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**Follow-up Report on the  
Republic of Georgia**

jointly submitted by:

The **International Catholic Child Bureau (BICE)** is an organization that brings together and animates a network of stakeholders committed to promoting and defending the dignity of each child, a fully-fledged human being, subject of rights. BICE's mission is to promote and defend the child, as a protagonist of his life and within his community. BICE focuses on research, training, advocacy in order to influence public policies and field projects for children and roots its endeavors on the principles of non-discrimination, the best interests of the child, child participation, transparency and long-term action. Contacts: BICE, 11 Rue Butini, 1202, Geneva, Switzerland; [www.bice.org](http://www.bice.org). Yao Agbetse, Email. [yao.agbetse@bice.org](mailto:yao.agbetse@bice.org), Tel. +41 22 552 24 44.

**Public Health Foundation of Georgia (PHF)**. The mission of PHF is to support the protection of the right to health. It believes that it is a fundamental right of human beings to enjoy the highest attainable standard of health essential for the self-realization, development and living a life in dignity. PHF's vision is the protection of children from abuse as an essential part of the public health. To this end, protection of children from abuse is a priority direction for the Public Health Foundation of Georgia. The Foundation believes that children must live in a world, where they are treated with dignity, their views are given a due weight and where all children have the equal right to development. As one the Georgian civil society leading organization, PHF runs a variety of projects in partnership with BICE (Combating Violence against Children, in particular Sexual Violence), European Union, OAK Foundation (Child abuse), UNICEF (Child Protection Referral Procedures and training on child-friendly interview), The Ministry of Foreign Affairs of the Netherlands (children in conflict with the law), the Czech Republic Development Cooperation (protection of children from abuse). PHF runs also a child helpline 116 111 and 2 421 422. Contact: PHF, 4 Magalashvili str., apt. 1; Tbilisi, 0186, Georgia, Tel. (+995 32) 2 421 422, Ms. Lia Saralidze, Executive Director, email. [l\\_saralidze@phf.org.ge](mailto:l_saralidze@phf.org.ge); and Ms. Mariam Maskhulia, Project Coordinator, email. [m\\_maskhulia@phf.org.ge](mailto:m_maskhulia@phf.org.ge). Website: [www.phf.org.ge/en/](http://www.phf.org.ge/en/)

## I. NEGLECT, ABUSE AND SEXUAL VIOLENCE AGAINST CHILDREN

### ***A. Relevant 2015 recommendations***

1. In 2015, the following UPR recommendations were related to violence against children, domestic violence and required response :

- 117.58 Take the necessary measures to fight violence against women and domestic violence (Algeria);
- 117.59 Step up awareness-raising and preventive measures on the issue of domestic violence (Belarus);
- 117.60 Take measures to prevent domestic violence, including by raising awareness, encouraging women to report acts of sexual and domestic violence, protecting the victims and ensuring the effective investigation, prosecution and punishment of perpetrators (Slovenia);
- 117.61 Improve protections for victims of domestic violence, including by ensuring timely investigations, prosecuting perpetrators, and training police in risk-based assessments (Canada);
- 117.62 Establish centres supporting women and girl victims of gender violence (Spain);
- 117.63 Redouble its efforts in the fight against domestic violence by ensuring effective investigation into incidents of domestic violence and providing adequate support and assistance to victims (the former Yugoslav Republic of Macedonia);
- 117.64 Take steps to address reported allegations of child and early and forced marriages (Ghana);
- 117.65 Prevent the practice of child marriage among all ethnic groups (Portugal);
- 117.66 Implement the recommendations of the Committee on the Elimination of Discrimination against Women for better observance of its obligations under the Convention on the Elimination of All Forms of Discrimination against Women, in particular effectively apply the ban on early and forced marriages, including through the adjustment of the national legal framework, by paying particular attention to vulnerable groups (Switzerland);
- 117.67 Increase efforts to eliminate early marriages through, implementation of the relevant recommendation made by the Committee on the Elimination of Discrimination against Women (the former Yugoslav Republic of Macedonia);
- 117.68 Reinforce the capacities of professionals in the identification, referral and protection of victims of gender-based violence and provide legal and medical support to victims (Republic of Moldova);
- 117.69 Develop prevention strategies on gender-based violence and establish rehabilitation services for victims of violence (Norway);
- 117.70 Continue to implement the legislation on domestic violence and ensure training of law enforcement officials to identify all forms of domestic violence (Slovakia);
- 117.71 Implement policies for the effective combating of domestic violence, including information and awareness-raising programmes to prevent this scourge (Chile);
- 117.72 Ensure that its strategies for addressing domestic violence are effectively implemented, monitored and sustained (Philippines);
- 117.73 Increase training of teaching staff throughout the country, so that they are better prepared to identify situations of abuse or domestic violence against children (Paraguay);
- 117.82 Ensure the effective investigation of cases of violence against women; prosecute and punish perpetrators (Estonia);
- 117.83 Ensure the effective investigation of episodes of violence against women and domestic violence, to bring perpetrators to justice and provide victims with adequate compensation, protection and assistance (Italy);
- 118.12 Increase the budget allocated to social workers responsible for assisting victims of domestic violence, by including the costs of travel to visits to assess victims and by increasing human resources (Paraguay);
- 118.13 Take concrete steps to streamline and ensure efficiency of judicial procedures concerning gender violence (Spain); 118.14 Progress in the implementation of the laws against domestic violence by establishing, in the short term, the centres to support women against sexual abuse, harassment and domestic violence provided for in the new law (Honduras); 118.15 Strengthen ongoing efforts against domestic violence by establishing adequate monitoring and investigative mechanisms (Turkey); 118.16 Establish a mechanism for

