



# Convention on the Rights of the Child

Distr.: General  
6 December 2021

Original: English  
English, French and Spanish only

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## Committee on the Rights of the Child

### List of issues prior to submission of the combined fifth and sixth periodic reports of Georgia\*

1. The State party is requested to submit in writing the information requested below (21,200 words maximum), if possible before 15 February 2023. The replies should take into consideration the Committee's recommendations contained in its concluding observations on the fourth periodic report of the State party.<sup>1</sup> The Committee may take up all aspects of children's rights set out in the Convention and the Optional Protocols thereto during the dialogue with the State party.

#### I. New developments

2. The Committee requests the State party to provide:

(a) Information on the adoption or reform of laws, policies and programmes and any other measures taken, such as the creation or reform of institutions, that are significant for the implementation of the Convention, the Optional Protocol thereto on the involvement of children in armed conflict and the Optional Protocol thereto on the sale of children, child prostitution and child pornography;

(b) Information on the measures taken to ensure the protection of the rights of children in the context of the coronavirus disease (COVID-19) pandemic and to mitigate the adverse effects of the pandemic, in view of the statement of the Committee of 8 April 2020 on the effects of the COVID-19 pandemic on children;

(c) Any other information that the State party considers relevant in this regard and that is not covered in the replies to the questions below, including information on obstacles and challenges faced.

3. The Committee also requests the State party to provide information on the progress made in its mapping exercise on the Sustainable Development Goal indicators related to children, as well as any outcome thereof. Please provide information on how a child rights-based approach is integrated into the planning, implementation and monitoring of measures for achieving the Goals, including with regard to the participation of children and data collection, and how such measures promote the realization of children's rights under the Convention and the Optional Protocols thereto.

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\* Adopted by the pre-sessional working group on 1 October 2021.

<sup>1</sup> [CRC/C/GEO/4](#).



## **II. Rights under the Convention and the Optional Protocols thereto**

### **A. General measures of implementation (arts. 4, 42 and 44 (6))**

#### **Legislation**

4. Please provide information on the progress made in the implementation of the Code on the Rights of the Child, which entered into force on 1 September 2020.

#### **Comprehensive policy and strategy**

5. With reference to the recommendations contained in the Committee's concluding observations on the fourth periodic report of the State party,<sup>2</sup> please inform the Committee of the measures taken to develop a comprehensive action plan for the protection of the rights of the child, with prevention as its core component, in coordination and complementarity with policy measures aimed at minority groups. Please also inform the Committee of the progress made towards the adoption of the national human rights strategy and action plan for the period 2021–2030, and to what extent the strategy and the action plan cover the rights under the Convention and the Optional Protocols.

#### **Coordination**

6. Please provide information on the following:

(a) The coordination of activities, both vertically and horizontally, among the various governmental and non-governmental structures working on the realization of children's rights at the national and local levels;

(b) The resources available to, and the competencies and capacity of, the Inter-Agency Coordination Commission on the Implementation of the Convention and the Permanent Parliamentary Council for the Protection of the Rights of the Child to carry out their coordination tasks.

#### **Allocation of resources**

7. Please describe the measures taken or envisaged to establish a system aimed at identifying budget allocations and expenditure on children in relevant sectors and agencies that includes specific indicators and a tracking system to monitor and evaluate the adequacy and effectiveness of public expenditure on children. Please also inform the Committee about measures taken to ensure that children in vulnerable and marginalized situations are not affected by budgetary constraints triggered in response to the COVID-19 pandemic.

#### **Data collection**

8. Please provide an update to the Committee on efforts made to develop a comprehensive data-collection system on the implementation of the Convention and the Code on the Rights of the Child, in accordance with article 84 of the Code, in particular at the municipal level, which includes disaggregated data on the situation of all children, in particular in the areas of child abuse, neglect, exploitation, sexual exploitation and children in street situations.

#### **Dissemination, awareness-raising and training**

9. Please inform the Committee of measures taken to systematically disseminate information about the Convention and the Optional Protocols among children, their parents and other caregivers and to provide training to all relevant professional groups working with and for children.

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<sup>2</sup> [CRC/C/GEO/CO/4](#), para. 7 (c).

