

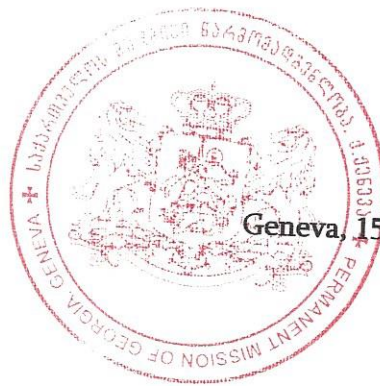


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The Permanent Mission of Georgia to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and in reference to its Note Verbale, dated 31 March 2015, has the honour to transmit herewith the reply from Ministry of Labour, Health and Social Affairs of Georgia to the questionnaire on assistance and rehabilitation programmes for child victims of sale and exploitation, including sexual exploitation (Resolution 7/13 of the Human Rights Council).

The Permanent Mission of Georgia to the United Nations Office and other international organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Enclosure: 5 pages



Geneva, 15 May 2015

Office of the High Commissioner for Human Rights
Geneva

Questionnaire on assistance and rehabilitation programmes for child victims of sale and exploitation, including sexual exploitation

1. Provide information on the legal, policy, institutional and budgetary framework developed by your country to establish assistance and rehabilitation programmes for child victims of sale and exploitation, including sexual exploitation

In April 2012 the Government of Georgia amended the Law on Combating against Trafficking in Persons and added a new chapter regarding *child victims* of trafficking in persons (thereinafter – TIP). That includes provisions on individual risk assessment on the basis of the child's best interests (ANNEX 1 Chapter IV1 of Law on Combating Trafficking in Persons of Georgia in Georgian and English).

The current action plan for 2015-2016 was adopted by the Interagency Council on Combating Trafficking in Persons in November 2014. The action plan takes into account the recommendations of international organizations and partner countries, and provides main objectives for 2015 and 2016. The action plan aims at: in terms of prevention raising public awareness about TIP crimes; Identifying the *children* working and living in the streets and providing them and other minors with the information regarding TIP; In terms of protection of victims: efficient functioning of shelters for victims of TIP; Voluntary and safe return of TIP victims to places of their habitual residence and support of their rehabilitation; In terms of prosecution: implementation of proactive approaches and improvement of investigation techniques for TIP cases in line with international best practice; Proactive identification of TIP cases; In terms of Capacity building of professionals dealing with TIP: holding professional trainings for representatives of law enforcement authorities to improve the investigation of TIP cases; providing professional trainings for representatives of the judiciary authorities; Developing the skills and qualification of the employees of the State Fund; Organizing joint workshop for prosecutors and judges; In terms of Partnership and Internal coordination: reporting the implementation of the action plan, Enhancement of partnership with civil society organizations; Further development of international cooperation on TIP; Drafting and adopting the national action plan.

The budget for the implementation of the Action Plan is allocated by each agency, as well as there is prospective donor funding foreseen. All ministries being members of the Interagency Council are responsible for conducting activities under the action plan.

The Interagency Coordinating Council and other relevant agencies work on the issues related to the human trafficking of minors. For the purpose of protection, assistance and rehabilitation of (statutory) victims of human trafficking there is operating the LEPL State Fund for Protection and Assistance of (statutory) Victims of Human Trafficking (Thereinafter - State Fund) in Georgia. The state fund functions under the state control of the Ministry of Labour, Health and Social Affairs of Georgia. It was founded in 2006, on the basis of the law of Georgia on Combating Trafficking in Persons.

Ministry of Labour, Health and Social Affairs of Georgia

The State Fund provides the following free of charge services:

- Legal assistance (including legal representation in court)
- Psychological service (including rehabilitation and reintegration programs)
- Medical service
- Shelter service
- Compensation in the amount of 1000 Gel
- Hotline service

The services are also tailored to minors, taking into account their needs.

The Services of the State Fund are financed by the state budget.

2. Based on your experience, what elements are necessary for a comprehensive and rights-based care and recovery system of child victims of sale and exploitation, including sexual exploitation?

The State Fund services provide comprehensive and rights-based care and recovery system of child victims. The services include the following:

Legal service

The State Fund provides legal assistance for the (statutory) victims of human trafficking, including minors. The service covers: awareness raising in legal issues, preparing all the necessary legal documents, legal assistance including representation in court (if necessary, referral).

Psychological service

The State Fund provides psychological service for the (statutory) victims of human trafficking, including minors. The service consists of the following steps: individual and group psychological consultation and rehabilitation, crisis intervention, emotional and psychological support, psychological education, assistance in defining their future perspectives/recovering control over their lives.

Medical service

The State Fund provides medical services for the (statutory) victims of human trafficking (including minors), which includes identification of health condition, medical needs, medical first aid emergency services, providing medicines.

Shelter service

The State Fund operates two shelters for the victims of human trafficking: in Batumi (opened in 2006) and Tbilisi (opened in 2007).

The shelters are opened for (statutory) victims of human trafficking regardless of their race, skin color, language, sex, religion, political or other opinions, national, ethnic, and social affiliation,

origin, property or social status, place of residence. The (statutory) victims of human trafficking can be placed at the shelters together with their dependents.

The shelter provides the following 24 hour free of charge service for beneficiaries (including minors) and their dependents:

- a safe place to live, suitable for normal existence;
- nutrition and clothes;
- participation in the programs of integration into families and society;
- support minors to access to formal and non-formal education;
- all the other activities that promote beneficiaries' complete development, the beneficiaries' personal data and shelter coordinates are kept confidential;
- Other measures defined by the legislation of Georgia.

