



**Convention on the
Rights of the Child**

Distr.
GENERAL

CRC/C/SR.915
8 October 2003

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-fourth session

SUMMARY RECORD OF THE 915th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 1 October 2003, at 3 p.m.

Chairperson: Mr. DOEK

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GE.03-44261 (E) 061003 081003

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of Georgia (continued) (CRC/C/104/Add.1; CRC/C/Q/GEO/2; CRC/C/RESP/37; HRI/CORE/1/Add.90/Rev.1)

1. At the invitation of the Chairperson, Ms. Beridze, Mr. Chikvaidze, Ms. Ebralidze, Ms. Ghudushauri, Ms. Gorgiladze, Mr. Kavsadze and Mr. Nalbandov (Georgia) took places at the Committee table.
2. Ms. BERIDZE (Georgia) said that the first elections to the children's parliament had been held in April 2000. With 146 members, comprising 88 boys and 58 girls, the gender balance in the children's parliament was far better than in the "adult" Parliament. Sessions were held on the premises of the adult Parliament, and children had an opportunity to express their views, submit recommendations and gain valuable parliamentary experience. New elections had been held in September 2003, the results of which had yet to be announced.
3. Following consideration of Georgia's initial report in 2000, the Committee had recommended that adequate central funding should be allocated to the ombudsman's office. Consequently, the Government planned to incorporate increased resources for the ombudsman in the 2004 budget. Reforms of birth registration procedures had filled any gaps that might have existed in 2000.
4. Children under the age of 18 were not entitled to vote and were barred from belonging to political parties. However, they were free to become members of associations or non-governmental organizations (NGOs).
5. Ms. SARDENBERG said that she understood that refugees were deterred from registering births because the procedures were so complicated. She wished to know whether it was more expensive to register a child born out of wedlock than a child born within a marriage.
6. Ms. BERIDZE (Georgia) said that registration procedures were the same for everyone and were free of charge for refugees and internally displaced persons. Chechen refugee children enjoyed the same rights as Georgian children. There was an additional registration fee for establishing the paternity of children born out of wedlock. However, single mothers received additional social security benefits, and there was no question of discrimination on moral grounds.
7. The Ministry of Justice was currently drafting a law on asylum, which would be submitted to Parliament in the near future. While the prohibition of corporal punishment in schools had been incorporated into the Criminal Code, it was difficult to criminalize corporal punishment within families. The ombudsman's office reported to Parliament on the complaints it received concerning child rights violations. The reports had been used by the Ministry of Education to develop guidelines for teachers on how to treat children in conformity with their rights under the Convention.
8. In 2002, over 9,000 children with disabilities had benefited from the social assistance programme for needy families, which included free medical and social insurance. Rehabilitation programmes were provided for children with special needs, and libraries had been adapted to the

needs of blind children. The Ministry of Labour, Health Care and Social Welfare ran two residential homes for children with disabilities. Of the 3,000 children diagnosed with mental disorders in 2002, oligophrenia accounted for most cases, followed by psychosis, schizophrenia, epilepsy and neurosis.

9. Ms. SARDENBERG expressed concern that children suffering from trauma in areas affected by conflict had failed to receive sufficient attention.

10. Ms. BERIDZE (Georgia) said that the United Nations Children's Fund (UNICEF) had been very active in providing rehabilitation for children suffering from post-conflict trauma. Referring to page 5 of the written replies, she said that "leukaemia" had been incorrectly translated as "liver cancer". According to the latest figures, there were only 412 persons infected with HIV, none of whom were children. The Government had carried out a very effective public-awareness campaign concerning sexually transmitted diseases.

11. Ms. AL-THANI asked whether there had been any progress in efforts to develop a Transcaucasian strategy for the prevention of HIV/AIDS.

12. Ms. BERIDZE (Georgia) said that the common plan of action for the prevention of HIV/AIDS was being implemented successfully with assistance from UNICEF.

