



GEORGIA

ECPAT

COUNTRY OVERVIEW

*A report on the scale, scope and context of
the sexual exploitation of children*

November, 2018



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Preface

Recent years have seen unprecedented progress towards embedding the child's right to protection from sexual exploitation more deeply into the global agenda, no more so than the global mandate to eliminate the sexual exploitation of children (SEC) enshrined in the Sustainable Development Goals (SDGs) adopted by world leaders in 2015. ECPAT Country Overviews on SEC provide an effective tool for advocacy at all levels as well as for monitoring, including on government commitments made in the SDGs to end violence against children in all its different forms by 2030.

ECPAT Country Overviews are first and foremost, a desk review exercise that gather and present all the existing publicly available information into a comprehensive summary of all forms of SEC in a country. They do not contain any new primary data. They also provide an assessment of achievements and challenges in implementing counteractions - including the participation of children themselves - to eliminate SEC.

ECPAT Country Overview also suggest concrete priority actions urgently needed to proactively advance the national fight against SEC and enable the monitoring of the implementation of international instruments on child rights related to sexual exploitation that have been ratified by the State. Furthermore, the ECPAT Country Overviews provide well-organised information and research, which can be used in preparing Alternative Reports and Additional Submissions to the Committee on the Rights of the Child and the Human Rights Council.

During the process, drafts are shared with ECPAT members, relevant local organisations, and experts working on the ground who review the content and supplement the information with other local sources and analysis. ECPAT International greatly relies on the contributions of all those involved in producing these reports and would like to express its profound appreciation for their invaluable inputs.



At a Glance

Located along the Black Sea in the southern Caucasus region, Georgia has a population of 3.9 million people, which encompasses a number of sizable ethnic minority communities including Azerbaijanis, Armenians and Roma. In Georgia, poverty and disrupted or discontinued education are among the primary drivers of children's vulnerability to sexual exploitation. Nearly 28% of children live below the general poverty threshold. Children from poor households are significantly less likely to attend preschool or primary school than children from wealthier households. Anecdotal evidence indicates that exploitation of children in prostitution is a risk for street-connected children, living without access to protective services or environments. Girls, children from minority communities (e.g. Roma, Azeri-Kurds), and those living in extreme poverty are especially vulnerable.

Offenders in every part of the world are increasingly using the Internet as their preferred medium for disseminating child abuse materials and Georgia is no exception. As Georgia increasingly comes online, online child sexual exploitation (OCSE) represents a growing and credible threat to many children.

Georgia is a country of origin, transit and destination for victims of human trafficking for sexual purposes. The estimated 65,412 children who remain internally displaced from conflicts in Abkhazia and South Ossetia, as well as children living and/or working in the streets and children from socially marginalized groups are among the most vulnerable to sex trafficking. Georgia established a single database on victims of trafficking by nationality, sex, age and form of exploitation, as well as disaggregated data on offenders in order to track progress against the

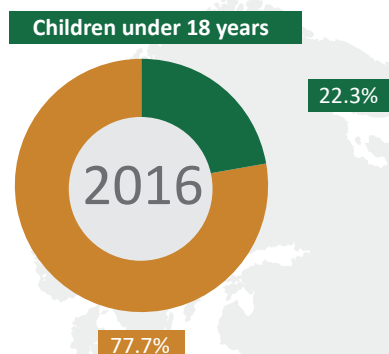
SDG indicators/targets. However, between 2016 and 2017, the government identified only one child (a girl) as a victim of sex trafficking. It is likely that the reported statistics severely underestimate the scope of the trafficking of children for sexual purposes.

While official data on the sexual exploitation of children in travel and tourism (SECTT) is lacking, we know that in 2017, Georgia received 4,069,354 tourist visits, a 23.4% increase from 2016. As the tourism industry in Georgia grows, resorts in the Black Sea region have become known as 'sex destination[s]'. For example, in tourist areas like the Adjara region and its resort city Batumi, victims of Azerbaijani descent are often subjected to forced prostitution. Enhancing detection and reporting mechanisms and data collection on the prevalence of SECTT and other forms of sexual exploitation of children (SEC) will be a crucial next step national efforts to address these violations of children's rights.

Despite the fact that the country's Civil Code has established 18 as the minimum age of legal marriage, 14% of Georgian women ages 20-24 report that they were married or in a union before age 18. This is one of Europe's highest rates of child marriage. Girls in the religious minority communities in the Adjara mountainous region and among ethnic minority communities in the Kvemo Kartli face particularly high risk of child, early and forced marriage (CEFM). Key factors of CEFM in Georgia include economic hardship and high rates of employment, which position marriage as a family's only financial option. Strict norms regarding pre-marital sex, stigma against unmarried girls, and a lack of emphasis on girls' continued education are other primary drivers.

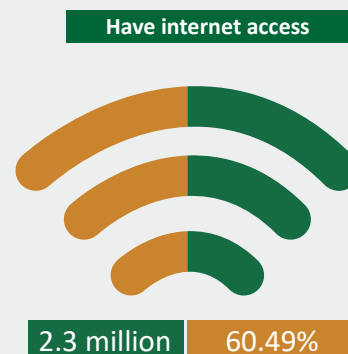
POPULATION

SOURCE: UNICEF State of the World's Children Report 2017



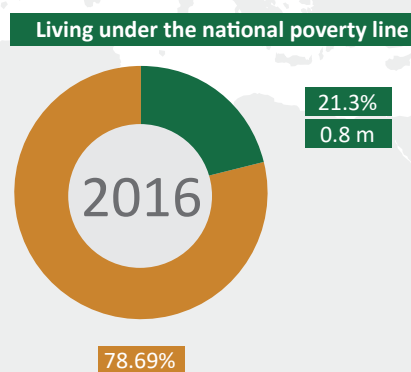
INTERNET ACCESS

SOURCE: ITU Statistics 2017: Country Profile



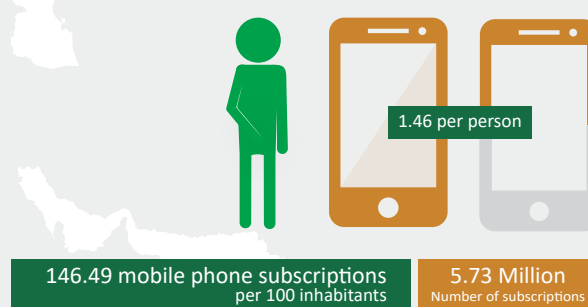
POVERTY RATE

SOURCE: Poverty & Equity Data Portal: World Bank



MOBILE PHONE USERS

SOURCE: ITU Statistics 2017: Country Profile



CHILDREN'S RIGHTS UNDER THE LAW

	Boys	Girls
Age of consent for sex	16	16
Minimum age for marriage	18	18
Legal working age	16	16
Compulsory age of schooling	15*	15*

*with a few exceptions

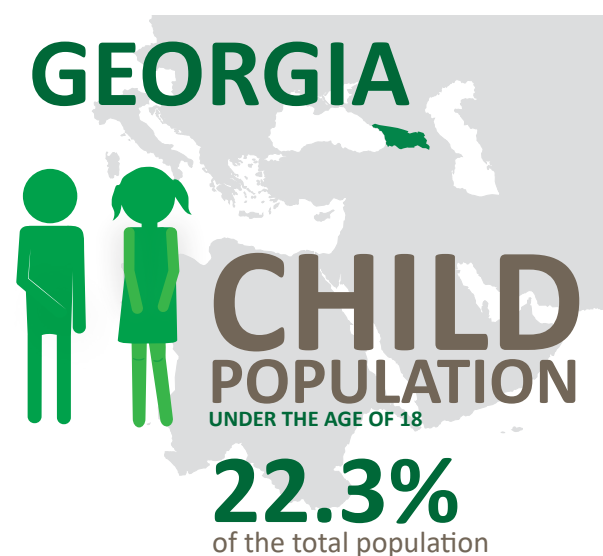
Introduction

COUNTRY OVERVIEW AND SPECIFIC VULNERABILITIES LEADING TO THE SEXUAL EXPLOITATION OF CHILDREN

Georgia is geopolitically positioned at the crossroads of Europe and the Middle East, located in the southern Caucasus region along the Black Sea, sharing borders with Azerbaijan, Armenia, Turkey, and Russia. Although Georgia's population of 3.9 million people is relatively homogenous, it contains a sizable ethnic minority population.¹ Ethnic Georgians constitute 86.8% of the population, followed by Azerbaijanis (Azeris) (6.3%), Armenians (4.5%) and other minority ethnic groups including Russians, Ossetians, Roma, and Yazidi.² Nearly 60% of Georgia's population is concentrated in urban centres, with 1.077 million living in the capital city, Tbilisi.³ In 2016, just over one-fifth (21.3%) of the population lived under the national poverty line.⁴

A number of events and factors have informed the extent of children's vulnerability to sexual exploitation in Georgia and the state's willingness and ability to continue the reform of institutions overseeing child welfare and protection initiated in the early 2000s. The large-scale and prolonged displacement that resulted from the conflicts in the Abkhazia and South Ossetia provinces

has undoubtedly been a major contributor to many children's vulnerability. The conflicts in the early 1990s displaced over a quarter of a million people, a significant proportion of whom remain displaced.⁵ The culmination of mounting tensions over many years, the five-day armed conflict between Georgia and Russia in 2008 within those provinces resulted in the suspension of many ongoing social programmes and a new wave of displacement.⁶ While figures on the total number of internally displaced persons (IDPs) vary, in 2014 the Georgian government estimated that there were 259,250 individuals (86,283 families) registered as IDPs with the majority



- 1 UNICEF (2017), "The State of the World's Children: Children in a Digital World", 175, accessed 2 October 2018, https://www.unicef.org/publications/files/SOWC_2017_ENG_WEB.pdf.
- 2 National Statistics Office of Georgia (Geostat), (2016), "2014 General Population Census Main Results General Information", accessed 25 October 2018, http://geostat.ge/cms/site_images/_files/english/population/Census_release_ENG_2016.pdf.
- 3 *Ibid.*
- 4 World Bank (2018), "Poverty & Equity Brief: Georgia", accessed 30 October 2018, http://databank.worldbank.org/data/download/poverty/33EF03BB-9722-4AE2-ABC7-AA2972D68AFE/Archives-2018/Global_POVEQ_GEO.pdf
- 5 UNICEF (n.d.), "Internally Displaced Children", accessed 26 November 2018, <http://unicef.ge/10/Internally-displaced-children/15>.
- 6 UNICEF (2009), "Children in Situations of Fragility: IDPs' Access to Quality Education in the Republic of Georgia", accessed 2 October 2018, https://www.unicef.org/eca/ru/Emerg_georgia.pdf.

having relocated to Tbilisi.⁷ Ten years after the latest conflict, there has still been no “voluntary, safe, dignified and unhindered return of IDPs and refugees on the basis of internationally recognised principles.”⁸ The Georgian government does not appear to have an estimate for the number of displaced children; however, a 2010 UNICEF report estimated the number of IDPs under the age of 18 at approximately 65,412.⁹

Children who are displaced and/or separated from their families face higher risk of sexual exploitation.¹⁰ Evidence has demonstrated that, when displaced from a protective and familiar environment, children often face increased threats of violence and abuse, disrupted access to education and pressure to work in potentially risky or exploitative conditions where they may also be vulnerable to sexual exploitation.¹¹ While some IDPs have benefited from government efforts to provide housing, the number of beneficiaries remains limited. A large number of IDPs, many of whom are children, continue to live in “deteriorating collective centres”, and there is a considerable lack of information on those IDPs living in private accommodation.¹² A 2018 report from the Council of Europe also cited interrupted education and lack of personal documentation (e.g. identification card, birth registration), typically needed to access state services, as

persisting concerns.¹³ The majority of IDPs remain dependent on state assistance, unable to access economic opportunities, further compounding the vulnerabilities of IDP children.¹⁴