The rehabilitation-reintegration program is carried out toward each beneficiary, living at the shelter, taking into consideration the following steps: interviewing beneficiaries and evaluating their needs, assessment of risk of harm to beneficiaries and developing a security plan, working out a rehabilitation-reintegration plan, planning and ensuring psychological, medical, legal and social services; communication with other organizations and experts and coordination of services, if necessary.

The State Fund is continuously monitoring the activities of shelters on regular basis, by the visiting group, created at the central office.

3. Provide examples of good practices and successful initiatives of assistance and rehabilitation programs which facilitates rehabilitation and reintegration of child victims of sale and exploitation, including sexual exploitation.

Investigation of TIP offences committed through the Internet, including the possibility of blocking websites which are used to facilitate the recruitment of trafficking victims or the dissemination of child pornography. Trafficking in Persons defines sexual exploitation as involvement of a person in prostitution, other sexual services or production of pornographic material by use of threat, violence, coercion or blackmail against him/her or by use of his/her vulnerable situation, by abuse of power, or by provision of false information on the nature and conditions of work. In a case, which took place in 2013, a minor was engaged in pornography and offenders distributed this material through internet and got profit. During the investigation a citizen of Israel and a citizen of Georgia, having committed the exploitation toward minor, were identified. Both of them were prosecuted and convicted by court - one for 11 years and 6 month and another for 14 years deprivation of liberty.

The minor victim was placed at the shelter of the State Fund for the purpose of protection, assistance and rehabilitation. She lived there 9 months and received the following services:

Psychological assistance: private consultation and rehabilitation. Despite leaving the shelter, she is still receiving the psychological assistance from the State Fund.

Legal assistance: a psychologist of the shelter was involved in the investigation process. In addition, the state fund prepared all the documents necessary for assigning a guardian.

Medical assistance: the health condition of the minor was identified; the medical needs and medicines were provided to her.

Assistance in social problems solution: after leaving the shelter the minor was transferred to the guardian's place. The administration of the shelter still stays in contact with the minor and her guardian. The State Fund helped her to get non-formal education in shelter which assisted her to enter school at the appropriate class.

4. Describe the challenges that your country has identified in the establishment and management of assistance and rehabilitation programmes for child victims of sale and exploitation, including sexual exploitation.

Shelters for victims of human trafficking created under the State Fund are also available to minor victims of human trafficking as well as to dependent minors (aged under 18). Within the current set up of the State Fund system in Georgia children who are victims of TIP, as well as children accompanying their parents who had been trafficked, are provided with legal guardianship if necessary, they are entitled and when such a need arises, receive the appropriate accommodation, age specific education and support programmes tailored to their needs. The child victims or children accompanied to victims placed at shelters of the State Fund are provided with different services in order to ensure their well-being and provision of proper education (formal / non formal). Considering the fact, that the demand for shelter services isn't frequent from the victims of TIP, there are no any challenges identified in the establishment and management of assistance and rehabilitation programmes.

5. How do you ensure that the views and need of children are duly taken into account in the design and provision of care and recovery services?

The services of the State Fund are tailored to minors, taking into account their needs and views.

The rehabilitation-reintegration programs are carried out toward each minor victim, living at the shelter, taking into consideration the following steps: interviewing the minor (considering his/her age) and evaluating his/her needs with the participation of a social worker of the Social Service Agency, assessing the risk of harm to minor beneficiary and developing a security plan, working out a rehabilitation-reintegration plan, planning and ensuring psychological, medical, legal and social services.

6. How do you ensure access of child victims to support services?

Refer to paragraph 5.

7. How do you ensure the adoption of a gender perspective in the establishment and management of the assistance and rehabilitation programmes? Do the programmes provide gender-specific measures for the care and recovery of boys and girls?

The services of the State Fund are available to (statutory) victims of human trafficking regardless of their race, skin color, language, sex, religion, political or other opinions, national, ethnic, and social affiliation, origin, property or social status, place of residence. The Georgian legislation prohibits any kind of discrimination in public and private spheres. The internal regulations of the State Fund are in accordance with the Georgian legislation.

8. Provide information on prevention programmes developed by your country with a specific focus on children at risk or in vulnerable situations (e.g. children working and/or living on the streets, children placed in institutions, unaccompanied migrant children).

For the children living and/or working on the street the government runs special programme which started in 2013 with the support of donors (UNICEF) and now consists of several services: day care centers, crisis intervention centers and transit centers.

The main objective of programme is the psycho-social rehabilitation and integration of homeless children (children working and/or living on the street). The mobile teams service is provided in the frame of the program, the day care centers, crisis intervention centers and transit centers are functioning as well.

Mobile teams consist of social worker, psychologist, peer educator and administrative worker/driver. The team establishes first contact with children on the streets, satisfy their immediate/emergency needs and work with children to direct them towards the day-care/crisis intervention centers

Day-care/crisis intervention centers are open-type services that provide children living and/or working on the street with the opportunity to satisfy basic needs (food, hygiene, other) and offer psychological rehabilitation. Life skills development and informal education programmes aiming at rehabilitation and reintegration of the children; the centers also offer overnight shelter to those children who are left without any housing.

Transitional centers are 24-hour care services for maximum duration of 1 year that offer individualized approach and intensive developmental opportunities to children living and working on the streets and prepare them for longer-term placements in foster care or small group homes. In certain cases, when a biological family can provide safe environment to the child, reintegration process is highly supported.

At the current stage 2 large institutions for children with disabilities continue to function (approximately 80 children). Other 40 large institutions for children were closed in the frames of state reform since 2005 to nowadays and children from these institutions were reintegrated into biological families or placed in alternative care services: foster care and small group homes.