



Convention on the Rights of the Child

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Summary record of the 2413th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 17 September 2019, at 10 a.m.

Chair: Mr. Pedernera Reyna

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The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties (*continued*)

Initial report of Georgia on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography ([CRC/C/OPSC/GEO/1](#); [CRC/C/OPSC/GEO/Q/1](#) and [CRC/C/OPSC/GEO/Q/1/Add.1](#))

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1. *At the invitation of the Chair, the delegation of Georgia took places at the Committee table.*
2. **Ms. Totladze** (Georgia), introducing the initial report of Georgia on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography ([CRC/C/OPSC/GEO/1](#)), said that the National Human Rights Action Plan 2018–2020 contained activities aimed at preventing the sexual exploitation of children and developing rehabilitation services for victims of sexual abuse. In 2017, Georgia had joined the Global Partnership to End Violence Against Children. The Interagency Commission responsible for the implementation of the Convention was exploring how best to develop effective mechanisms to combat violence against children, including the sale of children, child exploitation and child pornography, and children's involvement in armed conflicts. The parliament had recently drafted the Code on the Rights of the Child, an overarching legislative text for the protection of children in Georgia.
3. Georgia had been classed as a tier 1 country in the United States Department of State Trafficking in Persons Report for four years running. In 2018 Georgia had criminalized pimping, and had also amended the Criminal Code to ensure the proper classification of trafficking cases and prevent children from becoming involved in prostitution. The proactive identification of human trafficking cases by mobile groups from the Ministry of Internal Affairs remained a key priority, as did the work of the special task force of investigators and prosecutors. Efforts were made to prevent human trafficking through public information campaigns and regular meetings with diversified target groups. Human trafficking issues were addressed in the curricula of schools and higher education institutions.
4. Georgia had concluded cooperation agreements with 30 countries and with Eurojust and the European Union Agency for Law Enforcement Cooperation (Europol) in order to combat cross-border trafficking. In addition, the State Fund for the Protection and Assistance of the Victims of Human Trafficking made it possible to provide child victims and children of parents victims of trafficking with appropriate accommodation, education and support.
5. The Government had established a working group to devise rehabilitation services for child victims of sexual abuse. With the financial support of the United Nations Children's Fund (UNICEF), an effective psychological-social rehabilitation mechanism had been planned for the cities of Tbilisi and Kutaisi. In order to prevent children in vulnerable situations from becoming victims of offences relating to the sale of children, child prostitution and child pornography and ensure their access to justice, State institutions were monitored by social workers and by the Social Protection Department of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs.
6. Day-care centres and 24-hour shelters existed for children in street situations who had been identified by mobile working groups; they could then be referred to psychological support services and prepared for longer-term placement in foster care. Their transition to ordinary schools was supported by a number of tailored outreach programmes.

7. Since the introduction in 2016 of new child protection referral procedures defining corporal punishment as a form of violence against children, there had been a dramatic increase in the number of children referred to the relevant agencies.

8. In 2018 the Human Rights Protection Department had been established within the Ministry of Internal Affairs and tasked with ensuring quality investigations into criminal offences such as human trafficking, crimes committed by or against minors, and crimes based on discrimination. It flagged shortcomings in the investigation process, and also served as a consultative body for the police and a contact point for civil society and relevant public agencies.

9. Under Georgian law, the minimum age of marriage was 18. The transitional provision of the Civil Code permitting the marriage of 17-year-olds had been repealed on 1 January 2017; an awareness-raising campaign on the prevention of early marriage had been conducted for relevant target groups.

10. The Juvenile Justice Code incorporated the principle of the best interests of the child, along with other key standards contained in the Convention on the Rights of the Child, its optional protocols, and the Committee's general comments. The Code ensured that the detention of minors was imposed only as a measure of last resort, provided for the rehabilitation of minors in conflict with the law, and protected the rights of minor victims and witnesses. Only professionals specialized in juvenile justice could administer juvenile justice proceedings.

11. Introducing the initial report of Georgia on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/GEO/1), she said that in 2019 the Government had approved a national strategy and road map for preventing and combating all forms of terrorism, radicalization and extremism, which included preventive measures with respect to children.

