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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Joint written statement* submitted by the International Catholic Child Bureau, Association Points-Coeur, International Volunteerism Organization for Women, Education and Development - VIDES, Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco, Mouvement International d'Apostolate des Milieux Sociaux Independants, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Child sexual abuse and deinstitutionalization in Georgia*

CHILD PROTECTION REFERRAL MECHANISM¹

1. Our organizations appreciate the political will of the government of Georgia in adopting on 12 September 2016 a Decree related to the new Child Protection Referral Mechanism that amended the Law on Domestic Violence Prevention, Protecting and Helping the Victims of Domestic Violence of 22 June 2016. Due to the low number of protection orders issued by the police and the conflicting interpretation of situations that required such orders, BICE and PHFG recommended to grant social workers the capacity to evaluate risky situations and take decision of removing a child from a violent family environment². The new law took that recommendation into account. Indeed, 2016 amendments to the Law on Domestic Violence empowered social workers, in certain cases, to authorize the separation of a child from a perpetrator (family member, legal guardian, etc.) without a court order.

2. However, even if there is an increase of referrals and training courses provided to professionals, the paucity of social workers who are the key actors of the referral mechanism does not allow for proper, timely and effective handling and monitoring of cases. To assess the situations of abuse, violence and neglect in the child circle of trust, the Social Service Agency, including the *Mandaturi*³, entails appropriate resources so as to adequately run the “Identification and prevention of violent and behavioral disorder” program. In addition, social workers are responsible for case management, evidence collection as well as the representation and protection of children’s interests in the court. The overall perception of the population, including professionals is that the referral system is not effective as there is, *inter alia*, a lack of public awareness of where child sexual abuse and exploitation cases could be reported as well as on the functioning of the monitoring process.

3. Recommendations:

- **(a) Recruit a higher number of social workers and provide them with practical training in order to enable them to carry out their duties, including in highland regions, according to the 12 September 2016 Decree modifying the Law on Combating Domestic Violence;**
- **(b) Run a nationwide awareness campaign on procedures, services and objectives of the referral mechanism so as to sensitize parents, children, teachers, health officials, governmental institutions and their structural units, local municipalities and the population as a whole, including in highland regions.**

DEINSTITUTIONALIZATION PROCESS

4. The first wave of deinstitutionalization has been quite successful. About 50 large-scale of State-run institutions were closed and almost 5’000 children were returned to their biological families or were given to alternative care, such as foster care and small group family-type children’s homes.

5. However, 2 big State-run residential institutions in Tbilisi (Tbilisi Infant House taking care of children from 0 to 6 years old) and Kojori (Kojori Institution for Disabled Children for children from 3 to 18 years old), are not yet closed despite the 2012-2015 Child Action Plan that scheduled their closing in 2013. As of November 2005, 83 children with disabilities lived in those institutions.

6. Recommendation:

- **(a) Release, without further delay, the strategic plan for the deinstitutionalization of the remaining children in State-run residential orphanages and other private centers.**

ALTERNATIVES TO THE INSTITUTIONALIZATION OF CHILDREN WITH DISABILITIES

¹ CRC/C/GEO/CO/4 (2017), §§ 21-24; A/HRC/34/55/Add.1, §§ 19-22, 28, 38, 52, 61, 63, 83 e) and 84 b).

²See BICE-PHFG alternative report to the 74th session of the UN Committee on the Rights of the Child, §§ 27, 41, 43, 46 b) and e), 50 b); A/HRC/32/NGO/32 (2016), § 7-13. See also the oral statement delivered by BICE and PHFG during the 32nd session of the UN Human Rights Council (Interactive Dialogue with the Special Rapporteur on Violence Against Women).

³ Resource Officers of Educational Institutions.

7. The June 2016 law on licensing of child care activities is an encouraging step forward. Hence, it extends the government control over all institutions, including religious and private individual centres, providing care services, and makes it compulsory for them to duly comply with the new regulations by 1 September 2017. The new legal framework echoed BICE and PHFG concerns and recommendations expressed in the alternative report submitted to the 74th session of the CRC⁴.

8. Small Group Homes present adequate solutions to the institutionalization of children. However, many challenges remain with regard to: i) the number of children they can properly accommodate and serve; ii) the age limit issue; iii) the ratio professionals/children; iv) the required qualifications and trainings of professionals serving there; v) the norms and standards applicable; and vi) the relevant steps with biological families for reintegration purposes and the monitoring of foster care families.

