



Convention on the Rights of the Child

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Summary record (partial)* of the 2414th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 17 September 2019, at 3 p.m.

Chair: Mr. Pedernera Reyna

Contents

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 (continued)

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 (continued)

* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3.05 p.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 (continued) (CRC/C/OPSC/GEO/1; CRC/C/OPSC/GEO/Q/1 and CRC/C/OPSC/GEO/Q/1/Add.1)

1. *At the invitation of the Chair, the delegation of Georgia took places at the Committee table.*
2. **Ms. Jaliashvili** (Georgia), summarizing her Government's written replies to paragraph 3 of the list of issues (CRC/C/OPSC/GEO/Q/1/Add.1), said that the Child Rights Centre, now known as the Child Rights Department, of the Public Defender's Office carried out its mandate independently but did not have the power to bring cases of child rights violations before the courts. Its budget was part of the overall budget of the Public Defender's Office. Children who reported violations of their rights to the Department via the dedicated hotline were informed that their complaint would be treated with confidentiality. Although the Public Defender's Office had a separate meeting room for interviews with children, its premises were not child-friendly in general; there were plans to address that issue, however.
3. **Ms. Peradze** (Georgia) said that mobile police units had been set up in order to identify child victims of sexual and labour exploitation. They monitored high-risk areas such as nightclubs and casinos, and carried out checks on children working and living in the streets. The police cooperated closely with the Social Service Agency in order to prevent the sale of children; as a result of that cooperation, two women had recently been prosecuted for that offence and sentenced to 9 years' imprisonment.
4. The Ministry of Internal Affairs worked with the European Union Agency for Law Enforcement Cooperation (Europol) and the Federal Bureau of Investigation of the United States of America in order to detect the use of information and communications technology to commit sexual offences and transmit pornographic material. As soon as Europol or the Federal Bureau of Investigation detected the transmission of pornographic material from an electronic device with an Internet Protocol Address in Georgia, they referred the case to the Central Criminal Police Department. Several cases of that kind had been successfully investigated.
5. **Ms. Kiladze** (Georgia) said that the Committee on Human Rights and Civil Integration of the parliament had led two legislative initiatives aimed at strengthening the protection of child rights. The first of those was the draft Code on the Rights of the Child, which was set to be adopted shortly and would enter into force on 1 June 2020. The second initiative was the new law on social work that had been adopted in 2018.
6. The draft Code, which had been drawn up in collaboration with the United Nations Children's Fund (UNICEF) and the European Union, covered many aspects of child protection, including protection from sexual exploitation and prostitution. As well as providing for various preventive mechanisms and response measures, it recognized the right of children to enjoy social protection and sustainable access to education, health care and other services. It also provided for the development of personalized family support programmes that took into account the best interests of the child.
7. The draft Code contained a chapter on the protection of children from negative influences, including harmful material on the Internet. It provided for various preventive measures, including the requirement that Internet providers must be able to block access to dangerous information upon request. Children could browse the Internet in secondary schools and libraries, provided that appropriate browser filters had been installed. The spread of harmful material online and through other media was monitored by the National Communications Commission. Additional preventive activities in that field were conducted by the municipal child protection services.
8. The draft Code provided for the creation of child-friendly justice mechanisms and remedies and stipulated that all justice system personnel who dealt with cases involving

children must receive training on protecting child rights and communicating with children of all ages, especially those in vulnerable situations. Training for judges on those issues was provided by the High Council of Justice. The draft Code would guarantee the right of all children, including children with disabilities, to be heard in legal cases involving them, in a friendly environment and without interference from a third party, regardless of their age or stage of development. It stipulated that all children had the right to obtain free, child-friendly legal aid, which could be provided by a variety of means. In addition, it provided for the creation of a comprehensive data-collection system that would include information on child sexual exploitation and child prostitution.

9. The Government believed that, in order to prevent the retraumatization of child victims, all cases of sexual exploitation and violence should be dealt with by an interdisciplinary team of medical professionals and justice workers, and all public servants who worked with children should receive training on child-related issues. Thanks to the latest overhaul of social work, which had given rise to the new legislation, there were now social workers who specialized in dealing with children and families; the law also ensured that all social workers were appropriately qualified and had a clear understanding of child-related issues. Action plans and detailed budgets had been drawn up for the implementation of the law and for the application of the draft Code on the Rights of the Child, once adopted.

10. In cases of sexual, economic or domestic violence against children, the statute of limitations applied only from the time that judicial proceedings were brought or the child reached adulthood.

