



**Convention on the  
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**COMMITTEE ON THE RIGHTS OF THE CHILD**

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

**Second periodic reports of States parties due in 2001**

**GEORGIA\***

[Original: Russian]  
[29 June 2001]

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\* For the initial report submitted by the Government of Georgia, see CRC/C/41/Add.4/Rev.1, for its consideration by the Committee, see documents CRC/C/SR.619-620 and CRC/C/15/Add.124.

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\* The annexes are available for consultation in the files of the secretariat.

## Introduction

1. The present document is Georgia's second periodic report, prepared pursuant to paragraphs 1 (c) and 3 of article 44 of the Convention on the Rights of the Child (hereinafter "the Convention"). The report covers the practical implementation of the provisions of the Convention by the State party over the period 1998-2000.
2. Georgia acceded to the Convention in June 1994 and in January 1998 it submitted its initial report on compliance with the provisions of the Convention, contained in document CRC/C/41/Add.4/Rev.1, to the Committee on the Rights of the Child. As part of the process of preparing and discussing the report, in April 2000, Georgia submitted written replies to the list of issues prepared by the Committee, contained in document CRC/C/Q/GEO/1. The initial report was discussed in May 2000 (see documents CRC/C/SR.619 and 620) and, following that discussion, the Committee adopted its concluding observations, contained in document CRC/C/15/Add.124, the text of which was transmitted to the Government of Georgia.
3. In this second periodic report under the Convention, efforts have been made to describe the steps taken and the success achieved by Georgia in giving effect to these concluding observations.
4. At the same time, the Government of Georgia feels bound to point out to the Committee that this second periodic report is being submitted barely more than one year since the discussion of the initial report and the adoption of the relevant concluding observations. Given such a short period, it would be unrealistic to expect any significant progress in implementing the Committee's recommendations, particularly in respect of any measures involving financial support.
5. Georgia's second periodic report under the Convention has been prepared by the Human Rights Protection Service, headed by the deputy secretary of the Georgian National Security Council. The Human Rights Protection Service has been responsible, since January 2000, for the preparation of all the country's official reports on its implementation of international human rights instruments and for their submission to the appropriate treaty bodies.
6. The information provided in the present report has been provided by the Ministry of Labour, Health and Social Welfare; the Ministry of Education; the Ministry of Internal Affairs; the Ministry of Economics, Industry and Trade; the Ministry for Refugee Affairs and Resettlement; the Ministry of Justice; the Ministry of Internal Affairs; and the State Statistics Office.
7. In compliance with the Committee's recommendations in paragraph 70 of its report, the Government of Georgia has taken steps to publicize the initial report and the Committee's concluding observations. The head of the Georgian delegation participating in the discussion of the initial report reported back to the National Security Council, which is headed by the Georgian President. Following a discussion of the issues, the President decided that all materials relating to the Convention and implementation of its provisions in Georgia must be published.

8. Given the current straitened situation of the Georgian economy and the lack of central budget funds for such publications, the Government appealed for assistance from the United Nations Children's Fund (UNICEF). With UNICEF support, in December 2000 a compilation was published in the Georgian language on the implementation of the Convention in Georgia, in a print-run of 1,000 copies. This compilation comprises the following: the text of the Convention; Georgia's initial report under the Convention; a parallel report prepared by Georgian non-governmental organizations; the list of issues prepared by the Committee; Georgia's written replies; the introductory statement made by the head of the Georgian delegation at the time of the consideration of the report; and the concluding observations by the Committee. A copy of this compilation is attached to the present report. We should also point out that the first official edition of the Convention in Georgian had already been prepared by UNICEF, in cooperation with the Government of Georgia, in 1999.

9. December 2000 saw the publication of yet another important document, analysing the situation of women and children in Georgia. This publication demonstrates yet again the fruitful cooperation between UNICEF and the Government. It undertakes to provide a comprehensive analysis of trends in the area of women's and children's health, survival and development in Georgia. The Convention was taken as the point of reference in assessing the situation of children in our country. The analysis contained in the document provides a sound basis for the planning of measures to enhance the situation of both women and children.

10. In January 2000, the United Nations Secretary-General reminded all Member States of their obligation to assess the progress made in their countries since the World Summit for Children and to report on the implementation of their relevant action plans. The reports submitted by Member States would form the basis for a report by the Secretary-General to the General Assembly at its special session on children, to follow up the World Summit for Children.

11. To assist the country in meeting its international obligations in that regard, a preparatory committee was set up in Georgia, comprising four working groups on the main issues addressed by the Convention, namely: the survival, development, protection and participation of children. Each of these groups included representatives of the various bodies involved with the problems of children and childhood.

12. In the preparation of the report, consultations were held both with representatives of civil society and with children themselves. A significant contribution to the drafting of the text was made by UNICEF, which was also represented on the preparatory committee. In December 2000, Georgia submitted its national report on follow-up to the World Summit for Children to the United Nations. The text of the report, which was drafted in English, is attached to the present report. The information which it contains will help provide an additional source of information on the issues covered by the Convention.

13. In April 1999, Georgia became a full member of the Council of Europe, the first of the Caucasian States to do so and thereby demonstrating the Council's recognition of the progress made by Georgia in building a truly constitutional State. At the same time, Georgia has taken an increasingly responsible attitude to the recognition, upholding and implementation of human rights. Georgia undertook, within one year of its admission to the Council, to accede

to the Convention for the Protection of Human Rights and Fundamental Freedoms, which it signed on becoming a member of the Council. Under the provisions of that Convention, Georgia recognized the jurisdiction of the European Human Rights Court.

14. During the period under review, Georgia has acceded to yet another United Nations human rights instrument - the International Convention on the Elimination of All Forms of Racial Discrimination - which it joined in June 1999. The country's initial report on its compliance with the requirements of that instrument has been submitted to the appropriate treaty body. The report was considered by the Committee on the Elimination of Racial Discrimination in March 2001. The Committee has already conveyed its concluding observations to the Government of Georgia.

### **I. GENERAL MEASURES OF IMPLEMENTATION**

15. In its concluding observations (paras. 10 and 11), the Committee on the Rights of the Child (hereinunder "the Committee") recommended that Georgia should undertake a review of its legislation, with a view to bringing it closer into line with the Convention and to submitting proposals to Parliament on measures to that end. It also suggested that the State party should consider the possibility of adopting a comprehensive code for children.

16. With regard to these recommendations by the Committee, we may report that, in December 2000, a document on harmonizing Georgian legislation with the United Nations Convention on the Rights of the Child was widely disseminated among the public. This study was conducted by an independent council of experts under the Georgian Parliament. During this project, which was carried out with UNICEF support, some 1,000 legal instruments applicable in Georgia were analysed for their coherence with the provisions of the Convention. The authors of the study also suggested certain specific measures to bring Georgian legislation more closely into line with the Convention. The report on harmonizing Georgian legislation with the Convention was circulated to the appropriate parliamentary bodies, including, in particular, the Subcommittee on the Protection of the Mother and Child, as well as to other relevant governmental and non-governmental organizations.

17. Currently, the parliamentary Committee on Human Rights, Petitions and the Development of Civil Society, assisted by independent foreign experts, is working on the drafting of a legislative instrument on the rights of the child. Although this process is still in its early stages, it is already clear that the new bill will be underpinned by the Convention. In fact, the best interests of the child are already protected under Georgian legislation, as demonstrated by the country's initial report. The Government is fully aware, however, that a great deal of work still remains to be done and it is for that purpose that the new bill has been prepared and submitted for approval.

18. In addition, representatives of the official Georgian bodies dealing with the welfare of children had further ample opportunity to explore the Convention's provisions during a seminar on the theme of implementation of the Convention in Georgia.

19. This seminar was held in November 2000 with the active involvement of UNICEF, which invited Mr. Peter Newell, from the United Kingdom, a leading expert on the rights of the child, to conduct its work. During the seminar, a wide range of problems relating to the rights of children were discussed and the participants agreed, among other things, on the need for an appropriate statute to be developed in Georgia's domestic law.

20. In its concluding observations (paras. 12 and 13), the Committee recommended that the State party should adopt a comprehensive plan of action on the implementation of the Convention, with particular emphasis on aspects of intersectoral cooperation and coordination.

21. On 10 March 2001, the Georgian President issued resolution No. 189, on the establishment of a State commission to develop a central national programme of action for the welfare of children. This resolution states, in particular, that the need to develop such a programme is occasioned by certain shortcomings in the State's approach to children's welfare work and also by the fact that the responsibility for children's issues is shared among several different government departments. For this reason, as noted in the resolution, it is particularly important to define an appropriate strategy for action to address children's problems.

22. This commission, to be headed in person by the Georgian President, includes high-level officials from both the legislative and executive branches, representatives of non-governmental organizations, clergymen and the representative of the UNICEF Caucasus area office. As stated in the resolution, the State commission is responsible for developing and submitting, by the end of 2001, a central national programme of action for the welfare of children for the period 2002-2007, and for ensuring that Georgian legislation relevant to the welfare of children is gradually brought into line, in the prescribed manner, with international conventions and other agreements.

23. In its concluding observations (paras. 14 and 15), the Committee recommended that the State party should step up its efforts to establish a comprehensive data collection system, embracing all areas covered by the Convention.

24. According to the Georgian State Statistics Office, data on the situation of children in Georgia are, for the most part, collected from population and household surveys and drawn from reports submitted by the relevant departments, such as the Ministries of Labour, Health and Social Welfare, of Education and of Internal Affairs. Disaggregated information can be obtained from the survey data but not from the departmental reports. We should also note that the collection and processing of population data and, accordingly, the objective analysis of the processes under way in this area are considerably impeded by shortcomings in the country's civil registry system and also by the fact that Georgia has not yet been able to conduct a general population census.

25. In its concluding observations (paras. 16 and 17), the Committee recommended that the State party should take steps to ensure that its independent complaints mechanisms were accessible and friendly to children. The Committee also recommended that the State party should ensure that there was adequate central budget funding for the ombudsman's office. In addition, it was recommended that the ombudsman's office should develop a system of regional representatives.

26. As part of the current process of reorganizing the Georgian ombudsman's office, a children's rights centre is also being set up with active financial support from UNICEF. The new centre is planned to be up and running by June of this year. The centre's functions will include an entire range of tasks relating to the implementation of children's rights, including a public awareness-raising campaign; the holding of seminars and training courses for officials involved with children's rights and for teachers; sociological research to identify the most serious problems affecting children, conducted with the involvement of competent specialists; and other measures. Among its functions, the centre will also process complaints from individuals.

27. Under the planned reorganization of the Georgian ombudsman's office, a system of regional representatives will be set in place. These will have such duties as receiving and processing complaints from local inhabitants and, where this is within the regional representative's authority, independently investigating such complaints. In this process, any decision by a regional representative to reject a complaint must be officially approved by the deputy ombudsman, who serves as the head of the regional representative system.

28. Information on budgetary allocations for the ombudsman's office may be found in the ombudsman's most recent report on the human rights situation in Georgia (for the period January-November 2000). In this report, the ombudsman points out that the office's budget allocated by the Ministry of Finance for 2001 - some 119,000 lari - is manifestly inadequate for even the most indispensable outgoings. As a result, the ombudsman points out that there has been a drain of qualified staff, leading to extremely serious problems. In practical terms, this has meant that, for the second year in a row, it would not have been possible to acquire the essential computer equipment and literature and to run the scheduled seminars, training courses and other measures but for the assistance provided by the United Nations Development Programme (UNDP) under its support project for the Georgian ombudsman's office. The ombudsman concludes with regret that a budgetary allocation of this kind shows no evidence that the Georgian Government and Parliament support his institution.

29. In its concluding observations (paras. 18 and 19), the Committee recommended that the State party should give priority attention to budgetary expenditure to uphold the economic, social and cultural rights of children. The Committee also recommended that the necessary steps should be taken to improve the system of collecting taxes and to root out corruption.

30. With reference to the Committee's observations, it should be pointed out that, in its written replies to the list of issues relating to consideration of the country's initial report under the Convention, as mentioned above, Georgia has provided detailed statistics of the social assistance spending on children.

31. At the end of 1999, the Ministry of State Income Tax was set up in Georgia, with a taxation department and a customs department as part of its structure. The Ministry's primary task is precisely to boost State revenue from taxation and to ensure that a balanced State policy is applied in this area. The country's tax collection system is still inadequate, however.

32. According to information provided by the Ministry of Economics, Industry and Trade, social welfare continues to account for a considerable - and growing - proportion of State expenditure. Thus, in 1996, social expenditure (social welfare, pensions, health care, education, culture, sport and religion) accounted for 7.6 per cent of the country's gross domestic product (GDP) and it is expected to measure 7.9 per cent in 2000. Last year, State expenditure in the social domain was as follows: 273.4 million lari on social security and welfare; 31.5 million lari on health care; 27.8 million lari on education; and 19.1 million lari on culture, sport and religion.

33. The figures provided above are taken from the UNDP *Human Development Report 2000* for Georgia. The sources cited for these figures are the Ministry of Finance and the budget office of the Georgian Parliament. If we compare these figures with corresponding figures for 1999, we can see that - except for expenditure on social protection and welfare, where there has been a certain increase - expenditure levels have declined in all areas.

34. The Government has also taken a number of anticorruption measures. In June 2000, the Georgian President issued a decree setting up a working group to develop a national anticorruption programme. The working group, headed by the president of the Georgian Supreme Court and comprising prominent public figures involved in the anticorruption campaign, mapped out the general outlines of a national anticorruption programme. A number of vital steps were still needed before the programme could be fully implemented. To that end, in March 2001, the President issued another decree setting out priority measures to counter corruption. The decree requires certain ministries, departments and local authorities to take specific steps against corruption and to report on their efforts to the Georgian Minister of State.

35. In April 2001, by presidential decree, the Georgian Anticorruption Coordinating Council was set up, under the personal leadership of the head of State. The Council's statutes specify that its membership, numbering 12, should include people of unimpeachable reputation and high standing, who enjoy the trust of the general public. The Council has the status of a consultative body reporting to the President of Georgia and its tasks include developing a plan of action for a national anticorruption programme and coordinating implementation of the programme.

36. In its concluding observations (paras. 20 and 21), the Committee recommended that the State party should take measures to ensure that the Georgian population, adults and children alike, were fully informed about the Convention's provisions and principles.

37. In this connection, we draw attention once again to the compilation published in Georgia on the implementation of the Convention, prepared with the active support of UNICEF. A number of non-governmental organizations are conducting projects among specially targeted groups to raise awareness of various aspects of children's rights. Given the relatively brief period that has elapsed between the consideration of Georgia's initial report under the Convention and the submission of the present report, it is still too early to talk of any measurable results in the task of fully incorporating the Convention into the syllabuses of educational establishments at all levels.

38. Preliminary arrangements have been made with the UNICEF regional office to have the text of the present report published as a separate brochure, so that it is widely accessible to large numbers of people involved with these issues.

39. In addition to the above information, attention should also be drawn to a number of institutional reforms over the period under review which are of particular relevance to the task of upholding the rights of children.

40. Following the parliamentary elections in November 1999, there were significant changes in both the legislative and executive branches. The Subcommittee on the Protection of the Mother and Child was set up as part of the parliamentary system, under the Health and Social Issues Committee. A division of population affairs, mother and child welfare and family development was set up in the Social Affairs Service of the Georgian State Chancellery. This division is responsible for coordinating the work of all governmental and non-governmental organizations involved with women's and children's rights, so as to ensure the proper protection of women and children throughout the country.