the enforcement of protective and restrictive orders relating to domestic violence, to ensure their effectiveness and prevent recurring offences, inter alia, through establishing specialized police units on gender-based violence and domestic violence (Sweden).

## **B. Positive developments**

2. Georgia took the following steps:

- 2.1. 12 September 2016: adoption of the Decree related to the new Child Protection Referral Mechanism based on the legal amendments introduced to the Law on Combating Domestic Violence on 22 June, 2016. This new mechanism expanded the list of organs and services entitled to refer a child. Hence, besides the Ministries of Interior, Education and Science and Health, Labour and Social Affairs, that were the only allowed, all governmental institutions and their structural units, Legal Entities of Public Law (LEPL), medical institutions, “Educational Institution of Resource Officers”, educational and extracurricular art or/and sports educational institutions, Children’s specialized institutions, medical institutions and doctors and local municipalities are compelled to refer the possible case of child violence to LELP Social Service Agency and the police.
- 2.2. On 22 June 2016, the Law on Domestic Violence Prevention, Protecting and Helping the Victims of Domestic Violence was amended. The legal reform empowered social workers, in certain circumstances, to authorize the separation of a child from a perpetrator (family member, legal guardian, etc.) without a court order<sup>1</sup>. The reform allowed both police and social services to engage in preventive measures. Therefore, the new law provided a response to the concern expressed by the UN Committee on the Rights of the Child with regard to “the predominant role of the police in the implementation of the child referral mechanism”<sup>2</sup>.
- 2.3. The 8 June 2016 Law on Licensing of Child Care Activities extends the government control over all institutions, including religious and private individual centres, providing care services, and obliges them to duly comply with the new regulations from 1<sup>st</sup> September 2017.
- 2.4. After the review by the UPR mechanism in November 2015, the Parliament of Georgia approved amendments to provisions of the Civil Code on 16 December 2015 allowing to enter into marriage from the age of 16 with the consent of parents or legal representative (curator). Those provisions have been removed. Accordingly, the minimum age of marriage in Georgia is now 18. The transitional provision that allows a marriage of a person of 17 with court approval ended up on 1<sup>st</sup> January 2017.
- 2.5. Juvenile Justice Reform Strategy and Action Plan 2017-2021 has been drafted and enforced. In addition, an inter-agency working group was set within the Ministry of Justice to lead the reform process, recommendations and prepare a package of legislative amendments.
- 2.6. The Parliament of Georgia has adopted the Code on the Rights of the Child on 20 September 2019 which will enter into force on 1<sup>st</sup> June 2020<sup>3</sup>. The purpose of the state unified ground-breaking policy document is to ensure the well-being of children through promoting effective implementation of the Constitution of Georgia, the UN Convention on the Rights of the Child and its 3 Optional Protocols, and other relevant international and European treaties ratified by Georgia. The Code is a comprehensive legal document based on the fundamental principle of the best interests of the child that subordinates all legislative and administrative procedures to the primary consideration of the child situation. The Code is a major step forward but the main challenge is the capacity of the Government of Georgia to effectively translate its

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<sup>1</sup> A/HRC/34/NGO/153 (2017), § 1.