**Cooperation with civil society**

10. Please provide information on measures taken to systematically involve all civil society actors working in the field of children's rights in the development, implementation, monitoring and evaluation of laws, policies and programmes related to children.

**Children's rights and the business sector**

11. With reference to the Committee's previous recommendations,<sup>3</sup> please provide information on measures taken to:

(a) Examine and adapt its civil, criminal and administrative legislative framework to ensure the legal accountability of business enterprises and their subsidiaries operating in or managed from the State party's territory, especially in the travel and tourism industry;

(b) Establish monitoring mechanisms for the investigation of violations of children's rights and the provision of redress to victims, with a view to improving accountability and transparency.

**B. General principles (arts. 2–3, 6 and 12)****Non-discrimination**

12. Please describe the measures taken to ensure that all children enjoy equal rights under the Convention and the Optional Protocols without discrimination and to ensure the effective elimination of any form of discrimination, especially against children with disabilities, children in street situations, children belonging to minority groups, children living in poverty, children in alternative care settings and children living in rural or remote areas.

13. Please also provide information on measures taken to effectively eliminate sex-selective abortions and on the current scale of the practice of sex-selective abortion in the State party.

**Best interests of the child**

14. Please inform the Committee of measures taken to:

(a) Implement article 3 of the Code on the Rights of the Child and ensure that the best interests of the child are a primary consideration when drafting, adopting, reviewing or implementing legislation, policies and rulings that have an impact on securing children's rights;

(b) Build the capacity of all relevant professionals on policies, procedures, criteria and guidelines for the determination of the best interests of the child as a primary consideration, and its consistent application, in programmes and administrative and judicial proceedings concerning children;

(c) Educate parents and teachers on understanding and respecting the best interests of children.

**Right to life, survival and development**

15. Please inform the Committee of measures taken to address and prevent suicide and suicidal behaviour among adolescents. Please also describe measures taken to further strengthen efforts to reduce infant and neonatal mortality rates and expand preventive health-care services.

**Respect for the views of the child**

16. Please provide information on the following:

<sup>3</sup> Ibid., para. 14.

(a) Measures taken to ensure the effective implementation of the State party's legislation, in particular the Code on the Rights of the Child, recognizing the right of children to be heard in all matters that affect them;

(b) How the right of the child to be heard is implemented in relevant legal and administrative proceedings;

(c) Measures taken to raise awareness of the public and professionals working with and for children on the right of the child to be heard.

### **C. Civil rights and freedoms (arts. 7–8 and 13–17)**

#### **Birth registration and nationality**

17. With reference to the Committee's previous recommendations,<sup>4</sup> please inform the Committee of steps taken to implement the regulation of birth registration of children born in Georgia through surrogacy under article 19 of decree No. 18 of the Minister of Justice on approval of the rule on the registration of civil acts, and to address possible obstacles to the implementation of the decree with regard to international surrogacy arrangements. Please describe the steps taken to amend the law on the legal status of aliens and stateless persons to comply fully with the provisions of the Convention relating to the Status of Stateless Persons by including a provision in the law regulating cases where a child may be at risk of statelessness at birth.

### **D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

#### **Freedom of the child from all forms of violence**

18. Please provide information on steps taken to:

(a) Ensure prompt and effective investigations into all allegations of the ill-treatment and abuse of children in Ninotsminda boarding school and implement the Committee's request to provide access to the relevant State monitoring institutions in order to verify the conditions and the treatment of children at the school;

(b) Adopt procedural and policy measures to address violence against children in families, residential care, foster care and educational institutions and to strengthen referral mechanisms and child-friendly reporting of violence and abuse;

(c) Address online violence and cyberbullying and the production and distribution of child sexual abuse material online.

#### **Sexual exploitation and abuse**

19. Please inform the Committee of the following:

(a) Measures taken to raise awareness of child sexual abuse among the public and professionals working with and for children and to ensure mandatory reporting and the effective investigation and prosecution of cases of the sexual abuse and exploitation of children;

(b) Tangible measures taken to allocate adequate resources and train professionals working with children who are victims of sexual exploitation and abuse, including the provision of therapy, social support and appropriate remedies for such victims;

(c) Establish a child-friendly environment for children who are victims and witnesses of crimes, including with regard to taking children's statements and avoiding revictimization;

(d) Steps taken to strengthen procedures for the medical examination of children who are victims of such crimes, especially in cases of sexual abuse.