41. The former ministries responsible for health and social welfare and employment have now been merged into the single Ministry of Labour, Health and Social Welfare, which combines the many different functions of the various bodies described in Georgia's initial report under the Convention.

42. Under the Children's and Youth Associations (State Support) Act, a children's and youth development fund has been set up in the State Department for Youth Affairs, with the aim of providing State support for non-governmental organizations covered by this act. Funding is provided for children's and youth non-governmental organizations from the central budget, on a project-by-project basis. A council made up of representatives of both government bodies and non-governmental organizations has the task of deciding which projects are to receive funding. In 2000, 15,000 lari was allocated for project funding, but this amount was not disbursed. The amount available in 2000 is 30,000 lari and the selection of successful projects will be made in the middle of the year.

43. In April 1999, the Georgian Children's Federation, a legal entity under public law, was set up by presidential decree, as the legal successor of the non-governmental organization with the same name. Under the statutes of the Georgian Children's Federation, its primary tasks include:

- Yearly monitoring of the situation of children and young people in Georgia and the submission of relevant reports to the Georgian President (conducted in conjunction with the State Department for Youth Affairs);
- Organizing healthy leisure activities for children and young people and developing and implementing a presidential programme to that effect;
- Providing care for socially deprived children in various categories, etc.

The activities of the Georgian Children's Federation are overseen by a board of trustees, whose members include representatives of State bodies, prominent public figures, businessmen and representatives of UNICEF and Save the Children.

44. Where the activities of non-governmental organizations are concerned, attention should be drawn to the establishment in Georgia of the Georgian NGO Coordinating Council, which works both with and for children. The Council represents some 35 different organizations, most of which are to be found in Tbilisi; non-governmental organizations are still not very active outside the capital. Over the reporting period, non-governmental organizations have considerably stepped up their activities, particularly on various human rights issues, but their potential in building civil society has still not been fully tapped.

## II. DEFINITION OF THE CHILD

45. In its concluding observations (paras. 22 and 23), the Committee recommended that the State party should enact relevant legislation concerning the minimum legal ages for sexual consent and medical treatment without parental consent.

46. With regard to those observations, it should be noted that the relevant information on this matter in Georgia's initial report under the Convention (paras. 27-33 and 36-55) continues to apply. With reference to paragraphs 34 and 35 of the initial report, we draw the Committee's attention to the following changes:

- Adoption in July 1999 of the new Criminal Code, the draft version of which was mentioned in the initial report and which has now entered into force;
- Inclusion, under the new Criminal Code, of the following as compulsory corrective measures: warnings; supervision orders; orders to pay compensation for harm caused; restrictions on movement; and placement in special educational or medical treatment establishments (art. 91, para. 1).

Articles 92-96 of the Code set clear parameters for the compulsory corrective measures listed above.

47. In addition, the new Criminal Code stipulates the criteria for determining whether or not an offence is an exceptionally serious crime of the type referred to in paragraph 33 of the initial report. In the terms of article 12, paragraph (j), of the Code, the category of exceptionally serious crime also extends to premeditated offences punishable by terms of deprivation of liberty of more than 10 years or by life imprisonment.

48. Under article 88 of the Criminal Code, persons aged between 16 and 18 committing exceptionally serious crimes may be sentenced to terms of deprivation of liberty of more than 10 years but not exceeding 15 years.

49. Under the new Criminal Code, the age of sexual consent has been set at 16. As explained by the Ministry of Justice, this may be inferred from article 140 of the Code, under which sexual intercourse with a person under the age of 16 is categorized as a criminal offence. Accordingly, 16 may be taken as the minimum age of consent for sexual relations. With regard to the minimum age for medical treatment without parental consent, the criterion of civil legal capacity,

as established by the Civil Code, continues to apply. Under this criterion, the age of majority is 18. More detailed information on the concepts of “passive legal capacity” and “active legal capacity” in Georgian civil law may be found in the country’s second periodic report under the International Covenant on Civil and Political Rights (paras. 394-396 and 520).

### **III. GENERAL PRINCIPLES**

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

50. In its concluding observations (paras. 24 and 25), the Committee recommended that the State party should increase its efforts to ensure implementation of existing laws guaranteeing the principle of non-discrimination and their full conformity with article 2 of the Convention, particularly in relation to vulnerable groups.

51. As noted in the introduction to the present report, over the period under review Georgia has acceded to yet another important United Nations human rights instrument - the International Convention on the Elimination of All Forms of Racial Discrimination. Alongside the Convention on the Elimination of All Forms of Discrimination against Women, with its accession to this instrument Georgia has further strengthened the constitutional and legal safeguards upholding the principle of equality and non-discrimination in the State’s exercise of justice. In this connection, the Committee’s attention is drawn to paragraphs 9-16 and 18 of Georgia’s initial report under the International Convention on the Elimination of All Forms of Racial Discrimination, providing detailed information about the relevant constitutional and legislative provisions.

52. Article 75 of the Criminal Code, mentioned in paragraph 61 of the initial report, has now been replaced by article 142 of the new Criminal Code, on the infringement of people’s equality, which states:

“1. Infringing people’s equality on the grounds of their race, skin colour, language, sex, attitude to religion, denomination, political or other views, national, ethnic, social or class affiliation, membership of voluntary associations, origin, place of residence or material status, and thereby harming their human rights, shall be punishable by a fine or by the compulsory deduction of earnings for periods of up to one year, or by deprivation of liberty for periods of up to two years.

“2. The same acts, involving the abuse of official position or resulting in serious consequences, shall be punishable by a fine or by deprivation of liberty for periods of up to three years.”

53. Over the period under review, a number of statutory instruments have been adopted in Georgia designed to ensure, to the maximum extent, protection of the vital interests of children, including the most vulnerable categories of children.

54. Paragraph 58 of the country's initial report under the Convention refers to the constitutional provision designed to ensure the development of Georgia's high mountain regions. In order to implement this constitutional requirement, the Mountain and High Mountain Districts of Georgia (Social, Economic and Cultural Development) Act has been adopted, which establishes this task as a priority for the country.

55. Under this act, the State now provides full secondary education free of charge for children from high mountain villages (as things stand, in the country as a whole, only primary education is fully State-funded). To ensure that education is available to all children in high mountain districts, schools have been permitted to open classes for as few as three or four children, while the standard class size elsewhere in the country is 25.

56. In 1999, a number of important statutes relating to children's rights and interests were adopted by Parliament, including acts on the procedure for the adoption of neglected and orphaned children; on the placement of children in adoptive families; on protecting and promoting natural child-feeding, designed to protect children's health by ensuring that they receive safe and adequate nourishment, whether natural or artificial; and on the provision of State support for children's and youth associations.

57. The last act is of particular interest, since it grants children's and youth associations the entitlement to submit reports on the situation regarding the protection of the rights of children and young people to the President of Georgia; to make suggestions to those empowered to initiate legislation, with a view to introducing amendments to statutes and other regulatory acts which reflect the interests of children and young people; and to participate in the development, consideration and implementation of State youth-oriented programmes.

58. Over the period 1996-2000, a State programme, endorsed by the President, was run on the issue of social protection, vocational training and crime prevention for minors, which had as its main areas:

- Undertaking measures to identify minors with criminal tendencies and neglected children and carrying out preventive work with those children;
- Tackling problems relating to the vocational training and education and the social rehabilitation of minors, including orphans and abandoned children, and the children of internally displaced and homeless persons;
- Encouraging youngsters to take up creative activities and to play sport.

59. Programme implementation has been led by an interdepartmental State commission headed by the Minister of Education. A range of activities have been held in all the above areas by the appropriate State bodies, including with UNICEF support. These activities have yielded certain results and have also demonstrated the need for continued efforts.

60. Accordingly, in March 2000, the Georgian President ratified the State programme for the protection, development and social rehabilitation of minors, designed to improve the organization of the social protection, development and rehabilitation of minors deprived of parental care and prone to antisocial behaviour, as well as homeless children (so-called “street children”). The programme has as its primary goals:

- Formation of a legal and regulatory framework to uphold the rights of children in the above category;
- Study of different aspects of the problem of homeless children and efforts to promote their vocational guidance and social rehabilitation;
- Creation of rehabilitation centres and specialized schools, and the development and introduction of specially tailored programmes for the education and upbringing of children;
- Tackling the problem of the further integration and welfare of homeless children.

61. The programme budget for the period 2000-2003 is set at 3 million lari. Programme implementation is the responsibility of the government Commission for Minors’ Affairs and Social Protection, headed by the Minister of Education.

62. Since 2000, local authorities have allocated a lump sum benefit of 100 lari (\$1 = 2.04 lari) for each child born to families of internally displaced persons.

63. In August 2000, the Georgian President issued a decree on social or family assistance for the needy, pursuant to which continued social assistance is to be provided to families whose members include unemployed and incapacitated pensioners and orphaned children. Under the decree, each orphaned child that has been placed in care shall receive a monthly benefit of 20 lari from the central budget. In 2000, more than 1,000 children received such benefits. The access of children to medical care is ensured, on a non-discriminatory basis, under the centralized State insurance programme for children. Further details about this programme and its beneficiaries may be found in Georgia’s second periodic report under the International Covenant on Civil and Political Rights, paragraph 95.

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

64. In its concluding observations (paras. 26 and 27), the Committee recommended that the State party should take all appropriate measures to ensure that the general principle of the best interests of the child was appropriately integrated in all legal provisions. As recommended by the Committee, this principle should also be reflected in the adoption of judicial and administrative decisions and in projects, programmes and services which have an impact on children.

65. With regard to the above recommendations, the information on this matter contained in the initial report (paras. 64-73) continues to apply. Additional information on legislative measures to ensure that, in mutual relations with parents, priority is given to the best interests of the child may be found in Georgia's second periodic report under the International Covenant on Civil and Political Rights (paras. 508-510 and 513).

66. As noted in the report on harmonizing Georgian legislation with the United Nations Convention on the Rights of the Child, there are a number of legislative provisions in existence which establish liability for breaches of the rights of the child, which are recognized under and guaranteed by law, and for encroachments on the moral development of children. Thus, the Criminal Code categorizes as aggravating circumstances the commission of offence against minors, the enticement of minors to commit offences or the involvement of minors in crime.

67. In addition, chapter 24 of the Criminal Code is devoted in its entirety to offences against the family and minors (arts. 171-176). The provisions set out in this area of criminal law are designed to provide effective protection for children from criminal encroachments of various kinds, in line with universally recognized international standards. Thus, such acts as trafficking in minors, breaching the adoption rules, substitution of children, wilful refusal to pay alimony and others are categorized as criminal offences.

68. 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)**

69. The information provided in the country's initial report under the Convention relating to article 6 (paras. 74-76) remains valid.

70. In addition, the Committee's attention should be drawn to Georgia's second periodic report under the International Covenant on Civil and Political Rights, in particular to the section concerning exercise of the right to life (paras. 79-81, 87-89, 98-101 and 103-109). Also of relevance in this part of the above-mentioned report is the information on measures to uphold the right to life and survival of women and children (paras. 90-96) and to resolve the issue of abortions (para. 102).

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

71. In its concluding observations (paras. 28 and 29), the Committee recommended that the State party should develop a systematic approach to increasing public awareness of the participatory rights of children and encourage respect for the views of the child within the family, communities and care and other institutions.

72. With reference to these recommendations, the information contained in the country's initial report under the Convention (paras. 77 and 78) remains valid. The initial report also contains the following relevant information on:

- The right to submit complaints to the courts or other administrative bodies, see paragraph 49;
- The participation of the child in the process of changing his or her personal data, see paragraph 50;
- Obtaining the consent of the child to adoption (see paragraphs 51 and 177).

73. The authors of the report on harmonizing Georgian law with the United Nations Convention on the Rights of the Child point out that the legal arrangements for obtaining the consent of the child to placement in a care establishment have not been finalized. As for the issue of the child's consent to placement in an adoptive family, this is covered by the Orphaned and Abandoned Children (Adoption Procedure) Act. Under this act, children aged 10 and above may only be placed in an adoptive family with their consent.

74. Over the reporting period, a number of significant developments have taken place with regard to upholding the participatory rights of children and to raising public awareness of this issue.

75. In 2000, the Georgian State Department for Youth Affairs, with support from UNICEF, took steps to revive the country's children's parliament. This parliament was originally set up in 1998 on the personal initiative of the President, but, owing to financial constraints, it was only able to hold one session.

76. Elections to the children's parliament, which meets annually, were held countrywide in April 2000. Children and young people from all regions took part in the elections. The term of office has been set at two years and the parliament is to sit every six months. In all, 146 young deputies were elected in two age groups - 14-18 and 18-21, comprising 88 boys and 58 girls.

77. The main purpose of the children's parliament is to provide a forum in which children and young people can express their views on aspects of State administration. In addition, the young parliamentarians have the opportunity to further their interests, to develop the necessary parliamentary skills, to gain familiarity with the parliamentary system and to deepen their knowledge of the Convention. At their sessions, which will be held in the premises of the country's "adult" Parliament, the young deputies will work on the drafting of decisions. These decisions will be of a recommendatory nature for the members of the Georgian Parliament, which will be obliged to give them due consideration. The adult parliamentarians are very happy to meet their young colleagues and to share their experience with them. Over the period under review, the children's parliament has also held one session away from headquarters, in one of the country's regions.

78. Another body of interest is the Children's Forum, set up in the Imereti region of Georgia, which has representatives from 11 different districts. The Forum gives its members, all children, the opportunity to express their views, to articulate the problems of the younger generation to the local authorities and to propose specific measures to improve educational and leisure arrangements.

79. Since December 2000, the non-governmental organization Children and the Environment, with support from UNICEF and the European Union, has been publishing a monthly review in Georgian, Russian and English, entitled *Rights of the Child in Georgia*. The review not only includes material provided by adult correspondents, but also gives extensive space to the views expressed by children themselves on a wide range of issues. By being issued in several languages, the review is accessible to virtually all groups of the population.

#### **IV. CIVIL RIGHTS AND FREEDOMS**

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

80. For information on the provisions of article 7 of the Convention, reference is made to the country's initial report (paras. 80-85).

81. With regard to the issue of children's names, reference is made to Georgia's second periodic report under the International Covenant on Civil and Political Rights (paras. 531 and 533). Paragraph 532 of that report also contains information on the procedure for registering children, which is governed by the Civil Registration Act, adopted during the period under review.

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

82. For information on the provisions of article 8 of the Convention, reference is made to the country's initial report (paras. 86-89). With the adoption of the new Criminal Code, some changes are necessitated to the wording and numbering of the articles relevant to the issue under consideration.

83. Thus, under Georgian criminal law, unlawful restriction of liberty, in particular when applied against a minor, is punishable by custodial sentences of between 5 and 12 years (art. 143). The substitution of a child, whether for monetary gain or for other nefarious motives, shall be punishable by a fine or by privation of liberty for periods of up to five years, which may or may not be accompanied by forfeiture of the right to hold certain offices or to engage in certain activities for periods of up to three years (art. 174). In addition, a new article 173 has been added to the Criminal Code, stipulating various penalties for the offence of breaching the adoption rules in a way which involves serious consequences. Abuse of official position is regarded as an aggravating circumstance in this offence.

