



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

Eighty-second session

9–27 September 2019

Agenda item 4

Consideration of reports of States parties

### List of issues in relation to the report submitted by Georgia under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Addendum

### Replies of Georgia to the list of issues\*

[Date received: 9 September 2019]

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\* The present document is being issued without formal editing.



### **Reply to paragraph 1 of the list of issues**

#### *Impact of the National Strategy and Action Plan*

1. Main goal of the National Strategy on Human Rights for 2014-2020 is to develop a comprehensive approach for implementation of the obligations stemming from international human rights instruments. It aims at building an inter-agency, multi-sector, unified, and consistent policy and, accordingly, to implement good governance. The 13th strategic objective of the document focuses on child rights, especially on improving existing protection and assistance mechanisms, developing social services, reducing child poverty and mortality rates, and guaranteeing the provision of high standards of education.

2. In order to implement the Strategy, after an inclusive and open drafting process, on 9 July 2014, Governmental Action Plan on Human rights for 2014–2015 was adopted. On 13 June 2016, the Government approved a new action plan for 2016–2017, reflecting new commitments for protecting child rights. Namely, it includes chapter on the protection of the child rights: strengthening the system of protection and assistance for children; improvement of services for vulnerable children; eradication of child poverty.

3. On 17 April 2018, the Government approved Human Rights Action Plan 2018-2020.<sup>1</sup> It includes the issues of protection of the rights of children (Chapter 16), victims of trafficking and conflict victims (Chapter 20), as well as protection of human rights of the people living in the occupied territories and adjacent territories (Chapter 24).

### **Reply to paragraph 2 of the list of issues**

#### *Raising Awareness*

4. Topics related to the status of different persons involved in armed conflict and relevant provisions of Geneva Conventions and Optional Protocols are covered in the framework of the training “International Humanitarian Law” organized under the auspices of High School of Justice.

5. Since 2017, High School of Justice has conducted three trainings on International Humanitarian Law. In total, 32 judges have participated. Furthermore, since 2016, in cooperation with UNICEF, the School has conducted three trainings on the Rights of Child, in which 37 judges have participated.

6. Academic personnel at the Cadets Military Lyceum are teachers certified by the Ministry of Education. They are trained in accordance with the study standards of the Ministry, including the latest developments in the field of children’s rights.

7. Academy of the Ministry of Internal Affairs (hereinafter referred to as the MIA Academy) has been providing training program on juvenile justice for specialized police officers and investigators since 2015. The training program aims at providing them with the information on juveniles’ rights, status regulation and interviewing techniques. The duration of the program is six days. The program consists of one module containing several topics. After successfully completing the program, trainee gets certificate and right to conduct juvenile interviews.

8. Juvenile Justice Process Special Training Program for police officers and investigators comprise the following important topics:

- (a) International legal issues regarding juveniles, in particular:
  - International instruments and overview of the core Children’s Rights;
  - Convention on the Rights of the Child;

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<sup>1</sup> Human Rights Action Plan 2018-2020 is accessible on the following link:  
<http://myrights.gov.ge/en/About%20us/news/reports/About%20us/news/My%20Rights/Briefly%20on%20Human%20Rights/About%20us/My%20Rights/useful-links/Policy%20Documents/National%20Human%20Rights%20Strategy/>.

- United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines);
  - United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”);
  - General comment No. 10 (2007): Children’s Rights in Juvenile Justice by the UN Committee on the Rights of the Child (CRC);
  - United Nations Guidelines on Justice in matters involving child victims and witnesses;
  - “Protection of the best interests of a child”;
  - “Protection of the best interests of a child” as obligatory principle definition;
- (b) Juvenile Justice Code, in particular:
- Juvenile justice legislation and principles;
  - Juvenile Justice Legislation goals and scope;
  - Juvenile Justice General Principles;
  - Juvenile Justice Process Participants;
  - Specialization of persons administering juvenile justice procedure;
  - Minor victim and minor witness;
  - General rules of juvenile justice procedure;
  - Release of minors from criminal liability and pre-trial juvenile justice procedure;
  - Arrest of minors, investigation and criminal prosecution;
  - Hearing juvenile cases in court and pre-trial preventive measures;
  - Sentences of minors;
  - Objectives and types of the sentences, conditional sentence;
  - Sentencing minors;
  - Execution of non-custodial sentences;
  - Detention, imprisonment and care for minors after release from the sentence and conditional sentence;
  - Conditions of minors in detention and prison facilities;
  - Preparation of a minor for release, supporting and supervising a minor after serving a conditional or other sentence;
  - Transitional and final provisions;
- (c) Psychology of Juveniles Development and Interrogation / Interviewing, in particular:
- Development Peculiarities;
  - Introduction of Topics;
  - Physical Development of a Child and Juvenile;
  - Cognitive Development of a Child and Juvenile;
  - Psychosocial development of a child and juvenile;
  - Development deviations;
  - Intellectual development deviations;
  - Communication skills deviations;
  - Behavioural deviations;

