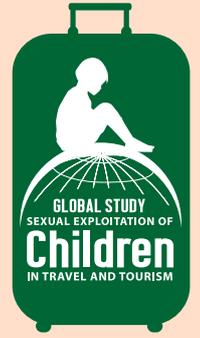


GLOBAL STUDY ON SEXUAL EXPLOITATION OF CHILDREN IN TRAVEL AND TOURISM

COUNTRY-SPECIFIC REPORT

GEORGIA

2015



The country-specific research report on SECTT was made by the the Public Health Foundation of Georgia (PHF).



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The research was conducted in the framework of the Global Study on Sexual Exploitation of Children in Travel and Tourism. More information on the Global Study can be found on www.globalstudysectt.org

The views expressed in this report are those of the Public Health Foundation of Georgia (PHF) and do not necessarily reflect those of the donors.

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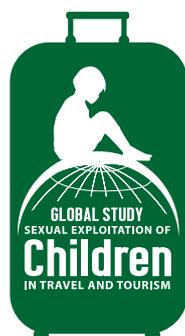
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Disclaimer: This research report is not a comprehensive research. The information given in the desk-review part of the report was collected from various open source materials and documents available to the public. While, the research team tried to ensure the accuracy of the presented information, the research team makes no representation that the report is free of errors and omissions.

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ACRONYMS

ATIP fund	State Fund for Protection and Assistance of (statutory) Victims of Human Trafficking
NPA	National Plan of Action
CSEC	Commercial Sexual Exploitation of Children - the commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are four primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography, trafficking for sexual purposes and sexual exploitation of children in travel and tourism. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.
CEDAW	Committee on the Elimination of Discrimination against Women
CSA	Child Sexual Abuse
CCG	Criminal Code of Georgia
CRC	Convention of the Rights of the Child
ECPAT	End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes
IDP	Internally Displaced Persons
ILO	International Labour Organization
INTERPOL	International Criminal Police Organization
LANZAROTE CONVENTION	Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse
MOIA	Ministry of Internal Affairs of Georgia
MOJ	Ministry of Justice of Georgia
MOES	Ministry of Education and Science of Georgia
MOLHSA	Ministry of Labour Health and Social Affairs of Georgia
NGO	Non-governmental organisation
OPSC	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
PHF	Public Health Foundation of Georgia
SSA	Social Service Agency
SECTT	Sexual Exploitation of Children in Travel and Tourism
UNICEF	Children's Fund
UN	United Nations

EXECUTIVE SUMMARY

The Public Health Foundation of Georgia (PHF) conducted a qualitative research on Commercial Sexual Exploitation of Children in Georgia (CSEC), which contributed to the Global Study on the Sexual Exploitation of Children in Travel and Tourism (SECTT) that ECPAT International is currently undertaking. Implementation of the research was possible in the frames of the project “Reducing Violence against Children, with special focus on sexual exploitation of children and child sex tourism”, which is carried out by PHF in partnership with Defence for Children – ECPAT Nederland.

The research aimed at exploring the situation of children who are victims or at-risk of commercial sexual exploitation, social context in which such exploitations take place and what are the legal protections put in place to address the problem. Toward this end, two-phase interventions were implemented. The first phase covered the desk-review process. In the second phase in-depth interviews with practitioners and decision-makers, who work for and with children, were carried out and focus-group discussions were also held. The research found out that very little attention is given to CSEC, except the trafficking where extensive measures have been put in place both on legal and victims’ protection levels. However, other manifestations of CSEC, such as child prostitution, child pornography and exploitation of children in travel and tourism have not yet deserved sufficient attention.

This is a very first attempt to examine the CSEC nature in Georgia. Given research provides a general overview of the problem in Georgia and gathers opinions from child protection experts. It is believed that this report will serve as a pushing factor for further relevant and immediate actions to be undertaken in this direction towards going more into depth of the problem and setting up meaningful and feasible actions that will be carried out by responsible agencies in coordination.

Unfortunately, children’s protection from various manifestations of commercial sexual exploitation and sexual abuse is weak in much of the world despite the universal ratification of the CRC. Often, a harmonized legal framework is not accompanied by necessary

changes to ensure implementation of effective policies, public awareness raising/prevention programs, professional training, services and practice. The nature of programmatic responses to child protection focus more on intervention than prevention, addressing the symptoms rather than improving the underlying systems that have failed to protect children. Taking into account the long-term consequences of commercial sexual exploitation of children, one could estimate why this issue is of current importance and why we should contribute to the protection of children from all its manifestations.

Bearing in mind the gravity of CSEC crimes and its impact on children globally, the Committee on the Rights of the Child elaborated a separate Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (hereinafter “OPSC” or “Optional Protocol”). Also comprehensive regional instrument was enacted to protect children from all forms of sexual abuse and exploitation, namely Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (hereinafter “Lanzarote Convention”).

There are number of measures and action plans developed on the global level, which call on states to undertake specific measures towards combating CSEC, particularly: The Stockholm Declaration and Agenda for Action, Yokohama and Rio World Congresses and call for global commitment.

All children are at risk of violence, but the Global Survey confirms that today, as in 2006, the most vulnerable children are those at greatest risk of violence: those with disabilities, those who migrate, those who are confined to institutions, and those whose poverty and social exclusion expose them to deprivation, neglect and, at times, to the inherent dangers of life on the streets.¹ The major problem of CSEC is its hidden nature. Non-reporting is the greatest challenge, which triggers numerous problems for the victims and their future life and unfortunately these life-long problems cannot be evaluated to understand the actual devastation of individual’s lives across the universe. Georgian society is also facing the problem of non-reporting. The majority

1. Toward a World Free from Violence, global survey on violence against children, Office of the Special Representative of the Secretary-General on Violence against Children, (2013). pg. xv

of the pull and push factors to CSEC unfortunately exist in Georgia thus provides ground to believe that the issue is more severe than it seems in reality. The ground for prioritizing CSEC exists in Georgia; however a political will is necessary to integrate this problem into the mainstream of relevant child protection and welfare policies and appropriate action plans.

Unfortunately, no information is available on the situation of children from the separatist regions of South Ossetia and Abkhazia. What is known that rule of law and social protection of local population is quite weak, which raises sufficient doubt that children from these regions are likely to be affected by all forms of violence and exploitation.

Summary of key findings:

- There is a lack of evidence-based information on CSEC in Georgia, thus making it extremely difficult to provide substantial analysis of the issue;
- The biggest challenge and the utmost need is that CSEC is not acknowledged as a problem in Georgia and efforts are directed towards combating trafficking in persons, while all other manifestations of CSEC are not sufficiently addressed;
- There are some measures against sexual violence but under the boarder context of violence against children and specific measures for sexual abuse or CSEC are very limited or do not exist at all;
- Child professionals in Georgia do not have special knowledge how to address the needs of children who are engaged in prostitution and services, social benefits and support programs offered by the Government or NGOs cannot 'compete' with lifestyle pursued by these children;
- The average age of child's engagement in prostitution is 14-15 years and unplanned pregnancy among these children is common;
- Professionals who work with children come into contact with children engaged in prostitution indirectly, i.e. interact with children who live or work on the streets in terms of fulfilling their basic needs, and not because of their engagement in prostitution;
- Professionals necessitate knowledge not only in how to identify children affected by various forms of CSEC, but how to work with those who are already engaged in prostitution, are victim of child pornography, etc. This is a request of the professionals who see child prostitution as a problem, but do not have specialised knowledge and skills on the issue;
- Preventive measures "not enough" and reporting mechanisms inadequate for responding CSEC needs;
- There is a problem with the enforcement of CSEC-specific legislation and practice does not properly ensure rights of child to protection and rehabilitation.

RESEARCH METHODOLOGY

The objective of the research “Commercial Sexual Exploitation of Children in Georgia” was to strengthen evidence-based advocacy and lobby action to improve child protections through research on the nature and extent of sexual exploitation of children and/or other forms of violence against children, assessing the Child Protection System. In the research planning process main research questions were identified:

- Which children are victims of CSEC and SECTT and what factors render them particularly vulnerable?
- What are the social and cultural contexts in which such exploitation takes place?
- What legal protection from SECTT has been put in place for children and what gaps remain? What additional legal and technical measures are needed to effectively combat CSEC and SECTT in the country?

Data collection and methods

A qualitative research method was used to carry out the research “Commercial Sexual Exploitation of Children in Georgia”. This was a two-phase research comprised of desk-review phase and fieldworks. The initial phase envisaged desk-review, thus review and analysis of all type secondary literature/data, relevant national legislation and applicable international binding treaties and reports considered to be reliable and appropriate. The second phase included interview phase with government agencies and individuals who work with children at risk or vulnerable to CSEC as well as representatives of different governmental and non-governmental organisations working on child protection and welfare issues. Private sector representatives from the hotels and travel agencies were interviewed via focus-group discussion and telephone interviews.

The Government stakeholders/decision-makers, including law enforcement and justice representatives, NGOs/UN agencies and field practitioners were interviewed through formal face-to-face in-depth interview. A semi-structured questionnaire was developed on the basis of ECPAT International's example questionnaires, to facilitate this process. Interviews were audio-recorded and analysed using the

transcripts. A content-analysis method was used for in-depth interviews and focus group discussion analysis.

Focus group discussions was held with social workers and psychologists who work with children and private sector representatives (travel agencies, hotels, etc.) using a special semi-structured questions. A formal meeting was held with Central Criminal Police Representatives.

Three Stakeholder Consultation Meetings were held throughout the research, which helped to generate transparent discussions, define the research problem and scope and give direction to the field work as well as assist with analysis, validation and the development of recommendations.

Informed consent process was held in accordance with ECPAT Ethical Guidelines for the research and appropriate local laws and regulations.

Data analysis - Research procedures

Pilot testing with representative of research target groups was carried out in December 2014. Three in-depth interviews were carried out with research target group to test the quality of the research tool and fill the identified gaps to finalise the questionnaire.

Sample size estimation: in total 39 individuals were interviewed, 17 via in-depth interviews and 22 via focus group discussions held in Tbilisi and Batumi, 22 persons participated in this discussions. A snowball principle was used in order to generate reliable information in all aspects of CSEC.

Research locations: Tbilisi, a capital city and Batumi, capital of Autonomous Republic of Adjara were selected as research locations. Tbilisi is a city with over 1.5 million populations and Batumi city, the third largest town in Georgia is a popular tourist destination place.

Research limitations: it was not possible to find any cases/evidence of existence of SECTT. Due to lack of information, documentation and evidence-based data, it was difficult to provide more in-depth analysis of the CSEC manifestations in Georgia.

CHAPTER 1

BACKGROUND

INTRODUCTION

Sexual abuse and sexual exploitation of children via prostitution, trafficking, pornography and sex-tourism is a wide-ranging problem, encompassing different forms of maltreatment and has multi-factored root causes that form long-term, consequences throughout childhood and later in adulthood.

Often, children are subjected to different forms of abuse that includes violations of such fundamental rights “as the right to life, the right to physical and mental integrity, right to protection, health, and the right to be free from discrimination. Moreover, in some cases violence against children could amount to torture.

Sexual abuse and sexual exploitation can be considered as the principal challenge for the fulfilment and full enjoyment of the rights of the child across the world, consequently failure to protect children’s basic rights is regarded as one of the main reasons why children around the world are subjected to the worst forms of ill-treatment and struggle to exercise their inalienable human rights.

Every child is entitled to full protection from all forms of sexual exploitation and sexual abuse. This is reaffirmed by the Convention on the Rights of the Child, an international legal instrument of universal significance (of which there are 187 States Parties). States are required to protect the child from sexual exploitation and sexual abuse and promote physical and psychological recovery and social reintegration of the child victim.²

The commercial sexual exploitation of children is a fundamental violation of children’s rights. It comprises sexual abuse by the adult and remuneration in cash

or kind to the child or a third person or persons. The child is treated as a sexual object and as a commercial object. The commercial sexual exploitation of children constitutes a form of coercion and violence against children, and amounts to forced labor and a contemporary form of slavery.³

The commercial sexual exploitation of children can result in serious, lifelong, even life threatening consequences for the physical, psychological, spiritual, moral and social development of children, including the threat of early pregnancy, maternal mortality, injury, retarded development, physical disabilities and sexually transmitted diseases, including HIV/AIDS. Their right to enjoy childhood and to lead a productive, rewarding and dignified life is seriously compromised.⁴

It is a serious challenge to identify a realistic picture on the number of children sexually abused or exploited. “Two million children are still subjected to prostitution in the global commercial sex trade” is still regularly quoted (US Department of State, 2011).⁵

Following manifestations of Commercial Exploitation of Children (CSEC) will be overviewed in the paper: child prostitution, child pornography/child abuse images, child trafficking for sexual purposes and sexual exploitation of children in travel and tourism (SECTT).

The research conducted in Georgia is the first one on CSEC and aimed to find out the situation of children affected by CSEC and sexual abuse in order to improve the responses and prevent the spread. Thus, main findings of the research focus on children most vulnerable to CSEC and SECTT and what legal protection has been put in place and what gaps remain.

Since, nothing has been done with regard to

2. The Stockholm Declaration and Agenda for Action, adopted at: First World Congress against Commercial Sexual Exploitation of Children, Stockholm, Sweden, (27-31 August 1996), par. 3

3. The Stockholm Declaration and Agenda for Action, adopted at: First World Congress against Commercial Sexual Exploitation of Children, Stockholm, Sweden, (27-31 August 1996), par. 5

4. The Stockholm Declaration and Agenda for Action, adopted at: First World Congress against Commercial Sexual Exploitation of Children, Stockholm, Sweden, (27-31 August 1996), par. 9

5. Patanè, G., A crucial gap: Addressing the physical and psychological consequences and recovery of child victims of commercial sexual exploitation; Examining Neglected Elements in Combating Sexual Exploitation of Children”; ECPAT (2013) Journal Series N 7, 32

mainstreaming CSEC manifestations in the main policy and child protection documents, no other justification is necessary to show the relevance and necessity of research under consideration.

The work is divided in five sections. The first part provides general overview of situation with regard to CSEC and explores the situation of children vulnerable to CSEC. The second section aims to illustrate domestic legislative frame work along with international definitions. The following part talks on the context of the CSEC in Georgia. The fourth section makes analysis of the in-depth interviews and focus group discussions carried out in the frames of the research and the last part provides recommendations, which have to be taken into account in order to open the platform for discussions and mainstream CSEC in all child protection policies and strategies.

COUNTRY PROFILE

Georgia, a country in the South Caucasus, has strategically important geopolitical location. As of January 2014 population of Georgia is 3,729.5 thousand persons with 1,118.3 thousand persons living in the capital city – Tbilisi.⁶ Georgia shares border with Azerbaijan, Armenia, Turkey and Russia. Georgia is unitary, semi-presidential republic and government is elected through a representative democracy.

There are two breakaway regions - Abkhazia and South Ossetia that are claiming independence from Georgia. Abkhazia and South Ossetia are not recognized as independent states by the vast majority of countries and have status of Georgia's sovereign territories under the Russia occupation.

Collapse of the Soviet Union brought collapse to all fields and sectors in Georgia and it took many years to start intensive reforms to re-build the systems, regain defence ability and reinforce state institutions. Since the Rose Revolution of 2003 reforms grasped almost all sectors, including Child Welfare and Protection and Justice Systems. The major part of the government expenses, which for the previous four years (2004-2008) was spent on the defense sector, had to be allocated to the reconstruction and social welfare in the conflict affected areas. Russia's military aggression against Georgia in August of 2008, and the occupation of Georgian sovereign territories caused the temporary suspension of many ongoing programs, including social ones. Priorities were altered: meeting critical survival

and social conditions of the war victim population came first. This period was followed by the current economic crisis (begun in 2009).

The Government of Georgia managed to recover from the effects of August war and continued the reforms it initiated in child welfare, protection and justice fields. However, change of the Government after the elections of 2012 hampered the rapid phase of the reforms. After certain impediments, reforms concerning children were continued with different intensity. Progresses made in this respect will be discussed below.

SOCIAL & CULTURAL CONTEXT CONSIDERED TO BE LEADING TO VULNERABILITY TO CSEC

The most vulnerable children in Georgia include children living in poor families, children in state care, children living or working on the streets, IDP children, children in early/forced marriage. National studies have shown that family separation and the subsequent institutionalization or placement of children in foster care or small group homes is mainly driven by poverty.

422,817 people receive Targeted Social Assistance (TSA) in Georgia out of which 107,518 is children, excluding children placed in alternative care. The number of households below the relative poverty line is 22%. The percentage of children living in poor households is 25%, extreme child poverty - 9.4%. Despite gains, child poverty is higher than that of other groups. Children are not adequately represented in existing social protection schemes.⁷

In its annual report, the Public Defender's Office of Georgia emphasized the problems faced by children in Georgia: "situation remains alarming with respect to protection of rights of children. The conducted monitoring revealed extreme poverty and inadequate quality of life of juveniles, problems related to the state health care services and accessibility of quality health care; high rate of mortality and poverty among children; tolerant attitude of the public towards violence against children, especially difficult situation of children in mountainous regions should become an area of special focus for the government. Another problem is low level of education, insufficient qualification of teachers, and inadequate establishment of inclusive education and low-quality adaptability of physical environment for students with disabilities. Problems exist in small group

6. National Statistic Office of Georgia, key indicators, available at: <http://www.geostat.ge/?lang=eng>

7. Baum. T. et al., Georgia: Reducing Child Poverty – A discussion paper, UNICEF (July 2012), 3

homes with respect to ill-treatment towards children, inadequate realization of the right to education and protection of children against violence. The issue of separation of juvenile offenders from adult convicts remains an acute problem.”⁸

At the legal level, protection of children from violence is guaranteed by the Criminal Code of Georgia; the Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims and Book V of the Civil Code of Georgia, which prohibits parents’ abuse of children. As for the duties and obligations of other relevant state structures: The Ministry of Internal Affairs guarantees protection of the child’s life and safety; the Ministry of Education and Science ensures a safe and non-violent educational environment; and the Ministry of Labour, Health and Social Affairs and its Social Service Agency ensures protection of children from all forms of violence, including emotional abuse and neglect.

Around 120 million girls under the age of 20 (about 1 in 10) have been subjected to forced sexual intercourse or other forced sexual acts at some point in their lives. Boys are also at risk, although a global estimate is unavailable due to the lack of comparable data in most countries.⁹ There are pattern of critical factors, which are proved to be pushing factors to CSEC and make child vulnerable or put them at-risk of becoming victim to different manifestations of commercial sexual exploitation. “Vulnerability is a function of a child’s exposure to risk and his or her resilience; it depends on the situation of the child, but most importantly on the child’s immediate environment and the broader context.”¹⁰ All these elements are interdependent as well as are “multidimensional and encompass the political, legal, socioeconomic, cultural and environmental context”¹¹.

Domestic violence is regarded to be one of the critical pushing factors to CSEC. Domestic violence against women and children is a global issue. It occurs in all parts of the world, regardless of a country’s development level. It is a wide-ranging problem, encompassing different forms of violence and has multi-factored root causes that form long-term, horrifying consequences. The family should be the safest place for women and

children, but unfortunately in many cases it turns out to be the most dangerous setting, where women and children might be subjected to different forms of abuse that includes violations of such fundamental rights “as the right to life, the right to physical and mental integrity, the right to equal protection of the laws, and the rights to be free from discrimination.”