12. Georgian legislation prohibited the recruitment of persons aged under 18 into compulsory or professional military service. However, minors aged under 18 could, after graduation from school, become students of the National Defence Academy subject to the consent of their parents or legal guardians.

13. In 2019 a bill to increase the public funding of education to 6 per cent of gross domestic product (GDP) by 2022 had been submitted to the parliament. Special funding was available to support inclusive education at all levels and social inclusion programmes for students with special educational needs. Programmes were also in place for the education of disadvantaged children.

14. Lastly, she wished to draw the Committee's attention to the alarming humanitarian situation of children living in the occupied Abkhazia and Tskhinvali regions of Georgia and in particular to the fact that no human rights monitoring mechanisms were allowed into those regions.

15. **Ms. Ayoubi Idrissi** (Country Rapporteur for the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography) said that the Committee shared the delegation's concern about the situation in the occupied territories and its implications for the implementation of the Convention and its optional protocols.

16. She would appreciate confirmation that the State party had taken all necessary steps to ensure that the Optional Protocol on the sale of children, child prostitution and child pornography had been duly incorporated into the State party's legal order and had full legal effect.

17. She noted that most of the statistics provided by the State party concerned trafficking in human beings rather than offences under the Optional Protocol, and came from only one source, namely the Ministry of Justice. She would like to hear about any measures envisaged to provide for the collection of data on relevant offences, from a variety of sources but using standardized definitions, in order to give the Committee a broad overview of the situation in the State party. Moreover, she would welcome

information on the measures the State party was taking to give effect to the Optional Protocol specifically, over and above its general human rights action plans and strategies.

18. She would appreciate receiving detailed information on the modalities for coordinating the implementation of the Optional Protocol by the various institutions and bodies concerned.

19. The Child Rights Centre in the Public Defender's Office faced many challenges in the discharge of its functions of promotion and defence of children's rights, not least because of the lack of clarity in its mandate and a lack of resources. She asked the delegation to explain what was being done to raise the profile of the Centre and equip it with the resources it required to operate independently. The Committee would also welcome information on its right to investigate cases *ex officio* and any measures to safeguard children's right to address the Centre confidentially and without fear of reprisal.

20. She wondered whether efforts to disseminate the Optional Protocol and provide relevant training extended beyond the action taken by the Ministry of Internal Affairs and the Ministry of Education. She would be interested to learn how widely the Protocol was disseminated, for example to children themselves and their families, and to educators and people travelling abroad. In addition, it would be useful to receive an indication of the budget allocated to the implementation of the Protocol.

21. With respect to prevention, she would welcome information on the measures taken to tackle the root causes of poverty and other risk factors that made children particularly vulnerable to violations of their rights under the Optional Protocol.

22. Referring to the comments on gestational surrogacy made by the Special Rapporteur on the sale of children, child prostitution and child pornography following her visit to Georgia ([A/HRC/34/55/Add.1](#), para. 15), she said that the Committee was concerned that the State party appeared to have no specific legal provisions protecting mothers and children from certain practices that could be considered to amount to the sale of children. Equally troubling was the absence of a legal framework for preventing and combating the exploitation of children in the tourism and travel sector. Lastly, given that most children had access to computers and mobile telephones, she wished to know what was being done to protect children from inappropriate content and exploitation online.

23. **Ms. Todorova** (Country Rapporteur) said that, while she welcomed the State party's efforts on behalf of child victims of sale, prostitution and pornography, particularly with regard to legislation, training and the provision of services, further action was needed in a number of areas. The majority of the action taken related to trafficking in children rather than the specific offences covered in the Optional Protocol. The sale of children, for example, was prohibited only in the context of trafficking in persons, and there was no specific criminalization of the sale of children for prostitution or forced labour. In that regard, she drew the delegation's attention to the guidelines on reporting under the Optional Protocol soon to be issued by the Committee and which would provide guidance on the legislation required to comply with the Protocol.

24. The definition of the exploitation of children for prostitution was not clear and made reference to the use of violence, and the law made no provision for the protection of children aged between 16 and 18, presumably on the basis that the age of consent was 16. However, no person under the age of 18 could give consent, which also meant that the use or otherwise of violence was irrelevant. All exploitation of children for the purposes of prostitution should be criminalized. Gaps also existed in the legislation on child pornography, which did not specifically mention the possession, importing and exporting of child abuse material.

