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Rights of the Child in Georgia

Report on the implementation of the
Convention on the Rights of the Child
by Georgia

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Rights of the Child in Georgia

Despite of ratification of the CRC in Georgia (1994) children's rights are not protected and proper legislative acts are not realized. The economic crisis and conflicts taking place in the country since 1992 caused fragmentation of the community, weakness of social protection system and destruction of social services. Despite of the government's efforts to adopt new legislative acts and revise compliance of the existing laws with the Convention; country's legislation does not reflect the CRC principles and provisions. The superiority of children's rights is not fully considered in legislative, administrative and juridical processes, as well as in state policy and programs on children.

Due to the above-mentioned realities the children's population turned out to be marginalized and impoverished; the frequency of child right violations has increased; the number of institutionalized and street children, the cases of child discrimination and juvenile delinquency is growing.

Despite of the state's efforts, financial shortage still remains the main obstacle for the progress. Inflexible legislative acts retard development of small business and attraction of investments. The portion of smuggling is serious and serving as barrier to the national economic growth; Economic stability and welfare are basically non-existent. As a result, it retards implementation of CRC principles and provisions throughout the country. Despite of these problems, the positive changes, which give us hope, should also be mentioned.

In the recommendations of CRC committee, it's said that government should strengthen its efforts to ensure compliance of its legislation with the CRC principles and provision; also elaborate national plan, allocate financial and human recourses, make adequate assistance to local governmental structures for CRC realization.

In the Ombudsman Office of Georgia there is division working on women and children's rights. With the active financial support of UNICEF in the ombudsman office it's created Child Rights Center, which aims to monitor CRC implementation throughout the country. It's responsible for provision and involvement of CRC implementation mechanism in national program and policy. Although it should be noticed that existing "Hot-line" service is not known by all children and thus not accessible.

CRC committee recommendations indicate that the government should pay attention to full implementation of Art.4 of CRC. Allocation of maximal resources for implementation of children's social-economic, cultural rights should be given priority in budget distribution.

According to the data of the Ministries of Economies, Industry and Trade, the state expanses in 2000 yr. equaled:

Social protection and welfare---273,4 ml GEL

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Healthcare—31,5 ml GEL

Education—27,5 ml GEL

Culture, sport, religion—19,1 ml GEL

Expanses on healthcare, education, sports, and religion are diminished comparing to 1999.yr. Except this the expanses are determined for generally population and doesn't foresee the superiority of children's interest finances are limited and cannot ensure implementation of social-economic and cultural right of children.

In particular, according to Georgian Legislation, the funds raised for charity are liable to the same taxation, as are profits.

The society is unaware on CRC and its violations are frequent.

General Principles

Non-discrimination norms

In the recommendations of CRC it's stated in the framework legislation government must ensure realization of non-discrimination principles according to art. 2 of the convention, especially regarding to vulnerable children.

Despite of the state's efforts to ratify additional legislative acts and revise existing laws to make them in compliance with CRC, this problem is still acute in the country.

Existing social-economic situation in the country creates supportive environment for children discrimination. children of impoverished and vulnerable families especially suffer from hardship due to this exploitation, sexual abuse is more frequently met.

Not every child is provided with food. Extremely impoverished families sometimes force their children to earn their living by begging, carry out unsuitable work of markets or nightclubs.

Children are unable to study in their native language in uncontrolled territories of Tskhinvali region (South Ossetia) and Abkhazia. The study proceeds in Russian. There are several schools, where only primary education (1-5 classes) is in Ossetian and Abkhazian. Education in Georgian in those areas is impossible.

Abkhazia accepted the proposal of Georgian Education Ministry to start again teaching process in Georgian, but the demand is to follow the existing method of teaching in Abkhazia. Alexander Kartoza, Minister of Education of Georgia stated that Tbilisi is

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ready to agree with this request to restart teaching in Georgian language in Abkhazia. According to him, the manuals will be brought and translated in Tbilisi.

NGO JUVENCO conducted the study, which revealed—in the legislative basis of Georgia there is not a law on child rights protection. It's not regulated legal mechanism, which will envisage child's opinion in case of his/her placing in social institutions. There is not any law, which will guarantee freedom of expression of child's opinion.

In the institutions of juvenile delinquents are often met children with psychical disorders, mental retardation, emotional stresses, who should be treated in proper institutions instead of colonies or prisons. There is acute problem of awareness on children's participation in rights sphere. Children's opinion is ignored in families, institutions, and whole society. The study of psychologists' association, conducted in Tbilisi schools during last 3 yr. showed that there are few people who knows and acknowledges child rights and special needs. This was approved in the psychological social research conducted in Tbilisi in 2000, which investigated community's attitude to violations in family.

Civil Rights and Freedoms

Name and Citizenship

According to the art. 7 of CRC every child under goes registration after birth and has right to have named and citizenship.

This right is regulated by the constitution of Georgia, Civil code and laws "On citizenship" and "On registration of Civil Acts." Birth registration is paid –in registered marriage it costs 8 GEL, in non-registered - 16 GEL. The exclusion is for Tbilisi population. For population having official registered marriage, the birth registration is free. Tbilisi Mayer covers the registration expanses. If the marriage is not registered Tbilisi population pays 8 GEL for birth registration. As the registration in the regions is paid and population covers the cost, sometimes they don't register birth especially this concerns to children, who afterwards turned out in institutions.

The problem is that number of children is born at home and they are not registered, especially street children. According to the data of 2000, only 95% of the children under the age 5 are registered, others because of not existing officially are not ensured with health care, education and so on. These kinds of children have high possibility to become the victims of trafficking and any kind of human rights violations.

Family Environment and Alternative Care

According to CRC the child "for the full and harmonious development of his or her personality should grow up in family environment in an atmosphere of happiness, love and understanding" (CRC Preamble). State is obliged to provide special protection for a child deprived of the family environment and to ensure that appropriate alternative family care or institutional placement is available in such case (art.20 CRC).

CRC committee in its outcome recommendations indicates that state should take measures to ensure children deprived of parental care and protection with corresponding to standard.

It envisages: raising awareness of child institution's staff on CRC, ending up the facts of insulting of institutionalized children; allocation of optimal resources for care and protection of institutionalized children; prevention of institutionalization.

The researches conducted by NGOs confirm that institutions are enabling to provide child with proper care and support.

Despite of wide spreading campaign in the country for CRC implementation, the institution's staff is unaware on the issue, especially it's noticeable in the regions. there are revealed the cases when some representatives of children's institutions individually interfere CRC issues, or are misinformed on it. They practice formal attitude to it.

State resources allocated for protection and care of institutionalized children is insufficient. These children have not possibility to keep their personal things, enter their bedrooms any time and rest. Problem of child feeding is somehow arranged, though heating, hot water, personnel hygiene is not accessible.

De- institutionalization process in Georgia has started. The parliament has adopted the law "On foster care of orphans and children deprived of parental care" in 1999.

