

# LEGAL NEWSLETTER

(September 2019)

This newsletter refers to the important legislative amendments made into different legal and by-laws in September 2019.

## Georgian Law on “personal data protection”

On 20<sup>th</sup> of September, 2019, amendments were made in the Georgian Law “On personal data protection” and the Paragraph 2 of the Article 6 has been supplemented with the sub-paragraph “K” of the following content:

“K) The data shall be processed for the purposes of discussing the issue provided by paragraph 2 of the article 11 of Georgian Law “on prevention of violence and/or domestic violence towards woman, protection and assistance to the victims of violence”.

The law entered into force immediately after publication.

## General Administrative Code of Georgia

On 20 of September, 2019 following amendments were made in the General Administrative Code of Georgia:

The article 12 has been supplemented with Part 3 of the following content:

“3. The administrative body shall prioritize application related with child and consideration of administrative claim.”

The article 75 has formed as follows:

“Article 75. Participant of administrative proceeding

1. According to the rule established by this Code, the right to participate in the administrative proceeding has:
  - a) The applicant;
  - b) The administrative body authorized to make decision regarding this issue;
  - c) The person who is granted with participation right in the administrative proceeding by the Legislation of Georgia;
  - d) The other administrative body in the cases provided by the Legislation of Georgia;
  - e) The interested party;
2. The official of administrative body participating in the administrative proceeding regarding the rights of child shall be specialized according to the specialization standards established by the Legislation of Georgia.”.

The article 85 has formed as follows:

„The article 85. Obligation of the administrative body to provide legal assistance

1. The administrative body is obliged to explain the interested party his/her rights and obligations, to introduce the rule of application consideration, type and term of proceeding, as well the requirements which application or administrative claim shall comply, to indicate errors made in the application.
2. The administrative body shall provide information and consultation to child according to his/her cultural sensitivity, pursuant to his/her age, sex and individual opportunities, through language understandable to him/her or via other communication, auxiliary means.”.

4. The article 98 to be supplemented with Parts 3 and 4 of the following content:

- „3. The child’s right to listen to him/her may not be limited with indication to his/her age or other circumstances. The child shall be given the opportunity to express his/her view with his/her desirable form.
4. The administrative proceeding adapted to child shall be carried out with provision of the best interests of child that involves procedures available and understandable to child at each stage of administrative proceeding.”.

The law will enter into force from 1<sup>st</sup> of January, 2020.

## Georgian Law “On Broadcasting”

On 20<sup>th</sup> of September, 2019 amendments were made in the Georgian Law “on broadcasting” that includes amendments of the following nature:

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The paragraph 3 of the Article 5 has been supplemented with the sub-paragraph “I” of the following content:

„I) On the basis of Code of Children Rights, in order to provide child protection measurements from information containing danger for child, control to keep relevant age-appropriate rules for broadcasting programs;”.

For the Article 56:

a) The paragraph 5 has formed as follows:

„5. Broadcasting programs that fails to comply with child age and prevents his/her development, also prevents his rising as independent and socially-responsible person is prohibited without indication of relevant age-appropriate mark and relevant broadcasting time.”;

b) The paragraph 6 has been supplemented with the paragraph 7 of the following content:

„7. Rules for determination relevant age-appropriate rules and relevant broadcasting time for broadcasted programs is established by this law and through by-law of committee.”.

You can see completed documents of the amendments at the web-page of Legislative Herald of Georgia with the following registration number: 5021-16.

The law will enter into force from 1<sup>st</sup> January, 2020.

## Georgian Civil Code

On 20<sup>th</sup> of September 2019, amendments were made in the Civil Code of Georgia. Namely:

The article 130 has been formed as follows:

„Article 130. Commencement of limitation period

1. The limitation period starts immediately after arising claim. The time when a claim is heard or had to be heard by a person about a breach of rights is considered to be the origin of the claim.
2. In the event of sexual, economic, domestic or other forms of violence against a minor, the limitation period for the right to seek compensation for a child shall be suspended until the juvenile attains adulthood or before attaining court during juvenile period.”

The article 183 has been formed as follows:

„The article 183. Purchase of ownership on real thing on the basis of agreement

1. In order to purchase the real thing, it is necessary to conclude agreement in written form and registration in the Public Registry of ownership right provided by this agreement to the purchaser.
2. Disposal of real thing owned by a child by its parent or other legal representative shall be permitted in the best interests of the child, subject to the consent of the court."

The article 186 has been supplemented with the Part 11 of the following content:

„11. Disposal of real thing exceeding 1000 GEL owned by a child by its parent or other legal representative shall be permitted in the best interests of the child, subject to the consent of the court."

The part 2 of the Article 1196 has been formed as follows:

„2. The parent with whom the minor child has resided after termination or annulment of marriage shall have the right, in the interests of the child, to apply to the court for the child to be named after his/her surname. When changing the surname of a child under 10, his/her maturity will be taken into account, depending on the degree of maturity. A child's surname of 10 years or more is also required for his/her consent."

The first part of the Article 1198<sup>1</sup> has been formed as follows:

„1. A minor has the right to protection from abuse by his/her parent/other legal representative. In violation of the rights and legitimate interests of the minor, including the failure to perform or improperly perform obligations related to the rearing and education of child by one or both parents, or in misbehave of parental right, the minor has the right to independently apply to the guardianship and custody authorities, while in cases provided by the Convention of Hague of 19 October, 1996 “on jurisdiction, law, recognition, enforcement and cooperation regarding fulfillment of parental responsibility and children protection measurements” – the Central Authority and the Court.

The first part of the Article 1206 has been formed as follows:

„1. The deprivation of parental rights and responsibilities is the latest measure. A decision on the deprivation of parental rights and responsibilities shall be made by the court on the initiative of the guardianship or custody authority of the court or the child, unless otherwise provided by this article. "

The part 3 of the Article 1209 has been formed as follows:

„3. Upon recovering rights and obligations of parent for person, the court also provides the desire of child."

The article 1255 has been formed as follows:

“Article 1255. The child’s consent for adoption

1. Upon adoption of child under 10, providing his maturity degree, his desire shall be considered.
2. It is prohibited to adopt 10 years old or older child without his/her consent.

3. Child's consent for adoption is revealed after his/her hearing at the court session regarding adoption case.
4. If the child lived in the adoptive family and considered the adoptive parent as his/her parent before submitting the adoption application, the adoption may, by way of exception, be carried out without consent of adoptive child."

The law will enter into force from 1<sup>st</sup> of January, 2020.