Poverty drives vulnerability to SEC not just among the country’s child IDPs, but also among much of Georgia’s child population in general, which represents over one-fifth (22.3%) of the total population.¹⁵ Georgia’s Human Development Index rank places it into the high human development category, but there is growing inequality in opportunity and quality of life.¹⁶ Findings from the recent Welfare Monitoring Surveys indicate that poverty is on the rise in Georgia. According to the 2017 Welfare Monitoring Survey, 6.8% of children (up from 2.5% in 2015) live below the extreme poverty line (US\$ 1.25 per day).¹⁷ Nearly 28% of children live below the general poverty threshold (US\$ 2.5 per day).¹⁸ High levels of general unemployment as well as youth unemployment contribute to this problem.¹⁹ Legally, children can engage in non-hazardous work from age 16.²⁰

Georgia’s Targeted Social Assistance (TSA) programme for families experiencing financial difficulties is the largest cash-assistance programme in its social security system after its pension scheme. As of September 2017, 459,699 people (representing 132,051 families)

- 7 Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia, Government of Georgia (2014), “IDP Figures: Number of Registered IDPs – Statistics by Region”, accessed 2 October 2018, <http://www.mra.gov.ge/eng/static/55>.
- 8 Council of Europe (2018), “Consolidated Report on the Conflict in Georgia (October 2017- March 2018)”, 12, accessed 2 October 2018, [http://www.mfa.gov.ge/getattachment/News/davit-zalkaliani-evropis-sabchos-ministrta-moadgil/Consolidated-report-SG_Inf\(2018\)15E.pdf.aspx](http://www.mfa.gov.ge/getattachment/News/davit-zalkaliani-evropis-sabchos-ministrta-moadgil/Consolidated-report-SG_Inf(2018)15E.pdf.aspx).
- 9 UNICEF (n.d.), “Internally Displaced Children”, accessed 2 October 2018, <http://unicef.ge/10/Internally-displaced-children/15>.
- 10 IIFFMCG (2009), “Report of the Independent International Fact-Finding Mission on the Conflict in Georgia”, 10, accessed 1 February 2018, http://echr.coe.int/Documents/HUDOC_38263_08_Annexes_ENG.pdf.
- 11 IRC, Save the Children, OHCHR, et al., (2009), “Action for the Rights of Children (ARC), ARC Resource Pack: Critical Issue Module 1- Abuse and exploitation”, 12-14, accessed 22 October 2018, <http://www.refworld.org/publisher/ARC,,4b55cee62,0.html>.
- 12 Council of Europe (2018), “Consolidated Report on the Conflict in Georgia (October 2017- March 2018)”, 12, accessed 2 October 2018, [http://www.mfa.gov.ge/getattachment/News/davit-zalkaliani-evropis-sabchos-ministrta-moadgil/Consolidated-report-SG_Inf\(2018\)15E.pdf.aspx](http://www.mfa.gov.ge/getattachment/News/davit-zalkaliani-evropis-sabchos-ministrta-moadgil/Consolidated-report-SG_Inf(2018)15E.pdf.aspx).
- 13 *Ibid.*, 3.
- 14 Council of Europe (2018), “Consolidated Report on the Conflict in Georgia (October 2017- March 2018)”, 13, accessed 2 October 2018, [http://www.mfa.gov.ge/getattachment/News/davit-zalkaliani-evropis-sabchos-ministrta-moadgil/Consolidated-report-SG_Inf\(2018\)15E.pdf.aspx](http://www.mfa.gov.ge/getattachment/News/davit-zalkaliani-evropis-sabchos-ministrta-moadgil/Consolidated-report-SG_Inf(2018)15E.pdf.aspx).
- 15 UNICEF (2017), “The State of the World’s Children 2017: Children in a Digital World”, 175, accessed 2 October 2018, https://www.unicef.org/publications/files/SOWC_2017_ENG_WEB.pdf.
- 16 UNDP (2018), “Human Development Indices and Indicators: 2018 Statistical Update- Briefing Notes for Countries on the 2018 Statistical Update: Georgia”, 2, accessed 2 October 2018, http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/GEO.pdf.
- 17 UNICEF (2018), “The Welfare Monitoring Survey 2017: Summary”, 11, accessed 2 October 2018, http://unicef.ge/uploads/WMS_brochure_unicef_eng_web.pdf.
- 18 *Ibid.*, 12.
- 19 *Ibid.*, 7.
- 20 Government of Georgia (2005), “Labour Code of Georgia”, Article 4(1), accessed 30 October 2018, <https://matsne.gov.ge/en/document/download/1155567/3/en/pdf>.

received a monthly cash benefit.²¹ Poverty is also closely associated with low school attendance and educational attainment in Georgia, which are known risk factors for sexual exploitation of children. Even though according to Georgian legislation, education is compulsory through grade 9 (when children may be 14-16 years old),²² children from poor households are significantly less likely to attend preschool or primary school than children from wealthier households.²³ This disparity persists as children become older. The 2017 Welfare Monitoring Survey reported that while every fifth poor child in Georgia aged 15-18 no longer attends school, 98% of the children in the same age group in the wealthiest quintile, continue their education.²⁴

Girls, in particular, face a high risk of discontinued education due to early and/or forced marriage (CEFM). Georgia has one of the highest rates of CEFM in Europe. Georgia's Criminal Code sets the legal age of sexual consent at age 16 and the Civil Code establishes 18 as the minimum age of legal marriage.²⁵ Despite these provisions, UNICEF estimates that 14% of women ages 20-24 were married or in a union before age 18.²⁶ CEFM is more prevalent among religious minorities in the Adjara mountainous region and among ethnic minorities in the Kvemo Kartli region where rates of CEFM have exceeded 30% among married women there.²⁷ A range of complex social, cultural and economic factors contributes to the high prevalence of child marriage.²⁸ Patriarchal familial

and community hierarchies, taboos around pre-marital sex, traditional gender norms, and financial hardships exacerbated by high unemployment and lack of vocational opportunities are among these.²⁹

Another major issue linked to poverty but also driven by other key factors that affect vulnerability to SEC in Georgia is the number of street-connected children. A 2008 study estimated that over 1,500 children live on the streets of the country's four major cities.³⁰ World Vision has suggested that the number of children living on the streets has increased considerably since then although there is a lack of recent data to confirm this observation.³¹ Children living and working on the street are at increased risk of violence from fellow street youth and other adults, and are vulnerable to various forms of sexual exploitation including in prostitution and trafficking for sexual purposes.³² Many street-connected children have no identification documents or access to education or medical services.³³ In Georgia, the population of street-connected children is very diverse regarding the variety of patterns that characterize their lives in the street. Some of these children are mostly unaccompanied but a parent may regularly provide them with food and resources while they contribute to the family's income.³⁴ Some children are accompanied by adults who also work in the streets but they may not sleep in the street, and some children are unaccompanied by adults and are homeless.³⁵ Ethnic Georgians, two groups of Romani speakers and Azerbaijani

- 21 UNICEF (2018), "The Welfare Monitoring Survey 2017: Summary", 8, accessed 2 October 2018, http://unicef.ge/uploads/WMS_brochure_unicef_eng_web.pdf.
- 22 Government of Georgia (2005), "Law of Georgia on General Education", Article 2 par. "n", Article 6(4), <https://matsne.gov.ge/en/document/download/29248/56/en/pdf>.
- 23 UNICEF (2018), "The Welfare Monitoring Survey 2017: Summary", 20, accessed 2 October 2018, http://unicef.ge/uploads/WMS_brochure_unicef_eng_web.pdf.
- 24 *Ibid.*
- 25 Government of Georgia (1999), "Criminal Code", Article 140, accessed 29 October 2018, file:///C:/Users/rosalind/Downloads/Georgia_Criminal_Code_1999_am2016_en.pdf; Government of Georgia (2001), "Civil Code", Article 1108(1), accessed 29 October 2018, <https://www.lexadin.nl/wlg/legis/nofr/oeur/arch/geo/CIVILCODE.pdf>.
- 26 UNICEF (2017), "The State of the World's Children: Children in a Digital World", 183, accessed 2 October 2018, https://www.unicef.org/publications/files/SOWC_2017_ENG_WEB.pdf.
- 27 UNFPA (2014), "Child Marriage in Georgia (Overview)", 4, accessed 2 October 2018, <https://www.girlsnotbrides.org/wp-content/uploads/2015/08/UNFPA-Child-Marriage-in-Georgia-2014.pdf>; UNFPA (2017), "Exploring harmful Practices of Early/Child Marriage and FGM/C In Georgia: Final Report", 18, accessed 2 October 2018, https://georgia.unfpa.org/sites/default/files/pub-pdf/Exploring%20Harmful%20Practices%20of%20EarlyChild%20Marriage%20and%20FGMC%20in%20Georgia_0_0.pdf.
- 28 *Ibid.*, 7.
- 29 *Ibid.*
- 30 World Vision Georgia (2015), "Day Care Centre Helps to Rehabilitate Children through Art", accessed 2 October 2018, <https://www.wvi.org/georgia/article/day-care-centre-helps-rehabilitate-children-through-art>.
- 31 *Ibid.*
- 32 UNICEF (2018), "Children Living and Working in the Streets of Georgia", 6, accessed 2 October 2018, http://unicef.ge/uploads/Street_Children_Summary_ENG_HQ_2mm_bleed.pdf.
- 33 *Ibid.*, 10.
- 34 *Ibid.*, 7.
- 35 *Ibid.*

Kurds (Azeri-Kurds) are the most represented among street-connected children. Children from each of these communities can be found “along the entire spectrum of street circumstances at different phases of childhood.”³⁶ Children from the Azerbaijani Kurdish community have proven particularly difficult for service providers to reach due to language barriers and parental withdrawal from services for fear of losing custody.³⁷ In Georgia, a lack of awareness of SEC and social acceptance among the public of violence contribute significantly to vulnerability.³⁸

The social isolation and stigmatization of certain religious and ethnic groups continues to exacerbate this problem as well. In spite of the resources and efforts the state, NGOs and other service providers and advocates have committed to improving child welfare generally, most forms of SEC are not top priorities because they are not seen as serious problems and therefore remain underreported and underestimated.³⁹

36 *Ibid.*, 4.

37 *Ibid.*, 12.

38 ECPAT International (2015), “Global Study on Sexual Exploitation of Children in Travel and Tourism- Country Specific Report: Georgia, 2015”, 13, accessed 2 October 2018, <http://www.ecpat.org/wp-content/uploads/2016/10/3-SECTT-GEORGIA.pdf>.

39 *Ibid.*, 8, 13.

SEC Context in Georgia

EXPLOITATION OF CHILDREN IN PROSTITUTION⁴⁰

Article 2 (b) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC) defines 'child prostitution' as "the use of a child in sexual activities for remuneration or any other form of consideration".⁴¹

There is little available data on the exploitation of children in prostitution and few cases are investigated.⁴² However, anecdotal data from caseworkers, service providers and NGOs working in Georgia suggest that it is a significant issue.⁴³ Among street-connected children, those from minority communities (e.g. Roma, Azeri-Kurds) and those living in extreme poverty are also especially vulnerable to exploitation in prostitution. They are described as "invisible children" in the system,

having no proper status registration through either birth certificates or identification cards typically required to access services.⁴⁴ IDP children without documentation are also at increased risk, lacking access to formal systems and services.⁴⁵ Azeri-Kurds tend to withdraw from services, fearing that they may lose custody of their children.⁴⁶ Both Azeri-Kurds and Romani-speaking peoples face pervasive stigma, also leading to their withdrawal from those social services that may otherwise help to reduce their children's vulnerability to exploitation in prostitution and in general.⁴⁷

A 2018 UNICEF report on children living and working in the streets of Georgia describes that sexual reward structures are often part of the internal group dynamics among street-connected children, wherein girls are forced to supply services to older gang/group members.⁴⁸ In the report, other former affiliates of street-connected groups reported using some of the money they obtained to buy sexual services.⁴⁹ Both scenarios suggest that girls working and/or living in the street experience vulnerability to exploitation

40 ECPAT prefers the term 'exploitation of children in prostitution' instead of 'child prostitution' in line with the recently widely adopted Terminology Guidelines. Interagency Working Group on Sexual Exploitation of Children (2016), "Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse" (hereinafter Terminology Guidelines), 29, accessed on 26 March 2018, <http://luxembourgguidelines.org/>.