<sup>2</sup> CRC/C/GEO/CO/4 (2017), § 21 d).

<sup>3</sup> <https://www.unicef.org/georgia/stories/code-rights-child-significant-landmark-every-child-georgia>

provisions into action through programs, community-base services and practices that allow for a sound protection of children victims of violence.

2.7. Article 61 of the Code on the Rights of the Child related to the protection, support and rehabilitation of the child victims and witnesses states that:

*1. The State shall develop short-term and long-term physical and psycho-social rehabilitation programmes and services, appeal and redress mechanisms for child victims and/or witnesses of violence and/or crime.*

*2. A child victim who has been damaged or victimized by an act of violence and/or crime has the right to redress, including financial compensation, with a speedy procedures, from the State when such compensation is impossible to receive speedily from the perpetrator.*

*3. The State shall ensure protection of the rights of children victims of and witnesses to a crime, prevention of secondary victimization and re-victimization of children victims of and witnesses to a crime on all stages of the justice process, in accordance with Georgian legislation, inter alia as per Juvenile Justice Code of Georgia.*

*4. The State shall ensure mandatory training/specialization of all persons working with children victims of and/or witnesses to a crime or working on these issues, in accordance to the established standards.*

The effective implementation of this provision could help establish a genuine and efficient framework for care, counseling, rehabilitation and remedy for children victims of violence.

2.8. In June 2015, the Parliament of Georgia adopted the Juvenile Justice Code which entered into force on 1<sup>st</sup> January 2016. This holistic legislative framework aligns domestic law with relevant internationally agreed norms and standards and introduces both rehabilitative and restorative approaches, in accordance with the best interests of the child. The Code provides, *inter alia*, for the implementation of protection measures for children, victims of sexual abuse in the investigation and criminal proceedings. Based on the Code, Georgia applies inclusive, child-friendly legislative regulations, which primarily respond the best interests of children in contact with the law.

2.9. PHF led a UNICEF Georgia funded project aiming at training professionals on international and national juvenile justice laws, specifics of child development and juvenile justice as well as the use of methods of interviewing child victim, witness and in conflict with the law (NICHD Protocol). The first stage of the specialization trainings was carried out in 2015-2016 and then in-depth training sessions (second-stage) were held in 2018. As a result, 74 investigators from the Ministry of Internal Affairs and 60 prosecutors were trained including joint training participants, 45 lawyers from Legal Aid and the Georgian Bar Association (GBA). In September and October 2019, in partnership with the High school of Justice of Georgia, a training and a training of trainers (ToT) were held for the judges on the theme: *in depth course in juvenile justice- child-friendly justice*. 15 judges participated and 3 of them passed ToT.

2.10. At the beginning of 2019, the Government launched a work on the implementation of the “Barnahus model” in Georgia. Nonetheless, it shall be noted that this process unfolds quite slowly. Child protection system is not yet ready to adequately respond and protect the rights of children affected by violence (victims/witnesses).

## **C. Issues of concern and challenges**

### **C.1. Children with harmful sexual behaviours**

3. Harmful sexual behaviour (HSB) is a developmentally inappropriate sexual behaviour which is displayed by children and young people and which may be harmful or abusive<sup>4</sup>. It may also be referred to as sexually harmful behaviour or sexualised behaviour. HSB encompasses a range of behaviours, which can be displayed towards younger children, peers, older children or adults. It is harmful to the children and young people who display it, as well as the people it is directed towards<sup>5</sup>. Children with HSB require due attention for adequate and appropriate preventive and protective measures.

4. Even though the Social Service Agency (SSA), the Ministry of Education and Science (MoES), the Centre for the Prevention of Criminality of the Ministry of Justice as well as the Prosecutor's office recognize the challenge related to children with harmful sexual behaviours and the imperative need to develop therapeutic counseling care and support services, there is no concrete step undertaken by the Georgian authorities to address the issue. Increasingly, children with such attitude and behaviour are reported to PHF.

5. Most of the children suffering from this sexual disorder are very often victims themselves of sexual abuse. Therefore, this growing complex phenomenon requires due attention as well as appropriate and timely responses through prevention, assistance, counseling and protection mechanisms.