25. She would appreciate details of the sanctions, other than deprivation of liberty, that could be applied to perpetrators of crimes under the Protocol. Information should also be provided on the criminalization of online activity relating to the sale of children, child prostitution and child pornography, and on new types of offences such as grooming.

26. Extraterritorial jurisdiction had not been fully established in the State party's legislation. She wished to know what action was taken in cases where a Georgian child was the victim of an offence under the Protocol committed in another country, or if an offence

was committed in Georgia against a child of another nationality, or in the event that a Georgian national committed an offence in another country. In that connection, the requirement of double criminality should be abolished so that extraterritorial jurisdiction would apply irrespective of whether the offence was a recognized crime in the country where it had taken place. In addition, the statute of limitations for crimes under the Protocol committed against children should be abolished.

27. Judging by alternative information received, greater efforts and investment were needed to strengthen the system of protection for child victims, and proper safeguards were needed against revictimization in the course of investigations and judicial proceedings. Another area of concern was the accessibility of telephone hotlines for children to report the crimes covered by the Protocol and seek counselling. She asked what measures were being taken to remove the barriers to reporting for children.

The meeting was suspended at 10.55 a.m. and resumed at 11.20 a.m.

28. **Ms. Jaliashvili** (Georgia) said that the progress achieved under the National Strategy on Human Rights for 2014–2020 was being evaluated and an independent report would be issued by an international expert on human rights. The chapter addressing children's rights was one of the longest sections of the Strategy; it was implemented through the Human Rights Action Plan, which contained detailed, structured activities to be undertaken by government ministries, along with implementation timelines and indicators. A special column in the Action Plan showed the international commitments and recommendations forming the basis for each action, including the Optional Protocols where appropriate.

29. There was no separate budget line for implementation of the Action Plan. The Plan showed the budget line for each government ministry next to the information on each activity. Those budget lines were then incorporated into the State budget.

30. With regard to coordination of implementation of the Convention and its optional protocols, she said that the Human Rights Action Plan was the main source of guidance in mainstreaming all international recommendations on human rights and in apportioning responsibilities. The Interagency Commission responsible for implementation of the Convention on the Rights of the Child brought together the Child Rights Centre, civil society and the relevant State institutions, including the legislature and the judiciary. Improvement of coordination was the Commission's main task and was based on needs identified in the course of implementing the children's rights chapter of the Action Plan.

31. **Mr. Khandolishvili** (Georgia) said that, in 2017, spending on education had reached 3 per cent of gross domestic product (GDP), and would be increased to 6 per cent of GDP within three years. New school curricula to be introduced by 2020 covered human rights issues under the subject of civic education, which was taught to every year group. Teachers received mandatory training on human rights issues and the human rights component of civic education. The special service responsible for security and psychological and social support in schools had been expanded to cover 75 per cent of schools in the country. The schools not covered by the service were mostly small ones in mountainous areas; there, security and support was provided by the school warden. The number of Ministry of Education and Science staff specializing in psychological health or social work had increased significantly, so that most regions were covered, and new regulations had been introduced for the security and support service. Training was being provided on sexual violence, identification of victims of sexual violence and working with victims. The Ministry of Education and Science worked closely with the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs and the Ministry of Internal Affairs to identify gaps in coverage from region to region.

32. The rate of school dropout due to early marriage had fallen significantly between 2017 and 2019. The decline was due to an awareness-raising campaign launched by the Ministry of Education and Science and a programme for parents in regions where there were minority groups with a tradition of early marriage. The "Second Chance Education for Out of School Children" programme provided fresh opportunities to young people who had dropped out due to marriage or family circumstances, as well as to Roma children, child refugees and internally displaced children.

33. **Ms. Barkalaia** (Georgia) said that, since child poverty increased the risk of violence against children, and the risk of specific offences under the Optional Protocol, combating child poverty was a priority for her Government. In 2019, measures had been taken to support vulnerable families with children through Targeted Social Assistance, which was the main government payment made to families with children. The allowance for children, which was paid in addition to Targeted Social Assistance, had been increased in January 2019 from 10 to 50 lari.