- Peculiarities of rapport building with children having intellectual, communication and behavioural deviations;
- Violence against children;
- Determination of forms of violence;
- Indicators of violence;
- Determination of risk factors causing violence;
- Determination of violence resilience factors;
- Specific aspects of juvenile interviewing;
- Environment arrangement, determination of time and duration;
- Juvenile exhortation;
- Question Types;
- Active Listening;
- NICHD Protocol;
- NICHD Protocol Introduction;
- Evaluation of utilization of NICHD protocol in practice;
- NICHD protocol phases.

9. Training Program on Juvenile Justice Process for specialized police officers was completed by 1392 trainees from 2015 until August 8, 2019:

- (a) 2015 – 929 trainees were enrolled and 327 trainees completed the course;
- (b) 2016 – 1092 trainees were enrolled and 491 trainees completed the course;
- (c) 2017 – 415 trainees were enrolled and 328 trainees completed the course;
- (d) 2018 – 219 trainees were enrolled and 186 trainees completed the course;
- (e) 2019 – 80 trainees were enrolled and 60 trainees completed the course.

10. In November 2018, the Prosecutor’s Office organized a 3-day training course on “Theoretical and Practical Aspects of International Humanitarian Law for Prosecutors”. The topic of the training was about the essence of international humanitarian law applicable to military conflicts and the mechanisms for imposing criminal liability at international and national level for crimes committed in such circumstances. During this training, an expert had also reviewed international legal issues related to the fight against involvement of children in armed conflict.

### **Reply to paragraph 3 of the list of issues**

#### *Processed Data*

11. The Prosecutor’s Office performs statistical data acquisition and processing through the electronic system of criminal proceedings. The aforementioned centralized electronic system was introduced in 2011. The main essence of its functioning lies in that all the documentation necessary for conducting investigative and other procedural actions are created by investigators working in the investigative agencies (Investigative Units of the Prosecutor’s Office, Ministry of Justice, Ministry of Internal Affairs, Ministry of Defense, Ministry of Finance) and by prosecutors working in the prosecution system.

12. First of all, the system facilitates litigation and secondly, it allows statistical data to be processed electronically. For example, the investigator electronically creates and signs a registration card in the beginning of an investigation on the basis of which the official investigation shall be deemed initiated and the statistical accounting system automatically reflects Investigation Initiation Indicator. The same applies to the actions taken by the prosecutor. For example, a prosecutor electronically charges and signs a resolution against a person at the start of criminal prosecution on the basis of which the case shows an

intermediate result from a legal point of view (a person acquires the status of accused) and the statistical accounting system automatically reflects Prosecution Initiation Indicator.

13. The prosecution of the facts related to the use of children in armed conflicts under Article 413 (d) of the Criminal Code of Georgia has not been initiated in 2016–2019 (January–August).

**Reply to paragraph 4 of the list of issues**

*Cadet Military Lyceum*

14. At present 185 cadets are enrolled at Cadets Military Lyceum –143 boys and 42 girls born between 2001–2003. Abovementioned cadets are in their second and third years. Second academic course enlists 85 boys and 21 girls, born between 2002–2003. Third academic course enlists 58-boys and 21 girls born between (2001–2002).

15. Cadets go through the Basic Military Training course, approved by the Ministry of Defense, which involves trainings with the use of training weapons. Military Lyceum observes the national study plan approved by the Ministry of Education. It covers specific subject – “Civil Education” including the main aspects of Human Rights.

16. For the independent complaints mechanisms there are: board of trustees, disciplinary committee and cadets’ self-government.

