



№ 49/39858

The Permanent Mission of Georgia to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and in response to the Note Verbal dated 4 July, 2017 concerning the thematic report on the issue of protecting the rights of the child in humanitarian situations, has the honor to convey the response of the Government of Georgia.

The Permanent Mission of Georgia to the United Nations Office and other international organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 31 October 2017

**Office of the United Nations
High Commissioner for Human Rights
Geneva**

Encl. 6 pages.



Questionnaire on protecting the rights of the child in humanitarian situations –

Human Rights Council resolution 34/16

1. Please provide information on the main challenges that your country is facing in protecting the rights of the child in humanitarian situations

Restrictions imposed by military occupation in Abkhazia, Georgia and Tskhinvali region/South Ossetia, Georgia affect everyday life of local population in general. It is noteworthy, that ethnic Georgian children residing in the occupied territories remain as one of the most vulnerable groups, as they face restrictions imposed with regard to enjoyment of the right to education in their mother tongue.

Since September, 2014-2015 academic year, by the decision of the occupation regime in Abkhazia, the number of hours (4 hours) allotted for the instruction of native, Georgian Language and Literature was decreased at 11 primary schools of so called lower zones of occupied Gali district. Conversely, teaching of Russian Language was increased.

The right to education in native Georgian language is practically fully restricted in schools of Gali district of Abkhazia region since the start of 2015-2016 academic year. Any Georgian textbooks are confiscated if discovered and repercussions are taken.

Border crossing issues further aggravate the situation in terms of access to education. Pupils to their own peril, have to cross administrative boundary lines on a daily basis, as the Russian occupying forces recurrently tighten the border crossing rules at the checkpoints. There are frequent incidents when Russian military troops have impeded schoolchildren of Georgian ethnicity from the Gali district to cross the occupation line to attend classes in Georgian schools located in the areas adjacent to Zugdidi and Tsalendjikha districts. Parents have to leave their kids at their relatives' houses (Tsalendjikha and Zugdidi Municipality) during the school days, so that the kids can go to the schools without obstacles.

Sometimes the children are detained for hours or are instructed to the checkpoint, where they are allowed to cross the occupation line. It takes them to cover some additional kilometers on foot. Also, there were cases when parents of pupils, particularly high-graders, have been charged "fines" for "illegal border crossing". Similarly, teachers from the occupied territories face severe difficulties to participate in different training programs due to the border restrictions.

However, the situation on the ground has severely deteriorated since 2017 when due to closure of crossings, several pupils were deprived of the opportunity to attend classes at Georgian-language school located in the Georgian controlled territory, and were forced to go to school in the occupied territories, in which restrictions are imposed on studying in Georgian language. As a result of those restrictions to free movement, pupils in order to reach the given school, are forced to walk additional kilometers through the forest. All this, amounts to violation of the right to education.

Despite the existing barriers and active language policy of Russification, Georgian state still makes every effort to fulfill its positive obligation to ensure realization of their right to education in the mother tongue. The Government of Georgia regularly provides teacher trainings for teachers from the occupied territories; it provides quarterly financial support to school administration staff and manages to deliver textbooks up to 31 schools located in the occupied territories. For the future, the Ministry of Education and Science of Georgia plans to hand over up to 440 new portable netbooks to first graders and their head teachers residing in the occupied territories.

Currently, LEPL Social Service Agency and the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia are working on the creation of a special document on granting procedure of the refugee and humanitarian status, where the functions and responsibilities of the LEPL Social Service Agency, as guardianship and custodians organ will be specified in details.

2. Please indicate the current states of your country's legal framework with regard to the protection of the rights of the child in humanitarian situations. Please include information on legal provisions (including Constitutional provisions) which explicitly deal with the protection of children and their rights in humanitarian situations with regard to their physical and mental health, protection from exploitation, and education.

Legal framework of Georgia with regard to the protection of the rights of the child in humanitarian situations is based on Convention on the Status of Refugees and UN Convention on the Rights of the Child.

According to the 2nd paragraph of Article 25th of the Law on International Protection: "As for unaccompanied minors, their accommodation shall be done taking into consideration the best interests of the child."

According to the 3rd paragraph of Article 25th of the Law on International Protection: "The Ministry shall immediately inform the guardianship/custody institution when an unaccompanied minor is identified and the institution will appoint a guardian/custodian without a delay pursuant to the legislation. As for the persons with disability, appointment of guardian/custodian will take place according to the needs of an individual."

According to the 5th paragraph of Article 25th of the above-mentioned law: "when possible, the Ministry shall undertake efforts to trace the family members of unaccompanied minors as soon as possible with due regard for their best interests."

According to the Article 54th of the Law of Georgia on Private International Law: "1. Origination of guardianship, custody or other forms of care, change of their nature and termination shall be regulated by the law of a country to which a person subject to guardianship belongs. According to the law of

Georgia, a custodian or a guardian may be assigned to an alien or a person with refugee or humanitarian status residing in Georgia.”

Civil Code of Georgia, Article 1282 - Procedure for appointing a guardian or a custodian: “3.Until a guardian or a custodian is appointed, the guardianship or custodianship authority shall have the respective legal obligations of a guardian or a custodian with respect to the ward.”

Paragraph 13 of Georgia’s National Strategy on Human Rights Protection (2016-2020): Implementation of child rights inter alia through improvement of child protection and assistance system, development of social services, child poverty and mortality reduction and quality education.