34. Efforts to combat forced child labour had been stepped up by means of increased labour inspections, special training for labour inspectors and improved labour standards. In September 2019, the labour inspectorate had been granted authority to enter any business at any time and without prior notice. With the cooperation of the Ministry of Education and Science, local residents, particularly in regions where it had been identified as an issue, were informed about child labour.

35. Domestic violence was another priority issue for the Government. As part of measures to increase access to services for victims of domestic violence, including child victims, five shelters and five crisis centres were in operation, several of which had opened in 2018 and 2019. Psychologists, lawyers and social workers were trained to work with children in the shelters.

36. Social work was a relatively new profession in Georgia. The Government had increased spending on training and capacity-building for social workers, and the Ministry of Education and Science had developed a certification course in social work which was currently being completed by 80 per cent of the social workers employed by the Government. An additional 50 social worker posts had recently been created to increase capacity and the aim was to ensure that no single social worker was dealing with more than 50 cases at any one time. The authorities had worked with the United Nations Children's Fund (UNICEF) and a number of NGOs to develop standard operating procedures and intervention models for specific groups of beneficiaries. Social workers attended mandatory training courses in the application of the procedures and relevant legislation.

37. A country coordination mechanism had been set up to develop short- and long-term systems for the protection of children. The mechanism brought together representatives of the Ministry of Education and Science, the Ministry of Justice, the Ministry of Internal Affairs, several NGOs, the Georgian Orthodox Church and the Muslim community. Its activities focused on four main spheres, one of which was the improvement of the social work sector. The integrated approach of the mechanism ensured that all stakeholders had a voice and shared the responsibilities.

38. In terms of services for children, foster families or small group homes were the preferred options to guarantee children a family-like setting. Children who had been victims of violence were placed in day centres or shelters only if there were no places available elsewhere or if they were not considered ready to be placed in a family-like setting.

39. The authorities were making great efforts to address the needs of children in street situations in the cities of Tbilisi, Kutaisi and Rustavi. It had not yet been possible to open shelters in the city of Batumi owing to a lack of infrastructure. Social workers were informed on a quarterly basis of any new places available for children in street situations. Based on recommendations made by international partners, two reintegration centres for child victims of violence, including sexual violence, were being set up as part of a pilot project. The centres would follow the Barnahus model and would offer children interdisciplinary support, including support from the Prosecution Service.

40. **Ms. Todorova** said that she would be particularly interested to receive more information about the State party's efforts in prosecuting offences under the Optional Protocol. It would be useful to hear about the support social workers provided to children who were witnesses in criminal prosecutions. Did social workers receive training in that regard?

41. **Mr. Gudbrandsson** said that he would like to know more about the pilot of the Barnahus model. It would be interesting to learn whether child witnesses would be allowed to give their testimony in the Barnahus centres so as to avoid having to appear in court.

Would the examination and evaluation of children at the centres be done by specialized medical professionals?

42. **Ms. Ayoubi Idrissi** said that she would like to know whether there had been a midpoint evaluation of the achievements of the National Strategy on Human Rights and the National Human Rights Action Plan. What had been the impact of the measures implemented by the country coordination mechanism?

43. **Ms. Sarajishvili** (Georgia) said that data collection and analysis was one of the main tasks of the Department of Public International Law, which operated within the Ministry of Justice and acted as the secretariat of the Interagency Council on Combating Trafficking in Human Beings. When the health authorities received information about a child victim of trafficking, they immediately shared the data relating to the case with the Department. The Department gathered data on the number of prosecutions and convictions in cases relating to the exploitation of children, as well as disaggregated data on child victims' sex, age and country of origin.

44. She wished to provide clarification on the content of article 143 of the Criminal Code, which, even in Georgia, was generally acknowledged to be complex and difficult to interpret and apply.

45. Although the Optional Protocol was directly applicable under the Constitution, additional special provisions deriving from the Protocol itself had been introduced in order to protect the best interests of the child. Thus the sale and sexual exploitation of children were criminal offences, punishable by at least 8 years' imprisonment; and in one case a sentence of life imprisonment had been handed down for child sexual exploitation. Moreover, criminal liability applied not only to physical but also to legal persons.

46. Article 143 (2) of the Criminal Code penalized the purchase or sale of children and any other unlawful transactions in relation to children. The purchase or sale in itself provided sufficient legal grounds for criminal liability; there was no need to consider the purpose of the transaction. Exploitation was considered separately under article 143 (1).

