



Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on 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*

I. Introduction

1. The Committee considered the report of Georgia (CRC/C/OPAC/GEO/1) at its 2413th and 2414th meetings (see CRC/C/SR.2413 and 2414), held on 17 September, and adopted the present concluding observations at its 2430th meeting, held on 27 September 2019.
2. The Committee welcomes the submission of the report of the State party and the written replies to the list of issues (CRC/C/OPAC/GEO/Q/1/Add.1). The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.
3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the report of the State party submitted under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/GEO/CO/1), also adopted on 27 September 2019.

II. General observations

Positive aspects

4. The Committee welcomes the accession by the State party to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in 2016.
5. The Committee welcomes the various positive measures taken in areas relevant to the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in particular:
 - (a) The declaration made at the time of accession that the minimum age for the recruitment of a citizen of Georgia in the armed forces was clearly defined in the Law on military obligations and military service, and that a decision concerning the recruitment of a citizen into the obligatory military service was to be made only when the citizen had reached 18 years of age;
 - (b) The endorsement of the Safe Schools Declaration, by which the State party committed itself to using the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict.

* Adopted by the Committee at its eighty-second session (9–27 September 2019).



III. Factors and difficulties impeding the implementation of the Optional Protocol

6. The Committee notes that Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia, remain outside the effective control of the State party, which is a serious obstacle to the implementation of the Optional Protocol in those regions.

IV. General measures of implementation

Coordination

7. The Committee takes note of the State party's information about the establishment of the inter-agency commission responsible for the implementation of the Convention on the Rights of the Child (CRC/C/OPAC/GEO/1, para. 15). The Committee however regrets the lack of information about how the commission coordinates activities under the Optional Protocol.

8. The Committee recommends that the State party ensure that the commission has sufficient authority and a strong mandate and that it is responsible for coordinating all activities related to the implementation of the Optional Protocol at the cross-sectoral, national, provincial and local levels. The State party should ensure that the commission is supported by the human, technical and financial resources necessary for its effective operation.

Comprehensive policy and strategy

9. The Committee recommends that the State party ensure that the national strategy on human rights and its associated national plans of action include measures aimed at addressing all issues covered under the Optional Protocol and that adequate human and financial resources are provided for their implementation.

Allocation of resources

10. The Committee is concerned about the lack of specific budget allocations and tracking mechanisms for the implementation of the Optional Protocol.

11. The Committee recommends that the State party ensure that sufficient and targeted resources, with relevant tracking mechanisms, are allocated for the effective implementation of all areas of the Optional Protocol.

Dissemination and awareness-raising

12. The Committee takes note of the information provided by the State party in its report (CRC/C/OPAC/GEO/1, paras. 54–56) and in its dialogue with the Committee that the protection of human rights, including children's rights, is reflected in the national curriculum. It regrets however that the State party did not specify how the programmes covered the provisions of the Optional Protocol and whether other activities had been undertaken by the State party to raise awareness about the Optional Protocol.

13. The Committee recommends that the State party enhance its efforts to make the principles and provisions of the Optional Protocol widely known to the public at large, in particular children and their families, through, inter alia, school curricula and long-term awareness-raising campaigns and training on the harmful effects of all the offences referred to in the Optional Protocol and preventive measures to combat them.

Training

14. The Committee welcomes the State party's information that information on the Optional Protocol is included in the training on international humanitarian law at the High School of Justice and that judges, police officers and investigators receive training on child justice. The Committee regrets however the lack of specific training on children's rights

and on the provisions of the Optional Protocol in the course curricula for military and law enforcement personnel.

15. The Committee recommends that the Optional Protocol be systematically included in the training of all relevant professional groups, in particular the armed forces, law enforcement and immigration officers, prosecutors, lawyers, judges, social workers, medical professionals, teachers, media professionals and local officials.

Data

16. The Committee regrets the lack of data concerning the issues under the Optional Protocol, such as on the number of children in higher military education.

17. The Committee recommends that the State party establish a mechanism for the comprehensive collection of data, disaggregated by sex, age, nationality and ethnic origin, relating to all issues under the Optional Protocol, including with respect to the number of children attending military education facilities.

V. Prevention

Prevention of recruitment and radicalization of children by terrorist groups

18. The Committee notes the adoption, in 2019, of the national strategy to combat terrorism and the existence of the State programme for social rehabilitation and childcare. Nevertheless, the Committee is concerned about reports of cases of recruitment and radicalization of children, in particular in the Pankisi Gorge area, who travelled from the State party to territories where armed conflicts were ongoing in 2014–2015. It is also concerned that the measures taken by the State party were insufficient to address the root causes of such recruitment and radicalization, including poverty, low quality education, and the area's perceived isolation and estrangement from the rest of the country.

19. In the light of the information provided by the State party, the Committee encourages the State party to implement the national strategy to combat terrorism in order to tackle root causes, including social, economic and ideological factors, and initiate effective campaigns, involving the media and community and religious leaders, to prevent cases of radicalization and recruitment of children by terrorist groups, particularly in areas such as Pankisi Gorge. It also recommends that the State party increase its efforts to ensure the rehabilitation and reintegration of children who return from territories where armed conflicts are ongoing.