Georgia has criminalized domestic violence in 2012, however concerns are expressed by the UN Human Rights Committee over its underreporting due to gender stereotypes as well as “lack of due diligence on the part of law enforcement officers in investigating such cases and insufficient protection measures for victims, including insufficient enforcement of restrictive and protective orders and a limited number of State-funded shelters and support services”.¹² It is also reality that corporal punishment is perceived as a norm by parents and used as a form of discipline. As the latest study of UNICEF Georgia found out “harsh parenting is more effective method of raising a child than using non-violent method”.¹³ Therefore, the Human Rights Committee recommends the State party to “taking practical steps, including through legislative measures where appropriate, to put an end to corporal punishment in all settings, encouraging non-violent forms of discipline as alternatives to corporal punishment, and conducting public information campaigns to raise awareness about its harmful effects”.¹⁴

Georgia belongs to those countries with patriarchal societies. Although, man and woman are equal before the law, it is fact that girls and women are discriminated on gender-basis. Early marriage is also practiced mostly among the ethnic minority groups. Age of marriage under the law is determined at age 18 by the Civil Code of Georgia, however, at age 16, child can enter into marriage with consent of parents and/or the court. The scale of early marriage or child marriage is unknown, since remain unregistered. Due to marriage girls are forced to drop out from schools. Child marriage is considered as form of commercial sexual exploitation in those cases “when a child is received and used for sexual purposes in exchange for goods or payment in cash or kind. Typically in such cases, parents or a family marry off a child in order to gain benefit or to support the family”.¹⁵ The Committee

8. Annual Report of the Public Defender, available at <http://www.ombudsman.ge/en/news/annual-report-of-the-public-defender.page>

9. Ending Violence against Children – six strategies for action, UNICEF, (2014), 7

10. Maalla M’jid N., Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Human Rights Council (Twenty-fifth session, 23 December 2013), UN Doc. A/HRC/25/48, par. 29

11. Maalla M’jid N., Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Human Rights Council (Twenty-fifth session, 23 December 2013), UN Doc. A/HRC/25/48, par. 30

12. Human Rights Committee, Concluding Observations on the fourth periodic report of Georgia, UN doc CCPR/C/Geo/CO/4, par. 9

13. Dvalishvili, D., UNICEF, study report, Violence against Children in Georgia (2013), 13

14. Human Rights Committee, Concluding Observations on the fourth periodic report of Georgia. UN doc CCPR/C/Geo/CO/4, par 9 (e)

on the Elimination of Discrimination against Women in its concluding observations recommends Georgia to “study the scale and consequences of child marriage and take urgent measures to prevent such marriage among all ethnic groups by taking comprehensive information and awareness-raising measures targeting the public, parents and religious and traditional leaders about the harmful impact of the practice on girls, in particular on their health and development potential”.¹⁶

Poverty that weakens families is also a contributing factor to CSEC. Economic crisis, high level of unemployment does have influence on families, especially with children. Poverty by its nature encompasses various factors which constitute a state of affairs which brings suffering. Poverty is on the rise in Georgia.¹⁷ Georgian legislation provides definition for extremely poor and homeless persons and considers relevant assistance for such persons, which is enough only to satisfy essential needs for functioning. However, it is suggested to improve social protection mechanism to better distribute social benefits to children in poverty.¹⁸ UNICEF, in its discussion paper on reducing child poverty in Georgia points out that “child poverty is higher than that of other groups; unfortunately, “children are not adequately represented in existing social protection schemes” and that “additional investments are required to protect the most vulnerable children”. The study also found out that 77 000 children consume less 2 GEL a day, while 205 000 consume less than 3 GEL.¹⁹

As a result of poverty and deprivation 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, injustice and so on. It is widely acknowledged that “poverty creates conditions which increase the vulnerability of a child to sexual exploitation and limits the opportunities for families to provide a safe environment for the child to grow and develop”.²⁰ Good news is that a new social protection system targets poor families with children the revision of Georgia’s social protection system in 2014, with support from UNICEF, was a major step towards

the reduction of child poverty in Georgia. The revised system aims to better reflect the needs of vulnerable families and comes into force from 2015.²¹

Conflicts and violence is also a cause of the increase of sexual abuse or exploitation of children. Wars in the breakaway regions of Abkhazia and South Ossetia in early 1990s and then in 2008 during August war with Russia, supporting the separatist government of the South Ossetia, have led to the displacement of about 300,000 Georgian citizens. As a result of the conflicts and displacements, children suffer from multiple psychological problems. 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.²² It is estimated that some 65, 412 children are internally displaced in Georgia.²³ Majority of internally displaced children live in unfavourable conditions and do not have sufficient protective environment, are more isolated and suffer from multiple traumas, thus their vulnerability puts them at risk, since it is known that “sexual and gender-based violence is a major issue during and in the aftermath of conflict”.²⁴

Lack of awareness on the CSEC, also social tolerance among the public towards violence are among the pushing factors leading to vulnerability to sexual and other forms of abuse and sexual exploitation. General awareness on CSEC is very low in Georgia and present research is justifying this argument. CSEC is not viewed as a serious problem and no special strategy is designed to address it. Low level of awareness also poor education or access to quality education of certain groups of population and , those living in poverty, IDPs, socially isolated groups again due to poverty or other stigmas, ethnic minorities, children living and/or working on the streets, Roma children, children living in alternative state care institutions etc. supports vulnerability of children and they easily get engaged in some forms of sexual exploitation, saying nothing to their exposure to different forms of violence in and outside family settings. UNICEF study found out that “acceptance of violence against children is high in Georgia” as well as the findings proved that “higher

15. ECPAT International, Questions and Answers about Commercial Sexual Exploitation of Children, (2008), 16

16. Committee on the Elimination of Discrimination against Women, Concluding observations on the combined fourth and fifth periodic reports of Georgia, (2014) UN Doc. CEDAW/C/GEO/CO/4-5, PAR 19

17. National Statistics office of Georgia, living conditions, available at http://www.geostat.ge/index.php?action=page&p_id=188&lang=eng

18. United Nations Children’s Fund, Georgia and the Convention of the Rights of the Child – An update on the situation of children in Georgia, (October 2011), 11-12

19. UNICEF, Georgia: Reducing Child Poverty – A discussion paper, (July 2012), 3

20. ECPAT International, Questions and Answers about Commercial Sexual Exploitation of Children, (2008)

21. UNICEF in Georgia, Newsletter #1 (#18) (January, 2015), available at http://unicef.ge/uploads/Newsletter_JAN_2015_ENG_WEB.pdf

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

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

24. Maalla M’jid N., Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Human Rights Council (Twenty-fifth session, 23 December 2013), UN Doc. A/HRC/25/48, par. 43

education has a positive correlation on decreasing the tolerance towards violence".²⁵

It is well known fact that global spread of internet made it easier for offenders to disseminate and spread child abuse materials across the universe. Globalization, while bringing numerous positives to the development is accompanied with risks for CSEC, making it easier to perform financial transactions. Many parents are forced to spend longer hours at work and thus cannot perform

their protective role. Access to Internet has increased dramatically in Georgia, which is good in terms of knowledge and opportunities. However, in these cases it is essential to provide age-appropriate education to children on the risks and danger situations they can find themselves on Internet. Education is a power, thus child empowerment is critical enabling them to better protect themselves not only from any manifestation of CSEC, but also from all forms of violence & sexual abuse.

25. Dvalishvili, D., UNICEF, study report, Violence against Children in Georgia (2013), 12

CHAPTER 2

INTERVENTIONS

EXISTING LEGAL PROTECTION OF CHILDREN FROM CSEC AND REMAINING GAPS

Georgia has made significant step forward in terms of tackling Child Protection from violence and sexual exploitation. In terms of commercial sexual exploitation progress made by Georgia is mainly reflected in harmonization of legislation and bilateral and international cooperation's concerning fight against organized crime. However, a big gap in enforcement, as well as in awareness on CSEC and SECTT and coordinated cooperation of responsible bodies still remains problematic, which requires immediate responses and development of state policy and vision on combating CSEC.

On the Charter-based bodies level Georgia has never been visited by the Special Rapporteur on the sale of children, child prostitution and child pornography and by the Special Rapporteur on trafficking in persons, especially in women and children. As for the treaty based bodies, Georgia ratified the Convention on the Rights of the Child on April 21, 1994. The third periodic State report was submitted to the Committee on the Rights of the Child in August 2007; no other commitments have been initiated since then. On 28th of June 2005, the Georgian government has accessed the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. Reports have not been submitted by the States Party to the Optional Protocol so far. On June 2006 United Nations Convention against Transnational Organized Crime and its supplementary Protocol: to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children entered into force. Also, following Conventions concerning children were ratified by Georgia on the global level: ILO Convention N°29 on Forced and Compulsory Labour, 22 June 1993;

ILO Convention N°105 on abolition of forced labour, 23 September 1996; The Hague Convention on the Civil Aspects of International Child Abduction, 24 July 1997; The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, 9 April 1999; ILO Convention N°182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 24 July 2002.

As for the regional instruments, Georgia ratified Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) on September, 23, 2014 and it entered into force on January 1, 2015. Moreover, Council of Europe Convention on Action against Trafficking in Human Beings is in force for Georgia since February 1, 2008 and Georgia has ratified Council of Europe Convention of Cybercrime in 2012.

A comprehensive legislative act concerning child rights protection has not been adopted yet in Georgia. Articles in major legal instruments in terms of child protection from all forms of maltreatment, including CSEC are referenced in isolation in a number of Laws and Codes. The rights of the child to be protected from acts of violence and exploitation are regulated by the following laws:

- Constitution of Georgia²⁶
- Law on the Protection of Minors from Harmful Effects²⁷
- Law on the Elimination of Domestic Violence, Protection of and Assistance to the Violence Victims²⁸
- Some provisions of the Criminal Code of Georgia²⁹, which envisages aggravating circumstances when a crime is committed against a child

26. Constitution of Georgia, entered into force on August 24, 1995

27. Law on the Protection of Minors from Harmful Effects enacted on September 28, 2001 effective January 1, 2002

28. Law on the Elimination of Domestic Violence, Protection of and Assistance to the Violence Victims, effective May 25, 2006

29. Criminal Code of Georgia, entered into force on July 22, 1999

- Criminal Procedures Code of Georgia envisages rules of investigation and judicial proceedings³⁰
- Civil Code of Georgia³¹
- Provisions from the Civil Procedures Code of Georgia³²
- Law on General Education³³
- Law on Trafficking in Persons³⁴

Article 12 of the Georgian Civil Code defines a “child” as a person from birth to the age of 18. A minor under the age of seven is considered legally incompetent. The rights of such a person are exercised by her/his legal representative (parent, guardian). A minor between the ages of seven and eighteen has restricted competence and as such the wishes expressed by a person with restricted competence are only valid subject to his legal representative’s consent.

As outlined in the Labour Code of Georgia, a person’s employment can start at age 16. Employment agreements of persons less than 14 years can be executed only in the sphere of sports, arts and culture, also for performance of advertisement services³⁵; the strategy to eradicate the worst forms of child labour is not elaborated. Further, no strategy exists to protect the rights of those children who are entitled to work; no requirements exist to strengthen the monitoring of the rights of children regarding child labour issues.

According to Article 140 of Georgian Criminal Code “sexual intercourse, homosexuality, lesbianism or other sexual contact” with a person under sixteen years of age shall be punishable by restriction of freedom for a term of up to nine years by jail sentence. This means that age of sexual consent determined by the law starts at age 16. Article 80 of the Criminal Code of Georgia states that: “Criminal liability of the person starts at age 14”.

Criminal Code of Georgia contains crimes against Sexual Freedom and Inviolability. Rape (Article 137), Sexual Abuse under Violence (Article 138), Coercion into Sexual Intercourse or Other Action of Sexual

Character (Article 139); Sexual Intercourse or Other Action of Sexual Character with One under 16 (Article 140) and Perversion (Article 141) are among these crimes.³⁶

It is worth to note that amendments with regard to protecting children from CSEC entered into force in the Criminal Code of Georgia in 2014, which will be discussed below in reference to particular manifestation of the Commercial Sexual Exploitation of Children.

CHILD PROSTITUTION

On the global level binding definition for the signatory States Parties on child prostitution is given in the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, which reads: “*Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration*”.³⁷

On the regional level Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (hereinafter Lanzarote Convention) provides following definition of child position: “*child prostitution*” shall mean the fact of using a child for sexual activities where money or any other form of remuneration or consideration is given or promised as payment, regardless if this payment, promise or consideration is made to the child or to a third person”.³⁸

Definition of child prostitution is not available in domestic legislation. In consideration of the circumstance when a country joins particular international Convention or Treaty, with this act the country is obliged to implement requirements of given Convention or Treaty domestically either by amending existing legislations or normative acts. Also ensure implementation of required obligations. Therefore, all requirements, enshrined in CRC, its Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, in Lanzarote Convention and in all applicable International laws and treaties must be fully implemented on the domestic level.

30. Criminal Procedures Code of Georgia, entered into force on October 9, 2009 (replaced Criminal Procedures Code of Georgia as of 1998)

31. Civil Code of Georgia, entered into force on July 24, 1997

32. Civil Procedures Code of Georgia, December 31, 1997

33. Law on General Education entered into force on April 8, 2005

34. Law on Trafficking in Persons, entered into force on June 16, 2006

35. Labour Code of Georgia, articles 4, 18

36. Replies to General Overview questionnaire - Georgia, Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, Council of Europe, EU Doc. T-ES(2014)GEN-GE, (March 24, 2014), 4

37. Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, Art. 2(b)

38. Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, (Lanzarote25.X.2007), Art. 19 (2)

Committee on the Rights of the Child in its Concluding Observations to Georgia as of 2008 regretted on the paucity of information provided regarding sexual exploitation and prostitution of children in the State party. At the same time, the Committee remained concerned that sufficient attention has not been paid to the special vulnerability of children working and living on the streets and children displaced with respect to trafficking and other forms of exploitation.³⁹

The Lanzarote Convention, which entered into force on 1st of January, 2015 for Georgia imposed obligations earlier, from the moment of accession and replies to the general overview questionnaire to the Lanzarote Convention were made by Georgia as early as in March 2014. Another step forward made by Georgia is that Ministry of Internal Affairs, under the Article 37 (1) – Recording and storing of national data on convicted sexual offenders of the Lanzarote Convention is in the process of establishment of the data base “relating to the identity and to the genetic profile (DNA) of persons convicted of the offences established in accordance with the Convention”.⁴⁰

Prostitution is not legalized in Georgia. Age of sexual consent is determined at age 16 according to the Criminal Code of Georgia.⁴¹ Engaging minor in prostitution without violence, by threatening to use violence or deception is punishable by paragraph 3 of Article 171 under the Chapter XXXII of CCG (Crimes against Public Health and Morality) and is punishable by imprisonment from two to five years term.

According to Article 253 (Engaging in Prostitution), paragraph 1, engaging of someone in prostitution under violence, by threatening to use violence or destroy property, by blackmail or deception is prohibited. Aggravated circumstance is envisaged by Paragraph 2 of the Article, which heightens responsibility for such act, also committed by organised group, and is directed against juvenile. The same paragraph prohibits receiving of benefit from the engaging of juvenile in prostitution. A crime committed under this article is punishable by prison term from five to seven years.

Georgian legislation (article 254) also imposes punitive measures on physical as well as on the legal person for letting the space or transferring residence for

prostitution. Fine or prison term from two to four years is applied in such cases. Explanatory note to article 254 further explains that the same act committed by legal person is punishable by fine, deprivation of the right to work or liquidation and fine.

Article 172’3 of Code on Administrative Violations of Georgia places administrative responsibility for persons engaged in prostitution in the form of warning or fine. It says nothing about children not reaching the age of sexual consent (16 is age of sexual consent) and also does not mention children between 16 and 18 years.

It should be emphasised that Georgian legislation does not provide punitive sanctions for those who buy sexual services from children of age group 16-18. Neither mentions it anything on redress and remedy for children under 18 who were engaged in prostitution by whatever reason.

Georgian Legislation in relation to child prostitution is not fully in compliance with global and regional international conventions to which it is Party. It should be reiterated that positive measures have been made with regard to harmonizing domestic provisions with international standards, including recent amendments made to the Criminal Code of Georgia. However, much work needs to be done in terms of redress and rehabilitation for children victims of prostitution. Also, national legislation should provide more comprehensive definition of child prostitution and it should be more child-centred and child-friendly.

CHILD PORNOGRAPHY / CHILD SEXUAL ABUSE IMAGES

Article 2 (c) of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography defines Child pornography as “any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes”.⁴²

According to Lanzarote Convention, which speaks broadly on the offences constituting child pornography in its Article 20 and 21, defines ‘child pornography’

39. Committee on the Rights of the Child, Consideration of the reports submitted by States Parties under Article 44 of the Convention, Concluding Observations: Georgia, UN Doc. CRC/C/GEO/CO/3 (23 June 2008), par. 40

40. Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, (Lanzarote25.X.2007), Article 37 (1) Note: Information of the establishment genetic profile (DNA) of convicted sexual offenders is obtained through focus group discussion with representatives from Central Criminal Police Department.

41. Criminal Code of Georgia, Article 140

42. Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, Art. 2

as “any material that visually depicts a child engaged in real or simulated sexually explicit conduct or any depiction of a child’s sexual organs for primarily sexual purposes.”⁴³

Georgian legislation criminalises child pornography. Georgia has ratified Council of Europe Convention of Cybercrime in 2012 and thus carried out certain obligations thereof. Namely, Special Cybercrime Unit is functioning within Central Criminal Police Department of MIA.⁴⁴ Subsequently, to harmonize the child pornography legislation with international standards, amendments have been made to Criminal Code of Georgia with regard to child pornography. These amendments entered into force on January 8, 2014 and following provisions were harmonized: Article 255-1 (Illicit Production or Sale of Pornographic Piece or Other Object), Engaging of Juvenile in Illicit Production or Sale of Pornographic Piece or Other Object (Article 255-2), Proposal of Meeting to a Person under Sixteen for Sexual Purposes (Article 255-2).⁴⁵

Legislation does not provide a definition of child pornography, however within its provisions; it lists those actions, which are criminalised as constituting elements of child pornography. Paragraphs 2 and 3 of Article 255 criminalize purchase, storage, proposal, proliferation, advertising, or making accessible of child pornographic piece or its usage, as well as its production or sale. Present article also provides a broad explanation of what should not be regarded as child pornography.

Article 255-1 prohibits engaging of juvenile in illegal production of pornographic piece or other object, as well as in proliferation or advertising of such item or receiving benefit from such activities.

Article 255-2 criminalizes proposal of a meeting to a person under sixteen through information and communication technologies for purpose of commission of crime stipulated by Article 140 (Sexual Intercourse of other Action of Sexual Character with One under Sixteen) or Article 255, paragraph 3, of CCG. Maximum sanction applied for these offences is five years of imprisonment.

What is generally lacking in Georgian Legislation and probably what also reflects public attitude toward sexual abuse of child and CSEC manifestations is that

neither legislation, nor the public, look at the problem from the victim’s protection perspective. It must be indicated that the value of anti-trafficking convention of the Council of Europe and Lanzarote Convention is their focus on victims protection and awareness rising. Thus, hopefully these instruments will be used effectively in addressing the CSEC problem in Georgia.

CHILD TRAFFICKING FOR SEXUAL PURPOSES

According to Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children of the United Nations Convention against Transitional Organized Crime, to which Georgia is a party since 2006 provides following definition for trafficking in persons, including child trafficking:

“(a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs; (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;(d) “Child” shall mean any person under eighteen years of age”.⁴⁶

On the regional level, Georgia has ratified the Council of Europe Convention Actions against Trafficking in Human Beings, which entered into force on February 1, 2008. Therefore, Georgia became legally bound to comply with the provisions of the respective Convention.