Chapter 18 of the Action Plan of the Government of Georgia on the Protection of Human Rights (2016-2017): Protecting the rights of people living in the occupied territories and near demarcation line of the occupied territories;

Goal 18.4: Protecting of rights of people living near the demarcation line and the occupied territories and ensuring access to education

According to the Government Platform of Georgia 2016-2020, education represents of the main priorities. It is planned to develop education system which will ensure lifelong learning, with the main focus on quality, accessibility and inclusion.

3. Please provide information on national policies, strategies and plans of action relating to the rights of children in humanitarian situations.

Human Rights Action Plan for 2016-2017 has been approved by the Resolution N 338 of 21 July 2016 of the Government of Georgia. Within the framework of this action plan a separate chapter is dedicated to the protection of children's rights.

4. Please provide examples of good practices undertaken by your Government to protect the rights of the child in humanitarian situations, both within your State and Internationally.

A juvenile citizen of a foreign country without a lawful representative entered the territory of Georgia seeking asylum in 2013. The LEPL - Social Service Agency represented him at the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia, as well as in court, as a result of which his case returned for the revision. Based on the request of the juvenile (because there were no peers in the shelter, it was difficult to him to communicate because of language barrier), he was transferred to state care, in a small family-type home. He rapidly adapted to his neighborhood, acquired friends, had additional courses in different subjects, studied Georgian language, got professional

education, which helped him in subsequent employment. Since 2015, after he turned 18, he uses the youth center services of small family group home.

Statistical information: cases, where LEPL Social Service Agency as guardianship and custodian organ was involved as a representative of the minor and defended child's rights.

In 2013 – 2 cases, 2014- 1 case, 2015 – 17 cases, 2016 – 4 cases, 2017 – 4 cases, total number of cases are 28.

Countries: Egypt -1, Republic of Iraq - 11; Republic of Côte d'Ivoire -6; The Federal Republic of Nigeria - 1; Russian Federation -1; Kingdom of Saudi Arabia - 1; Sierra Leone Republic -1; Republic of Syria -2; Somalia Federal Republic -4.

At the moment of requesting the shelter: 18 children were 17 years of age, 4 children -16 years of age; 5 children - 15 years of age; 1 child - 9 years of age; out of which: 25 – male, 3 – female.

Information from the Ministry of Education and Science of Georgia:

Access to General Education

- In 2016 Internally displaced schoolchildren from the territories of occupied Abkhazia (30 pupils) and South Ossetia region (10 pupils) took part in English language summer school.
- MoES regularly supplies the teachers residing in the occupied territories with different educational resources.
- Pupils who manage to cross the occupation line are provided with free school bus service from the checkpoint and delivered to the adjacent schools.
- Pupils of different grades, namely 7th, 8th and 9th grades, including pupils from the occupied territories are taking part in different camps.
- MoES of Georgia has been actively supporting development of school teachers' competences which will, in turn, ensure access to better education opportunities by schoolchildren. For years, various trainings on different topics have been organized for teachers from occupied Abkhazia, Gali district, villages located near the border of occupied territories, borderline villages, South Ossetia.
- Program for preparation of asylum-seekers, refugees and humanitarian status holders in Georgian language” is designed for persons under the age of 18. The program helps refugees, humanitarian status holders and asylum-seekers in Georgia to master Georgian language level necessary to continue their studies in general educational institutions. Today, 25 pupils are enrolled in Georgian language groups.
- Full or partial reconstructions were carried out in public schools located in the cities and villages of border regions.

Note: 84 graduates of the schools in the former Gali district succeeded in 2016 Unified National Exams and were subsequently enrolled in Higher Education Institutions. Pupils have also been successful in diverse subject Olympiads and other activities.

Access to Higher Education

- Annually, MoES is carrying out social program. The Program envisages state funding of higher education studies for students who received general education in schools located in occupied territories or areas adjacent to the occupation line.
- **Conflict affected students** from villages adjacent to the demarcation line were financed annually for BA and MA higher educational programs.
- A scholarship program – preparatory program in Georgian language („1+4“) **is implemented since 2010. The program enables ethnic minorities, Ossetian and Abkhazian language students to learn Georgian for a year and continue their studies on BA level.**
- Legislative amendments were made to simplify the recognition of education documents issued by the *de facto* authorities and to facilitate recognition of higher education received in the occupied territories.

Access to Vocational Education

- Vocational Education is fully state funded for all citizens at state VET institutions State funding is also provided for students who has humanitarian status. MoES, in cooperation with the IDP Livelihood Agency, carries out awareness-raising campaigns on vocational education programs, increasing access to vocational education for IDPs and people affected by conflict.

5. Please specifically indicate how your Government involves children in decision-making processes relating to humanitarian situations – both in terms of planning and implementation.

According to the Article 12th of the Georgian Law on International Protection: “Best interest of a minor. Any decision relating to minors shall be in accordance with 1989 UN convention on the Rights of a Child and shall consider the best interest of the child. In assessing the best interest of the child, state authorities shall in particular take due account of the principle of family unity, the minor’s well-being and social development, safety and security considerations and the views of the minor in accordance with his or her age and maturity (including development level, perception and communication skills).”

According to the Law of Georgia on International Protection: Chapter X .Authority, Responsibilities of the Administrative Bodies of Georgia and International Cooperation. Article 74. Ministry of Labor,

Health and Social Affairs of Georgia: b) Upon request of the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia provides an unaccompanied minor or a person with disability who is in need of a guardian, with guardian/custodian/support provider and accommodates (family group home, foster care; after a minor turns 10 years old, there is a need of his/her written consent) the unaccompanied minor taking into consideration the best interest of the child.