



List of Issues

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**Thematic Submission to the United Nations Committee on the Rights of the
Child to inform its List of Issues Prior to Reporting (LOIPR)**

**Jointly submitted by:
International Catholic Child Bureau (BICE) and Public Health Foundation of Georgia (PHF)**

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.

Contact: BICE, 11 Rue Butini, 1202, Geneva, Switzerland; www.bice.org. Yao Agbetse, Email. yao.agbetse@bice.org, Tel. +41 22 552 24 44

Public Health Foundation of Georgia (PHF) is an organization that supports the protection of the right to health. PHF's vision is that protection of children from abuse is as an essential part of the public health. PHF has over 20 years of expertise in the field of prevention and response to all forms of child abuse, neglect, sexual abuse and sexual exploitation. PHF provides counselling and therapy of abused children, training of child professionals in identification and response to child abuse cases. The PHF is actively involved in the implementation of the child welfare and protection and child justice reforms and has good advocacy experience locally, regionally and internationally. PHF and BICE have more than five years of partnership history.

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; and Ms. Mariam Maskhulia, Project Coordinator, email. m_maskhulia@phf.org.ge. Website: www.phf.org.ge/en/

Abbreviations

ASCA	Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking
CAN	Child Abuse and Neglect
CCG	Criminal Code of Georgia
CRC	Committee on the Rights of the Child
CLB	Children Left Behind
CPRP	Child Protection Referral Procedures
CSA	Child Sexual Abuse
DV	Domestic Violence
GoG	Government of Georgia
HSB	Harmful Sexual Behavior
MoIA	Ministry of Internal Affairs of Georgia
SEC	Sexual Exploitation of Children
SECTT	Sexual Exploitation of Children in Travel and Tourism
SESAC	Sexual exploitation and sexual abuse of child
TSA	Targeted Social Assistance
VAC	Violence against Children
WMS	Welfare Monitoring Survey

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Introduction

1. This thematic report has been prepared by International Catholic Child Bureau (BICE) and Public Health Foundation of Georgia (PHF). The scope of the submission is limited to Violence against Children, Sexual Abuse and Exploitation and its different manifestations. The thematic report also addresses issue of Children Left Behind and an acute problem of child poverty in Georgia.

General Measures of Implementation

2. We appreciate progress made in Georgia in the field of child protection and child justice. Georgia joined the Global Partnership for the elimination of violence against children and became a Pathfinding country committing to accelerate efforts and develop sound systemic approaches to fight against violence against children (VAC). Adoption of the Code on the Rights of the Child (2019) is a breakthrough achievement making a focus on the protection of children from all forms of violence, including abolishment of corporal punishment. The Juvenile Justice Code (2016) significantly improves the protection of the rights of child victims in the justice process.

3. We also acknowledge that negative socio-economic consequences caused by Covid-19 directly affect children and increase risks to their healthy development and safety. Unfortunately, stressful home environments increased domestic violence and abuse as well as incidents of child sexual abuse (CSA). The COVID – 19 pandemic had a significant impact on the ongoing reforms and the expected results have not been achieved. There is a lack of both preventive and child support services for children affected by violence.

Main Areas of Concern

4. Children in Georgia face a higher risk of poverty than any other population group. Georgia still lacks a holistic and child-sensitive social protection system that helps families cope with shocks and strengthen their resilience. Gaps remain in child-centered legislation/policies, monetary benefits and social services. Many vulnerable families and children are still left behind, especially children with disabilities, children victims of violence, children of national minorities and children from poor families¹. Every fifth child (1 in 5) lives in a household whose minimum needs are not met.² Welfare Monitoring Survey (WMS) data shows that the reach of Targeted Social Assistance (TSA) the programme is limited as it covers only 37 % of children living under the general poverty line.

¹ A Detailed Analysis of Targeted Social Assistance and Child Poverty and Simulations of the Poverty-Reducing effects of Social Transfers, United Nations Children's Fund (UNICEF), 2019. Accessed at: https://www.unicef.org/georgia/media/2486/file/TSA&CHILDDPOVERTY_eng.pdf

² Population Welfare Survey, UNICEF 2017.

Violence against children

Child Abuse and Neglect (CAN) and Domestic Violence (DV)

5. Child Abuse and Neglect, use and acceptance of violent methods of upbringing are widespread in Georgia, even if a comprehensive nationwide prevalence study, which would have explored perceptions, stereotypes and causing factors of child maltreatment, hasn't been carried out since 2008. The latest available findings on specific aspects of violence against children draw the limited picture on the nature and magnitude of the issue.