Nowadays there are 41 institutions in Georgia. Among them 10 children home, 3—boarding house of orphans or children deprived from parental care, 3 kinder garter, for orphans or children deprived from parental care, 1—rehabilitation center, 1—specialized boarding house, 18—special boarding school for children having mental or physical defect. 2—musical boarding house, where approx. 6 000 children are placed. 87 % of the contingent was given to the institutions by their parents. The situation is more frequent in the cases when the child has only parent. The reason is economic shortage.

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

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

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

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

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

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

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

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

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

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

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It is particularly difficult to raise the necessary funds to maintain these children's institutional care facilities. According to information provided by the Ministry of Economics, Industry and Trade, over the period 1995-1998 children's homes and residential schools were funded from the central budget. At that time, a mere 0.7 GEL per day (as compared to a standard rate of 2.5 GEL) was allocated for the maintenance of each child. The resulting shortfall was made up, in the main, from humanitarian assistance. Since 1999, with a view to improving living conditions, all children's homes have been central budget-funded. In practice, however, given the country's severe budget deficit, the Government is unable to allocate sufficient funds for the full maintenance and care of the children. Thus, in 1999, the total level of funding allocated for children's homes measured 703,400 GEL - 59.2 per cent of that earmarked in the budget. In 2000, central budget funding of children's homes dropped by a further 18.6 per cent.

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

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

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

Adoption

According to the articles 21, 3, 7 of CRC committee recommends the state to make amendments to the legislation to insure monitoring of inter adoption and adoption inside the country, protection of information on child's birth date, birth place and genetic parents, also immediate provision of child with this information in case of necessity taking in account his/her best interest.

Civil Code, "Law on Adoption", Criminal Code, Criminal Procedure Code, Administrative Code and also sub-provisional and normative acts regulate adoption issues. The civil Code doesn't envisage the legal regulation of inter adoption, also the circumstances, when child has the right to receive the information on biologic family. The "Law on Adoption" doesn't apply to orphans or social orphans, which is violation of their rights and should be corrected by the amendments to the law. The law doesn't foresee the mechanism of identification of child's consideration about adoption or minimal legal age for his/her consent. This withstands to CRC, also Hague Convention

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on "Cooperation for Child's Protection in Inter-adoption" adopted in 1993. Georgia has joint to the convention, which in its art.4 – requirements for inter-adoption directly announces on necessity to take into consideration the child's opinion and consent. The law of Georgia doesn't foresee providing the children (according to their age and maturity) with advice and information on inter adoption terms, results, rights and obligations in new family. In the 2nd part of paragraph 2 of art.11 in conclusion, it's vague what the phrase "other necessary information on child and adopters" means. Jurisdiction restricts the use of disputable, conditional information, like "other, etc," which gives executive the possibility of corruption, gain profit of illegal actions while processing and thus withstands to art. 21 of CRC. The law doesn't deal with cases foreseen by the Civil Code, when inter adoption is canceled. The mechanism of returning the child is non-existent.

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

Under this act, matters relating to the placement of children in adoptive families are the responsibility of the Ministry of Education, working through specially trained staff with the requisite character qualifications. An agreement must be drawn up between the Government and the adoptive family, under which the adoptive parents receive a designated payment. In addition, the adoptive mother and father and the child receive a number of benefits, such as free travel on public transport throughout the country and medical insurance at State expense.

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

Placement

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

Abuse and neglect, including physical and psychological recovery and reintegration

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

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

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

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

In 2001 it was founded the Coalition against Family Violence. Psychologist’s association is one of the founders. The priority of coalition is prevention of family violence by active educational arrangements; it also performs psychological consultations, lecture-seminars for teachers, parents, physicians. It functions Hormonal Development Center in the association where children are provided with psycho-correction, psycho-therapy, preventive training; the training schedule involves in it education on CRC as well. Since September 2000 the association has begun implementation of psycho-social program in penitential department of the Ministry of Justice of Georgia.

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The child's right to receive immediate juridical assistance is infringed. Though there works hot-line service, it' seems insufficient for children. It's not elaborated complain procedure, the child can apply to in case of violence, qualified juridical consultation or solicitor are actually not accessible for children. There are cases of child rights infringement at legal proceedings as well as human rights generally. This is mentioned in ombudsmen's presentation too. Taking into account traditional approach to this point, there are not registered many cases of family violence, as the police often avoid interfering in such cases. So it is hard to state how frequent nature it has and resulting children are not protected adequately from family violence.

An awful murder happened in Shindisi, Gori district. 45 year old Ivane Nadibaidze wounded his 14 year old son with a knife. The boy died immediately, and the father escaped. (*Newspaper "Alia"*)

On April 9, 2001 in the street of Tabukashvili, an infant was found in the dust-bin. He was dead, but there was not found any signs of violence on the body. (*"Akhali Taoba"*)

Narcotism, sexual exploitation, Abuse, Trafficking and Abduction

Taking into account 33 and 34 articles of the convention the committee recommends that the state should investigate how the corresponding legislation, policy and arrangements are made for protection of children from alcohol drug and toxic abuse and their trading; It should take appropriate measures to secure children from sexual exploitation, including their trafficking with commercial interests, abduction.

Despite of the facts that Criminal Code gives precise regulations of the facts connected to unlawful narcotic circulation, production, transportation, drug abuse; it gives no information on protection of children from participation in this dangerous operations. The data on these issues is scant. The information provided by psychologist's shows that there are extremely increased number of facts of drug and substance abuse by children.

Criminal Code considers Interference in minor's sexual sphere and personnel immunity as serious crime, discusses it as qualifying circumstance and states strict responsibility towards the criminal. At the same time it should be mentioned that the code doesn't consider penalty for production of pornographic materials, their advertisement and employment of children in the trading. It's not defined child's sexual exploitation in family, towards refugee, IDP and asylum seeker children.

The law doesn't restrict children's sex-tourism. All these make promoting area for commercial exploitation of children, abduction, trafficking, especially in the existing severe economic situation. Un-accompanied, un-supervised adults, being at loss or difficulties often become the victims of organized crime – trafficking for prostitution;

The data provided by JHU hot line service affirms extreme situation concerning the prostitution among adults in the country: half (50%) of total prostitution is represented by the prostitution in adults.

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Abduction of children from wealthy families is frequent. (It's also confirmed by facts provided by the Ministry of Internal Affairs given in the state report).

Twelve year old Giorgi Sardinadze has been kidnapped in Zestaponi. He is the son of oil businessman Giorgi Sardanadze. Kidnappers have not been in touch with the parents yet. Taking into account that Giorgi Sardanadze is the son of a businessman, it is considered that the kidnappers will try to extract ransom payments. ("Human Rights in Georgia" - HRIDC monthly bulletin, 2001)

KHONI, GEORGIA. On the 4th of February, 2003 son of Ministry of Interior high rank official colonel Vakhtang Kvachantiradze had been kidnapped from home in Khoni.