#### **Recommendations:**

- a). Develop within the SSA multidisciplinary therapeutic methods and services, including at the psychosocial, legal and educational levels;**
- b). Involve families in child-friendly therapeutic processes;**
- c). Continuously train child professionals on the prevention, identification and early intervention as well as on case management, recourse to referral mechanism, including the judiciary system, and multidisciplinary service delivery;**
- d). Develop schools child-friendly sexual education curriculum as a prevention approach.**

#### **C.2. Perception of the general public towards violence against children, domestic violence and required response**

##### *Child sexual abuse*

6. The 2013 UNICEF report revealed that general public has misleading beliefs of the sexual violence phenomenon in Georgia. Most think that acquaintances, family friends and strangers are to blame. Parents and other family members were considered as possible perpetrators by only 5%. This understanding contradicts global evidence that family members and acquaintances are the most frequent perpetrators of violence against children<sup>6</sup>. The report noted that the "acceptance of violence against children is high in Georgia"<sup>7</sup> and showed how "the majority of people believe that using harsh parenting, as a tool for child discipline is more effective than non-violent parenting techniques"<sup>8</sup>. These concerns have been confirmed by the Public Defender (Ombudsman) of Georgia in its 2017 Special Report on the Situation of the Rights of the Children. Hence, the report underlined the "high rate of violence against children, ineffective measures for the identification, rehabilitation and protection of victims of violence"<sup>9</sup>. In addition, the Multiple Indicator Cluster Survey (MICS) as of 2018-2019 revealed that " 69% of children experienced any violent discipline methods, while 31% of children experienced physical punishment (severe and other types) and 66% of

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<sup>4</sup> Hackett, 2014.

<sup>5</sup> Hollis and Belton, 2017.

<sup>6</sup> *Violence against children in Georgia, national survey of knowledge, attitude and practices – Analysis of child protection referral procedures and recommendations to the government*, UNICEF, July 2013, p.13. Please note that no new research has been provided with updated statistics and it can be assumed that the situation has not significantly changed since 2013.

<sup>7</sup> *Ibid.*, p.12.

<sup>8</sup> *Ibid.*, p. 12.

<sup>9</sup> [Special Report on Rights Situation of Children](#), Public Defender, 2017.

children were exposed to psychological aggression<sup>10</sup> According to PHF *in situ* activities, violence against children continues to prevail at home, including through domestic violence, at school and within the community and the level of tolerance has not significantly decreased.

7. In June 2019, the Georgian Public Defender recommended that “adequate measures should be planned in order to protect and support the child victim of violence. In particular, existing risks and environmental factors, which could negatively affect the emotional state of the juvenile or formation of his/her will, should be assessed”. Although, the perception towards the issue of violence against children varies across regions, there is an overall distrust within the population with regard to the necessity of outside interventions in cases of child abuse, especially within the family.

### *Domestic violence*

8. Physical violence such as corporal punishment at home and at school as education means and different forms of violence occurring in the household remain largely tolerated. Meanwhile, outside interventions, including by social workers, social service providers and the police, are perceived as a violation of the right to private life or family life and a threat to traditional values. Even pedagogical explanations and interventions face such obstacles within communities. “Gender based violence is still justified by the public and victims of domestic violence experience vulnerability and injustice in the process of escaping violence”<sup>11</sup> and “for some victims, communication with the law enforcement agencies is a big challenge, caused by the lack of trust”<sup>12</sup>.

9. According to the Welfare Monitoring Survey (WMS)<sup>13</sup> “while considerable progress has been made in reducing child poverty, significant challenges remain. A major concern is the volatility of Georgian households’ welfare – 70% of households have been found to consume less than the subsistence minimum at least once in the past eight years. Consumption poverty rates also hide various forms of material deprivation experienced by many Georgian children that may have irreversible damaging effects on their development”.<sup>14</sup> As a result of poverty, children live in isolation in their own communities. These children are socially excluded since they are not able to enjoy the opportunity of participating in community life and be free from want, hunger, disease, illiteracy, discrimination, maltreatment, exploitation, inequality, fear, and injustice. It is widely acknowledged that poverty creates conditions which increase the vulnerability of a child to violence and delinquency and limits the opportunities for families to provide a safe environment for the child to grow and develop.