**Reply to paragraph 5 of the list of issues**

*Legislative Amendments*

17. Article 9 of the Law on Military Service stipulates that only a person between 18 and 27 years is eligible for compulsory military service. Article 21 of the same law sets an age threshold (18 years) for making any decision regarding the participation in military service, which means it is prohibited to relate anyone to any kind of military service before the person reaches the age of 18.

18. Same rule applies to contractual military service where both men and women are allowed to enlist in the military staff only after they reach the age of 18.

19. Only exception is provided for educational purposes. In particular, article 10.8 of the law on military service envisages study program in the military educational facility before the age of 18 based on the consent of a person’s parents.

**Reply to paragraph 6 of the list of issues**

*Programmes and Policies to Prevent Children Radicalization*

20. In order to establish counterterrorism strategic document, on 14 September 2018 the Permanent Interagency Commission on Elaboration and Monitoring of Implementation of the National Counterterrorism Strategy and Relevant Action Plan was created under the Governmental Decree No. 469. Its objective is to minimize and prevent existing terrorist threats facing the country, as well as to promote coordinated action of the authorities.

21. The Commission is composed of high level representatives of all relevant agencies responsible for the prevention and fight against terrorism and it is chaired by the State Security Service (SSSG). The Commission relies on the best practices and experience of partner countries and on international standards. In close consultations with respective representatives of state institutions, as well as the civil sector and experts and international partners, the Commission elaborated the National Strategy of Georgia on Fight against Terrorism and its 2019–2021 Action Plan, which were adopted by the Government on 23 January 2019.

22. The Commission has the authority to request and receive, in accordance with the rules set by the Georgian legislation, the information necessary for its activities from administrative agencies as well as legal entities of private law. In order to ensure better coordination and conduct of its activities, the Commission is authorized to establish

thematic working groups, to invite experts, members of the Parliament of Georgia, administrative agencies, legal entities of private law, international organizations and partner countries.

23. While implementing the goals and objectives set by the Strategy and its Action Plan, the respective agencies are accountable before the Commission. Parliamentary oversight and accountability is ensured by the SSSG Head's obligation to appear before the Parliament with the annual report. The Parliament assesses the activities of the Service in its resolution, and may call for eliminating deficiencies and/or provide recommendations and suggestions for further enhancing the Service activities, in the resolution. The Defense and Security Committee of the Parliament oversees the implementation of this resolution. So far the Head of SSSG presented four annual reports of 2015, 2016, 2017 and 2018 on the Service activities, which were all positively assessed by the Parliament; the reports are officially published by the Parliament and the SSSG.

24. In addition, in the course of parliamentary oversight and control, the Head of the Service is also authorized and upon request – is under duty to appear on a respective hearing at the legislative body (including hearing of the Parliament, its committees, commissions), provide answers to the questions put forward during the hearing and present information on the activities conducted by the Service.

25. The National Strategy aims at establishing the vision of the state of Georgia in terms of prevention and the fight against terrorism and extremism, as well as determining the ways in which the state, international partners, private sector and civil society should operate collectively in order to handle the threats stemming from terrorist organizations, extremist groups and their certain supporters, while relying on the best practices and successful international experience, respecting international standards, human rights and freedoms, and being in compliance with the requirements of national legislation. The Strategy encompasses seven basic directions: obtaining and analyzing terrorism, extremism and radicalization-related information, prevention, protection, preparedness, prosecution, development of legislative framework and international cooperation. The Strategy is based on the national legislation and international obligations undertaken by Georgia. Furthermore, the Strategy highlights the respect for human rights in the course of implementation of respective measures while countering terrorism.

26. The National Strategy of Georgia on Fight against Terrorism represents a comprehensive and unified vision and a roadmap of the country on preventing and combatting terrorism, radicalization and extremism in all its dimensions, inter alia putting strong emphasis on conducting prevention measures, along with identifying the special role of children and youth. International practice shows that children and the youth represent one of the main targets of terrorist and extremist ideas. Over the recent years, there have been numerous examples of children's radicalization and their involvement in the terrorist/extremist activities, throughout the world. Hence, the Strategy addresses the importance of designing special approaches for children and the youth in terms of prevention of radicalization, de-radicalization and re-socialization.

27. The Strategy is a public document and has been made available at the official websites of the Government and the State Security Service.<sup>2</sup> Furthermore, information on the process of elaboration of the Strategy within the framework of the Permanent Interagency Commission and its meetings has been systematically made available to the public at the official site of the Service.