41 UN General Assembly (2000), "Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography" (hereinafter OPSC), A/RES/54/263, 25 May 2000, entered into force on 18 January 2002, Article 2(b), accessed 13 February 2018, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx>.

42 UN Human Rights Council (2016), "Report of the Special Rapporteur on her visit to Georgia", para 19, accessed 2 October 2018, <http://www.refworld.org/docid/58af02524.html>.

43 Eurasianet (2014), "Georgia: Teenage Prostitution Part of a Bigger Problem", accessed 2 October 2018 <https://eurasianet.org/s/georgia-teenage-prostitution-part-of-a-bigger-problem>; UNICEF (2018) "Children Living and Working in the Streets of Georgia", 12, accessed 2 October 2018, http://unicef.ge/uploads/Street_Children_Summary_ENG_HQ_2mm_bleed.pdf.

44 Georgian Coalition for Children and Youth Welfare (2014), "GCCYW Strategic Plan 204-2017", 14, accessed 2 October 2018, http://ccy.ge/wp-content/uploads/2016/06/GCCYW_strategic_plan.pdf.

45 UNICEF (2018), "Children Living and Working in the Streets of Georgia", 13, accessed 2 October 2018, http://unicef.ge/uploads/Street_Children_Summary_ENG_HQ_2mm_bleed.pdf.

46 *Ibid.*, 6.

47 *Ibid.*, 11.

48 *Ibid.*, 6.

49 *Ibid.*

in prostitution.⁵⁰ While sexual exploitation in prostitution can occur in a broad range of settings and affects boys as well, anecdotal evidence has highlighted the particular vulnerability of girls in the streets.

As mentioned above, high prevalence and broad societal acceptance of violence (e.g. domestic violence and child abuse) may also be a contributing factor to children's vulnerability to exploitation in prostitution. It is well documented that children's exposure to violence can contribute to risk factors related to sexual exploitation.⁵¹ At the legal level, the government has made a number of legislative efforts to safeguard guarantees protecting children's lives and safety from all forms of violence.⁵² The government also criminalized domestic violence in 2012. Nevertheless, corporal punishment and generally harsh parenting continues to be perceived as normal, especially in rural areas.⁵³ To reduce children's vulnerability to exploitation in prostitution, and in its other forms, more work will need to be done on the societal level to amend these prevalent attitudes. It is imperative that frontline professionals receive enhanced training on child abuse, domestic violence and vulnerability to SEC.

In 2014, Georgia ratified the Lanzarote Convention, described as the most comprehensive international legal instrument for the prevention and protection of children from sexual exploitation and sexual abuse and the prosecution of perpetrators. Following ratification, Georgia amended its Criminal Code to specifically prohibit the exploitation of children in prostitution. However, between 2010 and August 2016, only three people were convicted for the sale of children and five for child sexual exploitation.⁵⁴ It is critical that more steps are taken to effectively measure the prevalence of SEC in prostitution so it can be better

understood and addressed. Ensuring that at-risk children have identification documents and birth registration, regardless of whether they were born in a hospital, and building trust between service providers and their communities will be essential preventative steps to reduce children's vulnerability. Increased pressure to ensure timely identification and investigation of alleged cases of SEC in prostitution is also needed.

ONLINE CHILD SEXUAL EXPLOITATION (OCSE)

Online child sexual exploitation (OCSE) can include child sexual abuse/exploitation material (CSAM/CSEM),⁵⁵ live streaming of child sexual abuse, online grooming of children for sexual purposes, sexual extortion of children and various CSAM/CSEM-related conducts (production, distribution, downloading).⁵⁶ Article 2 (c) of the OPSC 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".⁵⁷

Rapid expansion in Internet usage has been associated with children's vulnerability to OCSE. This is in part due to low awareness of risks among parents and other caretakers, but is also due to increased ease of access and sophistication of methods offenders use to exploit children online. Offenders in every part of the world are increasingly using the Internet as their preferred medium for disseminating child abuse materials and Georgia is likely to be no exception as it

50 *Ibid.*

51 WHO (2018), "Violence against Children Fact Sheet", accessed 2 October 2018, <http://www.who.int/mediacentre/factsheets/violence-against-children/en/>.

52 ECPAT International (2015), "Global Study on Sexual Exploitation of Children in Travel and Tourism- Country Specific Report: Georgia, 2015", 12, accessed 2 October 2018, <http://www.ecpat.org/wp-content/uploads/2016/10/3.-SECTT-GEORGIA.pdf>.

53 *Ibid.*; UNICEF (2013), "Violence against Children in Georgia: National Survey of Knowledge, Attitude and Practices. Analysis of Child Protection Referral Procedures and Recommendations to the Government", 19. UNICEF, http://unicef.ge/uploads/Unicef_VAC_ENG_final.pdf; Public Health Foundation of Georgia (PHF). (2018). Personal communication.

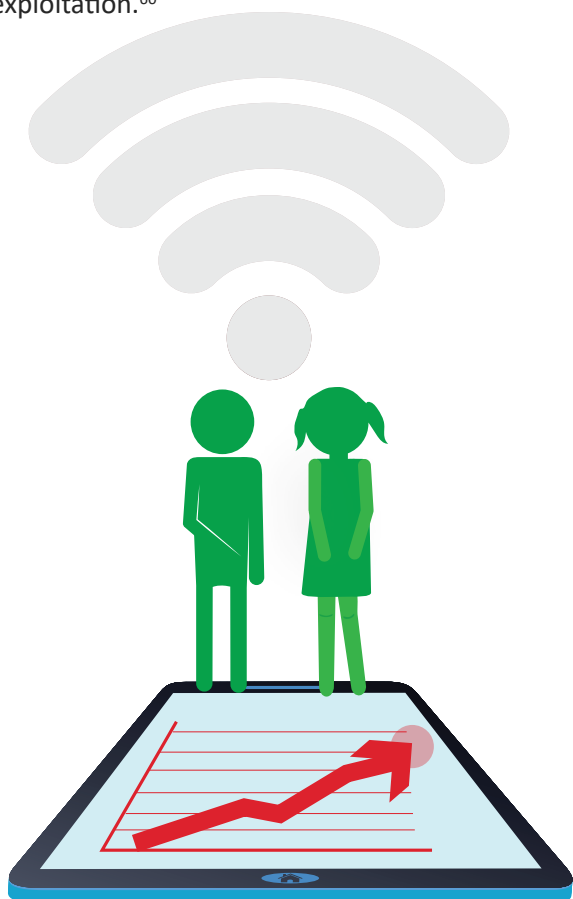
54 UN Human Rights Council (2016), "Report of the Special Rapporteur on her visit to Georgia", para 22. Accessed 2 October 2018, <http://www.refworld.org/docid/58af02524.html>.

55 ECPAT prefers the terms 'child sexual exploitation material' or 'child sexual abuse material', but in a legal context still uses 'child pornography' in line with the recently widely adopted Terminology Guidelines, 40.

56 ECPAT (2016), "Issues we work on", accessed 13 February 2018, <http://www.ecpat.org/issues-we-work-on/ending-sexual-exploitation-of-children-online/>.

57 OPSC, Article 2(c).

joins the growing list of countries in which the vast majority of the population is connected to the Internet. In 2017, the overall proportion of Georgians using the Internet reached 60% and there were about 146 mobile phone subscriptions per 100 inhabitants with 5,730,265 total subscriptions.⁵⁸ Already approximately 60% of children ages 6-15 have access to the Internet.⁵⁹ It will become increasingly essential to equip Georgian children and caretakers, teachers and service providers with information about risks and strategies and tools to increase protection from OCSE and other forms of sexual abuse and exploitation.⁶⁰



The 2016 Ombudsman report on the Situation of Children's Rights emphasized the lack of investigations into cases of the illegal production and sale of child sexual abuse materials.⁶¹ After her 2016 visit to Georgia, the Special Rapporteur on the Sale and Sexual Exploitation of Children emphasized the importance of online child protection.⁶² Previously, state officials had held that OCSE-related crimes did not pose a significant threat to children in Georgia.⁶³ However, in light of prevailing poverty and other trends that currently exacerbate children's vulnerability to SEC in all forms, it is likely that OCSE also represents a credible threat to many children in Georgia. Following her visit, the Special Rapporteur noted there is a lack of data on OCSE in Georgia.⁶⁴ In order to ensure the protection of children online, the government will need to prioritize enhancing the processes through which cases related to OCSE are referred for investigation, investigated, perpetrators convicted, and victims identified and supported. More studies and data are needed to fully measure and comprehend the scope of this issue and best strategies for protecting children from online sexual exploitation.

60%
OF CHILDREN
AGES 6-15
HAVE ACCESS TO
THE INTERNET

- 58 World Bank Group (2017), "Individuals Using the Internet (% of Population)", accessed 2 October 2018, https://data.worldbank.org/indicator/IT.NET.USER.ZS?end=2016&locations=GE&start=2016&view=map&year_high_desc=true; International Telecommunications Union (ITU) (2017), "Mobile-cellular subscriptions", accessed 30 October 2018, https://www.itu.int/en/ITU-D/Statistics/Documents/statistics/2018/Mobile_cellular_2000-2017.xls; UN Human Rights Council (2016), "Report of the Special Rapporteur on her visit to Georgia", para 29, accessed 2 October 2018, <http://www.refworld.org/docid/58af02524.html>.
- 59 UNICEF (2017), "The State of the World's Children 2017: Children in a Digital World", 47, accessed 2 October 2018, https://www.unicef.org/publications/files/SOWC_2017_ENG_WEB.pdf.
- 60 ECPAT International (2015), "Global Study on Sexual Exploitation of Children in Travel and Tourism- Country Specific Report: Georgia, 2015", 24-25, accessed 2 October 2018, <http://www.ecpat.org/wp-content/uploads/2016/10/3-SECTT-GEORGIA.pdf>.
- 61 Public Defender of Georgia (2016), "Situation of Children's Rights in Georgia", 13, accessed 2 October 2018, <http://www.ombudsman.ge/uploads/other/4/4472.pdf>.
- 62 UN Human Rights Council (2016), "Report of the Special Rapporteur on her visit to Georgia", para 53, accessed 2 October 2018, <http://www.refworld.org/docid/58af02524.html>.
- 63 ECPAT International (2015), "Global Study on Sexual Exploitation of Children in Travel and Tourism- Country Specific Report: Georgia, 2015", 24, accessed 2 October 2018, <http://www.ecpat.org/wp-content/uploads/2016/10/3-SECTT-GEORGIA.pdf>.
- 64 UN Human Rights Council (2016), "Report of the Special Rapporteur on her visit to Georgia", para 24, accessed 2 October 2018, <http://www.refworld.org/docid/58af02524.html>.

SALE AND TRAFFICKING OF CHILDREN FOR SEXUAL PURPOSES

The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), defines ‘trafficking in persons’ as “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”.⁶⁵

In case of child victims, Article 3 (c) of the Protocol specifies that “the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if it does not involve any of the means stipulated in Article 3 (a)”.⁶⁶ In other words, the Protocol recognises that children can never be willing participants to their own exploitation.