9. Recommendations:

- (a) **Ratify the Optional Protocol to the UN Convention on the Rights of Persons with Disabilities signed on 10 July 2009 and submit the initial report to the Committee on the Rights of Persons with Disabilities;**
- (b) **Reinforce the government control over small group homes and institutions run by the Georgian Orthodox Church and private individuals, including through the National Prevention Mechanism (NPM) championed by the Public Defender's Office ;**
- (c) **Strengthen cooperation between small group homes personnel, social services providers, local municipalities, social workers and civil society organizations;**
- (d) **Develop and implement standardized child protection policies for small group homes ;**
- (e) **Establish a data center for children with disabilities as a tool to monitor the deinstitutionalization process;**
- (d) **Adopt and implement early identification and intervention programmes.**

CHILD HELPLINE

11. The toll-free number 2309903 for domestic violence victims needs to be extended both geographically to cover the whole country, including highland areas, and thematically to other forms of violence, in particular online and off-line sexual exploitation, harassment and abuse in the circle of trust and at work place. In addition, the number is too lengthy and needs to be shortened to become an easy-to-remember number as it is proven that children call helplines when they can easily remember the helpline number.

14. Recommendations:

- (a) **Change the toll-free helpline into a three-digit-number in order to facilitate its use by children and guarantee access to the toll-free helpline in all regions of the country⁵;**
- (b) **Unify, coordinate and make accessible and permanent existing helplines as an obligation under article 13 of the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse;**
- (c) **Raise awareness in schools, work places and communities to sensitize the entire population about the existence and the use of the child helpline, and remove all hurdles in order to ensure effective access, including in highland regions;**
- (d) **Provide those who call the child helpline with immediate access to confidential, suitable and appropriate counseling, care and support services; and link up the helpline system to the referral mechanism;**
- (e) **Use child helplines as a tool for case studies, case management and data collection.**

SEX TOURISM AND CHILD SEXUAL ABUSE

⁴ BICE-PHFG alternative report to the 74th session of the UN Committee on the Rights of the Child, §§ 1-7.

⁵ CRC/C/GEO/CO/4 (2017), § 24 e).

14. The 2015 PHF report on *Georgia, Country Specific Report in the Global Study on Sexual Exploitation of Children in Travel and Tourism*⁶, expressed concerns about the magnitude of the plague but also the obstacles that hinder accurate data gathering efforts. The research revealed that Georgian domestic law does not specifically criminalize Sexual Exploitation of Children in Travel and Tourism (SECTT). Indeed, no legal provision specifically prohibits sex with minors by Georgian citizens abroad or the advertisement of sex tourism targeting children. In the same vein, possession, purchase, distribution and storage of child sexual exploitation materials, are not properly covered by Georgian laws.

15. One of the prime Georgian tourism destinations is the Adjara Region at the Black Sea coast. An increasing number of children are migrating to that region. The PHF research found out that taxi drivers serve as a link between clients, brothels and child prostitution hotspots in the Adjara region. Reportedly, only foreign nationals are admitted in brothels where sex with minors is offered.⁷

Recommendations:

- **Increase Social Service Agency activities in the Adjara Region, including prevention campaigns with the tourism industry, the identification and counselling of victims and monitoring of the situation so as to track perpetrators, and connect those services to the Child Protection referral Mechanism;**
- **Improve the domestic legislation with specific provisions, including on online and off-line sexual abuse and exploitation, and ensure the legal accountability of the tourism industry and its subsidiaries operating from Georgia or from abroad;**
- **Undertake awareness-raising campaigns for the tourism industry and the public at large on the prevention of child sex tourism and widely disseminate the Charter of Honor for tourism and the World Tourism Organization Global Code of Ethics for Tourism among travel agents and in the tourism industry**⁸.

*Public Health Foundation for Georgia (PHF), NGO without consultative status, also shares the views expressed in this statement.

⁶ See « Offenders on the Move, Global Study on Sexual Exploitation of Children in Travel and Tourism», May 2016.

⁷ Imedi TV show “*Skhva Rakursi*” (Other Perspective) accessed on 18 November 2016, <http://www.imedi.ge/index.php?pg=nws&id=40844> and e-newspaper link: “Ambebi.ge”;

“*Kviris Palitra*”- <http://www.kvirispalitra.ge/public/23492-iraneli-romelic-savaraudod-bavshvtha-prostitutcias-etseoda-iranissakonsulom-saqarthvelodan-gaadzeva.html>.

⁸ CRC/C/GEO/CO/4 (2017), § 14 c).