced in the Constitution of Georgia.<sup>1</sup>

9. The new Government expressed its full commitment to improving the promotion and protection of human rights and fundamental freedoms in the country, including the rights of the child. In this respect, significant steps have already been made.

10. In August 2006, Georgia submitted its third periodic report under the International Covenant on Civil and Political Rights (ICCPR) to the Human Rights Committee. The report contains information on the most recent developments in Georgia regarding the promotion of civil and political rights enshrined in ICCPR, including the protection of the rights of the child (paras. 354-373).

## II. GENERAL MEASURES OF IMPLEMENTATION

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

12. According to the Ministry of Justice, a comprehensive legislative act concerning children's rights has not been adopted in Georgia. Along with other legislative acts, children's rights are regulated by the following laws:

(a) The Law of Georgia of 1999 "on the Protection and Promotion of Natural Nutrition for Children, the Use of Artificial Nutrition";

(b) The Law of Georgia of 1999 "on the State Support for Children and Youth Unions";

(c) The Law of Georgia of 1999 "on the Adoption of Orphans and Children Lacking Parental Care";

(d) The law "on Health Care" (1997) - important for the CRC periodic report would be chapter XXII on safe motherhood and child health care. Chapter XXIII on Family planning could be also referred to;

(e) The law "on the Rights of Patients" (2000) - (of particular relevance are articles 7 on the rights of pregnant and lactating women, and 8 on the rights of juveniles. Some of the provisions/clauses of this law are noted in this report, though the law itself is not);

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<sup>1</sup> Detailed information in this respect may be found in the joint second and third periodic reports of Georgia under the Convention on the Elimination of All Forms of Racial Discrimination (CERD/C/461/Add.1), paragraphs 3-21.

(f) The law “on Prevention of Iodine, Other Microelements and Vitamins Deficiency Disorders” (2005);

(g) The law “on Protection and Promotion of Breastfeeding and Regulated Use of Article Food” (which is translated into English);

(h) The Law “on Domestic Violence”, adopted in 2006.

13. In its concluding observations, the Committee recommends that the State party take necessary measures for a child rights-oriented implementation of the National Plan of Action, provide the necessary human and financial resources, and cooperate closely with international donors and with national and international non-governmental organizations (NGOs) in a participatory process of implementation.

14. According to the Ministry of Education and Science, on the basis of the Governmental Decree of April 2005 on the “Approval of the Governmental Plan for the Protection of Children and Deinstitutionalization”, and the approval of the regulations of the Governmental Commission on the protection of children and deinstitutionalization, the Governmental Commission has been set up by the Minister of Education and Science, the Minister of Labour, Health and Social Affairs and the Minister of Finance of Georgia. A primary goal of the Commission is to ensure the effective implementation of the Government Action Plan on the Protection of Children and Deinstitutionalization in Georgia.

15. According to the Government’s Plan of Action, a number of measures will be undertaken aimed at ensuring children welfare until 2008, in particular:

- Rationalization and optimization of an institutional network for children;
- Examination of the existing legislative base on the issues of childcare, introducing adequate amendments and presenting new legislative initiatives, if needed;
- Establishing a system of registration of disabled children and their families;
- Social inclusion of children belonging to “marginal groups”;
- Awareness-raising within the society on the issues of childcare;
- Distribution of functions among the agencies involved in issues regarding children;
- Working out the financial machinery (mobilization, management, distribution/expenditure);
- Human resources training/retraining.

16. In March 2005, the Government of Georgia adopted the Decree “On Measures to Decrease Poverty and Improve Social Protection of Population”. According to this Decree, a comprehensive database on socially vulnerable families will be elaborated, in order to ensure a

targeted planning of measures aimed at decreasing poverty and improving social protection of the population. The Ministry of Labour, Health and Social Affairs of Georgia was requested to work out and approve a State Programme for the identification, socio-economical assessment and creation of a database of families living below the poverty line. On 27 May 2005, the Minister of Labour, Health and Social Affairs issued an order approving this programme. As regards the assessment of socio-economical conditions of families, it is carried out in conformity with Governmental Decree No. 126 of 4 August 2005 "On the Approval of Methods for Assessment of Social-Economical Conditions of Vulnerable Families (Households)".

17. There is an ongoing study on child poverty supported by UNICEF, which will examine the impact of poverty on children in Georgia.

18. According to the Ministry of Labour, Health and Social Affairs, during the period of 2000-2005, the Ministry did not implement any special programme for children living below the poverty line residing in Georgia, since the protection of the interests of this category of the society was envisaged within the framework of the Programme on Economic Growth and Elimination of Poverty. The programme in question, includes, inter alia, the implementation of social integration and adaptation of disabled children, and contains specific subprogrammes and components.

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

20. During the reporting period, the Office of Public Defender has continued to work actively on child rights issues. Since November 2005, the Office has initiated a monitoring system aimed at investigating and evaluating the conditions of children, protecting their rights and preparing recommendations for the relevant governmental bodies on this issue.

21. The monitoring conducted by the Office of the Public Defender concerns target groups placed in the following institutions:

- Orphanages;
- Boarding schools;
- Institutions for juvenile offenders;
- Families adopting children (after the initiation of the deinstitutionalization process).

22. The Office of the Public Defender of Georgia states that the results of its monitoring have shown that problems connected with health care, malnutrition, education etc of children still remain unresolved. The situation in most orphanages remains one of the most serious. Altogether, the Office has monitored 44 institutions for children, in Tbilisi and the regions.

23. The Office is also participating in the project entitled “Leave No Child Out”, co-financed by the European Commission, UNICEF with its partners, and representatives of networks of children’s rights in Central and Eastern Europe and the Commonwealth of Independent States. As part of this project, it is planned to provide the Office of Public Defender with several short-term consultations by international experts in this field. In addition, an NGO consultative council was opened within the Office of the Public Defender to support the Office in monitoring the rights of children, by providing additional information on violations of their rights.

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

25. During the reporting period, tax collection rates have been gradually improving in Georgia. However, the most significant progress in this respect has been achieved after the “Rose Revolution”, due to changes in tax legislation and to an increase in the effectiveness of the tax collection system, as shown in the table below which contains data on tax revenue as provided by the State budget and the consolidated budget of Georgia (i.e. including budgets of territorial units).

Type of revenue (million GEL)	2001	2002	2003	2004	2005	2006 1st quarter
Tax revenue to State budget	631.1	722.2	806.6	1 322.1	1 836.1	510.5
Tax revenue to consolidated budget	775.6	1 054.0	1 186.3	1 811.2	2 411.5	609.6

26. As regards efforts to eliminate corruption, it should be noted that significant steps in this direction have been made after the “Rose Revolution”. Since then, many public officials accused of corruption have been brought to justice and punished in conformity with court decisions. According to the Ministry of Internal Affairs of Georgia, in 2003-2004, the number of criminal proceedings related to crimes of bribery and corruption increased from 27 to 39. In 2005, 104 criminal proceedings related to bribery were initiated; in 61 cases, the perpetrators have been brought to justice.

27. In its concluding observations, the Committee reiterates its previous recommendations, and urges the State party to intensify its efforts to establish a central registry for data collection and introduce a comprehensive system of data collection incorporating all areas covered by the Convention. Such a system should include all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable.



28. The duties and responsibilities of the State Department for Statistics of the Ministry of Economic Development are defined by the Law of Georgia on Statistics adopted in 1997. One of its duties is to make the consolidated statistical information public and accessible.<sup>2</sup> Information is available, inter alia, through the official website of the State Department for Statistics in both Georgian and English (see [www.statistics.ge](http://www.statistics.ge)), which permits easy access to any relevant data regarding all areas covered by the Convention.

29. In 2002, a general population census was conducted in Georgia, which included, inter alia, data on the resident population disaggregated by age.

30. The following table presents statistical information on the number of children in Georgia (in thousands), disaggregated by age group.

Ages	Both sexes	Male	Female	Both sexes	Male	Female	Both sexes	Male	Female
	01.01.2000			01.01.2001			17.01.2002		
-1	47.6	25.1	22.5	47.7	25.2	22.5	45.2	23.7	21.5
1-4	210.4	110.0	100.4	199.7	104.8	94.9	198.4	104.1	94.3
5-9	311.5	159.8	151.7	304.4	156.3	148.1	302.3	155.3	147.0
10-14	374.0	189.7	184.3	372.6	188.9	183.7	370.1	187.7	182.4
15-19	361.0	182.2	178.8	359.6	181.0	178.6	357.2	179.8	177.4
Total population	4 435.2	2 092.8	2 342.4	4 401.4	2 075.8	2 325.6	4 371.5	2 061.7	2 309.8
	01.01.2003			01.01.2004			01.01.2005		
-1	45.1	23.6	21.5	45.0	24.2	20.8	48.4	25.4	23.0
1-4	193.2	101.3	91.9	195.7	99.3	96.4	188.6	97.3	91.3
5-9	291.9	150.5	141.4	252.3	129.0	123.3	247.2	126.4	120.8
10-14	357.2	181.5	175.7	310.7	159.2	151.5	307.3	156.7	150.6
15-19	359.6	181.2	178.4	349.2	177.0	172.2	343.7	174.8	168.9
Total population	4 342.6	2 051.9	2 290.7	4 315.2	2 039.0	2 276.2	4 321.5	2 043.6	2 277.9

Ages	Both sexes	Male	Female
	01.01.2006		
-1	45.6	24.2	21.4
1-4	198.1	98.4	90.7
5-9	250.2	127.9	122.3
10-14	301.9	154.2	147.7
15-19	340.6	173.5	167.1
Total Population	4 401.3	2 090.8	2 310.5

<sup>2</sup> Law on Statistics of Georgia, art. 17 (c).

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

32. In April 2001, with the support of UNICEF, the Child Rights Centre was established within the Office of the Public Defender of Georgia.

33. The Convention on the Rights of the Child, other international conventions and treaties on children, as well as the Organic Law on the Public Defender of Georgia provide the basis for the Centre's Programme of Action.

34. The Centre deals with issues of raising public awareness, problems of unregistered children and violation of children's rights in schools, families and the society, and establishes mechanisms for the protection of the rights of the child, based on the active participation of children.

35. According to the information provided by the UNICEF Office in Georgia, in 2004, the project funded by UNICEF was terminated as a result of the reorganization of the Office of the Public Defender of Georgia.

36. Despite structural changes in the Office of the Public Defender, it retains jurisdiction over child rights protection exercised by a special unit of qualified staff, divided among different divisions of the Office.

37. Despite the strong motivation and activities undertaken in this direction, efforts undertaken by the Office of Public Defender for the protection of child rights lacked unification and compliance. Moreover, there was a strong demand to establish a separate entity responsible and accountable for the supervision of the implementation of the Convention as stated in all the recommendations of international organizations and independent experts working on child rights.

38. Furthermore, having a separate unit that deals with the implementation of the Convention on the Rights of the Child is also an obligatory condition for becoming a valid member of the European Network of Ombudsman for Children. This led to the re-establishment of the Child Rights Centre under the auspices of the Public Defender.

39. Thus, on 1 September 2006 the Child Rights Centre was re-established. The goals of the Centre are as follows:

- Supervision of the implementation of the Convention on the Rights of the Child;
- Raising levels of public awareness and education on children's rights;
- Fostering changes in procedures and laws - recommendations to legislative bodies;
- Facilitation of integration of children in need of special care in the rest of society;

- Familiarization with interests and problems of children's participation in this process;
- Coordination of the activities of child-related NGOs.

40. The Centre's target groups are the following:

- Children in need of special care - orphans, street children, disabled and refugee children, those of socially unprotected families and children being in conflict with the law;
- Schoolchildren.

41. All activities of the Office of the Public Defender has undertaken in the field of the protection of the rights of the child, since November 2005 up to the present time, are undertaken by the Child's Rights Centre.

42. The Centre is planning to broaden and intensify its activities on monitoring the implementation of the Convention on the Rights of the Child as follows:

- Specifying the process of monitoring children's institutions - building a database on children's institutions, drawing up a better questionnaire, involving relevant professionals, etc.;
- Monitoring schools on the issue of violence against children by teachers and peers;
- Monitoring the implementation of the recommendations made to different administrative bodies;
- Monitoring the process of children's deinstitutionalization;
- Individual casework; investigating complaints about violations of child rights;
- Publishing information, such as brochures, leaflets, booklets for distribution to different communities, creating a website;
- Training of different professional groups on children's rights;
- Activities to promote the integration of children (charity acts, performances, camping and mountain trips, etc.).

43. There are many non-governmental organizations and State bodies working on child issues in Georgia, yet the process of children's protection still lacks coordination between entities dealing with child rights.

44. For this reason, in July 2006, the Office of the Public Defender together with Georgian national NGOs working on child rights, established the Coordinating Board, whose aim is to coordinate the work related to the protection of child rights.

45. There are about 40 non-governmental organizations in Georgia working on child rights issues. They cover different areas of children's problems. These organizations will provide important advisory and executive structures to support the Centre in gathering information on various aspects of the life of children.

46. The Coordinating Board will support the Centre in achieving its fundamental goal of monitoring the implementation of the Convention on the Rights of the Child, and participate in the centre's activities.

### **European Network of Ombudsmen for Children (ENOC) Annual Meeting**

47. On 26-28 September 2006, the Public Defender of Georgia, Mr. Sozar Subari and representatives of the Child's Rights Centre at the Ombudsman's Office attended the ENOC annual meeting in Athens.

48. Besides ombudspersons and representatives of ENOC, the following speakers and observers also attended the meeting: Thomas Hammarberg (Commissioner for Human Rights of the Council of Europe); Patrick Trousson (European Commission Coordinator on Children's Rights Issues); Peter Newell (coordinator of the Global Initiative to End All Corporal Punishment of Children); Veronica Yates (coordinator of the Child's Rights Information Network); Brent Parffit (member of the Committee on the Rights of the Child); Elda Moreno (manager of the Council of Europe programme "Building a Europe for and with Children"). A representative of UNICEF participated in the meeting as well.

49. In the course of the meeting, the representative of the Centre made a presentation entitled: "Protecting Child's Rights in Georgia - Challenges for the Office of the Public Defender".

50. According to the Ministry of Justice, during 2000-2005, a number of training courses were held at the Training Centre of the Ministry of Justice on human rights issues, including the rights of children.

51. During the reporting period, the Prosecutor-General's Office conducted training programmes for its personnel and intensively cooperated with international organizations and other agencies including the United Nations specialized agencies, the Council of Europe, the International Organization for Migration (IOM), the Organization for Security and Co-operation in Europe (OSCE), the British Council, the embassy of the United States and USAID, etc.

52. Fifty-five prosecutors participated in a series of special training programmes on specificities of the prosecution of illegal trespassers and traffickers of human beings organized in cooperation with IOM. The training placed particular emphasis on the issue of trafficking in minors.

53. Recently, a number of special training courses for law enforcement officials on the protection of human rights were held with the financial assistance of the British Council, the Swedish International Development Programme and the United States Department of Justice. These educational programmes generally enhanced the knowledge of law enforcement officials in the field of the protection of human rights and the creation of effective domestic mechanisms to ensure the protection of human rights.

### III. DEFINITION OF THE CHILD

54. In addition to the information provided in the previous periodic reports under CRC on this issue, some data regarding criminal responsibility of children has to be noted.