Criminals also kidnapped car "Vaz -2106" of 17 years old Lado Kvachantiradze. There is an information, that Kidnappers want to exchange Kvachantiradze on arrested recently Irakli Balavadze. Balavadze was arrested on the 17th of January on charges of illegal keeping of machine-gun. In Ministry of Interior officials declare, that they won't consider ultimatum.(HRIDC monthly bulletin)

The attention is drawn to chapter XXII of the Georgian Criminal Code, on offences against sexual freedom and the sexual inviolability of the individual, which provides measures to protect children from various forms of sexual exploitation, including:

Article 137, paragraph 35 - rape of a minor;

Article 137, paragraph 4 - rape of a child under 14;

Article 138, paragraph 4 - sexual violence against a child under 14;

Article 140 - sexual intercourse or other acts of a sexual nature with a person under 16;

Article 141 - sexual abuse of a person under 16.

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

With regard to the sexual exploitation of girls, we should draw attention to the plan of action to combat violence against women for the period 2000-2002, ratified by presidential decree in February 2000. This plan devotes an entire section to measures to prevent and suppress sexual exploitation and trafficking

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

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

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10 and 13, were victims of sexual abuse. In 1999, six minors, aged between 14 and 17, were raped; and three, aged 8, 9 and 12, were victims of sexual abuse. In 2000, nine minors aged between 12 and 17 were raped; and five, aged between 6 and 15, were victims of sexual abuse. In addition, over the reporting period, there were 11 cases of forcible sodomy, the victims of which were boys aged between 6 and 17 (one case in 1998; five in 1999; and five in 2000). Lots of the cases are not known and registered and the number of them might be higher.

Children are Trafficked

Street children in Georgia face a lot of difficulties. They are not even registered anywhere, have not got certificate of birth which means that they officially do not exist and may become the victims of trafficking. Neither police, nor the society can notice the disappearance of them.

According to the representative of “UNICEF”, there are 1500 street children in Georgia now, among them 600 are in Tbilisi, the most of them are in the territory of railway station. Within the support of “UNICEF” the new shelter was established for street children, its purpose is to take children from street and sent them back to their families.

The problem is that number of children is born at home and they are not registered. According to the data of 2000, only 95% of the children under the age 5 are registered, others because of not existing officially are not ensured with health care, education and so on. These kinds of children have high possibility to become the victims of trafficking and any kind of human rights violations.

There are several services working on demographic problems, among which are Medical Statistics and Information Center existing with the Ministry of Labour, Healthcare and Social Defense and Georgian State Statistic Department working on demographic issues. The data of these services are quite different: According to the data of the first service, in 2000-2001 47191-16370 children were born, but relying on the information of State Statistic Department, 40392-40416 infant was born in the mentioned years.

Unfortunately this imprecise statistic may be caused by illegal adoption of the children. “Law on adoption of the child”, which should support the rights of child envisaged in the International convention on the rights of the child, appeared to be nonflexible and ineffective. It has not yet provided help for none of the careless children and for those living in the street. State does not take any attention to the main – to its future and let them become the victims of trafficking. (“Tavisupali Gazeti”, 2003)

More than 90% of street children are prostitutes

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Police, time by time, during raids, “clean” streets from the street children. Five years ago police used to take them to Internal Affairs Ministry of Gldani department for reception and prophylactic of adolescents, which without any prophylactic used to send children to children’s houses and to their families, from where they again appeared in the street.

Mainly there are the children from the age of 3 to 18 in this department. Nowadays, there are 13 children there and the number of them is scientifically increasing. The third of them receive toxic substance and 90% of girls are prostitute.

Street children are easily handled and they could become financial source for some people, consequently they are good reason for trafficking. This problem will be solved only when the appropriate institution is created, where these children can adapt to the society.

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

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

Child labour

There are many under age children in Georgia who make their living by begging. Among them are children both from poor families and children whose parents let them go to the streets “to make money”, as well as so-called “street children” – children living completely independent and always in search of shelter. There are, officially registered nearly 4000 of them, but based on unofficial sources their number, as a minimum is twice as much. This category of children is specified by the same problems that are inherent to entire society, although their social condition is very hard and their rights are more frequently violated.

Notwithstanding that there are shelters and many organizations are engaged working with street children, the problem still remains unsolved.

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Georgian Labor and Employment Code stipulate the minimum employment age and forbade any child under age of 16 to be employed. Georgia has ratified the 182 Convention (Banning of Children Employment) of the International Labor Organization (ILO) in July 2002. As an exception to the rule, the mentioned Code allows employment of a 14 year old school child, only during free from study periods (holidays etc.), provided one of parents agree to that or a consent from legal representative, permitting only easy job, which shall not be detrimental to the health of an under age child, and if it shall not interfere with process of study.

In 1999-2000, the National Statistical Office made a study of the labour activities of children of an economically active age (7-17 years). The findings of the study show that 4.5 per cent of the country's total child population is engaged in some form of economic activity: 50.9 per cent work in the home or family business, 39.5 per cent are only engaged in study, 5.1 per cent do not go to school, and 1.4 per cent neither goes to school nor work.

In all, there are 829,600 children between the ages of 7 and 17. Broken down by age groups, the figures are as follows: 7-8 years - 141,200 children (17 per cent); 9-11 years - 214,000 children (25.8 per cent); 12-14 years - 237,800 children (28.7 per cent); 15-17 years - 236,600 children (28.5 per cent).

By gender, 49 per cent of children are girls (406,900) and 51 per cent (422,700) boys.

Among children aged 15-17 (15 being the lowest age at which a child may enter into labour relations), 7.66 per cent are engaged in economic activity, 61.9 per cent work in the home or family business and 14.1 per cent do not attend school. Broken down by gender, these figures are as follows:

Boys: 5.2%; 41.1%; 5.2%;

Girls: 3.8%; 61.1%; 3.8%

By economic sectors, the number of children in employment is as follows: 70.3 per cent are employed in agriculture; 3.6 per cent in processing industries; 1.4 per cent in construction; 15.2 per cent in technical servicing; 1.2 per cent in the transport and communications sector; 0.5 per cent in education; 7.8 per cent in other spheres.

The average working day for children in employment is 5.8 hours.

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Unfortunately, there are lots of children living in the streets who are not getting adequate, compulsory education. They work in street markets. Many of them beg to earn money for the family. This category is often over-represented by national minorities and their rights are often violated but the government does nothing for its prevention and for implementation of the law against children's violence.

Georgia has ratified the Convention on the Rights of the Child on 21 April 1994, but the rights of children are violated everyday. In certain cases, traffickers are the representatives of Criminal "justice" police. They work in the streets where many homeless kids are gathered. As a result most of the kids end up exploited in the sex trade and in child labor houses.

Several NGOs work with such children who live, work, or trade on the streets. Lia Merkviladze, a psychologist, thinks that there is a rather well-organized child trafficking system in operation in Georgia. In order to become the victim of trafficking it is not necessary to cross the border into another country.