13. Mr. LIWSKI asked whether the Government had commissioned any research to investigate the alarming increase in the number of children suffering from trauma.

14. Ms. BERIDZE (Georgia) said that she would submit written details concerning the latest research on post-conflict trauma in Georgia. The Government was aware of the difficult conditions that children had faced over the past 10 years, which included economic hardship and power and water shortages.

15. The CHAIRPERSON said that he wished to know whether the Government was reviewing cases of children with behavioural problems who had been placed in mental institutions under the previous regime.

16. Ms. BERIDZE (Georgia) said that, owing to Western prejudices against Soviet scientists, that problem had been exaggerated. A review carried out by the Government had found no systematic pattern of classing children as mentally disabled without proper medical grounds.

17. Narcotics control remained a priority for the Government, since drug abuse had spread rapidly over the past few years. A drug control department had been set up under the Ministry of Internal Affairs, and special training was provided for police officers, teachers and other public officials with a view to curbing drug trafficking.

18. As part of a national programme to promote breastfeeding, 14 maternity homes had been designated "baby-friendly", and the Government instructed hospitals to encourage breastfeeding as early as possible. However, 80 per cent of mothers suffered from a lack of breast milk, which could be linked to high levels of air and water pollution.

19. Ms. AL-THANI asked whether any scientific basis had been found for the reported lack of breast milk.

20. Ms. Yanghee LEE said that she had read reports that women in Georgia were prevented from breastfeeding during the first 24 hours following childbirth. That might account for the low breastfeeding rate in Georgia.

21. Ms. BERIDZE (Georgia) said that the low breastfeeding rate was attributable to various factors, including stress and poor diet. In order to address the problem, the Ministry of Labour, Health and Social Welfare offered free consultations to all pregnant women. A number of television programmes provided advice to mothers on how to breastfeed.

22. Ms. GORGILADZE (Georgia) said that a number of publicity campaigns using high-profile mothers and local celebrities had helped to raise awareness of the advantages of breastfeeding.

23. The children's parliament was a forum in which children and young people could express their views on aspects of State administration. The sessions were held once a year on the premises of the country's adult Parliament. The recommendations made by young parliamentarians were transmitted for consideration to members of Parliament, who were always prepared to share their experience with their young colleagues. The Children and Youth Coordinating Council met every three months and enabled children to put their questions directly to the President.

24. The Georgian Children's Federation was an NGO that was very active in the field of children's rights. Each year, the Federation organized camps for vulnerable children. Although it received regular funding from the presidential budget, further resources were required.

25. Georgia's dire financial situation meant that the funds allocated to education from the national budget were very limited. However, the World Bank had recently made a commitment to provide \$60 million over 12 years for secondary education reform. Efforts were being made to develop new curricula for primary education. A great deal of attention had been paid to incorporating civic education and human rights education into all subjects from the first grade onwards. UNICEF and a number of NGOs had been providing invaluable support in that regard.

26. Considering that Georgia was multi-ethnic, multi-religious and multicultural, the religious and cultural education that was provided in schools did not focus on any one particular faith or culture. The Council of Europe had provided the Government with guidance on how to address the question of religious education and how to teach history.

27. Approximately 17 per cent of Georgia's schools provided instruction in a minority language. The minority languages used in schools in Georgia were Russian, Azerbaijani and Armenian. In Abkhazia, although the Abkhaz language was taught as a subject, Russian was the language of instruction. The ethnic Georgian population in the Gali district of Abkhazia continued to be denied the right to education in its native tongue.

28. There was no discrimination in the way that State education programmes were implemented or in the way that financial assistance was allocated to schools. Schools providing instruction in a minority language received the same amount of assistance as all other schools.

