



The State should take effective steps to eradicate violence against children

GYLA responds to the distracting fact of the death of 4-year-old child on January 22 of the current year and by means of the statement, would like to underline those problems, which have been once again revealed by the case noted, in particular, the absence of strategy for combating violence against children and protecting children`s rights.

According to the media reports, the alleged maternal violence has become the ground for the death. As demonstrated by [the statement](#) of the Ministry of Internal Affairs (MIA), the child had been the victim of alleged maternal violence before January 22 as well. More precisely, on January 6, 2019, a minor with various physical injuries was placed in a hospital for medical assistance. On the same day, the Ministry of Internal Affairs (MIA) issued a restraining order on the violence against the child by which the mother was banned from contacting her minor child during the period envisaged by the restraining order. The social service was also informed regarding the fact. On January 22, a 4-year-old minor was found dead at home. The Ministry of Internal Affairs (MIA) launched investigation under the Article 116 of the Criminal Code of Georgia, which implies the deprivation of life by negligence. Also, on January 22, MIA detained

the minor`s mother under the Prima Article 381 of the Criminal Code, which implies failure to comply with the requirements and obligations imposed by the restrictive order.

According to the Social Service Agency, the deceased child was three years in the foster care. The girl`s mother herself turned to the social service on temporary placement of her child into state care. According to the Agency, the reason for the withdrawal from the foster care was the improved socio-economic situation of the family, and the child`s desire to be with her biological parent. **It is noteworthy that the child had returned to a biological family within the reintegration program, acting regulations impose certain preconditions to the program noted, in particular, a positive conclusion on the family`s ability for meeting basic needs of the child and providing protection against violence.**

The information spread regarding the case raises legitimate questions, on the one hand, how much effective was the Ministry of Internal Affairs (MIA) in its action to provide the protection of the child from domestic violence, including the measures taken to monitor the enforcement of the restraining order, and on the other hand, the legitimacy and effectiveness of the actions carried out by the Social Service Agency requires the assessment. Including:

- Does the decision of returning the deceased child to her biological family and joining the family the reintegration program contain any misconducts of the appropriate staff?
- How and with what frequency was monitored the plan of child`s welfare and individual development within the reintegration program?
- What kind of measures were carried out by the authorized representative of the Agency on January 6, after issuing the restraining order against the deceased □□ mother and why they were not isolated during the restrictive order operation?

Although children have the right to be protected from any forms of abuse, **violence against children is one of the serious problems in Georgia.** Despite certain kind of activities implemented by the state for recent years, violence against child still remains a problem. **Violence against children is often covered, which makes it more complicated to be responded and requires introducing special approaches.** The public defender`s office, in its reports, also speaks about the

problems the county is having in terms of children's rights protection. Inefficiency of social service work, in relation to children, is highlighted by the European Court of Human Rights regarding one of the cases at GYLA's proceeding. In the case noted, the Court has criticized the current legislation on social service and the quality of work performed by the late.

The fact of the death of a 4-year-old child once more reveals that it is essential to the state to take a number effective measures to protect children victims of violence, those measures should be directed towards the timely detection of any offences against the child, to establish effective mechanisms for protecting the child and punishing the offender.

GYLA calls on the Prosecutor's Office:

- To ensure an effective investigation of the case regarding the death of the minor, also investigate the extent to which the indifference of the appropriate officials of the Ministry of Internal Affairs (MIA) and the Social Service Agency is revealed; that is true that the General Inspection of the Ministry of Internal Affairs (MIA) is studying the facts of alleged misconducts by the police, and in turn the Internal Audit of the Ministry of Health is examining the actions of social workers, however, under the circumstances when the actions of the late might contain the signs of crime, it is crucial to the Prosecutor's Office to investigate the fact timely, without waiting for the General Inspection of MIA and Social Service Conclusions;
- To inform the public about the progress of the current investigation, due to high public interest.

Besides, GYLA calls on the Government of Georgia and the Parliament to take the necessary legislative, administrative, social and educational measures targeted to protect and assist children effectively, including:

- To strengthen the role of psychologists in the Social Service Agency;
- To ensure the increase of social workers' numbers and their qualification throughout Georgia;
- To provide the effective and quick involvement of social workers and psychologists, in cases of child abuse;

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- To reinforce the role of representatives of the appropriate body of the Ministry of Internal Affairs (MIA) of Georgia, to regularly inform employees on relevant legislative amendments or trends, aiming at developing their skill;
- To take measures for increasing awareness and understanding of obligations of all the bodies involved in the process of child protection procedure (at the time of referring);
- Providing relevant information to the public about their role and responsibility while identifying and revealing the cases of child abuse.