10. High prevalence and broad societal acceptance of violence in Georgia can also be considered as a contributing factor to children’s delinquency. For instance, according to the Social Service Agency data, the number of referrals to this agency on child abuse cases increased from 775 in 2016 to 1472 in 2018 (90% increase). According to the Ministry of Internal Affairs of Georgia, a total of 392 restraining orders were issued in 2018 in cases of domestic violence involving children. These cases almost doubled in the country in the last three years, and so did the number of restrictive orders issued against child abusers (it should be noted though that the increase in the incidences of abuse on the one hand is due to the awareness raising activities for the population on the issues of child abuse, but on the other hand the child protection system is not ready to provide adequate response).<sup>15</sup>

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10 Findings of the Multiple Indicator Cluster Survey (MICS) in Georgia, 2019

[https://www.unicef.org/georgia/sites/unicef.org.georgia/files/2019-11/child\\_discipline\\_en.pdf](https://www.unicef.org/georgia/sites/unicef.org.georgia/files/2019-11/child_discipline_en.pdf)

<sup>11</sup> Monitoring Report on Service centers (Shelters) for Victims of Violence Against Women, Domestic Violence and Trafficking, Public Defender, 2018.

<sup>12</sup> *Ibid.*

<sup>13</sup> A Detailed Analysis of targeted Social Assistance (TSA) and Child Poverty and Simulations of the Poverty-Reducing effects of Social, United Nations Children’s Fund (UNICEF), 2019, accessed at [https://www.unicef.org/georgia/media/2486/file/TSA&CHILDPOVERTY\\_eng.pdf](https://www.unicef.org/georgia/media/2486/file/TSA&CHILDPOVERTY_eng.pdf)

<sup>14</sup> *Ibid.*, pg. 3.

<sup>15</sup> Source: official data of the LEPL Social Service Agency, 2018.

## *Professionals*

11. Professionals working with children at risk or victim of violence, including sexual abuse, are not adequately trained to identify, address and take appropriate measures or engage with referral mechanisms, especially in rural and highland regions where sexual violence still remains a difficult issue to unveil. The efforts undertaken by authorities have to be strengthened.

12. In 2017, the Public Defender (Ombudsman) of Georgia reported that “only 11 psychologists are employed in the SSA across the country” and psychological service centres exist in seven towns only and with a limited coverage of schools by *Mandaturi*<sup>16</sup>. The situation has evolved since the 2017 CRC Concluding observations relayed the same concerns; notwithstanding, the low level of social service providers remain alarming. The fight against widely spread wrong perceptions towards violence against children, domestic violence and the type of response needed cannot be successful if the government does not sufficiently invest in the training and deployment of social workers and service providers nationwide, including in rural, isolated and highland areas.

13. In many cases, due to overcrowding and lack of resources, social workers are unable to make scheduled and unplanned visits, complete and regular family assessments, and thorough interviews with children, so beneficiaries are unable to express their views on care-related issues. This practice has a negative impact on the prevention and detection of violence, and fails to ensure the protection of child rights and best interests.

## *Response*

14. Besides police officers, the 2016 Child Protection Referral Mechanism enabled social workers to evaluate risky situations and take decision of removing a child from a violent family environment. Hence, in certain cases, they can, on the grounds that there was reasonable evidence, authorize the separation of a child from a perpetrator (family member, legal guardian, etc.) without a court order. To achieve this objective, the SSA needs more trained social workers and appropriate resources allocation.

15. To assess the situations of abuse, violence and neglect in the child circle of trust, the SSA entails appropriate resources enabling social service providers 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 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<sup>17</sup>.

16. A growing trend of identified cases of child abuse is not met by growing response measures in terms of providing necessary support and services. Children living in poverty, internally displaced children, children victims and witnesses of domestic abuse and other forms of violence, etc. are all at a high risk of getting into conflict with the law, since the scale of preventive measures with meaningful child participation rarely happens in Georgia.

17. According to data of the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia, overall 86’283 families were affected by these conflicts.<sup>18</sup> It is estimated that some 65’412 children are internally displaced in Georgia.<sup>19</sup> A majority of them live in

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<sup>16</sup> CRC/C/GEO/CO/4, § 21 f).

<sup>17</sup> A/HRC/34/NGO/153, § 2.

<sup>18</sup> Number of Registered IDPs available at <http://www.mra.gov.ge/eng/static/55>

<sup>19</sup> UNICEF Georgia, *Internally displaced children*, available at <http://unicef.ge/10/Internally-displaced-children/15>.

unfavorable conditions and do not benefit from a sufficient protective environment, are more isolated and suffer from multiple traumas, thus their vulnerability puts them at risk.