55. The Georgian criminal legislation enshrines the provisions that define juveniles and minors within the context of whether to impose criminal responsibility upon a person or to release him/her from it. Under the Criminal Procedure Code of Georgia (hereinafter CPCG), a juvenile means a person below the age of 14.<sup>3</sup> As to the definition of a minor, it is included in both CPCG and the Criminal Code of Georgia (hereinafter CCG). These statutes define a minor as a person below the age of 18 and above the age of 14.<sup>4</sup> It is worth emphasizing that the Georgian criminal legislation prohibits the criminal responsibility of persons below the age of 14.<sup>5</sup> Such prohibition is an indication that Georgian legislation provides for the respective interests and rights of the child.

56. In this context, it should be highlighted that the Georgian statutory definitions of a juvenile and a minor fully conform to the definition of the child contained in the Convention. In consequence, it may be stated that the Georgian legislation is in total conformity with the Convention, particularly, its articles 1 and 37.

### IV. GENERAL PRINCIPLES

57. In its concluding observations, the Committee recommends that the State party:

(a) Appropriately integrate the general principles of the Convention, namely, articles 2, 3, 6 and 12, in all relevant legislation concerning children;

(b) Apply these principles in all political, judicial and administrative decisions, as well as in projects, programmes and services, which have an impact on all children;

(c) Apply these principles in planning and policymaking at every level, as well as in actions taken by social and health welfare and educational institutions, courts of law and administrative authorities.

58. In addition, the Committee reiterates its previous concerns and recommendations and recommends that the State party review the existing legislation with a view to bringing it into compliance with article 2 of the Convention and ensuring its effective implementation.

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<sup>3</sup> Criminal Procedure Code of Georgia, art. 44 (38).

<sup>4</sup> Ibid., and arts. 44 (37) and 80 Criminal Code of Georgia.

<sup>5</sup> Ibid., art. 33.

### **A. Non-discrimination (art. 2)**

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

60. With respect to the principle of non-discrimination, it should be noted that article 14 of the Constitution of Georgia states that all people are born free and equal before the law irrespective of their race, colour, language, sex, religion, political and other beliefs, national, ethnic and social affiliation, origin, property and class status or place of residence.

61. Under the Constitution, citizens of Georgia enjoy equal rights in the social, economic, cultural and political life of the country, regardless of language or national, ethnic or religious affiliation. In keeping with the generally recognized principles and norms of international law, they are free under the law to develop their own culture and to use their native language both in private and in public, without discrimination or interference of any kind (art. 38, para. 1).

62. According to paragraph 2 of article 85 of the Constitution, in areas where the population does not speak the State language, the State shall provide teaching and explanations of matters pertaining to legal proceedings in that language.

63. The Constitution provides for the observance of the principle of non-discrimination with respect to non-citizens; aliens and stateless persons living in Georgia have the same rights and obligations as Georgian citizens except where otherwise stipulated by the Constitution and the laws (art. 47, para. 1).

64. One such exception provided for in the Constitution is the authority of the State to place restrictions on the political activity of aliens and stateless persons (art. 27), which is not applicable to children.

65. In June 2003, the Parliament of Georgia passed an amendment to the Criminal Code, in accordance with which a new article (142<sup>1</sup> entitled racial discrimination) was added. This article contains a definition of discrimination, which is in conformity with the interpretation of this term by the Convention on the Elimination of All Forms of Racial Discrimination. It provides for prison sentences from 3 to 10 years for the offence of racial discrimination depending on whether aggravating circumstances have been found.

66. On 19 March 2005, the Parliament of Georgia ratified the International Convention on the Suppression and Punishment of the Crime of Apartheid.

67. In its concluding observations, the Committee requests to submit specific information on measures and programmes relevant to the Convention undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of general comment No. 1 on article 29 (1) of the Convention (aims of education).

68. With respect to this concluding observation, reference is made to the second and third periodic reports of Georgia (CERD/C/461/Add.1) under the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). Some additional information on the issues under review is presented below.

69. In November 2005, the Parliament of Georgia approved a document entitled: “Concept for Human Rights and Integration of National Minorities”, which aims at achieving more active involvement of national minorities permanently residing in Georgia, especially in places of dense settlement, in all spheres of political, economical and cultural life.

70. In October 2005, the Parliament has ratified the Framework Convention of the Council of Europe for the Protection of National Minorities. In April 2007, Georgia will submit its initial report on the implementation of the Convention to the Council. Domestic procedures are under way to sign and ratify the European Charter for Regional or Minority Languages.

71. In 2004, the Ministry of Education and Science approved the Civil Integration Programme to guarantee the right of national minorities to use their native language and enjoy their culture, and to give them an opportunity to learn the official language. The Programme, which includes several components (situation analysis of non-Georgian schools, elaboration of new teaching programmes and organization of training for teachers, creation of teaching and knowledge assessment system, programme of school partnership, etc.), aims at promoting the process of social integration and at raising public awareness by teaching the State language to all citizens of Georgia. For these purposes, during the reporting period, the Ministry has been annually spending approximately 1.8 million Georgian Lari (GEL).

72. With the financial assistance of the OSCE High Commissioner on National Minorities, in 2005-2006, the Ministry of Education and Science of Georgia has implemented a programme within the framework of which new Georgian language and literature standards for non-Georgian schools have been worked out. All Georgian language and literature teachers in schools of Samtskhe-Javakheti - a region densely populated by the Armenian minority - have been retrained to acquire new language teaching methods. Some have been trained as trainers to serve as qualified resource persons for the benefit of their colleagues. Furthermore, the programme under review includes activities to promote the instruction of Armenian as mother tongue in the Armenian schools of the region. Since May 2006, a similar programme component has been launched to support the instruction of Georgian and Azerbaijani languages in the schools of Kvemo Kartli - a region densely populated by the Azerbaijani minority.

73. In addition, it should be mentioned that within the context of providing non-Georgian schools with textbooks, all teachers and pupils of those schools have been given a free copy of the first part of the Georgian language textbook entitled “Tavtavi”, and will receive the second part of this textbook in September 2006.

74. In 2005, the unified national admission examinations were held in Georgia for the first time, with the aim of ensuring equal access to education, providing applicants with equally competitive conditions. Through this new system, the vicious circle of systemic corruption has been transformed into the virtuous circle of meritocracy and the new generation of students who truly earn their places at higher education institutions of Georgia will become constructive partners and consumers of knowledge and services offered by these modernized institutions.

75. In order to provide similar conditions for all applicants, certain special measures are being implemented. In particular, the Ministry of Education and Sciences is carrying out a programme aimed at preparing for the unified national university admission examinations. Within the framework of this programme, the following groups of applicants are involved in the preparatory courses: (a) persons residing in the conflict zones, (b) representatives of national minorities residing in regions densely populated by minority groups, (c) persons residing in mountainous and remote regions, (d) children of persons who were killed or missing defending the territorial integrity of Georgia, (e) descendants of people deported from Samtskhe-Javakheti during Soviet times, and (f) ethnic Georgians who are foreign citizens.

### **B. Best interests of the child (art. 3)**

76. The information contained in the country's initial report under the Convention (paras. 65-67) remains valid. More detailed information on practical measures to give effect to the best interests of the child may be found in the appropriate sections of the present report.

### **C. Right to life, survival and development (art. 6)**

77. The Committee's attention should be drawn to Georgia's third periodic report under the International Covenant on Civil and Political Rights, in particular to the section concerning the exercise of the right to life (paras. 66-81).

### **D. Respect for the views of the children (art. 12)**

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

79. According to article 10 of the Law of Georgia "on General Education" adopted in 2005, any pupil, parent or teacher is entitled to information concerning his/her rights and freedoms, as well as the grounds for their restriction. Should such rights and freedoms be restricted, a school shall be obliged, to explain, in reasonable time, the grounds for such restriction.

80. Article 11 of the same law stipulates that any pupil, parent or teacher has the right to participate in the management of the school, personally or via a designated representative, as well as to receive any information available at the school other than that containing personal



confidential data. Any pupil, parent or teacher has the possibility to participate, personally or via his/her representative, in the hearing or consideration of an issue of concern to him/her, and to express opinions regarding decisions to be taken by the school. In implementing any measures, the best interests of the pupil shall be observed.

81. In addition, in conformity with articles 47 and 48 of the Law on General Education and according to the school statute, self-governance of pupils is exercised through a body, which is a structural entity of the school. This self-governance body and its chairperson are elected by pupils at the primary and secondary levels.

82. The role of the self-governance body is to:

- (a) Elaborate recommendations concerning internal regulations of the school;
- (b) Submit offers connected with all issues dealing with the school to the board of trustees (i.e. supreme electoral body for self-management of a school);
- (c) Elect its representative to the board of trustees;
- (d) Participate in the disbursement of grants within the framework established by Georgian legislation and the school statute;
- (e) Create school clubs at the initiative of one third of its members.

83. According to the information provided by the Prosecution Service of Georgia, Georgian criminal legislation offers the possibility to any person, including a person under the age of 18 to submit information to law enforcement agencies on facts concerning the commission of criminal acts, on the basis of which the relevant bodies are obliged to initiate investigations. Consequently, every child in Georgia is conferred the right to individually claim that his/her rights have been violated without interference of any other person. He/she has the discretion to lodge complaints on any question that has an impact in one way or another on his/her legal rights and interests prescribed by the Georgian legislation.

84. Apart from the aforementioned, provisions regarding the right of minors to express freely their views during criminal proceedings are enshrined in the Georgian criminal legislation. Under this legislation, a minor may be heard on the condition that he/she is able to give information, verbally or in any other form, relevant to a certain criminal case. The hearing of a minor must be held in the presence of a teacher or a legal representative and in the case of a person under the age of 7, with the written consent of a parent or a guardian or any other legal representative.<sup>6</sup> In addition, the hearing of a minor must be held in the presence of his/her defender; an investigator may conduct the hearing of a minor in the absence of a teacher or legal representative if their presence jeopardizes the legal interests of the minor. A minor

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<sup>6</sup> Criminal Procedure Code of Georgia, art. 306.

defendant may be heard by his/her defender or legal representative; a hearing may only last up to two hours.<sup>7</sup> A witness under the age of 14 is not warned about the criminal responsibility for refusing to testify, avoiding to testify or giving false testimony; a witness under the age 16 must be taken out of the courtroom if the court does not consider otherwise.<sup>8</sup>

85. While a minor is being heard by a body conducting criminal proceedings, he/she is guaranteed the right to express his/her opinion freely and independently without any interference from parents, teachers, legal representatives (e.g. guardians). Hence, the Georgian legal system ensures such an atmosphere in criminal proceedings that gives the minor the ability to express himself/herself freely.

## **V. CIVIL RIGHTS AND FREEDOMS**

### **A. Name and nationality (art. 7)**

86. In its concluding observations, the Committee recommends that the State party take the necessary measures to facilitate birth registration of children in difficult circumstances and make all registration of birth free of charge.

87. In June 2004, an amendment was made to the Law of Georgia on the State Tax, according to which the registration of birth, registration determining paternity and the registration of adoption have become free of charge, including the issuance of the respective certificates.

### **B. Preservation of identity (art. 8)**

88. The information contained in the country's initial report under the Convention (paras. 83 and 84) remains valid.

### **C. Freedom of expression (art. 13)**

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

90. Pursuant to article 14.2 of the Law on General Education, the pupil has the right to express his/her opinion and request that such opinion be respected.

### **D. Access to appropriate information (art. 17)**

91. According to article 14.1 of the Law on General Education, a pupil, parent or a teacher has the right to find, receive, create, save, elaborate or impart any kind of information and ideas, as well as to use school resources to find, receive, create, save, elaborate or impart information and ideas according to established norms.

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<sup>7</sup> Ibid., art. 647.

<sup>8</sup> Ibid., art. 480.

92. With regard to the issue in question, the Committee's attention should also be drawn to Georgia's third periodic report under ICCPR, in particular to the section concerning the exercise of freedom of expression (paras. 317-328).

**E. Freedom of thought, conscience and religion (art. 14)**

93. Detailed information on the situation relating to freedom of thought, conscience and religion in Georgia may be found in the country's third periodic report under ICCPR (paras. 310-312 and 316).

**F. Freedom of association and of peaceful assembly (art. 15)**

94. Updated information on the exercise in Georgia of the rights covered by this article of the Convention may be found in the country's third periodic report under ICCPR (paras. 332-335 on the registration of non-commercial legal entities and political parties, and 336-337 on trade unions).

**G. Inviolability of privacy (art. 16)**

95. The information contained in the country's second periodic report under CRC relating to the issues covered under this article (paras. 107-110) remains valid.

**H. Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37.1)**

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

97. According to the information provided by the Prosecution Service of Georgia, previously, torture was criminalized under article 126 of the Criminal Code of Georgia. It was defined as systematic beating or other kind of violence that caused physical or mental suffering to the victim, without producing the results provided for in article 117 (intentional grave injury to health) or article 118 (intentional less grave injury to health) of CCG. Hence, elements of the definition of torture radically differed from those laid down in international legal norms. Given the gap in legislation, namely the inadequate definition of torture, containing no reference to either the official position of the offender or the special intent, investigations into acts involving torture, inhuman and degrading treatment were legally based on articles 332 (abuse of power) and 333 (exceeding the limits of official authority) of CCG without specifically invoking article 126 outlawing torture as a ground for opening a criminal case. Such an application was the only way of ensuring adequate redress for cases of torture by imposing stricter penalties.

98. Since the definition mentioned did not meet the requirements set in international human rights instruments, on 23 June 2005, the Parliament of Georgia adopted amendments to CCG, which brought the statutory elements of torture in consistency with internationally recognized standards, in particular with article 1 of the Convention against torture. Under the current wording of article 144<sup>1</sup> of CCG, torture is defined as "subjecting a person, his/her close relative or a person financially or otherwise dependent on him/her to treatment or conditions of such

nature, intensity or duration as to cause severe physical pain or mental or moral suffering, for purposes of obtaining information, evidence or confession; of intimidating or coercing, or punishing a person for an act he/she or a third person has committed or is suspected of having committed”.

99. The amendments to the Criminal Code further criminalize the threat of torture (art. 144<sup>2</sup>) and inhuman or degrading treatment or punishment (art. 144<sup>3</sup>). Criminal responsibility will also be imposed for attempted torture based on article 144<sup>1</sup> along with article 19 of CCG providing for criminal responsibility for the attempted crime. Torture is punishable by a fine and imprisonment for a period of 7 to 10 years.

100. Georgian legislation recognizes aggravating circumstances to the crime of torture, among which the crime of torture knowingly committed against a minor. Torture committed in aggravating circumstances is punishable by imprisonment for a term of 9 to 15 years, and deprivation of the right to hold office or pursue activity for a further term not exceeding 5 years.

101. A special emphasis should be made to legislative guarantees for the protection of the rights of the child in Georgian criminal legislation. Such guarantees reflect the fact that a crime committed against a minor usually aggravates the nature of a criminal offence. The aggravating circumstances of such kind embodied in CCG are as follows:

- Premeditated killing of a minor;
- Intentional grave injury to the health of a minor;
- Intentional less grave injury to the health of a minor;
- Beating of a minor;
- Violence against a minor;
- Rape of a minor;
- Sexual violence against a minor;
- Coercion to obtain sexual relations with a minor;
- Taking a minor hostage;
- Torture of a minor;
- Inhuman or degrading treatment of a minor;
- Coercion of a minor;
- Involvement of a minor in prostitution;
- Persuasion of a minor to drug abuse and use of psychotropic substances.

