



T-ES(2016)RFG-GEO

LANZAROTE CONVENTION

Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse

FOCUSED QUESTIONNAIRE

Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse

GEORGIA

(Replies sent by the State)

Replies registered by the Secretariat on 15 September 2016

DATA (Lanzarote Convention, Chapter III)

- 1) How many migrant and asylum-seeking children (accompanied and unaccompanied)¹ are in your country as a result of the refugee crisis?
 - a) Please provide estimates, if exact data is not available, for the period between 1 July 2015 and 30 June 2016,² and specify how many of these children are victims or presumed victims of sexual exploitation and sexual abuse;
 - b) Describe how the victims of sexual exploitation and sexual abuse were identified or describe the challenges faced to identify them. Specify whether a distinction is made between victims of sexual exploitation/abuse prior to the entry on your territory (Group 1) and after entry (Group 2) and provide data/estimates of the two groups of victims. Please also explain how the age is determined in case of doubt;
 - c) Indicate also how the data collected is used to offer a coordinated response between the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children;
 - d) Identify the institution(s) responsible for the collection of above data.

It is worth noting, that Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia is (here and after MRA) has received 236 asylum applications of minors within the period of 1 June 2015 and 30 June 2016. Among them 19 children were unaccompanied. There has been identified no case of being victim of sexual exploitation and sexual abuse within this period of time.

The identification of the victim of sexual exploitation and sexual abuse is conducted by MRA during profile and status determination procedure. Within the considered period of time no such cases were identified.

In August, 2015 the Secretariat (Public International Law Department of the Ministry of Justice of Georgia) of the Inter-agency Council on Combating Human Trafficking (hereinafter – THB Council) set up in 2006 and operating under the Ministry of Justice developed integrated database, which also includes statistical information regarding the sexual exploitation of children. The single database consists of the following sections for 2010-2016 (August) period:

- 1) information on the human trafficking cases – number of investigations, prosecutions, cases sent to the court and convictions segregated by forms of exploitation;
- 2) information on alleged perpetrators (prosecuted persons) – number, citizenship, age, sex;
- 3) information on convicted traffickers – number, citizenship, age, sex;

¹ Please provide the definition of accompanied/unaccompanied children in your country and, if available, provide separate figures for accompanied and unaccompanied children. If such data is not available, please provide data on migrant and asylum-seeking children.

² If figures for this period are not available, please provide the most recent annual data.

4) information on THB statutory victims³ (status granted by the law enforcement under Criminal Procedure Code of Georgia) – citizenship, sex, age, type of exploitation, country where the person was exploited, the type of service provided from the State Fund for Protection of and Assistance to Statutory Victims of Trafficking in Persons (*hereinafter* – State Fund) (legal consultation, court representation, medical service, psychological assistance, shelter, compensation);

5) information on THB victims (status granted by the permanent group under THB council, when the person does not want to cooperate with the law enforcement) – citizenship, sex, age, type of exploitation, country where the person was exploited, the type of service provided from the State Fund (legal consultation, court representation, medical service, psychological assistance, shelter, compensation).

6) Police Cooperation and cooperation within the framework of mutual legal assistance (MLA) on criminal matters – statistics segregated by number and countries of incoming and outgoing MLA and extradition requests, statistics segregated by number, countries and form of exploitation of outgoing police cooperation requests.

The above-mentioned database is based on the information collected from the Ministry of Internal Affairs, Chief Prosecutor's Office and the State Fund, which also collects the statistic within their field of competence.

Furthermore, as the Government of Georgia acknowledges the importance of statistics and impact of its analysis, the Secretariat of THB Council analyzed existing statistics to identify the current trends and gaps in order to further develop national Anti-Trafficking policy. The analysis of THB database focused on the findings and further follow-up steps taken by each relevant governmental agencies (Ministry of Internal Affairs, Ministry of Foreign Affairs and State Fund).

Also, the Secretariat analyzed the profiles of the prosecuted and convicted persons, victims and statutory victims, as well as the services of the State Fund provided to them, means and methods of exploitation in and outside of Georgia.

PREVENTION (Lanzarote Convention, Chapter II)

- 2) What are the specific measures taken to prevent that children affected by the refugee crisis fall victims of sexual exploitation and sexual abuse?
- a) Highlight in particular the measures (e.g. awareness raising material, specialised training, screening of professionals, etc.) which have proven to be effective;
 - b) Underline any lessons learnt from specific challenges (e.g. in raising awareness on sexual violence amidst other urgent priorities, etc.) that had to be faced to improve prevention.