47. Although, under the Criminal Code, the involvement of children in prostitution was defined as a crime only where it involved the use of violence, in 2018 the act of pimping had been made a punishable offence in national law. It was defined as an act where one person persuaded another to engage in a sexual contract, even in the absence of violence. The involvement of minors constituted an aggravating circumstance, and incurred a prison sentence of between three and six years. In order to enforce the law, training had been provided to help officials detect pimping, particularly involving minors; to date around 100 officials had been fully trained.

48. Whether article 255 of the Criminal Code covered possession of child abuse material was a matter of interpretation. It prohibited, inter alia, the purchase, storage, dissemination and transfer of such material, which necessarily implied that the material had previously been in a person's possession. In practice, possession of child abuse material was covered in case law and in training for law enforcement officials, judges and prosecutors. Child pornography was also covered in national legislation under the crime of grooming.

49. **Ms. Khazova** said that she would like to draw the delegation's attention to the Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, a valuable tool for all those working in the area of child sexual exploitation.

50. **Ms. Sarajishvili** (Georgia) said that, in cases where a Georgian national had been exploited in another country, the State authorities were empowered to request the foreign authorities to investigate.

51. **Mr. Nelson** (Country Rapporteur for the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict), said that, while he welcomed the fact that the age of recruitment had now been set at 18, he noted that the State party had not yet specifically criminalized the recruitment of children aged under 18, as required by the Optional Protocol. He wondered whether that situation could be rectified and how long it would take.

52. He asked whether the Human Rights Action Plan addressed the State's obligations under the Optional Protocol and what activities associated with the Protocol were performed by the Interagency Council on the coordination and monitoring of the implementation of the Action Plan. He would like to know what national policies and strategies were in place to give effect to the Optional Protocol, and how they were applied in practice. He requested details of budget allocations for activities related to the Protocol, and of any initiatives to raise awareness of the Protocol. He wondered to what extent awareness-raising and training for police and investigators covered the Protocol. Did the school curriculum address recruitment of children? In what other ways was the Protocol taken into account in education?

53. He would appreciate the delegation's comments on information available to the Committee revealing that children were being recruited in the Pankisi Gorge region for operations in the Syrian Arab Republic. Further information would be appreciated on measures to deal with children returning from armed conflict abroad and to help them reintegrate into society.

54. **Mr. Madi** (Country Rapporteur), noting that minors aged under 18 could, exceptionally, enrol in the National Defence Academy, asked at what age they could enrol and why such an exception existed. He was seriously concerned that children who had completed ninth grade, usually 15-year-olds, who enrolled in the Legal Entity of Public Law (LEPL) Cadets' Military Lyceum were trained in the use of weapons. He asked how such minors could be both civilians and cadets, as stated in the report. If they were considered civilians, why were they trained in the use of weapons? Were they subject to military discipline or free to leave the institution at any time? He would like to know whether an independent complaints procedure was in place for the cadets. He would like further information on the contract that students were required to sign prior to call-up for the Armed Forces, and which students that applied to. He would like clarification of the situation regarding recruitment of children aged under 18 by non-State armed groups. Aggravating circumstances should apply to the penalties for recruitment of minors to a terrorist group, as they did for recruitment of minors as mercenaries.

55. Alternative reports available to the Committee revealed that children recruited in the Pankisi Gorge by persons associated with the Islamic State in Iraq and the Levant (ISIL) were being taken outside the country, usually to Turkey, as they could cross the border without a visa, and sometimes without their parents' consent. In that light, he asked what measures were taken to prevent child recruitment, particularly in the Pankisi Gorge, to ISIL or other armed groups. He would like further information on the return of adults who had been recruited as children, on reports telling of families with children travelling to the Syrian Arab Republic and on any measures the Government was taking to fight radicalization of children.

56. Further details would be appreciated concerning the establishment of a mechanism for the early identification of children entering the country who might have been involved in terrorism and armed conflict abroad, and the measures taken to provide them with appropriate assistance, including psychological services and rehabilitation and reintegration programmes. He urged the Government to consider abolishing the requirement for double criminality for extradition, in order to combat impunity among persons recruiting foreign nationals abroad.

The meeting rose at 12.55 p.m.