For its part, the OPSC deals with the ‘sale of children’, defined as “any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration”.⁶⁷

Both concepts are often used in conjunction and without any clear distinction. However, despite a certain overlap, ‘sale of children’ is not identical to ‘trafficking’. The ‘sale of children’ always involves some form of commercial transaction, which trafficking in children does not require, but does not necessarily include the purpose of exploiting a child (e.g. sale of children for illegal adoption). Therefore, ‘sale of children’ is not necessarily related to sexual abuse and sexual or other forms of exploitation. Lastly, the ‘sale of children’ can take place without physically moving the child out of his/her social environment, whereas trafficking inherently depends on the movement of the child.⁶⁸

65 UN General Assembly (2000), “United Nations Convention against Transnational Organized Crime, Annex 2: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime” (hereinafter Palermo Protocol), Res. 55/25 of 15 November 2000, Article 3 (a), accessed 13 February 2018, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>.

66 Palermo Protocol, Article 3 (c).

67 OPSC, Article 2 (b).

68 Terminology and Semantics Interagency Working Group on Sexual Exploitation of Children (2016), “Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse”, 58, accessed 2 October 2018, file:///C:/Users/rosalind/Downloads/Terminology-guidelines-396922-EN%20(2).pdf.

Georgia is a country of origin, transit and destination of victims of human trafficking for sexual purposes.⁶⁹ While there is a lack of data on children trafficked in the country, women from Georgia have been identified as trafficked within the borders of the country as well as to Turkey, the United Arab Emirates and China.⁷⁰ Women from Kyrgyzstan, Tajikistan and Uzbekistan have been identified as subjected to sex trafficking in Black Sea resorts and saunas in the Adjara region.⁷¹ They are also taken to brothels, bars, strip clubs, casinos, hotels and saunas in larger cities such as Tbilisi and Batumi.⁷² Between 2016 and 2017, the government identified only one child (a girl) as a victim of sex trafficking.⁷³ It is likely that the reported statistics severely underestimate the scope of the trafficking of children for sexual purposes.

In accordance with its commitments to the goals to address the trafficking of children in the SDGs, Georgia established a single database to gather information on victims of trafficking by nationality, sex, age and form of exploitation, as well as disaggregated data on offenders in order to track progress against the SDG indicators/targets.⁷⁴ This information is accessible only through the submission and approval of an official request letter to the relevant government organisation.⁷⁵

Given the large numbers of IDPs in Georgia, displacement continues to put children at risk of

being trafficked for sexual purposes. Displacement increases the risk of disrupting families resulting in children separated from parents or other protective caregivers.⁷⁶ With few safe, legal and feasible ways to reach safety, children who are displaced and/or on the streets without any safety net become “easy prey for traffickers and others who abuse and exploit them.”⁷⁷ Traffickers may recruit children by claiming they can offer a route to safer settlement.⁷⁸ In addition to internally displaced children, those from socially marginalized groups as well as those living and/or working in streets are among the most vulnerable to sex trafficking.⁷⁹

SEXUAL EXPLOITATION OF CHILDREN IN TRAVEL AND TOURISM (SECTT)

The sexual exploitation of children in travel and tourism (SECTT) is defined as any “acts of sexual exploitation embedded in a context of travel, tourism, or both”.⁸⁰ The UNWTO Framework Convention on Tourism Ethics recognises that the exploitation of children conflicts with the fundamental aims of tourism and should be strongly combated with the cooperation of all the States concerned.⁸¹

- 69 Council of Europe, Group of Experts on Action Against Trafficking in Human Being (2016), “Report concerning the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Georgia”, 7, accessed 01 February 2018, <http://www.refworld.org/publisher/COEGRETA,COUNTRYREP,GEO,5858112c4,0.html>.
- 70 United States of America, Department of State (2018), “Trafficking in persons report –Georgia”, 179, accessed 5 February 2018, <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282659.htm>.
- 71 Council of Europe, Group of Experts on Action Against Trafficking in Human Being (2016), “Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Georgia”, 7, accessed 01 February 2018, <http://www.refworld.org/publisher/COEGRETA,COUNTRYREP,GEO,5858112c4,0.html>.
- 72 U.S. Department of State (2018), “2018 Trafficking in Persons Report: Georgia”, accessed 2 October 2018, <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282659.htm>.
- 73 *Ibid.*
- 74 *Ibid.*; Council of Europe, Group of Experts on Action Against Trafficking in Human Being (2016), “Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Georgia”, 8, 11, accessed 01 February 2018, <http://www.refworld.org/publisher/COEGRETA,COUNTRYREP,GEO,5858112c4,0.html>.
- 75 Public Health Foundation of Georgia (PHF), (2018), Personal communication.
- 76 UNHCR (n.d.), “Handbook for the Protection of Internally Displaced Persons: Action Sheet 7- Human Trafficking”, 218-219, accessed 22 March 2018, <http://www.unhcr.org/4794b4322.pdf>.
- 77 UNICEF (2017), “A Child is a Child: Protecting Children on the Move from Violence, Abuse and Exploitation”, 6, accessed 2 October 2018, https://www.unicef.org/publications/files/UNICEF_A_child_is_a_child_May_2017_EN.pdf.
- 78 UNHCR, (n.d.), “Handbook for the Protection of Internally Displaced Persons: Action Sheet 7 Human Trafficking”, 218, accessed 22 March 2018, <http://www.unhcr.org/4794b4322.pdf>.
- 79 Council of Europe, Group of Experts on Action Against Trafficking in Human Being (2016), “Report concerning the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Georgia”, 7, accessed 01 February 2018, <http://www.refworld.org/publisher/COEGRETA,COUNTRYREP,GEO,5858112c4,0.html>.
- 80 ECPAT International jointly with Defence for Children-ECPAT Netherlands (2016), “Offenders on the Move: Global Study on Sexual Exploitation of Children in Travel and Tourism” (hereinafter Global study on SECTT), accessed 01 February 2018, <http://globalstudysectt.org/global-report/>.
- 81 UNWTO (2017), “Consideration, approval or adoption of the UNWTO Framework Convention on Tourism Ethics”, Article 5 (3), UN Doc. A/RES/707(XVII), accessed 01 February 2018, <http://cf.cdn.unwto.org/sites/all/files/docpdf/ares707xxiiconventionontourismethics.pdf>.

Georgia is a destination for tourists predominantly from Russia, Azerbaijan, Turkey, Armenia, Iran, Ukraine and Israel.⁸² The Georgian National Tourism Administration estimated 4,069,354 tourist visits in 2017, a 23.4% increase from 2016.⁸³ As travel to the country continues to increase each year, resorts in the Black Sea region are becoming known “sex destination[s].”⁸⁴ Victims of Azerbaijani descent are often subjected to forced prostitution in tourist areas like the Adjara region and its resort city Batumi.⁸⁵ Gonio is another popular destination for foreign visitors, where many nightclubs and bars cater to them exclusively.⁸⁶

In a high-profile incident in 2013, following a long investigation, the Georgian police collaborated with Israeli law enforcement to arrest an Israeli man of Georgian descent who had travelled to Georgia several times with the intention to sexually abuse an 11-year-old girl facilitated by her mother for payment. Both the abuser and the mother were arrested.⁸⁷ The case demonstrated the critical role of international collaboration and victim identification in SEC investigations.

Despite anecdotal evidence and some high-profile cases, there is no specific data on SECTT, including the number of child victims from either government, or civil society sources. During her latest visit to Georgia, the Special Rapporteur on the Sale and Sexual Exploitation of Children spoke to representatives of the National Tourism

Administration, who confirmed that no cases of SECTT were reported in 2016.⁸⁸ Enhancing detection and reporting mechanisms and data collection on the prevalence of SECTT and other forms of SEC will be a crucial next step in the national efforts to address these violations of children’s rights.

CHILD, EARLY AND FORCED MARRIAGE (CEFM)

The Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse (Luxembourg Guidelines) define ‘child marriage’ as “a marriage in which at least one of the parties is a child. It also refers to the act of marrying off children, usually young girls, with or

without their consent”.⁸⁹ Some forms of child marriage are related to commercial sexual exploitation of children, in cases where child marriage is linked to forced child labour, slavery and bondage, servitude or payment of a dowry.⁹⁰

82 Georgian National Tourism Administration (2018), “2017 Georgian Tourism in Figures”, 9, accessed 30 October 2018, <https://gnta.ge/statistics/>.

83 *Ibid.*, 6.

84 U.S. Department of State (2017), “Trafficking in Persons Report: Georgia”, 179, accessed 5 February 2018, <https://www.state.gov/documents/organization/271339.pdf>.

85 *Ibid.*

86 Institute of War and Peace Reporting (2012), “Sex tourism blights Georgian Black Sea resort”, video https://www.youtube.com/watch?v=jhgj4kVjw_s

87 Interpol (2013), “Use of INTERPOL Global Tools Results in Arrest of Child Abusers and Rescue of Victim”, Newsletter 16 April 2013, accessed 22 March 2018, <https://www.interpol.int/News-and-media/News/2013/PR048>

88 UN Human Rights Council (2016), “Report of the Special Rapporteur on her visit to Georgia”, para. 76., accessed 2 October 2018, <http://www.refworld.org/docid/58af02524.html>.

89 Terminology and Semantics Interagency Working Group on Sexual Exploitation of Children (2016), “Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse”, 63, accessed 2 October 2018, file:///C:/Users/rosalind/Downloads/Terminology-guidelines-396922-EN%20(2).pdf., accessed 2 October 2018, <http://www.refworld.org/docid/58af02524.html>.

90 ECPAT International and Plan International (2015), “Thematic Report. Unrecognized Sexual Abuse and Exploitation of Children in Child, Early and Forced Marriage”, accessed 01 February 2018, http://www.ecpat.org/wp-content/uploads/legacy/Child%20Marriage_ENG.pdf.

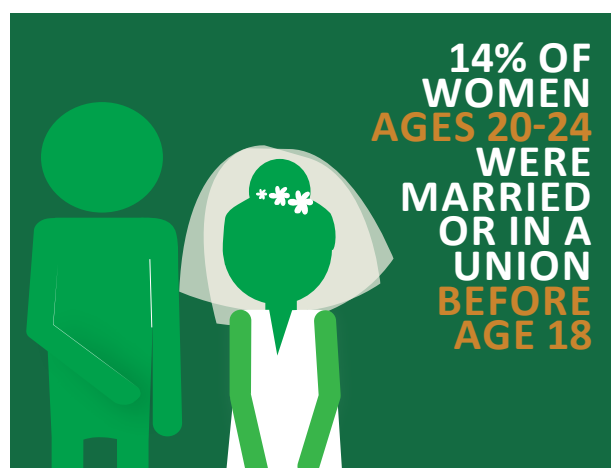
The issue of exploitation in CEFM in Georgia is complex. Current drivers of CEFM in Georgia include strict norms regarding pre-marital sex that emphasize marriage as the only acceptable arena for sexual exploration.⁹¹ Another driver is the perception of marriage as one of the few pathways to finding meaningful connections in the context of increased use of technology and limited space for engaging with peers outside of social media.⁹² The stigma against unmarried girls in their 30s also pressures girls to marry early.⁹³ Regarding sexual exploitation in the context of CEFM, key factors include, but are not limited to, economic hardships and high rates of unemployment that leave marriage as the “only suitable financial option available to families.”⁹⁴ The intersection of these and other important drivers establish an environment of limited opportunities, especially for girls. As a result, there is a perception, including among girls themselves, that they are “choosing” to marry early.⁹⁵

Child marriage and school dropout are considered the “pillars that, side by side, hold the gateway” to “abuse, neglect and exploitation.”⁹⁶ When girls leave their families to live with their husbands’ families they are often placed “at the mercy of unfamiliar adults,” who may exploit their vulnerability.⁹⁷ This vulnerability is further compounded by the isolation that girls often experience after marriage due to increased restrictions in mobility enforce by the husbands’ parents. Along with the family, school is frequently described as one of the most important child-protective institutions.⁹⁸ However, poverty and financial hardship pose significant barriers to girls’ continued education, and once out of school, marriage is seen as the only viable alternative. At the same time, girls are not expected to resume their education given their new roles and responsibilities once they are married.⁹⁹ Taking

girls out of school not only decreases their access to other educational and livelihood opportunities but also removes them from potentially protective systems and social networks.