When 7-8 year old children are involved in labour and are paid much less than their elders, this can be considered as trafficking. "In the Gldani district infant's police division I was told that a 9 year old girl was a prostitute," says La Merkviladze. Estimates climb daily as to the number of children living on the streets or in insecure homes. On several occasions, there are parents who let their children make a living on the streets – they are soon caught in the net of traffickers.

Issues like the commercialization of child sexual abuse and the forced trafficking of children, raise a wide range of health and legal concerns. One successful strategy that can help all these categories of endangered children and youth is to bring together youth workers and agencies with diverse perspectives. Another strategy rests in assuming our responsibilities under the Convention on the Rights of the Child.

Georgian people are poorly informed with regards to the Rights of the Child. Children, their parents and teachers, and social workers lack information with respect to the mechanisms of national and international legislation and defense. Moreover, law enforcement officials, who must handle situations with children and adults as part of their professional duties, also lack this information.

Violence against children is pervasive and goes without punishment. The physical and psychological humiliation of children by members of their families, teachers, police officers and nurses in children's asylums and other establishments has become all too common. Such incidences pose a threat to the healthy development of children's physical, psychological and spiritual state.

Disabled children

According to information provided by the Ministry of Education, there are 20 special residential schools for mentally and physically disabled children under its jurisdiction. These provide accommodation and education for children aged between 7 and 18 from all regions of the country, irrespective of their ethnic background.

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Currently, the total number of children in such residential schools is 2,460 (1,151 girls and 1,309 boys). These establishments are funded from the central budget, as are the children's boarding and tuition costs.

In these residential schools, alongside the usual school curriculum, children receive essential medical care, learn certain vocational skills and acquire trades. To the extent possible, physically and mentally disabled children also sometimes take part in sports competition, arts and crafts exhibitions and competitions. It should be mentioned that these institutions lack such cultural or sport activities.

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

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

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

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

Right to health and healthcare accessibility

CRC committee recommends that the state should allocate necessary funds for implementation of state healthcare policy and in case of necessity elaborated additional programs for improvement of children's healthcare, also secure primary healthcare, vaccination for them; State should reach reduction of mortality rate, continue cooperation in the framework of IMCI program strategy.

The state has made some steps towards this direction. It has announced mother-child healthcare as the priority of national health policy. Population is partially provided with

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some free health services. The following healthcare programs are being processing in the country: State federal program which foresee complete funding for: pregnancy and delivery, pathologies of 0-3 yr. aged children, urgent medicine (management of dangerous to life states), tuberculosis, psychiatry, oncology, Municipal program which foresees reimbursement of healthcare expanses by local governing structures, Inner standard which envisages certain privileges in researches provided by administration of healthcare facility.

Despite of the positive changes, healthcare services are not accessible for most part of society including children.

Mental Health

Under the former regimes of central and eastern Europe and the USSR, people with mental disabilities who did not fit into the ideal of socialist society were officially "not supposed to exist," and were often isolated in closed residential facilities where they were cut off from family, friends and the community. Under the communist ideology, the healthy factory worker was a productive member of society while a person with disabilities represented an embarrassment that should remain unseen. The disabled were placed in social homes where they received only the most basic physical care -- no activities or educational programs were provided. To complicate matters further, for many years, people with mental illness and those with developmental disabilities were housed and treated in the same facilities and unfortunately, this remains common practice in many institutions.

As a result of recent events that have taken place in Georgia (civil war, armed conflicts, etc.), the number of psychological problems and stresses the population faces has increased. At present, there is no statistical information indicating the number of persons with mental disabilities, nor is there information regarding their registration in the various regions of the country, social status, or grouping according to age.

It is impossible to carry out rehabilitation and other types of programs for persons with mental disabilities without such statistical information.

Currently, treatment for mentally disabled persons is unsatisfactory, particularly in the more rural areas of Georgia. It is also impossible to examine mentally disabled persons, due to a lack of necessary equipment, which causes problems in further treatment. The situation becomes more problematic when no moral or financial assistance is rendered to mentally disabled persons.

“On October 24, 2001, in the municipality of Batumi, Jemal Dzneladze promised to give 1000 GEL, taken from charity concert, to Gogita Murtskhveladze, father of Jaba Murtskhveladze, who suffers from serous disease.

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G. Murtskhveladze expressed his gratitude on TV and in newspapers, but the promise was not fulfilled. Though it has already passed a year, he has not got any money yet.

Unfortunately, it was not for the first time. Several years ago by the means of mass media he expressed his gratitude towards Nanuli Tsagareishvili-Shverdnadze, the president of the organization "Women of Georgia for Peace and Life" and wife of the Georgian President. She promised to give money for the operation of the child but she did not assist.

Recently members of above mentioned organization Maia Kvezereli, Rusudan Khamurzaria, Neli Gurgenidze and Ketii Gogelia made him to write a letter beforehand where he expresses his gratitude to President's wife who covered the costs of medical assistance for his son.

They published the letter in the newspapers and TV and then "couldn't find" funds for child. Murtskhveladze informed the public by means of TV channels. After TV appearance he was threatened to be killed. Deputy Minister of Health Care Manana Gudushauri directly threatened him.

Gogita Murtskhveladze has appealed to human rights NGOs to protect his violated rights. This action inspired the wrath of Mrs. Nanuli Shevardnadze and a threat was made to Gogita's life.

Unfortunately, this is not the only event, but a typical example for the situation in Georgia how the government takes care of their citizens." (Source: HRIDC monthly newsletters, 2001-2002).

The City Hall program envisages medical care of children aged 3 – 15. Those teenagers aged 15 – 18 are left uncared for, so to speak "suspended between earth and heaven", as children's hospitals and preventive institutions are not entitled to offer them care services, meanwhile care at the hospitals and preventive institutions is paid.

The state also has to ensure special education programs for disable children; provide financial help to families with disable children.

In accordance with CRC the disable children should have to be given opportunity to enjoy educational, medical, vocational and labor activities as required, which shall integrate a child to maximum in social life and shall assist in personal development (par.23). The par.41 of the Georgian Law on Education, stipulates that management bodies of education system shall set up special and correction type training institutions for mentally handicapped and physically disabled children; and in similar institutions such children shall be treated, brought up, trained, and undergo social adaptation and integration in social life.

There is neither relevant environment there, as say teaching staff, nor proper technical facilities; it should be noted here about negative attitude of teachers as well as parents to inclusive study of mentally handicapped children. It is the school environment that has to adopt such children and not the other way round, children should be adopted to school environment through introduction of required special programs; social and psychological

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activities, on the one hand, shall have to be carried out in education institutions, and on the other hand, directly with handicapped children in their families.

There are no relevant resources for a state support of disable children and their families. Handicapped children are frequently sent to specialized institutions.

There is no state support with relevant resources for handicapped children and their families, as well as there are not enough institutions to protect such children and no item of state budget is allocated to take care of disable.

