



## Convention on the Rights of the Child

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### COMMITTEE ON THE RIGHTS OF THE CHILD

#### Thirty-fourth session

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

#### Concluding observations: Georgia

1. The Committee considered the second periodic report of Georgia (CRC/C/104/Add.1) at its 914th and 915th meetings (see CRC/C/SR.914 and 915), held on 1 October 2003, and adopted, at the 918th meeting, held on 3 October 2003, the following concluding observations.

#### A. Introduction

2. The Committee welcomes the timely submission of the State party's second periodic report prepared in accordance with its general guidelines regarding the form and contents of periodic reports (CRC/C/58). The Committee welcomes the written replies to its list of issues (CRC/C/Q/GEO/2), which give a clearer understanding of the situation of children in the State party. It further notes with appreciation the high-level delegation sent by the State party and the constructive and open dialogue.

#### B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes the many legislative and other measures taken by the State party with a view to the implementation of the Convention, such as:

(a) The amendments to the Civil Code providing children of 14 years or older with a legal standing in court proceedings (June 2003);

(b) The amendments to the Code of Criminal Procedure providing for significant improvements of the rules applicable to juveniles in conflict with the law (1 January 2004);

(c) The changes to the Code of Administrative Offences strengthening the protection of children from economic exploitation and drug abuse;

(d) The changes to the Criminal Code improving the protection of minors from trafficking;

(e) The approval by the President (August 2003) of the National Plan of Action for Children (2003-2007);

(f) The ratification (July 2003) of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour of 1999;

(g) The ratification of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993;

(h) The ratification of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction of 1997.

### **C. Factors and difficulties impeding the implementation of the Convention**

4. The Committee notes that the State party is prone to natural disasters (last earthquake 2002) and is experiencing serious socio-economic problems due, inter alia, to the transition to a market-oriented economy. Furthermore, the ethnic and political conflicts (regions of Abkhazia and South Ossetia), create serious obstacles for the State party in exercising its jurisdiction with regard to the implementation of the Convention in those regions.

### **D. Principal subjects of concern and recommendations**

#### **1. General measures of implementation**

##### **The Committee's previous recommendations**

5. The Committee welcomes the efforts made by the State party to address some of the concerns and recommendations (CRC/C/15/Add.124) it made upon consideration of the State party's initial report (CRC/C/41/Add.4/Rev.1), but regrets that many have not or have insufficiently been addressed, (inter alia those contained in paragraphs 15, 25, 31, 35, 45 and 55). The Committee notes that those concerns and recommendations are reiterated in the present document.

**6. The Committee urges the State party to make every effort to address those recommendations from the concluding observations on the initial report that have not yet been implemented and to address the list of concerns contained in the present concluding observations on the second periodic report.**

##### **Legislation**

7. The Committee welcomes the many legislative changes (see paragraph 3 above) introduced with a view to improving the protection of children's rights, but is concerned at the rather scattered nature of these legislative activities and at the sometimes large gap between the laws and their implementation in practice.

8. **The Committee recommends that the State party continue its efforts to bring domestic law into compliance with the Convention on the Rights of the Child in a more comprehensive and with a stronger rights-based focus. In this regard, the Committee recommends the consideration of drafting and adopting a comprehensive children's rights act. Furthermore, the Committee recommends that the State party take all necessary measures to ensure the effective implementation of all legislation relevant to the Convention.**

#### **National Plan of Action, implementation, coordination and evaluation**

9. The Committee welcomes the Presidential Decree (8 August 2003) requiring all relevant governmental bodies to take into account and implement the Plan of Action for Children when elaborating plans for social and economic development. However, it is concerned that this Plan is not sufficiently oriented to child rights and that the lack of adequate human and financial resources may seriously hamper its implementation.

