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Committee on the Rights of the Child

Concluding observations on the report submitted by Georgia under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*

I. Introduction

1. The Committee considered the report of Georgia (CRC/C/OPAC/GEO/1) at its 2414th meetings (see CRC/C/SR.2414), held on 17 September, and adopted the present concluding observations at its 2430th meeting, held on 27 September 2019.
2. The Committee welcomes the submission of the report of the State party and the written replies to the list of issues (CRC/C/OPAC/GEO/Q/1/Add.1). The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.
3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the report of the State party submitted under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/GEO/CO/1), adopted on 27 September 2019.

II. General observations

Positive aspects

4. The Committee welcomes the accession by the State party of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in 2016.
5. The Committee also welcomes the various positive measures taken in areas relevant to the implementation of the Optional Protocol, in particular:
 - (a) The declaration made at the time of ratification that the minimum age for the recruitment of a citizen of Georgia in the Armed Forces is clearly defined in Law on 'Military Obligations and Military Service', the decision concerning the recruitment of citizens into the obligatory military service shall be made only upon they have reached 18 years of age;
 - (b) Endorsing the Safe School Declaration and thereby committing itself to using the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict.

* Adopted by the Committee at its eighty-second session (9 – 27 September 2019).

III. Factors and difficulties impeding the implementation of the Optional Protocol

6. The Committee notes that Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia, remain outside the effective control of the State party, which is a serious obstacle to the implementation of the Optional Protocol in those regions.

IV. General measures of implementation

Coordination

7. The Committee notes the State party's information (paragraph 15 of the State party's report) about the establishment of the Interagency Commission responsible for the implementation of the Convention on the Rights of the Child. The Committee however regrets the lack of information about how the said Commission coordinates activities under the Optional Protocol.

8. **The Committee recommends that the State party ensure that the Commission has a sufficient authority and a strong mandate and is responsible to coordinate all activities related to the implementation of the Optional Protocol at the cross-sectoral, national, provincial and local levels. The State party should ensure that the Commission is supported by the necessary human, technical and financial resources for its effective operation.**

Comprehensive policy and strategy

9. **The Committee recommends that the State party ensure that the National Strategy on Human Rights and its national plans of action include measures aimed at addressing all issues covered under the Optional Protocol and are provided with adequate human and financial resources for implementation.**

Allocation of resources

10. The Committee is concerned about the lack of specific budget allocations and tracking mechanisms for the implementation of the Optional Protocol.

11. **The Committee recommends that the State party ensure that sufficient and targeted resources, with relevant tracking mechanisms, are allocated for the effective implementation of all areas of the Optional Protocol.**

Dissemination, awareness raising

12. The Committee notes the information provided by the State party that the protection of human rights, including children's rights, is reflected in the National Curriculum (paragraphs 54-56 of the State party report and the dialogue with the State party). It regrets however that the State party did not specify how the programmes cover the provisions of the Optional Protocol and whether there are other activities undertaken by the State party to raise awareness on the Optional Protocol.

13. **The Committee recommends that the State party enhance its efforts to make the principles and provisions of the Optional Protocol widely known to the public at large, in particular children and their families, through, inter alia, school curricula, and long-term awareness-raising campaigns and training on the harmful effects of all the offences referred to in the Protocol and preventive measures to combat them.**

Training

14. The Committee welcomes the State party's information that the Optional Protocol comprise part of the training on International Humanitarian Law at the High School of Justice and that judges, police officers and investigators receive training on child justice. The Committee regrets however the lack of specific training on children's rights and the

provisions of the Optional Protocol in the course curricula for military and law enforcement personnel.

15. The Committee recommends that the Optional Protocol be systematically included in the training of all relevant professional groups, in particular the armed forces, law enforcement and immigration officers, prosecutors, lawyers, judges, social workers, medical professionals, teachers, media professionals and local officials.

Data

16. The Committee regrets the lack of data concerning the issues under the Optional Protocol such as on the number of children in higher military education.

17. The Committee recommends that the State party establish a mechanism for the comprehensive collection of data, disaggregated by sex, age, nationality and ethnic origin, on all issues under the Optional Protocol, including on the number of children attending military education facilities.

IV. Prevention

Prevention of recruitment and radicalization of children by terrorist groups

18. The Committee notes the adoption of the National Strategy to Fight against Terrorism in 2019 and the State programme for social rehabilitation and child care. Nevertheless, the Committee is concerned about reports of recruitment and radicalization of children, in particular in the Pankisi Gorge area, who travelled from the State party to territories where armed conflicts were ongoing in 2014-2015. It is also concerned that the measures taken by the State party so far remain insufficient to address root causes of such recruitment and radicalization, including poverty, low quality of education and perceived isolation and estrangement of this area from the rest of the country.

19. In the light of the information provided by the State party, the Committee encourages the State party to strengthen its efforts to develop a strategy to tackle the root causes, including social, economic and ideological factors, and initiate effective campaigns, involving the media and community and religious leaders to prevent the radicalization and recruitment of children by terrorist groups, particularly in areas such as Pankisi Gorge. It also recommends that the State party increase its efforts to ensure the rehabilitation and reintegration of children who return from territories where armed conflicts were ongoing.