11. **Ms. Barkalaia** (Georgia) said that child victims and witnesses who were under State care were accompanied by social workers to police interviews and court hearings. In cases where the child concerned was not under State care, social worker participation in legal proceedings could be requested by law enforcement officers, depending on the child's needs. A working group composed of representatives of ministries, the Public Defender's Office and non-governmental organizations (NGOs) had been set up to develop a Georgia-specific Barnahus model based on those used in Iceland, Sweden and Estonia. Once adopted, the model would be implemented in two centres. It seemed likely that medical evaluations would be conducted in those centres; however, the question of whether legal testimony would be gathered there was still under discussion.

12. **Ms. Ayoubi Idrissi** (Country Rapporteur) said that she would like to know what steps had been taken to ensure that court proceedings were conducted in a child-friendly manner pending the entry into force of the Code on the Rights of the Child. She wondered whether the State party considered the Optional Protocol to be an adequate legal basis for requesting extradition in the absence of an extradition treaty.

13. **Ms. Kiladze** (Georgia) said that the reform of the juvenile justice system had helped to ensure the participation of children in legal proceedings concerning them. It had taken three years to prepare the draft Code on the Rights of the Child because it had been necessary to take into account the views of all stakeholders, including some radical groups that did not support the protection of child rights. Training would be provided to all professionals who worked with children in preparation for the adoption and entry into force of the draft Code.

14. **Ms. Sarajishvili** (Georgia) said that the Code of Juvenile Justice had been adopted in 2015. The protection of young offenders and child witnesses was guaranteed under the Code.

15. Georgia was a party to several international instruments concerning extradition, including the European Convention on Extradition and its additional protocols, and bilateral agreements with specific States. The provisions on judicial cooperation contained in those instruments were applied. The International Cooperation in Criminal Matters Act, which had been brought up to date in 2015, provided the legal basis for initiating extradition proceedings.

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 (continued) (CRC/C/OPAC/GEO/1; CRC/C/OPAC/GEO/Q/1 and CRC/C/OPAC/GEO/Q/1/Add.1)

16. **Mr. Amanatidze** (Georgia) said that the laws on recruiting by the defence forces in Georgia were compatible with the obligations the country had assumed on ratifying the Optional Protocol. By law, for example, no one under 18 years of age could be conscripted into the defence forces. Anyone illegally recruited could appeal to the courts. Other legal safeguards were also in place. Members of the reserve force also had to be aged at least 18.

17. The National Defence Academy was an institution of higher learning open to graduates of secondary schools who could theoretically be under the age of 18; however, parental consent or the consent of a legal guardian was required for the enrolment of a minor. Persons entering military service in Georgia, including members of the entry-level classes at the Defence Academy, signed contracts that described their rights and duties while in the service.

18. A military secondary school, the Cadet Military Lyceum, operated under the aegis of the Ministry of Defence. Cadets at the school, who had no military status, were provided with room and board, health care and other necessities. Instruction at the school followed a curriculum adopted by both the Ministry of Defence and the Ministry of Education and Science. Included in the curriculum were military education programmes, courses on international humanitarian law and tactical drills, including with weapons, the safe use of which cadets were required to learn. Initially, drills involved mock exercises and weapons with no live rounds. Later, however, for cadets aged 16 or older, there were regulated live-fire exercises. Civilians were not subjected to military discipline; cadets at the military school were punished, if necessary, as prescribed in a code of conduct specific to the school. They could also apply for transfers to non-military secondary schools.

19. The school had three mechanisms to which cadets could apply for protection of their rights. The first was a board of trustees on which were represented the faculty, the Ministry of Education and Science, the parents of cadets and the cadets themselves. The board was the school's highest body for the resolution of disciplinary matters and was responsible for the adoption of the code of conduct. The school also had a system of cadet self-government and a disciplinary committee. Schools operated by the defence authorities ordinarily had what the schools termed cadets rather than students, even if, as with the military school in Georgia, the cadets were civilians and did not wear military uniforms.

20. **Ms. Totladze** (Georgia) said that the term by which the children attending the military school were known was not indicative of their legal status.

21. **Mr. Mgelladze** (Georgia) said that, in July 2018, Georgia had received a visit from the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, which had taken a favourable view of the steps the country had taken to combat terrorism. Shortly thereafter, Georgia had adopted a new national strategy on combating terrorism. Leading NGOs, the Public Defender's Office and experts in the field had been involved in the development of the strategy. The importance of respecting human rights while taking measures to combat terrorism was underscored in the strategy. Emphasis was also placed on the particular vulnerability of children and other young people to extremist ideas.