In general, there is a lack of research on CEFM in Georgia as neither the state, nor much of the public, recognize early marriage as a problem.¹⁰⁰ Even among child’s rights and women’s rights organizations, CEFM does not factor as a top priority. Instead, some women’s NGOs may only indirectly address CEFM as it relates to a higher priority issue such as domestic violence.¹⁰¹

Establishing a holistic understanding of the nuances of agency, choice, consent, and the pressures girls may experience in the Georgian context, in addition to expanding opportunities and aspirations, will be crucial to eradicating potential sexual exploitation in CEFM. In order to fill key research gaps and make further progress on this issue, it is essential that the government, and the public, work towards an understanding of CEFM as a human rights issue, and as sexually exploitative in certain circumstances.



91 UNFPA (2017), “Exploring harmful Practices of Early/Child Marriage and FGM/C In Georgia: Final Report”, 7, accessed 2 October 2018, https://georgia.unfpa.org/sites/default/files/pub-pdf/Exploring%20Harmful%20Practices%20of%20EarlyChild%20Marriage%20and%20FGMC%20in%20Georgia_0_0.pdf.

92 *Ibid.*

93 *Ibid.*

94 *Ibid.*

95 *Ibid.*

96 ECPAT International, Plan International (2015), “Thematic Report: Unrecognised Sexual Abuse and Exploitation of Children in Child, Early and Forced Marriage”, 38, accessed 2 October 2018, http://www.ecpat.org/wp-content/uploads/legacy/Child%20Marriage_ENG.pdf.

97 *Ibid.*, 37.

98 *Ibid.*, 36-37.

99 *Ibid.*, 37-38.

100 UNFPA (2014), “Child Marriage in Georgia (Overview)”, 4, accessed 2 October 2018, <https://www.girlsnotbrides.org/wp-content/uploads/2015/08/UNFPA-Child-Marriage-in-Georgia-2014.pdf>.

101 *Ibid.*, 2.

International, Regional and National Commitments and Legislation on SEC

Status of ratification of relevant international and regional instruments, reporting to human rights bodies and engagement with the special procedures of the Human Rights Council

International Instruments	Date of Ratification/Accession
Convention on the Rights of the Child – 1989	2 June 1994
Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography – 2000	28 June 2005
Optional Protocol to the Convention on the Rights of the Child on a communications procedure – 2011	19 September 2016
ILO Convention on the Worst Forms of Child Labour – 1999 (No. 182)	24 July 2002
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and children – 2000 (supplementing the UN Convention against Transnational Organized Crime)	5 September 2006
Regional Instruments	Date of Ratification/Accession
Council of Europe Convention on Action against Trafficking in Human Beings	14 March 2007
Council of Europe Convention on Cybercrime	6 June 2012
Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse	23 September 2014

Human Rights Bodies	Date of Latest Submitted Report	Comments
Committee on the Rights of the Child (CRC review)	11 December 2014	<p>Date of Review: 3 February 2017</p> <p>Final observations concerning SEC:</p> <ul style="list-style-type: none"> • Establish a national database on cases of SEC; • Provide training to better detect victims of sexual exploitation, and understand the international mechanisms available; • Raise awareness in schools and households on the problem of SEC.¹⁰²
Committee on the Rights of the Child (OPSC review)	-	-
Human Rights Council – Working Group on the Universal Periodic Review	10 November 2015	-

INTERNATIONAL AND REGIONAL COMMITMENTS

International Commitments	
Commitment	Start Date
WePROTECT	2014
Sustainable Development Goals (SDGs)	2015
Regional Commitments	
Commitment	Start Date
Council of Europe: One in Five Campaign - to stop sexual violence against children	2010
European Union: “Advocacy for Child and Youth Protection”	2017

¹⁰² Committee on the Rights of the Child (2017) “Concluding observations on the fourth periodic report of Georgia”, UN Doc. CRC/C/GEO/CO/4, 9 March 2017, accessed 20 March 2018, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGEO%2fCO%2f4&Lang=en.

As a member of the Council of Europe, Georgia has committed to implementing the Lanzarote Convention by working closely with European partners. Georgia participated in the Council of Europe's "One in Five Campaign" to stop sexual violence against children. The primary goal of this campaign was to improve the implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. The Campaign also sought to equip children and families with the necessary tools to prevent SEC.¹⁰³ Following the completion of this campaign in 2015, November 18th was designated as the "European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse".¹⁰⁴ The aim of this pan-European day is to promote continued dialogue between members of the Council of Europe and civil society groups on child protection from sexual exploitation.¹⁰⁵

Georgia was also among the participating countries in the WeProtect Summit in which the country committed itself to increasing efforts to identify victims of child sexual abuse online, and to ensure that victims receive adequate support and protection. Following the Summit, the Ministry of Internal Affairs (MoIA) started cooperating extensively with other law enforcement agencies and the national bureau of INTERPOL.¹⁰⁶

More recently, the Georgian government established a working group to coordinate the implementation of the SDGs on a national level.¹⁰⁷ In September 2016, Georgia presented its first Voluntary National Review (VNR) on the

implementation of the SDGs at the United Nations High Level Political Forum (HLPF).¹⁰⁸ The VNR demonstrated Georgia's commitment to pursue the SDGs on a national level by working closely with the civil society organizations, journalists, academia, private investors, and other private sector and local groups.¹⁰⁹ However, the VNR does not mention SEC or the challenges faced in implementing the SDGs that directly address SEC.

Georgia has invested significant attention and effort into implementing SDG Goal 16, which promotes peace, justice and strong institutions.¹¹⁰ The ongoing pilot project aims to effectively monitor the implementation of the national agenda of the SDGs and to increase awareness on a national level of the importance of the global agenda.¹¹¹ Most importantly, the government has acknowledged the challenge posed by the lack of statistical data in order to achieve goals such as target 16.2, which calls for the eradication of exploitation, trafficking and all forms of violence against children.¹¹² The pilot project intends to develop an "electronic monitoring tool" where up-to-date data is shared and distributed between public institutions responsible for the implementation of Goal 16.¹¹³ This shared information will act as an indicator for each target of the SDGs.¹¹⁴

Since 2017, the EU has funded the Advocacy for Child and Youth Protection project. The Public Health Foundation of Georgia (PHF), the ECPAT network member in the country, implements this project to provide consultation and child-friendly

103 Council of Europe (2010), "ONE in FIVE", accessed 15 March 2018, https://www.coe.int/t/dg3/children/1in5/default_en.asp.

104 European Union External Action (2017), "End Child Sex Abuse Day", Newsletter, accessed 23 March 2018 https://eeas.europa.eu/headquarters/headquarters-homepage/34501/end-child-sex-abuse-day_en.

105 *Ibid.*

106 European Commission (2013), "Global Alliance Against Child Sexual Abuse Online- Georgia", accessed 15 March 2018, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/organized-crime-and-human-trafficking/global-alliance-against-child-abuse/docs/commitments/ga_commitment_-_georgia_en.pdf.

107 UNDP (2016), "Georgia: Prioritizing SDG implementation towards institutional coordination and policy coherence", accessed 15 March 2018, <https://undg.org/georgia-prioritizing-sdg-implementation-towards-institutional-coordination-and-policy-coherence/>.

108 Sustainable Development Knowledge Platform (2016), "Voluntary National Review 2016-Georgia", accessed 15 March 2018, <https://sustainabledevelopment.un.org/index.php?page=view&type=30022&nr=1&menu=3170>.

109 *Ibid.*

110 Institute for Development of Freedom of Information (2017), "Supporting the Implementation of Sustainable Development Goals in Georgia", accessed 15 March 2018, https://idfi.ge/en/supporting_the_implementation_of_sustainable_development_goals_in_georgia.

111 *Ibid.*

112 Sustainable Development Knowledge Platform Goal 16.2 "End abuse, exploitation, trafficking and all forms of violence against and torture of children."

113 Institute for development of freedom of information "Supporting the Implementation of Sustainable Development Goals in Georgia", accessed 23 March 2018, https://idfi.ge/en/supporting_the_implementation_of_sustainable_development_goals_in_georgia.

114 *Ibid.*

services to victims of sexual abuse.¹¹⁵ The project has established Child and Youth Advocacy Centres in Tbilisi (covers Tbilisi metropolitan area), Zugdidi (covers Samegrelo-Zemo Svaneti region) and Batumi (covers Adjara region). The centres provide a range consultation and rehabilitative services to children affected by sexual abuse and domestic violence.¹¹⁶ The project operates a child helpline (116 111) and a confidential telephone counselling service for children, parents, professionals and any individual who may be concerned about child and youth-related problems.¹¹⁷ The project also conducts awareness-raising campaigns against child sexual abuse and domestic violence to change the attitudes of decision-makers and enhance the competencies of key stakeholders and child protection professionals in order to increase prevention and improve the handling of cases of child sexual abuse and domestic violence.¹¹⁸

NATIONAL LEGISLATION

Exploitation of children in prostitution

The exploitation of children in prostitution is punishable by law in Georgia. Article 171(3) of the Criminal Code considers “the engagement of minors in prostitution using violence, threat of violence or by deceit” an “anti-social” activity.¹¹⁹ Article 140 forbids any sexual intercourse including “homosexual or lesbian [...] committed by an adult against a person who has not attained the age of 16.”¹²⁰ This leaves a legal gap in the protection of children between the ages of 16 and 18.

Article 253(2) further prohibits organised groups from engaging in prostitution with minors, or acquiring any type of benefit from the engagement

of minors in prostitution.¹²¹ Using violence or coercing minors into prostitution carries a prison sentence for two to five years.¹²²

The Criminal Code was amended in 2016 to include the act of engaging a person in prostitution as a form of exploitation, in the provision on human trafficking.¹²³ Although the amendment is seen as an effort to criminalise trafficking for sexual purposes, the act of engaging minors in prostitution but outside of the context of human trafficking still lacks a comprehensive definition in compliance with the OPSC.¹²⁴

Online child sexual exploitation (OCSE)

The Georgian Criminal Code does not provide any explicit definition of OCSE. However, after ratifying the Budapest Convention on Cybercrime in 2012, the Georgian government added amendments, which included the criminalisation of acts related to CSAM/CSEM.¹²⁵ Among these acts, article 255(2) of the Criminal Code forbids “knowingly purchasing, storing, attending the demonstration of, offering, disseminating, transferring, advertising, providing access to or using pornographic work containing images of minors.”¹²⁶ The definition does not specify exactly whether these acts need to be committed online. The same penalty applies to the sale and the production of pornographic materials containing images of minors, which article 255(3) prohibits.¹²⁷

Article 255 states that engagement of a minor in the illegal production or sale of pornographic works carries a sentence to two to five years of imprisonment.¹²⁸ Article 255 further prohibits offering a meeting of a sexual nature to a person under the age of 16 by using information and

115 European Union External Action (2017), “End Child Sex Abuse Day”, accessed 29 October 2018, https://eeas.europa.eu/headquarters/headquarters-homepage/34501/end-child-sex-abuse-day_en.

116 Information provided by the Public Health Foundation of Georgia (PHF), the ECPAT Member in the country.

117 *Ibid.*

118 Public Health Foundation of Georgia (PHF) (2016-2019), “Advocacy for child and youth protection”, accessed 8 May 2018, <http://phf.org.ge/en/projects/advocacy-for-child-and-youth-protection/>.

119 Government of Georgia (1999), “Criminal Code”, Article 171(3), accessed 23 February 2018, <http://www.legislationline.org/documents/section/criminal-codes>.