84. Reference here should also be made to the provisions of the Georgian Citizens and Resident Aliens (Identity and Registration Procedure) Act. The Committee's attention is also drawn here to Georgia's second periodic report under the International Covenant on Civil and Political Rights (paras. 245 and 246).

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

85. With regard to the right to freedom of expression, the information contained in the initial report remains valid (paras. 91-96).

86. Comparable information on the exercise of the right to freedom of expression, as enshrined in Georgian law, may be found in the country's second periodic report under the International Covenant on Civil and Political Rights (paras. 441-467). That report contains details, in particular, regarding changes relevant to paragraphs 97 and 98 of the country's initial report under the Convention (see, respectively, paragraph 467 and 448-456 of the report under the International Covenant on Civil and Political Rights).

87. It should be noted that the statutes governing this area do not provide any legal guarantees of the freedom of expression (in the broad sense) for persons under the age of 18.

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

88. In its concluding observations (paras. 32 and 33), the Committee recommended that the State party should strengthen its efforts to protect children from harmful information.

89. The information provided in the country's initial report under the Convention, regarding constitutional guarantees for the development of culture (para. 99), remains valid. The assessments provided in paragraphs 101, 103 and 105-107 continue, by and large, to apply. Where the publication of children's books is concerned, there have recently been substantial improvements in the range and quality of such publications and their numbers have increased. The accessibility of these publications to children continues to pose a problem, owing to their relatively high prices, by local standards.

90. In addition to the above, reference may also be made to the country's second periodic report under the International Covenant on Civil and Political Rights. This discusses access to information (paras. 454-456) and the legal restrictions applicable in this area (paras. 460-463).

91. Besides the legal restrictions designed to protect children from harmful information, described in the above-mentioned report under the International Covenant on Civil and Political Rights, plans are afoot in Georgia to adopt a special regulatory act on this matter. We are referring here to the bill on protecting minors from harmful influences, which has already been under consideration for some time by the appropriate parliamentary bodies. The bill was drafted by the State Department for Youth Affairs, in line with the principle promulgated in the preamble to the Convention: "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection ...".

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

92. The Georgian Ministry of Education is planning to develop an integrated textbook for schoolchildren, covering aspects of the protection of children from potentially harmful information and materials.

93. Detailed information on the situation relating to the freedom of thought, conscience and religion in Georgia may be found in the country's second periodic report under the International Covenant on Civil and Political Rights. The report provides information on both constitutional and legislative guarantees (paras. 430-435), on practical aspects of upholding the right to the freedom of conscience (paras. 436-438) and on the issue of the status of religious organizations (paras. 439 and 440).

94. Useful information on the exercise of the freedom of thought, conscience and religion may also be found in Georgia's initial report under the International Convention on the Elimination of All Forms of Racial Discrimination (paras. 159-163).

95. A draft constitutional agreement between the State and the Georgian Orthodox Church, designed to establish the legal basis for relations between these two parties, has been widely publicized and is currently under discussion. In this connection, the Georgian Parliament has adopted the Constitution Amendment Act, revising and supplementing the Georgian Constitution, which includes the following amendments:

- Addition of a new paragraph 2 to article 9 of the Constitution, reading as follows: “Relations between the Georgian State and the autocephalous Georgian Orthodox Church shall be determined by the Constitutional Agreement. The Constitutional Agreement shall be fully consistent with universally recognized principles and norms of international law, in particular in the field of human rights and fundamental freedoms”;
- Rewording of paragraph 2 of article 6 of the Constitution, placing the Constitutional Agreement in second position, after the Constitution itself, in the hierarchy of statutory instruments. As a result, it is not only the Constitution, but also the Constitutional Agreement, which may not be contradicted by Georgia's international treaties and agreement;
- Rewording of paragraph 1 (a) of article 89 of the Constitution, to stipulate that, henceforth, the Georgian Constitutional Court shall be empowered to determine the extent to which laws and other regulatory acts are consistent not only with the Constitution but also with the Constitutional Agreement.

96. The Constitutional Amendment Act was adopted by the Georgian Parliament on 30 March 2001. That same day, Parliament also adopted a resolution on manifestations of religious extremism, in which the legislators expressed their disquiet at acts of violence carried out by adherents of extremist religious movements and condemned all such manifestations. Parliament has assigned its relevant committees the task of preparing legislative proposals designed to regulate the activity of various religious denominations.

97. Following recent religiously inspired clashes in Georgia, which have resulted in injuries to the members of a number of traditional religious groups, the Georgian President has expressed his unequivocal condemnation of such activities. The Georgian Orthodox Church and more than 30 non-governmental human rights organizations have adopted a joint declaration in which they condemn religious fanaticism and extremism, violence and bigotry.

98. In Georgian general education schools, in grades 3-6 and in grade 8, pupils study the history of religion and culture, through which they acquire the necessary knowledge in this area and are able to deal with the problem of freedom of conscience in an informed manner.

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

99. In its concluding observations (paras. 30 and 31), the Committee recommended that the State party should amend its legislation to ensure that young people were allowed to join political parties and that they fully enjoyed their right to freedom of association.

100. Detailed information on the exercise in Georgia of the rights covered by this article of the Convention may be found in the country's second periodic report under the International Covenant on Civil and Political Rights, in the following paragraphs:

- On the freedom of peaceful assembly - paragraphs 473-479;
- On the activities of commercial and non-commercial legal entities - paragraphs 481-486;
- On political parties - paragraphs 487-491;
- On trade unions - paragraphs 492-498.

101. Over the period under review, there have been no amendments to the Citizens' Political Associations Act, which stipulates that Georgian citizens who have the right to vote also have the right to form and join parties (art. 8).

102. As for enabling young people to learn about the political process (see paragraph 30 of the Committee's observations), the best opportunity for this is provided by the children's parliament, the Children's Forum and the Georgian Children's Federation, described above.

103. In our replies to the list of issues prepared by the Committee, we reported on the adoption in 1999 of the Children's and Youth Associations (State Support) Act. The actual provisions of this act should perhaps be described in more detail, since it extends very wide powers to children's and youth organizations, while also ensuring that they receive financial support from the State.

104. Under the act, children's and youth associations have the right:

(a) To submit reports on the status quo in the area of the protection of children's and young people's rights in Georgia to the State President and appropriate executive authorities;

(b) To submit suggestions to persons entitled to initiate legislation, on amendments to acts and other regulatory instruments of Georgia, with a view to protecting the interests of children and young people;

(c) To participate in the drafting, consideration and implementation of State programmes relating to youth policy (art. 5-2).

105. By enacting this law to accord the rights enumerated above to children's and youth associations, it is hoped that an essential contribution will be made both to ensuring full exercise of the principle of the freedom of association and to fostering future political and social leaders for the country.

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

106. The information contained in the country's initial report under the Convention relating to the issues covered under this article (paras. 123-125 and 127-129) remains valid. With regard to the details included in that report on the criminal penalties imposed for breaches of privacy (paras. 126 and 128), certain amendments have been made following the adoption of the new Criminal Code.

107. Thus, under the current Criminal Code, penalties are provided for violating the secrecy of adoption without the authorization of the adoptive parents, including where the person responsible is under an obligation of professional secrecy (art. 175, paras. 1 and 2).

108. In addition, the Code stipulates punishments of varying degrees of severity for the commission of such offences as:

- Making defamatory accusations of the commission of an offence (art. 148);
- Breaching private or family confidentiality (art. 157);
- Breaching the confidentiality of a private conversation, through its unlawful recording or tapping by technical means (art. 158);
- Breaching the confidentiality of private correspondence, telephone conversations or other forms of communication (art. 159);
- Breaching the privacy of the home or other possessions (art. 160).

109. Georgia's second periodic report under the International Covenant on Civil and Political Rights describes in detail the arrangements under the country's criminal and procedural law to protect people from intrusions into their privacy (paras. 400-413). The same report contains information on the procedure for lodging complaints about investigative activities which entail invasions of privacy (paras. 415 and 416).

110. In addition to the information contained in paragraph 129 of the initial report, it should be noted that, during the period under review, the Georgian General Administrative Code was adopted. This Code fleshes out the provisions of article 41 of the Constitution and covers such issues of relevance to the present section as ensuring access to public information and protecting the confidentiality of personal information. Information on the manner in which these issues are dealt with by the General Administrative Code may be found in the country's second periodic report under the International Covenant on Civil and Political Rights:

- On access to public information - paragraphs 457-459;
- On the protection of personal information - paragraphs 423-429.

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

111. Where this article of the Convention is concerned, the information contained in the country's initial report (paras. 130-134) remains valid.

112. Detailed information on measures adopted in Georgia to uphold the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment may be found in Georgia's second periodic report under the International Covenant on Civil and Political Rights (paras. 111-140). The Committee may wish to note that, as well as containing information on safeguards against the use of torture in criminal legal process, the above-mentioned report reviews the issues of the prohibition of corporal punishment (paras. 115-117) and the conduct of medical and biological research on human subjects (paras. 122-125).

113. Over the period under review, Georgia has submitted its second periodic report on compliance with the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (see document CAT/C/48/Add.1) to the relevant United Nations treaty body. The report was considered in May 2001 (see documents CAT/C/SR.458, 461 and 467) and the Committee against Torture transmitted its conclusions and recommendations to the Government of Georgia (see document CAT/C/XXVI/Concl.1/Rev.1).

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

### **A. Parental guidance (art. 5)**

114. For information under this article, see the country's initial report (paras. 135-140).

115. In addition to that information, we note that, pursuant to the Health Protection Act (art. 136), all citizens have the right independently to determine how many children they wish to have and when they wish to have them. The Administrative Offences Code stipulates that, in the event of wilful failure to comply with their obligation to provide guidance and education for their minor children, parents or others responsible for the children may receive a warning or be fined an amount ranging between one and two minimum monthly salaries (art. 127).

### **B. Parental responsibilities (art. 18.1-2)**

116. For information on how the law deals with the issue of responsibility for the upbringing of children, see Georgia's initial report under the Convention (paras. 142-146) and its second periodic report under the International Covenant on Civil and Political Rights (paras. 508, 510 and 513).

117. Under the new Criminal Code (art. 176), wilful refusal to pay alimony ordered by a court decision shall be punishable by a fine or by between 120 and 240 hours of social work, or by punitive deduction of earnings for a period of up to one year.

118. In addition, attention is drawn to the International Private Law Act, adopted during the period under review, which stipulates which legal procedure applies to specific aspects of cases involving the law of another State. The act also contains provisions on the procedural norms to be applied in cases of this nature.

119. With reference to this article of the Convention, the following articles of the International Private Law Act are of particular interest:

- Article 13, establishing the degree of international competence of the Georgian courts to consider cases involving personal relations between parents and children, the parentage of children and the establishment of paternity;
- Article 16, establishing the degree of competence of the Georgian courts in care and guardianship cases;
- Article 49, dealing with the issue of the application of the law of different countries in cases involving relations between parents and children.

#### **C. Separation from parents (art. 9)**

120. The comments in Georgia's initial report under the Convention, describing how this problem is dealt with under Georgian law (paras. 148-151) remain valid.

121. With regard to paragraph 152 of the initial report, it should be noted that the question of contacts between children and parents serving custodial sentences is covered by the Imprisonment Act, adopted during the period under review.

122. Thus, article 39 of that act stipulates that, where necessary, crèches may be set up in custodial facilities for women bearing children while serving their sentences. On the application of mothers, if the guardianship authorities so permit and the custodial facility authorities so decide, arrangements may be made for women serving sentences to live together with their children aged up to 3 years old. Under article 47, the custodial facility authorities shall assist those serving sentences to maintain relations with their families, relatives and close friends. In this connection, articles 48 and 49 of the Imprisonment Act stipulate the procedures governing visits received by convicted persons, both within and, in special circumstances, outside the custodial facility, and the duration of such visits.

#### **D. Family reunification (art. 10)**

123. Over the reporting period, there were no changes to the law in this area, as described in the country's initial report under the Convention (paras. 153-155 and 157).

124. With regard to the comments in paragraph 156 of the initial report, we might note that the general emigration trends in Georgia have been maintained. According to figures provided by the passport and visa office of the Ministry of Internal Affairs, over the period 1998-2000 the

number of people leaving the country to reside permanently abroad continued to grow (from 962 in 1998 to 1,320 in 2000). In 80-90 per cent of cases, the primary reason for such emigration was in fact family reunification. In percentage terms, Jews accounted for the bulk of such émigrés (roughly half of all those leaving the country), followed by Georgians, Russians, Armenians and Greeks.

125. With regard to the right to freedom of movement in general, reference is made to the country's second periodic report under the International Covenant on Civil and Political Rights (paras. 254-267) and to its initial report under the International Convention on the Elimination of All Forms of Racial Discrimination (paras. 116-127).

#### **E. Recovery of maintenance for the child (art. 27.4)**

126. The information provided on this issue in the country's initial report (paras. 158-164) remains valid.

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

127. In its concluding observations (paras. 34 and 35), the Committee recommended that the State party should establish a code of standards to ensure that children deprived of the family environment received adequate care and protection. The Committee also recommended that the State party should reinforce its efforts to provide additional training for the staff of institutions and ensure the periodic review of placements in alternative care institutions. In addition, the Committee recommended that the State party should increase the level of resources allocated for the protection and care of children deprived of a family environment. Finally, the Committee recommended that the State party should increase its efforts to prevent institutionalization, including by providing vulnerable families with adequate support services.

128. With reference to this article, attention is drawn to the fairly detailed description of Georgia's system of children's homes, contained in the section on family environment and alternative care in the Government's written replies to the Committee's list of issues relating to consideration of the initial report. That same section contains information on a project on the deinstitutionalization of children being run by the Georgian Ministry of Education.

129. According to figures provided by the Ministry of Education, there are currently 36 such institutions under the Ministry's jurisdiction, funded from the central budget. In all, these are home to 3,929 children, 1,832 of them girls and 2,097 boys, from all over the country. The children's ages range from 3 to 17. These institutions may be subdivided into the following categories:

- There are 1,469 children aged between 3 and 17 in children's homes and residential schools for orphaned and abandoned children. Of these, 681 are girls and 788 boys. The children placed in these establishments come from families in severe economic and social difficulty, from broken homes and, in some cases, from the families of internally displaced persons;

- There are 2,460 children aged between 7 and 18 in residential schools for children with mental and physical disabilities. Of these, 1,151 are girls and 1,309 boys. Children are placed in these residential schools not solely because of their disabilities but also, in some cases, because of the severe hardship in their homes.

130. According to information from the Ministry of Education, the problem of orphans who have nowhere to go when they reach the maximum age for residence in children's institutions is becoming particularly acute. The local authorities responsible for placing these children in the homes or schools in question are unable to provide them with accommodation or employment.

131. There are two residential homes and one medical treatment centre for disabled children under the jurisdiction of the Ministry of Labour, Health and Social Welfare. In all, 157 children live in these establishments. Most of them are children with mental retardation or other mental disabilities, or with cerebral palsy. The staff of these establishments are trained in the education and raising of such children and in occupational therapy.