29. With regard to the implementation of its community-based early childhood programme, she said that Georgia was heavily dependent on financial aid from UNICEF and other international agencies and NGOs.
30. Ms. VUCKOVIC-SAHOVIC said that she would be interested in knowing whether any steps had been taken to train teachers in human rights and civic education. She asked why teachers played such an important role in criminal proceedings against minors.
31. Ms. GORGILADZE (Georgia) said that, since it would be impossible to implement the current education reforms without highly trained teachers, the Government had undertaken to provide special training for over 10,000 teachers. Under certain criminal procedural laws, teachers were required to accompany juveniles when they were taken into police custody or when they appeared in court. The teachers selected to provide such moral support to children were required to have undergone special training.
32. The Government had recently installed suggestion boxes outside every school so that children could provide feedback on school policy and express their views. The comments were delivered directly to a consultant from the Ministry of Education.
33. The school system in Georgia was undergoing a dramatic democratization process. A new school charter allowed schools to act on their own initiative. Education was not yet completely free of charge because pupils were still required to pay for their own textbooks. In 2003, as part of a recent election campaign, free textbooks had been provided to some secondary school students. However, it was uncertain whether funding for textbooks would be withdrawn once the election campaign had ended.
34. Ms. OUEDRAOGO asked how the Ministry of Education followed up students' suggestions.
35. Ms. GORGILADZE (Georgia) said the Government was trying to get as much feedback as possible from schoolchildren. It was still too early to say whether the use of suggestion boxes had been successful. Children who wished to express their views could write letters to a children's newspaper that was delivered free of charge to every school.
36. Ms. SMITH wished to know the extent to which children took part in decision-making activities at school. She asked whether environmental issues were being incorporated into school curricula. She expressed disappointment about the cuts in the education budget and wondered whether there had been similar cuts in the defence budget.
37. Ms. BERIDZE (Georgia) said that there had also been cutbacks in the defence budget.
38. Ms. GORGILADZE (Georgia) said that school boards were most active in middle-class neighbourhoods but less active in the poorest ones. A pilot project to establish school boards in nine schools had been successful in seven schools. Parents, teachers, members of the community and children had been elected, in accordance with the provisions of the new school charter. Since 2000, schoolchildren had been able to elect student councils. The Government had recently started to become involved in the activities of those councils.

39. Ms. SARDENBERG requested further information about the steps required to expel a child from school. She wished to know what was being done to address bullying in schools. The delegation should clarify why a child as young as 11 demonstrating socially unacceptable or violent behaviour could be placed in a special educational facility on the basis of a court decision alone.

40. The CHAIRPERSON expressed concern about the fact that high numbers of children were leaving school and discontinuing their studies for reasons such as expulsion, marriage and illness. He wished to know whether the Government had introduced a policy to prevent children from dropping out of school.

41. Ms. GORGILADZE (Georgia) said that a small percentage of children were expelled from school. If expelled, a child had the right to appeal to the Ministry of Education or to a court. Since all children had to complete their basic education, expelled pupils were sometimes allowed back to their school or were transferred to another school.

42. The Government was concerned about the growing number of children who were dropping out of school to marry. However, such children could attend evening classes. A number of children had dropped out of school in Georgia because their families were emigrating.

43. Although a number of improvements had been made in the system of education, many problems remained. Some schools in rural areas lacked basic facilities, such as desks and blackboards. Moreover, bullying was a growing problem in Georgian schools.

44. A relatively large number of children in Georgia were currently living in children's homes because their parents could not afford to care for them. The Government recognized that children had the right to a family environment and was therefore taking steps to remove as many children as possible from State institutions.

45. Ms. ORTIZ commended the Government for its efforts to reduce the number of institutionalized children. Such efforts should be accompanied by measures to strengthen the family. She enquired whether the Government's plans to develop a social security scheme included the provision of social benefits to vulnerable families. She wondered whether the project begun in 1999, through which 72 out of 150 children had returned to their families, was still in progress and whether it had been expanded.

46. She wished to know where abandoned or abused children between the ages of 0 and 3 were placed. She enquired whether 18-year-olds who left Georgian orphanages received any training to enable them to support themselves. The delegation should provide information on alternative types of care, such as foster families.