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<sup>4</sup> Ibid., para. 19.

**E. Family environment and alternative care (arts. 5, 9–11, 18 (1)–(2), 20–21, 25 and 27 (4))**

**Children deprived of a family environment**

20. Please provide information on measures taken to:

- (a) Support and facilitate family-based care for children, wherever possible;
- (b) Enforce the prohibition of the removal of a child from the family due to poverty, and other relevant measures to avoid separation of children from their parents;
- (c) Develop and approve a deinstitutionalization strategy and action plan, in line with the Code on the Rights of the Child;
- (d) Address the institutionalization of children in both licensed and non-licensed residential care run by religious groups;
- (e) Ensure the periodic review of placement decisions and aftercare support for those leaving care;
- (f) Improve the quality of alternative care, including by providing capacity-building activities in all forms of alternative care and training and supervising the social workers responsible for working with children deprived of a family environment.

**F. Children with disabilities (art. 23)**

21. Please describe the measures taken to:

- (a) Transform disability assessment and status determination from a medicalized to a social model of assessment, including information on the status of pilot projects in this regard;
- (b) Establish the early identification and referral of children with developmental issues;
- (c) Improve the quality of services and expand the support provided to children with disabilities, including access to the universal health-care programme, especially for those living in rural and remote areas, and asylum seeking, refugee and migrant children with disabilities;
- (d) Implement inclusive education throughout the country, especially in rural and remote areas.

Please also inform the Committee whether the Government plans to create a unified standard of health-care services and a common mechanism for monitoring and improving such services.

**G. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)**

**Health and health-care services**

22. Please provide information on the State party's efforts to:

- (a) Mitigate the impact of the COVID-19 pandemic and ensure equitable and continuous access for all children to health-care services, especially for children who are at particular risk of being left behind, such as children with disabilities and children living in poverty;
- (b) Address the limited financing of public health-care services and the shortage of trained personnel;
- (c) Address lead exposure, especially among children in western Georgia and children living in poverty;

(d) Provide mental health support for children, especially to mitigate the adverse effects of the COVID-19 pandemic on children's mental health;

(e) Encourage, and support best practices for, breastfeeding.

23. Please provide information on health-care programmes in Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, which remain outside the effective control of the State party.

#### **Standard of living**

24. Please inform the Committee of measures taken to:

(a) Alleviate poverty, especially extreme poverty, among children and to mitigate the effects of the COVID-19 pandemic on household incomes;

(b) Expand the targeted special assistance programme to include all children living in poverty, including asylum-seeking children;

(c) Ensure that all children, including those in rural and remote areas, have access to nutritious food of quality, clean drinkable water and adequate sanitation.

### **H. Education, leisure and cultural activities (arts. 28–31)**

#### **Education, including vocational training and guidance**

25. Please inform the Committee of measures taken to:

(a) Improve the quality of education for all children and provide incentives and opportunities for the professional development of teachers;

(b) Improve school attendance among, and access to education for, ethnic minority groups, including by increasing the number of teachers in schools with instruction in minority languages;

(c) Maintain and renew the infrastructure of schools and preschool establishments;

(d) Increase access to quality preschool education, including by addressing barriers to access, such as poverty, remote location, language and disability status;

(e) Provide access to the technology required for distance learning, such as computers and an Internet connection.

26. Please provide information on education programmes in Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, which remain outside the effective control of the State party.

### **I. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40)**

#### **Asylum-seeking, refugee and migrant children**

27. Please provide the Committee with information on the following:

(a) Implementation of the Law on International Protection, which entered into force on 1 February 2017, including the allocation of resources for its implementation;

(b) Measures taken to monitor the enrolment of asylum-seeking and refugee children in schools and to extend Georgian language classes to such children throughout the country;

(c) Measures taken to raise awareness among asylum-seeking children of their rights and the asylum procedures put in place by the State party.

**Internally displaced children**

28. With reference to the Committee's previous recommendations,<sup>5</sup> please provide information on measures taken to mainstream needs-based assistance for internally displaced children into national social protection systems and development plans and to guarantee the inclusion of such children in professional programmes. Please describe the steps taken to ensure that appropriate alternative accommodations are made available to all internally displaced persons, especially families with children, and to strengthen support for community-based initiatives to generate livelihoods and employment for internally displaced persons.