Military education

20. The Committee notes the State party's information that the Law on military obligations and military service provides for the possibility of persons below the age of 18 years being permitted, exceptionally, to attend a higher military educational institution (CRC/C/OPAC/GEO/1, paras. 45–46). It also notes that prior to any call-up to the armed forces, a student at such an institution must sign a contract outlining the terms of engagement in military service. The Committee is concerned that military service permitted for such students below the age of 18 years might involve the handling of firearms.

21. The Committee recommends that the State party take measures to ensure that students below the age of 18 years at higher military educational institutions are exempt from military training that involves the handling of firearms and military discipline. It also recommends that the State party closely monitor the programmes of such institutions and ensure that they are in compliance with the Optional Protocol.

22. While noting the State party's information that the curriculum of the Giorgi Kvinitadze cadets military lyceum, which accepts children who have completed ninth grade, is approved by the Ministry of Education and that pupils in that institution are considered civilians and not military service members, the Committee is seriously concerned about the State party's information that children in that institution undergo basic military training, including training on firearms with live ammunition at the age of 16 years. It is also

concerned that the complaints mechanisms accessible to cadets below the age of 18 years are only internal and are not independent.

23. **The Committee recommends that the State party ensure that the curriculum of the Giorgi Kvinitadze cadets military lyceum is in line with the general educational system and that students are not trained in the use of weapons and live ammunition. It also recommends that the students in the lyceum have access to an independent complaints mechanism.**

VI. Prohibition and related matters

Criminal legislation and regulations in force

24. The Committee notes the State party's references to article 333 of the Criminal Code, which criminalizes the act of exceeding official powers. However, it regrets that, despite the prohibition on recruitment of children below the age of 18 years into the armed forces, the Criminal Code does not explicitly criminalize the recruitment, and the use in hostilities, of children below the age of 18 years by the armed forces.

25. **The Committee recommends that the State party explicitly criminalize the recruitment, and the use in hostilities, of children below the age of 18 years by armed forces, by introducing a relevant provision in its Criminal Code with a punishment commensurate to the gravity of the crime.**

Prohibition of recruitment by non-State armed groups

26. The Committee is concerned that the State party's legislation does not sufficiently and explicitly prohibit and criminalize the recruitment, and their use in hostilities, of children below the age of 18 years by non-State armed groups.

27. **The Committee recommends that the State party amend its Criminal Code in order to explicitly prohibit and criminalize the recruitment of children below the age of 18 years by non-State armed groups.**

28. The Committee is also concerned that article 223 of the Criminal Code, on illegal formations, including the recruitment of persons to such formations, and article 327¹ of the Criminal Code, on recruitment of a person into a terrorist organization, do not provide for aggravated criminal liability when the acts are perpetrated against children.

29. **The Committee recommends that the State party introduce aggravated criminal liability under article 223 of the Criminal Code, on illegal formations, including recruiting persons to join such formations, and article 327¹ of the Criminal Code, on recruitment of a person into a terrorist organization, when such offences target children below the age of 18 years.**

Extraterritorial jurisdiction and extradition

30. **The Committee recommends that the State party:**

(a) **Establish extraterritorial jurisdiction over acts prohibited under the Optional Protocol, including the conscription or enlistment of children into armed forces or non-State armed groups, or their use to participate actively in hostilities, if such crimes are committed abroad by or against a Georgian national or a person who otherwise has a close link with the State party, without the criterion of double criminality;**

(b) **Ensure that extradition treaties concluded with other States parties to the Optional Protocol include all offences under the Optional Protocol.**

VII. Protection, recovery and reintegration

Measures adopted to protect the rights of child victims

31. The Committee is concerned about the absence of measures taken to ensure the early identification of children entering the State party who may have been involved in armed conflicts abroad. It is also concerned that there are no rules regulating victim status for such children and that the national legal framework does not provide guarantees for adequate medical care, psychological recovery and social integration.

32. **The Committee recommends that the State party:**

(a) **Provide systematic training on the early identification of children who may have been involved in armed conflicts abroad to all professionals working with or for children, particularly immigration personnel, law enforcement officers, judges, prosecutors, social workers and medical professionals;**

(b) **Take all necessary measures, including careful assessment of the situation of children who may have been recruited to serve in armed conflicts abroad, to reinforce the legal advisory services available to those children;**

(c) **Provide immediate, culturally responsive, child-sensitive and multidisciplinary assistance to ensure that such children are supported in their physical and psychological recovery and have access to rehabilitation and reintegration programmes.**

VIII. International assistance and cooperation

33. **The Committee recommends that the State party continue and strengthen its cooperation with the International Committee of the Red Cross and with the Special Representative of the Secretary-General for Children and Armed Conflict, and that it explore increased cooperation with the United Nations Children's Fund (UNICEF) and other United Nations entities in the implementation of the Optional Protocol.**

IX. Implementation and reporting

A. Follow-up and dissemination

34. **The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented, including by transmitting them to relevant ministries, the Supreme Court and local authorities for appropriate consideration and further action.**

35. **The Committee recommends that the report and the written replies to the list of issues submitted by the State party and the present concluding observations be made widely available, including through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate on and awareness of the Optional Protocol and its implementation and monitoring.**

B. Next periodic report

36. **In accordance with article 8 (2) of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol and the present concluding observations in its next periodic report to be submitted in accordance with article 44 of the Convention.**