102. According to the Ministry of Internal Affairs of Georgia, during 2000-2004, no incidents of torture or other inhuman or degrading treatment of juveniles were registered.

103. According to the Office of the Prosecutor General, in 2005 and the first half of 2006, six criminal cases were initiated related to torture and ill-treatment of minors. Of these, two are in progress, and one other case is currently before the court. In two cases, the investigation was terminated on the grounds that torture had not been committed. In another case, the accused persons - three former officers of a local unit of the Ministry of Internal Affairs - are currently being sought by the authorities.

## **VI. FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

104. It should be noted that the comments contained in the second periodic report under the Convention, with regard to the following issues, remain valid during the period under review:

- Parental guidance (art. 5) (paras. 114, 115);
- Parental responsibilities (art. 18, 1-2) (paras. 116-119);
- Separation from parents (art. 9) (paras. 120-122);
- Family reunification (art.10) (para. 123),<sup>9</sup> and
- Recovery of maintenance for the child (art. 27.4) (para. 126).

### **A. Children deprived of a family environment (art. 20)**

105. In its concluding observations, the Committee recommends that the State party:

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

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

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

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

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<sup>9</sup> With regard to the right to freedom of movement in general, reference is made to the country's third periodic report under the International Covenant on Civil and Political Rights (paras. 223-225).

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

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

(g) Seek technical assistance from UNICEF.

### **Programmes for deinstitutionalization and childcare**

106. According to the Ministry of Education and Science of Georgia, in 2001, the Programme on Alternative Forms of Care for Orphans and Children Deprived of Parental Care in Residential Institutions was developed to render assistance to vulnerable children and encourage their social integration. Under this Programme, these children and their families are provided with urgent aid, the material and technical infrastructure of residential institutions (orphanages, special boarding schools, infant houses etc.) is strengthened, and the deinstitutionalization, further education and leisure of orphans and children without parental care is ensured.

107. Currently, there are 48 residential institutions with 5,200 children under the Ministry of Education and Sciences of Georgia. Four more institutions are currently functioning under the Ministry of Labour, Health and Social Affairs. These institutions address various categories of children - orphans, social orphans, children with physical and mental disabilities, and children deprived of parental care. Many of them are placed in institutions because of the poor economic conditions. To deal with this situation, a reform of the State childcare system has been launched, in accordance with the Decree of the Government "on the Approval of the Governmental Plan for the Protection of Children and Deinstitutionalization" (April 2005). A special governmental commission has been set up with the aim of ensuring improvement in the well-being of children, in particular, by introducing community-based child services and facilitating deinstitutionalization. In conformity with this action plan, the Ministry of Education and Sciences of Georgia elaborated a set of measures aimed at creating a more child-friendly environment by transforming the institutions into daytime centres, temporary shelters, and small family type houses. In this process, special attention is paid to the needs of children with disabilities. During the reporting period certain steps have been taken, with the support of donor organizations, to solve the problems of all these children, and to provide them with high quality education.

108. The programme of deinstitutionalization is the first attempt in Georgia to introduce and provide different forms of family-based alternative care for children. The programme is being implemented in three main directions: (a) reintegration of institutionalized children into their own families providing them with the necessary conditions for a less restrictive and more socially inclusive environment, (b) prevention of the placement of children in residential institutions through assistance to their families, and (c) the placement of institutionalized children with foster families. At present, 850 children have been assisted within the framework of the deinstitutionalization programme.

109. Institutionalized children form a segregated underclass and face significant disadvantages in adapting to mainstream society once they “age out” of the institution at the age of 18. To solve this problem, the Ministry of Education and Science has carried out a project on the further education of institutionalized children and children deprived of parental care. The primary goal of the project in question is not only to provide those children with education, but also to facilitate their socialization and integration.

**Childcare institutions  
(At the beginning of school year)**

	1999/ 2000	2000/ 2001	2001/ 2002	2002/ 2003	2003/ 2004	2004/ 2005
Children’s homes - total	14	15	15	15	16	16
of which:						
of the Ministry of Education and Science	9	10	10	10	10	10
of the Ministry of Labour, Health and Social Affairs	4	4	4	4	4	4
Other	1	1	1	1	2	2
Inmates in them - total	1 156	1 291	1 362	1 326	1 315	1 243
of which:						
of the Ministry of Education	738	850	906	883	842	724
of the Ministry of Labour, Health and Social Affairs	334	357	372	359	310	314
Other	84	84	84	84	163	205
Boarding schools - total	41	39	40	40	42	-
of which:						
Boarding schools	27	25	26	26	28	-
Boarding schools for mentally and physically retarded children	14	14	14	14	14	14
Total inmates	6 586	6 302	6 322	6 022	6 500	-
of which in:						
Boarding schools	4 890	4 605	4 618	4 288	4 696	-
Boarding schools for mentally and physically retarded children	1 696	1 697	1 704	1 734	1 804	1 565

*Source:* Ministry of Labour, Health and Social Affairs of Georgia; Ministry of Education and Science of Georgia.

110. Until recently, there were few alternatives to institutional care or education in special schools for children with disabilities in Georgia. However, the situation has changed with the enactment of a new Law on general education in 2005, which stipulates, “general educational institutions are authorized to create conditions for inclusive education” (art. 31, para. 4). This provision has created an unprecedented opportunity for Georgia to reduce the need for

institutionalization, which often was the only option for children with disabilities. Based on this legislation, pilot projects on inclusive education have been launched in 10 schools located in Tbilisi to involve children with special needs in the teaching process. Monitoring of these projects has shown that as a result of such inclusive education, socially isolated, alienated and disabled children are becoming more integrated into society.

### Programme for the targeted family assistance

111. The second and third combined periodic reports of Georgia under the Convention on the Elimination of All Forms of Racial Discrimination provide information related to the period of 2000-2004 on beneficiaries and financial aspects of the assistance programme for the targeted families (social) (see CERD/C/461/Add.1, paras. 107-109).

112. According to the Ministry of Labour, Health and Social Affairs of Georgia, the Ministry set limits of financial assistance for 2005, for the following beneficiaries:

- (a) Families with one unemployed pensioner member (22 GEL);
- (b) Families with two or more unemployed pensioner members (35 GEL);
- (c) Orphan children (22 GEL);
- (d) Blind disabled persons of the first group (22 GEL);
- (e) Disabled children under the age of 18 (22 GEL);
- (f) Families with many children (seven or more children under the age of 18) (35 GEL).

113. These funds are paid from the State budget, except in the following cities: Borjomi, Bolnisi, Batumi, Poti and Tbilisi, where the population receives assistance from local budgets.

114. The table below reflects the situation concerning the total number of recipient children and the volume of assistance rendered to them:

Category	Number of recipients				Money paid (GEL)			
	2002	2003	2004	2005	2002	2003	2004	2005
Guardian families of orphan children	1 073	1 239	1 457	1 344	265 701	300 993	377 586	488 500
Children placed in them	1 524	1 696	1 907	1 819	X	X	X	X
Disabled children under the age of 18	98	138	174	162	22 286	33 012	54 810	59 764
Families with 7 or more children under the age of 18	98	138	174	162	22 286	33 012	54 810	59 764
Total	7 809	11 100	14 256	13 566	1 952 371	2 683 692	3 009 063	3 863 945



## **B. Adoption (art. 21)**

115. In its concluding observations, the Committee encourages the State party to:

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

(b) Ensure that sufficient human and other resources are made available for the effective implementation and monitoring of the legislation;

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

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

### **Types of adoption**

116. According to the information provided by the Ministry of Education and Sciences, domestic adoption of children without parental care is regulated by the Georgian Law on the Rules for Adoption and the Civil Code of Georgia. Intercountry adoptions are regulated by the Law on the Rules for Adoption and by the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Inter-Country Adoption.

117. In August 2003, amendments were made to article 1251 of the Civil Code of Georgia, according to which, in the event of intercountry adoption, it is not permitted to adopt children by “targeted consent” of their parent(s).<sup>10</sup> With this amendment, the State has made an attempt to limit the rising flow of healthy children abroad. It had been hoped that this amendment would positively encourage the process of domestic adoption, however, according to the Ministry of Education and Science, this amendment has not achieved the desired results.

118. Due to the transformations of the State that took place during 2000-2004, the Ministry of Education and Science does not possess exact statistical data regarding children given for adoption within Georgia for that period. For this reason, only the most recent data is available, which indicates that in 2005, 209 children were adopted inside the country.

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<sup>10</sup> According to paragraph 2, article 1251 of the Civil Code, within the framework of domestic adoption, the parent has the right to give consent to a specific person (or persons) to adopt his/her child.

119. Statistical information on Georgian children who were adopted in foreign countries in 2000-2005, the majority of which were 2 to 7 years of age is as follows:

- 2000 - 40 children, out of which 18 boys, 23 girls (Cyprus - 2, Canada - 23, United States - 4, Israel - 1, Sweden - 1, France - 2, Germany - 5, Italy - 1, Greece - 1, Spain - 1);
- 2001 - 57 children, out of which 28 boys, 29 girls (United Kingdom - 1, France - 3, United States - 26, Canada - 21, Cyprus - 3, Germany - 1, Greece - 2);
- 2002 - 125 children, out of which 56 boys, 69 girls (United States - 72, Austria - 1, France - 8, Cyprus - 4, Canada - 18, Italy - 1, South Africa - 1, Israel - 19, Russian Federation - 1);
- 2003 - 164 children, out of which 76 boys, 88 girls (United States - 88, Canada - 33, Israel - 19, United Kingdom - 6, Spain - 4, Germany - 1, France - 12, Austria - 2, Cyprus - 4);
- 2004 - 36 children, out of which 13 boys, 23 girls (France - 2, United States - 23, Canada - 4, Bermuda Islands - 1, Austria - 2, Cyprus - 4);
- 2005 - 16 children, out of which 6 boys, 10 girls (United States - 15, Austria - 1).

120. The subprogramme of deinstitutionalization and prevention of the abandonment of orphans and children lacking parental care is being carried out in compliance with Georgian legislation regulating the adoption of orphans and children lacking parental care, and within the framework of the programme entitled “Alternative Forms of Support for Children under the State Protection” that was approved by the Minister of Education and Science of Georgia. In the period 2000-2002, 60 such children; were placed in recipient families, with the assistance of social workers of the Ministry of Education and Science in five cities of Georgia (Tbilisi, Telavi, Rustavi, Batumi, Kutaisi); in 2003 - 29 children, out of which 14 disabled children; in 2004 - 42 children, out of which 15 disabled children, and in 2005 - 70 children.

121. In addition to the activities carried out within the budget allocations of the two above-mentioned programmes, further support is being provided to socially unprotected children and their families, for example:

- The Ministry of Labour, Health and Social Care of Georgia addresses the issues of healthcare for these children. For instance, within the programme under review, eight children benefited from surgical operations and six were subjected to medical examination;
- On the basis of a grant agreement signed between the Ministry of Education and Science of Georgia and a charitable-humanitarian organization, to support and assist socially unprotected children and their families. Up to the beginning of 2006, 48 children had already been involved in this programme, including 5 new children in 2005. Their monthly allowance was 48 GEL and all of them are provided with health insurance;

- A subprogramme for future education of orphans and children lacking parental care has been implemented since 2002, with the aim to guarantee the higher and professional education of children living in boarding schools, and integrate and socialize them into the society. At present, 190 children are involved in this programme, of which 6 are also involved in the subprogramme of deinstitutionalization and prevention of abandonment of orphans and children with the lack of parental care. Each child is provided a stipend of 50 GEL and full coverage of the cost of his/her education where necessary.

122. In addition, within the framework of the above-mentioned programme and its subprogramme, the social workers of the Ministry of Education and Science have been constantly employing alternative methods of childcare in order to successfully implement the deinstitutionalization process, primarily through reintegrating children into their natural families, and preventing the institutionalization of children by supporting their families in five cities of Georgia (Tbilisi, Telavi, Rustavi, Batumi, and Kutaisi).

123. Sixty children were reintegrated into their families in the period 2000-2002: 6 children in 2003; 44 children in 2004; and 54 children in 2005. The number of children whose families received support to prevent their institutionalization was 26 children in 2003; 84 children in 2004; and 124 children in 2005.

### **C. Illicit transfer and non-return (art. 11)**

124. During the period under review, amendments to the Criminal Code of Georgia criminalizing trafficking in persons and trafficking in minors, and imposing relevant sanctions for this crime (arts. 143 (1) and 143 (2)) were passed by the Parliament of Georgia. These amendments entered into force on 10 July 2003.

125. With the view to ensuring a more effective fight against human trafficking, the definitions of aggravating circumstances and the applicable sanctions were changed by amendments dated 28 April 2006.

126. In compliance with article 143 (2), trafficking in minors is defined as selling or purchasing a minor or carrying out any other form of illegal transactions, as well as enticing, transferring, harbouring or receiving a minor, with the purpose of exploitation. It is punishable by 8 to 11 years' imprisonment.

127. Where trafficking in persons is accompanied by aggravating circumstances, sanctions range from 11 to 20 years or life imprisonment. Aggravating circumstances include cases where trafficking involves deliberate abuse of power against a person who is in a vulnerable position or materially and/or otherwise dependent on the perpetrator; repetition of such abuse; coercion; blackmail or deception; against two or more minors; by taking the victim abroad under the threat or use of force threatening life or health; or causing death of the victim or other grave consequences, and where such abuses are committed by an organized group.

128. Additional information on the implementation of anti-trafficking measures in Georgia may be found in Georgia's third periodic report under ICCPR (paras. 135-137, 139-144).

#### **D. Periodic review of placement (art. 25)**

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

130. In response to the above, a draft charter setting out rules to govern the rule of placing of children in childcare institutions, prepared by the Ministry of Education and Science, is expected to enter into force in the near future. According to Order No. 448 of the Minister of Education and Science dated 15 August 2005, every school boarding house was registered as a juridical person of public law, having pension service.

131. In the beginning of 2007, it is planned to start the elaboration of an Action Plan aimed at ensuring the permanent and effective monitoring of childcare institutions through a mechanism under which monitoring and inspection will be conducted by the Department for the Protection of Children with Special Needs and the General Inspectorate of the Ministry of Education and Science.

#### **E. Abuse and neglect (arts. 19 and 39)**

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

133. In May 2006, the Law of Georgia on the Elimination of Domestic Violence, Protection of and Assistance to the Violence Victims was adopted. The purposes of the Law are as follows:

- To create the legislative guarantees for the protection of the rights and liberties of family members and family values and for their inviolability in the light of recognition of equality of family members;
- To establish effective mechanisms for revealing, preventing and suppressing domestic violence;
- To ensure the access of justice to victims of domestic violence;
- To create conditions for the protection, assistance and rehabilitation of victims of domestic violence;
- To ensure cooperation between various institutions in order to prevent and to fight against domestic violence.

134. The essence of the Law under review is to pay special attention to the efficient tools for the protection, social rehabilitation and reintegration of both subjects of domestic violence - the victim of domestic violence as well as the perpetrator.