6. The Multiple Indicator Cluster Survey (MICS) as of 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 children were exposed to psychological aggression.”³ These concerns have previously been confirmed by the Public Defender (Ombudsman) of Georgia in its 2017 Special Report on the Situation of the Rights of the Children. The report underlined the “high rate of violence against children, ineffective measures for the identification, rehabilitation and protection of victims of violence”.⁴

7. Referring to the data from the Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking (ASCA), which is the primarily responsible entity for preventing and responding to CAN and Sexual exploitation and sexual abuse of child (SESAC), only 1.818 cases of CAN were reported in 2020, while in 2019, 3.881 alleged cases of CAN were reported to the ASCA, including 262 cases of CSA. Early marriage/pregnancy is still problematic (130 cases). Parents/family members and child's circle of trust are among the abusers. Violence is found in both girls (58%) and boys (42%).⁵ In 2016, the UN Special Rapporteur on violence against women, its causes and consequences pointed out a number of concerns with regard to Child and forced marriages⁶. In addition, according to the PHF *in situ* activities, VAC continues to prevail at home, including through DV and within the child's circle of trust, at school and within the community and the level of tolerance has not significantly decreased.

Questions:

7.1. Is the Government of Georgia (GoG) planning to undertake a comprehensive prevalence study on the nature and root causes of VAC?

7.2. What specific systemic actions the GoG is planning to carry out to raise awareness among general public in order to change attitudes and acceptance of corporal punishment and other violent methods of child upbringing?

³ Findings of the Multiple Indicator Cluster Survey (MICS) in Georgia, 2019, accessed at https://www.unicef.org/georgia/sites/unicef.org.georgia/files/2019-11/child_discipline_en.pdf

⁴ [Special Report on Rights Situation of Children](#), Public Defender of Georgia, 2017

⁵ The data obtained from the Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking (ASCA)

⁶ A/HRC/32/42/Add.3, §§ 23-29. Dubravka Šimonović visited Georgia from 15 to 19 February 2016.

Sexual exploitation and sexual abuse of child (SESAC)

8. According to EUROPOL, significant increase in activities relating to child sexual abuse material on the surface web and dark web was observed during the lockdown. Unfortunately, the exact magnitude of the sexual abuse and exploitation of children in Georgia, both online and offline is unknown, but already approximately 60% of children aged 6-15 have access to the Internet and this number is increasing.⁷ There is little available data on the exploitation of children in prostitution and few cases are investigated in Georgia. However, data from caseworkers, service providers and NGOs working in Georgia suggest that it is a significant issue. Recommendations issued in its latest Concluding Observations⁸ by the CRC mostly remain unimplemented and are still relevant today.

9. It is a welcoming fact that the GoG in 2020 adopted Law on Combating Crimes against Sexual Freedom and Inviolability and introduced relevant amendments to the Criminal Code of Georgia (CCG) imposing stricter sentences and deprivation of certain rights for perpetrators of sexual offenses against children. While there is a progress on improving the national legal framework with regard to CSA and different manifestations of Sexual Exploitation of Children (SEC), no significant achievements are visible on a practice level. Identification and reporting of sexual abuse is problematic; there is a persistent problem related to taking the timely and efficient measures by the responsible agencies for the identification of child victims and their psychosocial rehabilitation. Problem with regard to primary and secondary prevention of CSA is also persistent. Unfortunately, at school and at pre-school institutions, the child does not learn about SCA using age appropriate adapted materials.

10. According to an official data as of 2020, investigation was launched with regards to 262 alleged sexual violence cases against children, including 24 cases of alleged rape, 9 cases of other action of sexual nature, one case of coercion of penetration of a sexual nature into the body of a person, or of another action of a sexual nature, 79 cases of lewd act and 149 cases of sexual penetration into the body of person under 16.⁹

Questions:

10.1. Taking into consideration a status of Pathfinding country and its global commitments under the SDGs, when GoG is planning to conduct a situation analysis to improve prevention, identification and support mechanisms for children at risk and victims of SESAC?

10.2. When and how the GoG is planning to improve capacity of frontline professionals and facilitate coordinated and interagency responses to SESAC?

10.3. Does GoG has a specific strategy on how to empower children, raise awareness among the professionals, authorities and general public on all forms of SESAC?