22. The State Security Service gathered information on the conflict in the Syrian Arab Republic. It took a particular interest in identifying nationals of Georgia, including children, who were in the conflict zone. The aim was to develop policies for handling their return. Some Georgian nationals, mostly from the Pankisi Gorge, had left Georgia with their spouses and children to join Islamic State in Iraq and the Levant (ISIL). Reports indicated that those spouses and children had left the conflict zones. In 2015, Ayub Borchashvili had been arrested for joining a foreign terrorist organization. He had also been convicted of recruiting three other persons, all of them adults. Under the leadership of the Ministry of Justice, three children had recently been brought back to Georgia, and they were being provided with support by the relevant public agencies. The authorities were

aware that the problem of reintegrating women and children who returned to Georgia from the conflict zone in the Syrian Arab Republic and Iraq was a delicate one.

23. A draft development plan for the Pankisi Gorge had been formulated in 2019. The draft plan laid out a number of public activities that were based on the needs of the local population, including young people. Campaigns to raise awareness of a number of rights-related issues, including campaigns targeting young people, were conducted on a regular basis in the Gorge. In early 2019, a group of teachers from the Gorge had visited Brussels, where they had met with officials from the European Union and the North Atlantic Treaty Organization (NATO) and learned about the history of the European Union and its relations with Georgia. The teachers would share the knowledge they had acquired on their trip with their students in the Pankisi Gorge.

24. **Ms. Sarajishvili** (Georgia) said that the three children who had recently been brought back to Georgia had not themselves been combatants. Their father, a so-called foreign fighter, had been killed in Mosul, Iraq, and his children, who were 2, 4 and 5 years old, had been living with their mother in a women's prison in Baghdad. The Georgian authorities had secured their release after months of negotiations with their Iraqi counterparts. The children were currently living with their maternal grandparents in a Georgian village. Although they had been in the country for less than a full year, they had already begun speaking Georgian.

25. Prison sentences for recruiting children to participate in armed conflict ranged from 9 to 13 years. Under the Criminal Code, natural and legal persons creating, managing, participating in or supporting illegal groups were criminally liable; natural persons could be deprived of their liberty for 6 to 12 years, or more if there were aggravating factors. The Criminal Code had a specific chapter on terrorism and recruitment for terrorism, imposing prison sentences of 5 to 10 years, or more if there were aggravating circumstances.

26. With regard to jurisdiction, she said that, under article 5(3) of the Criminal Code, foreigners or stateless persons abroad who committed a serious crime against the interests of Georgia or against a Georgian national, or a crime covered by an international treaty to which Georgia was a party, could be prosecuted.

27. Extradition proceedings could be initiated under the terrorism-related conventions to which Georgia was a party. A foreign person who recruited children abroad could be prosecuted if that person came to Georgia, even if the crime was not considered an offence in the country where it was committed and even if the crime was not against Georgian interests.

28. The International Cooperation in Criminal Matters Act had been adopted as a supplementary instrument, the main purpose of which was to ensure that, whenever Georgia identified an offender, it was obliged to prosecute or extradite that person. If the crime was terrorism-related and no extradition was to take place, prosecution was mandatory.

29. **Ms. Baikova** (Georgia) said that she wished to draw the Committee's attention to certain new developments in the occupied territories, notably restrictions on freedom of movement that were having a serious impact on children's education and health care. The Georgian Government was making great efforts to alleviate the suffering of those living under occupation.

30. **Mr. Madi** said that the Committee sympathized with the status of Georgian children in the occupied territories, but the matters referred to related to the Convention, not the Optional Protocols.

31. **Ms. Totladze** (Georgia) said that the situation in the occupied territories was important because, although the State could not control the situation there, it still had a legal obligation to protect the children in those territories.

32. **Mr. Madi** (Country Rapporteur) said that he would appreciate some information about the mother of the three children repatriated from Iraq. In the light of the Committee's concern for the family unit, he was curious to know whether she had refused to return or the State party had preferred not to repatriate her with the children.

33. Regarding extraterritorial jurisdiction, he was not convinced that a foreigner in Georgia who had recruited another foreigner while abroad could be prosecuted and wished to know under what law the proceedings would be brought. He also wished to know why the State party's report and the relevant provisions of the Criminal Code made reference to stateless persons, who would not possess documents enabling them to travel abroad.

34. **Mr. Nelson** (Country Rapporteur) asked what kind of services had been provided by the agencies caring for the three children repatriated from Iraq.

35. **Ms. Ayoubi Idrissi** asked whether the children would have been repatriated in the same way if they had been over 12 years old.