120 *Ibid.*, Article 140.

121 *Ibid.*, Article 253(2).

122 *Ibid.*, Article 171(3).

123 *Ibid.*, Article 143, Note 1(a)(c).

124 UN Human Rights Council (2016), “Report of the Special Rapporteur on her visit to Georgia,” para. 37., accessed 2 October 2018, <http://www.refworld.org/docid/58af02524.html>

125 ECPAT International “Global Study on Sexual Exploitation of Children in Travel and Tourism: Country Specific Report- Georgia”, 18.

126 Government of Georgia (1999), “Criminal Code”, Article 255(2)., accessed 23 February 2018, <http://www.legislationline.org/documents/section/criminal-codes>.

127 *Ibid.*, Article 255(3).

128 *Ibid.*, Article 255(1).

communication technologies with the aim of committing sexual intercourse or any other sexual act and/or making or selling pornographic material.¹²⁹ Although largely in compliance with Article 23 of the Lanzarote Convention, which criminalises the solicitation of children for sexual purposes (grooming), the abovementioned article fails to protect children between 16 and 18 years of age and has a more narrow scope of application.

The definitions provided do not fully comply with internationally agreed definitions, as they do not state in full all other online forms of sexual exploitation. More importantly, although storing, purchasing or selling CSAM/CSEM are condemned by Articles 255.2 and 255(3), the mere possession of such materials is not explicitly criminalized by the Criminal Code.¹³⁰

Sale and trafficking of children for sexual purposes

Article 143 defines trafficking of children as the “purchase or sale of children, or other unlawful transactions in relation to them, as well as their recruitment, carriage, concealment, hiring, transportation, provision, harbouring or reception for exploitation.”¹³¹ Exploitation is defined as including, among other things, inducing a person to provide sexual services, engaging a person in prostitution and pornographic activities and subjecting a person to practice similar to slavery.¹³² In compliance with Article 3(c) of the Palermo Protocol, the involvement of the means provided for trafficking of adults i.e. “threat, use of force or other forms of coercion, of abduction, blackmail, fraud, deception, by abuse of a position of vulnerability or power or by means of giving or receiving of payment or benefits to achieve the consent of a person having control over another person”, are not required to constitute the crime when the victim is a child.¹³³ The Criminal Code does not clearly distinguish between the sale and the trafficking of children.¹³⁴

The Law on Combating Human Trafficking, which aims to prevent trafficking and protect victims, provides a definition of sexual exploitation. Article 3(f) defines sexual exploitation as the “involvement of a person in prostitution, other sexual services or production of pornographic materials by using threat, violence, coercion, blackmail against him/her or abusing his/her helpless state; by using official status, or through providing false information about the nature and conditions of the job offered.”¹³⁵ Although this definition is not exclusively applicable to children, it does at least include the act of prostitution, the production of pornographic materials and other sexual services as possible types of exploitation, as provided by Article 3 of the OPSC.¹³⁶ This law explicitly acknowledges that consent to trafficking cannot justify exploitation.¹³⁷ Victims cannot be considered voluntary participants in their own exploitation.

Sexual exploitation of children in travel and tourism (SECTT)

As previously mentioned, SECTT is a growing risk, yet the issue is still underreported. One of the reasons for this is the lack of a legal framework that protects children from SECTT-related incidents. Neither the Criminal Code nor the Law on the Protection of Minors from Bad Influence provide any specific protections against SECTT. Likewise, the Law on Tourism and Resorts does not mention SECTT.¹³⁸

The majority of hotels (with the exception of high-end chains) do not have any child protection policies, and have not signed on or are even aware of the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism – an international multi-stakeholder initiative spreading awareness and tools for the tourism industry to prevent the sexual exploitation of children.¹³⁹

¹²⁹ *Ibid.*, Article 255.2.

¹³⁰ Government of Georgia (1999), “Criminal Code”, Article 255, accessed 23 February 2018, <http://www.legislationline.org/documents/section/criminal-codes>.

¹³¹ *Ibid.*, Article 143.2.

¹³² *Ibid.*, Article 143.1 (Note).

¹³³ *Ibid.*, Article 143.1 (1).

¹³⁴ UN Human Rights Council “Report of the Special Rapporteur on her visit to Georgia”, 2016, para. 36., accessed 2 October 2018, <http://www.refworld.org/docid/58af02524.html>

¹³⁵ Government of Georgia (2006), “Law on Combatting Human Trafficking”, entered into force on June 16 2006, Article 3(f), accessed 22 February 2018, <https://matsne.gov.ge/en/document/view/26152>.

¹³⁶ OPSC, Article 3(a).

¹³⁷ *Ibid.*

¹³⁸ Government of Georgia (1997), “Law on Tourism and Resorts”, entered into force on April 12 1997, accessed 7 March 2018, <https://matsne.gov.ge/en/document/view/33370>.

¹³⁹ Information provided by the Public Health Foundation of Georgia (PHF), the ECPAT Member in the country.

Child, early and forced marriages (CEFM)

Forced marriages, including non-registered marriages, are punishable by community service and up to two years of imprisonment.¹⁴⁰ The Criminal Code explicitly prohibits forced marriages involving children, which could result in up to four years of imprisonment.¹⁴¹ Additionally, the Civil Code sets the legal age for marriage at 18 years old.¹⁴² A provision enabling a court to approve the marriage of a minor that has reached 17 years old in certain situations, such as the birth of a child, was made void in January 2017.¹⁴³

Extraterritorial jurisdiction and extradition law

A Georgian citizen who committed an offence abroad can only be extradited for prosecution if a treaty to which Georgia is a party prescribes it.¹⁴⁴ Likewise, foreigners who live in Georgia and who have committed an offence may also be extradited to another State to be prosecuted, under an international treaty ratified by Georgia.¹⁴⁵

The Lanzarote Convention obligates all its Member States to adopt extraterritorial jurisdiction allowing the prosecution of offenders of SEC even if their offence was committed abroad.¹⁴⁶ Georgia has amended its Criminal Code to include extraterritorial jurisdiction. Article 5(1) of the Criminal Code stipulates that Georgian citizens who committed a criminal act abroad are criminally liable under the Georgian criminal system if the act is considered a crime in the country where it was committed.¹⁴⁷

If the act is not criminalised in the country where it was committed, the citizens of Georgia may still be liable under the Code if the act “constitutes a serious or partly serious crime directed against the interests of Georgia, or if the criminal liability of this crime is prescribed by a treaty Georgia is a party to.”¹⁴⁸ Furthermore, Article 5(3) extends the extraterritorial jurisdiction of Georgia to foreigners who have committed a crime abroad that could constitute a serious or partly serious crime directed against the interests of Georgia, or a criminalised act under a treaty signed by Georgia.¹⁴⁹

With a few exceptions (highlighted above), jurisdiction over SEC-related offences in Georgia necessitates double criminality, which poses an obstacle to the prosecution of offenders.¹⁵⁰ An additional loophole is the fact that the Criminal Code of Georgia does not extend jurisdiction over offences committed by a non-national against a Georgian victim (passive extraterritoriality).

Although Georgia is party to the majority of treaties condemning SEC, a legal gap appears to exist between the criminal liability under the Criminal Code and the extraterritorial jurisdiction, which entitles Georgia to criminalise acts committed with the intention of sexually exploiting children.

140 Government of Georgia (1999), “Criminal Code”, Article 150.1(1)., accessed 23 October 2018, <http://www.legislationline.org/documents/section/criminal-codes>.

141 *Ibid.* Article 150.1(2).

142 Government of Georgia (2001), “Civil Code”, Article 1108(1), accessed 29 October 2018, <https://www.lexadin.nl/wlg/legis/nofr/oeur/arch/geo/CIVILCODE.pdf>.

143 *Ibid.* Article 1507.3.

144 Government of Georgia (1999), “Criminal Code,” Article 6. , accessed 23 October 2018, <http://www.legislationline.org/documents/section/criminal-codes>.

145 *Ibid.*, Article 6(2).

146 Council of Europe (2007), “Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse”, CETS No.201, entered into force July 1 2010, Article 25(7), accessed 7 March 2018, <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/0900001680084822>.

147 Government of Georgia (1999), “Criminal Code”, Article 5(1)., accessed 23 October 2018, <http://www.legislationline.org/documents/section/criminal-codes>.

148 *Ibid.* Article 5(2).

149 *Ibid.* Article 5(3).

150 Double criminality requires that the offence must be prohibited both in the perpetrator’s country of origin and in the country where the offence was committed.

National Response to SEC

COORDINATION AND COOPERATION

Addressing gaps in child protection mechanisms and policies, Georgia developed the Child Welfare and Protection Action Plan 2012-2015 to provide children and families with both social care and support. The plan aimed to reduce the number of child victims of violence and to develop more effective identification processes by strengthening coordination between different stakeholders. Since then, Georgia has established a number of child support programmes. However, the Action Plan and subsequent initiatives have been heavily dependent on foreign donors and further assessment of the impact of these efforts are needed.¹⁵¹

The National Strategy for the Protection of Human Rights 2014-2020 explicitly seeks to improve child protection mechanisms by incorporating children's rights within the 2016-2017 Child Welfare and Protection Action Plan.¹⁵² Government policies have framed sexual violence as related to women without the acknowledgement that children (both girls and boys) may also be victims. Although the new Action Plan 2016-2017 provides guidelines for the elimination of violence against children and the prevention of child abuse in its goal 12.5, it does not explicitly target SEC.¹⁵³

Georgia has been proactive in its efforts to address trafficking. The Ministry of Justice leads an Interagency Council on Combatting Trafficking in Persons, which plays a significant role in preventing and combatting the phenomenon.¹⁵⁴ The council facilitates coordination between ministries, including the Ministry of Labour, Health and Social Affairs (MoH). The council also coordinates closely with the Public Defender's Office (PDO) and with NGOs in its efforts.¹⁵⁵ In 2018, the Government issued a grant for an NGO to conduct awareness-raising activities in ten cities and provided two NGOs with a new allocation to identify and support reintegration of street-connected children.¹⁵⁶ While rates of victim identification remain low for street-connected children in exploitative circumstances, the government's efforts in this area demonstrate its commitment to eliminating trafficking and continued progress in this area.

In 2015, the MoH created a special unit to detect forced child labour and other forms of labour exploitation in Georgia. This unit's operations include carrying out inspections without warnings in companies or sectors with a high risk of exploitation.¹⁵⁷ When it uncovers cases of exploitation, the MoH refers them to the Social Service Agency (SSA). However, the labour inspectorate lacks a clearly defined mandate, which has limited its effectiveness in

151 UN Human Rights Council, (2016) "Report of the Special Rapporteur on her visit to Georgia", para 46, accessed 2 October 2018, <http://www.refworld.org/docid/58af02524.html>.

152 *Ibid.*

153 Government of Georgia (2016), "Action Plan of the Government of Georgia on the Protection of Human Rights for 2016-2017", 63, accessed 13 March 2018, <http://myrights.gov.ge/uploads/files/docs/2085HRActionPlan16-17ENG.PDF>.

154 UN Human Rights Council (2016), "Report of the Special Rapporteur on her visit to Georgia", para 44, accessed 2 October 2018, <http://www.refworld.org/docid/58af02524.html>.

155 *Ibid.*

156 U.S. Department of State (2018), "Trafficking in Persons Report: Georgia", accessed 5 February 2018, <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282659.htm>.