The measures provided by the Convention in the area of prevention include awareness rising for persons vulnerable to trafficking; economic and social initiatives to tackle the underlying causes of trafficking; actions aimed at discouraging demand; and putting in place

43. Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, (Lanzarote25.X.2007), Articles 20 and 37 (1)

44. Actions carried out by Ministry of Internal Affairs of Georgia, available at t: <http://police.ge/en/projects/kiberdanashauli/saertashoristanamshromloba-kiber-danashaultan-brdzolashi>

45. Criminal Code of Georgia and Replies to General Overview questionnaire - Georgia, Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, Council of Europe, EU Doc. T-ES(2014)GEN-GE, (March 24, 2014), 4-5

46. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children of the United Nations Convention against Transitional Organized Crime, United Nations (2004), Art. 3 (a,b,c and d)

border control measures to prevent and detect trafficking in human beings.⁴⁷

On the domestic level, Chapter 23 of the Criminal Code of Georgia imposes sanctions on the offences committed against human rights and freedoms. Crimes of trafficking in persons is also part of this Chapter, namely Article 1431, defines trafficking in persons, including child trafficking as “recruitment, transportation, transferring, harboring or receiving persons, by means of threat, use of force, deception or any other forms of coercion, for the purpose of exploitation, including commercial sexual as well as labour exploitation”.⁴⁸ Further, article 1432 criminalizes trafficking of juveniles, namely – purchase, sale, any other illegal transaction, as well as recruitment, transportation, transfer, harbouring or receipt of juveniles with the aim of exploitation. Article has number of aggravated circumstances, among them are: when crime has been committed repeatedly or against two or more victims; when crime has been committed by organized group or has caused death of juvenile or other grave result; etc.⁴⁹ Sanctions are quite strict for trafficking crimes and envisage aggravated circumstances and maximum sanction applied for such crime is up to 20 years of imprisonment.

According to CCG, not only perpetrator shall be responsible for the commission of crime, but also his/her accomplices. Article 23 states that complicity in the crime shall mean intentional joint participation of two or more persons in the perpetration of intentional crime. Article 24 defines types of complicity:

- Organizer shall be the one who staged the crime or supervised its perpetration as well as the one who established the organized group or supervised it;
- Instigator shall be the one who persuaded the other person to commit the offense;
- Aider shall be the one who assisted perpetrator in the commission of the offence.

These articles are applied to all type organized crimes under the Criminal Code of Georgia.⁵⁰

According to the scope of the Law on Combating Trafficking in Persons it “determines the organizational and legal grounds for preventing and combating human trafficking, the competencies and obligations of the state agencies, public officials, and legal entities and rules of co-ordination of their activities in the measures applied against human trafficking, as well as the legal status and rights of the victims of human trafficking and the guarantees of their social and legal protection.”⁵¹ The law provides wide-range of definitions, including, but not limited to Sexual Exploitation;⁵² putting a person in contemporary conditions of slavery; Trafficker; Victim of Human Trafficking; Country of Origin; Country of Destination; Country of Transit, etc.⁵³ The Law devotes Articles 212213 and 214 to legal protection of child victims/statutory victims of trafficking, social protection, assistance and rehabilitation mechanism of child victim/statutory victim of trafficking and to Status and repatriation of child victim/statutory victim of trafficking who are nationals of foreign states or stateless persons.⁵⁴

National legislation to some extent is adequate and complies with relevant international Conventions and regulation, however, what can be considered as a shortfall is that instruments, which would help implementation of national legislation, are not sufficient or set properly in motion.

SEXUAL EXPLOITATION OF CHILDREN IN TRAVEL AND TOURISM (SECTT)

Child sex tourism is one critical aspect of child prostitution.⁵⁵ Definition of the phenomenon is provided by ECPAT International, according to which “*Child Sex Tourism is the sexual exploitation of children*

47. Preamble, *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Georgia*, GREATA Group of Experts on Action against Trafficking in Human Beings, First evaluation round, GRETA (2011)24 (Strasbourg, 7 February 2012)

48. Criminal Code of Georgia, Chapter 23, Articles 14321431,

Remark: Article 143 (1) and 143 (2) were amended and entered into force on 18/06/2014

49. *Replies to General Overview questionnaire - Georgia*, Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, Council of Europe, EU Doc. T-ES(2014)GEN-GE, (March 24, 2014), 5

50. Criminal Code of Georgia Chapter 23, articles 23-24, and *Replies to General Overview questionnaire - Georgia*, Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, Council of Europe, EU Doc. T-ES(2014)GEN-GE, (March 24, 2014), 5

51. Law on Combating Trafficking in Persons, Article 1

52. *Ibid.*, article 3; Definition of terms – Sexual Exploitation “involvement of a person in prostitution, other sexual services or production of pornographic material by use of threat, violence, coercion or blackmail against him/her or by use of his/her vulnerable situation, by abuse of power, or by provision of false information on the nature and conditions of work”;

53. *Ibid.*

54. *Ibid.*

55. Maalla M'jid N., Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Human Rights Council (Twenty-fifth session, 23 December 2013), UN Doc. A/HRC/25/48, par. 16

*by a person or persons who travel from their home district, home geographical region, or home country in order to have sexual contact with children. Child sex tourists can be domestic travellers or they can be international tourists. SECTT often involves the use of accommodation, transportation and other tourism-related services that facilitate contact with children and enable the perpetrator to remain fairly inconspicuous in the surrounding population and environment”.*⁵⁶

Criminal Code of Georgia, Code on Administrative Violations of Georgia and Law of Georgia on Protection of Minors from Harmful Influence do not contain any provisions addressing either child sex tourism or any 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.

Thus, the lack of information, also documents, addressing SECTT in Georgia does not provide a room for discussion over the issue. In terms of recommendation, it can be said that laws can be modified to include child sex-tourism provision, for example like it is envisaged by the provisions in the legislation of Australia. The Amendment Act, No 105 of 1994 – Sexual Intercourse with Child under 16” reads “A person must not, while outside Australia, engage in sexual intercourse with a person who is under 16. Penalty: imprisonment for 17 years⁵⁷. Or, for example penal Code of Italy as of 1938 and amended in 2009 in its Article 600-d – Tourism Initiatives for the Exploitation of Child prostitution defines that: “Whoever organizes or advertises travels intending the realization of prostitution activities harming minors or otherwise involving such activity shall be punished with imprisonment from six to twelve years and a fine between 15, 493 and 154,937 Euros”.⁵⁸

This is mere short illustration how laws can ban and impose sanctions for SECTT. However, laws

alone cannot tackle the problem. Private sector representatives should share the responsibility, first by acknowledging the problem of SECTT and then by cooperation with relevant agencies.

To conclude, in general, the legal interventions, probably it would be good to know what it means to have adequate legislation. To put it simply, adequate legislation is the one, which is enforced in practice, is in line with country’s legal traditions and systems and corresponds with international standards. In light with the recent amendments with regard to CSEC legislation, little time has passed to assess the enforcement. However, undeniably, it is widely acknowledged in Georgia that it is essential to advance the implementation and enforcement mechanisms of the laws addressing CSEC manifestations.

It should also be noted that Special Rapporteur on the sale of children, child prostitution and child pornography and Special Rapporteur on trafficking in persons, especially in women and children have never visited Georgia. It would be great, if Georgia falls under to be visited countries’ list. This would help to initiate certain measures towards raising the CSEC issue and open the dialogue between the governmental and professional society. It also, desirable that more attention is paid to such land marking documents and events like the World Congress I followed by Stockholm Declaring and Agenda for Action as of 1996, five years later global commitment to CSEC was manifested in Yokohama, Japan and later in 2008 the World Congress III against CSEC was held in Rio de Janeiro.⁵⁹ No delegation was ever present from Georgia to any of above listed events. It will be a significant step forward if Georgia will join to a global partnership against commercial sexual exploitation of children and adopt the Stockholm Agenda for Action.

56. ECPAT International, Combating Child Sex Tourism, Questions & Answers (2008), 6

57. *Child Protection Model Law*, Best Practices: Protection of Children from Neglect, Abuse, Maltreatment, and Exploitation, the Protection Project and International Centre for Missing & Exploited Children (2013), 143

58. *Ibid.*

59. Since 1996, 161 countries have adopted the Agenda for Action

CHAPTER 3

ANALYSIS

COMMERCIAL SEXIAL EXPLOITATION OF CHILDREN VERSUS CHILD SEXUAL ABUSE

Prior to going into the discussion about the existing phenomenon of CSEC in Georgia it is reasonable to show the difference between CSEC and Child Sexual Abuse (CSA) as long as these two are different forms of sexual-type violence, however “share areas of overlap”, and do need distinct approaches in terms of interventions.⁶⁰ So, before outlining the differences between CSEC and CSA, it is important to briefly highlight the key points with regard to CSA phenomenon in Georgia.

Few years ago no one could imagine that there will be so many identified cases of child sexual abuse in relation to zero identification status. The taboo, which is quite strong today, was so dominant that nobody was talking on the issue. However, more or less professional society has overcome the stigma, acknowledges CSA as a problem and undertook steps to address it. Considering the hidden nature of the issue it is not difficult to imagine that many cases still are unreported and the problem is larger at scale than it appears on the surface.

UNICEF Georgia’s study on “Violence against Children in Georgia – national survey of knowledge, attitude and practices” as of 2013 came up with very interesting and important findings on CSA. According to study “nearly 80 per cent of Georgian public considers sexual abuse of children to be a problem, with one in three thinking it is a serious problem that requires immediate legislative action”. Another finding, which is worth noting is that “42 per cent of the Georgian public ranked strangers as the most likely ‘suspects’ of sexually abusing a child followed by family friends and acquaintances (35 per cent)”.⁶¹ The study report points out that “while

Georgian general public believes that family friends and acquaintances are often the perpetrators, very few respondents acknowledge that sexual violence could be occurring at the hands of family members and a disproportionate overestimate the involvement of ‘strangers’”.⁶² Also, very important finding of the study is related to the reporting of potential child abuse case. The results showed that “a person is more likely (80 per cent) to appeal to an authority figure ... if she/he knows whom to appeal”, while, ‘almost half of the respondents, even professionals, believe that schools and social services should not intervene’.⁶³

Although, public in general and even professional society still have misleading understanding of child sexual abuse and the interventions, which are being carried out against it are not enough, in comparison to situation that was about five years ago with regard to identification, recognition, etc. of child sexual abuse, today, it is much easier to talk around the CSA problem and take certain steps to protect those at-risk and treat the victims.

Practitioners and policy makers who were interviewed in the course of given study, showed more knowledge and experience in addressing child sexual abuse, their knowledge of CSEC is relatively poor due to the already mentioned fact that CSEC is not a subject of discussion in Georgia, thus substantially there is very little to say on the practice, enforcement of applicable CSEC related legislation, procedures, rehabilitation of CSEC victims and their access to child-sensitive justice. Probably, it would be helpful to show the differences between CSA and CSEC; it is also important to know that different approaches are necessary in addressing CSEC; however CSEC and CSA “share areas of overlap, thereby providing opportunities for coordination and collaboration between actors working to combat both”⁶⁴

60. ECPAT International, Questions and Answers about Commercial Sexual Exploitation of Children, (2008), 18

61. Dvalishvili, D., UNICEF, study report, *Violence against Children in Georgia* (2013), 25

62. Ibid., 27

63. Ibid., 28

64. ECPAT International, Questions and Answers about Commercial Sexual Exploitation of Children, (2008), 18

Note: this brochure is helpful to familiarize better with similarities and differences between CSEC and CSA, also learn more on CSEC in general, the brochure is available in Georgian language and can be accessed at http://www.ecpat.net/sites/default/files/Questions%20%20Answers%2001%20Geo_final.pdf

Child Sexual Abuse is criminalized in Georgia and CCG provides punitive measures for sexual assaults and abuse of children and aggravated circumstances are applied. The biggest challenge in sexual abuse towards minors is the proof of the exercised abuse, since the only witness of the particular incident is child victims. Unfortunately, in the majority of cases timely referral to relevant state structures does not take place. Much has to be done in this direction either, although CSA is acknowledged as a problem, ways to address or prevent it are yet poor. Improvements are necessary in all directions, starting from proper enforcement of legislation to providing adequate treatment and compensation to child survivors.

According to Article 18(1b) of the Lanzarote Convention, child sexual abuse is defined as “engaging in sexual activities with a child where: use is made of coercion, force or threats; or abuse is made of a recognised position of trust, authority or influence over the child, including within the family; or abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence”.⁶⁵ Abuser, most often can be an older or more knowledgeable child or adult, such as a stranger, sibling or parent. Child is being used as an object of gratification for the abuser’s sexual needs.⁶⁶ In case of child sexual abuse “sexually abusive activities do not necessarily involve bodily contact between abuser and child”.

While in case of commercial sexual exploitation “a child becomes not only a sexual object but “also a commodity, which makes a significant difference in terms of interventions.” Thus, “CSEC is defined as the use of a child for sexual purposes in exchange for cash, goods or in-kind favours, which are given to the child and/or to an intermediary that profits from the sexual exploitation of the child. It constitutes a violation of children’s rights and the key element is that this violation arises through a commercial transaction of some sort, in which one or more parties gain a benefit. The remuneration factor also distinguishes CSEC from CSA, as commercial gain is absent from the latter, although sexual exploitation is also abuse”.⁶⁷

The Committee on the Rights of the Child underlined the problems in relation to sexual exploitation of children in its concluding observations as of 2008. The Committee

expressed concerns on “(a) Comprehensive legislation to prevent sexual exploitation of children; (b) Protection and/or recovery assistance and social reintegration for children who are victims of sexual exploitation; and (d) Data on the extent and patterns of sexual exploitation and prostitution”.⁶⁸ As for the comprehensive legislation, it can be said that this problem is solved to some extent as a result of amendments made to the Criminal Code of Georgia mostly in 2014, however enforcement is still problematic. Concerning the protection, recovery, social reintegration of victims of CSEC, state mechanism exists and such service is provided by the shelter of the ATIPfund, however number of victims who benefited from mentioned services is so little that it is difficult to discuss or assess the impact this service has on child victims.

Examining the situation in connection to CSEC, the Committee in 2008 recommended Georgia to: “(a) Adopt a comprehensive law to prevent sexual exploitation and prostitution of children” – as mentioned above this recommendation is fulfilled, but enforcement is poor; “(b) Take appropriate legal and other measures to protect children who are victims of sexual exploitation and prostitution, and prosecute perpetrators of sexual abuse and exploitation;” – based on the fact that CSEC is not acknowledged as a problem, victims, or at-risk children are not properly protected, thus this recommendation is still relevant; “(c) Train law enforcement officials, social workers, judges and prosecutors on how to receive, monitor and investigate complaints, and in a child-sensitive manner that respects confidentiality” – this recommendation is in the process of implementation in the frame of the project “Support to the Reform of Criminal Justice System in Georgia”;⁶⁹ “(d) Implement appropriate policies and programmes for the prevention, recovery and social reintegration of child victims, including education and training as well as psychological assistance and counselling, taking into consideration the Declaration and Agenda for Action and the Global Commitment adopted at the first and second World Congress against Commercial Sexual Exploitation of Children in 1996 and 2001 respectively”⁷⁰ – unfortunately, there is a big gap in this direction, moreover Stockholm Declaration and Agenda for Action as well as subsequent global commitments to eradicate CSRC are not well known documents in Georgia.

65. Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, (Lanzarote25.X.2007), Article 18(1b)

66. ECPAT International, Questions and Answers about Commercial Sexual Exploitation of Children, (2008), 18-19

67. *Ibid.*, 18-19

68. Committee on the Rights of the Child, *Consideration of the reports submitted by States Parties under Article 44 of the Convention, Concluding Observations: Georgia*, UN Doc. CRC/C/GEO/CO/3 (23 June 2008), par. 66

69. The project “Support to the Reform of Criminal Justice System in Georgia” is being funded by the European Union and implemented by Human Dynamics

70. Committee on the Rights of the Child, *Consideration of the reports submitted by States Parties under Article 44 of the Convention, Concluding Observations: Georgia*, UN Doc. CRC/C/GEO/CO/3 (23 June 2008)

The same is suggested by the General Comment 13 to CRC, particularly: “Investigation of instances of violence, whether reported by the child, a representative or an external party, must be undertaken by qualified professionals who have received role-specific and comprehensive training, and require a child rights-based and child-sensitive approach. Rigorous but child-sensitive investigation procedures will help to ensure that violence is correctly identified and help provide evidence for administrative, civil, child-protection and criminal proceedings. Extreme care must be taken to avoid subjecting the child to further harm through the process of the investigation. Towards this end, all parties are obliged to invite and give due weight to the child’s views”.

Child Prostitution

Georgia is not exception with regard to factors, which push children into prostitution. Unfortunately, it is hard to discuss the magnitude of this problem since no official figures are available in support of the argument that child prostitution is a problem for Georgia. However, experts and practitioners⁷¹ that work in child protection field have reasonable doubts to believe that there is certain group of children, both girls and boys, who are involved in prostitution.

Lack of information on child prostitution is conditioned by the circumstance that CSEC issue is not mainstreamed in any program or action plan⁷² run by the relevant Government agencies. Also, NGOs working on different directions of child protection do not have targeted programs addressing children, victims or at-risk of CSEC.

There are no numbers available on children that are engaged in prostitution. Since it was impossible to obtain any estimated number of children engaged in prostitution, this indicates on the circumstance that law enforcement agencies are not able to identify child sex-workers. If a crime concerning child’s engagement in prostitution is identified in any form even by imposing administrative fine for engagement in prostitution, thus by all means would be reflected in the statistical data base of the Ministry of Internal Affairs that runs regularly updated statistical database. One assumption that can be made in this respect is that law enforcers, according to acting legislation, on each identified case of child sex-worker, only issued warning.

It is absolutely essential that all members of the society understand the nature of child prostitution and thus develop non-discriminatory attitudes and vision. It should be well understood that children do not make choice on engaging in prostitution for whatever reason, but this is triggered by number of factors and such children are either “*driven by circumstances, or influenced by acquaintances, peers as well as social norms and values, they are pushed into situations in which adults take advantage of their vulnerability and sexually exploit and abuse them. It is also vital to understand that “terms ‘child prostitute’ or ‘child sex worker’ do not reflect the actual reality as they imply that a child has somehow chosen to make prostitution a profession. It is adults who create ‘child prostitution’ through their demand for children as sexual objects, their misuse of power and their desire for profit”*”; thus, to emphasize the key point here is that children are “victims” and in no case shall be perceived as ‘sex-workers’.⁷³

Child prostitution globally is closely connected to child trafficking for sexual purposes and child pornography and it is not a problem for developing countries only; child prostitution happens in all environments and there are multiple causing factors, but not limited to “sexualisation and the dissemination of sexualized images of children, the effects of the economic crisis as well as violence, gangs and peer pressure”.⁷⁴ All listed factors are faced by Georgia; therefore, preventing measures in fighting against CSEC in general, must be intensified.

Majority of the respondents, interviewed in frames of this research outlined that the demand for sex with children comes mostly from foreigners. Their viewpoint is based on the stories they hear from their own beneficiaries – children living and/or working on the streets. Citizens of foreign countries are the ones who are observed as clients of minor ‘sex-workers’ and also are the owners of the spots, where child prostitution is exercised. However, in contrast to this perception “almost universally, local demand for sex with children outnumbers the demand of foreigners in any given country”.⁷⁵ However, notion of ‘demand’ should not only be understood from the perpetrators perspective, but should be looked at in conjunction with “social, cultural and historical constructions and components that contribute to creating a ‘market’ for this crime”.⁷⁶

71. Interviews and focus group discussion with social sector representatives from government and NGO sectors

72. Remark: exception in this respect is Action Plan on Trafficking (see page 34)

73. ECPAT International, Questions and Answers about Commercial Sexual Exploitation of Children, (2008), 6

74. Maalla M’jid N., *Report of the Special Rapporteur on the sale of children, child prostitution and child pornography*, Human Rights Council (Twenty-fifth session, 23 December 2013), UN Doc. A/HRC/25/48, par. 16

75. ECPAT International, Questions and Answers about Commercial Sexual Exploitation of Children, (2008), 7

76. *Ibid.*

There are several well-known hotspots in Georgia where prostitution is exercised. Such places are located in Tbilisi and in Batumi too. For the safety purposes, these hotspots are not named. However, it should be noted that number of such places, including massage parlours have significantly increased both in capital city and in Batumi. Information that children are engaged in prostitution is based on the expert's observations, their practical experience of interacting with children that live and work on the street.