28. In 2019, the Office of the State Minister for Reconciliation and Civic Equality, in the frames of the Interagency Commission on Civic Equality and Integration, elaborated a draft version of development plan for Pankisi Gorge, entailing activities of various ministries/structures in 2019–2020 based on the needs of the population, including youth, and opportunities of this region.

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<sup>2</sup> Available at:  
<https://ssg.gov.ge/uploads/pr/25.01.19/National%20CT%20Strategy%20of%20Georgia.pdf>.

29. Upon request, the study of the Chechen language as a native language has been included in all 7 public schools of Pankisi Gorge while quotas allocated for state grant based higher education have been increased to 15; construction and rehabilitation of schools and kindergartens is underway.

30. In February 2019, with a support of the EU, a group of principals/teachers (15 women) from Pankisi Gorge visited Brussels, where they held meetings with the EU and NATO officials and got information on European values and principles, history and structure of the EU, EU-Georgia and NATO-Georgia partnership. Afterwards, information, knowledge and experience obtained were shared with schoolchildren and youth of Pankisi Gorge.

### **Reply to paragraph 7 of the list of issues**

#### *Recruitment, Connection to Terrorist Groups, Assistance Programs*

31. In terms of identifying Georgian citizens, including children who have travelled to and returned from Syria and Iraq, relevant measures envisaged by the legislation are conducted. Furthermore, legislation foresees activities that can be carried out in case of return of Georgian citizens and their family members connected with terrorist organization and in case of existing evidence on specific individuals, confirming the membership of a terrorist organization, providing assistance to their activities and/or other support.

32. There have been no cases of children connected to terrorist groups so far.

33. Regarding the threat of possible return of the Georgian citizens and their family members connected with terrorist organization to the country, the State Security Service carries out activities within its scope of competence. Furthermore, in terms of information exchange, comprehensive cooperation is carried out with international partners. Accordingly, based on the existing information, competent authorities conduct constant monitoring of crossings at the state border. Also, routes and channels that might be used in order to illegally enter the territory of the country is subject to observation. It is worth mentioning that as a result of the efforts taken by the State Security Service and other relevant state authorities, not a single fact of travel to Syria and Iraq by the citizens of Georgia has been observed during the recent period.

34. The “State program for Social Rehabilitation and Child Care” is subject to annual renewal by the Governmental decree. The Field Ministry<sup>3</sup> implements the state program “on social rehabilitation and child care”. The Goal of the program is to improve conditions of persons with disabilities (including, children), elderly and children lacking parental care, socially vulnerable and “homeless children” (children in street situations).

35. Improving mental health is one of the priorities for the development of the health care system. Since 1995, Georgia has been implementing a State mental health program, which fully funds mental health care services.

36. Program covers: inpatient and outpatient care for children; diagnostics of patients less than 18 years of age, who have mental and behavioral changes, impaired social functioning and disadvantage; and Community services.

37. In 2013, the Parliament of Georgia has approved the “State Concept on Mental Health Care”, declaring that Georgia recognizes the significance of mental health care and has for the first time approved a State Concept on Mental Health Care, which is a policy document on mental health issues and represents a joint vision of the Government and civil society for the development of this area over the nearest 10 years. In December of 2014 “National Strategy and Action Plan (NAP) for 2015–2020 was adopted. The NAP sets strategic objectives and policy directions for improving mental healthcare system in Georgia. As a result, the principles underpinning the organization of mental healthcare systems have shifted away from a reliance on long stay institutional care in asylums (Soviet Psychiatry), where the overarching concern had been to protect society from potential

<sup>3</sup> Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia.

“harm”, to a system where the bulk of care is being provided through the development of community-based centers and mobile teams to help support people with mental health problems. It is planned to renew the strategy in 2020 with more emphasis on the population affected by armed conflict.

38. The following services are provided to returning migrants in Georgia under the 2019 program:

- Financing medical services and medicines;
- Psycho-social rehabilitation;
- Financing of income-generating projects with the purpose to create a source of income and promote self-employment;
- Facilitate the inclusion of job seekers in vocational training/retraining and qualification improvement programs;
- Providing temporary accommodation (only in Tbilisi);
- Financing vocational training.