157 UN Human Rights Council (2016), "Report of the Special Rapporteur on her visit to Georgia", para 43, accessed 2 October 2018, <http://www.refworld.org/docid/58af02524.html>.

investigating employers.¹⁵⁸ In September 2016, the new Child Protection Referral Mechanism (CPRM) was implemented.¹⁵⁹ The CPRM obligates all local authorities, schools, medical institutions and other government agencies to refer cases of child violence, including SEC, to the SSA, and it coordinates with the former to take adequate measures.¹⁶⁰ The CPRM also aims to strengthen cooperation in the public sector on the issue of OCSE, especially among service providers. The MoIA established a cybercrime unit, which seeks to strengthen the coordination between law enforcement agencies and the private sector in order to remove CSAM and proceed with the prosecution of perpetrators.¹⁶¹

In December 2016, the Interagency Council on the Implementation of the UN Convention on the Rights of the Child was established. Council's mandate is to develop a comprehensive programme on the rights of the child in Georgia. This Council is the first in Georgia to promote and facilitate the implementation of the CRC between the central government and other provinces and between the central government and civil society.¹⁶² It is part of a larger National Strategy for the Protection of Human Rights that seeks to ensure the compliance of Georgia's legal system with the CRC and other international and regional obligations.¹⁶³

Established under the Ministry of Labour, Health and Social Protection, the State Fund for the Protection of and Assistance to Victims of Trafficking in Persons, operates a telephone hotline for statutory adult and child victims.¹⁶⁴ In 2017, the State Fund extended its support services to child victims of other forms of sexual violence.¹⁶⁵

However, the victim identification process remains inadequate and requires more cooperation as it relies heavily on law enforcement agencies. The programmes and the plan mentioned above play a significant role in providing child victims of sexual exploitation with remedies. However, Georgia law only explicitly discusses exploitation in the context of human trafficking. Efforts to address other manifestations of SEC continue to require government support and resources in order to ensure the same level of progress in those areas.

PREVENTION MEASURES, AWARENESS-RAISING AND EDUCATION

The Child's Rights Centre within the Public Defenders Office has a national prevention programme which aims to promote the rights of the child in Georgia.¹⁶⁶ The National Action Plan 2016-2017 explicitly sets as an objective the need to raise children's awareness of their rights by conducting information and educational workshops with and for children.¹⁶⁷ Among these activities, the Ministry of Education and Science conducted a series of trainings for teachers on children's rights in schools.¹⁶⁸ The Ministry also made extensive efforts in developing awareness campaigns on the risks of child marriage. The campaigns largely targeted parents from regions with high rates of CEFM.¹⁶⁹ Additionally, a cohesive electronic database has been developed for institutions in the education sector, which obligates them to register any case of school dropout due to CEFM.¹⁷⁰

The 2018-2020 National Action Plan explicitly

158 U.S. Department of State (2018), "Trafficking in Persons Report: Georgia", accessed 5 February 2018, <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282659.htm>.

159 East West Management Institute-PROLoG (2017), "Report on progress in the implementation of the National Strategy for the Protection of Human Rights in Georgia 2014-2020, and Recommendations as to Future Approaches", March 2017, 28, accessed 12 March 2018, <http://ewmi-prolog.org/images/files/1266ReportonImplementationHumanRightsStrategyENG.pdf>.

160 *Ibid.*

161 UN Human Rights Council (2016), "Report of the Special Rapporteur on her visit to Georgia", para 53, accessed 2 October 2018, <http://www.refworld.org/docid/58af02524.html>.

162 UNICEF (2017), "Interagency coordination council on child rights established in Georgia", *UNICEF Newsletter*, 17 January 2017, http://unicef.ge/62/bavshvis_uflebebeze_momushave_komisiis_daarseba/454/Ingeng.

163 *Ibid.*

164 The State Fund for the Protection and Assistance of (statutory) Victims of Human Trafficking (n.d.), "About us", accessed 27 April 2018, <http://atipfund.gov.ge/eng/list/3/siakhleebebi#none>.

165 *Ibid.*

166 UN Human Rights Council (2016), "Report of the Special Rapporteur on her visit to Georgia", para 45, accessed 2 October 2018, <http://www.refworld.org/docid/58af02524.html>.

167 Government of Georgia (2016), "Action Plan of the Government of Georgia on the Protection of Human Rights for 2016-2017", 56, accessed 2 October 2018, <https://globalnaps.org/wp-content/uploads/2018/04/georgia-human-rights-nap-2016-17.pdf>.

168 *Ibid.*, 61.

169 UN Human Rights Council (2016), "Report of the Special Rapporteur on her visit to Georgia", para 74, accessed 2 October 2018, <http://www.refworld.org/docid/58af02524.html>.

170 *Ibid.*

includes child rights-centred goals and objectives. According to the Plan, goals to support the rights of the child include: (16.1) strengthening preventative and family support state mechanisms; (16.2) strengthening and improving services of poor and vulnerable children and their families and children left beyond formal education; (16.3) developing a child-friendly and accessible justice system; (16.4) strengthening preventative mechanisms for protection children from violence; (16.5) improving rehabilitation mechanisms for child victims of violence; (16.6) deinstitutionalizing large child care establishments of children with disabilities and special needs; and (16.7) bringing boarding schools and orphanages administered by municipalities into the scope of regulation at local and regional level.¹⁷¹ Other goals include promoting the enhancement of inter-agency cooperation on child protection issues and related monitoring mechanisms. Regarding the direct prevention of violence against children, the plan calls for the further implementation of activities to prevent and effectively respond to violence in pre-school and general educational institutions.¹⁷²

Regarding SECTT, the National Tourism Administration has acknowledged the importance of including the private sector in the promotion of safe and sustainable tourism. Yet, while the tourism sector continues to be loosely regulated, the impact of these efforts depends on the willingness of the private sector to engage in initiatives to address SEC. It is unclear whether hotels and tourism agencies are beginning to implement internal policies to prevent SEC.¹⁷³ Overall, there is a need to enhance preventative measures to reduce children's risk of living and working on the streets, a major risk factor for SEC.¹⁷⁴ Legislation came into effect in August 2016 to address the lack of identification documents among street-connected children by allowing for the issuance of temporary identification

documents.¹⁷⁵ This enables children to access health and education services. The law also broadened the authority of social workers to permit them to remove children from situations of violence, including in circumstances involving the child's family.¹⁷⁶ In an effort to remove children from the street and place them in more protective environments, mobile teams of social workers and peer educators, operating in Tbilisi, Rustavi and Kutaisi, work to convince children to join a shelter or care centre.¹⁷⁷ These social workers represent a "key element in protecting the rights of the child," but remain overwhelmed with paperwork and understaffed.¹⁷⁸ More will need to be done to enhance the capacity of these types of programmes to ensure their sustainability.¹⁷⁹

CHILD PROTECTION, ACCESS TO JUSTICE AND RIGHT TO REMEDIES FOR CHILD VICTIMS OF SEXUAL EXPLOITATION

National complaint mechanisms

Georgia has not established a national complaint mechanism specific to child victims of sexual exploitation. Although the SSA operates a hotline for victims to report cases of sexual violence, there is no formal child-friendly reporting system available.¹⁸⁰

Law enforcement operating procedures acknowledge that victims of crimes should be empowered to participate in proceedings involving them "through a person with representative powers."¹⁸¹ Victims of crimes may file an application to the prosecutor in order to be recognised as a victim, allowing them to be represented in the hearing of the case.¹⁸² In

171 Government of Georgia Human Rights Secretariat (2018), "Human Rights Action Plan for 2018-2020".

172 *Ibid.*

173 UN Human Rights Council (2016), "Report of the Special Rapporteur on her visit to Georgia", para 74, accessed 2 October 2018, <http://www.refworld.org/docid/58af02524.html>.

174 East West Management Institute-PROLoG "Report on progress in the implementation of the National Strategy for the Protection of Human Rights in Georgia 2014-2020, and Recommendations as to Future Approaches", 27, accessed 2 October 2018, <http://ewmi-prolog.org/images/files/1266ReportonimplementationHumanRightsStrategyENG.pdf>.

175 *Ibid.*, 28.

176 *Ibid.*, 28.

177 *Ibid.*, 28.

178 *Ibid.*, 28.

179 *Ibid.*, 28.

180 UN Human Rights Council (2016), "Report of the Special Rapporteur on her visit to Georgia", para 50, accessed 2 October 2018, <http://www.refworld.org/docid/58af02524.html>.

181 Government of Georgia (2009), "Code of Criminal Proceedings", Article 56(2).

182 *Ibid.*, Article 56(5).

case the prosecutor fails to do so, the person in question may file another request within 48 hours to a superior prosecutor whose decision shall be final and may not be appealed.¹⁸³

Adopted by Government Decree No.169, the National Strategy for the Protection of Human Rights 2014-2020 makes an explicit call for the development of a criminal legal system that takes into account children's best interests. This has led to the adoption of the Juvenile Justice Code, a new law developed with support from UNICEF and the European Union, which came into force in January 2016.¹⁸⁴ The Code establishes the protection of the “best interest of the child” as a key priority.¹⁸⁵ The new system is applicable to all minors in conflict with the law, as well as minors who are considered victims or witnesses in criminal cases.¹⁸⁶ While the Code mandates that child victims be granted the right to legal aid, it does not provide guidelines on how a child victim may initiate legal proceedings or file a claim.¹⁸⁷ Despite this omission, the Code represents a major step towards a justice system that reinforces children's rights and meets international standards.¹⁸⁸

Child-sensitive justice

The Code sets the guidelines for child-sensitive legal processes that include well-trained lawyers, judges and prosecutors.¹⁸⁹ It allows minors in conflict with the law to participate directly in the proceedings and/or through a legal

representative.¹⁹⁰ The legal representative may be a close relative, a guardian or a caregiver.¹⁹¹ According to the Code, at any time, the best interests of the child must be respected, even if the minor is in conflict with his or her representative.¹⁹² The Code grants specific rights to victims, such as the right to be informed of the proceedings, and the right to have a special legal representation.¹⁹³ Additional internal guidelines for police and law enforcement personnel have also been adopted to ensure child-friendly investigation procedures and to avoid the re-traumatization of child victims of trafficking.¹⁹⁴ Although a maximum limit is not specified, the Code states that the number of interrogations child victims and witnesses of sexual exploitation should be “as limited as possible.”¹⁹⁵ Children can only be interviewed between the hours of 8:00am and 10:00pm. During the interrogation of a child witness, the lawyer may also file a motion to take further measures to protect the identity of the child. Among these measures, the court may be asked to use special devices to alter the image and/or the voice of the witness, or to be examined by the court remotely using other adequate technical tools.¹⁹⁶ A psychologist may attend the interrogation of a minor victim.¹⁹⁷ In accordance with the Code, victims of sexual exploitation below the age of 14 can only be interrogated with the consent and the presence of their legal representative, and the numbers of interrogations must be limited.¹⁹⁸ In cases of domestic violence, for example, the family member responsible

183 *Ibid.*

184 Government of Georgia (2014), “National Strategy for the Protection of Human Rights in Georgia (2014-2020)”, 14, accessed on 12 March 2018, http://gov.ge/files/429_51454_924779_STRATEGYENG.pdf ; UNICEF (2016), “A Better Legislative Environment for Children in Georgia”, accessed 2 October 2018, https://issuu.com/unicefgeorgia/docs/newsletter_-_2016.

185 Government of Georgia (2015), “Juvenile Justice Code”, adopted 15 July 2015, Article 4, accessed 14 March 2018, <https://matsne.gov.ge/en/document/download/2877281/0/en/pdf>.

186 *Ibid.*, Article 2(1).

187 *Ibid.*, Article 15.

188 UN Human Rights Council (2016), “Report of the Special Rapporteur on her visit to Georgia”, para 33, accessed 2 October 2018, <http://www.refworld.org/docid/58af02524.html> ; UNICEF (2015), “The New Juvenile Justice Code- Significant Step towards a Modern and Child-Friendly Justice System”, accessed 2 October 2018, http://unicef.ge/62/arasrultslovanta_martlmsajulebis_kodeqsi/335/lngeng.

189 UN Human Rights Council (2016), “Report of the Special Rapporteur on her visit to Georgia”, para 33, accessed 2 October 2018, <http://www.refworld.org/docid/58af02524.html>.