Child Pornography

Magnitude of sexual exploitation of children online is scary. Children appear as objects of satisfaction and source of income in the hands of adults who are involved in pornography industry one of the worst forms of child exploitation. The era of new technologies played a huge push factor role for child pornography. It is estimated that number of child abuse images are in millions and the number of individual children depicted is most likely in the tens of thousands.⁷⁷

Similar to child prostitution, evidence-based information on child pornography, as one of the manifestations of CSEC, is difficult to find out today. Access to internet is increasing in Georgia from year to year and today it is available not only in major cities and towns, but also in all territorial units and also in many villages. According to world statistics, there are 2,188,311 Internet users registered in Georgia as of June 2014.⁷⁸

Although, it is not possible to provide reliable information about magnitude of the problem and draw a real picture on challenges faced by Georgia, whether it is producer, distributor of child abuse images; however, in terms of fighting against cybercrimes serious measures have been undertaken by the Government recently. Particularly, a special Cybercrime Unit, which is mandated to detect, suppress and prevent all illegal activities in the cyberspace, was established within Central Criminal Police Department in 2012. Furthermore, Ministry of Internal Affairs is active in international cooperation targeting cybercrime in terms of capacity building and handling cybercrime cases.⁷⁹

The most important international document regulating cybercrime issues is 2001 Council of Europe Convention on Cybercrime that was ratified by Georgia in 2012. "This document specifies crimes committed in cyberspace that should entail criminal responsibility in member states as well. At the same time, Convention obliges its members to establish Special Cybercrime Units that should also attain functions of 24/7 international contact point. In May 2013 Georgian President also approved Cyber Security Strategy for 2013-2015 that is the main document defining key trends in this field. Strategy has its action plan that provides future actions and responsible state bodies for their implementation.⁸⁰

On the meeting, which was held with the representatives of Central Criminal Department of the Ministry of Internal Affairs of Georgia, it was mentioned that child pornography and grooming is not a problem for Georgia. It was also emphasized that Georgian cyberspace is well controlled and child pornography does not have massive occurrence.

According to the official statistics obtained from the Ministry of Internal Affairs and Prosecutor's Office information was not received on a single case regarding the offences committed under Article 255 and 2551 Criminal Code of Georgia. MoIA has started investigation on 7 cases under Article 255, but it was not possible obtain information on how many convictions were carried out under article 255 and 2551.

In 2013, through close collaboration with Israel and INTERPOL's Crimes against Children Unit, Georgia's Cybercrime Unit managed to protect 11 year-old girl and arrested a man who was accused of sexually abusing the girl and sharing sexual abuse images online and girl's mother who was involved in production of her daughter's sexual abuse materials. This was a long investigation process, which led to revealing images of 11 year-old girl by Australian and Denmark investigators offered for sale through various websites. Analysis of the child sexual abuse materials led to country of production – Georgia. According to case investigator's, the girl was subjected to abuse for at least three years before the identification. A coordinated action between

77. Maalla M'jid N., *Report of the Special Rapporteur on the sale of children, child prostitution and child pornography*, Human Rights Council (Twenty-fifth session, 23 December 2013), UN Doc. A/HRC/25/48, par. 12

78. Internet World Stats, accessed at <http://www.internetworldstats.com/asia/ge.htm>

79. *International Cooperation against Cybercrime*, Ministry of Internal Affairs of Georgia, accessed at: <http://police.ge/en/projects/kiberdanashauli/saertashoriso-tanamshromloba-kiber-danashaultan-brdzolashi>

80. General Policy and Legislation on Cybercrime, Ministry of Internal Affairs of Georgia, accessed at: <http://police.ge/en/projects/kiberdanashauli/kanonmdebloba-kiber-danashaulze-da-zogadi-politika>

National Central Bureaus of Interpol in Georgia and Jerusalem led to the arrest of an Israeli man of Georgian origin who according to police travelled several times to Georgia with an intention to abuse the girl. Both, girl's mother and the abuser were arrested and child was placed in shelter for victims of trafficking for protection and rehabilitation purposes.⁸¹

Steps made forward by Georgia to combat cybercrime looks impressive, it is hard to be hundred percent sure that all child pornography images are identified, therefore, first of all it is essential to raise awareness and educate not only professionals, but also as many children as possible on the risks that they can face on Internet. Also, parents have to be well-informed on all possible risks of grooming and should always be aware what safety measure can be undertaken to keep their children safe online.

A more recent phenomenon of child sexual abuse online is Internet 'grooming'. Growth of internet access quickened this process, which implies "wooing" of a child and persuading them that they are in a relationship"; this is a circumstance when abuser can pretend to be a child initially. Patterns have changes here as well - "while initial concern was in respect of offenders who sought to meet the child offline and sexually assault them, the behaviour has changed. It is common now for the solicitation to consist of persuading the child to engage in sexual activity in front of a webcam, the footage of which will then be recorded, or to send sexualized photographs to the offender. Once the footage or photographs have been gathered they will either be distributed or used by an offender for "sextortion", namely the sexual blackmailing of a child or his or her family".⁸² As stated in the report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Maud de Boer-Buquicchio as of December 2014, it is very problematic to find out how often grooming happens, since victims tend not to report on such fact of abuse. To this end, elaboration of special awareness raising programs for children and also parents can reduce risks of grooming and teach children how they can stay safe online.⁸³

More details on child pornography in Georgia are described in the content analysis part from the field phase findings of the research (Section 4, pages 40-41).

Child Trafficking for sexual purposes

Annually, two to four million people become victims of trafficking in persons throughout the world, 70% of those trafficked are women and children. Typically, they represent the most vulnerable part of the society⁸⁴. In contrast to other manifestations of Commercial Sexual Exploitation of Children, Georgia's work against trafficking in persons is quite extensive and comprehensive.

Pursuant to Trafficking in Persons Report of the U.S. Department of State, Georgia, during the last five years is a primary source of women and children subjected to sex trafficking who forcefully engaged in prostitution. Women and girls from Georgia are subjected to sex trafficking within the country, as well abroad. Georgia, to some extent is also a transit and destination country.⁸⁵ While the Government of Georgia fully complied with minimum standards for its actions to eliminate the trafficking in 2010-2012 (Tier 1), it was placed in Tier 2 in 2013, which means that country does not fully comply with minimum standards.

The Government of Georgia demonstrated its strong commitment towards fighting against human trafficking and enacted Law on Combating Trafficking in Persons in April 2006, which was followed by establishment of Interagency Coordination Council on Combating Trafficking in Persons⁸⁶ for the purpose to carry out activities of governmental agencies in coordinated manner. Within the authority of the Interagency Council, which is chaired by Minister of Justice, is elaboration of National Action Plan in every two year. Composition of the Interagency Coordinating Council on Combating Trafficking in persons is as follows: a. Minister of Justice of Georgia, Chair of Coordinating Council; b. Deputy Minister of Justice of Georgia, co-chair of Coordinating Council; c. Minister of Labor, Health and Social Affairs of Georgia; d. Chief Prosecutor's Office of Georgia; e.

81. More details at "Use of Interpol global tool results in arrest of child abusers and rescue of victims", accessed at <http://www.interpol.int/News-and-media/News/2013/PR048>

82. Maud de Boer-Buquicchio, Report of the Special Rapporteur on the sale of children, child prostitution and child pornography - *Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development*, Human Rights Council (22 December 2014), UN Doc A/HRC/28/56, par. 38

83. Ibid., par 39

84. *Human Trafficking*, Ministry of Internal Affairs of Georgia, accessed at: <http://police.ge/en/projects/you-are-not-for-sale>

85. *Trafficking in Persons Report*, Georgia (Tier 2), U.S. Department of State (2014), 182

86. Decree of the President of Georgia N534 1 September, 2006 Tbilisi On the Composition and the statute of Interagency Coordinating Council on Combating Trafficking in Persons, accessed at: <http://www.police.ge/files/IRD/%E1%83%A2%E1%83%A0%E1%83%94%E1%83%A4%E1%83%98%E1%83%99%E1%83%98%E1%83%9C%E1%83%92%E1%83%98/Statute%20of%20TIP%20Council.pdf>

Deputy Minister of Internal Affairs; f. Deputy Minister of Education and Science of Georgia; g. Deputy Minister of Foreign Affairs of Georgia; h. Deputy of State Minister of Georgia For Diaspora Issues; i. Director of Legal Entity of Public Law State fund for Protection and Assistance of Victims and statutory victims of human trafficking; j. Public Defender of Georgia.⁸⁷ It has to be mentioned that a Strategy for Rehabilitation and Reintegration in Society of Victims of Trafficking in Persons was approved in 2007.

The State Fund for the Protection and Assistance of (Statutory) Victims of Human Trafficking was established in 2006 and under the supervision of Ministry of Labour, Health and Social Affairs of Georgia carries out protection, assistance and rehabilitation measures for the victims of trafficking in persons, including children. The Fund runs three shelters and tailored rehabilitation programs for victims.

Even though efforts on national level to combat trafficking in persons are intensive, children victims of trafficking for sexual purposes are rarely identified. In case of trafficking children who are engaged in prostitution, including those who live and work on the streets are at higher risks to become victim of trafficking in Georgia. However, talking about the magnitude of child trafficking for sexual purposes is very difficult in case of Georgia, since the statistics of such victims stands almost at zero. Statistical information was requested on children subjected to trafficking for sexual purposes. According to figures received from the MolA, there were 10 cases of child trafficking for sexual purposes in the last five years on which investigation started. Unfortunately, it was not possible to find out how many convictions took place.

Although, Georgia does not fully comply with the minimum standards for the elimination of trafficking,⁸⁸ the country is making significant efforts to fight against the trafficking. It amended the Law of Georgia on Combating Human Trafficking to include a new article on social and legal protection, assistance, and rehabilitation of child trafficking victims; worked with international organizations to implement a pilot program to identify children living and working on the streets; and continued to undertake a reform of its system of orphanages and similar institutions in order to provide better care to vulnerable children, including street children.⁸⁹

Ministry of Internal Affairs is engaged in active international cooperation via its Bilateral Cooperation Unit and Guam Unit. Georgia has concluded bilateral International Agreements with twenty countries on police cooperation and on cooperation in the fight against crime, which also include cooperation in the field of combating trafficking in persons. For the purpose of undertaking necessary measures to combat trafficking in human beings, relevant Protocol is signed with the Republic of Turkey.⁹⁰

Below are some of the latest relevant recommendations to this paper given in the Trafficking in Persons Report of the US Department of State as of 2014:

- Employ more effective, proactive methods to detect and identify potential trafficking victims among vulnerable populations;
- Ensure children in prostitution are properly identified as trafficking victims;
- Ensure that children who are subjected to forced begging and vulnerable to commercial sexual exploitation are not inadvertently criminalized or punished for crimes committed as a direct result of their being trafficked;
- Assign police with specialized training in trafficking to participate in raids of suspected brothels, and allow victim assistance service providers to participate in Adjara province;
- The Government of Georgia did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking - the low level of victim identification of children in exploitative situations on the street, foreign women in the commercial sex trade, and Georgian and foreign workers in vulnerable labour sectors concerned experts;
- Increase efforts to investigate and prosecute suspected trafficking cases, including by assessing non-physical forms of coercion, and convict labour and sex trafficking offenders;
- Ensure that NGOs are funded and remain active partners in providing public awareness and outreach campaigns;
- Experts noted police lacked enhanced interview techniques for questioning victim-witnesses, who can experience further trauma during this process. Police arrested large numbers of women in

87. Ibid.

88. *Trafficking in Persons Report*, Georgia (Tier 2), U.S. Department of State (2014), 183

89. *Human trafficking*, Ministry of Internal Affairs of Georgia, accessed at <http://www.police.ge/en/projects/you-are-not-for-sale>

90. Ibid.

prostitution, many of whom who were not screened for human trafficking, and potential victims may have been compelled to testify against pimps and brothel owners.

- Consider appointing a victim-witness advocate to help ensure the rights of Georgian and foreign victims are respected during legal proceedings;
- Continue to raise awareness among government officials and the general public about all forms of human trafficking and continue awareness-raising campaigns about the existence of human trafficking, legal recourse, and available protection services, targeted at vulnerable groups such as children.

Also, a recommendation on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings was given to Georgia on “Paying increased attention to prevention and protection measures addressing the particular vulnerability to trafficking of children, in particular those without parents and IDPs”.⁹¹

Child Sex tourism/Sexual Exploitation of Children in Travel and Tourism (SECTT)

In the desk-review phase, it was extremely difficult to identify reliable source, which would describe the extent or indicate whether Georgia is a country of origin or destination for “child sex tourists”.

Although, the research in Georgia was focused on exploring the nature and extent of sexual exploitation of children, certain information on SECTT was also possible to obtain. Lack of data on the issue means that it is difficult to know the precise extent and scope of the problem; however an increased number of bars, hotels and massage parlours in certain districts of the capital city Tbilisi and in other major towns, including Batumi, seem to be the setting of SECTT in Georgia. The high growth rate in tourism in recent years, resulted from State’s policy on tourism development, together with positive trends connected to economic growth and development, also brings risks of SECTT.

In their interviews some experts, NGO representatives working with children living and working on the streets, report that the majority of these children are involved in prostitution. They also spoke on some tendency in the conduct of these children, particularly; from time to time they tend to migrate to Adjara Region of Georgia (black sea coast), which is a tourism destination place.

According to statistics run by the Ministry of Internal Affairs of Georgia, Georgia received 5 493 492 international travellers in 2014, number of visitors is increasing each year. Statistically, the vast majority of tourists visit the country in the summertime and most of them come from the bordering countries comprising 91% of total visits.⁹²

As mentioned, through the desk-review and field phases, a little information was received on SECTT. However, in the research process, PHF research team came across several articles and TV show, which explicitly discuss the problem of prostitution in Georgia, reveal taxi drivers as a link between client and brothel and also mentioned famous hotspots in Adjara region, where, child prostitution occurs, pointing on the fact that only foreign nationals are admitted in those brothels where sex with minor is offered as one of the services.⁹³

It is also important to note that travel industry representatives, except international brands, do not know about the Code of Conduct for the protection from Sexual Exploitation in Travel and Tourism – The Code. Thus, it is rare to find a hotel or travel agency that has ethical policy on prevention of sexual exploitation of children.⁹⁴

STATISTICS

Statistical information related to CSA and CSEC was requested from the Ministry of Internal Affairs of Georgia, Prosecutor’s Office of Georgia and the Social Service Agency of the Ministry of Labour, Health and Social Affairs of Georgia. The request was sent on the following information for the period from 2010 up to mid February, 2015:

91. *Recommendation CP(2012)5 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Georgia*; Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings adopted at the 8th meeting of the Committee of the Parties (13 November 2012), 3

92. Statistical Information on the visitors crossing the Georgian border, Ministry of Internal Affairs of Georgia, accessed at: <http://police.ge/ge/useful-information/statistics/sazghvris-kvetis-statistika>

93. Imedi TV show “Skhva Rakursi (Other Perspective) available at <http://www.imedi.ge/index.php?pg=nws&id=40844> and e-newspaper link: “Ambebi.ge” - <http://www.ambebi.ge/sazogadoeba/108125-bavshvebis-prostituciis-kerebi-saqarthveloshi-umdzimesi-problemis-savalalo-machvenelebi.html#ixzz39e1QfoJY>; “Kviis Palitra”- <http://www.kvirispalitra.ge/public/23492-iraneli-romelic-savaraudod-bavshvtha-prostitucias-etseoda-iranis-sakonsulom-saqarthvelodan-gaadzeva.html>

94. More on the Code available at: <http://www.thecode.org/>

MolA and Prosecutors' office of Georgia:

- Number of CSA cases reported and initiation of investigation;
- Number of child prostitution cases reported and initiation of investigation;
- Number of reported cases on child's involvement in production of pornographic materials and engagement in pornography and initiation of investigation;
- Number of reported cases of child's involvement in sex-tourism and initiation of investigation;
- Number of reported cases concerning the citizenship of offenders who sexually exploited children and initiation of investigation;
- Number of reported case on child trafficking for sexual purposes and initiation of investigation.

Data received from MolA on the above-requested information (last five years):

- Article 137 of the Criminal Code of Georgia - rape: investigation was initiated on the rape of minor on 38 reported cases and on 11 reported cases on the rape of minor under the age 14;
- Article 138 of the Criminal Code of Georgia - sexual abuse under violence: investigation was initiated on 9 reported cases of sexual abuse of minor and on 18 cases of sexual abuse of child under age of 14;
- Article 139 of the Criminal Code of Georgia - coercion into sexual intercourse or other contact of sexual character: investigation was initiated on 10 cases concerning child.
- Article 140 of the Criminal Code of Georgia - coercion into sexual intercourse or other contact of sexual character with one under the 16: investigation was initiated on 269 reported cases;
- Article 141 of the Criminal Code of Georgia - perversion without violence with one under 16 years: investigation was initiated on 151 reported cases;
- Article 253 – engagement in prostitution – investigation was initiated on 1 reported case;

- Article 255 (paragraphs 2 and 3) - engaging of juvenile in illicit production or sale of pornographic piece or other object: investigation was initiated on 7 reported cases.

Data received from Prosecutors' office of Georgia (2010-2014 years):

- Article 137 of the Criminal Code of Georgia - rape: prosecution initiated on 7 cases and 34 juveniles were affected;
- Article 138 of the Criminal Code of Georgia - sexual abuse under violence: prosecution initiated on 12 cases and 16 juveniles were affected;
- Article 139 of the Criminal Code of Georgia - coercion into sexual intercourse or other contact of sexual character: prosecution initiated on 3 cases and 7 juveniles were affected;
- Article 140 of the Criminal Code of Georgia - coercion into sexual intercourse or other contact of sexual character with one under the 16: prosecution initiated on 0 cases and 149 juveniles were affected;
- Article 141 of the Criminal Code of Georgia - perversion without violence with one under 16 years: prosecution initiated on 16 cases and 38 juveniles were affected;
- Article 253 of the Criminal Code of Georgia – engagement in prostitution: prosecution initiated on 0 cases and 0 juveniles were affected;
- Article 255' of the Criminal Code of Georgia - illicit production or sale of pornographic piece or other object: 0 cases and 0 juveniles were affected
- Article 143' of the Criminal Code of Georgia - trafficking in persons: 0 cases and 0 juveniles were affected
- Article 143-2 of the Criminal Code of Georgia - trafficking of juveniles, namely – purchase, sale, any other illegal transaction, as well as recruitment, transportation, transfer, harbouring or receipt of juveniles with the aim of exploitation: 0 cases and 0 juveniles were affected

Social Service Agency:

- 92 cases of child sexual abuse were received by the Social Service Agency since 2010 up to February 2015.

- 3 cases of pregnancy were registered by the SSA, pregnant children were under the state care system;
- 3 victims of sexual abuse received services of the shelter for the domestic violence victims and one victim used the services offered by trafficking victims' shelter, criminal proceedings were initiated in all four cases and children received victims' status.

Unfortunately, it was not possible to obtain more segregated data on each manifestation of CSEC, which would provide room for broader discussion. Thus, it is necessary to improve not only CSEC related but also data concerning wider spectrum of child protection.

Thus, the Committee recommends 'the State party continue and strengthen its efforts to develop a comprehensive system of data collection relative to the implementation of the Convention. The data should cover all children below the age of 18 years and be disaggregated..., with particular attention to groups of children who are in need of special protection'.⁹⁵

It is also crucial to consolidate the data on all forms of violence and exploitation of children. If not doing so, it would be difficult without rigorous national research to understand the real situation and have more or less valid data on the scale and magnitude of CESC and CSA prevalence.

KEY PROTECTION & SUPPORT PROGRAMS AND SERVICES FOR CHILDREN AFFECTED BY CSEC

Ministry of Internal Affairs of Georgia, Social Service Agency of Ministry of Labour, Health and Social Affairs of Georgia are responsible agencies to identify, respond and react on the facts of child sexual abuse and CSEC; while Ministry of Justice of Georgia is chairing the Interagency Coordinating Council on Combating Trafficking in Persons to coordinate the work carried out by responsible government bodies.