39. The target group does not specifically include children who are victims of armed conflict or trafficking, child prostitution and child pornography and other forms of exploitation abroad, but they can be the beneficiaries of the program.

40. The target group of the Program for Reintegration Assistance to Returned Migrants includes citizens of Georgia or stateless persons in Georgia, who:

- have been abroad for more than one year illegally, or have applied for asylum abroad, or had granted asylum;
- Within one year after returning to Georgia, who are registered to be included in the State Program for Reintegration Assistance.

### **Reply to paragraph 8 of the list of issues**

#### *Rehabilitation and Reintegration Programmes for Children Affected by the Armed Conflict*

41. 11 years after Russia’s large-scale military aggression against Georgia, Russia continues the policy of occupation and de-facto annexation of two Georgian regions – Abkhazia and Tskhinvali region/South Ossetia. The severe security, humanitarian and human rights situation on the ground affects the local population residing in the occupied regions and adjacent areas. Under these circumstances, children are the most vulnerable groups. Ethnic discrimination, restrictions on free movement, illegal detentions for crossing the occupation line, prohibition of education in native language, lack of access to healthcare are just some of those challenges that children in Abkhazia and Tskhinvali regions are facing. The situation becomes even more alarming given that no international monitoring mechanisms are allowed to the occupied regions; the EUMM – the only monitoring mission operating in Georgia is still denied access by the occupying power despite its mandate of full-fledge monitoring of the situation inside Abkhazia and Tskhinvali region/South Ossetia.

42. The Government maintains the issue of the necessity to protect the fundamental human rights of the local population, first and foremost of children, high on international agenda. The issue is constantly raised within Geneva International Discussions. Since 2017, the UN Human Rights Council has been adopting a Resolution on “Cooperation with Georgia”, expressing concern over the situation in Abkhazia and Tskhinvali regions of Georgia and strongly calling for immediate and unimpeded access to be given to the Office of the High Commissioner and international and regional human rights mechanisms. In the Report of the UN High Commissioner for Human Rights, presented annually pursuant to the mentioned Resolution, the High Commissioner underscores the responsibility of the authorities in control in Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia to uphold the fundamental freedoms and human rights of all people living therein.

43. At the national level, the Government of Georgia remains committed to the policy of peaceful conflict resolution, reconciliation and engagement with the occupied territories that sets taking care of conflict-affected population, included of children, as a top priority.



The emphasis is made on such directions as the provision of healthcare, simplification of access to quality education and to various state-sponsored services, improvement of socio-economic situation of the population living inside and adjacent to occupied territories. Hereby, the Government of Georgia spares no effort to mitigate the suffering of those remaining behind the occupation lines.

#### *Education*

44. Prohibition of education in native language in both Abkhazia and Tskhinvali regions and measures to replace Georgian by Russian as a language of instruction are still one of the major concerns for the Government of Georgia. The prohibition of instruction in Georgian at schools as well as in pre-school facilities not only violates the right of children to education in native language, but significantly worsens the quality of education itself since neither schoolchildren nor teachers can speak Russian properly and conduct studies in other language than Georgian. This is a far-reaching russification policy that aims to artificially change the demography on the ground and Russify remaining Georgian population in Gali district of Abkhazia region as well as in Akhlagori district of Tskhinvali region. All schools and pre-school facilities are being thoroughly censored and monitored so that not to allow even Georgian cultural events, such as songs, dances etc., to take place. Moreover, kids from kindergartens and pupils from primary schools are forced to perform Russian military songs during military celebrations and participate in military simulation games hostile to Georgians. The restrictions on the freedom of movement, including regular closures of the so called “crossing points” further hamper access to education for those, attending classes on the Georgian-controlled territory. Therefore, in recent years, the number of such pupils has drastically decreased.

45. In light of the multifaceted challenges to education in the occupied regions, the Government has developed a special approach to ensure high quality education for the residents of Abkhazia and Tskhinvali region/South Ossetia. To this end, the new package of initiatives “A Step to a Better Future”, adopted in 2018, along with other dimensions, implies easing access to all stages of education in the rest of Georgia, foremost to higher and vocational ones, and at the same time, expanding possibilities for participating in international education programmes and simplifying access to international education. In particular, the initiative:

- (a) Enables engagement in all stages of education system and registration with a status-neutral personal number (pre-school, general, higher, vocational, post-secondary education preparation center, receipt of educational/scientific grant);
- (b) Simplifies enrollment in higher educational institutions and ensures accommodation;
- (c) Simplifies access to international education in a status-neutral way.