³ Georgian law differentiates status of victim of trafficking and status of statutory victim of trafficking. The status of victim of trafficking is granted to the person by the Permanent Group of THB Council within 48 hours based on the questionnaires of mobile group of the State Fund, while the status of statutory victim of trafficking is granted by law enforcement authorities in accordance with Criminal Procedure Code of Georgia. In spite of the different procedures of granting the status, there is no difference between their rights during the process of investigation and/or prosecution. Furthermore, the victims and statutory victims of human trafficking are enjoying the same services of the State Fund since the moment a person is granted the status of victim/statutory victim.

The Government of Georgia considers public awareness raising campaigns on trafficking (including sexual exploitation of minors) as one of the essential preventive measures. For the effective implementation of the preventive measures, in 2014 the THB Council elaborated Common Information Strategy on combating trafficking with specially identified vulnerable target groups, including children and migrants, regions and means of implementation. It should be underlined that such information strategy and action plan is quite unique in our region.

Minor asylum-seekers are provided by MRA, with all relevant information regarding their rights. On the basis of needs assessment they might also be provided with additional consultation. Staff dealing with minor asylum-seekers' cases are specially trained.

Particular attention is paid to raise awareness of children and youngsters about the threats of all types of exploitation in order to prevent THB against them. Government of Georgia prioritizes prevention of trafficking, including sexual exploitation, through enhancement of education in secondary and high schools. In this regard issues related to sexual and labor exploitation is largely covered by the national curriculum for 2011-2016 years. Issues related to human trafficking are subject of social sciences – Civic Education and History.

Furthermore, the Government of Georgia in close cooperation with non-governmental organizations working on THB permanently organizes information meetings, conferences, round tables, law schools in order to promote awareness raising of general population on the threats of *inter alia* sexual exploitation of minors. Furthermore, multilingual information leaflets (English, Turkish, Arabic and Russian) are distributed at state borders, airports, tourism information centers, receptions of IDP centers, Public Service Halls, Community Centers, Diplomatic Representations/Consular Posts of Georgia abroad, also, in the Embassies and Consular Units to Georgia and at the Reception Hall of the Consular Department of Ministry of Foreign Affairs of Georgia and in other public gathering areas, such as parks, metro stations, etc. The journal articles and other printed materials are frequently issued, the Hotlines and web. Resources are operating and updated on a daily basis.

The Government of Georgia has also actively started funding and engaging in counter-trafficking activities, including issuing grants for enhancement of cooperation with local NGOs and promotion of their involvement in the effective implementation of Anti-Trafficking policy. Three main dimensions have been identified approving the active participation of the Government of Georgia in anti-trafficking information campaign:

- Financial support – annual Grant Projects of the Ministry of Justice (*hereinafter* – MOJ);
- Infrastructural support – information meetings are permanently held in Public Service Halls of MOJ, Community Centers of MOJ, Training Center of Justice, Chief Prosecutor's Office, Ministry of Justice, Public Schools, etc.;
- Mobilization of human resources – Staff of the Secretariat of THB Council, the Ministry of Internal Affairs, State Commission on Migration Issues, Labor Inspectorate Department, Public Service Halls and Community Centers, LEPL Center

for Crime Prevention, the State Fund and Shelters, as well as trainers of Training Center of Justice, prosecutors and investigators are actively involved in THB preventive measures;

In addition, TV and radio shows and advertisements are frequently dedicated to THB issues on central and regional TV stations. Information on combating trafficking is also published and regularly updated on the websites of the Ministry of Justice (www.justice.gov.ge), the Ministry of Foreign Affairs (www.mfa.gov.ge), the State Fund (www.atipfund.gov.ge), the Ministry of Internal Affairs (www.police.ge) and Prosecutors' Office of Georgia (www.pog.gov.ge). Websites contain detailed information on state anti-trafficking policy, action plans and legal framework, also information for population on how to identify possible trafficking threat, how to protect themselves from deceit and fraud, whom to consult, how and where to report.

Apart from the information campaigns, the Government of Georgia also pays particular attention to prevent human trafficking among vulnerable group of minors, especially those who are working/living in the streets. To address this issue the Government of Georgia has initiated legal amendments up to 10 legal acts aiming at creating legal framework to provide children living and/or working in the streets with identification documents and strengthening the role of social workers in case of violence to separate minor from perpetrator/remove the child from family or other environment where the violence was committed.

The legislative package on homeless children was adopted by the Parliament of Georgia on 22 June, 2016 and came into force on 10 August, 2016.

In addition, on September 7, 2016 the Government of Georgia adopted the new Child Protection Referral Mechanism aiming at protection of all minors, who are the victims of any type of violence and expanding the responsible entities for referring child violence cases to the relevant agencies.