135. Firstly, priority is given to the establishment of a temporary shelter for victims of domestic violence that will facilitate measures for the protection, psychosocial rehabilitation and legal and medical assistance, and, most importantly, to meet their everyday needs, ensuring the system of emergency medical and psychological assistance. Such temporary housing will be created under the auspices of the Ministry of Labour, Health and Social Affairs of Georgia.

136. A victim of domestic violence shall be placed, upon request, in a shelter by the law enforcement agencies for a period of two months during which the victim may maintain his/her residence. The Law guarantees confidentiality of the information obtained from a victim of domestic violence about his/her identity, health and psychological state.

137. Secondly, the Law takes into account the specific interests of perpetrators and provides measures for their protection and rehabilitation; primarily through the creation of a rehabilitation centre, which will provide temporary housing, rehabilitation, crisis intervention and medical assistance to perpetrators. The Law entitles any non-profit organization to found such a centre in compliance with the standards formulated by the Ministry of Labour, Health and Social Affairs of Georgia.

138. In addition, the Law emphasizes the need to conduct information campaigns aimed at increasing public awareness among various members of the society with regard to domestic violence and family issues.

139. In the context of CRC, it should be noted that the Law offers specific measures to protect minors from domestic violence.

140. According to the Ministry of Education and Science, in 2005 the child assistance centre has provided training with respect to: "Violence Against Children". In 2005, a technical adviser from the British organization "Every Child" held a training course entitled: "Family violence, its influence on children and the display of the facts of violence."

141. The United Nations Development Fund for Women (UNIFEM), The United Nations Population Fund (UNFPA), the United Nations Development Programme (UNDP) and UNICEF are currently undertaking a study on domestic violence and child abuse in the family.

### **Corporal punishment**

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

143. According to article 19 of the Law on General Education, school discipline must be enforced through methods based on the respect of the freedom and the dignity of pupils and teachers. Disciplinary measures and penalties stipulated by internal regulations of a school, disciplinary oppression and penalties must be reasonable, substantiated and proportional, and must not infringe on the dignity and authority of a person.

144. Article 20 of the above Law states that violence against a pupil or any other person is not allowed in schools. In cases involving physical or verbal insult, a school is obliged to react immediately and adequately, in conformity with relevant legislation.

## **VII. BASIC HEALTH AND WELFARE**

### **A. Children with disabilities (art. 23)**

145. The NGO “Children of Georgia” in collaboration with UNICEF undertook an assessment of disabled institutionalized children and their capacity for reintegration, and of disabled children living with their families. New methods for assessing disabled children were developed and adapted to the Georgian context. Based on this assessment, a strategy for reintegration and inclusive education will be developed.

146. In its concluding observations, the Committee encourages the State party to pursue actively its current efforts and continue:

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

(b) To undertake greater efforts to make available the necessary professional (i.e. disability specialists) and financial resources, especially at the local level, and to promote and expand community-based rehabilitation programmes, including parent support groups;

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

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

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

147. According to the Ministry of Labour, Health and Social Affairs of Georgia, a national policy concerning the disabled children is reflected in the decision of the Parliament of Georgia of 13 February 2004 regarding the main directions of the social policy aimed at protecting the rights of disabled children. According to this document, the following priorities are singled out:

1. Harmonization of the Georgian legislation with the norms and standards provided for by international conventions;
2. Involvement of society in the implementation of strategies;
3. Institutional changes;
4. Social care;
5. Health care and rehabilitation;
6. Inclusive and integrated education.

148. In 2000-2005, the Ministry of Labour, Health and Social Affairs of Georgia implemented various State programmes for children with restricted physical and psychological possibilities (see the table below).

Year	Title of national programme	Amount of budgetary allocations (GEL)
2003 2004 2005	Subprogramme for institutionalized care for disabled children	1 800 000 2 050 000 2 563 100
2003 2004 2005	Programme for the provision of supplementary treatment for disabled children	170 000 200 000 350 000
2001	Programme for medico-social rehabilitation of disabled children	390 300
2003 2004 2005 2005	Subprogramme for social rehabilitation of disabled children  Component of "hospice service for disabled children"	520 000 600 000 600 000 286 900
2003 2004	Component of social integration of disabled children	1 465 000 600 000
2000 2001	Shunt programme for children suffering from occlusive hydrocephalus	62 000 21 500
2000	Supplementary programme for children's cancer and haematology	200 000
2000	Programme for the care of patients disabled by epilepsy and cerebral paralysis	480 000
2000 2001 2002 2003 2004	Component of social rehabilitation of disabled IDPs	150 000 128 500 115 000 200 000 100 000

149. In addition to the aforementioned, selected statistical data relevant to the matters under review are provided below.

#### **Distribution of persons recognized as disabled**

	2000	2001	2002	2003	2004
Number of persons recognized as disabled for the first time	8 914	11 678	16 024	17 689	20 198
of which					
Children recognized as disabled	793	1 030	1 058	667	672

#### **Children receiving pensions (At end of year (in thousands))**

	2000	2001	2002	2003	2004
Total pensioners	900.4	896.0	903.6	899.8	895.1
of which those receiving pensions:					
Social pension	70.5	75.1	82.5	87.9	100.5
of which:					
Disability for child pensioners	27.1	28.7	30.4	32.2	34.1
From total number of pensioners -					
Children receiving survivors' pensions	7.4	8.0	8.8	9.8	12.7
Average monthly value of pension, GEL	15.9	16.1	16.2	16.5	20.0

*Source:* Ministry of Labour, Health and Social Affairs of Georgia.

150. According to the Ministry of Labour, Health and Social Affairs of Georgia, during the reporting period, the Government of Italy provided Georgia with a significant amount of foodstuffs (macaroni) as humanitarian assistance. The 15,000 kilograms of macaroni delivered to the Ministry of Labour, Health and Social Affairs for further distribution were, in accordance with a Minister's order, distributed free of charge to various medical and other institutions. The humanitarian assistance was received in particular by Kaspi and Senaki homes for disabled children, pensioners' home "Natvris Khe", Tbilisi children's pension home, the Tbilisi home for children suffering from cerebral paralysis "Tonus" and the Makhinjauri children's pension home.

151. In July 2005, NGO "Solidarity" delivered as humanitarian assistance 75,000 kilograms of macaroni which, according to an order by the Minister of Labour, Health and Social Affairs, were delivered to Kaspi and Senaki invalid children homes, pensioners' home "Natvris Khe", the Tbilisi children's pension home, the Tbilisi home for children suffering from cerebral paralysis "Tonus", and the children's sanatorium "Spring".

152. Within the framework of the World Food Programme (WFP), food assistance is systematically provided to children in need, children lacking parental care and other socially unprotected groups.



153. Some key programmes supported by the Global Public-Private partnerships include: GAVI (immunization safety, hepatitis B vaccination), and Global Fund (HIV/AIDS, TB and Malaria projects). Access to PMTCT (prevention of mother-to-child transmission of HIV infection) and antiretroviral therapy is among the key achievements towards international health commitments.

154. According to the Ministry of Education and Science, until recently, there were few alternatives to institutional care or education in special schools for children with disabilities in Georgia. However, the situation has changed with the enactment of a new Law on general education, which stipulates in paragraph 4 of its article 31 that “general educational institutions are authorized to create conditions for inclusive education”. This provision has created an unprecedented opportunity for Georgia to reduce the need for institutionalization that often was the only option for children with disabilities.

155. Based on this legislation, pilot projects on inclusive education have been launched in 10 Tbilisi schools with the view to involving children with special needs in the teaching process. Monitoring of these projects has shown that due to inclusive education socially isolated, alienated and disabled children are becoming more integrated into society.

156. Some statistical data reflecting the current situation with respect to the education of handicapped children are provided below.

**Schools for mentally and physically retarded children  
(At the beginning of school year)**

	1999/2000	2000/01	2001/02	2002/03	2003/04	2004/05
Number of schools for mentally and physically retarded children	3	3	3	3	3	3
Number of students	343	378	378	381	340	335

*Source:* Ministry of Education and Science of Georgia.

**B. Health and health care (art. 24)**

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

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

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

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

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

158. According to the Decree of the Minister of Labour, Health and Social Affairs of Georgia of 14 November 2000 (No. 203/n), the Commission against Mother and Child Mortality was created as an important institutional instrument to achieve a further decrease in mother and child mortality and the essential improvement of mother and child medical care.

159. It should be noted that the health-care policy and strategy of Georgia attaches priority to measures aimed at improving mother and child health, as reflected in key documents such as the National Policy and Strategic Plan of Healthcare for 1999-2010, the Programme of Economic Development and the Overcoming of Poverty (2003), and the Strategic Vision of the Government of Georgia 2004-2006 (Brussels Document).

### **Child health-care system in Georgia**

160. During 2005, the Ministry of Labour, Health and Social Affairs of Georgia implemented measures aiming at ensuring child health protection within the framework of the following programmes:

- Medical assistance component of the State programme for the population - medical assistance for children (0-3 years), - 6,000,000 GEL;
- Medical assistance component for orphans and other children in need of permanent aliasing therapy - 300,000 GEL;
- Immunization component of the specific medicinal programme - 800,000 GEL;
- State assistance programme for outpatients - 19,673,000 GEL.

161. The State assistance programme for outpatients encompassed, inter alia, free of charge medical treatment for children between the ages of 0-3 and 3-15 within ambulatory-polyclinic network. The programme includes the following components:

- Prevention (immunization of children 0-15 years old);
- Diagnosis;
- Medical consultations;
- Proper treatment (in compliance with standards established for the respective disease).

162. The State assistance programme for inpatients, inter alia, includes:

- Component of obstetrics assistance that, in turn, envisages;

- Newborn children in maternity homes (hospitals);
- Screening of newborns for a certain disease (phenylketonuria);
- Service component for inpatient children aged 0-3.

163. Specialized programmes of assistance for inpatient children are as follows:

- Psychological rehabilitation for children;
- Prevention and treatment of epilepsy;
- Onto-haematology treatment (with the support of organization GTZ);
- Treatment of children suffering from diabetes;
- Treatment of children suffering from haemophilia;
- Patronage for children suffering from phenylketonuria, including a programme aimed at providing children with medical food.

164. During the reporting period, the Ministry of Labour, Health and Social Affairs of Georgia was closely involved in international cooperation in the sphere of children's health care. The main international programmes were carried out with the assistance of:

- USAID and partner agencies (The American International Health Alliance (AIHA), John Snow Institute, Curatio IF, Co-Reform, ACTS Georgia, CARE);
- United Nations (WHO, UNICEFF, UNFPA) World Bank, the Department for International Development (DFID), as well as the European Union (in terms of emergency health-care reform).

165. More detailed information on the programmes and projects implemented within the framework of international cooperation and assistance in Georgia is provided below.

166. Since 2002, primary health-care reform has been implemented with the assistance of the World Bank, EU, and DFID. This reform consists of five components:

1. Development of primary health-care infrastructure;
2. Development of human resources;
3. Elaboration of a system for information management;
4. Information and educational component;
5. Health-care financing.

167. Support of improvement of the antenatal and postnatal services

- Since 1996, UNFPA is implementing a reproductive health-care programme. This programme is aimed at improving antenatal services at Tbilisi, Kutaisi and Batumi (e.g. obstetrics assistance);
- Curatio IF was working over Safe Maternity project in the Kakheti region (towns of Sagarejo and Telavi). In 2000-2003, within the framework of a pilot project, handbooks on antenatal and postnatal care were elaborated, training courses for medical staff were held, and public awareness-raising activities were carried out;
- In 2004-2005, in cooperation of ACTS Georgia/USAID, a programme entitled: Children Survival, was implemented in the Kvemo Kartli and Imereti regions (towns of Zestafoni and Tchiatura);
- In 2004-2005, MercyCorp-Children also implemented a specific children survival programme in the Kvemo Kartli region, with children's institutions as the target group.

168. Support of referral services

- UNICEF/AIHA (with the financial support of USAID) - Support of reanimation of newborns;
- AIHA (with the financial support of USAID) - Training and technical support for the emergency reception division at the Tbilisi Children's Central Clinic;
- UMCOR - Promotion of newborns' reanimation component in the Imereti region (1999-2000);
- John Snow Institute (with the financial support of USAID) - Women's health-care programme based on the Kutaisi maternal and child's clinic.

169. Immunization programmes for children

- Since 1994, UNICEF has been implementing immunization promotion programmes e.g. vaccines supply, Cold Chain, training courses for staff, information campaigns;
- WHO is involved in the promotion of policy planning in this sphere;
- In 2002-2005, Curatio IF implemented a project linked to health-care information system, which covered immunization/epidemiological monitoring within the country.

### **Programme of the integrative management of diseased children under the age of 5**

170. In 1999-2005, the preparation of a State programme as well as educational and informational materials and the training of 500 employees, was carried out in cooperation with WHO/UNICEF/West Georgia Community Mobilization Initiative (West GCMI).

### **Support for healthy food for children/Prevention of violence caused by microelements deficiency**

171. Since 1996, UNICEF, USAID, Kiwanis Foundation, ACTS Georgia have been participating in the programme for the prevention of iodine deficit.

172. Regarding the support to the policy of infant feeding policy, according to the most recent data available, 83 per cent of children under the age of 5 are fed with mother's milk (MICS 1999), and 97 per cent of newborn children get mother's milk at maternity homes.

173. Analysis conducted in 1999-2001 has shown that while lack of feeding of children rarely occurs, misbalanced feeding, the excessive consumption of carbohydrates, along with a deficit of microelements is more frequent. As a result, 40 per cent of the children in Georgia suffer from iodine deficit, and 21 per cent of children - from iron deficit anaemia.

174. The following table sets out the most important statistical data regarding the immunization of children aged 0-2, covering the period 2000-2004.

Vaccine	2000	2001	200	2003	2004	2005
	%					
BCG	95	90.9	91.2	85.3	89.2	95
DPT3	98	87.2	85.7	74.8	78.5	84
OPV3	98	82.7	90.3	74.3	66.3	83.5
Measles	97	57.2	65.9	79.9	88.4	91.6
HEP B 3	512	62	51.1	47.8	64.1	73.5

*Source: NCDC, 2006.*

175. With respect to the care and development of very young children, it should be noted that a few training and awareness-raising activities were conducted during the reporting period with the assistance of international organizations. These include in particular:

- Under the aegis of UNICEF - information and educational campaigns, training courses for medical staff, establishment of educational centres for parents, elaboration of 26 TV programmes, and preparation of 160 employees;
- Under the aegis of UNICEF/John Snow Institute (USAID) - realization of an educational project for parents centred on the five maternal homes.

### **The issue of accessibility to the safe water in the context of health care**

176. At present, 70 per cent of the population of Georgia enjoys guaranteed access to safe water, that is, 95 per cent of urban residents, and 35 per cent of the rural population.

177. Seventy-two per cent of the currently available running water is fed from underground water sources, while the remaining 28 per cent is obtained from surface water.

178. According to the State Sanitary Supervisory Office, almost all water resources including drinking and industrial water are negatively affected by human activities and geological factors. The provision of drinking and industrial water is hampered by pollution in the water distribution network. Sixty per cent of the distribution system for running water is in need of renovation; as a result, bacterial pollution of the drinking water occurs from time to time and there is a major waste of water resources.