132. As for infants' homes, the total capacity of these in Georgia is 155 places. Children aged up to 4 are placed in such homes and these for the most part are children who have been rejected by their mothers in the maternity hospitals, the children of single mothers, dumped babies and others. These children are placed in the care of child-raisers and medical staff. When they reach the age of 3, healthy children are placed in children's homes, while those with disorders of the nervous system or other congenital disabilities are placed, on reaching the age of 4, in residential homes for disabled children.

133. Particular mention should be made of institutions for children in conflict with the law. Currently, Georgia has two such institutions for children in this category:

- (a) Special school, for young delinquents and offenders aged between 11 and 15;
- (b) Young persons' rehabilitation centre, for problem adolescents aged up to 18.

Both these institutions are under the jurisdiction of the Ministry of Education.

134. Currently, there are 40 children in the above-mentioned special school and 75 teenagers in the rehabilitation centre. In addition, the Ministry of Education also runs five rehabilitation centres for neglected children, capable of housing up to 250 children each. Alongside these, a number of rehabilitation centres have been opened by non-governmental organizations. There are five of these in Tbilisi, one in Zugdidi and another in Poti. The Poti municipality has taken on the responsibility for funding the centre in that town.

135. It is particularly difficult to raise the necessary funds to maintain these children's institutional care facilities. According to information provided by the Ministry of Economics, Industry and Trade, over the period 1995-1998 children's homes and residential schools were funded from the central budget. At that time, a mere 0.7 lari per day (as compared to a standard

rate of 2.5 lari) was allocated for the maintenance of each child. The resulting shortfall was made up, in the main, from humanitarian assistance. Since 1999, with a view to improving living conditions, all children's homes have been central budget-funded. In practice, however, given the country's severe budget deficit, the Government is unable to allocate sufficient funds for the full maintenance and care of the children. Thus, in 1999, the total level of funding allocated for children's homes measured 703,400 lari - 59.2 per cent of that earmarked in the budget. In 2000, central budget funding of children's homes dropped by a further 18.6 per cent.

136. Where State spending on the funding of residential schools is concerned, in 1998, 1,873,800 lari was allocated from the central budget for this purpose, representing 69.8 per cent of the earmarked funding. In 1999, 3,113,000 lari - or 58 per cent of the earmarked amount - was allocated for the maintenance of residential schools.

137. The Ministry of Economics, Industry and Trade points out that the situation of children in institutions is further exacerbated by the disrepair of most of the buildings occupied by children's homes and residential schools, while the Government lacks the funds for essential renovations. Added to this, the average salaries paid to the staff in children's homes are as low as 30.3 lari per month and to those in residential schools - 40 lari.

138. These institutions are regularly inspected by the appropriate services of the responsible authorities. According to information provided by the Ministry of Education, non-governmental organizations are actively involved in the work of institutional care establishments, primarily in conducting various charitable measures.

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

139. In its concluding observations (paras. 38 and 39), the Committee recommended that the State party should introduce proper monitoring procedures with respect to both domestic and intercountry adoptions. The Committee recommended that the State party should amend its legislation to ensure that information about the date and place of birth of adopted children and their genetic parents was made available to those children upon request. In addition, the Committee encouraged the State party to consider the possibility of acceding to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

140. It should be noted, under this section, that the information in the country's initial report relating to legal adoption procedures (paras. 173-179 and 181) remains valid. With regard to paragraph 182 of the initial report, we should point out that Georgia has now acceded to the Hague Convention, which entered into force for Georgia on 1 August 1999.

141. The new Criminal Code retains an article criminalizing breaches of the secrecy of adoption against the will of the adoptive parent (art. 175). This means that, in this area, the Committee's recommendation has not been followed: children are unable to exercise the right to obtain information about their own origins and biological parents if their adoptive parents do not wish this.

142. Over the period 1998-2000, a total of 63 children were adopted by foreign citizens and left the country. The geographical distribution of such adoptions is as follows (there are no figures for 1998):

- 1999: six children were adopted, two each by parents in Canada and the United States of America and one each by parents in Cyprus and the United Kingdom;
- 2000: 51 children were adopted, 32 by parents in Canada, 5 each by parents in Germany and the United States, 3 each by parents in Cyprus and Greece, 1 each by parents in France, Italy and Malta.

143. As pointed out by the Ministry of Education, there are a number of obstacles to adoption both within the country and by prospective parents abroad. One of the main such obstacles is determining the status of a child that has been put up for adoption. As an example, we may cite the case remarked on by the authors of the report on harmonizing Georgian law with the United Nations Convention on the Rights of the Child: for some strange reason, the Adoption Act does not apply to orphans and abandoned children. In addition, as pointed out by the Ministry of Education, there are numerous obstacles under Georgian law to the adoption of orphaned children and children deprived of parental care, while the direct intercountry adoption of Georgian children is becoming more frequent. Thus, in 2000, of 51 children adopted by parents abroad, only 5 came from children's homes, while the remainder were all handed over for adoption by their own parents. This raises the serious question as to how Georgian citizens are able, with the assistance of the same "intermediaries", to establish contacts with citizens of other countries. To address this situation, the Ministry of Education is preparing draft amendments to the relevant legislation.

144. In its concluding observations (paras. 36 and 37), the Committee recommended that the State party should provide adequate resources, both financial and human, for effective implementation of the new law on foster care; introduce programmes to raise awareness and promote 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.

145. As pointed out by the Georgian delegation in its introductory statement at the time of the consideration of the country's initial report, and as noted above in the present report, an important piece of legislation adopted in 1999 was the Orphans and Neglected Children (Adoption Procedure) Act. This act is based on the provisions of the Constitution and on the World Declaration on the Survival, Protection and Development of Children. The purpose of the act is to safeguard the pre-eminent right of the child to be raised in a family environment, to bring down the levels of abandonment of children, to help build the character of children and to promote their socialization and adaptation to community life.

146. Under this act, matters relating to the placement of children in adoptive families are the responsibility of the Ministry of Education, working through specially trained staff with the requisite character qualifications. An agreement must be drawn up between the Government and

the adoptive family, under which the adoptive parents receive a designated payment. In addition, the adoptive mother and father and the child receive a number of benefits, such as free travel on public transport throughout the country and medical insurance at State expense.

147. The Georgian Ministry of Education is currently continuing work on the implementation of a project begun in 1999 on the welfare of children and families, designed to promote alternative forms of childcare for abandoned or orphaned children. The project has as its priorities: first, support (returning the child to its biological family); second, prevention (reducing the risk that the child will be placed in the children's home); and, third, placement in a foster family. The project was designed to cover 150 children and 72 of these have already been returned to their family environment. The situation is monitored by 18 social workers, who have received special training under the supervision of a consultant brought from the United Kingdom.

148. At the same time, the Ministry of Labour, Health and Social Welfare points out that it is extremely difficult to apply the Orphans and Neglected Children (Adoption Procedure) Act in practice. The State programme and subsidiary regulatory instruments necessary for its implementation and stipulated by the act have not yet been elaborated. Nevertheless, pursuant to presidential decree No. 445 of 2 August 1999 on supplementary measures to ensure State support for orphaned children resident in Georgia, the Ministry of Labour, Health and Social Welfare has allocated 12,000 lari to assist 25 adoptive families. At the time of the presentation of this report, only one such family has benefited from the scheme, receiving a subsidy in the amount of 500 lari.

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

149. The new Criminal Code, in the chapter on offences against the family and minors, contains an article, No. 172, on trafficking in minors, paragraphs 2 and 3 of which provide penalties for the purchase or sale of minors or for the commission of any unlawful transactions involving minors, including for the purpose of their illicit transfer abroad. The chapter on offences against human rights and freedoms contains an article, No. 143, on the unlawful deprivation of liberty, which provides penalties for unlawfully restricting a person's liberty, including for the purpose of transporting that person abroad. Pursuant to the provisions of those articles, if the elements of a crime include the transporting abroad of the victim, this shall be deemed to be an aggravating circumstance. According to information provided by the Consular Department of the Ministry of Foreign Affairs, there were no recorded cases of the illicit transfer and non-return of children during the period under review.

150. The Hague Convention on the Civil Aspects of International Child Abduction entered into force for Georgia in October 1997.

#### **I. Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)**

151. In its concluding observations (paras. 40 and 41), the Committee recommended that the State party should take certain steps to develop a policy for the prevention of domestic violence, ill-treatment and abuse (including sexual abuse within the family). The Committee also

recommended that all appropriate measures should be taken to introduce mandatory reporting of such cases and to ensure that the perpetrators were punished. In addition, the Committee recommended that additional measures should be taken to ensure the physical and psychological recovery of child victims of violence. The Committee encouraged the State party to allocate the necessary funds to implement the State programme for the protection, development and social adaptation of minors and recommended that the State party should seek technical assistance from UNICEF.

152. We should note that the concept of “domestic violence” is not encountered or used in Georgian criminal law or criminal procedural legislation. Any violence or other offences are punished regardless of whether they were committed within or outside the family or by a person known or unknown to the victim. The Criminal Code contains no provisions criminalizing incest.

153. With regard to the issue of violence against girls, mention should be made here of presidential decree No. 64 of 25 February 2000, which ratified the plan of action to combat violence against women for the period 2000-2002. Particular attention is given in this plan to measures to combat violence against girls and, in general, to provide assistance and protection for the victims of violence. The commission set up to elaborate a State policy on women’s development is responsible for systematically monitoring implementation of the provisions of this plan of action.

154. As noted above, the sum of 3 million lari has been earmarked for the implementation over the period 2000-2003 of the State programme for the protection, development and social adaptation of minors. Whether or not this targeted level of funding is achieved depends very largely on the revenues entering the State budget in the current and coming years.

155. In its concluding observations (paras. 42 and 43), the Committee recommended that the State party should take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment, within the family, schools and care institutions. The Committee further recommended that the State party should organize public awareness campaigns to promote non-violent forms of disciplining children.

156. With regard to the above recommendations by the Committee, reference is made to the country’s second periodic report under the International Covenant on Civil and Political Rights (paras. 115-117), describing the Georgian approach to this issue. We should stress once again that corporal punishment, particularly of children, is totally unacceptable and inadmissible.

157. In addition to the above, the Committee’s attention is drawn to the fact that the Ndoba (“Trust”) social and psychological assistance centre, described in paragraph 193 of the initial report, is still in operation. In June 2000, the UNICEF representative held special training courses for staff from the centre. Familiarizing the staff with other countries’ experience in this area was of key importance in teaching new approaches to psychological and social assistance and rehabilitation. It is worth noting that the trainees on these courses included four volunteers - people who, in their time, had received assistance from the Ndoba centre and were now eager to assist others.

158. In view of the interest shown by the Committee in the Ndoba centre during the preparation and consideration of the initial report, further details about its activities are provided below. The Ndoba centre has the following permanent services:

- Hotline, by which specialist staff can provide psychological support, in particular, to children and adolescents. During the previous year alone, more than 800 children received assistance of this kind;
- Social and psychological consultation service, which provides, among other things, remedial psychological, social and legal assistance tailored to specific households with difficulties. Some 400 children received such assistance over the previous year;
- Children's and teenagers' readaptation club, in which, using the centre's own resources and creative initiatives, and with the application of group methods, efforts are made to promote the adaptation of children and teenagers. Over the previous year, more than 300 children and teenagers have received psychological and social assistance through the club.

159. Over the period 1999-2000, the Ndoba centre, working together with a number of international organizations, carried out a number of projects to provide psychological assistance to the children of internally displaced persons, to promote their psychological and social rehabilitation and to foster the development of teenagers, in the course of which some 800 children and teenagers received assistance.

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

160. As noted above, in the section on children deprived of a family environment, the institutions under the jurisdiction of the relevant ministries are also subject to regular departmental inspections. Non-governmental organizations are also involved in studying the situation in children's establishments.

161. As for the legislative framework applicable to the periodic review of the care and treatment of children placed in institutions, as noted by the authors of the report on harmonizing Georgian legislation with the United Nations Convention on the Rights of the Child, such arrangements have not yet been developed in Georgia.

162. In this section, attention should be drawn to the Orphans and Neglected Children (Adoption Procedure) Act, under which the care and guardianship authorities are responsible for monitoring the situation of adopted children, in terms of their living conditions, education and upbringing and health status (art. 16). In addition, under this act, the local care and guardianship authorities are obliged to check, every month, how well adoptive families are complying with their responsibilities and what activities they are undertaking (art. 19).

## **VI. BASIC HEALTH AND WELFARE**

### **A. Survival and development (art. 6.2)**

163. The legislative safeguards for the survival and development of children described in the country's initial report under the Convention (para. 197) remain in force. Over the reporting period, the Abortion Act was adopted, which is entirely consistent with Georgia's international obligations in this area of human rights, including the rights of the child. The new Criminal Code retains an article criminalizing the performance of illicit abortions (art. 133).

164. Aspects of social protection, welfare and health care are explored in the relevant sections of the present report. Suffice it to note here that, at more or less the same time as the present report, Georgia has submitted its second report on implementation of the International Covenant on Economic, Social and Cultural Rights to the relevant United Nations treaty body. This report provides fairly detailed information on issues relating to the right to survival and development. In this connection, reference should be made to the corresponding sections of the second periodic report under that Covenant, namely:

- With reference to article 9: on the right to social security and social insurance;
- With reference to article 12: on the right to the highest attainable standard of health.

165. More specific references will be made below, in the corresponding sections, to the appropriate paragraphs of that report.

### **B. Disabled children (art. 23)**

166. In its concluding observations (paras. 48 and 49), the Committee recommended that the State party should develop early identification programmes to prevent disabilities, increase its efforts to implement alternatives to the institutionalization of children with disabilities, establish special education programmes for children with disabilities and, where possible, encourage their inclusion in the regular school system and in society generally. The Committee also recommended that the State party should allocate adequate resources for the effective implementation of programmes and services for children with disabilities and also for their families. Furthermore, the Committee recommended that the State party should undertake a campaign to raise public awareness of the rights and special needs of children with disabilities. The Committee recommended in addition that the State party should seek technical assistance from the World Health Organization (WHO) for the training of special staff working with and for children.

167. Both the country's initial report under the Convention (paras. 200-210) and its written replies to the list of issues prepared by the Committee (section on basic health and welfare) contain extensive information on disabled children and measures to improve their situation.

168. In addition, relevant information on the social welfare of the disabled and official policy in this area is contained in Georgia's initial report under the International Convention on the Elimination of All Forms of Racial Discrimination (para. 244).

169. In addition to the above, we provide further information below submitted by the Ministry of Education and the Ministry of Labour, Health and Social Welfare.

170. According to information provided by the Ministry of Education, there are 20 special residential schools for mentally and physically disabled children under its jurisdiction. These provide accommodation and education for children aged between 7 and 18 from all regions of the country, irrespective of their ethnic background. Currently, the total number of children in such residential schools is 2,460 (1,151 girls and 1,309 boys). These establishments are funded from the central budget, as are the children's boarding and tuition costs. Funding levels could still be higher, however (see the section above on children deprived of a family environment).

171. In these residential schools, alongside the usual school curriculum, children receive essential medical care, learn certain vocational skills and acquire trades. Training workshops and school farms are attached to the schools. To the extent possible, physically and mentally disabled children also take part in sports competition, arts and crafts exhibitions and competitions.