47. She urged the Government to make the necessary amendments to its legislation in order to bring it into line with the provisions of the Hague Convention on the Protection of Children and Cooperation in respect of Intercountry Adoption, to which it was a party. The Government needed to make greater efforts to guarantee the right of children to know their origin. It should also address the fact that most intercountry adoptions in Georgia involved newborn babies rather than children from institutions. Those problems could be solved by amending adoption legislation and by taking a census of children in institutions to determine their readiness for

adoption. The State should assume more control over the adoption procedure and should establish guidelines based on the best interests of the child. She was concerned that the direct adoption process might lead to illicit trafficking in children. She asked whether the Government planned to take steps to give priority to national adoptions.

48. Ms. OUEDRAOGO requested information on the impact of the Government's plan of action to combat violence against women for the period 2000-2002. Two years were not long enough to eradicate violence against women and the programme should therefore be extended.

49. Mr. LIWSKI asked whether the Government had considered increasing the penalty stipulated in article 174 of the Georgian Criminal Code for the offence of substituting a child.

50. Mr. FILALI said that it appeared that children in Georgia did not have the same right as adults to counsel in criminal proceedings. While it was understandable for a teacher to accompany a child to court, teachers were not trained as lawyers and could not defend children in court. Juvenile courts were not special courts but were part of the ordinary courts, and their establishment would not contravene Georgia's Constitution. With regard to article 101 of the Constitution, he wished to know whether the obligation of all physically able persons to defend their country also extended to children. He asked whether mothers in Georgia who had rejected their babies in maternity hospitals were penalized and what measures the Government had taken to deal with such cases. He enquired what was being done to address the problem of violence towards street children who were taken into police custody.

51. Ms. GORGILADZE (Georgia) said that the Government had assigned its 43 internationally trained social workers to a project to reduce the number of children in State-run institutions. Through the combined efforts of the social workers, UNICEF and Save the Children, 183 children had been prevented from being assigned to institutions, and another 159 had been placed in foster families or returned to their biological parents. The Government was continuing those efforts through small-scale projects, such as a project to discourage mothers from giving up their newborn babies by offering the mothers shelter, assistance, and occupational training. Other projects included the renovation of 12 orphanages with assistance from the European Commission and the provision of group homes, education grants and tutoring to 18-year-olds leaving the orphanages. A small number of children had also left the orphanages to enrol in a military school for young persons.

52. In Georgia, the Civil Code governed direct adoptions and the Adoption and Fostering Act governed the adoption of children from State-run institutions. Under the Civil Code, mothers could find an adoptive family, either domestically or internationally, and undertake the complicated adoption procedure themselves. The Adoption and Fostering Act gave Georgian families who wished to adopt a child priority with respect to the orphans in State-run institutions. The Government was reforming its adoption legislation in order to make improvements in both domestic and intercountry adoptions and had temporarily prohibited direct adoptions. Mothers who abandoned their newborn babies in maternity hospitals were not punished. The babies remained in the maternity hospital for seven days and were then transferred to special nurseries, which were under the supervision of the Ministry of Health. Foster families were a new phenomenon in Georgia and were encouraged by government social workers.

53. Ms. BERIDZE (Georgia) said that Georgia's national plan of action to ensure protection of children's rights during the period 2003-2007 was based on the Convention on the Rights of the Child and on the outcome document of the United Nations Special Session on Children. Annual reports on the progress of Georgia's economic development and poverty alleviation programme would be submitted to the President, and an independent monitoring group would be formed. Indicators for all the areas defined in the national plan of action would be prepared, and specific goals would be set. The programme would be financed from the general budget and from local budgets.

54. Mr. NALBANDOV (Georgia) said that the State Statistics Office was currently processing data that had been collected in the 2002 population census. The data, which would be ready by November 2003, covered various fields, including the situation of children in Georgia.

55. Deprivation of liberty was used as a last resort with regard to minors. As a result, the number of minors sentenced to deprivation of liberty had decreased dramatically over the past two years.