⁷ UNICEF (2017), "The State of the World's Children 2017: Children in a Digital World", 47, accessed at https://www.unicef.org/publications/files/SOWC_2017_ENG_WEB.pdf

⁸ Concluding Observations on the fort periodic report of Georgia, 2017, UN Doc CRC/C/GEO/CO/4, pg. 7-8

⁹ Data obtained from the MoIA on 26/02/2020 available in the report of the Public Defender of Georgia "On the Situation of Protection of Human Rights and Freedoms in Georgia", 2019, pg. 259. Accessed at: <http://ombudsman.ge/res/docs/2020040215365449134.pdf>

Harmful Sexual Behaviour in children (HSB)

11. HSB is a developmentally inappropriate sexual behaviour which is displayed by children and young people and which may be harmful or abusive¹⁰. HSB encompasses a range of behaviours, which can be exercised 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.¹¹ Children with HSB require due attention for adequate and appropriate preventive and protective measures.

12. Even though the ASCA, other relevant state agencies 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 Georgian authorities to address the issue. 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.

Question:

12.1. Are the ASCA and other concerned state agencies planning to pay a due attention to the growing complex phenomenon of HSB and carry out timely responses through prevention, assistance, counseling and protection mechanisms?

Sexual Exploitation of Children in Travel and Tourism (SECTT)

13. The Criminal Code of Georgia and any other relevant acts or regulations do not contain provisions addressing either SECTT or offences committed in relation to tourism and travel. Georgian Law on Tourism and Resorts does not mention anything in relation to child protection in tourism either. The introduction of the new Code on the Rights of the Child, still hasn't addressed SECTT. Unfortunately, the majority of hotels (with the exception of high-end chains) don't have child protection policies or any redressal mechanisms in case of an incident of child exploitation in the property. As Georgia largely relies on tourism and aims for a fast post-pandemic recovery of this industry, it is important to support its sustainable and responsible development taking into account the protection of the child

Question:

13.1. Does GoG intend to undertake awareness-raising campaigns for the tourism industry and the public at large on the prevention of SECTT and widely disseminate the Charter of Honor for tourism and Global Code of Ethics for Tourism among travel agents and in the tourism industry?¹²

¹⁰ Hackett, 2014.

¹¹ Hollis and Belton, 2017.

¹² CRC/C/GEO/CO/4 (2017), § 14 c).

Prevention, Identification and Response to Violence against Children (VAC)

14. ASCA is the primarily responsible entity for preventing and responding to CAN. The Child Protection Referral Procedures (CPRP) makes it mandatory for every sector (health, social protection, education and culture, law enforcement sectors and local self-governments) working on children's issues to prevent, detect and respond to VAC within their competences. The CPRP also regulates the issue of inter-sectoral cooperation, but there are still many shortcomings and challenges both in terms of the implementation of legislation, insufficient number of relevant professionals, their knowledge and skills, and the lack or absence of child and family supporting services.

15. The majority of cases of CAN cases are detected by the police (1.262 cases) in 2020, while there are very few cases recognized by the entities directly responsible for it - social service (130), medical institutions (19), schools (109), and kindergartens (1). Only 4 cases of abuse were reported by children in 2020. This picture shows that the child protection and welfare system is reactive and not preventive. Multi-sectoral cooperation is very weak, as evidenced by the fact that only 618 of the reported cases of violence were confirmed. Children still have difficulties in understanding the problem and/or do not trust the child protection system.

16. The scarcity of programs for children and ineffectiveness of existing programs, as well as the insufficient number of social workers and psychologists has a negative impact on the protection of children, especially children in state care system, from poverty and violence, including sexual abuse. In 2017, the CRC recommended to "improve the implementation of the child referral protection mechanism by increasing the number of professionals working with families and children, in particular law enforcement personnel, social workers and service providers"¹³. There is a high resistance from the side of health sector to be involved in prevention and response to VAC. There is also an acute shortage of child psychiatrists and psychologists whose involvement is crucial for child's recovery.

17. Significant steps have been taken by child justice system and only certified investigators can work with children. GoG acknowledges that child interviews have to be conducted *inter alia* without delay, adapted, carried out by trained professionals, likely the same professionals throughout the proceedings, as limited as possible and videotaped as stated by article 35 of the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) to which Georgia is party to since 23 September 2014. However, child justice system isn't enough friendly for children, especially girl victims and children with disabilities. Hence, it is necessary to improve capacity of certified professionals and develop child friendly spaces across Georgia.