10. **The Committee recommends that the State party take the necessary measures for a child-rights oriented implementation of the National Plan of Action, provide the necessary human and financial resources, and cooperate closely with international donors and with national and international non-governmental organizations (NGOs) in a participatory process of implementation. It further recommends that the Bureau of Programme Implementation and Monitoring of the State Chancellery be provided with the necessary resources and that there be effective cooperation between this Bureau and the Bureau of Coordination and Monitoring of the Economic Development and Poverty Reduction Programme in order to ensure that children are included in the implementation of the poverty reduction strategy paper.**

#### **Independent monitoring**

11. The Committee welcomes the establishment of a Child's Rights Centre within the Georgian Public Defender's Office with regional representatives in six regions, but is concerned that the organizational structure and the insufficient capacity of this Centre may prevent it from discharging its mandate effectively and regrets it has not expanded to the remaining regions.

12. **The Committee recommends that the State party take the necessary measures for the development of a systematic organization of the activities of the Child's Rights Centre at the national and regional levels, provide it with adequate human and financial resources and expand its activities to all regions of the country.**

#### **Allocation of resources**

13. The Committee is deeply concerned at the very low budget allocation for the implementation of the Convention, noting particularly the constant decrease in public expenditure on health and education which is now at a very low level despite the reasonably high level of economic growth (5.2 per cent in 2002). The Committee reiterates in this regard its concern at the very poor system of tax collection and, although acknowledging the efforts of the State party to address corruption, at the still widespread corruption.

14. **The Committee reiterates its previous recommendation to the State party to significantly improve the effectiveness of its tax collection system and urges the State party to substantially increase the budget allocation and ensure transparency of the use of funds for the implementation of the Convention, in particular in the areas of health and education, and strengthen its efforts to eliminate corruption.**

#### **Data collection**

15. The Committee notes the difficulties the State party encounters in introducing a comprehensive system of data collection, as recommended by the Committee in its previous concluding observations. However, the Committee maintains that such data are crucial for the monitoring and evaluation of progress achieved and the impact assessment of policies with respect to children.

16. **The Committee reiterates its previous recommendations, and urges the State party to intensify its efforts to establish a central registry for data collection and introduce a comprehensive system of data collection incorporating all the areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable.**

#### **Training/dissemination of the Convention**

17. The Committee welcomes the information provided in the State party's report on awareness-raising initiatives supported by the United Nations Children's Fund (UNICEF) and various NGOs, and notes the information included in the written replies to its list of issues relating to the integration of the Convention into the educational system.

18. **The Committee encourages the State party to continue its efforts to provide adequate and systematic training and/or sensitization on children's rights for professional groups working with and for children, in particular law enforcement officials, parliamentarians, judges, lawyers, health personnel, teachers, school administrators and others as required.**

## **2. General principles**

19. The Committee is concerned that the right to non-discrimination (article 2 of the Convention), the principle of the best interests as a primary consideration (art. 3), the right to life, survival and development of the child (art. 6) and the right of the child to express his or her views freely according to age and maturity (art. 12) are not yet fully reflected in the State party's legislation, policies and programmes at the national and local levels.

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

- (a) Appropriately integrate the general principles of the Convention, namely, articles 2, 3, 6 and 12, in all relevant legislation concerning children;**
- (b) Apply these principles in all political, judicial and administrative decisions, as well as in projects, programmes and services which have an impact on all children;**
- (c) Apply these principles in planning and policy-making at every level, as well as in actions taken by social and health welfare and educational institutions, courts of law and administrative authorities.**

**Non-discrimination**

21. The Committee is encouraged by the approval in March 2003 of the Plan of Action for Strengthening Protection of Human Rights and Freedoms of Minorities Living in Georgia (2003-2005), but does not have sufficient information to assess the impact which the Plan of Action will have on children and the extent to which issues affecting minorities will be addressed. The Committee also notes that changes were introduced in the Criminal Code to include anti-discrimination provisions addressing in particular racial discrimination, but remains concerned that this piece of legislation does not fully reflect article 2 of the Convention, nor does it include all vulnerable groups, such as children with disabilities.