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

Based on data provided by the Ministry of Labor, Health Care and Social Security there are no teenagers aged 18 infected with AIDS and HIV. There is actually no teenager care system, neither a rehabilitation services in Georgia.

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

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

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

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Death rates by age

	Death rate per 1 000, by age				
	1990	1996	1997	1998	1999
Total population	8.5	6.4	7.0	7.3	7.9
Of which aged:					
0-4	4.1	3.5	3.5	3.1	3.2
5-9	0.3	0.2	0.2	0.2	0.2
10-14	0.3	0.1	0.1	0.2	0.2
15-19	0.6	0.3	0.3	0.4	0.4
20-24	1.0	0.6	0.6	0.7	0.6
25-29	1.3	0.9	0.9	0.9	0.9
30-34	1.6	1.2	1.3	1.2	1.2
35-39	2.2	1.7	1.9	1.8	1.8
40-44	3.2	2.6	2.5	2.6	2.6
45-49	5.0	3.4	3.4	3.5	3.6

	Death rate per 1 000, by age				
	1990	1996	1997	1998	1999
50-54	7.4	5.5	4.9	5.2	5.3
55-59	11.0	7.9	7.6	7.3	7.1
60-64	17.1	11.7	13.1	12.8	13.7
65-69	24.6	17.9	19.5	20.9	22.0
70+	72.6	45.0	68.0	48.1	52.4

INCIDENCE OF PRINCIPAL CATEGORIES OF DISEASE

	1995	1996	1997	1998	1999
Incidence of disease (first-time diagnosis) (thousands of cases)	778.5	401.5	366.6	433.7	440.1
Of which:					
Infectious and parasitic diseases	19.4	35.5	38.1	37.6	33.0
Neoplasms	3.2	3.8	4.2	5.6	6.2

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Endocrine diseases, metabolic disorders	9.3	14.8	25.4	42.6	33.9
Diseases of the blood and blood-forming organs	3.5	5.0	4.8	6.0	6.7
Psychiatric disorders	2.9	3.1	4.2	6.9	6.5
Diseases of the nervous system and sensory organs	19.3	19.2	23.7	33.3	36.0
Diseases of the circulatory system	23.6	17.1	27.0	51.6	47.4
Diseases of the respiratory organs	172.5	160.3	122.7	130.4	151.8
Diseases of the digestive system	128.3	79.8	52.6	44.5	41.4
Diseases of the urogenital system	15.5	15.6	15.7	18.1	24.4
Complications during pregnancy, childbirth and the post-natal period	2.2	2.7	4.1	4.1	5.2
Diseases of the skin and hypodermic cellular tissue	27.5	15.6	14.4	18.8	15.1
Diseases of the musculoskeletal system and connective tissue	4.4	3.6	5.0	7.4	7.9
Birth defects	0.6	0.7	1.1	1.7	1.5
Specific perinatal conditions	0.2	0.7	1.4	2.6	3.1
Symptoms, signs and ill-defined conditions	0.7	1.1	0.4	1.7	1.3
Injuries, poisoning	45.4	22.9	21.8	20.8	19.1

INCIDENCE OF PRINCIPAL CATEGORIES OF DISEASE AMONG CHILDREN AGED 0-14

	1995	1996	1997	1998	1999
Incidence of disease (first-time diagnosis) (thousands of cases)	204.6	196.5	148.7	151.8	139.5
Of which:					
Infectious and parasitic diseases	8.5	19.5	19.2	17.2	14.4
Neoplasms	0.1	0.0	0.8	0.2	0.1
Endocrine diseases, metabolic disorders	3.0	6.4	7.7	13.6	9.1
Diseases of the blood and blood-forming organs	2.6	3.3	3.1	3.1	2.8
Psychiatric disorders	0.2	0.2	0.3	0.6	0.6
Diseases of the nervous system and sensory organs	6.5	9.2	11.6	13.9	12.1

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organs					
Diseases of the circulatory system	0.9	1.2	1.6	1.3	1.5
Diseases of the respiratory organs	100.9	97.4	79.8	72.5	73.9
Diseases of the digestive system	55.7	42.6	7.3	10.3	6.3
Diseases of the urogenital system	2.0	2.4	2.7	2.8	3.0
Diseases of the skin and hypodermic cellular tissue	7.2	5.0	5.2	5.7	5.0
Diseases of the musculoskeletal system and connective tissue	1.2	1.0	1.5	0.8	0.2
Birth defects (developmental disorders)	0.5	0.5	0.6	1.3	1.2
Specific perinatal conditions	0.3	0.2	0.5	2.6	3.0
Symptoms, signs and ill-defined conditions	1.1	0.6	0.6	1.4	1.1
Injuries, poisoning	13.9	7.0	6.2	4.5	4.2

Family planning, Child mortality

According to the statistics, in 2001, there were 13 336 marriages and 1 987 divorces. The average length of marriage before divorce was 11.5 years. Analysis of the figures shows a steady decline both in the number of marriages and (to a lesser extent) of divorces over the last five years, both in absolute terms and relative to the number of people.

As far as family planning is concerned, it should be noted that during the past year more than 30 reproductive health counseling centers have been set up in towns across Georgia. They provide visitors with contraceptives, information, and advice on family planning issues and contraceptive use. This project is the result of cooperation between a Georgian non-governmental organization and the Johns Hopkins University in the United States of America. The Georgian Institute for Reproductive Health is also involved.

According to the state statistical department, infant mortality in 2001 totalled 478.

Figure 3

Infant mortality under one year

Source: UN Human development Report- 2001

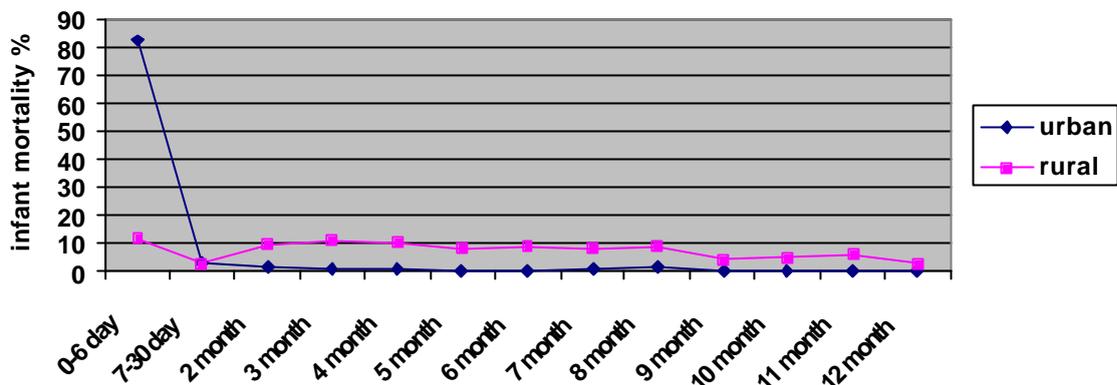


Figure 3 denotes the difference between rural and urban areas. It can be seen that of those children who die in the first week of their lives, 82.4 percent (of the total for the year) are in towns and only 11.9 percent are in villages. The appalling state of hospitals (lack of medical supplies, other equipment, and poor hygiene) and the professional services provided appear to be responsible for this difference in child mortality rates during the first week of life.