**Economic exploitation, including child labour**

29. Please inform the Committee of the following:

(a) Steps taken to combat child labour, especially in the informal sector, including in hazardous conditions, and in agriculture;

(b) Steps taken to address gaps in the State party's legislation, to prevent the economic exploitation of children;

(c) Measures taken to address the labour migration of children to neighbouring countries, which has a negative impact on their ability to attend school.

**Children in street situations**

30. Please provide information on efforts made to address the situation of children in street situations throughout the country, including through effective identification and referral mechanisms, mechanisms for the comprehensive and long-term care, recovery and reintegration of such children and measures to prevent their involvement in hazardous work, including sexual exploitation in prostitution. Please also inform the Committee of measures taken to protect children in street situations from being infected with SARS-CoV-2.

**Administration of child justice**

31. Please provide information on steps taken to implement the Code on the Rights of the Child, which has further broadened the State's obligations in the area of child justice, in particular with regard to the selection, appointment and professional training of all professionals in the justice system working with and for children, including those who provide free legal aid. Please describe the plans to strengthen the capacity of the Juvenile Referral Centre and increase the rehabilitation services provided for children in need.

**J. Optional Protocol on the sale of children, child prostitution and child pornography**

32. With reference to the concluding observations of the Committee on the report of the State party submitted under article 12 (1) of the Optional Protocol,<sup>6</sup> please inform the Committee of the measures taken to:

(a) Incorporate all definitions contained in article 3 of the Optional Protocol into its Criminal Code, in particular those for the sale of children, which is not limited to cases of trafficking in children, possessing, importing and exporting child sexual abuse material and the grooming of children between 16 and 18 years of age for sexual purposes;

(b) Prevent children from becoming victims of the sale of children, sexual exploitation in prostitution and child sexual abuse material, in particular by regulating and engaging with the tourism industry in the prevention, monitoring and reporting of cases of the sexual exploitation of children in travel and tourism, and prevent and address online child sexual exploitation and abuse;

<sup>5</sup> Ibid., para. 39.

<sup>6</sup> CRC/C/OPSC/GEO/CO/1, paras. 28–29.

- (c) Introduce additional safeguards to prevent the use of surrogacy for the sale of children.

## **K. Optional Protocol on the involvement of children in armed conflict**

33. With reference to the Committee's concluding observations on the report of the State party submitted under article 8 (1) of the Optional Protocol,<sup>7</sup> please inform the Committee of steps taken by the State party to:

(a) Implement the national strategy to combat terrorism in order to tackle its root causes, including social, economic and ideological factors, and initiate effective campaigns to prevent cases of the radicalization and recruitment of children by terrorist groups;

(b) Explicitly criminalize the recruitment and use in hostilities of children under 18 years of age by the armed forces and non-State armed groups;

(c) Introduce aggravated criminal liability under article 223 of the Criminal Code, on illegal formations, including recruiting persons to join such formations, and article 3271 of the Code, on recruitment of a person into a terrorist organization, when such offences target children under 18 years of age.

## **III. Statistical information and data**

34. The statistical information and data provided by the State party should cover the period since the consideration of its previous reports on the implementation of the Convention and the Optional Protocols thereto. The data should be disaggregated by age, sex, ethnic origin, national origin, type of disability, geographical location and socioeconomic status, as well as by year or other relevant time frame.

35. The provision of tables presenting trends over the reporting period is recommended, and explanations of, or comments on, significant changes that have taken place over the reporting period should also be provided.

### **A. General measures of implementation (arts. 4, 42 and 44 (6))**

36. Please provide information on the budget lines regarding children and the social sectors by indicating the amount of each budget line and their proportion of the total national budget.

### **B. General principles (arts. 2–3, 6 and 12)**

37. Please provide data, disaggregated as described in paragraph 34 above, on the number of reports of discrimination and such cases and prosecutions brought before the courts and on the sanctions issued to perpetrators.

38. Please provide data, disaggregated as described in paragraph 34 above, on the number of children who have completed suicide.