172. There are two homes for disabled children under the jurisdiction of the Ministry of Labour, Health and Social Welfare, housing a total of 157 children. Work with these children is conducted in accordance with the social welfare programme for totally incapacitated disabled persons, under which full State care is provided for persons in this category. In addition, the Tbilisi children's home has a disabled children's section, where children remain until the age of 4.

173. To ensure the most effective use of budgetary resources, the disabled children's homes have been funded, since July 2000, on the basis of the work which they actually carry out, rather than by a priori allocation. Roughly 5.3 lari is allocated for each bed day in each children's home. Over the period July-December 2000, the full cost of the work performed by the homes was funded by the State - 97,800 lari. The work performed during the first quarter of the current year has also been fully funded.

174. The Ministry of Labour, Health and Social Welfare points out that, notwithstanding certain improvements in recent years in the budget funding of institutional establishments, this programme is still underfunded. It is unable to provide full funding for rehabilitation work, particularly that of a social nature, which in turn seriously hampers the task of integrating disabled children into society. The material and technical infrastructure of these institutions is also not up to modern standards and the teaching and nursing staff are in serious need of further training.

175. A fee-based programme to bring disabled children out of institutions has been developed in conjunction with the non-governmental organization First Step. The programme is targeted at certain categories of children deprived of parental care and at the families of such children, and explores the possibility of returning such children to their biological families.

176. The Ministry of Labour, Health and Social Welfare has also prepared a programme for the countrywide reform of the system of institutionalizing disabled children. The programme makes provision not only for the careful and professional preparation of families to which such

children will be returned but also for measures to promote a more positive attitude among the public to such children and to set in place the necessary infrastructure for them. This is a matter of utmost importance for disabled children.

177. The reform programme has set itself the goal of developing systems, based on international standards, capable of revitalizing institutional establishments, creating a network of multi-profile rehabilitation day centres, making effective use of the available human resources in this area, improving the relevant legal and regulatory framework and other measures. In addition, the programme includes the creation of a system of home-based care for disabled children. An intersectoral working group needs to be set up to ensure that the programme is effectively implemented. Ultimately, the programme aims to ensure a substantial improvement in the opportunities available to children in this category for psychological, educational and social rehabilitation.

### **C. Health and health care (art. 24)**

178. In its concluding observations (paras. 44 and 45), the Committee recommended that the State party should allocate appropriate resources for the implementation of the national health policy and, where appropriate, develop additional policies and programmes to improve the health situation of children. The Committee also recommended measures to facilitate greater access to and quality of primary health services and to ensure the availability of vaccines. In addition, the Committee recommended the adoption of measures to reduce the incidence of maternal and child mortality, to prevent malnutrition and to increase access to safe drinking water and sanitation. The Committee encouraged the State party to continue its cooperation with respect to the initiative on the integrated management of childhood illnesses.

179. We should point out that the issues covered under this article of the Convention are also addressed by several other United Nations human rights instruments. Last year and this year Georgia has submitted initial and periodic reports under these instruments to the relevant treaty bodies. These contain information which is largely relevant to the Committee's recommendations and will give an idea of the extent to which they have been put in practice.

180. We reproduce here some of the information of particular relevance contained in the country's second periodic report under the International Covenant on Economic, Social and Cultural Rights.

181. Presidential decree No. 179 of 7 May 2000, on urgent measures to implement the conceptual underpinnings of social development in Georgia, approved initiatives, first, on a national health-care policy and, second, on a strategic plan to develop health care in Georgia over the period 2000-2009. The results of the first year of the strategic plan are currently being evaluated. The plan is based on the long-term macroeconomic forecast drawn up by the Ministry of Economic Affairs in 1999, which has itself undergone significant correction in the past year. The financial component of the strategic plan is currently being reworked to bring it into line with the revised microeconomic indicators in the forecast.

182. The following table indicates the level of centralized funding for health-care programmes over the period 1997-2000.

**Table 1**

Year	Planned indicator (thousands of lari)	Percentage executed
1997	49 313	56.5
1998	54 220	58.0
1999	52 800	55.3
2000	48 000	80.9

183. The following tables, taken from the *Georgian Statistical Yearbook for 2000*, published by the State Statistics Office, provide the principal public health indicators for Georgia.

**Table 2****Death rates by age**

	Death rate per 1,000, by age				
	1990	1996	1997	1998	1999
Total population	8.5	6.4	7.0	7.3	7.9
Of which aged:					
0-4	4.1	3.5	3.5	3.1	3.2
5-9	0.3	0.2	0.2	0.2	0.2
10-14	0.3	0.1	0.1	0.2	0.2
15-19	0.6	0.3	0.3	0.4	0.4
20-24	1.0	0.6	0.6	0.7	0.6
25-29	1.3	0.9	0.9	0.9	0.9
30-34	1.6	1.2	1.3	1.2	1.2
35-39	2.2	1.7	1.9	1.8	1.8
40-44	3.2	2.6	2.5	2.6	2.6
45-49	5.0	3.4	3.4	3.5	3.6
50-54	7.4	5.5	4.9	5.2	5.3
55-59	11.0	7.9	7.6	7.3	7.1
60-64	17.1	11.7	13.1	12.8	13.7
65-69	24.6	17.9	19.5	20.9	22.0
70+	72.6	45.0	68.0	48.1	52.4

**Table 3**  
**Incidence of principal categories of disease**

	1995	1996	1997	1998	1999
Incidence of disease (first-time diagnosis) (thousands of cases)	778.5	401.5	366.6	433.7	440.1
Of which:					
Infectious and parasitic diseases	19.4	35.5	38.1	37.6	33.0
Neoplasms	3.2	3.8	4.2	5.6	6.2
Endocrine diseases, metabolic disorders	9.3	14.8	25.4	42.6	33.9
Diseases of the blood and blood-forming organs	3.5	5.0	4.8	6.0	6.7
Psychiatric disorders	2.9	3.1	4.2	6.9	6.5
Diseases of the nervous system and sensory organs	19.3	19.2	23.7	33.3	36.0
Diseases of the circulatory system	23.6	17.1	27.0	51.6	47.4
Diseases of the respiratory organs	172.5	160.3	122.7	130.4	151.8
Diseases of the digestive system	128.3	79.8	52.6	44.5	41.4
Diseases of the urogenital system	15.5	15.6	15.7	18.1	24.4
Complications during pregnancy, childbirth and the post-natal period	2.2	2.7	4.1	4.1	5.2
Diseases of the skin and hypodermic cellular tissue	27.5	15.6	14.4	18.8	15.1
Diseases of the musculoskeletal system and connective tissue	4.4	3.6	5.0	7.4	7.9
Birth defects	0.6	0.7	1.1	1.7	1.5
Specific perinatal conditions	0.2	0.7	1.4	2.6	3.1
Symptoms, signs and ill-defined conditions	0.7	1.1	0.4	1.7	1.3
Injuries, poisoning	45.4	22.9	21.8	20.8	19.1

**Table 4**  
**Incidence of principal categories of disease among children aged 0-14**

	1995	1996	1997	1998	1999
Incidence of disease (first-time diagnosis) (thousands of cases)	204.6	196.5	148.7	151.8	139.5
Of which:					
Infectious and parasitic diseases	8.5	19.5	19.2	17.2	14.4
Neoplasms	0.1	0.0	0.8	0.2	0.1
Endocrine diseases, metabolic disorders	3.0	6.4	7.7	13.6	9.1
Diseases of the blood and blood-forming organs	2.6	3.3	3.1	3.1	2.8
Psychiatric disorders	0.2	0.2	0.3	0.6	0.6
Diseases of the nervous system and sensory organs	6.5	9.2	11.6	13.9	12.1
Diseases of the circulatory system	0.9	1.2	1.6	1.3	1.5
Diseases of the respiratory organs	100.9	97.4	79.8	72.5	73.9
Diseases of the digestive system	55.7	42.6	7.3	10.3	6.3
Diseases of the urogenital system	2.0	2.4	2.7	2.8	3.0
Diseases of the skin and hypodermic cellular tissue	7.2	5.0	5.2	5.7	5.0
Diseases of the musculoskeletal system and connective tissue	1.2	1.0	1.5	0.8	0.2
Birth defects (developmental disorders)	0.5	0.5	0.6	1.3	1.2
Specific perinatal conditions	0.3	0.2	0.5	2.6	3.0
Symptoms, signs and ill-defined conditions	1.1	0.6	0.6	1.4	1.1
Injuries, poisoning	13.9	7.0	6.2	4.5	4.2

**Table 5**  
**Infant mortality, under 1 year**

Years	Total	Boys	Girls	Towns	Countryside
1998	710	437	273	629	81
1999	713	430	283	641	72

**Table 6**  
**Infant mortality, under 5 years**

Years	Total	Boys	Girls	Towns	Countryside
1998	820	503	317	684	136
1999	796	481	315	683	113

**Table 7**  
**Breakdown of infant mortality (under 1 year) by region**

Region	1997	1998	1999
Tbilisi	26.0	29.4	42.9
Ajara	23.4	24.0	23.4
Guria	6.6	8.0	12.2
Racha-Lechkhumi and Kvemo Svaneti	14.1	8.2	7.2
Samegrelo and Zemo Svaneti	10.6	10.1	6.1
Mtskheta-Tianeti	5.7	3.7	17.1
Samtskhe-Djavakheti	12.4	9.2	12.6
Kvemo Kartli	10.0	6.0	9.9
Imereti	10.7	9.3	21.2
Kakheti	8.7	12.7	17.1
Shida Kartli	14.7	11.9	15.4
Georgia	15.3	15.2	17.5

Vaccine	1998		1999	
	Number immunized	Coverage (per cent)	Number immunized	Coverage (per cent)
Diphtheria, tetanus, pertussis	45 629	89.2	47 709	97.7
Rubella	53 098	95.5	54 029	97.0
Tuberculosis	48 199	73.9	44 581	95.2
Poliomyelitis	48 622	95.0	49 858	98.0

184. Figures provided by the Ministry of Labour, Health and Social Welfare show that, in 1998, 1,247,275 children and teenagers aged between 0 and 18 were registered with Georgian clinics and outpatient services. Of these, 1,017,678 were aged between 0 and 14, and 49,891 of them under 1 year of age. The corresponding figures for 1999 were 1,123,346 children and teenagers aged between 0 and 18; 990,859 aged between 0 and 14; and 47,537 aged below 1.

185. In addition, the above-mentioned report under the International Covenant on Economic, Social and Cultural Rights provides data on the number of women with access to professional medical assistance in childbirth and on maternal mortality over the period 1998-1999 (para. 202). The same report contains brief information on reducing stillbirths and infant mortality (paras. 207 and 208). We also refer to Georgia's second periodic report under the International Covenant on Civil and Political Rights, which reviews issues of mother and child health in the context of the exercise of the right to life (paras. 90, 91 and 94-96).

186. In the report under the International Covenant on Economic, Social and Cultural Rights, statistics are provided about the number of abortions performed over the period 1997-1999, including early safe induced abortions (mini-abortions), disaggregated by age group, together with information on family planning (para. 225).

187. The same report provides a detailed review of the primary health-care system (paras. 214-217), and universal access to health care (para. 213). The latter issue is also covered in Georgia's initial report under the International Convention on the Elimination of All Forms of Racial Discrimination, which looks at legislative and practical aspects of access to medical care on a non-discriminatory basis (paras. 234-237).

188. In addition, in its written replies to the list of issues prepared by the Committee (section on basic health and welfare), Georgia provides information on the implementation of a number of government health-care programmes. The Ministry of Labour, Health and Social Welfare confirms that these programmes have continued to operate over the period from mid-2000 to date.

189. With regard to public nutrition, reference is made to Georgia's second periodic report under the International Covenant on Economic, Social and Cultural Rights (paras. 148-162). The issue of access to safe drinking water and sanitation is covered in the same report, in paragraphs 192-197. Attention may be drawn to the following salient points:

- The overall level of food production in Georgia is very low, owing to a number of legal, financial and social factors;
- Imports of food into Georgia far outstrip its food exports, a constant imbalance over the period 1997-2000;
- Over the period 1997-1999, there was a net drop in food consumption levels, measured by all the main parameters;
- The public is, by and large, poorly informed about healthy eating habits, and very little has been done to raise awareness of this matter;
- The situation regarding the supply of safe and good quality drinking water may be categorized as inadequate;
- A large part of the country's sewerage and water treatment facilities are run down, posing a serious risk of the spreading of diseases.

190. According to the Ministry of Economics, Industry and Trade, there are no companies in Georgia specializing in the production of baby foods and imported foods are either of extremely low quality or unaffordable for most of the population. The quantities of baby foods reaching the country in the form of humanitarian aid are insignificant and, in any event, decreasing. In order to resolve this problem, in January 2000, the Georgian President issued a decree ratifying the blueprint for the development of a baby food production sector in Georgia and, in March 2000, a State commission was set up to develop a government programme in this area.

191. In its concluding observations (paras. 46 and 47), the Committee recommended that the State party should increase its efforts in promoting adolescent health policies and child-friendly counselling services. The Committee also recommended the strengthening of reproductive health education, including the promotion of acceptance by men of the use of contraceptives. In addition, the Committee suggested that a comprehensive and multidisciplinary study should be undertaken to ascertain the scope of adolescent health problems, including children infected with or vulnerable to HIV/AIDS and sexually transmitted diseases. The Committee recommended that the State party should take effective measures to mobilize financial and human resources, to increase the number of social workers and psychologists and to develop youth-friendly care and rehabilitation facilities for adolescents. It was further recommended that the State party should seek technical assistance from UNICEF and WHO, among others.

192. With reference to the above recommendations, attention is drawn, primarily, to the relevant information provided in the section on basic health and welfare in Georgia's written replies to the Committee's list of issues.

193. With regard to the issue of counselling services, reference is also made to paragraph 225 of Georgia's second periodic report under the International Covenant on Economic, Social and Cultural Rights and to paragraph 81 of its second periodic report under the Convention on the Elimination of Discrimination against Women.

194. According to the Ministry of Labour, Health and Social Welfare, over the last three years there has been a steady increase in the levels of venereal disease among adolescents. According to information provided by the State Statistics Office, the number of patients with a first-time diagnosis of a venereal disease declined significantly over the period 1998-1999. We believe that the country is facing a critical situation. With regard to the HIV/AIDS problem, according to UNICEF figures, taken from official sources, as of July 2000 there were more than 130 registered cases of HIV infection in Georgia. According to WHO experts, however, the actual level of those infected with and suffering from AIDS in Georgia is as high as 1,000. According to the Ministry of Labour, Health and Social Welfare, no cases of AIDS have been identified among people aged under 18. Yet, at the end of last year, an independent broadcasting station in Georgia reported that a child had been born with congenital AIDS.

195. In June 2000, a meeting was held in Odessa, Ukraine, bringing together representatives of the three Caucasian States - Armenia, Azerbaijan and Georgia - to discuss the issue of elaborating national policies to prevent HIV/AIDS. The meeting was attended by government delegations and representatives of non-governmental organizations and donor bodies. The outcome of the meeting was a road map for the development of strategies in all three countries to prevent HIV/AIDS. At the next stage, it is planned to amalgamate detailed plans of action from each of the participating countries into a centralized Transcaucasian strategy and to develop a common plan of action for the prevention of HIV/AIDS in the region. UNICEF has taken on itself the role of steering this process and, in conjunction with the United Nations joint programme on HIV/AIDS, will be responsible for raising funds for its implementation.