**22. The Committee reiterates its previous concerns and recommendations (see CRC/C/15/Add.124, para. 25) and recommends that the State party review the existing legislation with a view to bringing it into compliance with article 2 of the Convention and ensuring its effective implementation.**

**23. The Committee requests that specific information be included, in the next periodic report, on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of general comment No. 1 on article 29 (1) of the Convention (aims of education).**

**Respect for the views of the child**

24. The Committee welcomes the efforts of the Georgian State Department for Youth Affairs, supported by UNICEF, to revive the Children's Parliament and other activities to raise public awareness of the participatory rights of children and the changes to the Civil Code (see paragraph 3 above) allowing for improved implementation of article 12. However, the Committee is concerned at the lack of efforts to encourage respect for the views of the child within the family and care and other institutions.

25. **The Committee recommends that the State party continue to promote and facilitate, within the family, schools, institutions, as well as in judicial and administrative procedures, respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention. It further encourages the State party to provide educational information to parents, teachers, government administrative officials, the judiciary, children themselves and society at large in this respect.**

### **3. Civil rights and freedoms**

#### **Birth registration**

26. While noting the high level of birth registration, the Committee is concerned at the information that some groups of children, in particular children abandoned at maternity wards, children whose parents cannot afford the registration (related) fee, refugee children and children of internally displaced persons still do have difficulties with proper birth registration.

27. **The Committee recommends that the State party take the necessary measures to facilitate birth registration of children in difficult circumstances and make all birth registration free.**

#### **Freedom of expression**

28. The Committee is concerned at the lack of legal guarantees for the freedom of expression for children below 18 years of age. It is also concerned at the inadequate attention being given to the promotion of and respect for the right of the child to freedom of expression and that prevailing traditional societal attitudes, in the family and in other settings regarding the role of children, appear to make it difficult for children to seek and impart information freely.

29. **The Committee recommends that the State party take all appropriate measures, including amendments to legislation, to promote and guarantee the right of the child to freedom of expression within the family, in the school and other institutions and in society.**

#### **Freedom of association and peaceful assembly**

30. The Committee welcomes the information provided in the State party's report on the Children's Parliament, the Children's Forum and the Georgian Children's Federation, as well as on the provisions of the Children's and Youth Associations Act, and notes the resolution of the Children's Parliament recommending representation of children with disabilities and children in institutions among its membership.

31. **The Committee recommends that the State party continue and strengthen its efforts to promote and support these and other activities of children and in particular facilitate and support participation of children with disabilities and children in institutions.**

**Access to information**

32. The Committee welcomes the steps taken by the State party to enact legislation to protect children from harmful information, such as the changes made in the Law on Advertisement in the context of prevention of pornography.

33. **The Committee recommends that the State party ensure implementation of the new legislation to protect children from harmful information, while promoting the possibility of access for all children to appropriate information.**

**Torture and other cruel, inhuman or degrading treatment or punishment**

34. The Committee welcomes the Presidential Decree approving a Plan of Action against Torture for 2003-2005 and the related plan to amend the Criminal Code with a view to strengthening the protection from torture and inhuman or degrading treatment or punishment. However, it remains concerned at the information that children are subjected to torture and other forms of violence and abuse in police stations, institutions and schools.

35. **The Committee urges the State party to take all necessary measures for the expeditious and effective implementation of the Plan of Action against Torture, ensuring full protection of children from all forms of violence, proper interrogation, prosecution and sentencing of perpetrators, and the provision of care, recovery and compensation for all child victims.**

**4. Family environment and alternative care****Children deprived of their family environment**

36. The Committee, while welcoming the State party's activities to reduce institutionalization, shares the concern of the State party about the poor standard of living of children in institutions and the fact that the Government does not allocate sufficient funds for these institutions. The Committee is deeply concerned that many of these children are placed in institutions owing primarily to economic hardship of the families, especially when they are in need of special care. Furthermore, the Committee regrets that information is not provided on issues specifically addressed in its previous concluding observations.