There is not a separate action plan elaborated by the Government of Georgia, which would address all manifestations of CSEC in Georgia. However, on the other hand the latest 2015-2016 National Action Plan of Georgia on Combating Trafficking in Persons, which is elaborated once in two years, targets the issue of child trafficking. In particular, under the Objective 1.2 of

the strategic goal 1 Prevention of trafficking in persons is directed towards 'Identification of children living and working on the street and informing them and also juveniles on trafficking in persons'. Main issues on which information should be provided for children who live and work in streets concerns risks of forced labour and sexual exploitation. Besides, activity 2.1.3 of the strategic goal 2 Protection of the Victims for Trafficking mentions children in terms of "Consideration of the needs of children placed in shelters while providing services for them."⁹⁶ Other strategic directions and appropriate activities outlined in the National Action Plan envisage elaboration of guidelines for the Mobile Groups that work with children living or working on the streets and also support engagement of these children (who are not registered in schools) in the formal education. Ministry of Internal Affairs of Georgia, Social Service Agency of the MoLHSA, Ministry of Education and Science are key responsible bodies with respect to implementation of issues related to children and juveniles and partnership with interested local NGOs and international organisations is welcomed.

Another important action plan that targets children's needs is Child Welfare and Protection Action Plan for 2012-2015. Ministry of Labour, Health and Social Affairs of Georgia is main responsible agency for the fulfilment of the respective plan. Under the direction 2 'Protecting Children from Abuse and neglect, the corresponding focuses on the "Decrease the number of child abuse and neglect incidents and strengthen mechanisms for timely identification and response". There are number of measures in the action plan, which have been fully or partially addressed, however still actions targeting identification, broadening and improving of the child protection referral system, carrying out campaigns informing the public and professionals about violence against children, etc., need more in-depth interventions. Respective action plan does not specify any forms of violence and it also says nothing specifically on sexual abuse or exploitation, however it must be read in conjunction with relevant legislation defining certain forms of violence. Participatory method was used in the drafting process of Child Protection and Welfare Action Plan. It is hoped that the subsequent action plan will be more precise in targeting CSEC.

A National Strategy of Georgia on Human Rights Protection for 2014-2020 and the National Human Rights Action Plan for 2014-2015, respectively have been approved by the Parliament of Georgia on April 30,

95. Committee on the Rights of the Child, *Consideration of the reports submitted by States Parties under Article 44 of the Convention, Concluding Observations: Georgia*, UN Doc. CRC/C/GEO/CO/3 (23 June 2008), par. 16

96. National Action Plan of Georgia on Combating Trafficking in Persons for 2015-2016

2014 also target children in section 13 and highlights such issues as ‘ensuring protection of children from any forms of violence and timely and effective respond on violence incidents’ and puts emphasis on consideration of child’s best interests in any matters affecting them.

Action Plan on Measures for Combating Domestic Violence and Protecting the Victims for 2013-2015 along with actions to be carried out to fight against domestic violence, safeguard the victims and educate professionals and public, etc. pays attention to children only in the aspect of providing professional trainings on domestic violence to personnel of child service providing institutions.

State Youth Policy of Georgia⁹⁷ is a concept document and must be viewed as base of any actions concerning youth to be carried out by the State. The policy aims at creating appropriate environment for the full development of youth and covers wide range of aspects, including realization of the rights and promoting healthy lifestyle. The youth policy document is interesting with regard to its objective on youth sexual and reproductive health and rights, specifically raising youth awareness in mentioned issues as well as improves the access and quality of specific health services. All these plays role in prevention of early pregnancies and abortions among the youth, including risks of HIV, sexually transmitted disease and early marriage. The significance of appropriate educational programs on above listed themes is also highlighted. Moreover, the policy document refers to youth rights, violence and inhuman, degrading treatment. The document puts the emphasis on State’s role to support youths’ and public awareness on human and child rights, protection of victims, improvement of appropriate services and access to them and ensuring timely engagement of children and youth in the referral mechanisms.

It has to be emphasized that all above mentioned documents have been drafting in close collaboration with relevant international and local non-governmental organizations, i.e participatory approach was widely used. It is expected that such participatory approach will be continued and relevant action plans to be soon elaborated would target more specifically the issue of Commercial Sexual Exploitation of Children and consider the needs, which are essential to protect children victims or at-risk of CSEC. Although,

presented action plans and policy documents address multiple issues and directions and many goals have been achieved, still certain important actions face many challenges in their implementation, monitoring, evaluation and follow-up in consideration of the fact that children, victims or at-risk of CSEC are missing there and this is not just a detail, but a serious loophole. Approach highlighted in the General Comment 13 of the Convention on the Rights of the Child could be followed by the States parties, which proposes “development of a national coordinating framework on protection against all forms of violence, including comprehensive prevention measures.”⁹⁸

An Association Agreement signed between European Union and Georgia in June 2014. This highly important agreement is followed by the EU-Georgia Association Agenda to be implemented through joint priorities for 2014-2016. This list of priorities includes Children’s rights and determines the actions to be carried out through joint work, in particular: “Address the situation of children’s poverty and give considerably higher priority to the situation of vulnerable children; Continue juvenile justice reform; The National Human Rights Strategy and Action Plan should prominently include child rights; Provide adequate resources and strengthen the role of Public Defender to undertake further ombudsman work for children and monitor the situation in relevant institutions; Focus on measures to protect children against all forms of violence.”⁹⁹ The agenda also pays attention to the fight against crime and refers to “Step up efforts in effectively implementing the 2013-2014 Action Plan on the Fight against Trafficking in Human Beings; raise capacity of the state authorities to proactively identify and efficiently investigate cases of trafficking in human beings”.¹⁰⁰

PREVENTIVE MEASURES, TRAININGS, CAPACITY BUILDING, AWARENESS RAISING, VICTIMS’ PROTECTION

In terms of preventive measures concerning children affected or at-risk of CSEC or sexual abuse a document mandating Child Protection Referral Procedures¹⁰¹ approved by the Government of Georgia in 2010 has to be mentioned. The aim of the document is to support

97. According to Youth Policy document youth is any individual between the age 14-29

98. General comment No. 13 of the Convention on the Rights of the Child, “*The right of the child to freedom from all forms of violence*”, Committee on the Rights of the Child, UN Doc. CRC/C/GC/13, (2011), paragraphs 68-69.

99. Association Agenda between the European Union and Georgia, 7 accessed at http://eeas.europa.eu/georgia/pdf/eu-georgia_association_agenda.pdf

100. Ibid., 12

101. Joint Decree №152/–№496–№45/n of the Minister of Labour, Health and Social Affairs of Georgia, Minister of Internal Affairs of Georgia and the Minister of Education and Science of Georgia of May 31, 2010, Tbilisi, “On Approving the Child Protection Referral Procedures”

the protection of children from all forms of violence within and outside the family through the establishment of a coordinated and effective protection system. Currently, the document is under the revision process, which will soon be over. It is hoped that the new version of the procedures will be more effective in addressing the needs of all children affected or at risk of all forms of violence, however it also has to be revised from the perspective of children, victims and at-risk of CSEC. The Child Protection Referral Procedures is a living document and its advancement is a continuous process along with the available resources and capacities, thus, with anticipation, it soon will arrive to the point when no child that is vulnerable to any forms of violence and sexual exploitation will remain out of the mandate of responsible agencies.

Although, there is certain preventive, awareness rising, capacity building measures, carried out by the Government in collaboration with local and international non-governmental organisations, as mentioned before, specific measures addressing CSEC victims or children at-risk are rarely implemented. Below are some of the activities and initiatives carried out in Georgia to protect and support vulnerable groups of children.

For example, the MoIA Academy provides the basic training courses for the law enforcement officers. The curricula of basic training course, among other topics include the subject of human trafficking and violence against children. Also, MoIA Academy elaborated training modules for national first responders and cybercrime police investigators. Training modules cover the following issues: cybercrime case studies, search and seizure of electronic evidence, legal aspects of cybercrime and types of cyber-attacks.¹⁰²

The Government, in the frame of its anti-trafficking activities, carries out information campaign. Particularly, “the government in cooperation with an international organization, the distributed flyers about sex trafficking to truck drivers and casino visitors to reduce the demand for commercial sex acts”. Anti-trafficking materials were disseminated in orphanages, among at-risk youth groups, and adolescent organizations.¹⁰³ It

has to be mentioned that at the school level “Sexual abuse is taught in the context of trafficking. Violence, trafficking, family violence etc. and the ways of fighting with them have a considerable reflection in social sciences subject programs – Civil Education (IX and X grades) and History (including “Our Georgia” (V-VI grades, as well as VII, VIII and XII grades’ history subject program) of the National Curriculum 2011-2016. These topics are reflected in the textbooks written in compliance with the abovementioned programs. These textbooks cover the topics such as: the rights of children, essence of a person, free will and decisions, human rights and responsibilities; Separate Chapter is dedicated to trafficking – various forms of trafficking, including sexual exploitation. International and national legal documents related to the topic are discussed, information on preventive measures are also included”¹⁰⁴

Considering assistance to children, possible victims of CSEC or sexual abuse, the Social Service Agency of the MoLHSA works on identification component, carries out assessment of a child alleged victim of violence, provides case management, consultation, psychological support; the SSA also refers case of sexual abuse to the MoIA, since sexual type violence fall under the authority of the criminal law; the agency collaborates with local non-governmental organisations, including the Public Health Foundation of Georgia in the cases of sexual abuse and other difficult cases and uses their resources for the child’s rehabilitation purposes.

A state mechanism has been established for the most vulnerable group of children that live and work on the streets. The project has been implemented by the Ministry of Labour, Health and Social Affairs in partnership with UNICEF, the Ministry of Education and Science, Ministries of Justice, Internal Affairs, Finance, and the Tbilisi and Kutaisi Municipalities. In particular, the initiative has established services and mechanisms that identify children living and working on the streets, offer them immediate support and protection and work with them and their families with the ultimate goal of integrating them into existing social and child protection

102. Ministry of Internal Affairs of Georgia, accessed at: <http://police.ge/en/projects/kiberdanashauli/shinagan-saqmeta-saministros-mier-gankhortsielebuli-ghonisdziebebi>

103. *Trafficking in Persons Report*, Georgia (Tier 2), U.S. Department of State (2014), 183

104. *Replies to General Overview questionnaire - Georgia*, Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, Council of Europe, EU Doc. T-ES(2014)GEN-GE, (March 24, 2014), 8

services such as foster care and small group homes or to reintegrate them into their biological families. The NGOs World Vision, Caritas Georgia and Child and Environment have been providing the children with appropriate, individually tailored services.

The following services have been developed within the initiative:

- 3 mobile teams in Tbilisi since August 2013; 1 mobile team launched in Kutaisi in April 2015;
- 3 day-care/ crisis intervention centres in Tbilisi since May 2014;
- 1 Transition centre in Tbilisi; 1 – in Rustavi since May 2014;
- 1 day-care/crisis intervention centre in Tbilisi and 1 – in Kutaisi since April/May 2015.

Overall, 400 children were reached in Tbilisi.¹⁰⁵

State Fund for Protection and Assistance of (Statutory) Victims of Human Trafficking - ATIP fund provides service for the juvenile victims of the human trafficking, domestic violence and sexual abuse. The fund offers the following services: medical assistance; legal assistance, including court representation; psychological assistance, including rehabilitation-reintegration programs; providing one time compensation in the amount of 1000 GEL to individuals with the status of victims of human trafficking; providing shelter; hotline. The Fund consists of 13 branches, including shelters

for victims of domestic violence and two for victims of human trafficking. The fund is under the state control of the Ministry of Labour, Health and Social Affairs of Georgia. Juvenile beneficiaries in the shelters are provided with the services tailored to their particular needs. An individual service plan is made upon the evaluation of a juvenile beneficiary's needs.¹⁰⁶

Of course, the list of above mentioned programs, which target certain components of Commercial Sexual Exploitation of Children to some extent, is not exhaustive and there are other initiatives or strategies, which also play role in this respect. However, as previously stated, there is not an integrated strategy or policy on CSEC in Georgia and the theme is not widely discussed, even among the professional society. The capacity of the institutions to address all manifestations of CSEC is weak. Lack of coordination is often referred as a reason for miscommunication, overlapping, not only between government agencies, but also NGO sector that works on the rights of the child. Therefore, more coordination, exchange of information and common platform of initiatives and measures have to be enacted.

While much has been done to fight against trafficking in persons, even though identified case of child trafficking for sexual purposes is low, other manifestation of CSEC in Georgia, meaning child prostitution, child pornography and also sexual exploitations of children in travel and tourism, are not addressed.

105. *Reaching Vulnerable Children in Georgia – Children Living and Working on the Streets*, available at http://unicef.ge/44/state_mechanism_to_support_children_on_the_streets_established/324 and the Fact Sheet dedicated to the program as of May 2015

106. *Replies to General Overview questionnaire - Georgia*, Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, Council of Europe, EU Doc. T-ES(2014)GEN-GE, (March 24, 2014), 10

CHAPTER 4

CONTENT ANALYSIS

COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN AND CHILD SEXUAL ABUSE

The majority of seventeen interviewed respondents (or experts), who have sound knowledge in child protection field think that child sexual abuse is a problem in Georgia. In fact, this statement can largely be supported by main findings of the national survey carried out by UNICEF as of 2013 on knowledge, attitudes and practices of ‘Violence against Children in Georgia’. According to the study, “nearly 80 percent of the Georgian public considers sexual abuse of children to be a problem”.¹⁰⁷ Unfortunately, respondents struggled to provide reliable information on any forms of CSEC, due to lack of research, evidence-based data and also expertise in the field. Information provided by interviewees on child prostitution is more extensive, since some of the respondents’ are in direct contact with the group of children who are engaged in prostitution. Barely nothing was possible to obtain on child pornography/child sexual abuse images and child sex-tourism. As for the child trafficking for sexual purposes, experts say that this is very rare phenomenon in Georgia and could remember only 2 or 3 cases during their practice. It has to be noted that the Government intensified its efforts in the last decade towards fighting against trafficking and carried out wide range of measures on this direction.

“There is barely anything on CSEC and I do believe that sexual abuse and commercial sexual exploitation is a problem”, says Pier Ferry, Chief of Child protection at UNICEF Georgia, who also points out that lack of information on the issue is a strong information, besides the fact that there is nothing in terms of documentation, this is revealing a certain lack of desire of Georgian society to address this issue. “It is not the excuse that you say it is not a problem in Georgia; Government should demonstrate this, base on the facts and not base on the assumption that we are too good too nice” (P. Ferry).

Child Sexual Abuse

There are more or less objective data available on violence against children, including child sexual abuse. However, still, the problem of non-reporting is quite acute. “The question we asked to adult respondents ‘do you think that a woman will make a blind eye when her partner abuse child in the family’ and 30% of respondents said “yes”, which is very indirect and soft questions but still it, might be interpreted as their direct or indirect experience or knowledge of somebody nearby who did this. Another saying that can be indirectly linked to sexual abuse might be early marriages, because under the age of 16 when girl is married to adult man it can be considered as sexual abuse. These two things that are happening in Georgia, to some extent can show the magnitude of the problem” (K. Melikadze). “Undeniably, child sexual abuse is a serious problem for Georgia, my own work experience and cases that I worked on, gives me sufficient ground to make this statement” – says Natalia Mchedlishvili.

Child Sexual Abuse has multiple negative effects on child’s development, causing a broad range of problems, which are not treated in a proper way due to no or belated reporting, as well as due to lack of adequate rehabilitative services. Stigma is quite strong, also attitude of the affected families and public in general supports to unrevealing of the incidents. All these, has greater impact on secondary victimization of girls or boys, victims of sexual abuse, however in case of CSEC the scale is unknown (T. Kelbakiani).

Recently, referrals on child sexual abuse have increased dramatically, this is emphasized by experts from government and NGO sectors; however the real reason of the increase is not known or explored, respondents think that knowledge around the issue is better today among the public and professional community.

107. Dvalishvili, D., UNICEF, study report, *Violence against Children in Georgia* (2013), 25

Child prostitution

Unlike to Child Sexual Abuse, data, evidences or any information on child prostitution is a practice work of professionals who interact with children working or living on the street. Although, all interviewed experts do not think that child prostitution is a problem in Georgia, many of them agree that the issue needs further examination and research. Child abuse is one stage, so called starting point, with a high probability to increase into the prostitution and so on. "This is a huge problem concerning children working and living on the street, an easy way for money earning" (T. Sharashidze). It seems that to be engaged in prostitution became a lifestyle for these children and "nothing can stop this", says Nana Iashvili. Experts' knowledge on children engaged in prostitution is based on their own experience, facts and situations they have encountered in their work. "Generally, child sexual abuse, prostitution is not something new in Georgia, however, theme is tabooed and people do not like to believe in it when you bring certain objective evidences.

"My concern is that we are not ready and do not know how to work on such cases. We have beneficiaries that we know are engaged in prostitution, says Mari Tsereteli. According to Mari Tsereteli, these children need different tailored rehabilitative services and not the transit centre for children who live or work on the street, specialised staff is necessary and also referral procedures should envisage the special needs of such vulnerable children. Experts say that many of these children are not willing or interested to improve their education or master a profession and respondents do not know how to tackle this issue.

Professionals from non-governmental organization "Tanadgoma" – Center for Information and Counseling on Reproductive Health think that child prostitution is not an acute problem, however admit that the issue could be unexplored and thus relevant responsible structures should keep an eye on the issue not to become into a massive problem. Although, "Tanadgoma" works with adult sex-workers, their knowledge of the issue of prostitution is quite extensive and could be generalized for understanding the nature of prostitution phenomenon in Georgia. Almost 99% of Tanadgoma beneficiaries say that the reason for their engagement in prostitution is unemployment or very low income jobs. Another big issue causing their engagement is the fact that majority for these individuals do not have psycho-social skills, thus cannot compete with other individuals in finding employment and see

the prostitution as the only way to survive. Also, a big problem that was mentioned by the respondent is their academic delay, "it is extremely difficult to talk to these persons, increase their awareness on potential risks of prostitution or trafficking, while their ability to count money is limited to 'one money', 'two money' and not 5 GEL plus 10 GEL would be 15 GEL" (A. Rekhviashvili).

Stories heard by Tanadgoma staff from their beneficiaries are quite similar to each other, like "I got married at 15, then divorced in a year and what else could I do being left with infant, came to city from village and started this work" (N. Kharati). There were cases when Tanadgoma employees were sceptical on the age of their beneficiaries, thinking that they could be below 18, however, it is not within mandate of the organization to identify the age of beneficiary as their primary goal is to obtain beneficiaries' trust and engaged them in certain rehabilitative or preventive programs. "It is difficult to guess their age, since due to alcohol, work specifics and also clothing, our beneficiaries may seem to be older that they are in reality. To calculate an average age of their engagement in prostitution, probably this is 16-17 years", says Natia Kharati, Director of Tanadgoma's Batumi office.

Some respondents believe that child prostitution is not a problem at all, since their working mandate gives them sufficient ground to be sure in the authenticity of their statement. "I work in this sphere already for so many years and we have explored the issue, so I doubt that there is any information on such facts and we do not know about it, however in no case I exclude existence of hidden facts" (M. Meskhi).

Respondents remember individual cases that they had through their own practice when mothers tried to cross the border to Turkey together with their girl child and were caught by the police. Also stories are heard about other underage citizens of Georgia who live and work in Turkey (N. Tsetskladze). Social workers, psychologists of the mobile teams who work with children living or working on the streets in Tbilisi mention the cases when they identify a child and suspect engagement in prostitution, say that it is within the competence of law enforcers to find out whether the case is part of more serious organized business as long as children try to hide the facts. Mobile group makes referrals on such cases. Social worker Ana Jvelauri remembers a case when child was telling her story of meeting men, mostly of foreign origin close to certain bars. The child was also consuming alcohol and tried to look older to her actual age. The case was referred to police; however no feedback was received on the progress.