INFANT MORTALITY, UNDER 1 YEAR

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

INFANT MORTALITY, UNDER 5 YEARS

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

BREAKDOWN OF INFANT MORTALITY (UNDER 1 YEAR) BY REGION

Region	1997	1998	1999
Tbilisi	26.0	29.4	42.9

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

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

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

In June 2000, a meeting was held in Odessa, in Ukraine, bringing together representatives of the three Caucasian States - Armenia, Azerbaijan and Georgia - to discuss the issue of elaborating national policies to prevent HIV/AIDS. The meeting was attended by government delegations and representatives of non-governmental organizations and donor bodies. The outcome of the meeting was a road map for the

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development of strategies in all three countries to prevent HIV/AIDS. At the next stage, it is planned to amalgamate detailed plans of action from each of the participating countries into a centralized Transcaucasian strategy and to develop a common plan of action for the prevention of HIV/AIDS in the region. UNICEF has taken on itself the role of steering this process and, in conjunction with the United Nations joint programme on HIV/AIDS, will be responsible for raising funds for its implementation.

Social security and child-care services & facilities

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

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

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

Standard of living

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In December 2000, based on average prices, the subsistence minimum in Georgian towns, calculated by standards valid for that period, was as follows: for men of an employable age - 104.5 GEL, for the average consumer - 100.4 GEL, for the average family - 199.2 GEL.

According to information available to the authorities, some 110,500 families or approximately 386,750 people are currently homeless. Overall, 20.5 million m² of housing stock or 20.2 per cent of the total is dilapidated, unsafe, needing repair, or lacking amenities, yet is home to 1,138,800 people.

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

Since January 2000 the UNICEF office in Georgia has been funding a special programme for street children, which is also being implemented by Children and the Environment. Under the programme, cultural and educational activities are conducted by teachers, psychologists and sociologists with the children on the streets. The children are given the materials that they need for their studies, toys and other materials. The task of discouraging and preventing child begging is closely interlinked with efforts to mitigate poverty in the country.

In 1997, Georgia introduced social (family) benefits as a form of material assistance provided by the State for certain categories of socially disadvantaged people. This support is provided through a special State program.

In 1997, support of this kind was provided to people in the following categories: old age pensioners living on their pensions alone; families of pensioners, raising young children whose parents live elsewhere and are unemployed; and urban families whose members are unemployed and registered with employment centers.

In 1998 the program was revised to cover only pensioners living on their pensions alone and minor children supported by them with no legally responsible provider.

Then, in 1999 the program was extended to include both orphaned children and guardians with disability status. With effect from 2000, orphaned children are entitled to benefits

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irrespective of their guardians' capacity to work. The level of such benefits differs in accordance with the size of the family.

To fund this program, according to the initial report of Georgian government, allocations were made as follows from the central budget: 15,880,000 Gel in 1997; 14,400,000 Gel in 1998; 14,300,000 Gel in 1999; and 13,300,000 in 2000 (Source: Report of Public Defender of Georgia, Tbilisi, 2001).

The "Georgian Vaccinating Center XXI Century," the Healthcare Department of the Ministry of Justice, and the Public Defender's Office supplied prison No 5 of the Penitentiary Department with 1,307 Hepatitis B vaccinations and Tbilisi Children's Hospital No 2 with 171 rabies vaccinations during the period of widespread rabies infections in Georgia.

Education

Nationwide surveys show almost universal access to primary and secondary education and a high percentage of the population with higher educational degrees. At the same time, however, there is little doubt that the Georgian education system needs serious improvement if it expects to sustain these remarkable enrollment figures long term. Some of the most important reported factors hindering the performance of the education system are presented below:

The existing education system is unable to respond to demands imposed by the new market economy. "In the past, teachers were trained to deliver one curriculum that reflected a very positivist view of knowledge, where there was only one truth and that was contained in a single textbook. Students were seen as passive recipients whose main duty was to absorb all factual knowledge that the teacher presented during the lesson. A good student was one who could memorize and repeat the lesson. As a result of this model, a direct observation of Georgian classrooms today shows that regardless of grade, subject, region or urban/rural distinction a similar teaching pattern is followed" (See Georgia - Education system realignment and strengthening program. World Bank, Washington DC.).

The continued absence of investment in infrastructure has caused major damage to schools throughout the country. The Ministry of Education reported that 70 percent of rural schools and 84 percent of urban schools need significant capital repair or outright reconstruction. According to the evaluation of the Social Investment Fund, the total bill for restoring school buildings could reach 200-250 million USD (The analysis of the situation of children school education in Georgia in 1998 - 1999. UNICEF Report, Tbilisi, 1999).

In tertiary education, students overwhelmingly report teaching that does not invite their input or feedback. Examination results are not always objectively assessed. Practices vary

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from patronage to bribery. The existence, size, and budget absorption of different tertiary departments often does not reflect employment demand.

The efficiency of spending in kindergarten, primary, and secondary schools has been reported as very low for the period 1996-1998 (NHDR, 1999). Based on previous findings, however, it is clear that unless resource management in the system of kindergarten, primary and secondary schools increases significantly, reforms in the education system are heading for failure. (Source: UN Human Development Report, 2001)

The necessary legislative framework for the formation and operation of a vocational guidance and training system in the area of human resource development is already in place in Georgia. The right to education is guaranteed by article 35 of the Constitution and the Education Act and the Elementary Vocational Educational Act spell out the State policy in this area.

In recent years, the number of pupils in secondary and special education schools has been relatively stable. Meanwhile, recent years have seen a drop in the number of both state-run secondary schools and pupils in absolute figures. It should be noted that this decrease occurred in both Georgian- and non-Georgian-language schools. However, the decrease in non-Georgian-language schools is more dramatic. In a similar vein, the number of primary and technical schools, as well as of pupils in, and graduates from them, is scaling down. (See report of the Public Defender of Georgia, 2001)

A marked reverse trend persists regarding the number of students in state-run high-end educational institutions. This is on a par with the upward trend in the number of private high-end educational schools. There is much prestige associated with achieving the highest levels of education in Georgia. However, it is clear that specialists are prepared with utter disregard for the current market demands. Under such circumstances, it is very likely that certified specialists will end up without jobs and will join the inflated army of the unemployed.

As for the budget funding of the school education system, it should be pointed out that, regrettably, budget allocations continue to drop. It is much hoped that within the framework of the soon-to-be-allocated World Bank loan, the Ministry of Education of Georgia will finally resolve the question of funding the secondary education system. Until then we have to report that in the area of education, Georgia has not been able to live up to its international commitments under Article 13 of the Covenant on Economic, Social and Cultural Rights.