56. Ms. BERIDZE (Georgia) said that the President of Georgia had a constitutional right to pardon convicted persons, and he often invoked that right with regard to convicted children. On 12 August 2003, six minors who had been sentenced to deprivation of liberty had been pardoned. There were currently only 16 minors in the young offenders' institution.

57. Mr. NALBANDOV (Georgia) said that minors were deprived of liberty only for exceptionally serious crimes. Minors who had committed such crimes were placed in a juvenile correction facility. Once a convict reached the age of 18, he or she was transferred to an ordinary penitentiary facility.

58. The Constitutional Court of Georgia had ruled that arrested persons, including children, should have immediate access to legal assistance. Under the Code of Criminal Procedure, relatives of an arrested minor had to be informed immediately of the arrest. The Code also stipulated that court trials for criminal cases involving minors must be conducted by judges with special training in pedagogy and psychology. The latter provision would enter into force on 1 January 2004 in order to give the Government time to provide judges with the required training.

59. The following legislation governed military recruitment: the Act on the Status of Military Personnel, the Compulsory Military Service Act, and the Non-Military Alternative Service Act. Only persons 18 years of age or older could be recruited. Under a special law for conscientious objectors, a person could object to compulsory military service and be recruited for non-military alternative service.

60. Under a special act designed to protect minors from harmful influences, information on drugs, alcohol, pornography and other matters was considered to be harmful to children. The act imposed restrictions that were in line with human rights standards and the best interests of the child.

61. The Georgian NGO Coordinating Council represented some 35 different organizations that were active in the field of children's rights. The Government valued their work and was prepared to cooperate with them.
62. Referring to paragraph 83 of the report, he said that the substitution of a child was punishable by deprivation of liberty for a period of up to 15 years.
63. The CHAIRPERSON wished to know whether children of Chechen refugees living in Georgia were registered under the normal birth registration system. He requested information on how the Government was addressing the issue of repatriation of those refugees.
64. Mr. NALBANDOV (Georgia) said that the Citizen Registration Act, which governed birth registration, was applicable to all persons residing in the territory of Georgia. Under the Act, all children were registered on the basis of their permanent place of residence or the permanent place of residence of their parents.
65. With regard to repatriation, the Government had to take into account both the situation in Chechnya and whether the refugees wished to be repatriated. Refugees were free to return to Chechnya or to remain in Georgia. Once the current conflict in Chechnya was settled, the process of repatriation would most likely proceed at a faster pace.
66. Ms. VUCKOVIC-SAHOVIC wished to know who reported to the Government on the situation of children in Abkhazia and South Ossetia.
67. Mr. NALBANDOV (Georgia) said that, although the Government assumed responsibility for the populations of Abkhazia and South Ossetia, it was unable to control or monitor the situation there. Reports of international organizations and NGOs were the only sources of information regarding the human rights situation. According to some reports, the human rights situation in Abkhazia and South Ossetia was deplorable. Owing to the grave economic situation and a number of other factors, human rights simply did not exist in those regions.
68. Mr. LIWSKI welcomed the measures that had been introduced to prevent torture and other cruel, inhuman or degrading treatment of young people who had been taken into custody. However, institutional changes had to be accompanied by steps to train members of the police force and to ensure effective monitoring of legal norms.
69. Ms. BERIDZE (Georgia) said that the action plan for combating torture, which had recently been approved by the President of Georgia, provided for the training of judges and other persons who worked with children. Human rights education had been included in the curricula of police academies.
70. Mr. NALBANDOV (Georgia) said that the decrease in population had largely been the result of Georgia's difficult economic situation. Owing to the high level of unemployment and a lack of job opportunities, many able-bodied people had left Georgia. The Government's programmes were designed to overcome poverty by creating jobs and improving the economic situation. The economically active population was likely to return to Georgia once the economic situation improved.

The meeting rose at 6 p.m.