179. The emergence of water-related intestinal infections can be attributed to unreliable hygiene in water supply systems and consumption of unsanitary water by the population. In 2000, cases of diseases accompanied by diarrhoea were identified in the cities of Georgia: Poti (267 cases), Gardabani (39), Rustavi (450), Telavi (63), and Khashuri (23). Viral hepatitis epidemics were recorded in the Akhaltsikhe district (400 cases in 2001) and in Poti (180 cases in 2002). Cases of amoebiasis were detected in Tbilisi on several occasions.

180. Structural reorganization of State bodies has been undertaken with a view to providing more effective safe water management. In particular, the appropriate service of the Ministry of Agriculture has been entrusted with the responsibility of ensuring that the quality of drinking water meets the established safety standards, while the Ministry of Environmental Protection and Natural Resources will supervise the quality of water used for recreational purposes. Within the framework of the State system of public health care, the Ministry of Labour, Health and Social Affairs will monitor the quality and safety of water for drinking and recreational purposes, and will establish appropriate standards and norms in this respect.

181. To achieve the above-mentioned goals, the Law of Georgia on Product Harmlessness/Safety and Quality of Water was adopted.

182. During the reporting period, the Ministry of Labour, Health and Social Affairs established several norms and standards aimed at improving environmental quality, including the following sanitary regulations related to water hygiene:

- Drinking water: Hygiene requirements and quality monitoring of the centralized systems and reserves of drinking water;
- Sanitary rules and norms protecting surface waters from pollution;
- Hygiene requirements to ensure the quality of non-centralized systems; water reserves and sanitary protection of water-springs;
- Protection of seawater from pollution in areas of water reserves for human use;
- Sanitary protection of running water in drinking and industrial water reserves.

183. In the context of relevant provision of the Convention, some more important statistical data are provided below to reflect health conditions of various groups of children.

### Infant mortality

Years	Infant deaths under 1 year			Infant mortality rate (per 1,000 live births)		
	Total	Males	Females	Total	Males	Females
2000	1 100	656	444	22.5	25.6	19.2
2001	1 098	647	451	23.1	25.8	20.0
2002	1 102	653	449	23.6	26.6	20.3
2003	1 144	657	487	24.8	26.9	22.4
2004	1 178	636	542	23.8	24.4	23.0
2005	916	482	434	19.7	19.6	19.9

### Morbidity of children (0-14 years old) with acute and chronic diseases by main disease groups

	2000	2001	2002	2003	2004	2005
Number of registered cases diagnosed for the first time (in thousand cases) of which:	144.9	154.2	190.2	221.1	237.3	258.3
Infectious and parasitic diseases	15.3	22.6	23.2	24.1	32.6	31.3
Neoplasm	0.07	0.09	0.1	0.1	0.1	0.1
Diseases of endocrinal system, digestion disorders, disorders of metabolism and immunity	11.9	9.5	9.5	8.0	6.6	7.9
Diseases of blood and blood forming organs	2.9	3.8	4.0	3.7	4.8	5.0
Psychic and behavioural disorders	0.6	0.6	1.0	1.0	1.3	1.6
Diseases of the nervous system and sense organs	11.0	10.6	12.7	13.6	15.7	18.5
Diseases of the circulatory system	1.2	1.2	1.3	1.7	1.6	1.6
Diseases of the respiratory system	76.5	80.0	105.7	137.1	139.4	151.5
Diseases of the digestive organs	6.0	7.1	10.2	6.8	8.1	12.6
Diseases of urogenital system	3.2	3.2	3.9	4.1	4.7	4.9
Diseases of the skin and subcutaneous tissue	7.0	5.6	6.8	9.7	10.0	10.7
Diseases of the musculoskeletal system and connective tissue	0.6	0.6	0.6	0.7	0.8	1.1
Congenital malformations	1.0	0.9	1.0	0.9	1.0	1.0
Certain conditions originated in the perinatal period	2.1	2.1	2.1	2.3	2.5	2.5
Symptoms and unidentified causes	1.1	1.3	1.2	1.2	1.3	1.2
Injuries and poisonings	4.4	5.0	6.9	6.1	6.9	6.8

Source: Ministry of Labour, Health and Social Affairs of Georgia.

### Adolescent health

184. In its concluding observations, the Committee recommends that the State party increase its efforts to promote adolescent health policies and strengthen the programme of health education in schools. It further recommends measures, including the allocation of adequate human and

financial resources, to evaluate the effectiveness of training programmes in health education, in particular as regards reproductive health, and to develop child- and youth-sensitive confidential counselling, care and recovery facilities that are accessible without parental consent when this is in the best interests of the child. The State party could consider seeking technical cooperation and advice from UNICEF and the World Health Organization (WHO).

185. With respect to the above recommendation, it should be noted first that in conformity with the Law on the Rights of the Patient, available health service for minors would be provided within the framework of State medical programmes (art. 39).

186. Article 40 (1) of the Law stipulates that a parent or the minor's legitimate representative has the right to receive full, objective, timely and understandable information on the minor's health conditions. At the same time, under paragraph 2 (b) of this article, the information in question cannot be provided to them if a minor patient between the age of 14 and 18 who, in the opinion of the medical care provider, is able to correctly estimate his/her health conditions and who applied to the physician in order to treat a sexually transmitted disease or drug addiction, or to have counselling on non-surgical contraception methods, or have artificially terminated her pregnancy, objects to this.

187. In conformity with article 41 of this Law, a minor patient between the age of 14 and 18 who, in the opinion of the medical care provider, is able to correctly estimate his/her health conditions, has the right to express informed consent to the medical service. For a minor under the age of 16, medical service is provided only in accordance with the parental or the legitimate representative's consent except cases envisaged by article 40, paragraph 2 (b) of the Law. A minor above the age of 16 has the right to express informed consent to the medical service. Relatives or legitimate representatives of the minor shall be notified of the patient's decision.

188. Pursuant to article 43 of the Law on the Rights of the Patient, the minor patient has the right to be fully informed of his/her health conditions or medical treatment. The information provided should be consistent with the patient's age and mental abilities.

189. In addition to the aforementioned, some statistical data reflecting the state of affairs with respect to the abortion rate among adolescents is provided below.

### Abortions

	1999	2000	2001	2002	2003	2004
Registered abortions (in thousands)	18.3	15.0	15.0	13.9	13.8	17.2
of which mini-abortions (in thousands)	6.5	5.4	5.3	5.1	5.2	6.6
Number of abortions by the age of women						
15	3	1	1	9	2	6
15-19	866	787	857	789	897	1 494

*Source:* Ministry of Labour, Health and Social Affairs of Georgia.



**C. Social security and childcare services and facilities (arts. 26 and 18.3)**

190. In its concluding observations, the Committee encourages the State party to pursue efforts to reform its social security system, as recommended by the Committee on Economic, Social and Cultural Rights as this relates to children. Furthermore, it urges the State party to extend payment benefits to all children with disabilities, including those between 16 and 18 years of age.

191. During the reporting period, the following laws have been enacted in Georgia regarding the social security system: the Law on Social Protection of Handicapped Persons (in force since June 2001); the Law on Compulsory Social Insurance (in force since January 2004); and the Law on Individual (Personified) Registration and Introduction of Individual Accounts in the Sphere of Compulsory Social Insurance (in force since January 2004).

192. Comprehensive information regarding the implementation of these laws is supposed to be provided in the third periodic report of Georgia under ICESCR to be submitted in November 2007.

193. As mentioned above, in 2005, the Ministry of Labour, Health and Social Affairs of Georgia determined beneficiaries and the financial limits of social (family) assistance to be granted, inter alia, to (a) orphan children - 22 GEL per month and (b) disabled children under the age of 18-22 GEL per month.

**D. Standard of living (art. 27.1-3)**

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

195. Based on the Constitution that was amended after the “Rose Revolution”, the new Government of Georgia has focused its attention on reforming governmental bodies, uprooting corruption, stabilizing the economy, and bringing order to the budget.

196. The Government has launched a major anti-corruption programme, initiated sweeping reforms of education, reorganized government structures, and reduced red tape for businesses. It is addressing long-standing issues in the energy sector and implementing a strategic planning exercise linked to the introduction of a medium-term expenditure framework (MTEF) and the continued commitment to poverty reduction. Building on these accomplishments, the Government is now entering the second implementation phase focusing on deeper institutional reform as well as more fundamental infrastructure improvements designed to pull Georgia into the twenty-first century through accelerated economic growth, substantial job creation, and a full-scale assault on poverty and corruption.

197. Georgia's continued prudent macroeconomic policies and structural reform programmes are expected to bolster its growth prospects. About one third of the growth in 2003 was accounted for by buoyant activity in the industrial and communications sectors and construction of the Baku-Tbilisi-Ceyhan oil pipeline.

198. Economic activity remained strong in 2004; although yet another bad harvest resulted in slightly lower real GDP growth of 6.2 per cent. GDP growth is estimated at average of about 5 per cent during 2006-2008. However, the unemployment rate, which had declined in 2004 to 12.6 per cent, increased again to 13.8 per cent in 2005 as a result of large cuts in public sector employment. Currently, the situation in this sphere improved due to tangible steps undertaken by the Government that will be discussed in detail below.

199. Currently, a Presidential Programme for Professional Training and Employment is being implemented in Georgia, which includes registration of job-seekers, their training and retraining with subsequent employment (according to job opportunities available). In compliance with the most recent data (September 2006), out of 61,290 programme participants some 42,000 have been employed. According to the Ministry of Labour, Health and Social Affairs, it is possible at present, within the framework of the Programme, to employ around 50,000 job-seekers. Most of the remaining job opportunities are in the construction sector.

200. This is the first stage of the Presidential Programme. At the second stage, monitoring of the job-seekers that have been employed under the Programme is supposed to be carried out. At the third stage, presumably, in January 2007, registration of job-seekers who wish to undergo retraining will be implemented.

201. Reforms in the public sector, which include strengthening of State institutions, improved governance and anti-corruption strategies along with investments in infrastructure and the regulatory environment, are expected to enhance the private sector growth, particularly in sectors such as food processing, tourism, and transit trade. The heavy flood in April-June in many parts of Georgia is likely to have a significant negative impact on agricultural growth in the remainder of 2005. Volatility in the agriculture sector is likely to persist, along with the process of labour shedding by this sector. Consequently, faster progress in poverty alleviation will require an acceleration of growth in non-agricultural, non-pipeline sectors. In the medium term, the spill over effects of oil and gas pipeline construction will continue contributing to Georgia's growth.

202. With the recently presented Progress Report on the Economic Development and Poverty Reduction Programme (EDPRP), the new Government of Georgia reaffirmed its commitment to improving the following: (a) governance; (b) macroeconomic policies, particularly in the fiscal area; (c) the business environment; (d) human capital; (e) reduction in vulnerability of the poor; (f) development of priority sectors of the economy - energy, transport, communications, tourism, and agriculture; and (g) natural environment.

**Annual increase of Georgian GDP by economic sector**

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Agriculture, forestry, and fishing	100	103.9	93.4	106.9	88.0	108.2	98.6	110.3	92.1	112.0
Mining industry and quarrying	100	79.4	77.0	119.0	199.4	90.0	129.8	97.9	80.1	86.5
Processing industry	100	103.7	90.8	95.9	104.2	96.7	120.8	109.5	111.6	114.3
Processing and supplying electric energy, natural gas and water	100	110.6	125.2	120.8	100.1	94.3	89.8	109.2	96.0	105.0
Processing products	100	101.5	97.2	102.0	98.0	102.6	100.9	104.7	98.3	112.5
Construction	100	151.5	135.2	78.5	104.0	110.3	143.1	146.6	135.9	122.3
Trade; repairation of vehicles and utensils	100	102.2	101.6	103.8	110.8	108.8	103.9	112.1	108.2	103.4
Hotels and restaurants	100	129.8	106.9	110.1	108.2	133.7	107.6	114.2	103.2	116.4
Transportation and store house economy	100	142.0	151.7	105.4	113.9	101.6	109.7	104.4	103.7	105.7
Communication and postage	100	103.9	136.5	107.0	108.3	100.2	102.5	136.5	117.0	129.5
Financial services	100	172.5	178.1	158.6	102.5	113.9	122.9	118.1	112.9	152.2
Real estate, lease and commerce	100	137.6	106.2	85.0	105.6	128.3	88.8	142.2	128.1	109.9
Conditional rent for private dwelling	100	99.3	100.1	101.2	102.0	101.5	101.1	101.9	100.6	100.3
State governance	100	98.5	109.2	93.7	100.4	69.3	101.2	97.7	109.7	93.9
Education	100	100.3	97.0	90.5	108.2	103.5	101.5	101.5	101.8	113.5
Health-care and social services	100	96.2	99.0	103.6	103.0	100.3	106.5	101.7	104.2	103.7
Other communal, social and personal services	100	103.0	113.1	93.4	98.3	97.4	113.7	109.4	65.7	104.0
Employed service in housekeeping	100	98.5	99.8	95.0	107.8	91.8	98.8	127.2	112.6	124.9
Indirect estimation of financial mediators' usage in business activities	100	135.0	266.5	133.0	66.2	79.5	85.9	96.1	101.1	157.6
Total in basic prices	100	107.1	104.2	102.3	102.0	101.5	101.1	101.9	100.6	110.1
(+) taxes	100	188.5	91.1	111.1	111.3	122.0	122.7	104.5	92.1	101.0
(-) subsidy	100	100.3	115.9	97.8	107.6	113.6	107.6	100.7	109.2	100.5
Total in market prices	100	110.5	103.1	102.9	101.8	104.8	105.5	111.1	105.9	109.3
GDP deflator	100	106.5	106.9	109.6	104.6	105.3	106.0	103.3	108.1	107.9

203. In line with EDPRP, the Government established employment-generating growth as its key development objective, essentially through the following measures:

- Eradication of corruption;
- Improved management of assets under State control and privatization of unused State assets; liberalization of transport policies, broadening the transport network, and improving construction standards and maintenance in the road sector;
- Enhancement of the security and viability of the energy system; optimization of the customs, tax, and financial policy structures; efficient business licensing systems;
- Establishment of standardization, metrology, accreditation, and market supervision systems, which are compatible with European Union standards.

204. Areas targeted for sector-specific interventions are: tourism development, agriculture, and agro-processing.

205. Strong emphasis has also been placed on human resource development and protection of the vulnerable, particularly on the following:

- Improving the efficiency of the health sector and expanding access to health care among the poor and vulnerable;
- Improving the quality and coverage of the education system; and
- Simplifying and improving the targeting and efficiency of social protection measures, including those for internally displaced persons.

206. In the context of the issues under consideration, it is expedient to note that, according to the World Bank Report "Doing Business 2007", Georgia is the top reformer worldwide of the year 2006.

207. Georgia improved in 6 of the 10 areas studied in the above-mentioned report. It reduced the minimum capital required to start a new business from 2,000 to 200 GEL (US\$ 85). Business registrations rose by 20 per cent between 2005 and 2006. Reforms in the customs sphere simplified trade related procedures. In 2004, it took 54 days to meet all the administrative requirements to export and now it takes 13 days. The time required to resolve simple commercial disputes fell from 375 days to 285.