The Presidential Anti-Corruption Council of Georgia has found that the current method of running the education system is debilitating. Corruption in educational institutions is on the increase, resulting in the violation of the rights and interests of the people employed in the system and of the children as well. Further, outright corruption in the education sector flouts the dignity of its employees and violates their labour rights. Finally, the rights of pupils and students are encroached upon. The system requires root-and-branch changes. Effective measures must be taken to hold high-ranking officials responsible for such violations.

Sometimes it also takes place the discrimination of the children.

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On November 26, 2001, the Office of the Public defender received a collective complaints from the Jehovah's Witnesses, informing us that their children, the pupils at public school in the town of Tsageri, were insulted verbally, forced to make cross and were threatened by expelling school if they would refuse to do so. Mr. Gulver Bregvadze, head of Educational Department Tsageri Region, unfortunately supported this unlawful position of school principle. (report of Public Defender of Georgia, 2001).

Both International legal norms and Georgian national law protect rights of pupils and their parents. Namely, according to article 35 of the constitution of Georgia, "Everyone has the right to education and to free choice of form of education." According to Paragraph 3 and Subparagraph G of Article 43 of Law on Education "A teacher of educational establishment is obliged to preserve the norms of professional ethics."

According to Paragraph 1 and Subparagraph B of Article 44 of Law Education "Parents have right to choose the form of education and educational establishment for their under age children" and article 14 of the UN Convention on the rights of the child of which Georgia is a party since 1994, states that "States parties shall respect the right of the child of freedom of thought, conscience and religion." These rights are often violated in Georgian educational system.

The Minister of Education in Georgia, Alexander Kartoza, is opposed to the election of directors in secondary schools. He has taken into consideration the recommendation of the Anticorruption Coordinating Council for the prevention of corruption in schools but views it as an unfavorable experiment. According to Kartoza there is no comparable experience in the world of electing such school directors.

NGOs demand the election of school directors and expect support from the State Minister and President. This will help ensure that schools are shaped as self-governing facilities that can solve their problems themselves. (Source: HRIDC monthly newsletter, 2002).

Table 3: Educational establishments: Number of students and pupils (at beginning of academic year)

	Number of institutions			Number of students (pupils) (in thousands)		
	1997/1998	1998/1999	1999/2000	1997/1998	1998/1999	1999/2000
	8	9	0	8	9	0

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

(Source: initial report of Georgian government)

Table 4: Breakdown of pupils at daytime general educational schools, by language of instruction

	1997/1998	1998/1999	1999/2000
Total number of pupils (in thousands)	714.6	715.8	707.6
Of which taught in:			
Georgian	600.0	603.1	600.4
Russian	44.4	43.7	40.8

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Azerbaijani	41.9	41.0	39.6
Armenian	28.0	27.8	26.7
Ossetian	0.2	0.2	0.2

(Source: initial report of Georgian government)

Public funding for education

Information received from various sources indicates that, over the reporting period, public expenditure on education has declined steadily. In absolute terms the sum involved was just less than 30 million GEL. Against the backdrop of a chronically under funded education system, as noted in the Human Development Report Georgia, 2000 prepared by the United Nations Development Program (UNDP), propitious circumstances have developed for an informal system of payments whereby Georgian households fund much of the budget of educational institutions from their own resources. They contribute to so-called “school funds” and provide fuel to heat school buildings in wintertime, etc. In addition, official fees are payable at private secondary and higher educational establishments.

Elementary education is financed from local budgets with a partial contribution from parents, whereas secondary and higher vocational education is made possible through State-funded requisitioning of educational places.

It can be observed that since 1997, budgetary allocations have been decreasing steadily and that in 1999 were less than 15 million USD, approaching in real terms the levels of 1996.

(Source: World Bank; 1999 State Budget of Georgia; Budgetary Office of Parliament.)

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

Level of education of the population

	1979	1989	1999
Total number of persons aged 10 and over with complete or incomplete higher or secondary education (per 1,000 persons in this age range)	698	798	871
Portion of this total with:			
Higher education	103	137	201
Incomplete higher education	19	22	40

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	1979	1989	1999
Specialized secondary education	100	169	174
General secondary education	292	328	330
Incomplete secondary education	184	142	125

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

	Number of institutions			Number of students (pupils) (in thousands)		
	1997/98	1998/99	1999/2000	1997/98	1998/99	1999/2000
Pre-school establishments	1 224	1 241	1 229	74.9	74.2	74.0
State general education schools	3 223	3 237	3 201	721.8	722.5	714.4
Elementary vocational and trade schools	99	98	84	17.8	18.4	16.8
State secondary specialized educational establishments	81	83	85	30.7	32.4	29.9
Private (fee-paying) secondary specialized educational establishments	47	58	58	5.2	7.2	6.8

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State higher educational establishments	23	24	24	87.3	90.1	95.0
Private (fee-paying) higher educational establishments	159	154	162	40.2	38.3	40.1
Postgraduate institutions	66	66	69	1.9	1.8	1.8

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

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

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

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

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

Schools for mentally and physically disabled children

According to official information, education for children in this category is provided by 14 residential institutions catering for 2,460 children (1,151 girls and 1,309 boys) aged between 7 and 18. Analysis of recent data reveals that the number of children in residential institutions has steadily increased from 1,551 in 1997 to 2,460 in 2000 (official data from the State Department of Statistics).

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

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

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

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

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

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

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

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

307 children (162 in towns and 145 in the countryside) sat the basic secondary school leaving exams as external candidates and received their school-leaving certificates;

943 children (777 in towns and 166 in the countryside) sat the full secondary school leaving exams as external candidates and received their school-leaving certificates;

2,775 children followed special home-based study programmes (930 in towns and 1,845 in the countryside).

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

Georgian Law (Law on Education) doesn't stipulate that school-children shall be provided with text-books free-of-charge, thus socially unprotected children are put in unequal situation, for that reason education of children from poor families is practically impossible, and for street children no chance at all.

There is a large gap between minimum salary and pension and what is required for existence. Minimum salary is 20 Lari, and pension not exceeds 14 GL a month, meanwhile the monthly minimum of existence is 115 Lari. Unemployment is high. It is next to impossible for a family to support children in similar situation.

There are many under age children in Georgia who support themselves by begging.

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Still there are certain problems in the school. Such as, payments to "School Fund" or "Class Fund" as required for the school. In certain cases such payments are legally asked additional charges to be made by parents, but considering poor economic situation, these financial aspects put children under stress, and may cause negative emotions, that in several cases may lead to a child's motivation and decision to quit the school.

Study of Convention for Children's Rights Protection is continued by teaching program at the secondary school, which is aimed at spreading and implementing of Convention for protection of children's rights.

There are no programs envisaging integration of mentally disabled children (inclusive education) to the state schools. In accordance with school's home set of rules, the teachers are required to teach such children by giving them lessons at home, but practically it is a rare thing.