36. **Ms. Sarajishvili** (Georgia) said that her Government recognized that it was important for the repatriated children to be with their only parent. It was therefore negotiating a bilateral agreement with the Iraqi authorities to transfer the mother to Georgia in the near future. The Ministry of Justice had obtained a copy of the Iraqi court judgment sentencing her to 25 years in prison for being the wife of a foreign fighter with ISIL. The Minister had travelled to Iraq, where the authorities had confirmed that she had not been involved in the fighting. The Georgian Government was therefore willing to allow her to serve her sentence in a Georgian prison so that she could be close to her children.

37. She could not say whether the Government would have acted in the same way if the children had been older, as it would depend on the circumstances of the case, but the basic principle was to protect the best interests of the child.

38. On the question of extraterritorial jurisdiction, she said that, if a foreign national who had committed a crime abroad appeared in Georgia, article 5 (3) of the Criminal Code, read in conjunction with certain other articles, would allow that person to be prosecuted or extradited.

39. **Mr. Mgelladze** (Georgia) said that the school curriculum covered topics of global interest, such as international threats, humanitarian and peace missions, international and humanitarian law, and United Nations treaty bodies and organizations. Children could discuss human rights, peace processes led by international organizations, and human rights violations. They also learned that every child had a right to lodge a complaint directly with the Committee on the Rights of the Child.

40. **Mr. Madi** said that the issue of extraterritorial jurisdiction concerned crimes committed under the Optional Protocol only. His question about stateless persons arose from the contradiction in paragraph 71 of the State party's report, which referred to stateless persons committing a crime abroad, when in fact they would not have travel documents to leave the country.

41. **Ms. Sarajishvili** (Georgia) said that Georgia would have jurisdiction to prosecute a crime under the Optional Protocol committed in a foreign country by a foreigner who then entered the territory of Georgia. A written reply to the question on stateless persons would be provided after the meeting.

42. **Ms. Peradze** (Georgia) said that the Academy of the Ministry of Internal Affairs was the sole institution providing police training. Initial training consisted of a mandatory basic course with approximately 450 hours of training. It covered international instruments such as the Convention and the various United Nations rules on juvenile justice, and the National Institute of Child Health and Human Development (NICHD) Protocol, as well as national law and the Juvenile Justice Code. The Optional Protocol was not covered in that basic training but both Optional Protocols, along with more detailed analysis of national legislation, formed part of a thematic training course available to police officers, organized in cooperation with international organizations including the United Nations Children's Fund (UNICEF) and the Council of Europe. Specialist training leading to a certificate in juvenile justice – required when investigating a case involving a juvenile in any capacity – looked even more closely at the Convention and the Optional Protocols.

43. **Mr. Aznaurashvili** (Georgia) said that a new training module was being developed for judges on a child-friendly environment in courts and covering all the relevant legal and psychological aspects of interviewing children.

44. No cases had been brought before the courts concerning children's participation in armed conflict. However, referring to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, he said that two cases of trafficking and sale of children had been brought before the courts in the past two and a half years, in which four persons had been sentenced to prison. Another three persons had been convicted of child pornography, two of whom had been sentenced to prison.

45. **Ms. Barkalaia** (Georgia) said that, while there were no specific programmes and no specific budget for the reintegration of children returning from armed conflict, such children were covered by general programmes for the reintegration of children, such as the one for returning migrants.

46. **Mr. Madi** said that he wished to know whether there was a mechanism for the early identification of foreign children entering Georgia who might have been involved in armed conflict abroad. If that was not the case, the State party should establish one.

47. **Ms. Kiladze** (Georgia) said that, under the forthcoming Code on the Rights of the Child, the State would be obliged to take care of all children arriving at the border without a parent or guardian. Care of such children was discussed in interdisciplinary meetings involving psychologists, social workers and police.

48. **Ms. Todorova** (Country Rapporteur) said that she commended the State party on its progress in implementing the Optional Protocol on the sale of children, child prostitution and child pornography.

49. **Mr. Madi** (Country Rapporteur) said that he welcomed the State party's progress in implementing the Optional Protocol on the involvement of children in armed conflict, particularly in respect of the recruitment age. The State party should go further, however, and provide for the explicit criminalization of recruitment of children aged under 18 by non-State armed groups, in line with article 4 of the Optional Protocol. In addition, student cadets at the Military Lyceum aged under 18 should not use live ammunition in their firearms training.

50. **Ms. Totladze** (Georgia) thanked the Committee for an active and constructive dialogue.

51. *The delegation of Georgia withdrew.*

The discussion covered in the summary record ended at 5.10 p.m.