208. Georgia's new labour regulations help workers move to better jobs. The social security contributions paid by businesses decreased from 31 per cent to 20 per cent of wages, making it easier for employers to hire new workers. Unemployment has fallen by two percentage points.

209. Georgia rose substantially in the country rankings on the ease of doing business. It ranked 112th in 2004; this year it ranks 37th.

### **Brief overview of the 2005 budget execution**

210. The planned State budget in 2005 was 1.5 times higher than in 2004 and two times higher than in 2003. The executive branch of government carried out all responsibilities imposed by the Annual Budget Law.

211. In 2005, the State budget expenditures were targeted to the strategic directions of the country. In particular, the following activities have been carried out:

- 46.8 million GEL was allocated to increase the minimum pension (from 14 GEL to 28 GEL) and to cover the pension arrears of previous years. The State budget of 2006 provided for an increase in pensions to 38 GEL;
- Coverage of arrears has continued. For that purpose, 92.5 million GEL was allocated from the 2005 State budget appropriations and saved budgets of ministries and agencies.

**Absolute and relative poverty levels  
(GEL)**

	Subsistence minimum	Median consumption
2000		
1st quarter	117.6	119.1
2nd quarter	115.1	109.0
3rd quarter	111.7	102.5
4th quarter	113.8	115.9
2000 average	114.6	111.6
2001		
1st quarter	115.7	122.4
2nd quarter	117.3	115.7
3rd quarter	115.1	103.0
4th quarter	118.5	117.1
2001 average	116.6	114.5
2002		
1st quarter	126.6	127.1
2nd quarter	126.5	112.7
3rd quarter	123.7	113.5
4th quarter	124.6	133.1
2002 average	125.4	121.6
2003		
1st quarter	130.3	122.5
2nd quarter	131.9	110.0
3rd quarter	127.4	110.6
4th quarter	133.4	131.9
2003 average	130.7	118.8
2004		
1st quarter	135.8	137.5
2nd quarter	134.1	126.1
3rd quarter	133.7	125.3
4th quarter	144.7	142.8
2004 average	137.1	132.9

## **VIII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

### **A. The right to education (arts. 28 and 29)**

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

#### **Different aspects of realization of the right to education in 2000-2005**

213. In 2005, the Law on General Education was enacted, which regulates the different aspects of the right to education, particularly:

- Accessibility of general education;
- The right to general education;
- The participation in governing the school;
- Neutrality and non-discrimination;
- The freedom of expression, etc.

214. According to article 22 of the Law, the State provides complete secondary education; education of pupils in the institutions of general education shall be financed for 12 years.

215. It should be noted that as stipulated in paragraph 4, article 14 of the Law on General Education, a pupil, a parent and a teacher have the right, in accordance with established rules to raise voluntary donations for charitable purposes. A school has a duty to take all reasonable measures to prevent the extortion of financial resources or other goods.

216. In 2005, the public education schools of Georgia were registered as legal persons of public law. Each school is provided with its own bank account and sub-account. The number of the sub-account is accessible to parents who wish to transfer money to it.

#### **Government programmes for creating different kinds of schools**

217. During the reporting period, the Ministry of Education and Sciences of Georgia has launched the Material-Technical Rehabilitation Programme for Public Schools in Georgia (Iakob Gogebashvili Programme). The Programme is aimed at creating a secure environment for 400,000 schoolchildren by rehabilitating school buildings and bringing them up to international standards. In 2004-2005, 27 new schools were built and 100 schools

(19 - in the capital and 81 - in the regions of Georgia) were renovated. In 2006, the rehabilitation of 60 Tbilisi schools, 145 schools in regional centres, as well as the construction of 45 new school buildings will be finished; 60,000,000 GEL are allocated to that end. In accordance with the Programme, in 2007-2008, it is planned to rehabilitate 43 orphanages, 49 schools located in remote mountainous regions, and 1,200 schools in rural areas.

218. In March 2005, the Ministry of Education and Science of Georgia, with the assistance of Estonian experts from the Tiger Leap Foundation of Estonia, has launched the Georgian State schools computerization programme entitled “Deer Leap”. The main goal of this programme is to facilitate the modernization of the education system in Georgia by creating a countrywide school-based information and communication technology (ICT) infrastructure and by building capacity in modern information technology.

219. The “Deer Leap” school computerization programme is conceived as a highly effective modernization initiative that will substantially reflect on the educational, economic and societal rejuvenation of Georgia. The use of new information technologies in education is a key factor in the processes of the overall reconstruction of the Georgian State and connection to the globalization process.

220. In compliance with the Decree of the President of Georgia, the “Deer Leap” Foundation was established, at the Ministry of Education and Science in September 2005. The supervisory board of the Foundation is extremely representative to include senior officials from the Ministry of Education and Science, the Ministry of Economic Development, Georgian National Communications Commission, and the Parliament, as well as prominent representatives of the civil society organizations, business associations, universities, and pedagogic circles

221. “Deer Leap” is a four-year programme with a strong prospective of an at least four-year extension phase that will cover 2,300 public schools currently functioning in Georgia.

222. The ongoing phase of the programme (2005-2009) will provide:

- Access to computers and the Internet in each school;
- Availability of educational software and services;
- Availability and quality of technical support;
- ICT skills of teachers and students;
- Integration of ICT into the curriculum;
- Integration of education management information system at school, district and national levels.

223. Accomplishments to date include:

- Purchase of the first batch of 1,200 modern PCs, through an open tender;

- Distribution of PCs to 200 Georgian schools located in eight cities;
- A LINUX-based-free operational system was specifically designed for school needs, by best local programmers, and installed on the PCs;
- The localization/translation of the above operational system and software applications is in process and will result in the first ever fully Georgian PC experience for pupils of all ages and teachers;
- An extensive teacher-training programme to cover 2,000 teachers with computer skills by the end of the current academic year;
- A number of workshops covering different issues of ICT integration into the learning process and web-based educational projects (conducted by leading experts from Estonia).

224. The programme implementation budget is 26,459,200 GEL for the period of 2005-2009. Three million GEL were allocated from the 2005 State budget for the financing of the programme. In 2006, budgetary allocations for the programme have increased almost threefold, to 8 million GEL.

225. To demonstrate more explicitly the current state of affairs in the Georgian educational system, most significant statistical data are provided below.

**Number of preschool institutions, children and places  
(at end of year)**

	Preschool institutions	Number of children	Number of places	Number of children per 100 places
Urban and rural - total				
2002	1 213	73 261	122 949	60
2003	1 225	74 309	122 278	61
2004	1 247	75 361	123 178	61
2005	1 214	76 416	128 338	60
Urban				
2002	625	55 467	88 294	63
2003	623	56 174	87 386	64
2004	621	56 543	87 529	65
Rural				
2002	588	17 794	34 655	51
2003	602	18 135	34 892	52
2004	626	18 818	35 649	53



**Preschool institutions by type, purpose and mode of operation  
(at end of year)**

	2002	2003	2004	2005
Preschool institutions, total	1 213	1 225	1 247	1 214
of which				
Kindergartens	650	664	679	
Nurseries-kindergartens	553	550	558	
Nurseries	10	11	10	
of which by purpose				
General	1 209	1 221	1 43	1 210
Sanatorium	2	2	2	2
Special	2	2	2	2
of which by mode of operation:				
Five-days a week	1 208	1 220	1 242	
Six or/and seven-days a week	5	5	5	

*Source:* Ministry of Education and Science of Georgia; Department of Statistics.

**Groups of special purpose in preschool institutions  
(at end of year)**

	2002	2003	2004
Preschool institutions having groups with special purpose	19	22	25
Number of groups	37	40	46
Number of children	809	686	817
of which:			
Children with hearing disabilities	6	7	8
in them:			
Number of children	110	110	110
Children with verbal disabilities	25	27	32
in them:			
Number of children	552	435	547
Children with sight disabilities	6	6	6
in them:			
Number of children	147	141	160

*Source:* Ministry of Education and Science of Georgia; Department of Statistics.

**Number of children in preschool institutions by age  
(at end of year)**

	2002	2003	2004	2005
Total	73 261	74 309	75 361	76 416
Of which:				
1-3 years	8 347	8 205	8 702	9 634
3 years and more	64 914	66 104	66 659	66 782
Of which:				
3-5 years	52 009	54 110	55 012	54 014
6-7 years	12 905	11 994	11 647	12 768

*Source:* Ministry of Education and Science of Georgia; Department of Statistics.

**Preschool institutions by language of instruction  
(at end of year)**

	2003		2004	
	Preschool institutions	Number of children	Preschool institutions	Number of children
Total	1 225	74 309	1 247	75 361
Of which are instructed in:				
Georgian	1 143	65 027	1 159	65 095
Russian	5	112	6	225
Azeri	2	75	-	-
Armenian	1	20	2	99
Georgian - Russian	67	8 541	72	9 424
Georgian - Armenian	2	152	2	140
Georgian - Azeri	1	33	2	88
Russian - Armenian	1	98	1	80
Russian - Azeri	2	219	2	175
Ossetian	1	32	1	35

*Source:* Ministry of Education and Science of Georgia; Department of Statistics.

**Capacity and condition of preschool institutions  
(at end of year)**

	2002	2003	2004	2005
Total space (in thousands of square metres)	1 243.7	1 002.1	996.0	972.1
Total space of playground rooms (in thousands of square meters)	581.2	444.5	558.2	567.8
of which:				
Urban	462.7	343.3	431.0	
Rural	118.5	101.2	127.2	
Average space per child	7.9	6.0	7.4	
of which:				
Urban	8.3	6.1	7.6	
Rural	6.7	5.6	6.8	
Requires capital repair	970	947	897	923
Is in extremely bad condition	140	159	144	217
Is comfortable	74	74	61	49

*Source:* Ministry of Education and Science of Georgia; Department of Statistics.

**Number of teachers by education level  
(at end of year)**

	2002	2003	2004	2005
Teachers, total	7 303	7 655	7 783	6 883
of which with:				
high education	3 739	4 019	4 162	3 732
incomplete high education	190	199	181	212
secondary professional	3 374	3 267	3 241	2 756
of which pedagogical	2 684	2 694	2 762	2 329

*Source:* Ministry of Education and Science of Georgia; Department of Statistics.

**Number of general education schools and pupils  
(at the beginning of school year)**

	2002/2003	2003/2004	2004/2005	2005/2006
General education schools	3 305	3 331	3 343	2 744
of which:				
Public general education schools	3 174	3 175	3 167	2 470
of which:				
Day-time schools	3 147	3 148	3 147	2 456
Evening schools	27	27	20	14
Private general education schools	131	156	176	260
Number of pupils (in thousands)	686.1	671.9	648.3	634.7
of which:				
In public general education schools	670.8	655.0	627.3	601.4
of which:				
In day-time schools	666.1	650.1	624.9	601.3
In evening schools	4.7	4.9	2.4	0.1
In private general education schools	15.3	16.9	21.0	33.4

*Source:* Ministry of Education and Science of Georgia; Department of Statistics.

**Day-time general education schools  
(Including mentally and physically disabled pupils)  
(at the beginning of school year)**

	2002/2003	2003/2004	2004/2005
Day-time general education schools total unit	3 278	3 304	3 323
of which:			
Public general education schools	3 147	3 148	3 147
of which:			
primary schools	771	765	732
basic schools	665	629	599
secondary schools	1 694	1 737	1 816
of which:			
Schools for mentally and physically disabled children	17	17	17
Private general education schools	131	156	176
Number of pupils (in thousands)	681.4	667.0	645.9
of which:			
In public general education schools	664.0	650.1	624.9
of them which:			
primary schools	18.4	18.3	13.5
basic schools	70.9	64.3	45.5
secondary schools	574.7	565.4	565.9
of them:			
In schools for mentally and physically disabled children	2.1	2.1	1.9
In private general education schools	15.3	16.9	21.0

*Source:* Ministry of Education and Science of Georgia; Department of Statistics.

**Distribution of evening school pupils by grades  
(at the beginning of school year)**

	2002/2003	2003/2004	2004/2005
Number of pupils, total	4 764	4 938	2 427
of which in:			
Grades 5 - 9	1 190	1 104	672
Grade 10	1 418	1 607	718
Grade 11	2 156	2 227	1 037

*Source:* Ministry of Education and Science of Georgia.

**Distribution of general education school pupil by grade  
(at the beginning of school year)**

	2003/2004	2004/2005	2005/2006
Number of pupils, total	671 926	648 300	634 724
of which in:			
Grades 1 through 6	363 951	338 222	326 597
Grades 7 through 9	213 087	213 963	200 488
Grades 10 through 11 (12)	94 888	96 115	107 639
of which in:			
Public schools	655 024	627 298	601 362
of which in:			
Grades 1 through 6	354 175	326 356	307 177
Grades 7 through 9	208 684	207 789	191 973
Grades 10 through 11 (12)	92 165	93 153	102 212
In private schools	16 902	21 002	33 362
of which in:			
Grades 1 through 6	9 776	11 866	19 420
Grades 7 through 9	4 403	6 174	8 515
Grades 10 through 11 (12)	2 723	2 962	5 27
Internally displaced pupils out of the total number of pupils	17 963	17 309	18 105

*Source:* Ministry of Education and Science of Georgia.

**Distribution of public general school pupils by grade  
(at the beginning of school year)**

	2003/2004	2004/2005	2005/2006
Number of pupils total	650 086	622 999	601 362
of which in:			
Grade 1	55 168	51 540	45 346
Grade 2	55 827	52 601	50 036
Grade 3	57 107	53 867	51 526
Grade 4	56 186	55 493	53 130
Grade 5	60 836	53 946	54 051
Grade 6	69 051	58 909	53 088
Grade 7	72 550	67 229	57 811
Grade 8	72 212	70 250	65 723
Grade 9	62 818	69 638	68 439
Grade 10	46 055	48 296	56 619
Grade 11 (12)	42 276	43 104	45 593

*Source:* Ministry of Education and Science of Georgia.

**Distribution of private school pupils by grade  
(at the beginning of school year)**

	2003/2004	2004/2005	2005/2006
Number of pupils total	16 902	21 002	33 362
of which in:			
Grade 1	18.44	22.17	35.64
Grade 2	16.92	21.86	34.82
Grade 3	15.65	19.74	35.49
Grade 4	15.29	19.08	30.94
Grade 5	15.06	18.06	28.68
Grade 6	16.40	17.75	28.63
Grade 7	16.52	20.88	27.74
Grade 8	14.64	20.84	28.89
Grade 9	12.87	20.02	28.52
Grade 10	13.84	14.07	28.01
Grade 11 (12)	13.39	15.55	26.26

*Source:* Ministry of Education and Science of Georgia.

**Pupils in public general education schools by level of education  
(at the beginning of school year)**

	Number of pupils, total	of which in:		
		Primary (or the first stage of basic education)	Basic education (or second stage of basic education, and first stage of general secondary education)	General secondary (or second stage of general secondary education)
Number of pupils, total				
2002/2003	670 907	377 016	202 994	90 897
2003/2004	655 024	354 175	208 684	92 165
2004/2005	622 999	325 205	206 507	91 287
2005/2006	601 326	307 177	191 973	102 212
of which girls				
2002/2003	328 351	183 011	99 073	46 267
2003/2004	319 501	171 152	101 710	46 639
2004/2005	305 746	157 977	101 018	46 751
2005/2006	297 650	150 148	94 995	52 507

*Source:* Ministry of Education and Science of Georgia.