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

(a) **Continue measures to strengthen support for families to enable them to care for their children at home by developing a comprehensive child-centred family policy;**

(b) **Improve social assistance and support to families through advice and education to promote positive child-parent relationships;**

(c) **Strengthen measures, including the development of strategies and awareness-raising activities and support to families, to prevent and reduce the abandonment of children;**

**(d) Consider strategies to address the situation of abandoned children with disabilities and ensure their inclusion primarily in residential schools;**

**(e) Provide adequate resources for the effective implementation of the new law on 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;**

**(f) Strengthen and intensify the programme of de-institutionalization while taking all the necessary measures to improve living conditions in institutions and ensure that children living there for the shortest period possible are provided with adequate health care, education and food;**

**(g) Seek technical assistance from UNICEF.**

### **Adoption**

38. The Committee welcomes the accession of the State party to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993. However, it remains concerned that adequate monitoring procedures have not been introduced both with respect to domestic and intercountry adoptions. Furthermore, the Committee is concerned at the practice of direct intercountry adoption and the troublesome increase of newborns adopted by foreigners. Finally, it expresses its concern that legislation on adoption is complex.

39. **The Committee encourages the State party to:**

**(a) Expedite the revision of legislation on adoption with a view to adopting a comprehensive law on domestic and intercountry adoption and ensure that it is in full compliance with the Convention and other international standards, in particular the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993;**

**(b) Ensure that sufficient human and other resources are made available for the effective implementation and monitoring of the legislation;**

**(c) Ensure that cases of intercountry adoption are dealt with in full accordance with the principles and provisions of the Convention, in particular article 21, and the relevant Hague Convention;**

**(d) Explore ways to encourage national adoptions so that intercountry adoptions can be reduced.**

### **Periodic review of placement**

40. The Committee regrets that a legislative framework applicable to the periodic review of placement has not yet been developed in Georgia.

41. **The Committee reiterates its previous recommendations and urges the State party to establish a code of standards and to guarantee the right to periodic review of placement, in accordance with article 25 of the Convention, by, inter alia, ensuring the provision of the required human and financial resources.**

#### **Abuse, neglect and violence**

42. The Committee notes the information provided in the written replies to its list of issues on the Plan of Action to Combat Violence against Women 2000-2002 and on the 2000-2003 State programme for the protection, development and social adaptation of minors. However, the Committee regrets that many of its concerns and recommendations expressed during the consideration of the initial report have not been addressed, and is deeply concerned at the high incidence of abuse, neglect and violence within the family and in other settings. The Committee is also concerned at the occurrence of violence (bullying) in schools. The Committee concurs with the concerns expressed by the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, with regard to the occurrence of domestic violence, as they relate to children. The Committee regrets that the State party has not introduced domestic violence as a specific offence in criminal law or criminal procedural legislation and has not considered undertaking studies, or other steps, in this respect.

43. **The Committee recommends that the State party reinforce its efforts to formalize a comprehensive strategy to prevent and combat domestic violence and other forms of violence, including bullying in schools. The State party is encouraged to enact specific domestic violence legislation which brings together criminal and civil provisions, including remedies. In this respect, the State party is encouraged, inter alia, to consult the framework for model legislation on domestic violence (E/CN.4/1996/53/Add.2) which outlines important elements integral to comprehensive legislation on domestic violence. Furthermore, the Committee recommends that measures be taken to provide counselling and support services to all children victims of violence, including those who bully others in school.**

#### **Corporal punishment**

44. The Committee welcomes the fact that the State party considers corporal punishment totally unacceptable and inadmissible. However, the Committee notes that the prohibition of corporal punishment, referred to in the second periodic report of Georgia to the Human Rights Committee (see CCPR/C/GEO/2000/2, paragraph 117), refers only to the educational system and institutional care establishments, and regrets that corporal punishment is not explicitly prohibited in the family.

45. **The Committee encourages the State party expressly to prohibit corporal punishment in the family in legislation and to fully implement the prohibition of the use of violence, including corporal punishment, in schools and institutions, inter alia, by promoting positive, non-violent forms of discipline, especially in families, schools and care institutions in light of article 28 (2) of the Convention.**

## **5. Basic health and welfare**

### **Children with disabilities**

46. The Committee welcomes the programme for the countrywide reform of the system of institutionalizing disabled children and notes the need to set up an intersectoral working group for its implementation. Furthermore, the Committee notes that social assistance for families is limited to those caring for children up to 16 years. The Committee remains concerned that children with disabilities remain outside mainstream education and are marginalized in society.