46. At the same time, the Government maintains the operation of “1+4” programme that offers simplified procedures for the representatives of ethnic minorities, inter alia, Abkhazians and Ossetians, interested to enroll in higher education institutions of Georgia by passing only one exam in their native language and take one year Georgian language training course before pursuing bachelor studies of their own choice at universities.

47. In 2019, the Government launched post-secondary education preparation programme that provides for the special free one-year training course, in Tbilisi or Zugdidi, for the youth residing in the occupied territories. After trainings in preferred subjects, students enroll in higher educational institutions based on simplified procedures, without passing entry exams. Full funding of education and provision of accommodation for the youth is provided by the Government. The pilot three-month version of the program started on April 18, 2019; as a result, 139 students have enrolled in higher educational institutions of Georgia upon completion of the course. The second, full-fledge one-year course of the program will start in September 2019.

48. Moreover, those students from the occupied regions who wished to pass Unified State Exams but could not do so due to continuous restrictions on free movement across the dividing lines, this year have been admitted without any exams.

49. To simplify access to international educational programmes, the Government of Georgia enabled status-neutral procedures for the recognition of higher education received inside the occupied territories. It is now possible through online application and with the assistance of international organizations, without the need to travel on Georgian-controlled territory and take Georgian citizenship that was necessary before.

#### *Healthcare*

50. Free healthcare service is one of the most successful directions of Georgian Government's peace and engagement policy whereby the residents of Abkhazia and Tskhinvali regions are able to access various state healthcare programmes.

51. The Government maintains the effective operation of the State Referral Programme that covers the free of charge medical treatment of persons residing in the occupied regions of Abkhazia and Tskhinvali region/South Ossetia as well as to actively support the operation of medical units on the ground. It should be underlined that from both occupied regions the number of patients getting medical treatment on Georgian-controlled territory has several times increased in past years. In 2018, 140 children from the Abkhazia and Tskhinvali regions underwent free medical treatment under the State Referral Programme; in the first half of 2019 this number has amounted to 68. The receipt of free medical treatment under this state programme does not depend on the possession of Georgian citizenship.

52. Since February 2013, universal healthcare insurance programme elaborated by the Government has become available for population of all ages residing in the occupied territories and holding Georgian citizenship or status-neutral documentation.

53. Through the Liaison Mechanism (LM) operating under the Government's Action Plan for Engagement, the Government regularly delivers various medicine to Abkhazia region, as needed, worth of more than 500,000 GEL. In 2019 the LM transferred on the other side of the dividing line immunization, measles and anti-rabies vaccines, drugs for the treatment of diabetes, tuberculosis and HIV/AIDS. In 2019, the overall budget allocated by the Government of Georgia towards addressing the healthcare needs of the occupied territories already equaled to more than 4 million GEL. In 2018, the overall budget equaled approximately to 7 million GEL.

54. The Government also maintains the effective operation of Hepatitis C Elimination Programme launched in April 2015 that offers to the residents of the occupied territories, where the number of infected persons grows annually, to receive quite expensive treatment free of charge. In March 2017, the Hepatitis C screening center was opened in Zugdidi, close to the dividing line with Abkhazia region, thus making it more accessible for the residents of this occupied territory. Since July 2017, 33 persons have been treated in total.

55. The Government actively proceeded with the construction of multi-functional medical hospital in Rukhi that is the closest point to the dividing line in the direction of Abkhazia region. The functioning of this high profile medical institution will make the receipt of the free of charge medical treatment for the residents of the occupied territories, including children, even more simplified and accessible.

#### *Addressing the Needs of the Population from Villages along the Dividing Line*

56. The Government of Georgia continues to provide socio-economic assistance to population living adjacent to dividing lines with the aim to alleviate the consequences of the installation of barbed wire fences and other artificial barriers by the Russian militaries and to assist the most vulnerable communities on the ground. The Temporary Governmental Commission Addressing the Needs of Affected Communities in the Villages along the Dividing Line, established in 2013, stays effective and operative in this regard implementing social, educational, healthcare and other activities as needed. In 2019 the Commission continued to work on the elaboration of a strategy for the development of villages and regions adjacent to dividing lines.