It is absolutely essential to prevent the problem at the start and not then in the process as long as it is extremely challenging to have significant progress, since services, social program and benefits offered by the Government and NGOs cannot compete with the lifestyle pursued by these children for already 4, 5 or even 6 years.

Child Pornography

Majority of respondents think that child pornography is not a problem in Georgia. Many of them have heard nothing on the issue. It was extremely difficult to find out any expert knowledge on child pornography in Georgia other than that of the authorities that work on the issue (Cybercrime Department of MoIA).

“Could be a problem”, point out some respondents; however no evidence is brought in support of the argument. At the same time two cases of grooming were mentioned by the respondent from her own practice and she thinks that this could be part of a broader problem (N. Mchedlishvili), while representatives of the criminal police department say that grooming is not a big issue today.

“40 individuals Revealed for Illegal Distribution of Pornographic Pieces” – a headline from the website of the Ministry of Internal Affairs of Georgia as of May 5, 2015. The news also reads that *“The officers of the division for the fight against cybercrime of Central Criminal Police Department of the Ministry of Internal Affairs and General Prosecutor’s Office, as a result of the complex operative-searching and investigative activities simultaneously held in Tbilisi, Zugdidi, Batumi and Kutaisi revealed and pressed charges against 40 individuals for illegal dissemination and promotion of pornographic pieces and images via 19 various web sites. Investigation established that accused persons at different times and circumstances obtained pornographic video files including images of minors which were uploaded on various web sites and made materials available to the internet customers. The mentioned actions were committed for popularization of the web sites and receiving income. Until recently video files containing pornographic materials were disseminated without any restriction. At this moment hosting site has been shut down and users blocked.*

*“Detainees have already pleaded guilty.”*¹⁰⁸ Investigation is in progress.

Also very interesting article appeared in the electronic newspaper “Netgazeti”.¹⁰⁹ The article says that the word “porno” is the most searchable word in Georgian language in the Google in correlation to “Georgian children”. If one types “Georgian chi...” Google’s ‘Autocomplete’ function offers more than 20.000 search results for “Georgian children’s porno”. Of course it does not mean that such content materials definitely exist, but what this means is that “Autocomplete” predictions are automatically generated by an algorithm without any human involvement. The algorithm is based on a number of objective factors, including how often others have searched for a word”- defines Google’s Autocomplete function.¹¹⁰

Therefore, a straight-forward statement that child pornography is not a problem in Georgia could be misleading. Definitely, the issue needs much in-depth investigation and also massive “stay safe online” campaign involving children and parents.

Child Trafficking for Sexual Purposes

Child trafficking for sexual purposes is not seen as an issue for concern in Georgia. Unlike to child pornography, information on child trafficking would have been available (due to measures and identification mechanisms available at national level) if there had been such cases. Respondents who work directly on human trafficking issue remember 2-3 cases of child trafficking during their practice or have not met child victim at all. Mostly sexual exploitation in Georgia has been observed in the case of women from central Asian countries. According statistics trafficking for labour purposes seems to be the most widespread form of trafficking. “Persons at age 18 or mostly 25-35 are victims of sexual exploitation” (M. Meskhi).

Respondents also talk about the tendency after travel has been eased to and from Turkey. No statistics is available, however according to information possessed by NGO “Tanadgoma”, although Georgian women face legal problems like deportation; still tendency of going to Turkey is obvious. “To my observation, women aged 18-27 cross the border to Turkey very easily and

108. Ministry of Internal Affairs of Georgia, accessed at: <http://police.ge/en/shss-m-pornografiuli-natsarmoebis-ukanonod-gavrtselebis-faqtze-40-pirigamoavlina/8100>

109. Qoqoshvili, D., Netgazeti, Google Help for Georgian Users interested in Child Pornography (05.05.2015), available at: <http://www.netgazeti.ge/GE/105/Technology/44532/>

110. Where predictions come from, Google, accessed at <https://support.google.com/websearch/bin/answer.py?hl=en&answer=106230>

massively. From the reports of our beneficiaries we learn that they receive better remuneration in Turkey, but also face trafficking like challenges, i.e. promised remuneration was not given, passport was confiscated, etc.” – says Archil Rekhviashvili.

It is extremely difficult to argue that the issue of child trafficking for sexual purposes is unexplored in Georgia. Number of identified cases is quite low, which indicates that such cases just do not happen. However, “Trafficking in Persons Report” as of 2014 recommends Georgia to “employ more effective proactive methods to detect and identify potential trafficking victims among vulnerable populations; ensure that children who are subjected to forced begging and vulnerable to commercial sexual exploitation are not inadvertently criminalized or punished for crimes committed as a direct result of their being trafficked”.¹¹¹

SECTT - Commercial Sexual Exploitation of Children in Travel and Tourism

Commercial Sexual Exploitation of Children in Travel and Tourism is a very new phenomenon in Georgia. Number of individuals, who may have heard on the issue is very little, some just guess what SECTT may imply.

“It is difficult to say that people come to Georgia in order to establish sexual contact with children; sex-tourism is not clearly outlined, however people go to certain places with knowledge that they can come into contact with children” (T. Sharashidze).

Respondents’ viewpoints on prevalence of SECTT are only based on their assumptions from the practical work they carry out. Some respondents think that SECTT is not a problem for Georgia, though say that cannot exclude presence of certain cases. Also, respondents think that cases of SECTT could be more common in Adjara region, particularly in Batumi.

Respondents think that since Georgia is a transit country, SECTT should be identified as a problem (N. Mchedlishvili). Several experts noted that certain group of children, who live or work on the streets, tend to migrate purposefully to Batumi from time to time and also to Marneuli (city in Kvemo Kartli region of Georgia), where they temporarily work at so called ‘shisha bars’.

“There are no hot-spots on the territory of Georgia where trafficking of children for sexual purposes could be taking place. Only conflict affected territories

(Abkhazia, South Ossetia) may run such spots, thinks Mari Meskhi. As for the hotspots where children engaged in prostitution are noticed, there are several such places in Tbilisi and Adjara region, which are very well known to public and professional society. “There are so many such hotspots in Batumi, which are easily accessible, but difficult to get inside” (N. Kharati).

Ms. Mgeliashvili also thinks that sex-industry exists to a certain extent in Georgia and example to this statement referrers to the fact that certain group of children that live and work on the street tend to migrate seasonally to Batumi city and this has an organised character, the same was also mentioned by those respondents who work directly with this group of children and know much about their lifestyle and whereabouts.

It is challenging to arrive to certain conclusions with regard to SECTT, however, as it was mentioned in the report, there are certain factors (like tourist destination spots, development of tourism industry and increased number of tourists in general) that raises certain concerns on SECTT in Georgia, which can neither be proved nor denied due to paucity of information, first of all among the professional society.

CHILDREN VULNERABLE TO CSEC AND FACTORS CAUSING THEIR VULNERABILITY

There was an absolute consensus among the respondents on children who are particularly vulnerable and thus are at risk to become victims of CSEC. These are children who live and/or work on the streets. “Child, who is neglected by the family, spends much time in the street and nobody has done any work with this child for years, is particularly vulnerable” – says Tamar Sharashidze. Of course vulnerability is largely connected to poor social conditions, dysfunctional families. Children who experienced sexual abuse could also be considered among the risk group as well as children who have very little or no control over using the internet, probably in combination with other social vulnerability factors (M. Mgeliashvili).

“Quite large portion of the population belong to vulnerable groups, as we know child poverty is quite high so this works as pushing factor for different forms of maltreatment and exploitation, in my practice I have heard from mother that she is away, working whole day and has no idea what her child does or goes to” (A. Jvelauri).

111. *Trafficking in Persons Report*, Georgia (Tier 2), U.S. Department of State (2014), 182

While children living and/or working on the streets are believed to be at a higher risk to become victims of different manifestations of CSEC, the list of factors, conditions mentioned by the respondents which cause vulnerability to CSEC or CSA looks as follows:

- Violence in the family
- Dysfunctional families
- Poor families
- Neglected children
- Alcohol or drug abusing parents

Families with single mother or when mother is away for a long period, when father is abusing alcohol and children do not receive appropriate attention and care, when children became victims of sexual abuse - respondents remember such cases. This is not just the assumption of risks, but a real cases dealt by the social workers.

Also, facts of recruiting children living or working on the streets for the prostitution purposes is common from the side of those children who already reached the age of maturity and are engaged in this business (T. Sharashidze, M. Mgeliashvili). "I can bring example how children from this target groups get engaged in prostitution, for example a girl who previously lived on the street who became a "waitress" at a certain bar has felt some relief and has no need to wander with outstretched hand, drives somebody's car, rents a flat, wears better clothes, appropriate to their standards, so this girl becomes a role model for others who still wander around the streets and are begging. It is their dream to work as "waiters" at the particular bars" (M. Mgeliashvili).

LEGAL & SOCIAL PROTECTION MECHANISMS

Majority of respondents acknowledge that prevention is the most challenging issue today in connection to protecting children from CSEC and also other forms of violence. The government's actions towards talking the issue of children who work or live on the streets is very "fresh", so preventive measures are yet very weak and what is done for children at-risk is not enough. "We cannot do anything with child who is engaged in prostitution, we only can address their basic needs, psychologist starts working, but they may only stay in service for two days then go away for a week or more" (T. Sharshidze).

Some very positive and promising steps have been made by the Government recently, including entry into force of the Lanzarote Convention, which must be used as a tool to meaningfully carry out in practice its provisions so that to strengthen Government's response to meet CSEC needs. Although, these needs have to be identified, acknowledged and then addressed gradually. There are some measures for sexual violence but again under the boarder umbrella of violence against children and specific measures for sexual abuse or CSEC are very limited. "Good thing is that we ratified Lanzarote convention, also we have trafficking action plan, in terms of children they target children living and working on the street, which means that they might be missing other children; Human Rights Action Plan – part on children's rights that generally talks on violence against children not specifically on sexual violence. Even though something marginally covers something, it's still not at all on the scale that we can catch the problem" (K. Melikadze).

At the same time, certain preventive measures are carried out by state or non-governmental agencies. For instance, ATIPFund periodically carries out awareness raising activities at schools, prints information brochures and disseminates among the public; although higher efforts are made in terms of protection, ATIPFund's actions also target prevention. "It would be better if Government spends more resources on prevention of trafficking, rather than spend even more efforts and resources on protection" (M. Meskhi).

NGO "Tanadgoma" also carries out preventive works at schools with teenage students in the frame of healthy way of life. Organization also distributes informational materials among the target groups and general public.

Identification

Knowledge and practice of identification of child victims, or at risk of CSEC is also weak among the professionals who are mandated to carry out certain measures in this direction. Respondents acknowledge that capacity building is very much needed here. "These massage parlous that increase in numbers recently, we do know that all of them are centers of prostitution, I have not heard if anyone is doing anything is this respects" – says Tato Kelbakiani.

Reporting

Child Protection Referral Procedures is the main document that guides various professionals on the measure to be undertaken to identify and report cases

of different forms of violence, including sexual abuse. However, respondents agree that it is not effective in case of CSEC and thus needs certain amendments. “If the case is identified then this document is effective, response is more or less adequate, but is less effective in case of identification and requires certain revisions” – emphasized Natalia Mchedlishvili.¹¹² Respondent pointed out that reporting mechanism in Georgia is not adequate today as long as it is not child-friendly. “Child, also parents should know that a hot-line exists and that she or he can feel safe by calling on this number” (N. Mchedlishvili). Parents, as well as public in general also should have such knowledge and be sure that their confidentiality will be protected if one wishes to remain unanimous. Majority of the cases that reach the Social Service Agency are not reported by professionals, or victims themselves, “we receive information on certain facts of child maltreatment from social media or TV” (M. Tsereteli). Other respondents also stress that referral procedures do not work properly, “I can say this as long as my practice of working with teachers and police gives me such right, when many of them even do not know that such document exists and they have the obligation to follow it, moreover Child Welfare and Protection Action Plan does not mention anything on sexual abuse” (M. Tsiramua).

Rehabilitation

ATIPFund runs shelters and carries out rehabilitation programs for victims of trafficking, also provides compensation for the victims (M. Meskhi). Rehabilitation, particularly psychological work with vulnerable children, educational activities and offering of alternatives are the main activities of the services established in the frames of the program “Reaching Vulnerable Children in Georgia – Children Living or Working on the Streets”. However, a specialized services for children, victims or at-risk of commercial sexual exploitation are not offered there.

Respondents agree that legal protection mechanisms in case of CSEC are more or less in place, what is challenging today is how these laws are enforced in practice. Respondents believe that enforcement issue has to be improved at least capacity of the professionals who are responsible for the enforcement has to be built and more detailed instructions and internal regulations for targeted and meaningful cooperation have to be elaborated. “I do believe that legislation is not properly enforced in case of child prostitution or generally concerning sex-industry; new document or

certain regulations have to be elaborated” (M. Tsereteli). Respondents believe that many progressive things can be done according to Lanzarote Convention (M. Mgeliahvili, K. Melikadze).

CHALLENGES, BARRIERS HINDERING FIGHT AGAINST CSEC IN GEORGIA

The major deficit and the biggest challenge in this respect is that children do not receive appropriate information, education, “we should think on child’s sex-education and on prevention of sexual abuse and exploitation” (M. Tsiramua). Lack of information on the CSEC was listed among the challenges, which is caused by the hidden nature of the problem. Very often it turns out that there was a doubt on certain manifestations of CSA or CSEC and nothing has been done by anybody until something horrible happens (K. Tavartkiladze). Mari Tsereteli says that the biggest problem she sees in identification, then lack of professionals who really know how to act and work, child interviewing/interrogation techniques employed by the police and the environment where this is happening, is not child-friendly. Lack of services, confidentiality is also very problematic (N. Mchedlishvili).

Collaboration with other countries is seen as barrier to effectively address trafficking issue. As long as trafficking is a transnational crime, it is extremely important how fast the other country reacts. “I can remember specific cases, when we had to wait a reply to the request we had sent for 3 or even 6 months long, so this makes investigation process extremely difficult, so international cooperation mechanism needs a serious development” (M. Meskhi).

“The main answer is lack of information, and that the issue is not easily discussed in Georgia makes it difficult. The fact that there is nothing in terms of documentation; this is revealing a certain lack of desire of Georgian society to address this issue. Thus, lack of information is strong information. Traditional norm in Georgia that you do not report, not much information goes beyond family walls and we also do not know what is going on in Abkhazia” (P. Ferry).

Reporting of cases was named as one of the key challenge. “The finding of our study was that majority of cases are not reported and for small number of reported cases this mechanism is not working well so idea of changing reporting mechanism will not solve the

112. Remark: revision of the Child Protection Referral Procedures document is under the process

major problem that people do not report, we are not talking about professionals we are talking about public; and children themselves (K. Melikadze).

Poor cooperation between responsible agencies is also seen as a barrier for effective fight against CSEC. Respondents think that cooperation between law enforcement agencies and Social Service Agency should be improved so that these responsible bodies use coordinated approaches and first of all act in the best interest of the child. "On what kind of cooperation are we talking about when CSEC is not acknowledged as a theme, cooperation occurs when we all agree that this is child prostitution and we should do something against it" (M. Mgeliashvili).

WHAT SHOULD BE IMPROVED

Prevention is the urgent need and much efforts have to be directed to improve it, "what can be avoided, must be avoided" (T. Sharashidze). It is widely acknowledged that prevention is always efficient rather dealing with an occurred fact of child maltreatment, awareness rising among the public and professionals should have massive coverage (K. Tavartkiladze). It is also crucial that a practice of investigation and information processing must be changed and law enforces should work in a multidisciplinary way whenever this is possible, so this implies change of attitudes and approaches among the professionals who have to address CSEC.

Establishment of more services with appropriately trained staff and more intensive work with risk-group children in terms of identification is also vital. "More work has to be done on identification and this is not just a problem for social services, but also education system should be doing more" (M. Meskhi). "More staff, more psychologists, possibility of continuous training for the Social Service Agency" (M. Tsereteli). According to respondents, the Government should pay more attention on reproductive health issue, sex-education for appropriate age group of children. Reporting mechanisms should also be improved and popularized among the public and children. Enforcement of applicable legislation should be improved and cooperation methods between concerned bodies should be advanced.

First of all the phenomenon of CSEC in Georgia should be understood, "what it is all about and this is not only the magnitude but reasons, pushing factors and then we can talk on what is needed, definitely

if it is a problem then we need as preventive as well as monitoring measures" (K. Melikadze). It is difficult to understand the extent of CSEC if people do not speak enough, "so to develop something we need to know approximate picture of the problem; education, awareness of children at school is also very important. I think Georgia is making significant progress in terms advancing mechanisms but if people do not report and the issue will be a matter of taboo again then ... we need cases! (P. Ferry).

"If not my direct work with children who live or work on the streets, I would not have come across the problem of child prostitution; unfortunately, knowledge, awareness on CSEC is very poor among professionals. I have no idea what else can do so much harm and damage to child than CSEC, nothing more detrimental comes to my mind" (M. Mgeliashvili).

Respondents, who directly work with vulnerable children, see CSEC awareness as priority need, followed by improved preventive measures, better enforcement of legislation, change of attitudes and approaches as well as acknowledgment of CSEC problem and political will to address it.

CONCLUSION

Arriving back to main research questions it has to be noted that all respondents share the same viewpoints about the children who are victims or at risk of CSEC and what are the factors, which render them particularly vulnerable. So, children who work or live on the streets are the most vulnerable ones, followed by children from poor families, dysfunctional families, children victims of other forms of violence, especially sexual abuse, neglected children and children of alcohol and drug abusing parents. All these are push and pull factors for children's vulnerability. The most challenging in addressing the needs of these children is that they are not identified or thought to be victims or at-risk of CSEC manifestations, since Commercial Sexual Exploitation of Children is not acknowledged as a problem in Georgia. Thus, if there is no acknowledgment of the theme, regardless the magnitude, which is widely acknowledged as the worst forms of violations of the rights of the child globally, then efforts and interventions will not have meaningful and result bringing outcome. Moreover, any manifestation of CSEC should receive appropriate qualification and solution to this would be political will, appropriate skills and knowledge among responsible agencies and also existence of adequate

and effective protection mechanisms. Also, appropriate enforcement of legislations addressing CSEC must be ensured.

social workers and psychologists - Analysis

Three focus group meetings were held in Batumi with representatives from the Social Service Agency and NGOs working with children. Respondents' background is in social work and psychology.

Theme 1 - CSEC is a problem in Georgia/Adjara region

Respondents believe that Commercial Sexual Exploitation of Children is a problem in Adjara region. Some of the respondents think that child prostitution does not exist in Batumi city, while others say that it is a big and growing problem and had such cases in their practice. All agree that since Adjara is a cross-border region and Batumi and nearby villages are tourist destination places; there are many risks, which could support the increase of child prostitution and SECTT. It has to be noted that – unfavourable social background, lack of CSEC awareness, cross-border region, growing tourism industry and increase of foreign tourists and travellers, all these factors are seen by the respondents as risk factors to the increase of CSEC and especially SECTT in Adjara. “I received information that there is a hotel in Batumi, which purposefully hires underage girls, register them as cleaning personnel, which infringes the law, and then these girls are being engaged in prostitution, of course this is a hidden fact and for me it was news to hear such terrible thing” – notes one of the respondents. Respondents think that child pornography is not a problem in Adjara region.

Theme 2 – Necessity to improve awareness on CSEC among professionals

Majority of respondents believe that knowledge of professionals on CSEC is not sufficient and they all need additional trainings, but trainings have to be complex involving not only social workers and psychologists, but also different professionals who interact with children, like school personnel, law enforcers, health professionals and also parents. It was emphasized that high professionalism helps to achieve success, prevent and minimize risks. Continued education is seen as essential for the respondents, since “laws and regulations are changing from time to time and sound knowledge means that half of the problem is solved” – noted the respondent. All respondents shared the opinion that CSEC awareness should be a separate

issue for workshops, meetings, trainings, as long as there are obvious risk factors of vulnerability to CSEC, professionals must be sensitized to be able to get actively involved and carry out preventive measures.

