

Brief Overview of the Code on the Rights of the Child of Georgia

The Georgian Code on the Rights of the Child¹, an overarching legal act that introduces legal grounds, safeguards and guarantees for the realization of the rights and freedoms of children, was adopted by Parliament on 20 September 2019. The adoption of the Code on the Rights of the Child was the result of a partnership between the Parliament Committee on Human Rights and Civil Integration and UNICEF, with political and financial support from the European Union. Moreover, it involved participatory engagement with relevant stakeholders, including civil society organizations, academia, religious and community leaders, child rights experts and children from different ethnic, religious, social-economic and other background. Equal participation of girls and boys and children with disabilities was guaranteed.

The Code on the Rights of the Child aims to ensure the wellbeing of the child through supporting the effective implementation of the Constitution of Georgia, the United Nations Convention on the Rights of the Child and its Optional Protocols, and other international treaties ratified by Georgia. It provides a comprehensive legal framework on the fundamental rights and freedoms, principles, standards, and institutional guarantees for the implementation of the national system for child rights protection and accountability mechanisms to be fulfilled by the Parliament, Government, local authorities, and other public and private entities, and professionals.

The Code fundamentally changes how Georgian law treats children and issues concerning children. The child is recognized as a rights-holder whose rights and freedoms are respected, protected, and guaranteed based on the primary consideration of the best interests of the child, right to be heard, and rights to life, development, and non-discrimination (article 23).

The primary consideration of the best interests of the child is introduced as a key principle, and as a rule of procedure in all areas concerning children. The Code defines the best interests of the child as the interest in wellbeing, education, development, healthcare, social and other interests which are primarily defined by parents in accordance with the Code, with the Convention on the Rights of the Child and its Optional Protocols, and considering individual needs and views of the child (art. 3). The legislative, executive, and judicial authorities, public and private entities and persons are required to abide by this principle at all levels of decision-making. In the determination of the best interests of the child, the decision-makers need to hear and adequately consider the views of the child, ensure recognition, respect, and protection of dignity and all the rights of the child, and apply a multidisciplinary approach through specially trained professionals for the holistic assessment of the child's psychosocial and physical wellbeing, legal and economic interests (article 5).

The right to family is another important area covered by the Code. Every child has the right to family where all conditions are provided to support the child's harmonious development and wellbeing. Separation from the family is a measure of last resort when keeping the child in the family contradicts their best interests and creates threats to their life, health and/or development. It is inadmissible to separate the child from the family based on poverty or disability (article 26). The State shall provide all necessary support for strengthening the family, which may include positive parenting programmes, vocational education and employment opportunities for parents, cash and in-kind assistance based on the child's needs, supportive social services (day care centers, treatment and rehabilitation in cases of substance abuse, support in case of psycho-social needs, social-economic support for single parents), disability-related support, early development and adolescence support programmes, etc. In addition, the

¹ **Law of Georgia - The Code on The Rights Of The Child**, adopted by the Parliament of Georgia, 20/09/2019, last amended 18/03/2021 <https://www.matsne.gov.ge/ka/document/view/4613854?impose=translateEn&publication=0>

Code, for the first time in Georgia, prohibits corporal punishment and/or other cruel, inhuman, and degrading treatment (article 24).

The Code allows children to act independently in the exercise of their rights and apply the justice system, which is accessible, age-appropriate, diligent, speedy, fair, oriented on the child's rights and needs, and respectful to the child's dignity and privacy, administered by specialized professionals. Child-friendly justice focuses on ensuring the child's views are heard and considered through adapted procedures, access to complaints mechanisms, legal aid, information and consultations, prevention of secondary victimization and offering sound rehabilitative follow-up for child victims and witnesses (art. 13, art. 69-81).

The Code provides a stronger role for local governments in the protection of children's rights. It introduced municipal units on child rights protection which, in coordination with the central government bodies, develop and implement child protection programmes, promote social work for children, monitor, evaluate and coordinate family support measures and realization of children's rights in local municipalities (article 96).

Furthermore, the Code provides for obligations for interagency and multisectoral coordination, data collection and analysis, development of policy strategies and action plans, standards, instruments, and programmes, and services through participatory approaches which include children (art. 83-88). For enhancing the institutional framework, the Code introduced the Permanent Parliamentary Council on Child Rights, the Government Inter-Agency Commission on Child Rights, Child Rights Protection Units in the municipalities, as well as specific obligations for Government Ministries, for the Courts, for the Public Defender's office, and the Legal Aid Service (art. 89-98). In addition, the Code introduced the child rights impact assessment mechanism to be applied by Parliament in law-making and budget-planning processes, by the Government for preparing any draft law or a sub-law, and by local governments in local decision-making concerning children (article 82).

The Code entered into force in September 2020. UNICEF is supporting Parliament, Government, and the Judiciary in the implementation of the Code by helping to bring Georgian legislation in line with the requirements of the Code, creating various implementation mechanisms, strengthening the role of local municipalities in the protection of children's rights, enhancing specialization of professionals, and developing various instruments, methodologies, and guidelines to work with children in different areas. UNICEF closely works with the recently established Permanent Parliamentary Council on Child Rights to support the oversight of the implementation of the Code as well as strengthen the coordination among the legislative, executive, and judicial authorities, as well as central and local governments.

Furthermore, it is important that children are aware of their rights and the child rights implementation and protection mechanisms guaranteed by the Code. Therefore, UNICEF is strongly involved in dissemination of information and raising awareness of children, as well as their parents and communities which is crucial to create demand and support proper and meaningful implementation of the Code.