18. According to the information provided by the Public Defender of Georgia, actions carried out by the government to promote child rights are inadequate as they fail to properly address systemic and years-long challenges that require effective and timely government action. The practice shows that ineffective policies by the state to protect the rights of the child have led the state childcare system to a deep crisis. Georgia does not allocate sufficient resources to maintain and enhance systemic changes in the field. Against this backdrop, the state has no vision of empowering families in crisis. Existing programs cannot provide tailor-made assistance.<sup>20</sup>

19. Several state authorities handle cases of child sexual abuse and exploitation in Georgia: the Ministry of Internal Affairs and the law enforcement system in general, the Social Service Agency (SSA) and other actors defined by Child Protection Referral Procedures. Data on the child abuse cases from the subjects involved in child abuse cases (including sexual abuse) are collected and processed by the law enforcement agencies and the SSA, although there is no comprehensive data collection and processing system of cases of child sexual abuse committed in the circle of trust.

20. Unfortunately, a harmonized legal framework is not often accompanied by necessary changes to ensure implementation of effective policies, procedures, public awareness raising/prevention programs, professional trainings, services and practice. Taking into account the extreme vulnerability of children in conflict with the law, one could estimate why this issue is of current importance and why Georgia should provide for the protection of their rights and best interests.

21. The Juvenile Justice Code of Georgia (entered into force on January 1, 2016) which contains a lot of provisions related the protection, care and support of vulnerable children or victims of violence is an important step forward towards the full compliance of Georgia's international obligations in terms of children's rights. However, with legal gaps between international and regional obligations, the current legal definitions and difficulties with regard to practical implementation, Georgia is not yet fully addressing the best interests of children –victims, witnesses and in conflict with the law.

22. Child begging, labor and sexual abuse and exploitation is a challenge in Georgia. Number of crimes, often crimes committed by children under the age 14 (which is the age of criminal responsibility) are relatively high. The Government of Georgia fails to appropriately address this problem, since the principle of child protection system arrangement and the available resources are inadequate to provide necessary preventive and rehabilitation services. The lack of services and tailored psych-social support programmes for these vulnerable children is acknowledged by the government, as well as the problem of scarcity of specialized professionals to support their rehabilitation.

23. Despite the Juvenile Justice Reform Strategy and Action Plan 2017-2021 and the inter-agency working group that was set within the Ministry of Justice to lead the reform process, recommendations and prepare a package of legislative amendments, measures and commitments carried out towards reforming the juvenile justice system have not reached the expected objectives. In fact, the lack of evidence-based information, analysis with regard to children victims, witnesses and in conflict with law failed to provide a framework that can help scrutinize and assess the general picture of their situation and from their perspective in terms of fulfilment of their rights - from the first contact to justice system and throughout the entire criminal and judicial proceedings.

24. Although many investments have been made to strengthen the multidisciplinary and inter-sectoral collaboration between the child protection and juvenile justice systems, Georgia still stands at an early stage of development towards an integrated child protection system for children in contact with law. The country has to face many challenges, including the insufficient allocation of resources, lack of knowledge among the

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<sup>20</sup> Report 2018 PDO, pg. 245.



professionals who are responsible for the protection of the child best interests, lack of clear working instructions/protocols and monitoring instruments, scarcity of quality rehabilitation services, etc.

25. In the concluding observations issued by the Committee on the Rights of the Child, the Committee calls upon the State Party to ensure “adequate budget allocation for the implementation of children’s rights and for children in disadvantaged and vulnerable situations ..., and guaranteeing that fluctuations or reductions in budget allocations for the delivery of services do not reduce the existing level of enjoyment of children’s rights”.<sup>21</sup> Furthermore, the Committee requires the Government of Georgia to “Guarantee adequate human, technical and financial resources for specialized juvenile court facilities and ensure that specialized professionals receive continuous education and training”.

26. In order to fulfil these recommendations, the Government has made significant progress by adopting the Juvenile Justice Code (2015), bringing the definition of “child’s best interest” in the legislation, ensuring that there are specialized police officers, prosecutors, judges that work on the cases involving children, ensuring the gradual increase of the number of social workers, etc., nonetheless, the Child Protection and the Juvenile Justice and Systems of Georgia are very new and fragile to fully implement child-friendly justice, ensure that the right of the child to be heard is duly protected and respected, understanding what the best interests of child imply and cooperate more effectively to protect, respect and fulfil those set of rights, which are imperative in the case of child victims, witnesses and in conflict with the law. Although many targeted investments in the specialization of law enforcers and judiciary, as well as social workers were made, some of them continue to blame the child and do not respect their right to be heard.