Theme 3 – Children, particularly vulnerable to CSEC and leading factors of vulnerability

Respondents unanimously agree that children living and working on the street, underprivileged children are at the highest risk to CSEC. Respondents outlined that due to poor socio-economic conditions, any child can be seen vulnerable to CSEC manifestations. “Parents do not have enough time to pay appropriate attention to their children, besides sex-education among teenagers is poor, interest toward internet is increasing, as well as inappropriate perception of reality by the child, since children do not acknowledge possible threats, for instance in relation to early marriage, so lack of knowledge among children leads to their victimization”. Neglected children, disabled children or children of disabled parents, dysfunctional families and children from poor households were listed among vulnerable groups. “People who are ‘recruiting’ children are very good professionals and know which children belong to risk-groups” – emphasized the respondent.

Theme 4 – Barriers or specific difficulties faced by professional/organization in combating CSEC

Identification was named as the first and the most difficult issue in the work on CSEC. Inexistence of appropriate rehabilitation centre also causes many problems for professionals and organizations working on this issue. Also, inexistence of multidisciplinary team, which would specifically work on CSEC issues, was identified as barrier. Besides, coordinated multi-agency cooperation, problem of confidentiality, delayed reporting and overloaded professionals at the SSA were enumerated among the difficulties and barriers faced by professionals and their institutions. “Poor knowledge of referral procedures and the fact that information on most of the cases is received from mass media is a big deal for us”. Lack of professionals in Adjara's highland regions and lack of day care centers with multidisciplinary teams is also viewed as a challenge. Some respondents mentioned that they do not receive information and also feedback on certain cases from the police – “law enforcers almost never refer to us directly neither for information sharing, nor during the investigation process. Transportation problem is also viewed as a barrier to reach out and make emergency respond.

Theme 5 – The most important needs to support effective work on CSEC and the ways to satisfy these needs

Difficulties and barriers listed in the theme above all can be viewed as important needs, which have to be addressed and resolved within possible timeframe and available resources. Awareness rising on CSEC and also on CSA tops the list of primary needs. According to respondents, this could be done via trainings, brochures, advertisements and dedicated TV programs, involving schools and broader community. “Public should have more information on this problem, also there should be more tolerance towards CSEC, public must feel morally responsible so that victimized children feel this support throughout recovery from traumatic experiences”. Thus, awareness raising activities must be carried out in a way to lead to the change of attitudes not only among the public, but also of those professionals who have primary responsibility to protect children. Respondents put the emphasis on the improvement of social-economic condition, which would be the most positive step forward for effective interventions.

To conclude, unfavourable social background, lack of CSEC awareness, cross-border region, growing tourism industry and increased number of tourists and travellers, all these is present in Adjara region, which makes it particularly ‘vulnerable’ in terms of Commercial Sexual Exploitation of Children. Focus group participants’ viewpoints and acknowledgment of the CSEC needs, which are necessary to effectively address the problem, totally reflects the actual needs that require immediate and coordinated response.

tourism industry - Analysis

Respondents from tourism industry in Batumi, Adjara region (travel agencies and small hotels)

Two focus group discussions with tourism industry representatives was held after they attended a seminar provided by the Public Health Foundation of Georgia in the frames of the project “Reducing violence against children, with special focus on sexual exploitation of children and child sex tourism”. Main focus of the seminar was Commercial Sexual Exploitation of Children with emphasis on Sexual Exploitation of Children in Travel and Tourism.

Theme 1 - CSEC is a problem in Georgia - respondents believe that Commercial Sexual Exploitation of Children is a problem in Georgia and especially in Batumi, Adjara region, due to its holiday resort status. However, respondents did not have a good understanding of the phenomenon and while responding the questions they were referring to child sexual abuse cases, mentioned the news they have heard on TV. Mountainous part of the Adjara region was mentioned as the most problematic in terms of frequency of incidents and low awareness of the public. The same opinion is expressed in Public Defender of Georgia’s special report on “Protection of the Child’s Rights in Georgia’s Highland Regions”, where the representatives of the Public Defender revealed “a series of violations of children’s rights, including violence against children and other forms of mistreatment”¹¹³.

Theme 2 – Necessity to improve awareness on CSEC – respondents believe that awareness on CSEC is crucial and seminars or trainings, also printed awareness materials play significant role not only for professionals but also for children as “children instantly grasp new information” – noted the respondent. All the respondents decided themselves to show the awareness materials, they received on the seminar, to their colleagues and transmit the information and knowledge.

Theme 3 – Corporate ethical policy against CSEC – “no” was the answer on the question whether protection of children from CSEC was a part of the policy for the hotels and travel agencies where the respondents work. However, respondent’s emphasised that thanks to the seminar they attended, they now see such a necessity and when they go back to their workplaces, will try to persuade colleagues and management in the importance of having such policy.

Theme 4 – Knowledge of the Code¹¹⁴ and opinion on its necessity for tourism industry – it was a first time for the respondents to hear about the Code and responsibilities for tourism industry imposed by the code. However, there was a positive acceptance towards joining the Code and adhere to its key principles.

Theme 5 – Knowledge of referral procedures in case of child sexual exploitation and barriers for reporting - The greatest challenge with regard to reporting

113. *Special Report on the Protection of the Child’s Rights in Georgia’s Highland Regions*, Child’s Rights Centre of the Public Defender of Georgia (2015), 22

114. The Code (short for “the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism”. See more at <http://www.thecode.org/>

suspected fact of commercial sexual exploitation is issue of confidentiality. Respondents' acknowledge the importance of reporting, however, outline confidentiality guarantees. "Considering the fact that Georgia is a small country, one must be sure that her or his anonymity will be protected and respected when reporting on CSEC or sexual abuse." General knowledge of reporting procedures is pretty poor among tourism industry representatives.

Theme 6 – Personal practices on incidents of CSEC, especially SECTT – through their practice, majority of respondents, have not faced any facts of CSEC or suspected any such situations. Respondents acknowledge that they should be more attentive and mobilized during the work not to fail to notice or suspect any fact of CSEC.

Theme 7 – information from where the demand for having sex with children is coming from – According to respondents, what they hear on TV, majority of perpetrators who sexually abuse children are close people to family, however respondents have not heard anything on CSEC. Though, one of the respondents from the small hotel of Batumi remembered fact when there was a late night arrival of guests (foreign nationals) in the hotel who were accompanied by young girls, supposedly of age 17 or 18. When respondent got interested where these girls were from, she was told that they were from Tbilisi and that they were 18, 20 and 25 years old. "It was very unpleasant for me to see this situation".

To sum-up, tourism industry representatives (hotels and travel agencies), in general, do not have knowledge on issues of CSEC and cannot identify risks associated with this problem. They do not see or think on the necessity to have any corporate ethical policy to protect children from CSEC. Even though, they may have heard or seen something suspicious, like the age of the guest, unfortunately, it is felt that fear of staying anonymous overrides sense of responsibility. Therefore, issue of confidentiality and personal safety has a role to play. Tourism industry in Georgia, except international brands that have their own corporate ethical policies on child protection (Marriot, Sheraton, Radisson, etc.), do not run within the notion "responsible tourism". Considering the fact that tourism is a growing industry in Georgia, it is absolutely necessary to undertake tailored and conscious measures in order to increase awareness of the industry and sensitize people engaged in this business.

Summary

Summary of the formal meeting with the representatives of Central Criminal Police Department of the Ministry of Internal Affairs of Georgia (MoIA)

Formal meeting was held with the representatives of Central Criminal Police Department of the Ministry of Internal Affairs of Georgia. Selected questions from the semi-structured questionnaire were asked to respondents during the meeting. Three respondents were present on the meeting.

According to respondents, none of the manifestations of commercial sexual exploitation of children has an organized form and there are only single cases of such kind of crimes. Below is the summary of the viewpoints expressed by the respondents during the meeting, which are classified according to themes.

Child prostitution - respondents pointed out that prostitution is not punishable in Georgia and thus minors over 16 are only fined by Georgian Code of Administrative Offences; however it was emphasized that number of such cases is quite low. It was also pointed out that there are facts of convictions for arresting individuals for providing the venue for prostitution and relevant statistics is also available.

Police possesses information on all suspicious spots, like bars and massage parlors and such places are taken on the special registry. Also, criminal police department has mobile groups, which without warning and covertly carry out raids or examinations of bars, night-clubs, Chinese or other massage parlors. Respondents outline that the fact whether there are minors or person without identity document, in such places, is a special subject of scrutiny. "So far, a minor had not been identified in any of such facilities" - affirmed the respondents.

Children vulnerable to CSEC - touching the issue of children who are perceived as the most vulnerable group to sexual exploitation, law enforcers also pointed on children who live or work on the streets to be under the highest risk to CSEC. Respondents referred to poor social conditions and poverty as contributing factors to vulnerability. Being a victim of violence was also deemed to be the causing factor of exposure to vulnerability.

A special department on juvenile affairs is working on the issues of these children, which also targets all other juveniles. According to respondents' part of those children who live or work on the streets are foreign citizens and crossed the border officially with legal representative (parent, legal guardian) and have relevant IDs. It was emphasized that the border and adjacent territories are very well controlled in Georgia.

Child trafficking for sexual purposes - A branch of trafficking division was opened in the Adjara region, which covers West Georgia. This action was carried out since such needs were identified. According to respondents child trafficking for sexual purposes as all other CSEC manifestations is not a problem in Georgia and number of such cases is significantly low. Respondents highlighted the fact that reports are being prepared in every 6 months on the implementation progress of the National Action Plan of Georgia on Combating Trafficking in Persons; a sub-action plan on cyber security is part of this Trafficking Action Plan. Majority of identified cases involve foreign nationals who traffic their own citizens and Georgia is used as transit or destination country. According to respondents "penalty is quite strict for trafficking related offences, besides legislation undergoes a constant harmonization, significant amendments entered into force in 2014".

Child pornography - significant steps were made by Georgia regarding measures to combat cybercrime. Particularly, Georgia joined a Council of Europe Convention on Cyber Crime in 2012. Cyber security central action plan is divided into small plans to be implemented by the staff of Special Cybercrime Unit of the Ministry of Internal Affairs of Georgia. "A weekly revision of planned targets, identification of gaps and elaboration of new plans, which envisages gaps of the previous week is a regular process, so, new ways and methods are offered for the new weekly plan to achieve set targets" - said central criminal police representative.

Because of the demand and need, a cybercrime department is set in Tbilisi, since Tbilisi, comparing to other regions of Georgia needed more safety and support in this respect. The cybercrime unit works by the 24/7 principle and 24 hour oversight is carried out on the cyber space. It was also mentioned that active cooperation with foreign cyber security offices is an active process and information exchange is happening on the regular basis.

In terms of preventive measures, information-technology office of the cybercrime unit carries out preventive activities for the public. It was also emphasized that no single fact of grooming was detected by the unit.

In terms of international cooperation concerning organized crime, Tbilisi Bureau of Interpol within the Ministry of Internal Affairs of Georgia actively collaborates with world's largest international police organization – INTERPOL. Through secure communication channels of INTERPOL, the local Bureau receives and shares important information to relevant bodies of the MoIA. Taking into account INTERPOL's database on convicted or suspected persons in sexual exploitation, paedophilia or sex-tourism, if these persons would cross Georgian border, such fact would be controlled by local Bureau of INTERPOL.

Cooperation and coordination - There is unified internal electronic network (Interflow) for all the Ministries and relevant Government agencies, through this network a timely exchange of information and making immediate decisions on various issues, is possible. At the moment, creation of unified DNA base is in progress, which is a follow-up action after the ratification of Lanzarote Convention.

Awareness raising – according to respondents, radio show on the awareness on trafficking issue serves as a tool for general public to be informed on trafficking related risks, the theme is also discussed on the social media. It is important to note that, each fact of providing the venue for prostitution is transmitted through media sources, so "fear factor is high among the persons who allegedly support the prostitution".

Improvements/needs - in terms of needs, increase of the resources, increase of mobile groups was outlined, as well as establishment of rehabilitation centers for minors engaged in prostitution. The respondents also pointed out on the increase of awareness measures and popularization of hotlines. "There is not market for the sex-tourism in Georgia" – stated the respondent. It was also noted that even though number of bars run by foreign nationals and massage parlors increased recently, there was not any identified case involving child.

CHAPTER 5

RECOMMENDATIONS

The overview of the commercial sexual exploitation of children in Georgia showed that the issue requires response, not only reflected in measures undertaken to combat trafficking in person, but shift the focus on all manifestations of CSEC and integrate in all relevant child protection policies, procedures and strategies. However, prior to doing so, it is absolutely necessary to establish a platform and open the debates on CSEC involving responsible government agencies and professionals from NGOs and INGOs. Even though evidences, information and data on CSEC in Georgia are very limited, given research provides an insight of what could be done as a next step in order to go into the depth of the problem and undertake concrete and feasible measure to combat it. Moreover, any manifestation of CSEC should receive appropriate qualification and solution to this would be political will, appropriate skills and knowledge among responsible agencies and also existence of adequate and effective protection mechanisms. Also, appropriate enforcement of legislations addressing CSEC must be ensured. Considering the main findings of the research, there are some critical areas, which have to be immediately addressed; therefore following recommendations must be taken into consideration:

- Acknowledgment of the problem of Commercial Sexual Exploitation of Children in Georgia is critical and stronger political will is necessary to start this process. This can be achieved, inter alia by establishing inter-agency working group and hold round-table discussions, workshops, conferences involving all responsible agencies and inviting field experts;
- Lack of evidence-based information on CSEC in Georgia is a barrier for better exploring the problem and thus making it extremely difficult to provide substantial analysis of the issue. Therefore, it is essential to carry out a national,

rigorous study and gather all CSEC-related data and information, which would enable to have good understanding of deep-rooted causing factors and nature of CSEC manifestations in Georgia;

- Enhance knowledge of child professionals, including law enforcers, capacitate them in all forms of CSEC and also CSA as well as sensitize them to change the attitudes towards the problem in order to be able to address the actual needs of children who are victims or at-risk of abuse and exploitation;
- Rise awareness among general public on CSEC and empower children, especially vulnerable ones, in order to have better understanding of the CSEC-associated risks and dangers and be able to make informed decisions and stay better protected;
- Increase preventive measures in order to reach out all children who are under the risk and advance child protection referral procedures;

GRETA invites the Georgian authorities to evaluate the implementation of the mandatory referral mechanism for cases of violence against children and to explore the possibility of expanding it to trafficking in human beings, as an additional tool to improve the identification of child victims of trafficking.¹¹⁵ It has to be noted that not only identification of child trafficking should be added to the referral procedures, but all other CSEC manifestations, with relevant tools and identification procedures, must be integrated in it

- Improve reporting mechanism and establish toll-free “child-friendly” hotline, not only for CSEC victims, but also for children who are victims or at-risk of any forms of abuse;

115. Council of Europe: Group of Experts on Action against Trafficking in Human Beings, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Georgia, 7 February 2012, GRETA(2011)24, 49 available at: <http://www.refworld.org/docid/4f324a7b2.html>

- Ensure better enforcement of legislation and employ child-sensitive approaches in order to ensure proper protection of all children and avoid their further victimization and traumatization;
- Georgian population is quite “addicted” to TV and knowledge on certain issues that people may have, often comes from watching certain TV program or advertisements. As long as, many facts of child abuse, especially of sexual character, are reported through mass media and social media, it is essential to establish a clear responsibility of the mass media in order to protect children from disclosing their identity and bringing additional stress and trauma. On the other hand, acknowledging mass and social media’s greatest role in influencing individuals’ knowledge, it should be used as an effective tool to shape, form positive and sound public knowledge, awareness on CSEC and generally on issues related to child protection from all forms of maltreatment;
- It is essential to carry out child-friendly budgeting and appropriate allocation of resources, as well as increase the budget for the social protection measures of children, i.e. invest in and develop national standards and mechanisms on protection, recovery and reintegration programs for those affected by CSEC and CSA;
- Ensure reporting on the second Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; as well as join the Stockholm Declaration and Agenda for Action and further global commitments;
- Ensure greater child and youth participation in efforts to address CSEC;
- Ensure the increase of responsibility of the private sectors and tourism industry in the fight against CSEC.

This list of recommendations is not exhaustive and in reality they even overlap each other and are interrelated. Along the positive steps, made recently by the Government of Georgia towards trafficking issue and amending legislation concerning child pornography, still there is ‘general lack of focuses’ on other CSEC issues. Hence, if there will not be an integrated strategy on the CSEC, coordination between the responsible agencies continue to be poor, many children will continue to suffer from the worst forms of exploitation and violence. Considering human and social cost of CSEC and CSA no child can be lost to CSEC and this must be preventable. Thus, children living in Georgia, irrespective to their colour, race, religion, gender, social status enjoy equal rights to be protected from all manifestations of CSEC and CSA and duty-bearers are responsible to guarantee their protection.

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List of interviewed individuals

N	RESPONDENT	ORGANISATION	POSITION
1.	Archil Rekhviashvili	“Tanadgoma” – Centre for Information and Counselling on Reproductive Health	Social Worker
2.	Ana Jvelauri	Sub-program for Vulnerable Children at the Ministry of Labour Health and Social Affairs – “Reaching Vulnerable Children in Georgia – Children Living and Working on the Streets	Senior Social Worker
3.	Ia Mgeladze	Sub-program for Vulnerable Children at the Ministry of Labour Health and Social Affairs – “Reaching Vulnerable Children in Georgia – Children Living and Working on the Streets	Project Assistant
4.	Ketevan Melikadze	UNICEF	Social Welfare Officer at UNICEF Georgia
5.	Ketevan Tavartkiladze	The Public Health Foundation of Georgia (PHF)	Psychologist
6.	Mari Tsereteli	LEPL Social Service Agency of the Ministry of Labour, Health and Social Affairs of Georgia	Head of Guardianship, Custody and Social Programs Department
7.	Marina Meskhi	State Fund for the Protection and Assistance of Victims of Trafficking (ATIPfund)	Director
8.	Maya Mgeliashvili	World Vision Georgia	Child Protection Services and Advocacy Program Manager
9.	Maia Tsiramua	Georgian Centre for Psychosocial and Medical Rehabilitation of Torture Victims (GCRT)	Psychologist
10.	Nana Iashvili	“Child and Environment”	President
11.	Natia Kharati	“Tanadgoma” – Centre for Information and Counselling on Reproductive Health	Director of Batumi Branch
12.	Natalia Mchedlishvili	The Public Health Foundation of Georgia (PHF)	Psychologist

13.	Nino Tsetskhladze	Adjara Branch of the Social Service Agency	Senior Social Worker
14.	Nino Rekhviashvili	Sub-program for Vulnerable Children at the Ministry of Labour Health and Social Affairs – “Reaching Vulnerable Children in Georgia – Children Living and Working on the Streets	Social Worker
15.	Pier Ferry	UNICEF	Chief of Child Protection
16.	Tamuna Ivanidze	Family Support Project, SOS Children Villages Georgia	Project Coordinator
17.	Tako Bochorishvili	Sub-program for Vulnerable Children at the Ministry of Labour Health and Social Affairs – “Reaching Vulnerable Children in Georgia – Children Living and Working on the Streets	Project Coordinator
18.	Tamar Sharashidze	Caritas Georgia	Youth Program Manager
19.	Tato (Anton) Kelbakiani	Rehabilitation Initiative for Vulnerable Groups	Chairperson

ANNEX II

Research tool for in-depth interviews

Questionnaire:

Ministries, organisations and specialists with knowledge and experience on the issue of Child Sexual Abuse and Commercial Sexual Exploitation of Children

What is this survey?

This survey is being carried by the Public Health Foundation of Georgia in order to support efforts to address the commercial sexual exploitation of children through the provision of prevention, protection and recovery and rehabilitation services. The research is funded by the government of The Netherlands.

The survey is designed to support the stakeholders in understanding the situation of child sexual abuse and sexual exploitation of children in order to improve the response and prevent the escalation of crimes relating to sexual exploitation of children.