Military education

20. The Committee notes the State party's information (paras 45-46 of the State party report) that the Law on Military Obligations and Military Service provides the possibility for persons to attend high military educational institution under 18 as an exception. It also notes that prior to call-up for the Armed Forces, the Junker (student) should sign the contract to realize the features of military service. The Committee is concerned that military service permitted for Junkers (students) below 18 years of age might involve handling of firearms.

21. The Committee recommends that the State party take measures to ensure that high military education students below the age of 18 years are exempt from military training which involves handling of firearms and military discipline. It also recommends that the State party closely monitor the program of such institutions and ensure that it is in compliance with the Optional Protocol.

22. While noting the State party's information that study plan of the LEPL Cadet Military Lyceum, which accepts children who graduated from the 9th grade, is approved by the Ministry of Education and that pupils in this institution are considered civilians and not military servicemen, the Committee is seriously concerned at the State party's information that children in this institution undergo basic military training, including training on firearms with live ammunition at the age of 16 years. It is also concerned that the complaints

mechanisms accessible to cadets under the age of 18 years are only internal and are not independent.

23. **The Committee recommends that the State party ensure that the curricula of the LEPL Cadet Military Lyceum is in line with the general educational system and that students are not trained in the use of weapons and live ammunition. It also recommends that the students in the Lyceum have access to independent complaints mechanism.**

V. Prohibition and related matters

Criminal legislation and regulations in force

24. The Committee notes the State party's reference to article 333 of the Criminal Code which criminalizes exceeding official powers. However, it regrets that, despite the prohibition of recruitment of children below 18 years of age into armed forces, the Criminal Code does not explicitly criminalize recruitment and the use of children in hostilities below 18 years of age by the armed forces.

25. **The Committee recommends that the State party explicitly criminalize the recruitment and use of children under 18 years of age in hostilities by armed forces, by introducing a relevant provision in its Criminal Code with a punishment commensurate to the gravity of the crime.**

Prohibition of recruitment by non-State armed groups

26. The Committee is concerned that the State party's legislation does not sufficiently and explicitly prohibit and criminalize the recruitment and use of children under the age of 18 years in hostilities by non-State armed groups.

27. **The Committee recommends that the State party amend its Criminal Code in order to explicitly prohibit and criminalize the recruitment of children under the age of 18 years by non-State armed groups.**

28. The Committee is also concerned that articles 223 on illegal formations, including recruiting persons to join such formations, and 3271 of the Criminal Code on recruitment of a person into a terrorist organization, do not aggravate criminal liability when perpetrated against children.

29. **The Committee recommends that the State party introduce aggravated criminal liability under articles 223 and 3271 of the Criminal Code on illegal formations, including recruiting persons to join such formations, and on recruitment of a person into a terrorist organization when such offences target children below the age of 18 years.**

Extraterritorial jurisdiction and extradition

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

(a) **Establish extraterritorial jurisdiction over acts prohibited under the Optional Protocol, including the conscription or enlistment of children into armed forces or non-State armed groups, or their use to participate actively in hostilities, if such crimes are committed abroad by or against a Georgian national or a person who otherwise has a close link with the State party, without the criterion of double criminality;**

(b) **Ensure that extradition treaties concluded with other State parties to the Optional Protocol include all offences under the Optional Protocol.**

VI. Protection, recovery and reintegration

Measures adopted to protect the rights of child victims

31. The Committee is concerned about the absence of measures available for the early identification of children entering the State party who may have been involved in armed conflict abroad. It is also concerned that there are no rules regulating the victims status for such children and that the national legal framework does not provide guarantees to adequate medical care, psychological recovery and social integration.

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

(a) **Provide systematic training on the early identification of children who may have been involved in armed conflicts abroad to all professionals working with or for children, particularly to immigration personnel, law enforcement officers, judges, prosecutors, social workers and medical professionals;**

(b) **Take all necessary measures, including careful assessment of the situation of children who may have been recruited to serve in armed conflicts abroad, to reinforce the legal advisory services available to them;**

(c) **Provide immediate, culturally responsive, child-sensitive and multidisciplinary assistance, to ensure that such children receive physical and psychological recovery and have access to rehabilitation and reintegration programmes.**

VII. International assistance and cooperation

International cooperation

33. **The Committee recommends that the State party continue and strengthen its cooperation with the International Committee of the Red Cross and with the Special Representative of the Secretary-General for Children and Armed Conflict, and that it explore increased cooperation with the United Nations Children's Fund (UNICEF) and other United Nations entities in the implementation of the Optional Protocol.**

VIII. Implementation and reporting

A. Follow-up and dissemination

34. **The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented, including by transmitting them to relevant Ministries, the Supreme Court, and to local authorities, for appropriate consideration and further action.**

35. **The Committee recommends that the report and the written replies to the list of issues submitted by the State party and the present concluding observations be made widely available, including through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate on and awareness of the Optional Protocol and its implementation and monitoring.**

B. Next periodic report

36. **In accordance with article 8 (2) of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol and the present concluding observations in its next periodic report to be submitted in accordance with article 44 of the Convention.**

