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Item 3: Interactive Dialogue with the Special Rapporteur on Violence Against Women – Visit to Georgia

Mr. President,

The International Catholic Child Bureau (BICE), Public Health Foundation of Georgia (PHFG) and International Movement of Apostolate in the Independent Social Milieus (MIAMSI) would like to commend the Special Rapporteur on violence against women for her visit to Georgia in February 2016 and for her report. Our organizations appreciate the legislative and institutional reforms achieved in Georgia as well as the practices that have been introduced, with regard to the rights of the child. Notwithstanding, our organizations would like to underline some challenges related to the protection of children, including girl sexual abuse victims.

The Special Rapporteur pointed out in her report the issue of restrictive and protective orders. The practice has shown that restrictive orders work more effectively in relation to adult victims rather than in the case of child victims of domestic violence. Children are not identified as victims in most cases and therefore these cases are not reported to the Social Service Agency. It often happens that social workers and police officers' criteria qualifying possible signs of sexual abuse differ. To issue a restrictive order, the police require visible and tangible signs and injuries whilst a social worker may base his identification on a body of evidence. As a result, restrictive orders are not issued by the police and the child victim cannot be timely removed from a violent environment. In addition, even though article 11 of the Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims allows social workers to request from the court protective orders, in practice, the majority of them does not act in this way and waits for the police to intervene while the girl victim of sexual abuse is left unprotected.

The issue of a medical forensic certificate for a child victim of sexual abuse is critical. At the LEPL Levan Samkharauli National Forensics Bureau, where examinations are conducted, victims and their families have to pay 175 GEL (72€ or 82 USD). Such prohibitive cost is unaffordable for the majority of them and therefore prevents them to have access to justice. At the same time, according to the Juvenile Justice Code, it is mandatory to involve trained and licensed law enforcers and provide free legal aid at all levels of legal proceedings for cases involving a child victim or witness of a crime.

Recommendations:

- **Provide the Social Service Agency, law enforcement officials, faith-based social services, medical professionals, and NGOs, including in highland regions, with child-sensitive, child-friendly procedures and training, as well as concrete instructions with regard to restrictive and protective orders pre-requisite, issuance, implementation and monitoring;**
- **Find an apposite balance between evidence requirements to issue restrictive and protective orders and the prevention objective to avoid further harms and re-victimization;**
- **Facilitate the filing of complaints for children victim of sexual violence by assigning them with a well-trained specific police unit, including in highland regions;**
- **Provide for a free and accessible medical certificate to sexual abuse victims, and accordingly designate all over the country health centers where trained doctors can proceed with the forensic examinations, and effectively enforce the legal aid provisions contained in the Juvenile Justice Code;**
- **Provide victims with required assistance, including free, age-appropriate, child-sensitive, accessible and timely health and psychosocial services throughout the entire administrative, social or judicial proceedings for their access of effective remedies and means of protection.**

Question: *Which concrete steps does the Special Rapporteur intend to undertake in order to follow-up her recommendations to Georgia?*

Thank you Mr. President.