Ideally the aim of the interview is to obtain information that will give an overall picture of the situation with regard to sexual exploitation of children in the country.

What is the commercial sexual exploitation of children?

The commercial sexual exploitation of children is the sexual exploitation by an adult of a child below 18 years that involves a transaction in cash or in kind to the child or to one or more third parties. (ILO)

Commercial sexual exploitation of children includes child prostitution, child trafficking for sexual purposes, child sex tourism and child pornography.

We would like to know what attention is given to commercial sexual exploitation of children in Georgia and what you think is necessary to improve.

NAME OF MINISTRY/ORGANISATION/CHILD PROTECTION SPECIALIST:	
Name of respondent	
Title	
Department	
Description of task of department	
Location	
Phone	
Email	

1. Sexual abuse of children in Georgia

1.1. Child Sexual Abuse in general

- a. In general, do you think that sexual abuse of children is a problem in Georgia?
- b. How do you think is the awareness on this problem in Georgia in general and among stakeholders (Government, CBOs, parents, youth, NGOs) and has the phenomenon changed over time in Georgia?
- c. Link between child sexual abuse, child prostitution, trafficking for sexual purposes, child pornography and CST.

What is being done about child sexual abuse?

1.2. Child Victims

- a. How do you think which children are victims of child sexual abuse?
- b. What are the causing factors of their vulnerability?

1.3. Perpetrators

- a. Can you give more information on perpetrators, what are their roles?

1.4. Government

- a. What has been done and what is the impact of the National Plan of Action on sexual abuse or sexual exploitation of children /adolescents in Georgia?
- b. What is your opinion on the NPA or other regulatory state documents?
- c. How effectively do prevention, protection, rehabilitative programs and reporting mechanisms work in case of child sexual abuse? Please, describe in details.
- d. What is being done by the Government with regard to prevention of child sexual abuse: trainings, monitoring, education, capacity building, regional cooperation, etc.?

1.5. Laws and enforcement

- a. In your opinion:
 - Is existing (national) legislation adequate and properly applied in practice?
 - What do you consider to be the weak point in country's legislation and enforcement?
- b. What do you see as the barriers?
- c. Do the Government structures (law enforcers, social sector) work effectively towards prevention/responding to child sexual abuse?
- d. What do your think would support more effective commitments against this problem?

1.6. Reporting mechanisms

- a. Is your authority/organization involved in reporting of cases of child sexual abuse? If so, do you follow a certain procedure?
- b. How do the different stakeholders cooperate in a case of child sexual abuse (care system, legal guardian, police, judiciary, shelters, parents, communities)?
 - Who is receiving reports?
 - Where do most of the reports come from (travellers, tourism industry, communities, parents, authorities, victims, and children)?
- c. In your opinion/based on your experience: Are the reporting mechanism for cases of child sexual abuse sufficient in your country?

1.7. Role of your institution

- a. What specific difficulties do you face in your work/organization in combating child sexual abuse?
- b. *Please identify your actions for example:* identification; prevention monitoring; education/capacity building; regional cooperation, etc. Please provide details for each activity.
- c. Please identify your achievements?
- d. Any future action planned?
- e. Have you come across child sexual abuse in you work and how the management of such case took place?

1.8. Recommendations

- a. In your opinion what kinds of institution/organizations/persons have a role to play in combating child sexual abuse? What kind of role?
- b. Name three most important needs for child sexual abuse (prevention, rehabilitation) programs to become successful and what are ways to address these needs?
- c. Where do you see the need for improvement and how can that be done?

2. Child prostitution in Georgia

2.1. Child prostitution in general

- a. In general, do you think that child prostitution is a problem in Georgia?
- b. What measures exist specifically against offenders who abuse/exploit children including tourists?
- c. Link between child prostitution, child pornography, child prostitution or child trafficking for sexual purposes.

2.2. Child sex industry

- a. Do you have information about settings/hot-spots where child prostitution takes place?
- b. Is there a domestic sex industry? Who are the owners? Foreigners involved?

What is being done about child prostitution in Georgia?

2.3. Victims

- a. How do you think who are the most vulnerable children to get involved in prostitution?
- b. What are the causing factors of their involvement in prostitution?
- c. Do you know of any research?

2.4. Perpetrators

- a. Can you give more information on perpetrators: What are their roles?
 - National clients of minor prostitutes
 - Middlemen between clients and girls/boys
 - International clients (tourists and expats) of minor prostitutes
- b. Where is the demand for children coming from? Who are the clients interested in having sex with girls/ boys?

2.5. Government

- a. What has been done and what the impact of the National Plan of Action on child prostitution?
- b. What is your opinion on the NPA or other regulatory state documents?
- c. How effectively do prevention, protection, rehabilitative programs and reporting mechanisms work in case

of child prostitution? Please, describe in details.

- d. What is being done by the Government with regard to prevention of child prostitution: trainings, monitoring, education, capacity building, regional cooperation, etc.?

2.6. Laws and enforcement

- a. In your opinion:

- Is existing (national) legislation adequate and properly applied in practice?
- What are the loopholes? What do you consider to be the weak point in country's legislation and enforcement?

- b. What do you see as the barriers?

- c. Do the Government structures (law enforcers, social sector) work effectively towards prevention/responding to child prostitution?

- What do you think would support more effective commitments against this problem?

2.7. Role of stakeholders

2.7.1. NGOs

- a. Do you know of (other) NGOs working in this field, what do they do?

2.7.2 The Private sector

- a. Do you think the private sector has a responsibility here?
- b. If so, how would you describe it?
- c. Do you know of actions they undertake?
- d. What would you think they could do more?

2.8. Reporting mechanisms

- a. Is your authority/organization involved in reporting of cases of child prostitution? If so, do you follow a certain procedure?
- b. How do the different stakeholders cooperate in a case of child prostitution (care system, legal guardian, police, judiciary, shelters, parents, communities)?
- Who is receiving reports?
 - Where do most of the reports come from (travellers, tourism industry, communities, parents, authorities, victims, and children)?
- c. In your opinion/based on your experience: Are the reporting mechanism for cases of child prostitution sufficient in your country?

2.9. Role of your institution

- a. What specific difficulties do you face in your work/organization in combating child prostitution
- b. *Please identify your actions for example:* identification; prevention monitoring; education/capacity building; regional cooperation, etc. Please provide details for each activity.
- c. Please identify your achievements?
- d. Any future action planned?
- e. Have you come across child prostitution in you work and how the management of such case took place?

2.10. Recommendations

In your opinion:

- a. What kinds of institution/organizations/persons have a role to play in combating child prostitution? What

kind of role?

- b. Name three most important needs for child prostitution (prevention, rehabilitation) programs to become successful and what are ways to address these needs?
- c. Where do you see the need for improvement and how can that be done?

3. Child Pornography/child abuse images

3.1. Child Pornography in general

- a. Is there a child pornography industry in Georgia?
- b. In general, do you think that child pornography is a problem in Georgia?
- c. How do you think is the awareness on this problem in your country/region in general and among stakeholders?
- d. What are the most common recruiting methods into child pornography?
- e. Where is the demand for children coming from? Who are the clients interested in having sex with girls/boys?
- f. What measures exist specifically against offenders who are involved in child pornography?
- g. Are there any cyberspace protection measures in Georgia?
- h. Link between child pornography, domestic sex industry, child prostitution or child trafficking for sexual purposes.
- i. What is being done about child pornography?

3.2. Victims

- a. Can you give more information on:
 - Domestic children involved in child pornography?
 - Foreign children involved in child pornography?
 - Trafficked children involved in child pornography?
- b. How do you think which children are the most vulnerable to get involved in pornography?
- c. Do you know of any research?

3.3. Perpetrators

- a. Is there any data or research on perpetrators/organised networks?
- b. Who are the ones involved in production/distribution and possession of child pornographic materials, how is it organized?

3.4. Government

- a. What has been the impact of the National Plan of Action on combating child pornography in Georgia?
- b. What is your opinion on the NPA or other regulatory state documents?
- c. What is being done by the Government with regard to prevention of child pornography: trainings, monitoring, education, capacity building, regional cooperation, etc.?

3.5. Laws and enforcement

- a. In your opinion:
 - Is existing (national) legislation adequate and properly applied in practice?
 - What do you consider to be the weak point in country's legislation and enforcement?

- b. What do you see as the barriers?
- c. Do the Government structures (law enforcers, social sector) work effectively towards prevention/responding to child sexual abuse?
- d. What do you think would support more effective commitments against this problem?

3.6. Role of stakeholders

3.6.1. NGOs

- a. Do you know of (other) NGOs working in this field?
- b. What do they do?

3.6.2. The Private sector

- a. Do you think the private sector has a responsibility here?
- b. If so, how would you describe it?
- c. Do you know of actions they undertake?
- d. What would you think they could do more?

3.7. Reporting mechanisms

- a. Is your authority/organization involved in reporting of cases of child pornography? If so, do you follow a certain procedure?
- b. How do the different stakeholders cooperate in case child pornography (care system, legal guardian, police, judiciary, shelters, parents, communities)?
 - Who is receiving reports?
 - Where do most of the reports come from (travellers, tourism industry, communities, parents, authorities, victims, children)?
- c. In your opinion/based on your experience: Are the reporting mechanism for cases of child abuse/exploitation sufficient in your country?

3.8. Role of your institution

- a. What specific difficulties do you face in your work/organization in combating child pornography?
- b. *Please identify your actions for example:* identification; prevention monitoring; education/capacity building; regional cooperation, etc. Please provide details for each activity.
- c. Please identify your achievements?
- d. Any future action planned?
- e. Have you come across child pornography in you work and how the management of such case took place?

3.9. Recommendations

- a. In your opinion what kinds of institution/organizations/persons have a role to play in combating child pornography? What kind of role?
- b. Name three most important needs for child pornography (prevention, rehabilitation) programs to become successful and what are ways to address these needs?
- c. Where do you see the need for improvement and how can that be done?

4. Child trafficking for sexual purposes

4.1. Child trafficking for sexual purposes in general

- a. In general, do you think that child trafficking for sexual purposes is a problem in Georgia?
- b. How do you think is the awareness on this problems in your country/region in general and among stakeholders (Government, CBOs, parents, youth, NGOs)?
- c. Who are the ones involved in trafficking and sexual exploitation of children/adolescents children?
- d. Can you give an indication of the prices involved?
- e. Where does child sex trafficking for sexual purposes take place and how is it organized?

4.2. Internal trafficking and trafficking from other countries

- a. Where do the children/adolescents, victims of trafficking come from originally?
- b. How do children/adolescents enter Georgia?
- c. Do they come for prostitution or for other reasons? Please specify
- d. What happens once they are in Georgia?
- e. Who are the ones organizing it?
- f. Can you give any idea of:
 - Estimations.
 - Ratio of children/adolescents to adults.
 - Period of time covered (for estimations), setting.
- g. Is there a relation to sex industry or tourism industry?

What is being done about child trafficking?

4.3. Victims

- a. Can you give more information on:
 - Domestic children involved in child trafficking?
 - Foreign children involved in trafficking?
 - Trafficked children involved in prostitution/child sex tourism?
- b. How do you think who are the most vulnerable children to get involved in child trafficking?
- c. What are the causing factors of their involvement?

4.4. Perpetrators

- a. Can you give more information on:
 - National traffickers of girls/boys?
 - International traffickers of girls/boys?
- b. What are their roles?
- c. Who are the most important to address?

4.5. Government

- a. What has been the impact of the National Plan of Action on combating trafficking and sexual exploitation of children/adolescents in your country?
- b. What is your opinion on the NPA or other regulatory state documents?
- c. How effectively do prevention, protection, rehabilitative programs and reporting mechanisms work in case of child trafficking? Please, describe in details.
- d. What is being done by the Government with regard to prevention of child trafficking: trainings, monitoring, education, capacity building, regional cooperation, etc.?

4.6. Laws and enforcement

- a. In your opinion:
 - Is existing (national) legislation adequate and properly applied in practice?
 - What are the loopholes?
 - What do you consider to be the weak point in your country's legislation?
- b. What do you see as the barriers?
- c. Do the Government structures (law enforcers, social sector) work effectively towards prevention/responding to child trafficking?
- d. What do you think would support more effective commitments against this problem?

4.7. Role of stakeholders

4.7.1 NGOs

- a. Do you know of (other) NGOs working in this field?
- b. What do they do?

4.7.2. The Private sector

- a. Do you think the private sector has a responsibility here?
- b. If so, how would you describe it?

4.8. Reporting mechanisms

- a. Is your authority/organization involved in reporting of cases of child trafficking? If so, do you follow a certain procedure?
- b. How do the different stakeholders cooperate in a case of trafficking of a child (care system, legal guardian, police, judiciary, shelters, parents, communities)?
 - Who is receiving reports?
 - Where do most of the reports come from (communities, parents, authorities, victims, children, travellers, tourism industry, etc.)?
- c. In your opinion/based on your experience: are the reporting mechanisms for cases of child trafficking sufficient in your country?
- d. Where do you see the need for improvement?

4.9. Role of your institution

- a. What specific difficulties do you face in your work/organization in combating trafficking and sexual exploitation of children/adolescents?
- b. *Please identify your actions for example:* identification; prevention monitoring; education/capacity building; regional cooperation, etc. Please provide details for each activity.
- c. Please identify your achievements?

4.10. Recommendations

- a. In your opinion what kinds of institution/organizations/persons have a role to play in combating child trafficking for sexual purposes?
- b. Name three most important needs for child pornography (prevention, rehabilitation) programs to become successful and what are ways to address these needs?
- c. Where do you see the need for improvement and how can that be done?

5. Child sex tourism in Georgia

5.1. Child sex tourism in general

- a. In general, do you think that child sex tourism is a problem in Georgia?
- b. How do you think is the awareness on this problems in your country/region in general and among stakeholders (Government, CBOs, parents, youth, NGOs, tourists)?
- c. Is there in your opinion a relation between tourism and prostitution?
- d. Where is the demand for children coming from? Who are the clients interested in having sex with girls/ boys?
- e. Where does child sex tourism take place? How is it organized? How do tourists and children meet? Who are the middlemen? Who plays a role in organizing, attracting and transportation of tourists?
- f. Is there a domestic sex industry? Are bars/restaurants/hotels involved? Who are the owners? Foreigners involved?

5.2. Child sex tourism and trafficking

Internal trafficking and trafficking from other countries

- a. Is there trafficking for prostitution in tourism?
- b. Where do the children/adolescents come from originally?
- c. How do children/adolescents enter your country?
- d. Do they come for prostitution or for other reasons? Please specify
- e. Who are the ones organizing it?
- f. Can you give any idea of: estimations; ratio of children/adolescents to adults; period of time covered (for estimations), setting.

What is being done about child sex tourism?

5.3. Victims

- a. Can you give more information on:
- b. Domestic children involved in child sex tourism.
- c. Foreign children involved in child sex tourism.
- d. Trafficked children involved in child sex tourism.
- e. How do you think who are the most vulnerable children to get involved in child trafficking?
- f. What are the causing factors of their involvement?

5.4. Perpetrators

- a. Can you give more information on:
 - National clients of children involved in sex tourism?
 - International clients (tourists and expats)?
 - International traffickers of girls/boys?
 - Middlemen (bars, bumsters) between tourists and girls/boys?
- b. What are their roles?
- c. What measures exist specifically against tourists and travellers who abuse/exploit children including tourists?

5.5. Government

- a. Does your country have a National Plan of Action (NPA) or other regulatory state documents on the combat child sex tourism?
- b. What has been the impact of the National Plan of Action on combating child sex tourism in Georgia?
- c. What has been the impact on child protection arrangements at international level, in particular the requirements law enforcement, harmonization of legislation with international standards and protocols for cross border policies?
- d. What is your opinion on the NPA or other regulatory state documents?

5.6. Laws and enforcement

- a. In your opinion:
 - Is existing (national) legislation regulates in any way child sex-tourism? If not, do you think that it is necessary to harmonize legislation?
- b. What do you see as the barriers?
- c. Do the Government structures (law enforcers, social sector) work effectively towards prevention/responding to child trafficking?
- d. What do your think would support more effective commitments against this problem?

5.7. Reporting mechanisms

- a. Are there other procedure/mechanism to report? Is there a hotline or a helpline? How do they work? Do you have experience with them?
 - Where do you see the need for improvement?

5.8. Role of stakeholders

5.8.1. NGOs

- a. Do you know of (other) NGOs working in this field? What do they do?

5.8.2. The Private sector

- a. Do you think the private sector has a responsibility here?
- b. If so, how would you describe it?
- c. Do you know of actions they undertake?
- d. What would you think they could do more?

5.9. Reporting mechanisms

- a. In your opinion, when reporting of cases of child sex-tourism takes place, who are the main actors?
- b. How do the different stakeholders cooperate in a case of child sex-tourism (care system, legal guardian, police, judiciary, shelters, parents, communities)?
 - Who is receiving reports?
 - Where do most of the reports come from (communities, parents, authorities, victims, children, travellers, tourism industry, etc.)?
- c. Where do you see the need for improvement?

5.10. Recommendations

- a. In your opinion what kinds of institution/organizations/persons have a role to play in combating child sex-tourism?
- b. Name three most important needs for child sex tourism (prevention, rehabilitation) programs to become successful and what are ways to address these needs?

ANNEX III

Research tool for focus group discussion – social workers and psychologists

Focus group questionnaire for social workers and psychologists

1. Do you think that commercial sexual exploitation of children (child prostitution, child pornography/child abuse images, child trafficking for sexual purposes and sexual exploitation of children in travel and tourism) is a problem in Georgia/Adjara region and what are the arguments to confirm your opinion?
2. Do you think that it is necessary to improve knowledge and awareness among professionals in CSEC related issues? If your answer is yes, how this can be achieved?
3. How do you think which children are particularly under the risk to become victims of commercial sexual exploitation and what are the causing factors of their vulnerability?
4. What specific difficulties do you/your organization face in practice while working on the case of child sexual abuse/exploitation? For example:
 - a. identification problems;
 - b. prevention, rehabilitation problems;
 - c. interagency cooperation challenges.

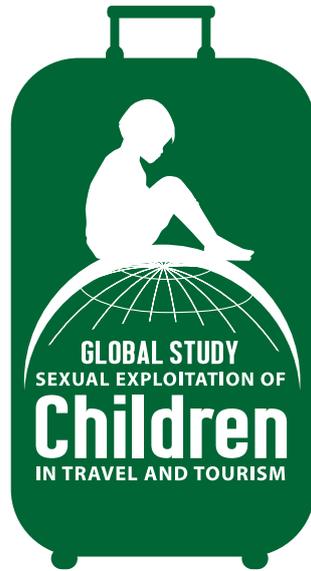
Please provide details for each activity.
5. Please, name the most important needs to support effective work on child sexual abuse and sexual exploitation and the ways to satisfy these needs.

ANNEX IV

Research tool for focus group discussion – tourism industry

Focus group questionnaire for tourism industry representatives

1. Do you think that commercial sexual exploitation of children (child prostitution, child pornography/child abuse images, child trafficking for sexual purposes and sexual exploitation of children in travel and tourism) is a problem in Georgia/Adjara region and what are the arguments to confirm your opinion?
2. Do you think that it is necessary to improve knowledge and awareness among professionals in CSEC related issues? If your answer is yes, how this can be achieved?
3. Does your organisation have a corporate ethical policy against certain manifestations of Commercial Sexual exploitation of Children?
4. Are you aware of the Code of Conduct (in travel and tourism)? Do you think that the Code is necessary and relevant to your work and it can support you to undertake specific measures against CSEC?
5. Are you aware of a system of reporting incidents of sexual exploitation of children and do you know where to report? What would be the reason that makes it difficult to report? (Anonymity, safety, too much work etc.)
6. Have you come across or had suspected in your work with case of child prostitution or child sex tourism?
7. Are you aware where the demand for children is coming from? Who are the clients interested in having sex with girls/boys?



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