PROTECTION (Lanzarote Convention, Chapter IV)

- 3) Has a coordinated child protection approach been put in place to cater for the specific needs of migrant and asylum-seeking children victims of sexual exploitation and/or sexual abuse?
 - a) Describe the measures taken to address the situation and cater for the children's specific needs (multiple traumas, language/cultural differences, etc.), including with respect to guardianship/placement;
 - b) Indicate also what measures have been taken to protect the children concerned from further exploitation/abuse and to assist the victims in seeking redress (please highlight any differences between Groups 1 and 2 of children as outlined above);
 - c) Underline any lessons learnt from specific challenges (in reporting suspicion of sexual exploitation and abuse, in tailoring assistance to the victims, etc.) that had to be faced to improve protection.

Nowadays new draft law on International Protection is under parliamentary hearings being approved on two hearings. The new draft law enshrines special procedures for the

groups of persons with specific needs, counting unaccompanied minors, victims of sexual exploitation and/or sexual abuse, etc.

Under Georgian legislation specific needs of minor asylum-seeker are addressed considering the best interest of a child. If a child arrives alone in Georgia MRA immediately addresses the relevant guardianship/custodianship state body: about the accommodation of a minor and appointment of a guardian/custodian. A guardian/custodian is appointed taking into consideration all circumstances of the case and the best interest of the child. Asylum application is lodged by a guardian/custodian.

Refugee Status Determination (RSD) procedure is carried out taking into account child's age, development level and mental state.

MRA provides guarantees for protection children from further exploitation. Those guarantees include: accommodation of a child considering her/his best interest (providing accommodation with her/his relatives, in Martkopi Reception Centre or in the Special Centre of Ministry of Labour, Health and Social Welfare of Georgia; appointment guardian/custodian.

Considering minor asylum-seekers' cases, MRA have faced challenges for providing psycho-social rehabilitation for the minors. Nowadays working on this issue is on-going process among state actors. In addition, MRA has cooperation with Georgian Centre for Psychosocial and Medical Rehabilitation of Torture Victims under which the centre offers its service to the beneficiaries of the Ministry.

When it comes to the protection and assistance of minor victims of sexual exploitation, the role of the State Fund for the Protection and Assistance of Victims, Statutory Victims of Human Trafficking (established in 2006) and Social Service Agency (SSA) under the Ministry of Health, Labor and Social Affairs of Georgia should be mentioned. The State Fund protects the rights and interests of trafficking victims (statutory victims) and provides them with: a) Shelters (in Tbilisi and Batumi), b) Legal aid, c) psychological and medical assistance, d) Rehabilitation and reintegration measures and e) One-off Compensation of 1000 Gel. These services are free of charge. Georgian authorities respectfully note that the services of the State Fund are child tailored and the shelters are equipped to receive minor victims of human trafficking as well as dependent minors (aged under 18). There are special rooms and equipment for children in each shelters.

Within the current setup of the State Fund system in Georgia, unaccompanied children who are the victims of THB are under legal guardianship of SSA and SSA takes immediate measures to place them in family-type care (e.g. foster care, small group home, etc.) and considers the State Fund Shelters as one of the available temporary resource for accommodation of unaccompanied child. The accompanied children victims of trafficking, including sexual exploitation, and children accompanying the parents who had been trafficked, are provided with the State Fund services. When such a need arises, they are also entitled to receive the appropriate accommodation, age specific education and support programs tailored to their needs. The child victims or accompanied minors placed in the shelters of the State Fund are provided with different services in order to

ensure their wellbeing and provide them with proper education (formal/non-formal) through the special programs.

Additionally, since August 7, 2015 the newly recruited babysitters/care-takers in THB shelters ensure to make more child-friendly environment in shelters. The main tasks of the babysitter are to take care of the children and support them in formal/non-formal education - take minors for a walk, ensure their safety while playing with other kids, help them with home-work in needed, etc.

The State Fund recruited 2 babysitters/caretakers in Tbilisi and Batumi shelters to ensure the appropriate care to the minors and let the mother be occupied with other activities as well.

Also, on August 10, 2015 Director of State Fund approved the individual rehabilitation-reintegration plan for minor victims/statutory victims of human trafficking and children accompanying their parents who are the beneficiaries of Shelter.

COOPERATION (Lanzarote Convention, Chapter IX)

- 4) Provide examples of successful cooperation with other Parties to the Lanzarote Convention for the purpose of:
 - a) Preventing and combating sexual exploitation and sexual abuse of children affected by the refugee crisis;
 - b) Protecting and providing assistance to victims;
 - c) Investigations or proceedings concerning the offences established in accordance with the Lanzarote Convention.

ANY OTHER ADDITIONAL INFORMATION

- 5) Please provide any other additional information which may be useful to identify areas for targeted cooperation aimed at ensuring that children affected by the refugee crisis are effectively protected from sexual exploitation and sexual abuse and in guaranteeing their human dignity and physical and psychological integrity.