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

196. With reference to the issues covered by these articles of the Convention, attention is drawn to the comments in the country's initial report, contained in paragraphs 237-239, which remain valid.

197. With regard to the information provided in paragraph 239 of that report, we can add that, at the current time, the State is providing welfare payments of 14 lari per month for children who have lost their breadwinner and for disabled children aged up to 16. In addition, the State provides social insurance for persons in the following categories: first, children of internally displaced persons; second, underage single mothers; third, children receiving loss-of-breadwinner welfare payments; fourth, orphans; and, fifth, disabled children aged up to 16.

198. Paragraph 240 of the initial report describes the introduction in Georgia of a new system of State support for certain socially vulnerable population sectors - a form of family benefit. Over the period under review, there have been changes to both the categories of beneficiaries and the levels of funding of this State programme. More detailed information on this matter may be found in Georgia's second periodic report under the International Covenant on Economic, Social and Cultural Rights, in paragraphs 122 and 123.

199. In this context, it may be useful to cite figures provided by the Ministry of Economics, Industry and Trade, which show that the households in the worst economic situation are those with children aged below 15. Poverty levels in 1999 were substantially higher for all types of family in this category than in 1998. This applies in particular to families with three and more children, of which 71.6 per cent were below the poverty line, representing an increase of 16.8 per cent. The highest poverty levels among families with large numbers of children are to be found in the towns and cities, where 8 of every 10 large families live below the poverty line.

200. Paragraph 242 of the country's initial report under the Convention describes the system of children's pre-school establishments. The number of such pre-school establishments has fluctuated during the period under review, showing an overall decline. This downward trend also applies to the number of children attending such establishments, as evidenced by data provided by the Georgian State Statistics Office. The Ministry of Economics, Industry and Trade attributes this trend to the steady decline in funding provided for State pre-school establishments since 1990. Currently, these establishments are funded from local budgets and, in areas where funding is limited, many kindergartens have had to close or become self-financing. While in 1990 there were 42,800 children aged between 0 and 2 and 166,200 children aged between 3 and 6 attending crèches and kindergartens, in 1999 these figures had dropped, respectively, to 10,500 and 63,400. The Ministry identifies the following reasons for this decline: financial difficulties, deterioration in living conditions, unresolved problems with food and heating, high unemployment levels among parents and their low income.

201. Among other measures designed to benefit children in particular, attention should be drawn to the following (figures provided by the Ministry of Labour, Health and Social Welfare):

- Over the period 2000-2001, 225 mothers of large families received benefits totalling some 46,300 lari under the lump-sum benefit programme;
- More than 190,000 needy households, most of them families with children, benefited from the winter-heating programme implemented with the support of the United States Agency for International Development;
- The Georgian office of the International Federation of Red Cross and Red Crescent Societies, with financial assistance from the German Red Cross, carried out a humanitarian food aid programme in four Georgian cities, Tbilisi, Rustavi, Kutaisi and Batumi. The programme's beneficiaries were the following vulnerable groups: large families, single mothers with multiple children, and families with disabled children.

#### **E. Standard of living (art. 27.1-3)**

202. In its concluding observations (paras. 50 and 51), the Committee recommended that the State party should increase its efforts to provide material assistance and support to economically disadvantaged families and guarantee the right of children to an adequate standard of living. In this context, the State party was urged to promote programmes to discourage and prevent child begging. The Committee encouraged the State party to proceed with the programme, in cooperation with the World Bank, to eradicate poverty, especially among children.

203. The comments in the country's initial report relating to this matter (para. 243) continued to apply over the period under review. This is also true of the first two sentences of paragraph 244 of that report: "The standard of living of children is a reflection of the standard of living of adults. At this level, our unsolved problems outweigh the achievements."

204. At more or less the same time as the present report, Georgia submitted its second periodic report under the International Covenant on Economic, Social and Cultural Rights. This latter report provides information on the standard of living in Georgia and on measures, both planned and under implementation, to improve the standard of living. Accordingly, we provide below information from that report of particular relevance to implementation of the article under consideration.

205. In December 2000, based on average prices, the subsistence minimum in Georgian towns, calculated by standards valid for that period, was as follows: for men of an employable age - 104.5 lari, for the average consumer - 100.4 lari, for the average family - 199.2 lari. For different types of family, the subsistence minimum, calculated on this basis, has fluctuated as follows:

**Table 8**

Family	One member	Two members	Three members	Four members	Five members	Six and more members
December 1999	96.7	154.8	174.1	193.5	217.6	301.8
2000						
January	103.4	165.5	186.2	206.9	232.7	322.7
February	104.0	166.3	186.1	207.9	233.9	324.4
March	102.2	163.5	183.9	204.4	229.9	318.8
April	103.3	165.3	186.0	206.6	232.5	322.4
May	100.5	160.8	180.9	201.1	226.2	313.6
June	99.0	158.3	178.1	197.9	222.7	308.8
July	96.1	153.8	175.0	192.2	216.2	299.8
August	98.5	157.5	177.2	196.9	221.5	307.2
September	99.3	158.9	178.8	198.7	223.5	309.9
October	100.4	160.7	180.8	200.9	226.0	313.3
November	101.7	162.7	183.1	203.4	228.8	317.3
December	100.4	160.7	180.8	200.9	226.0	313.4

206. The subsistence minimum in the capital, Tbilisi, is 4 per cent higher than the average level for the country as a whole.

207. The standard minimum wage, in other words, the wage which, in the conditions which have emerged over the recent past, would be sufficient, alongside other income, to ensure that a four-member family could live within its budget at the subsistence minimum level, was calculated as 43.5 lari per person in employment (December 2000). The minimum wage (20 lari) amounts to 43.9 per cent of that standard wage.

208. The following table shows income statistics for the period 1995-1999.

**Table 9**

Indicator	Unit	1995	1996	1997	1998	1999
Monetary income of the population	millions of lari	1 164.0	2 500.0	1 800.0	1 751.8	1 723.7
Monetary spending of the population	millions of lari	1 077.0	2 454.6	2 390.0	2 534.6	2 677.2
Average wage	Lari	13.6	29.0	42.5	127.6	114.4
Increase in actual monthly earnings	per cent	134.4	152.9	139.8	123.2	103.6
Minimum consumption basket	Lari	41.3	47.7	182.7	183.9	193.5
Minimum food basket	Lari	28.9	33.4	128.0	128.7	135.5

209. For a definition of the term “home” we refer to Georgia’s second periodic report under the International Covenant on Civil and Political Rights, paragraph 419.

210. For information on legislative safeguards of the right to housing, reference is made to Georgia’s initial report under the International Convention on the Elimination of All Forms of Racial Discrimination, paragraphs 221-230. This report also contains statistics (para. 231) and a brief survey of the actual housing situation in Georgia (para. 232).

211. The Ministry of Town Planning and Construction and the Ministry of Justice have provided additional information of relevance to the right to adequate housing, and this is reproduced below.

212. According to current statistics, Georgia has 101.5 million m<sup>2</sup> of housing stock. Of this:

- 18.5 million m<sup>2</sup> is owned by local authorities (municipal housing), of which 15 million m<sup>2</sup> or 280,000 apartments have been privatized;
- 4.5 million m<sup>2</sup> is owned by administrative or economic entities, with 2 million m<sup>2</sup> or 34,000 apartments privatized;
- 4.5 million m<sup>2</sup> belongs to building and loan associations, with 2.8 million m<sup>2</sup> or 32,000 apartments privatized;
- 74 million m<sup>2</sup> of housing is privately owned, 20 million m<sup>2</sup> in the towns and 54 million m<sup>2</sup> in the countryside.

213. Of the current housing stock, 24 million m<sup>2</sup> or 9,000 buildings are technically substandard and 1,200 buildings have been condemned. The estimated cost of upgrading Georgia’s housing stock is 750 million lari.

214. In the period 1997-2000, 71,500 m<sup>2</sup> of new housing was built with public funds and 490,000 m<sup>2</sup> by private contractors.

215. The following statistics refer to the provision of amenities in current housing stock:

- 97.5 per cent of homes have a water supply;
- 94.6 per cent have sewerage;
- 86.2 per cent have a bathroom;
- 55.5 per cent have running hot water;
- 98 per cent have central heating;
- 76 per cent have natural gas;
- 12 per cent have electric cooking facilities.

216. By way of commentary to these statistics, it should be borne in mind that, owing to the difficult economic climate in Georgia, practically the entire national housing stock lacks hot water and central heating at the present time.

217. According to information available to the authorities, some 110,500 families or approximately 386,750 people are currently homeless. Overall, 20.5 million m<sup>2</sup> of housing stock or 20.2 per cent of the total is dilapidated, unsafe, needing repair, or lacking amenities, yet is home to 1,138,800 people.

218. Residential construction projects are currently handled by public and private corporations or by individual contractors. Provided the necessary permit is obtained, no obstacles are placed in their way. Construction projects are financed from various sources, but private construction companies are not publicly funded and commonly make use of bank loans (unless they invest their own capital).

219. In the light of the foregoing, it is clear that the provision of housing to socially disadvantaged population groups is a very serious problem. Pursuant to the national programme to combat poverty and promote economic growth, the Ministry of Town Planning and Construction has drawn up a draft national housing programme. As part of the World Bank's technical assistance programme, experts from that organization have been involved in drawing up a housing reform programme. Implementation of this programme, however, has stalled, for want of funding.

220. The Ministry of Town Planning and Construction considers the improvement of the legislative framework to be an essential step in addressing the problems which impede the realization of the right to housing and the construction of living accommodation. To this end, the Ministry has prepared a bill on condominiums, which it has submitted to the Government for its consideration. Other bills on town planning and a draft enactment on building regulations for Tbilisi have been prepared and are currently at the consultation stage.

221. With regard to the problem of so-called "street children", the following information is provided to the Committee. Over the period 1996-1998, the non-governmental organization Children and the Environment carried out a project on street children in Tbilisi designed to provide psychological and social rehabilitation for children in this category and to give them material support. Under the project, in September 1997 a shelter was created for street children, accommodating 50 children by day and 20 by night. The project was funded by various international organizations and foundations. In 1999, with assistance from a local non-governmental organization and the British Embassy in Georgia, the Tbilisi street children's project was allocated a plot of land as a means of boosting the material situation of these children. The land has been developed as a fruit and vegetable farm, the proceeds from which are used for the benefit of the children.

222. Since January 2000 the UNICEF office in Georgia has been funding a special programme for street children, which is also being implemented by Children and the Environment. Under the programme, cultural and educational activities are conducted by teachers, psychologists and

sociologists with the children on the streets. The children are given the materials that they need for their studies, toys and other materials. The task of discouraging and preventing child begging is closely interlinked with efforts to mitigate poverty in the country.

## VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

### A. Education, including vocational training and guidance (art. 28)

223. In its concluding observations (paras. 52 and 53), the Committee recommended that the State party should take all appropriate measures, including the allocation of adequate financial, human and technical resources, to improve the situation of education and ensure that all children enjoyed the right to education. The Committee also recommended that the State party should seek to implement additional measures to encourage children to stay in school, particularly during the period of compulsory education, and to facilitate pre-school education. The Committee encouraged the State party to take all appropriate measures to improve the quality of teaching, to develop child-friendly schools and to facilitate the introduction of traditional languages into the school curriculum. The State party was recommended to seek to strengthen its educational system through closer cooperation with UNICEF and the United Nations Educational, Scientific and Cultural Organization.

224. Below are statistics providing an overview of the education sector in Georgia.

**Table 10**

#### Level of education of the population

	1979	1989	1999
Total number of persons aged 10 and over with complete or incomplete higher or secondary education (per 1,000 persons in this age range)	698	798	871
Portion of this total with:			
Higher education	103	137	201
Incomplete higher education	19	22	40
Specialized secondary education	100	169	174
General secondary education	292	328	330
Incomplete secondary education	184	142	125

**Table 11**

**Educational establishments: Number of students and pupils (at beginning of academic year)**

	Number of institutions			Number of students (pupils) (in thousands)		
	1997/98	1998/99	1999/2000	1997/98	1998/99	1999/2000
Pre-school establishments	1 224	1 241	1 229	74.9	74.2	74.0
State general education schools	3 223	3 237	3 201	721.8	722.5	714.4
Elementary vocational and trade schools	99	98	84	17.8	18.4	16.8
State secondary specialized educational establishments	81	83	85	30.7	32.4	29.9
Private (fee-paying) secondary specialized educational establishments	47	58	58	5.2	7.2	6.8
State higher educational establishments	23	24	24	87.3	90.1	95.0
Private (fee-paying) higher educational establishments	159	154	162	40.2	38.3	40.1
Postgraduate institutions	66	66	69	1.9	1.8	1.8

225. In recent years, the number of pupils attending secondary general educational and specialized schools (expressed per 1,000 of population) has remained fairly stable, whereas the number of students attending higher educational establishments has risen significantly.

**Table 12**

**Breakdown of pupils at daytime general educational schools, by language of instruction**

	1997/98	1998/99	1999/2000
Total number of pupils (in thousands)	714.6	715.8	707.6
Of which taught in:			
Georgian	600.0	603.1	600.4
Russian	44.4	43.7	40.8
Azerbaijani	41.9	41.0	39.6
Armenian	28.0	27.8	26.7
Ossetian	0.2	0.2	0.2

226. During the reporting period there was a decline in the number of educational institutions in this category, and also a decline in the number of students enrolling in or graduating from vocational schools. During the period 1997-1999 the number of educational establishments in this category declined from 99 to 84, and the number of students from 19,600 to 16,800. The annual intake fell from 11,100 to 7,100, and the number of those completing their courses from 10,100 to 7,200.

227. During the reporting period, the number of State secondary specialized educational establishments increased from 81 in 1997 to 85 in 1999. Meanwhile the number of students fell from 30,770 in 1997 to 29,900 in 1999, principally owing to the decline in the number of students taking distance-education courses. The number of privately run schools in this category increased from 47 to 58, as did the number of enrolled students (from 5,800 to 6,800). Fee-paying courses are offered during the daytime only.

228. Education for mentally and physically disabled children is provided by 14 residential institutions catering for 2,460 children (1,151 girls and 1,309 boys) aged between 7 and 18. Analysis of recent data reveals that the number of children in residential institutions has steadily increased, from 1,551 in 1997 to 2,460 in 2000.

229. Information received from various sources indicates that, over the reporting period, public expenditure on education has declined steadily. In 1999 budget appropriations for education did not exceed 2.2 per cent of GDP. In absolute terms the sum involved was just less than 30 million lari. Against the backdrop of a chronically underfunded education system, as noted in the UNDP *Human Development Report 2000* for Georgia, propitious circumstances have developed for an informal system of payments whereby Georgian households fund much of the budget of educational institutions from their own resources. They contribute to so-called "school funds" and provide fuel to heat school buildings in wintertime, etc. In addition, official fees are payable at private secondary and higher educational establishments.