47. **The Committee encourages the State party to pursue actively its current efforts and continue:**

(a) **To review existing policies and practice in relation to children with disabilities, taking due regard of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted at its day of general discussion on the issue of "The rights of children with disabilities" (see CRC/C/69);**

(b) **To undertake greater efforts to make available the necessary professional (i.e. disability specialists) and financial resources, especially at the local level, and to promote and expand community-based rehabilitation programmes, including parent support groups;**

(c) **To strengthen public awareness campaigns to change negative public attitudes towards children with disabilities;**

(d) **To take the necessary measures to integrate children with disabilities in the mainstream education system and society;**

(e) **To take necessary measures for the education that is relevant for their parenting of children with disabilities.**

### **Health and health services**

48. The Committee welcomes the information contained in the State party's report (para. 181) on the national health-care policy and on the strategic plan to develop health care in Georgia over the period 2000-2009. The Committee is aware of efforts to reduce infant mortality, but remains deeply concerned at the high rate of infant mortality during the reporting period (68/1,000 for 1998 and 51/1,000 for 1999). It is equally concerned that the supply of safe and good-quality drinking water is inadequate.

49. **The Committee reiterates its previous recommendation regarding the allocation of human and financial resources for the implementation of the National Health Policy. In particular, the Committee recommends that the State party:**

- (a) Strengthen its efforts to implement the National Health Policy through adequate and sustainable allocation of resources (both human and financial), including the training of sufficient numbers of health-care professionals, the provision of adequate salaries for health-care workers, and investments in health-care infrastructure, especially in the most disadvantaged areas;**
- (b) Improve the effectiveness of antenatal care and maternal health education with a view to reducing the high incidence of infant mortality;**
- (c) Address the situation regarding the supply of safe drinking water by, inter alia, seeking further support from the World Bank for the Municipal Development Fund of Georgia for the rehabilitation of the network of water supply and sewerage systems;**
- (d) Seek technical assistance from, inter alia, UNICEF.**

#### **Adolescent health**

50. The Committee notes with concern the increasing incidence of sexually transmitted diseases and that existing health services may not be tailored to the needs of adolescents, thus reducing their willingness to access primary health services.

51. **The Committee recommends that the State party increase its efforts to promote adolescent health policies and strengthen the programme of health education in schools. It further recommends measures, including the allocation of adequate human and financial resources, to evaluate the effectiveness of training programmes in health education, in particular as regards reproductive health, and to develop child- and youth-sensitive confidential counselling, care and recovery facilities that are accessible without parental consent when this is in the best interests of the child. The State party could consider seeking technical cooperation and advice from UNICEF and the World Health Organization (WHO).**

#### **Social security and childcare services and facilities**

52. The Committee notes that a government commission was set up to facilitate development of programmes to overcome poverty and promote economic growth. However, it also notes the recommendation made by the Committee on Economic, Social and Cultural Rights which encouraged the State party to reform its social security system and accord attention in particular to the most disadvantaged and marginalized groups. In addition, the Committee regrets that social benefits for children with disabilities are discontinued when they reach 16 years.

53. **The Committee encourages the State party to pursue efforts to reform its social security system, as recommended by the Committee on Economic, Social and Cultural Rights as this relates to children. Furthermore, it urges the State party to extend payment benefits to all children with disabilities, including those between 16 and 18 years of age.**

**Standard of living**

54. The Committee, while noting that the primary responsibility of securing the necessary living conditions for the child lies with the parents, shares the concerns of the Committee on Economic, Social and Cultural Rights about the increasing level of poverty, the poor living conditions of the majority of the population, the high unemployment rate, the low level of salaries and of social security benefits, and the rampant problem of corruption. The Committee is concerned that such a situation adversely affects the physical, mental, spiritual, moral and social development of children. Furthermore, the Committee notes that certain benefits are limited to children and families residing in the capital, Tbilisi.