### **C. Civil rights and freedoms (arts. 7–8 and 13–17)**

39. Please provide data, disaggregated as described in paragraph 34 above, on the number of birth registrations of children born in Georgia through surrogacy who were registered under article 19 of decree No. 18 of the Minister of Justice.

40. Please provide data, disaggregated as described in paragraph 34 above, on the number of stateless persons.

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<sup>7</sup> CRC/C/OPAC/GEO/CO/1.

**D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

41. Please provide data, disaggregated as described in paragraph 34 above, on the following:

(a) Cases of violence against children, including corporal punishment, reported to the authorities that were investigated and prosecuted and the sanctions issued to perpetrators, further disaggregated by type of offence;

(b) Cases of sexual exploitation and abuse of children reported to the authorities that were investigated and prosecuted and the sanctions issued to perpetrators, further disaggregated by type of offence;

(c) Protective measures provided to children who are victims of violence.

**E. Family environment and alternative care (arts. 5, 9–11, 18 (1)–(2), 20–21, 25 and 27 (4))**

42. Please provide data, disaggregated as described in paragraph 34 above, on the number of children in institutional care, and the average number of days of stay, and the number of children in family-based and community-based care.

**F. Disability and basic health and welfare (arts. 6, 18 (3), 23–24, 26, 27 (1)–(3) and 33)**

43. Please provide data, disaggregated as described in paragraph 34 above, and further disaggregated by type of disability, on the following:

(a) Children with disabilities;

(b) Children with disabilities living with their families and living in family-based and community-based care;

(c) Children with disabilities in inclusive education and in separate schools;

(d) Reported cases of torture, inhuman or degrading treatment, neglect and sexual violence against children with disabilities placed in institutions, investigations and prosecutions carried out and the sentences issued to perpetrators.

44. Please provide data, disaggregated as described in paragraph 34 above, on the number of children exposed to lead.

45. Please provide data, disaggregated as described in paragraph 34 above, on the number of sexual and reproductive health-care services available to adolescents.

46. Please provide data, disaggregated as described in paragraph 34 above, on the number and proportion of children living under the poverty line and in extreme poverty.

**G. Education, leisure and cultural activities (arts. 28–31)**

47. Please provide data, disaggregated as described in paragraph 34 above, on the following:

(a) Children who do not have access to education due to measures to contain the COVID-19 pandemic;

(b) Children dropping out of school;

(c) Children attending early childhood education and the average years of attendance;

(d) Children in public and private schools, including religious schools.

**H. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40)**

48. Please provide data, disaggregated as described in paragraph 34 above, and further disaggregated by country of origin and accompanied or unaccompanied status, on the following:

- (a) Asylum-seeking and refugee children;
- (b) Children in situations of migration;
- (c) Children expelled from the territory of the State party;
- (d) Asylum-seeking and refugee children and children in situations of migration attending school and with access to health care.

49. Please provide data, disaggregated as described in paragraph 34 above, and further disaggregated by type of violation reported, on the following:

- (a) Reported cases of trafficking and the number of children involved;
- (b) Such children who have been provided with access to rehabilitation programmes;
- (c) Such cases, and the percentage thereof, that have resulted in sanctions, with information on the country of origin of the perpetrator and the nature of the penalties imposed.

50. Please provide data, disaggregated as described in paragraph 34 above, and further disaggregated by type of crime, on the following:

- (a) Children in detention facilities and the average length of stay, further disaggregated by the type of detention, such as in police department cells or in prison;
- (b) Children referred to diversion and non-custodial sentencing options.

**I. Optional Protocol on the sale of children, child prostitution and child pornography**

51. Please provide data, disaggregated as described in paragraph 34 above, on the number of:

- (a) Reported cases of the sale of children, sexual exploitation of children in prostitution and the use of children in pornographic performances and materials;
- (b) Such cases that have been investigated and prosecuted and where sanctions have been imposed;
- (c) Children who are victims of such crimes who have been provided with recovery assistance or compensation.

**J. Optional Protocol on the involvement of children in armed conflict**

52. Please provide data, disaggregated as described in paragraph 34 above, on the following:

- (a) Children recruited by terrorist groups;
  - (b) Asylum-seeking and refugee children entering the State party from areas where children may have been recruited or used in hostilities;
  - (c) Children benefiting from physical and psychological recovery and social reintegration measures.
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