¹³ CRC/C/GEO/CO/4 (2017) § 22 c).

18. The GoG's decision (2019) to open psycho-social service centers for children victims of violence (so called the "Barnahus" model), which facilitates multidisciplinary work in both the investigation and victims' rehabilitation process in Tbilisi and Kutaisi would significantly improve the rights protection for girls (and boys) victims of SA. Unfortunately, so far, the centers are not yet open. There is an acute need to establish counselling and rehabilitative services for children victims and witnesses of violence and for their families.

19. There are no legally binding internal standards for child care and educational facilities for safeguarding children from VAC. In addition, intervention procedures in case of suspected child abuse by strangers, family members, facility staff and peers are not in place. Similarly, there is no legal obligation to train employees in the field of identification and responding to VAC.

20. In order to prevent and protect children from violence, it is necessary to implement preventive measures that raise parents' awareness on good parenting methods. There is lack of systemic solutions focused on improving positive parenting skills.

Questions:

20.1. Is GoG planning to ensure rigorous selection of certified professionals and provide continuous training based on internationally recognized standards and protocols to improve competencies of frontline professionals in the prevention and response to VAC?

20.2. When GoG aims at establishing across Georgia interview/hearing rooms (for child victims, witnesses and accused children) in child-friendly and child-sensitive places equipped as required, including with good quality video recording system, to conduct diligent, child-sensitive, age-appropriate, non-suggestive, qualitative-recorded interviews that could be used throughout the whole administrative, social and judicial proceedings with the presence of a guardian or a person of trust, if necessary and make such rooms accessible for all children?

20.3. When GoG is going to establish child-friendly, multidisciplinary consultation and rehabilitation services, which are accessible equally for all children and their family members across Georgia?

20.4. Is the GoG planning to legally bind care and educational facilities with an obligation to have standards for protecting children from VAC and the obligation to train employees to identify (early) signs of VAC and be aware of response methods?

20.5. What systemic actions is GoG planning to take to improve parenting skills in Georgia?

20.6. Is GoG planning to develop a comprehensive child-friendly sexual education curriculum for schools as a prevention approach and also train teachers in teaching methods?

Special protection measures

Children Left Behind (CLB)

21. Georgia is a country with population of 3.723.464 - as of January 1, 2019. In 2018, the number of emigrants from Georgia has increased¹⁴. According to GEOSTAT, the number of emigrants in 2018 amounted to 98.935 people. Although, most emigrants from Georgia are still in Russia, the number of illegal Georgian citizens identified in EU countries is significantly increasing.

22. The research commissioned by the Government Commission on Migration Issues in 2019 showed that for almost half of the families (46%) who have or had at least one member abroad, that member was the main breadwinner of the family during their stay abroad.

23. In the process of working on CAN, children and youth left behind by parents/caregivers that left in migration, come into the sight of PHF as one of the vulnerable group. This group of children and the issue of translational families require more attention and intervention from the side of child protection professionals, the government and the society in general. A unified data processing system in relation to children left behind and translational families is not in place. In addition, it is hard if not impossible to find any research based information in this direction. Lack of support services for transnational families is an evident issue and it is necessary to support local authorities to better address the protection measures for CLB.

Questions:

23.1. Is GoG plans to create data processing system in relation to children left behind and translational families and identify their protection needs within their families and at school?

23.2. Is GoG plans to pay due attention to CLB to better address the protection measures for this group of children and for transnational families in general?

¹⁴ Georgia's Migration Profile 2019 - Government Commission on Migration Issues
http://migration.commission.ge/files/mp19_web3.pdf?fbclid=IwAR3wmXvcT2li2hYfgyetcbWStsanleXhzy0PnyH-4DdKX0ByJg5pS-bjK8

Basic Health and Welfare

Child poverty

24. According to the WMS¹⁵ “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”.¹⁶

25. WMS data shows that compared to the rest of the population, TSA beneficiary households are more likely to live in a rural area, have low educational qualifications, have one or more children, have a disabled family members or be internally displaced. This is not surprising, as TSA is designed to reach vulnerable families. However, the reach of the programme is limited as it covers only 37% of children living under the general poverty line¹⁷.

26. 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.

Question:

26.1. Is GoG planning to look at poverty from a human rights perspective and develop a human rights-based approach program to eradicate child poverty?

¹⁵ 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

¹⁶ Ibid., pg. 3

¹⁷ Ibid., pg. 6