**55. The Committee encourages the State party to implement fully the Poverty Reduction Programme and to take measures to assist parents and others responsible for children by intensifying efforts to combat poverty with a view to improving the standard of living of children and providing material assistance and support programmes, without discrimination based on place of residence, in accordance with article 27 of the Convention.**

**6. Education, leisure and cultural activities**

56. The Committee welcomes the cooperation of the Ministry of Education with international organizations and NGOs and is encouraged by the educational reform being implemented and the significant support received, allowing secondary education to be provided free of charge. The Committee is, however, concerned at the decline in public expenditure on education and the existence of a system of informal payments whereby much of the budget of educational institutions is funded by households. It is also concerned at the lack of data on repetitions, expulsions and dropout rates. Furthermore, it is concerned that education is provided to mentally and physically disabled persons only in residential institutions, and that their number has significantly increased from 1997 to 2000, despite the general decline in the population.

**57. The Committee urges the State party, taking into account its general comment No. 1 on the aims of education, pursue its efforts to ensure that all children enjoy the right to education consistent with articles 28 and 29 of the Convention, and that children with disabilities are integrated into the mainstream education in keeping with article 3 of the Convention. It encourages the State party to increase the level of public expenditure on compulsory education and to take measures to put an end to the participation of households in the so-called "school funds", which may limit the attendance at schools of the most vulnerable children. The State party is further encouraged to collect disaggregated data on students who are expelled, drop out or experience other school-related problems and to provide them with assistance and counselling services.**

**7. Special protection measures****Refugee and internally displaced children**

58. The Committee regrets that its recommendations contained in paragraph 55 of its previous concluding observations have not been fully implemented. Furthermore, while noting that there has been no progress in the right of internally displaced persons to return to their homes in safety and dignity, the Committee regrets that the report does not include information

on efforts made to improve the current conditions of the internally displaced persons, as envisaged by the “New Approach”. The Committee is also concerned at the situation of refugee children and lack of sufficient programmes targeting refugee children, in particular the most vulnerable ones.

**59. The Committee reiterates the recommendations made following the consideration of the initial report. Furthermore, it urges the State party to pay particular attention to the situation of internally displaced children and their families, while continuing to support their right to return voluntarily to their homes in safety and dignity. It further recommends that the State party amend the 1998 Law on Refugees and by-laws to fully reflect its commitments under the Convention relating to the Status of Refugees of 1951 and its Protocol of 1967 by offering a clear legal status to prima facie refugees.**

### **Economic exploitation**

60. The Committee welcomes the State party’s ratification of the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. Furthermore, the Committee welcomes the child labour survey, which gives the State party an opportunity to assess the scope of the problem with a view to addressing it appropriately. The Committee is concerned at the involvement of children in economic activity.

**61. The Committee recommends that the State party, in accordance with article 32 of the Convention, and ILO Conventions No. 138 on the Minimum Age for Admission to Employment and No. 182, which the State party has ratified:**

**(a) Take steps to ensure the implementation of article 32 of the Convention, and ILO Conventions Nos. 138 and 182, taking due account of ILO Minimum Age Recommendation, 1973 (No. 146) and the Worst Forms of Child Labour Recommendation, 1999 (No. 190);**

**(b) Continue its cooperation with the International Programme on the Elimination of Child Labour (IPEC), as well as strengthen its cooperation with and support of NGOs working in this area.**

### **Sexual exploitation/trafficking**

62. The Committee notes that the human rights treaty bodies which considered the reports of Georgia have consistently expressed concern at the practice of trafficking in persons, in particular women, and at the lack of protection of women, including young children, from, inter alia, sexual exploitation and trafficking.

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

**(a) Undertake measures to reduce and prevent the occurrence of sexual exploitation and trafficking, including by sensitizing professionals and the general public to the problems of sexual abuse of children and trafficking, through education including media campaigns;**

**(b) Increase protection provided to victims of sexual exploitation and trafficking, including prevention, social reintegration, access to health care and psychological assistance in a coordinated manner, including by enhancing cooperation with NGOs, taking into account the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children;**

**(c) Ensure that a confidential, accessible and child-sensitive mechanism is established to receive and effectively address individual complaints from all children, including those in the 15-18 years age group;**

**(d) Train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute reported cases of sexual abuse, in a child-sensitive manner;**

**(e) Ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;**

**(f) Seek technical assistance from, inter alia, UNICEF.**

#### **Street children**

64. The Committee shares the concern expressed by the Committee on Economic, Social and Cultural Rights and the findings of the Special Rapporteur on the sale of children, child prostitution and child pornography regarding the high number of street children who are often victims of trafficking networks and various other forms of exploitation, indicating that the number of children living on the streets is increasing and that families are allowing children as young as 7 to make a living on the streets. Furthermore, the Committee is deeply concerned by allegedly widespread police brutality towards street children.