Children participation in school life is minimal. Children are rarely asked for to express their opinion of viewpoint on issues concerning school. To a certain extent children are restricted to do so by law. Georgian law doesn't stipulated minimal age for children association, as well as conditions to set up children organization. The same law doesn't envisage children's rights to set up school-children council and making decision on local issues.

Special Protection Measures

Children of refugees, asylum-seekers and those internally displaced persons

The Committee recommends the state to apply utmost measures to protect interests of refugee, asylum seeking and IDP children, as well as ensure them with accommodation, education, health care and other social services.

Majority of IDP who have already lived more than 10 years in shelters, including such as communal centers, unfinished houses, school premises and other administrative offices. Against country's high unemployment background, the unemployment rate among refugees is dramatically higher. Many families have been reduced in number as their members were forced to migrate abroad looking for jobs, so that to ease up a bit the social hardships and economic burden. State is donating 12 Lari monthly to each family member, compared with 115 Lari, which is minimal existence level in this country. International humanitarian food aid and other types of support have significantly been reduced. All above-mentioned has negatively influenced children from forcefully shifted families.

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Majority of refugees, namely those from western Georgian regions are living in absolute poverty

Children from refugee families are not paying education fee at the state educational institutions.

Special priority is attached to medical support for IDP. Medical services provided in the aforesaid facilities are free-of-charge. Nevertheless, there are several refugee compact populated areas that have similar above-mentioned services but refugees have no proper access to medical care

In accordance with data provided by Abkhazian Health Ministry, the disease rate among refugee children is higher than that in entire Republic, which can be explained by several factors, including burden of social, economic and everyday life conditions, unsatisfactory sanitary conditions at compact populated refugee areas and so on; and particularly, the rate of tuberculosis patients is higher among refugees, and it can be now specified by recent downward trend.

Very alarming look processes of negative demographic dynamics. Birth rate among refugees is almost twice lower as compared with the rest of the country. Death rate among children less than 1 year old (bearing in mind that registration data is not complete) is as well twice as much as compared on average throughout the country.

Many refugee families live in a single room. Children have not their own beds and are compelled to share same bed with parent.

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

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

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

As for the right of internally displaced persons to return to their homes in safety and dignity, as recommended by the Committee in paragraph 57 of its concluding observations, we regret to have to report that there has been no progress in this regard. The reasons for this are discussed in Georgia's second periodic report under the

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International Covenant on Civil and Political Rights, the relevant portions of which are quoted below.

Administration of juvenile justice

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

Juvenile Delinquents Children deprived of their liberty

In addition to this, we note the rule that, in juvenile reformatory facilities, the minimum living space must be not less than 3.5 m² per person and, in medical facilities, not less than 3 m². Under article 33 of the Detention Act, minors serving custodial sentences must have improved accommodation and dietary conditions. They are also to be provided with clothes which are appropriate for the season and do not demean the wearer.

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

RUSTAVI, GEORGIA - The number of crimes registered in Kvemo Kartli by the juvenile inspection unit has increased in 2002 compared with recent years. According to a statement by Aleksandre Bukia, the head of regional police, 62 juvenile offenders were detained in 2002 - 38 more than in 2001. They committed 58 crimes - 24 more than in 2001. The most alarming fact is the nature of the crimes: 4 - homicide, 3 - depredation, 3 - plunder, 2 - rape, 39 - robbery.

(HRIDC monthly bulletin #1, 2003)

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The Mtatsminda-Krtsanisi court agreed to a three months pre-trial detention for those persons accused of the murder of Badri Petriashvili. They were taken to the fifth jail. The group consists of five persons, among whom there is 14 year old Irakli Mejrishvili. The group is accused of the attack on police lieutenant Malkhaz Utiashvili. The incident took place on January 3 in the street of “King Tamar”, during which assailants took the policeman’s pistol (HRIDC monthly bulletin).

On June 21, 2001 at around 11:00 under age schoolboys Irakli Zarkua and Zaal Zarandia, Zugdidi School ? 6, XI grade, were taken to Zugdidi Department of Internal Affairs on suspicion of rape.

Employees of the Criminal Investigation Department Gia Kalichava and Zurab Kedia assaulted I. Zarkua and slightly injured him in order to receive testimony.

As a result of injuries I. Zarkua got concussion of the brain, has an injured eardrum that resulted in a decreased hearing.

Plenipotentiary of Public Defender in Samegrelo-Zemo Svaneti region met the under age and documentary registered body injures (injured calf and back). According to the victim policemen beat him with parquet.

Considering the fact, according to the requirements of the Organic Law on “Public Defender of Georgia” Zugdidi regional Prosecutor’s Office was requested to process the criminal case against these policemen.

Even though the recommendation had evidence enough to file the case (conclusion of the expert, medical statement and photo materials reflecting the injuries and explanatory notes) the case is still not filed and the guilty are still working at the police.(HRIDC monthly bulletin)

Problem of juvenile delinquency is still pressing in Georgia. The system of juvenile legislation is not in compliance with the convention; especially it concerns the Criminal Code

In minor's unit of penitential department of Ministry of Justice there are cases when mentally retarded and psychically ill adults are imposed punishment. In September 2002 an adult was bitten cruelly by others in this institution, he was transferred to emergency of prison's hospital and fortunately saved.

On January 21, 2003, the Partskhashvili brothers were detained by the Digomi police department and accused of robbery. During the interrogation David Partskhashvili lost consciousness and was taken to the hospital of Digomi.

As the head of Didube police Levan Tsereteli explained, 16 year old David Partskhashvili had become unconscious before the interrogation began and he was not subject to any

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psychological or physical pressure. Police said that the detainee had epilepsy since childhood and loses consciousness quite frequently.

According to David's parents, the information being spread by the police does not reflect reality and they suspect that it was the mode of interrogation. (HRIDC monthly bulletin #1, 2003)

HRIDC – Working to make a difference

Human Rights Information and Documentation Center was founded on December 10, 1996 as a non-profit NGO in Tbilisi, Georgia.

Human Rights Information and Documentation Center (HRIDC)

List of the organization's activities:

- Monitoring the human rights situation in Georgia;
- Study of the concrete facts of human rights violations and distribution of information;
- Provision of assistance for citizens who have applied to the Center for the restoration of their rights;
- Fight against torture and other cruel, inhuman or degrading treatment and punishment;
- Fight against racial, religious, national and other discrimination and intolerance;
- Development of civic education in the country;
- Monitoring minority rights in Georgia;
- Monitoring the migration and trafficking in human beings;
- Monitoring the rights of the child;
- Conflict prevention, resolution and management.

HRIDC runs specific projects regarding: Police and Human Rights; Minorities; The Rights of the Child; Social, Economical and Cultural Rights; Migration/Trafficking; Human Rights Education; Conflict Prevention.

HRIDC is a member of OMCT – SOS-Torture Network (World Organization Against Torture).

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