**Number of day-time general education school teachers**

	2004/2005	2005/2006
Teachers, total	70 709	68 992
of which in:		
Primary schools	2 367	669
Basic schools	8 603	8 467
Secondary schools	59 739	59 856

*Source:* Ministry of Education and Science of Georgia.

**Distribution of public day-time general educational school students  
by language of instruction  
(excluding schools for mentally and physically retarded children;  
at the beginning of school year)**

	2000/ 2001	2001/ 2002	2002/ 2003	2003/ 2004	2004/ 2005
Number of students - total (in thousands)	697.4	680.8	664.0	647.9	620.6
of which are instructed in:					
Georgian	595.1	584.0	572.1	560.1	530.8
Russian	38.1	35.9	34.0	32.1	34.1
Azeri	38.2	36.8	35.4	34.3	33.5
Armenian	25.8	23.9	22.3	21.2	21.6
Abkhaz	...	...	...	...	0.4
Ossetian	0.2	0.2	0.2	0.2	0.2
In per cent to the total number of students	100	100	100	100	100
Georgian	85.3	85.8	86.2	86.4	85.5
Russian	5.5	5.3	5.1	5.0	5.5
Azeri	5.5	5.4	5.3	5.3	5.4
Armenian	3.7	3.5	3.4	3.3	3.5
Abkhaz	...	...	...	...	0.07
Ossetian	0.03	0.03	0.03	0.03	0.03

*Source:* Ministry of Education and Science of Georgia.

**Pupils dropouts and reasons (2004/2005 and 2005/2006 school years)**

	2004/2005	2005/2006
	Number of pupils	Number of pupils
Transferred, in:		
another day-time public school	30 398	33 728
another day-time private school	2 879	3 769
another evening school	955	735
General Primary vocational school	557	575
Non-general primary vocational school	198	283
Secondary professional schools	1 653	1 910
Special teaching - upbringing institutions	294	270
Reasons for dropping out:		
Sickness	336	287
Death	441	150
Leaving the country	2 977	2 817
Dropout	960	853
Started working	1 401	1 338
Marriage	532	560

*Source:* Ministry of Education and Science of Georgia.

**IX. SPECIAL PROTECTION MEASURES****A. Children in situations of emergency****1. Refugee and internally displaced children (art. 22)**

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

227. Georgia continues stressing the inalienable right of internally displaced persons (IDPs) and refugees to return to their homes in secure and dignified conditions. During the reporting period, no positive steps have been taken to commence the process of organized return, due to the counterproductive position of the separatist regimes of breakaway regions - Abkhazia and South Ossetia. In its resolution 1716 of 13 October 2006, the Security Council put particular stress on the issues in question by urging the Abkhaz leadership to address seriously the need for a dignified return of IDPs and refugees, including their security and human rights concerns, and to publicly reassure the local population, particularly in the Gali district, that their residency rights and identity will be respected. Besides, the Council urged both parties to finalize without delay the package of documents that, inter alia, covers the issues on the return of refugees and IDPs for the Gali district and to undertake necessary steps to secure the protection and dignity of the civilian population, including the returnees.



228. At the same time, the Georgian Government together with international relief organizations is doing its best to accommodate needs of IDPs throughout Georgia and to integrate them into the mainstream of the Georgian society. In this regard, special importance is attached to children from IDP families.

229. For instance, only in summer 2005, 440 Georgian children spent their holidays at the Black Sea resorts at the State's expense. Among them, there were 322 IDPs' children from Abkhazia and 88 from Tskhinvali region/South Ossetia. Besides, in 2005, one-time allowances in cash were distributed to orphans and mothers with many children belonging to IDP groups.

### **Economic rehabilitation**

230. Georgia is commencing the implementation of economic rehabilitation projects to facilitate both the peaceful settlement process and the return of IDPs and refugees.

231. In this respect, the efforts of OSCE, as well as European and United States partners of Georgia to promote the economic rehabilitation of the Tskhinvali region should be particularly noted. The Donors' Conference held in Brussels on 14 June 2006 under the aegis of OSCE is expected to stimulate this process significantly.

232. The Conference raised the equivalent of about 7.9 million euros in support of a package of projects for social and economic rehabilitation of the region on which all parties have agreed. The Prime Minister of Georgia confirmed Georgia's readiness to allocate funds equivalent of the donors' assistance that will be directed for the economic rehabilitation of the region.

233. As regards the legal issues referred to in the Committee's concluding observations, it has to be noted that, according to the Ministry of Justice, after Georgia acceded to the Convention relating to the Status of Refugees of 1951 and its Protocol of 1967, a number of changes have been made to the Georgian Law on Refugees, in particular:

- According to article 2 of the Law on Refugees, a person, who is not considered a refugee under the Convention relating to the Status of Refugees and Protocol of 1967, shall not be granted refugee status;
- According to article 4 of the Law, the Ministry of Refugees and Accommodation shall make a decision on granting refugee status within four months after the registration of the person's request. In accordance with the same article, a person who was granted refugee status shall be obliged to register at the Ministry of Refugees and Accommodation on an annual basis. Appropriate procedures are set out by the Ministry of Refugees and Accommodation;
- Any decision by the Ministry to refuse the granting of refugee status to a person may be appealed in court in accordance with the law;
- Pursuant to article 9 of the Law, decisions on the termination or deprivation of refugee status shall be taken by the Ministry of Refugees and Accommodation; such decision by the Ministry may be appealed in court within a period of one month in conformity with the Law.

234. In 2006, the Ministry of Refugees and Accommodation elaborated a draft National Strategy for Internally Displaced Persons (IDPs) in Georgia, which is aimed at achieving two main goals: (a) to secure for IDPs conditions to live in dignity, and their integration into the Georgian society and (b) to create necessary conditions to enable them to return voluntarily, in dignity and safety. These objectives are to be achieved through a range of activities and measures that are outlined in the Strategy and specified in more detail in the accompanying Action Plan.

235. The Strategy in question is to be approved by the Government of Georgia and will be implemented by all relevant State bodies both at national and local levels.

236. In addition it should be noted that the Ministry of Refugees and Accommodation has worked out a draft governmental decree on issuance of refugees' travel documents. The draft is currently subject to legal examination by the relevant State bodies.

## **B. Children in situations of exploitation**

### **1. Economic exploitation, including child labour (art. 32)**

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

(a) Take steps to ensure the implementation of article 32 of the Convention, and ILO Conventions Nos. 138 and 182, taking due account of ILO Minimum Age Recommendation, 1973 (No. 146) and the Worst Forms of Child Labour Recommendation, 1999 (No. 190);

(b) Continue its cooperation with the International Programme on the Elimination of Child Labour (IPEC), as well as to strengthen its cooperation with, and support of NGOs working in this area.

238. It should be noted in this respect that Georgia acceded to the ILO Convention 182 on 18 May 2002. Detailed information on this issue is contained in the State report of Georgia on the implementation of this Convention submitted, in September 2006, in accordance with article 22 of the ILO Charter.

239. Requirements of the aforementioned ILO Conventions are taken into account in Georgian labour legislation, namely, in the Labour Code that was adopted by the Parliament of Georgia on 25 May 2006.

240. According to the Ministry of Labour, Health and Social Affairs, the new Labour Code of Georgia entered into force in July 2006. Pursuant to article 4 of the Code, the labour capacity of the natural person shall commence at the age of 16, whereas that of a person under the age of 16 shall be subject to the consent of his/her legitimate representative or guardianship/tutorial body, provided the nature of the work involved does not contradict the minor's interests, does not harm his/her moral, physical or mental development, and does not impose limitations on his/her right and ability to receive compulsory primary and basic education. It is only permitted to engage a minor under the age of 14 in work linked to sports, arts and cultural activities, as well as in advertising campaigns.

241. Under article 4, paragraph 5, of the new Labour Code, it is prohibited to employ underage persons in work involving hard, harmful or hazardous conditions. Paragraph 4 of the same article prohibits underage persons to engage in work linked to the gambling business, night entertainment institutions, erotic or pornographic production, as well as production, transportation or sale of pharmaceutical or toxic substances.

242. Currently there is no register of hazardous forms of work in Georgia, thus it proves to be impossible to determine where such kinds of work are being carried out. To solve this problem, a document entitled “List of Hard, Harmful and Hazardous Work” has been elaborated and sent to both employees’ and employers’ organizations for their approval. Upon completion of this procedure, the List will be adopted by the Ministry of Labour, Health and Social Affairs. Under article 54, paragraph 1 (b), of the Labour Code, this should be done within four months following the adoption of the Code.

243. In conformity with article 18 of the Labour Code, it is prohibited to employ an underage person for night work (i.e. from 10.00 p.m. to 6.00 a.m.).

244. Since 2006, the State Labour Inspectorate has been abolished in Georgia. Consequently, for the time being, there is no institution to carry out State supervision of violations of children’s working conditions. In case such a violation occurs, a complaint may be lodged with the court. The court is authorized to apply sanctions against the employer as per article 42<sup>2</sup> of the Administrative Offences Code of Georgia.

## **2. Sexual exploitation/Sale, traffic and abduction (arts. 34 and 35)**

245. In its concluding observations, the Committee recommends that the State party:

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

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

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

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

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

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

246. According to the information provided by the Prosecutor-General's Office of Georgia, article 143<sup>2</sup> of the Criminal Code deals with the trafficking in minors; the sanction provided for the commission of the crime in question is 8 to 12 years' imprisonment.

247. Article 143<sup>2</sup> defines the criminal act of trafficking in minors as follows:

“Purchasing or selling a minor or carrying out any other form of illegal transactions, as well as enticing, harbouring, hiding, hiring, transporting, transferring, sheltering or receiving a minor for the purpose of exploitation.”

248. The same article also stipulates the following aggravating circumstances:

(a) If trafficking in minors is committed: (a) by abuse of power; (b) knowingly against a person who is in a vulnerable position or materially and/or otherwise is dependent on the perpetrator, it is punishable with 11 to 15 years' imprisonment;

(b) If trafficking in minors is committed: (a) repeatedly/several times (multiplicity of the actions); (b) by coercion, blackmail or deception; (c) against two or more minors (number of victims); (d) by taking the victim abroad; (e) with the threat or use of force threatening the life or health, it is punishable with 14 to 17 years' imprisonment;

(c) The above-mentioned acts: (a) committed by an organized group; (b) that caused the death of a minor victim or any other grave result, are punishable with 17 to 20 years' imprisonment, or life imprisonment.

249. Article 143<sup>1</sup> of the Criminal Code defines the term “exploitation” as the use of a person for the purpose of: (a) forced labour; (b) involvement in criminal or any other anti-public activity or in prostitution; (c) sexual exploitation or any other kind of service; (d) transplantation or any other kind of use of a human organ, or part of a human organ; (e) forcing a person to live in conditions of modern slavery.

250. Article 143<sup>1</sup> also defines the term “forcing a person to live in conditions of modern slavery” as follows: “The deprivation of identity documents of a person, restriction of his/her right to free movement, prohibition of contacts with his/her family, including correspondence and phone calls, cultural isolation, coercion of a person to work in conditions degrading to his/her reputation and dignity or without any salary or with inadequate salary.”

251. It should be emphasized that the aforementioned note of article 143<sup>1</sup> extends *mutatis mutandis* to article 143<sup>2</sup>.

252. Most importantly, trafficking in persons was criminalized in articles 143<sup>1</sup> and 143<sup>2</sup> of the Criminal Code on 6 June 2003. The system of sanctions and aggravating circumstances has been completely changed by virtue of amendments dated 28 April and 25 July 2006 aimed at effectively combating human trafficking.

### Statistical data related to the trafficking in minors

Year	Number of criminal proceedings instituted	Number of cases forwarded to the court
2004	6	3
2005	5	2

### Protection, rehabilitation and reintegration of minor victims of trafficking

253. According to the Prosecutor-General's Office of Georgia, in the light of the newly adopted legislative amendments, relevant Georgian authorities can offer information regarding the measures of protection, rehabilitation and reintegration of minor victims of trafficking provided in Georgian legislation. The Action Plan regarding the Fight against Trafficking in Persons in Georgia and the Georgian Law on Combating Trafficking in Human Beings establishes effective mechanisms for the protection, rehabilitation and reintegration of trafficking victims, including minors.

254. Special attention must be paid to the status of the victim of trafficking in Georgian legislation. Under the Georgian Law on Combating Trafficking in Human Beings, in case of human trafficking, the status of a victim will be determined by a Permanent Working Group (the composition, activities and authority of which will be determined by the Coordination Council pursuant to the Georgian legislation) supervised by the Coordination Council immediately after he/she applies for shelter, no later than 48 hours after the application. A person who obtains the status of a victim of trafficking will enjoy the right to temporary accommodation (shelter), but this does not imply that a trafficking victim automatically enjoys the rights guaranteed by the Criminal Procedure Code of Georgia.

255. In this context, it should be clarified that the status of a trafficking victim under the Law on Combating Trafficking in Human Beings, depends on whether he/she is willing to cooperate with the law enforcement bodies in the criminal proceedings related to the given crime. A victim of human trafficking is entitled to a period of reflection of up to 30 days to make such a decision starting from the date on which he/she addressed the relevant service agency. During this period, the person will not be required to give testimony to the bodies conducting the criminal proceedings.<sup>11</sup> Should the victim refuse to cooperate with the law enforcement agencies, he/she will be protected by the relevant rules of the Law, but shall not be considered as an injured person as defined by the Criminal Procedure Code of Georgia.

256. The Georgian legal system contains some peculiarities with respect to protection, assistance, rehabilitation and reintegration of minor victims of human trafficking, taking into account the Convention on the Rights of the Child:

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<sup>11</sup> Criminal Code of Georgia, art. 371.

- 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;
- 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;
- 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.

257. Furthermore, the Georgian Law on Combating Trafficking in Human Beings provides for effective mechanisms for protection, rehabilitation and reintegration of victims of trafficking (including those who are minors):

- The Law establishes the State Fund for the Protection and Assistance for Victims of Trafficking in Human Beings, which is mandated to ensure the payment of compensation to the victims and to finance their protection, assistance and rehabilitation measures;
- The Interagency Co-ordination Council established by the Law will focus on the effective functioning of State agencies responsible for the prevention and combating of human trafficking and the protection, assistance and rehabilitation of victims. The Council will also coordinate, monitor and evaluate the activities of these agencies;
- The Law deals with matters related to the provision of temporary housing (shelters) for victims of trafficking as a means of protecting their legal rights and interests, and assisting their rehabilitation and full integration into families and society. Under the Law any natural or legal person may establish a private non-profit making legal person to provide temporary housing (shelters) for victims of trafficking. The temporary housing (shelters) must meet minimal standards, including safety rules, and in addition provide separate rooms for minors;
- The Law contains a non-punishment provision under which the victim of trafficking shall not be subjected to punishment for illegal actions committed due to his/her being a victim of human trafficking. This provision applies only to such crimes that were committed before his/her obtaining the status of a victim/injured party;
- The Ministry of Justice provides for the Free Legal Aid Service Programme that offers legal assistance to the victims of trafficking. At the same time, Georgian Young Lawyers' Association, with the assistance of USAID, carries out the project "No Trafficking in Persons", that provides free legal aid for victims of trafficking, including minors.