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

**(a) Undertake a study to assess the scope and causes of the phenomenon and consider establishing a comprehensive strategy to address the increasing number of street children with the aim of preventing and reducing this phenomenon in the best interests of these children and with their participation;**

**(b) Make additional efforts to provide protection to children living on the streets and to ensure their access to education and health services;**

**(c) Strengthen the support and assistance to families in this respect;**

**(d) Continue to support NGOs to assist these children.**

## **Substance abuse**

66. The Committee shares the concern of the State party about the growing phenomenon of substance abuse, but regrets that the State party does not sufficiently address the concerns and recommendations made in its previous concluding observations, including taking administrative, social and educational measures to protect children from the illicit use of alcohol, narcotic drugs and psychotropic substances and to prevent the use of children in the illicit production and trafficking of such substances.

**67. The Committee reiterates its previous recommendation to the State party in this respect, and encourages the State party to strengthen preventive measures and to support recovery programmes dealing with child victims of alcohol, substance and drug abuse by, inter alia, seeking assistance from UNICEF and WHO.**

## **Juvenile justice**

68. The Committee welcomes the transfer of the penitentiary system from the Ministry of the Interior to the Ministry of Justice, as well as the ongoing cooperation of the State party with the Council of Europe's Committee for the Prevention of Torture. The Committee is, however, deeply concerned by allegations of ill-treatment of children by the police and the lack of follow-up to the previous recommendations of the Committee relating to juvenile justice.

**69. The Committee reiterates its previous recommendations that the State party:**

**(a) Ensure the full implementation of juvenile justice standards and in particular articles 37, 40 and 39 of the Convention, as well the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), in the light of the day of general discussion on the administration of juvenile justice, held by the Committee in 1995;**

**(b) Use detention, including pre-trial detention, only as a measure of last resort, for as short a time as possible, and develop alternative measures, such as community service and half-way homes to deal with juvenile delinquents in a more effective and appropriate manner;**

**(c) In light of article 39, take appropriate measures to promote the recovery and social reintegration of the children involved in the juvenile justice system, including adequate education and certification to facilitate their reintegration;**

**(d) Strengthen preventive measures, such as supporting the role of families and communities in order to prevent juvenile delinquency;**

**(e) Request technical assistance in the area of juvenile justice from, among others, the Office of the United Nations High Commissioner for Human Rights and UNICEF.**

### **Children belonging to minority groups**

70. The Committee welcomes the ratification by the State party of the International Convention on the Elimination of All Forms of Racial Discrimination. However, while the Committee is cognizant of the ethnic and religious diversity and tolerance in Georgia, it remains concerned at the increasing instances of direct or indirect discrimination and intolerance and the lack of an adequate response, as noted by the Council of Europe's European Commission against Racism and Intolerance (ECRI).

71. The Committee encourages the State party to take measures to combat racism, xenophobia, discrimination and intolerance by, inter alia, ensuring follow-up to the recommendations of the United Nations treaty bodies and ECRI, in particular as they relate to children. The Committee recognizes the important role of education in this respect and encourages the State party to continue to support education in languages of the minorities as well as education in their mother tongue for the ethnic Georgian population not having access to it.

### **8. Optional Protocols**

72. The Committee encourages the State party to ratify the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

### **9. Dissemination of the report, written answers and concluding observations**

73. In light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring at all levels of administration of the State party and among the general public, including concerned NGOs.

### **10. Next report**

74. The Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States parties' responsibilities to children under the Convention includes ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the implementation of the Convention. In this regard, regular and timely reporting by States parties is crucial. The Committee invites the States party to submit its third periodic report by 1 July 2006. The report should not exceed 120 pages (see CRC/C/118).

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