57. Since 2013, the Government has continued financing education for students living in villages adjacent to the occupation line. Upon the decision of the Temporary Governmental

Commission, in 2018–2019 academic year, tuition fee was covered for 1568 students in total (Bachelor’s and Master’s Programmes).

### **Reply to paragraph 9 of the list of issues**

#### *Extraterritorial Jurisdiction*

58. Georgia is the member state to the following international legal instruments, which regulate the issues related to Prohibition of the recruitment and use of child soldiers: a) Convention on the Rights of the Child (CRC) and its Optional Protocol on the involvement of children in armed conflict, b) The Rome Statute of the International Criminal Court c) 4 Geneva Conventions 1949 and its Additional Protocols of 1977.

59. According to the Law on Military Obligations and Military Service the decision concerning the recruitment of persons into the obligatory military service shall be made only upon they have reached 18 (Art. 21). However, person who has not reached 18 years, upon consent of his/her parents, may become cadet of high military educational institution (Art. 10). As for contractual (professional) military service, pursuant to the Decree N238 (18.03.2014) of the Government of Georgia, recruits and women from the age of 18 are entitled to be enlisted into contractual (professional) military service.

60. Furthermore, according to the Law of Georgia on Military Reserve Service of Georgia military reserve call-up of a person is permitted before the age of 27 years. However, on voluntary basis, a person is entitled to serve in military reserve service from the age of 18.

61. Criminal Code of Georgia, among other core crimes of international concern, criminalizes violation of norms of International Humanitarian Law (Art. 411–413). It should be emphasized that Article 413 of the Code (Other Violations of Norms of International Humanitarian Law) provides reference to treaties of Georgia widening scope of responsibility for war crimes. As mentioned above Georgia is party to the Rome Statute of International Criminal Court, the Geneva Conventions of 1949 and APs of 1977, Optional Protocol to the Convention on the Rights of the Child. Accordingly, in light of Article 413 of the Code, the latter by reference to provisions of international instruments, in fact, criminalizes international crimes envisaged by them including conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities (Art. 8 of the Rome Statute), etc.

62. Furthermore, participation of mercenaries in armed conflicts or military actions is also criminalized under Article 410 of the Criminal Code of Georgia. According to Article 410 of the Criminal Code of Georgia, it is punishable to recruit mercenaries for participation in the armed conflict or hostilities. In particular: “Recruitment, training and funding of mercenaries or providing them with material needs in any other way, also their inclusion in armed conflict or hostilities shall be punishable by imprisonment extending from five to seven years.” The second part of the same Article defines aggravated conditions for the prescribed crime. Namely, for the same action perpetrated by using one’s official capacity or against a minor, perpetrator shall be punishable by imprisonment extending from nine to thirteen years.

63. The Criminal Code regulates aspects of exercise of criminal jurisdiction on crimes committed on the territory of Georgia, as well as on crimes committed outside its boundaries by applying principles of territorial, extraterritorial and universal jurisdictions.

64. Citizen of Georgia as well as the person with stateless status in Georgia, who has committed crime abroad under the Georgian criminal legislation that is also regarded as a crime under the legislation of the state in which it was committed, shall bear criminal liability under the relevant provisions of the Georgian Criminal Code. In case when illegal act is not considered as a crime in the state of its commission Georgian citizen or the person with stateless status in Georgia shall be liable under the Georgian legislation if it is grave or especially grave crime directed against interests of Georgia and/or if responsibility for such crime is envisaged by international treaty of Georgia.

65. Citizen of a foreign state as well as the stateless person who has committed illegal act abroad envisaged by the Georgian criminal legislation shall bear criminal liability under relevant provisions of the Georgian Criminal Code if it is a grave or especially grave offense directed against interests of Georgia or if the criminal liability for this offense is provided by the international treaty of Georgia. The notion “offense directed against interests of Georgia” should be interpreted as crimes committed not only against the state, but against citizens of Georgia as well. Grave intentional crime is crime that is punishable by imprisonment for term up to 10 years; especially grave crime is intentional crime that is punishable by imprisonment for more than 10 years or life imprisonment.

66. The Prosecutor’s Office has not conducted any criminal prosecutions based on the extraterritorial jurisdiction, as stipulated in the Optional Protocol. Nor there have been cases on terrorism-related offences committed by child.

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