230. As a result of negotiations that have been going on since 1998, an agreement has been signed under which the World Bank has undertaken to lend US\$ 60 million to the Georgian Ministry of Education. This money will be spent exclusively on the secondary school system. The following priorities have been selected:

- Establishment of national standards and curricula; development and introduction of new textbooks complying with national standards and curricula, and provision of teaching support materials to schools;
- Enhancement of training and refresher courses for teachers in line with new standards;
- Modification of the assessment system in secondary schools; introduction of computerized administration systems; and formulation of administrative policy in the educational sphere;
- Optimization of a model for teachers' salaries. It should be noted that in executing loan projects a mechanism exists to ensure public scrutiny of the targeted use of funds.

This kind of monitoring can be performed by non-governmental organizations. When Georgia submits its third periodic report, we may be in a position to announce the results achieved during the implementation of these projects.

231. We should point out that, during the reporting period, the legislative framework governing the education system, as described in the country's initial report under the Convention (paras. 250 and 255-257) remains in place. We also draw the Committee's attention to relevant information contained in the country's initial report under the International Convention on the Elimination of All Forms of Racial Discrimination (paras. 255-265), in which it will find statistics on equal access to education at all levels (paras. 266, 267 and 271) for ethnic minorities.

232. In addition, we provide information below on the system of daytime general education schools during the 2000/01 school year, on the introduction in Georgia of the so-called "active teaching" method and on certain new initiatives relating to teaching of the Convention.

233. Ministry of Education figures show that, during the current year, there were 3,157 daytime general education schools in total, three more than the year before. Of these, the number of primary schools has increased from 791 to 800 and of full-cycle secondary schools from 1,631 to 1,652, while that of basic secondary schools has dropped from 732 to 705.

234. During the current school year, the total number of schoolchildren at all levels is 697,400, comprising 380,500 boys and 316,900 girls, representing a drop of 15,000 from the previous year's totals. This decline has been most pronounced in basic secondary schools, where totals have dropped from 94,400 to 85,100. One of the primary reasons for this has been the declining birth rate in the country in recent years: children entering the school system in 2000/01 were born in 1993.

235. In 2000, 631 pupils dropped out of school (182 girls and 449 boys). Of these, 527 were in the cities and 194 in the countryside. The vast majority of the children dropping out of school were pupils in the Georgian-medium schools (617 children), reflecting a constant trend over the reporting period. At the same time, we should note that the school dropout figures for 2000 are the lowest for the last four years.

236. There has been an increase in the relative number of school-leavers completing the full school cycle: expressed as a proportion of the total number of schoolchildren this has climbed from 51.6 per cent in 1997 to 62.2 per cent in 2000. At the same time, the absolute numbers of school-leavers has substantially dropped - from 9,763 in 1997 to 7,256 in 2000.

237. There are 454 schools operating a hot-seating system: the number of children attending classes in the second shift is 77,400. The majority of these are urban children. Three of these schools have a triple shift system: 499 children attend classes in the third shift, nearly all of them in city schools.

238. In the 2000/01 school year, a substantial number of schoolchildren exercised their right to education by following remote education programmes. Of these:

- 307 children (162 in towns and 145 in the countryside) sat the basic secondary school leaving exams as external candidates and received their school-leaving certificates;
- 943 children (777 in towns and 166 in the countryside) sat the full secondary school leaving exams as external candidates and received their school-leaving certificates;
- 2,775 children followed special home-based study programmes (930 in towns and 1,845 in the countryside).

239. In the current school year, there are 187 Russian-medium, 168 Azerbaijani-medium and 155 Armenian-medium schools operating in Georgia, attended by 38,102, 38,175 and 25,938 children, respectively. Particular attention is given in these schools to the study both of the children's native language and literature and of the Georgian language. Thus, in Russian schools 73 school periods are devoted to Russian language and literature and 70 school periods to Azerbaijani and Armenian language and literature in the Azerbaijani and Armenian schools. At the same time, the number of periods devoted to Georgian, which is now taught from the first grade, has been substantially increased in ethnic minority schools.

240. The principal problems faced by non-Georgian schools include the disrepair of many of the school buildings, the shortage of textbooks and other materials and the lack of qualified teachers for certain subjects.

241. Since 2000, the Georgian Ministry of Education, with support from UNICEF, has embarked on a project to promote the so-called "active teaching" method in schools. Under this method, children play a much more active part in the educational process and are encouraged to engage in discussion and to develop their creativity in class. Over the reporting period, a series of basic seminars was held to train a group of specialists in the method. In the next stage, these specialists conducted training courses for the teachers themselves. Initially, the "active teaching" method was introduced in six secondary schools in Tbilisi. In the current school year, this new teaching method is being followed in 10 schools, both in Tbilisi and in some of the country's district centres. The programme is primarily aimed at teachers in the lower classes. It is hoped that the "active teaching" method will enable schoolchildren to think more independently and to develop decision-making skills and the ability to understand other people, which will greatly assist them in their future lives.

242. The Tbilisi International Human Rights School, a non-governmental organization in Georgia, working with assistance from the Georgian office of the Organization for Security and Cooperation in Europe (OSCE) and financial support from the Office for Democratic Institutions and Human Rights has prepared the translation into Georgian of a teaching manual on human rights, entitled *First Steps*. The manual has been published in a fairly large print run (2,000 copies), and distributed to schools in Tbilisi, Kutaisi, Batumi, Rustavi, Poti and Mtskheta, as well as to other areas of the country. A cartoon film on the issue of human rights protection, prepared by the United Nations, has also been screened in Georgian.

### **B. Aims of education (art. 29)**

243. The comments in the country's initial report under the Convention, contained in paragraphs 261 and 262, remain valid. With regard to the training of schoolteachers taking classes in human rights (paragraph 262 of the initial report), there have been certain positive developments during the period under review. Detailed information about these may be found in the section on education, leisure and cultural activities in Georgia's written replies to the Committee's list of issues.

244. With reference to the issue of educational opportunities for minors in custody, reference is made to the country's second periodic report under the International Covenant on Economic, Social and Cultural Rights, paragraphs 208-210.

### **C. Leisure, recreation and cultural activities (art. 31)**

245. As noted in the initial report under the Convention (para. 264), there are arrangements in Georgia for children to spend their leisure time in the constructive pursuit of their interests. According to data provided by the Ministry of Education, more than 75,000 schoolchildren are currently enrolled in such clubs and associations. These include:

- Young technicians clubs, of which there are 309 in the country's towns and cities (with a total membership of 5,052 children) and 412 in the countryside (6,088 members);
- Young naturalists clubs, of which there are 264 in the towns and cities (4,815 members) and 561 in the countryside (9,132 members);
- Hiking and local history clubs, of which there are 123 in the cities and towns (2,572 members) and 156 in the countryside (2,836 members);
- Arts and crafts clubs, of which there are 636 in the towns and cities (17,579 members) and 1,053 in the countryside (24,672 members);
- Clubs and associations of other kinds, of which there are 14 in the towns and cities (416 members) and 118 in the countryside (2,202 members).

As demonstrated by the above figures, children in village schools are more extensively involved in such children's clubs and associations than their counterparts in the cities and towns.

246. According to information provided by the Ministry of Education, during the summer and winter school holidays special leisure centres are set up in Georgian resort areas for children deprived of parental care. At these leisure centres - the summer one in Ureki and the winter one in the Borjomi gorge - children participate in a range of creative and learning activities, as well as engaging in sport and other exercise.

247. In Georgia's initial report under the Convention, it was already noted that the country has a widely developed cultural infrastructure adequate to meet the needs of children in this area (para. 266). It should be noted, however, that the cultural establishments concerned are encountering significant problems in carrying out their activities, owing to funding constraints.

248. With regard to exercise of the right to equal participation in cultural activities, reference is made to the country's initial report under the International Convention on the Elimination of All Forms of Racial Discrimination (paras. 272-279). Detailed information on the country's existing cultural facilities, cultural activities and the associated problems may be found in Georgia's second periodic report under the International Covenant on Economic, Social and Cultural Rights (paras. 243-265).

249. With reference to this issue, attention should also be drawn to Georgia's written replies to the list of issues formulated by the Committee on Economic, Social and Cultural Rights in connection with its consideration of Georgia's initial report under the International Covenant, relating to question 50, which deals with measures to promote the culture of Georgia's ethnic minorities.

250. In addition to the measures described above, another important cultural event which has significantly helped publicize the Convention in Georgia was the creative competition on the theme of the Convention on the Rights of the Child, a joint initiative of the Government of Georgia and UNICEF held between August 2000 and March 2001. Participants in the competition - writers, poets and painters - submitted a wide range of work in which they reflected various aspects and provisions of the Convention in a form accessible to children. The six prize-winning pieces (three intended for children between 7 and 13 years old and three for children between 13 and 18) will be illustrated by the artists whose entries won prizes in the competition and published as separate booklets. These may be used in schools in teaching about the Convention and will also have an artistic value of their own.

## **VIII. SPECIAL PROTECTION MEASURES**

### **A. Children in situations of emergency**

#### **1. Refugee children (art. 22)**

251. In its concluding observations (paras. 54 and 55), the Committee recommended that the State party should take all appropriate measures to protect the rights of refugee, asylum-seeking and unaccompanied children and facilitate their access to adequate housing, education, health and other social services. In that regard, the State party was encouraged to consider the adoption of legislation on asylum-seekers. In addition, the State party was recommended to take measures to facilitate family reunification and to establish an effective refugee status determination procedure for unaccompanied minors. The Committee also recommended that the State party should undertake a study on refugee, asylum-seeking and unaccompanied children to ascertain the extent to which they were victims of torture or other cruel, inhuman or degrading treatment and punishment; economic exploitation, including forced labour; commercial sexual exploitation, sale, trafficking and abduction; and abandonment, abuse and neglect.

252. Besides this, in its concluding observations (paras. 56 and 57) the Committee recommended that the State party should implement the so-called “New Approach” to internally displaced persons. This involves improving their current conditions, while continuing to support their right to return voluntarily to their homes in safety and dignity.

253. In response to these comments and recommendations by the Committee, reference should be made, primarily, to Georgia’s written replies relating to the consideration of the country’s initial report under the Convention (section on special protection measures). This document both describes the legislative provisions governing issues relating to the situation of refugees and internally displaced persons and provides a certain amount of statistical information. All this information remains valid.

254. As confirmed by the Ministry of Refugee Affairs and Resettlement, Georgia has no legislation specially designed to protect refugee, asylum-seeking or unaccompanied children. There have been instances in Georgia where children from conflict areas have been sought by surviving members of their families, but Georgia has no special bodies or arrangements to tackle problems of this kind.

255. Responsibility for the distribution of international humanitarian deliveries intended for internally displaced persons, including children, rests with the coordinating bureau for international humanitarian aid, together with, in the case of internally displaced persons from Abkhazia, the Council of Ministers of the Abkhaz Autonomous Republic.

256. To date no study of the situation of refugee children and children and other categories, of the type mentioned in paragraph 55 of the Committee’s concluding observations, has been carried out in Georgia.

257. As for the right of internally displaced persons to return to their homes in safety and dignity, as recommended by the Committee in paragraph 57 of its concluding observations, we regret to have to report that there has been no progress in this regard. The reasons for this are discussed in Georgia’s second periodic report under the International Covenant on Civil and Political Rights, the relevant portions of which are quoted below.

258. Paragraphs 29-31 of that report state:

“Throughout Georgia’s conflicts the international community has consistently supported and continues to support the principle of the country’s territorial integrity and sovereignty. In the case of Abkhazia, this support has been expressed in all resolutions of the United Nations Security Council since 1993. Indeed, in this context one must look closely at the wording used with regard to the need to determine ‘the political status of Abkhazia within the State of Georgia’ (Security Council resolution 1065 (1996) of 12 July 1996). Commitment to the permanence of Georgia’s sovereignty and territorial integrity is unequivocally reflected in the documents of the Budapest, Lisbon and Istanbul summits of OSCE (held in 1995, 1997 and 1999 respectively) and of the summit

meetings of the Commonwealth of Independent States. The United Nations Security Council has called the efforts to legitimize the separatist regime in Abkhazia through the holding of self-styled elections and referendums on the status of the region illegitimate and unacceptable (resolution 1287 (2000) of 31 January 2000). Given that the majority of the population of Abkhazia has been exiled from their homes as a result of the ethnic cleansing and brutality perpetrated by the separatists, this appraisal accurately reflects the position of the international community.

“A settlement of the conflict around Abkhazia can thus be obtained by determining the region’s political status as part of a united Georgia and by repatriating the hundreds of thousands of displaced persons. Efforts to this end are being made by the Georgian side and the international community. In addition to United Nations structures, the group of Friends of the Secretary-General on Georgia as well as Ukraine and other countries of the southern Caucasian region are participating in the consultation process. The Russian Federation, too, has an important positive role to play in the settlement of the conflict. As regards the status of the region, Georgia has proposed and continues to propose that Abkhazia should move up to a higher level - from an autonomous region to a constituent member of a federation distinguished from other such constituent entities by virtue of its elevated status - but maintains that this should be achieved by a constitutional settlement, rather than through an international treaty. This position on the part of the country’s political leaders is shared by the international community. Unfortunately, the position taken by the Abkhaz side, which is prepared to ‘discuss only one question, that of possible relations between two equal and sovereign States, Abkhazia and Georgia’ (letter dated 14 February 2000 from the leader of Abkhazia, Mr. V. Ardzinba, addressed to the Secretary-General), does nothing to promote a settlement of the conflict. The prospects of the repatriation to Abkhazia of displaced persons, most of whom are Georgian, also seems very unlikely, at least in the foreseeable future. This is due to the separatists’ setting of preconditions, consideration of which lies outside the scope of this report, but also to the absence of guarantees of security for the returnees.

“Emphasis is being placed on problems relating to the settlement of the conflict around Abkhazia because that situation is more complex than the conflict in Tskhinvali region. During the time elapsed since the initial report, talks between the Georgian and Ossetian sides aimed at settling that conflict have been more or less regular. Among the international organizations involved in this process, OSCE has played an active role, although UNDP has played a significant role in terms of cooperation for the economic rehabilitation of the region. And the fact that commercial and economic ties between Tskhinvali region and the rest of Georgia have been maintained and that the region is less isolated is of considerable significance. In the assessment of Georgia’s political leadership, relations between Georgia and Ossetia (specifically, the former South Ossetia) have entered the post-conflict phase. The groundwork for this has been laid by people-to-people diplomacy, the most important factor in settling the conflict, which has been quite successful. Clearly, this type of conflict resolution cannot be achieved without the goodwill of the population.”

## 2. Children in armed conflicts

259. In its concluding observations (paras. 58 and 59), the Committee recommended that the State party should take measures to ensure the protection and care of children affected by armed conflict, including their physical and psychological recovery and social reintegration. The Committee strongly recommended the adoption of appropriate measures to locate and clear the landmines in its territory, and to promote awareness about the potential dangers. The State party was recommended to undertake a study to determine the impact of landmines in its territory, particularly on children. The Committee recommended that the State party should reinforce its efforts to accede to the Convention on the Prohibition of the Use, Production, Transfer and Stockpiling of Anti-Personnel Landmines and on Their Destruction. In addition, the State party was encouraged to seek technical cooperation, in particular with the United Nations Mine Action Service.

260. In this context, attention is drawn to the articles in Georgia's new Criminal Code directly relevant to the situation of children in armed conflict. These may be found in the chapter on offences against the peace and safety of humankind and against international humanitarian law, in which, for the first time, the law criminalizes such offences as:

- Deliberate breaches of international humanitarian law in times of armed conflict (art. 411);
- Violations of international humanitarian regulations applicable in times of armed conflict between or within States, in the form of deliberate threats to safety or health or the infliction of physical injury (art. 412);
- Other violations of international humanitarian norms (art. 413).

