



GYLA represents remarks and opinions to the Parliament regarding the “Code on the Rights of the Child”

GYLA has represented opinions concerning the Code on the Rights of the Child drafted by the Members of Parliament of Georgia. GYLA welcomes the formation of the general legal basis for ensuring the judicial standards guaranteed by the „Convention on the Rights of the Child” and believes that the presented legislative package, as well as the legislative process already planned for its further improvement, provisions full harmonization of objectives guaranteed by the Convention and domestic legislation.

We would like to highlight that a significant part of GYLA`s remarks have been taken into account and reflected in the legislative package. Despite the considerable improvement of the draft Code and considering our observations and views, there are a number of issues in respect of which GYLA has remarks and arguments. The very first part of the remarks has the principal character, and we believe that it is crucial to come to an agreement in this regard right prior the further proceeding of the

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GEORGIAN YOUNG LAWYERS' ASSOCIATION



legislative process, the second part concerns the issues that should be additionally included in the legislative package, and as for the third part of the remarks, we believe that it is crucial to consider them during the further work on the draft law.

We especially focus on frame regulation, which might protect the child from harmful effects of the internet, the reflection of the noted in the legislative package prior its first hearing and adoption, is especially important, the frame regulation should be in compliance with the Constitution of Georgia, besides, the Civil Procedural Code of Georgia should reflect the legislative regulations required for realization of the child`s procedural rights.

It is noteworthy that the case [N. TS. And others against Georgia](#) has become the ground for the European Court of Human Rights to emphasize the blemishes in the civil procedure legislation of Georgia, which fails to guarantee the realization of the child`s best interests. [According to the Court](#), in relation to the right of the child having a legal representative, who essentially protect their interests is defective and does not comply with existing international standards, the Civil Procedure Code of Georgia and along with the present adjacent legislation on the Social Service Agency do not determine functions and responsibilities of the child`s representative, who is assigned by the Guardianship and Custody Body, when the Court considers the case.

The proposed draft law fails to fully respond to the legislative problems identified by the European Court of Human Rights. Therefore, here comes the need for broader discussions and detailed regulation of the issue. Although the Code on Rights of the Child and its accompanying draft laws establish important standards to protect the rights of the child, we still believe that procedural guarantees, which provide the realization of those standards require further processing.

On the basis of above noted, we believe that considering stated remarks would significantly improve the legislative package, ensure the establishment of those guarantees essential for higher protect of the rights of the child and reinforce the execution of decisions from the European Court of Human Rights. Respectively, we believe that the parliament of Georgia will consider the remarks.