190 Government of Georgia (2015), “Juvenile Justice Code”, adopted 15 July 2015, Article 10(1), accessed 26 March 2018, <https://matsne.gov.ge/en/document/download/2877281/0/en/pdf>.

191 *Ibid.*, Article 3(4).

192 *Ibid.*, Article 10(2).

193 *Ibid.*, Article 23.

194 UN Human Rights Council (2016), “Report of the Special Rapporteur on her visit to Georgia”, para 51, accessed 2 October 2018, <http://www.refworld.org/docid/58af02524.html>.

195 Government of Georgia (2015), “Juvenile Justice Code”, adopted 15 July 2015, Article 52, accessed 14 March 2018, <https://matsne.gov.ge/en/document/download/2877281/0/en/pdf>.

196 Government of Georgia (2009), “Code of Criminal Proceedings”, Article 243.

197 Government of Georgia (2015), “Juvenile Justice Code”, Article 52(3).

198 *Ibid.*, Article 52(5).

for the assault(s) may not be involved as a legal representative of the minor.¹⁹⁹

A recent report examining the implementation of the National Strategy and the Juvenile Justice Code noted that while all of the agencies involved with juvenile justice have specialized staff to manage children's cases, law enforcement agencies have yet to fully strengthen and institutionalize this specialized role.²⁰⁰ However, the law has been effective in dramatically reducing the number of children held in penitentiary establishments. In 2016, only 18 children were held in penitentiary establishment.²⁰¹ In 2014, that figure exceeded 80 children.²⁰² This progress is particularly noteworthy in light of the frequent lack of separation of juvenile offenders from adult convicts, which increases their vulnerability to sexual exploitation.²⁰³ Continuing to increase the justice systems' and law enforcement's respect for child's rights will be a key element to reducing children's vulnerability to sexual exploitation.

Access to recovery and reintegration

The SSA is the primary entity responsible for managing child SEC victims' recovery and reintegration. The agency possesses a fund dedicated to programmes related to the protection of child victims of violence in general which includes sexual exploitation in its different forms. However, with its limited funds, the agency's programmes are restricted geographically and do not cover all regions, with particularly weak representation in the occupied territories where most state agencies cannot operate.²⁰⁴ Local NGOs and service providers work to fill these gaps. In one instance, through its Advocacy for Child and Youth Protection project, PHF supported the small

grant of a local NGO from the Semegrelo region.²⁰⁵ PHF also held informational meetings on domestic violence and child abuse in four villages that border Abkhazia.²⁰⁶

In cases of children who have been sexually exploited, the Juvenile Justice Code refers to children as victims or witnesses.²⁰⁷ However, given that prostitution is criminalised in the Criminal Code, this poses a contradiction, and challenges the protection of child victims of sexual exploitation, because nowhere in the Juvenile Justice Code is it stated that child victims of sexual exploitation are protected from prosecution. Furthermore, when addressing access to recovery and reintegration, the Juvenile Justice Code only refers to the reintegration of children in conflict with the law, not victims.²⁰⁸

Victim-Witness Coordinators (VWCs) within the Prosecutor General's Office also provide victims with information about counselling and other services available to them, and help to facilitate their engagement with those services, throughout the investigation and court proceedings.²⁰⁹

Access to compensation

The Juvenile Justice Code gives child victims "the right to compensation for injury and damage and the right to claim compensation," although it is difficult to determine the extent to which victims of SEC have been able to exercise this right.²¹⁰ The State Fund is the primary entity administering compensation for victims of trafficking and other forms of sexual violence. Compensation includes monetary payments up to a maximum of 1,000 GEL (approximately US\$ 380 as of October 2018).²¹¹ The State Fund also provides a range of

199 Government of Georgia (2009), "Code of Criminal Proceedings", Article 60.

200 East West Management Institute-PROLoG "Report on progress in the implementation of the National Strategy for the Protection of Human Rights in Georgia 2014-2020, and Recommendations as to Future Approaches", 4, accessed 2 October 2018, <http://ewmi-prolog.org/images/files/1266ReportonImplementationHumanRightsStrategyENG.pdf>

201 *Ibid.*, 27.

202 *Ibid.*, 27.

203 ECPAT International (2015), "Global Study on Sexual Exploitation of Children in Travel and Tourism- Country Specific Report: Georgia, 2015", 13, accessed 2 October 2018, <http://www.ecpat.org/wp-content/uploads/2016/10/3.-SECTT-GEORGIA.pdf>.

204 UN Human Rights Council (2016), "Report of the Special Rapporteur on her visit to Georgia", para 57, accessed 2 October 2018, <http://www.refworld.org/docid/58af02524.html>.

205 Public Health Foundation of Georgia (PHF), (2018), Personal communication.

206 *Ibid.*

207 Government of Georgia (2015), "Juvenile Justice Code", adopted 15 July 2015, Article 52(3) and Article 52(5).

208 *Ibid.*, Article 99(3).

209 United States Department of State (2017), "Trafficking in person's report –Georgia", 177, accessed 27 April 2018, <https://www.state.gov/documents/organization/271339.pdf>; Public Health Foundation of Georgia (PHF), (2018), Personal communication.

210 Government of Georgia, "Juvenile Justice Code", Article 25.

211 ECPAT International (2015), "Global Study on Sexual Exploitation of Children in Travel and Tourism- Country Specific Report: Georgia, 2015", 32, accessed 2 October 2018, <http://www.ecpat.org/wp-content/uploads/2016/10/3.-SECTT-GEORGIA.pdf>.

services including rehabilitation and reintegration programmes, legal assistance and medical assistance.²¹²

In cases of trafficking, Georgian legislation specifically authorizes law enforcement to “use the freezing and forfeiture of the offenders assets to secure compensation” to the victims.²¹³ However, in practice, no trafficking victims have ever received compensation from their traffickers.²¹⁴ This is in part due to law enforcement’s failure to freeze and seize criminal assets.²¹⁵ Another obstacle to restitution through these means is the fact that many of the traffickers are foreigners without assets registered Georgia.²¹⁶

212 UN Women (2006), “State Fund for the Protection of and Assistance to Victims of Trafficking in Persons,” accessed 2 October 2018, <http://evaw-global-database.unwomen.org/en/countries/asia/georgia/2006/state-fund-for-the-protection-of-and-assistance-to-victims>.

213 Council of Europe (2017), “Report Submitted by the Georgian Authorities on Measures Taken to Comply with Committee of the Parties Recommendation CP(2016)5 on the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings- Second Evaluation Round,” 11, accessed 2 October 2018, <https://rm.coe.int/cp-2017-18-rr2-geo-en/1680726c08>.

214 U.S. Department of State (2018), “2018 Trafficking in Persons Report: Georgia”, accessed 2 October 2018, <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282659.htm>.

215 *Ibid.*

216 *Ibid.*



Child, Victims and Survivor Participation

The Georgian Coalition for Child and Youth Welfare (CCY) conducts targeted campaigns on the condition of children in foster and State care.²¹⁷ This coalition is composed of different youth representatives that are themselves involved in state care.²¹⁸ The coalition has been proactive in campaigning against SEC and other forms of violence against children. For instance, in 2017, the CCY campaigned for government to conduct a comprehensive national analysis on legislation related to child labour exploitation, especially in

the Guria and Adjara regions where sexual violence against children engaged in forced labour has been reported.²¹⁹ The extent of the coalition's success in promoting this analysis remains unclear. To date, child victims and survivors of SEC have not been involved in any decision-making processes through the government or other organizations regarding the development of research, policy analysis, or action plans to address SEC.²²⁰ In general, the level of child participation in processes relevant to child-related issues is low in Georgia.²²¹

217 UN Human Rights Council (2016), "Report of the Special Rapporteur on her visit to Georgia", para 77, accessed 2 October 2018, <http://www.refworld.org/docid/58af02524.html>.

218 *Ibid.*

219 Georgian Coalition for Children and Youth (2017), "Coalition for Children and Youth Calls on the Government of Georgia to Eliminate Child Labour", *CCY Newsletter*, accessed 15 March 2018, <http://ccy.ge/en/coalition-for-children-and-youth-calls-on-the-government-of-georgia-to-eliminate-child-labour/>.

220 Public Health Foundation of Georgia (PHF), (2018), Personal communication.

221 *Ibid.*

Recommendation for Action

International and regional legislation, commitments and coordination to ending SEC

- Amend the Criminal code by making trafficking and the sexual exploitation of children separate crimes;
- Include in the amendment to the Criminal code explicit and distinctive definitions of ‘sale of children’, ‘sexual exploitation of children in prostitution’ and ‘online child sexual exploitation’ in compliance with the OPSC;
- Develop clear strategies to achieve targets 5.2, 5.3, 8.7 and 16.2 of the SDGs;
- Submit a Voluntary National Review including specific information on targets 5.2, 5.3, 8.7 and 16.2;
- Increase coordination with regional partners (i.e. Council of Europe) with regards to the sexual exploitation of children;
- Enhance cooperation with the WeProtect network and international law enforcement agencies to detect perpetrators of child online sexual abuse.

National response to SEC’s manifestations

- Produce a separate National Action Plan on the issue of child protection, including comprehensive goals on how to prevent, raise awareness and combat the sexual exploitation and abuse of children;

- Develop a clear strategy addressing the issue of children living and working on the streets, especially in the occupied territories;
- Intensify efforts to cooperate with the private sector especially with regards to online child sexual exploitation;
- Strengthen alternative childcare services such as foster homes by providing adequate funding and training to people in charge of children’s protection.

Access to justice and right to remedies for child victims of sexual exploitation

- Monitor and guarantee the full implementation of the Juvenile Justice Code;
- Plan suitable training for law enforcement personnel and social workers on how to provide adequate and legal remedies to child victims of sexual exploitation;
- Continue to implement curricula that educate children on their rights;
- Raise awareness among ethnic minority groups of the risks and dangers of child early and forced marriage;
- Provide specific national, child-friendly complaint mechanisms for child victims of sexual exploitation.

Child, victim and survivor participation

- Facilitate child participation in decision-making processes, especially the participation of children from marginalised communities;
- Support initiatives such as the Council for Children and Youth, by giving them a voice and opportunities to contribute more to strategic plans affecting children.

Research needs and agenda

- Enhance quantitative and qualitative research specific to the sexual exploitation of children and its different manifestations across the country;
- Allocate more funds to the Social Service Agency and the special unit in the Ministry of Labour, Health and Social Affairs in order to increase the research on and identification procedures of child victims of sexual exploitation;
- Look further into the issue of the sexual exploitation of boys and especially the early marriage of boys;
- Do more research on the situation of internally displaced children, their vulnerabilities and needs.

Acronyms

CCY	Council for Children and Youth
CEFM	Child, early and forced marriage
CPRM	Child Protection Referral Mechanism
CRC	Convention on the Rights of the Child
CSAM	Child sexual abuse material
CSEM	Child sexual exploitation material
EU	European Union
GRETA	Group of Experts on Action Against Trafficking in Human Beings
HDI	Human Development Index
HLPF	High Level Political Forum
IDP	Internally displaced person
INTERPOL	The International Criminal Police Organization
ITU	International Telecommunication Union
MES	Ministry of Education and Science
MoH	Ministry of Labour, Health and Social Affairs
MoIA	Ministry of Internal Affairs
NAP	National Action Plan
NTA	National Tourism Administration
OCSE	Online child sexual exploitation
OPSC	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
PDO	Public Defender's Office
PHF	Public Health Foundation of Georgia
SDGs	Sustainable Development Goals
SEC	Sexual exploitation of children
SECTT	Sexual exploitation of children in travel and tourism
SSA	Social Services Agency
USSR	Union of Soviet Socialist Republics
VNR	Voluntary National Review
VWC	Victim-Witness Coordinator



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