258. The Georgian Law on Combating Trafficking in Human Beings mandates the relevant State agencies to take measures for the physical protection, medical and psychological rehabilitation of human trafficking victims/injured parties with their consent, and in observance of full confidentiality of their personal data.

259. Currently, the relevant governmental agencies, international and non-governmental organizations are working on the development of the Referral Mechanism - a document that will provide detailed guidelines for the identification, assistance (rehabilitation/protection) and reintegration of victims of trafficking.

260. Notably, the representative of UNICEF has become a new member of the Temporary Anti-trafficking Inter-Agency Commission. It is hoped that this agency will greatly contribute to the development of the tools and rules relevant for the protection of minors, victims of trafficking.

### **Criminalization and measures taken against sexual exploitation of minors**

261. The Georgian legislation criminalizes various forms of sexual exploitation of persons such as involvement of a minor in anti-public activity,<sup>12</sup> rape,<sup>13</sup> sexual violence,<sup>14</sup> coercion to obtain sexual intercourse or any other form of sexual conduct<sup>15</sup> and involvement in prostitution.<sup>16</sup> It should be accentuated that the commission of these crimes against minors constitutes an aggravating circumstance. As it has already been noted above, trafficking in minors<sup>17</sup> is regarded to be a crime aimed primarily at their sexual exploitation. Moreover, the Georgian statutory law outlaws such acts as sexual intercourse or any other form of sexual conduct with a person below the age of 16<sup>18</sup> and perverse conduct.<sup>19</sup>

262. Involvement of a minor in anti-public activity: Paragraph 3 of this article criminalizes the following acts: involving a minor in prostitution without violence, threat of violence or deception. Under this article, such a criminal act is punishable by imprisonment from two to five years.

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<sup>12</sup> Criminal Code of Georgia, art. 171.

<sup>13</sup> Ibid., art. 137.

<sup>14</sup> Ibid., art. 138.

<sup>15</sup> Ibid., art. 139.

<sup>16</sup> Ibid., art. 253.

<sup>17</sup> Ibid., art. 143 (2).

<sup>18</sup> Ibid., art. 140.

<sup>19</sup> Ibid., art. 141.

263. Rape: Rape, i.e. sexual contact through violence, threat of violence or otherwise exploiting the vulnerable position of the victim is punishable by imprisonment from four to six years. Paragraph 3 (d) of this article deals with rape committed knowingly against a minor as an additional aggravating circumstance, punishable by imprisonment from 9 to 12 years. Under paragraph 5 of this article, rape committed against a person below the age of 14 is punishable by 15 to 20 years' imprisonment.

264. Sexual violence: Homosexual, lesbian or any other form of deviant sexual contact committed through violence, threat of violence or by exploiting the vulnerable position of the victim, is punishable by four to six years' imprisonment. Under Paragraph 3 (d) of this article, such act committed knowingly against a minor constitutes an additional aggravating circumstance, and is punishable by imprisonment from 9 to 12 years. Under paragraph 5 of this article, commission of such an act against a person below the age of 14, is punishable by 15 to 20 years' imprisonment.

265. Coercion to obtain sexual intercourse or any other form of sexual conduct: Forcing a person to engage in sexual intercourse, homosexual, lesbian or any other kind of sexual contact with the threat of defamation or damaging his/her property or exploitation of a situation of dependence such as financial, professional or other kinds of dependence, is punishable by a fine or by one year correctional labour or by imprisonment up to two years. The same criminal act committed against a minor is punishable by two years correctional labour, or by imprisonment from one to three years.

266. Involvement in prostitution: Forcing a person to engage in prostitution through violence, threat of violence or damaging property, deceiving or blackmailing is punishable by a fine or up to two years' imprisonment. The same act committed by an organized group or knowingly against a minor is punishable by five to seven years' imprisonment.

267. Sexual intercourse or any other kind of sexual conduct with a person below the age of 16: Sexual intercourse, homosexual, lesbian or any other kind of deviant sexual contact by an adult committed knowingly with a person below the age of 16, is punishable by restriction of liberty for three years or by one to three years' imprisonment.

268. Perverse conduct: Perverse conduct without coercion committed knowingly by the criminal with a person below the age of 16 is punishable by a fine or by correctional labour for up to one year or by imprisonment up to two years.

269. Statistical data on crimes related to the sexual exploitation of minors are provided below:

#### **Involvement of a minor in anti-public activity**

Year	Investigations initiated	Cases forwarded to the Court
2001	12	1
2002	8	2
2003	10	3
2004	8	6
2005	4	-



**Rape against a minor**

Year	Investigations initiated	Cases forwarded to the Court
2001	1	-
2002	2	1
2003	1	-
2004	1	-
2005	8	2

**Sexual intercourse or any other kind of sexual conduct  
with a person below the age of 16**

Year	Investigations initiated	Cases forwarded to the Court
2001	5	1
2002	4	2
2003	9	-
2004	8	5
2005	8	-

**Perverse conduct with a person below the age of 16**

Year	Investigations initiated	Cases forwarded to the Court
2001	3	-
2002	4	-
2003	4	-
2004	9	3
2005	15	4

**3. Substance abuse (art. 33)/ problem of “street children”**

270. In its concluding observations, the Committee recommends that the State party:

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

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

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

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

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

272. According to the Ministry of Labour, Health and Social Affairs,<sup>20</sup> social and economic conditions in Georgia, and especially in its capital Tbilisi, sharply revealed a problem of so-called “street children” and especially children and adolescents at risk. Children and adolescents in this category are in need of timely rehabilitation and development of professional skills with the purpose of their subsequent return to society. To that end, in 2005-2006 the municipality of Tbilisi has carried out various social programmes, which include:

(a) Street Children Social Integration Programme

273. Due to conditions mentioned above, it was necessary to establish specific centres that would carry out the programme, such as the Centre for Social Adaptation of Children, officially inaugurated in June 2005. The main goals of the Centre are as follows:

- Examination of children and adolescents’ mental and physical health conditions;
- Examination of children and adolescents’ family relationships;
- Elaboration of the best strategies for the improvement of children and adolescents’ health conditions, living standards and their development;
- Settlement of children and adolescents into the most suitable environment;
- Identification of children and adolescents at risk, study of their family relationships and working with their families;
- Examination of children and adolescents with specific health problems (paediatric examination, TB, skin and venereal diseases, AIDS tests, substance usage tests);
- Examination of psychic conditions of children and adolescents;
- Psychological assistance.

(b) The Assistance to Uncared-For Children Programme conducts cognitive-entertaining programmes for homeless children in centres and facilitates future job placement;

(c) The Training, Supplementary Education and Trade Teaching Programme undertakes market research to identify trades in demand and assesses the skills of children in centres and those from socially vulnerable families, in order to provide teaching of such trades and to facilitate future job placement.

274. With the assistance of UNICEF and World Vision, a project entitled “Help Street Children” has been carried out in 2005-2006. The project was intended to support the social integration of street children and children at risk. Within its framework, training for the project participants was designed according to Canada’s Street Kids International Agency methodology,

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<sup>20</sup> See State report of Georgia on the implementation of ILO Convention No. 182 submitted in accordance with article 22 of the ILO Charter in September 2006.

specifically adapted to reflect local conditions. The training was held in four big cities of Georgia: Tbilisi, Kutaisi, Batumi and Telavi, and the following topics were covered: decision-making skills; prevention of extremely harmful substance addiction and prevention of sexually transmitted diseases. One hundred and fifty trainers from both State bodies and NGOs were trained. Street children themselves also participated in the training.

275. In April 2006, an amendment was adopted to article 171 of the Criminal Code, by virtue of which engagement of underage persons in non-medicinal use of soporific and pharmaceutical substances is punished by restriction of freedom or imprisonment up to three years.

276. In the school curricula, mainly in the “programme for civil education”, issues related to drug addiction and alcoholism are addressed in general terms.

277. According to the Ministry of Interior, during the reporting period, eight juveniles were charged with offences under article 273 of the Criminal Code (Illegal production, purchase, storage or illegal use without medical prescription of a small quantity of narcotic drugs, its analogues or precursors) and convicted.

### **C. Children in conflict with the law**

#### **1. Administration of juvenile justice (art. 40)**

278. In its concluding observations, the Committee reiterates its previous recommendations that the State party:

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

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

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

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

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

279. According to the Ministry of Interior, during the reporting period (2000-2005, criminal cases were initiated against 2,050 juveniles of which 14 were females. Disaggregated data on the criminal proceedings against the minors are as follows:

- 2000 - 424 juveniles, of which 1 was female;
- 2001 - 382 juveniles, of which 1 was female;
- 2002 - 294 juveniles, of which 1 was female;
- 2003 - 372 juveniles, of which 5 were females;
- 2004 - 446 juveniles, of which 3 were females;
- 2005 - 132 juveniles, of which 2 were females.

280. The number of convicted juveniles was as follows:

2000 - 27; 2001- 24; 2002 - 22; 2003 - 20; 2004 - 13 juveniles; 2005 - 19 juveniles.

281. According to the Ministry of Internal Affairs, during the reporting period (2000-2005), most frequently juveniles were victims of sexual crimes envisaged by article 140 of the Criminal Code (sexual intercourse or any other kind of sexual conduct with a person below the age of 16) and of the crime of trafficking in minors (article 143<sup>2</sup> of the Criminal Code).

282. According to the Ministry of Internal Affairs, in 2005, criminal investigations were initiated with respect to four cases of suicide committed by juveniles.

283. In 2000-2005, there were no registered facts of torture or other inhuman or degrading treatment and punishment against juveniles.

284. Statistical data on the crimes committed by juveniles during 2000-2005 is provided in the table below:

Type of crime committed	Number of crimes committed					
	2000	2001	2002	2003	2004	2005
Murder	5	8	5	5	7	5
Attempted murder	6	8	4	5	1	7
Intentional heavy injury to health	6	8	13	12	7	11
Rape or attempted Rape	7	3	5	5	6	4
Theft	411	466	467	389	309	407
Despoilment	24	43	43	29	48	47
Robbery	23	21	33	29	39	60
Hooliganism	16	7	9	15	13	26
Illegal traffic of narcotic drugs	19	28	30	32	24	21
Illegal purchase, storage, carrying, manufacturing, traffic or sale of weapon, ammunition, explosives	23	6	8	11	18	22

## **2. Children deprived of their liberty (art. 37 (b)-(d))**

285. According to the Ministry of Justice, the issues of serving sentences by juveniles are regulated according to the Law on Imprisonment (chap. XVI) and the respective Order of the Minister of Justice issued on 28 December 1999. According to the aforementioned Law, a detained person who has not attained the age of 18 shall be placed in an educational (penitentiary) facility for minors (art. 82). According to the same article, juveniles who are sentenced for the commission of heavy crimes shall be separated from other convicts.

286. According to paragraph 2 of article 84, a person who reaches the age of 18 may be left at the educational (penitentiary) facility for minors until the completion of the term of his/her sentence, but only until the age of 20.

287. The issues of arrest and preliminary detention of juveniles are not regulated by a separate legislative act.

288. In 2000-2005, the total number of detained children was approximately 130 (only males). This number does not include convicted juveniles.

289. In 2000, the total number of prisoners deprived of their liberty in Georgia amounted to 8,349, including 219 women and 98 minors; 7,688, including 227 women and 64 minors in 2001; 6,749, including 180 women and minors in 2002; 6,274, including 158 women and 79 minors in 2003; 6,654, including 184 women and 84 minors in 2004; 9,051, including 184 women and 115 minors in 2005. The total number of the persons deprived of liberty currently amounts to 11,414 persons, including 11,045 men, 369 women and 176 minors.

290. In October 2005, on the premises of Tbilisi female penitentiary facility No. 5, a juvenile penitentiary facility was built designed for 108 inmates. Thus, it has become possible to transfer underage prisoners from Tbilisi prison No. 5 to the new facility. At present, 199 minors are placed in the facility.

291. The conditions at the penitentiary facility for juveniles with respect to living conditions, health norms, nutrition and rations differ in quality from other penitentiary facilities.

292. Until October 2005, pretrial minor detainees were placed in special premises within adult penitentiary facilities, in particular: Kutaisi penitentiary facility No. 2, Batumi penitentiary facility No. 3, Zugdidi penitentiary facility No. 1, and Tbilisi penitentiary facility No. 1. According to the penitentiary facility, in 2000-2005, the numbers of pretrial minor detainees were as follows:

- Kutaisi penitentiary facility No. 2: 2000 - 125; 2001 - 109; 2002 - 67; 2003 - 60; 2004 - 147; 2005 - 200; 2006 - 34.
- Batumi penitentiary facility No. 3: 2000 - 6; 2001 - 9; 2002 - 10; 2003 - 9; 2004 - 11; 2005 - 11.

- Zugdidi penitentiary facility No. 1: 2000 - 5; 2001 - 3; 2002 - 4; 2003 - 5; 2004 - 6; 2005 - 10.
- Tbilisi penitentiary facility No. 1: 2001 - 80; 2002 - 80; 2003 - 120; 2004 - 130; 2005 - 150.

293. During the reporting period, time limits on the detention period were reduced and brought into compliance with article 18 of the Constitution of Georgia, in particular, the 9-month limit for pretrial detention was reduced to 4 months and the 30-month limit for detention during trial proceedings was reduced to 12 months. These provisions took effect as of 1 January 2006. In addition, the law now provides that, in the course of conducting proceedings, the terms of detention should not exceed six months at the First Instance Court, four months at the Court of Appeal and two months at the Court of Cassation.

294. According to the Ministry of Justice, in October 2004, in conformity with the Order of the Minister of Justice, the Council for Public Supervision of the Penitentiary was established, with the aim of creating an efficient and fair system to exercise public control over the penitentiary and its activities. In November 2005, by order of the Minister, the above Council was abolished for inefficiency, and the relevant department of the Ministry of Justice was entrusted with the elaboration of a draft statute for the commissions for public control of the penitentiary facilities, as provided for by article 93 of the Law on Imprisonment.

295. Pursuant to the above, in December 2005, public control commissions were set up in several penitentiary facilities of Georgia,<sup>21</sup> in particular at Batumi prison No. 3, at Zugdidi prison No. 4, at Kutaisi prison No. 2 and at the special penitentiary facility of strict regime. In other penitentiary facilities, the establishment of such commissions is under way.

### **3. Children belonging to minorities or an indigenous group (art. 30)**

296. Reference is made to Georgia's second periodic report under ICCPR, which, in its comments on article 27, contains information about the exercise of the rights of ethnic minorities (paras. 387-406 and 409).

297. In addition, information may be found above, in the present report on the issue of schooling for ethnic minority children.

## **X. OPTIONAL PROTOCOLS**

298. In its concluding observations, the Committee encourages the State party to ratify the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

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<sup>21</sup> Members of the commissions were duly trained at the Training Center of Penitentiary and Probation, with the financial assistance of the Prison Reform International.

299. On 21 June 2002, Georgia acceded to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

300. On 28 June 2005, Georgia acceded to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

## **XI. CONCLUDING REMARKS**

301. In its concluding observations, the Committee recommends that the second periodic report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted thereon by the Committee.

302. With the assistance of the UNICEF mission to Georgia, the second periodic report under the Convention was translated into Georgian, published and made available to the public at large.

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