27. Irrespective to the above-mentioned problems, child protection and juvenile justice reforms are progressing and take into consideration international standards and recommendations. Although, still largely relying on international assistance and cooperation.

#### **Recommendations:**

- a). Recruit additional social workers and provide them with continuous practical training in order to enable them to carry out their duties, including in highland regions;**
- 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;**
- c) Allocate to the Juvenile Justice Reform Strategy and Action Plan 2017-2021 adequate resources for the support, care and protection of vulnerable children, children at risk and children victims of violence.**

### **C.3. The Right to be heard - interviews/hearings of child victims**

28. The interview of a child victim is the beginning of the care, assistance and protection process and a decisive step towards the recovery. It is therefore important to establish spaces that allow starting the healing process with child victims. The Government begun setting up some interview rooms and some professionals have been trained<sup>22</sup>. In partnership with UNICEF, PHF develops a training curriculum and deliver trainings on child-friendly interviewing for selected groups of professionals, including state enforcement officials from the Ministry of Internal Affairs, lawyers on legal aid of the Georgian Bar Association (GBA) and judges.

29. Georgia has ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) on 23 September 2014 which entered into force on 1st

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<sup>21</sup> Concluding Observations on the fourth periodic report of Georgia Adopted by the Committee at its seventy-fourth session (16 January-3 February 2017), Committee on the Rights of the Child; UN Doc. CRC/C/GEO/CO/4, para. 9 (a)

<sup>22</sup> See above paragraph 2.9.

January 2015<sup>23</sup>. Its article 35 regulates the interviews with the child victim of sexual abuse. Unfortunately, in Georgia, the Convention has not been duly transposed into domestic legislation with appropriate implementation policies and tools. According to the European legal framework, interviews have to be conducted *inter alia* without undue delay, adapted, carried out by trained professionals, likely the same professionals throughout the proceedings, as limited as possible and videotaped. Yet, these practical steps are not fully undertaken by the Georgian authorities.

#### **Recommendations:**

- a) Domesticate without due delay the provisions of article 35 of the Lanzarote Convention;**
- b) Establish throughout the country, including in rural, remote and highlands zones more interview/hearing rooms in child-friendly and child-sensitive places equipped as required, including with good quality video recording system, with the presence of a guardian or a person of trust, if necessary;**
- c) Train more professionals based on internationally recognized protocols to conduct diligent, child-sensitive, age-appropriate, non-suggestive, qualitative-recorded interviews/hearing that could be used throughout the whole administrative, social and judicial proceedings;**
- d) Ensure that interviewed child victims benefit from effective counseling, assistance, care and protection services for the rehabilitation.**

## **II. RATIFICATION OF RELEVANT INTERNATIONAL HUMAN RIGHTS INSTRUMENTS**

### **A. Relevant recommendations**

30. Here are some relevant recommendations:

- 116.15 Ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Ghana);
- 116.16 Ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Italy);
- 116.17 Ratify the Istanbul Convention of the Council of Europe on violence against women and domestic violence (Turkey).

### **B. Positive developments**

31. Georgia ratified the Convention on 19 May 2017. It entered into force on 1<sup>st</sup> September 2017.

### **C. Issue of concern**

32. Georgia reserved the right not to apply the provisions laid down in article 30, paragraph 2 of the Istanbul Convention. By doing so, Georgia excluded the subsidiary obligation for State parties to provide for compensation awarded under civil, administrative and criminal law, in situations where the victim has suffered sustained serious bodily injury, serious psychological damages caused by acts of psychological violence or impairment of health, including the death the victim<sup>24</sup>.

#### **Recommendation**

- a) Repeal the reservation on article 30 paragraph 2 of the Istanbul Convention;**
- b) Take all appropriate measures, including counseling treatment for violent parents and shelters to ensure effective protection of women and children victims of domestic violence.**

<sup>23</sup> See also the 2008 CRC Concluding Observations on “Respect for the views of the child”, CRC/C/GEO/CO/3, §§ 25-26.

<sup>24</sup> Council of Europe Explanatory Report – CETS 210 – Violence against women and domestic violence, §§ 166 à 174.