In this context, attention should also be drawn to the new interdepartmental commission on the application of international humanitarian law which is currently in operation in Georgia and which has responsibility for the entire range of issues in this area.

261. With regard to the issue of landmines and their associated dangers, we note that the information contained in Georgia's written replies to the Committee's list of issues, in the section on special protection measures, remains valid. The study referred to in the Committee's recommendation in paragraph 59 has still not been carried out in Georgia, nor has Georgia yet acceded to the Convention on the Prohibition of the Use, Production, Transfer and Stockpiling of Anti-Personnel Landmines and on Their Destruction. We are informed by the Ministry of Foreign Affairs that the domestic procedures for accession to this Convention have not been commenced.

262. The Ministry for Refugee Affairs and Resettlement draws attention, among measures for the rehabilitation of children affected by armed conflict within the territory of Georgia, to the organization of holidays for such children in summer camps. Children in this category are also

sent abroad with the aim of fostering their psychological rehabilitation. Thus, several groups of children of internally displaced persons have spent holidays in Italy and Spain, with support from the Italy-Georgia and Spain-Georgia friendship societies, where they stayed with families and made friends with local children.

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

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

263. Under this article of the Convention, we note that the various questions relating to the rights of children suspected of, charged with, confessing to or convicted of the commission of offences, are reviewed in Georgia's written answers to the Committee's list of issues, in the section on special protection measures.

264. In addition, the particular features of Georgian legal process in cases involving juvenile offenders are reviewed in Georgia's second periodic report under the International Covenant on Civil and Political Rights (paras. 352-357).

265. To supplement that information, we draw attention to the section included in the new Criminal Code, the provisions of which are cited in the above-mentioned report under the International Covenant on Civil and Political Rights, dealing specifically with the criminal liability of minors and with the exoneration of minors from criminal liability and punishment (arts. 80-100).

266. Where the Code of Criminal Procedure is concerned, attention is drawn to the chapter on criminal proceedings involving minors (arts. 639-659).

267. Generally speaking, the legal safeguards protecting the rights of minors involved in the justice system, described in the country's initial report (paras. 279-284), remain in force. As for the compulsory re-education measures described in paragraph 286 of the initial report, the schedule of such measures has been amended. More detailed information about this may be found in the chapter in the present report on the definition of the child, as well as in paragraph 357 of the country's second periodic report under the International Covenant on Civil and Political Rights.

268. In the light of the above, it is hard for us to accept the conclusion by the Committee, in paragraph 68 (a), regarding the absence of adequate legislation on juvenile justice and the inconsistency of the juvenile justice system with the Convention and other relevant United Nations standards. We stress that the Georgian Constitution stipulates that justice may only be administered by the general courts and does not allow the creation of special courts (art. 83, paras. 2 and 4). Accordingly, the creation in Georgia of a special juvenile court would contravene the country's Constitution, the provisions of which prevail over those of the international treaties and agreements concluded by Georgia.

**2. Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b)-(d))**

269. In its concluding observations (paras. 68 and 69), the Committee recommended, in particular, that the State party:

(a) Use deprivation of liberty only as a measure of last resort and for the shortest possible period of time; protect the rights of children deprived of their liberty, including their right to privacy; and ensure that children deprived of their liberty remain in contact with their families;

(b) Take all appropriate measures to improve the situation of children in juvenile detention facilities, including their access to adequate food, clothing, heating, educational opportunities and leisure activities;

(c) Introduce training programmes on relevant international standards for all professionals involved with the administration of juvenile justice.

270. In the context of this article of the Convention we should draw attention, in particular, to the entry into force in January 2000 of the Detention Act, pursuant to which the penitentiary system was transferred from the jurisdiction of the Ministry of Internal Affairs to that of the Ministry of Justice. This is, without doubt, a mark of progress from the standpoint of upholding the rights and freedoms and ensuring the humane treatment of persons in custodial facilities, including minors.

271. For a fuller picture of the current situation in the Georgian penitentiary system, including the problems that it faces and the legislation governing its operation, attention is drawn to the country's second periodic report under the International Covenant on Civil and Political Rights, which describes, in particular:

- Legal foundations of the operation of the penitentiary system (paras. 193-195);
- State of the penitentiary system following its transfer to the Ministry of Justice (paras. 196-197);
- Human rights training for prison service personnel and the rights of convicted persons to appeal against breaches of their rights (paras. 198-200);
- Rules for the detention of persons charged with offences and convicted persons (paras. 201-202);
- Social rehabilitation of convicted persons (paras. 203-207);
- Education and vocational training for detainees (paras. 208-210);

- Regimes and conditions of detention for convicted persons, including minors (paras. 211-219);
- Disciplinary system (para. 220);
- Remanding in custody of minors and their detention after sentencing (paras. 221-224).

272. Among the figures cited in the above report, describing the Georgian penitentiary system, we draw attention to those relating to the financing of the system (para. 227) and its physical facilities (para. 226). Attention might also be drawn to the extensive use of pardons in the case of juvenile offenders, as described in paragraph 230 of the report in question.

273. In addition to this, we note the rule that, in juvenile reformatory facilities, the minimum living space must be not less than 3.5 m<sup>2</sup> per person and, in medical facilities, not less than 3 m<sup>2</sup>. Under article 33 of the Detention Act, minors serving custodial sentences must have improved accommodation and dietary conditions. They are also to be provided with clothes which are appropriate for the season and do not demean the wearer.

274. Figures provided by the Ministry of Justice show that, at the current time, there are 22 minors, all boys, serving sentences in the country's juvenile reform institution. Of these, 12 are aged 17, eight 16 and two 15. These juveniles are serving sentences for the commission of the following offences: two each, for theft, assault with intent to rob, and rape; and one each, for carjacking and robbery. The remaining 10 juvenile offenders are serving sentences for persistent violations of the compulsory re-education measures applied against them. In other words, deprivation of their liberty was selected as a measure of last resort, when the compulsory re-education measures failed to have the desired effect. The custodial sentences served by juvenile offenders range between two and eight years.

275. During the period under review, UNICEF, working in cooperation with the non-governmental organization Foundation for the Protection of Social Paediatrics, carried out a project on psychological, preventive medical and rehabilitation measures for children in custodial facilities. The project's tasks included studying and analysing the situation in such facilities, carrying out medical and psychological studies of the juvenile detainees and conducting educational measures to instil in such juveniles healthy living habits and to promote their psychological and social rehabilitation.

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

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

276. In its concluding observations (paras. 60 and 61), the Committee recommended that the State party should introduce monitoring mechanisms to ensure the enforcement of labour laws and protect children from economic exploitation, particularly in the informal sector. The State party was encouraged to continue its cooperation with the International Programme on the

Elimination of Child Labour to finalize, by the end of 2000, a child labour survey to assess the situation of children in this regard. The Committee encouraged the State party to consider ratifying the International Labour Organization (ILO) Worst Forms of Child Labour Convention, No. 182.

277. With reference to this issue, we note that the information contained in the country's initial report relating to the labour rights of juveniles (paras. 297-299) remain in force.

278. The Georgian State Statistics Office has conducted a child labour survey, as recommended by the Committee, and has drawn the relevant conclusions. The results of the survey are reviewed in the country's second periodic report under the International Covenant on Economic, Social and Cultural Rights, paragraphs 134-139. In its comments on the survey data, the Ministry of Economics, Industry and Trade observes that only 38.5 per cent of children at work earn more than the minimum wage - 20 lari per month - from their employment. The majority of such children receive significantly less. As far as we are aware, there are currently no plans in Georgia to accede to ILO Convention No. 182.

## **2. Drug abuse (art. 33)**

279. In its concluding observations (paras. 64 and 65), the Committee recommended that the State party should take administrative, social and educational measures to protect children from the illicit use of alcohol and narcotic drugs and psychotropic substances and to prevent the use of children in the illicit production of and trafficking in such substances. It encouraged the State party to support rehabilitation programmes dealing with child victims of alcohol, drug and substance abuse. In that regard, the State party was encouraged to consider seeking technical assistance from appropriate bodies of the United Nations.

280. Evidence of the significance attached in Georgia to drug control may be seen in the inclusion in the new Criminal Code of an entire chapter on narcotics-related offences. Under the Code, the following acts are criminal offences:

- Illicit preparation, production, acquisition, storage, transport, transfer or sale of narcotic or psychotropic substances, their analogues or precursors (arts. 260 and 261);
- Unlawful import into, export from or transit through Georgia of narcotic and psychotropic substances, their analogues or precursors (arts. 262 and 263);
- Unlawful misappropriation or extortion of narcotic and psychotropic substances and their analogues (art. 264);
- Illicit planting, growing or cultivation of narcotic plants whose processing is prohibited (art. 265);
- Establishment or maintenance of secret laboratories for the illicit production of narcotic substances, their analogues or precursors (art. 266);

- Violating the rules for the preparation, production, acquisition, stocktaking, issuance, storage, transport, transfer, and export or import of narcotic or psychotropic substances (arts. 269 and 270);
- Inciting others to use narcotic and psychotropic substances and their analogues (art. 272);
- Illicit preparation, acquisition, storage or use, in small quantities and for personal use, but without a doctor's prescription, of narcotic substances or their analogues, by persons who have already received an administrative punishment for the same offence (art. 270), and other provisions.

281. Georgia is a party to the following relevant international instruments:

- Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances (entered into force for Georgia on 8 April 1998);
- Convention on Psychotropic Substances (entered into force for Georgia on 8 April 1998);
- Single Convention on Narcotic Drugs (ratified on 23 February 2000).

282. The bodies set up to tackle drug-related problems, described in paragraphs 304-306 of the country's initial report under the Convention, are still in operation in Georgia.

283. The following figures provided by the Ministry of Internal Affairs give an indication of the numbers of minors committing drug-related offences in the period under review:

- 1998: seven such cases were registered (five relating to unlawful use and two to unlawful possession of narcotics);
- 1999: 12 cases registered, 5 relating to unlawful use and 7 to unlawful possession of narcotics;
- 2000: 11 cases registered, 3 relating to unlawful use, 7 to unlawful possession and 1 to unlawful sale of narcotics.

284. With reference to this article of the Convention, it should be noted that, pursuant to presidential decree No. 412 of 18 September 2000, the Ministry of Education has drawn up a schedule of extraordinary measures to prevent smoking and to encourage a healthy lifestyle among schoolchildren and college students. All educational establishments in the country have been informed of the planned measures and work is now under way on their practical implementation.

### 3. Sexual exploitation and sexual abuse (art. 34)

285. In its concluding observations (paras. 66 and 67), the Committee recommended that the State party should undertake studies with a view to designing and implementing appropriate legislation, policies and measures, including care and rehabilitation, to prevent and combat the sexual exploitation of children, as well as the sale, trafficking and abduction of children for commercial sexual exploitation.

286. In the light of these recommendations by the Committee, attention is drawn to chapter XXII of the Georgian Criminal Code, on offences against sexual freedom and the sexual inviolability of the individual, which provides measures to protect children from various forms of sexual exploitation, including:

- Article 137, paragraph 35 - rape of a minor;
- Article 137, paragraph 4 - rape of a child under 14;
- Article 138, paragraph 4 - sexual violence against a child under 14;
- Article 140 - sexual intercourse or other acts of a sexual nature with a person under 16;
- Article 141 - sexual abuse of a person under 16.

287. In addition, the Criminal Code provides penalties for enticing minors to engage in prostitution or in sexually abusive acts (art. 171, part one) and for trafficking in minors, in particular for the purpose of their involvement in prostitution or the commission of antisocial acts (art. 172, para. 3 (c)).

288. With regard to the sexual exploitation of girls, we should draw attention to the plan of action to combat violence against women for the period 2000-2002, ratified by presidential decree in February 2000. This plan devotes an entire section to measures to prevent and suppress sexual exploitation and trafficking. More detailed information on the action plan may be found in the country's second periodic report under the Convention on the Elimination of All Forms of Discrimination against Women.

289. In the Ministry of Internal Affairs, there is a division dealing with crimes against minors, young people and students, whose responsibilities include the abuse and sexual exploitation of children. In different regions of the country, these responsibilities are carried out by the corresponding local branches of the Ministry.

290. Information provided by the Ministry of Internal Affairs shows that, over the period under review, there have been instances of minors suffering sexual abuse. Thus, in 1998, nine minors aged between 14 and 17 were victims of rape; and another two, aged 10 and 13, were victims of sexual abuse. In 1999, six minors, aged between 14 and 17, were raped;

and three, aged 8, 9 and 12, were victims of sexual abuse. In 2000, nine minors aged between 12 and 17 were raped; and five, aged between 6 and 15, were victims of sexual abuse. In addition, over the reporting period, there were 11 cases of forcible sodomy, the victims of which were boys aged between 6 and 17 (one case in 1998; five in 1999; and five in 2000).

291. Given that the victims of sexual violence and exploitation of minors tend to be girls, particular importance attaches to the implementation of those aspects of the above-mentioned plan of action to combat violence against women which deal with the development of programmes to protect the victims of violence and to provide them with medical, psychological and other forms of support.

292. To this we should add that the Criminal Code categorizes as criminal offences such acts as the organization or maintenance of establishments for the conduct of prostitution (art. 254) and the unlawful preparation and dissemination of pornographic materials or artefacts. These articles of the Code are of particular relevance to paragraphs (b) and (c) of article 34 of the Convention, calling for legislative measures to prevent such forms of the sexual exploitation of children.

#### **4. Sale, traffic and abduction (art. 35)**

293. Under the new Criminal Code, the unlawful deprivation of liberty, in particular of a minor, is categorized as an offence and deemed to be an aggravating circumstance (art. 143, para. 2 (f)). Paragraph (e) of the same article criminalizes the unlawful deprivation of liberty in cases where the victim is transported out of the country, which is also deemed to be an aggravating circumstance. Earlier in this report, we cited article 172 of the Criminal Code, which provides penalties for trafficking in minors. Accordingly, we are able to state that Georgia's criminal legislation criminalizes all the acts covered by this article of the Convention and is therefore fully in line with its requirements.

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

294. With regard to this article of the Convention, we should note, at the outset, that the constitutional guarantees for the rights of minorities described in paragraph 313 of the country's initial report remain in force and have not been amended.

295. Over the period under review, Georgia acceded to the International Convention on the Elimination of All Forms of Racial Discrimination (June 1999) and has submitted its initial report on implementation of the Convention to the appropriate treaty body (see above in the present report). That report contains relatively detailed information about legislative and practical aspects of measures to uphold the rights of minorities in Georgia and the Committee's attention is therefore drawn in general to the report.

296. In addition, reference should also be made to Georgia's second periodic report under the International Covenant on Civil and Political Rights, which, in its comments on article 27, contains information about the exercise of the rights of ethnic minorities (paras. 575-600).

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

298. We should note here that, in January 2000, Georgia signed the Council of Europe Framework Convention for the Protection of National Minorities, which is currently undergoing ratification by the Georgian Parliament.

299. At the current time, there is lively debate in Georgia about the question of adopting an act - or several acts - governing the rights of ethnic minorities in the light of the constitutional guarantees described above.

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