



**A review of law and policy to prevent and remedy
violence against children in police and pre-trial
detention in Georgia**

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PRI's South Caucasus Office was launched in Tbilisi, Georgia in 1999, and works in Armenia, Azerbaijan and Georgia.

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1. INTRODUCTION

‘Juvenile justice is a core dimension of the rights of the child and a pivotal area where States’ commitment to children’s rights can be best expressed. We have a unique opportunity to promote a paradigm shift and help the criminal justice system evolve from an adult universe where children and adolescents hardly belong and where violence remains a high risk into an environment where children are seen as rights holders and are protected from all forms of violence at all times.’

Marta Santos Pais, the Special Representative of the Secretary-General (SRSG) on Violence against Children speaking at an experts meeting held in January 2012 in Vienna to formulate and accelerate the adoption of effective measures to protect children within the juvenile justice system against all forms of violence.

Violence against children who are deprived of their liberty is a severe violation of their rights and is frequently invisible and under-researched. This is despite the fact that the 2006 UN Study on Violence found that children in care and justice institutions may be at higher risk of violence than nearly all other children.¹ It is very difficult to get a full and clear picture of the prevalence of violence against children in detention. Nonetheless, there is reliable and consistent evidence that children are at significant risk of violence in police and pre-trial detention in both developed and developing countries and that violence in these settings is widespread and in some cases normalised.

In the context of detention, violence against children can take many forms including torture, beatings, isolation, restraints, rape, harassment, self-harm and humiliation. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment states that ‘Violence in places of detention, including special institutions for children, is manifest in several ways, mainly through physical and sexual violence, as well as through verbal abuse. In addition, children are also subjected to violence as a result of conditions of detention, or as a form of discipline or punishment’.²

The World Health Organization (WHO) has stated that the impact of violence on children in the general population can have irreversible and life-long consequences: ‘it is associated with risk factors and risk-taking behaviours later in life. These include violent victimization and the perpetration of violence, depression, smoking, obesity, high-risk sexual behaviours, unintended pregnancy, and alcohol and drug use. Such risk factors and behaviours can lead to some of the principal causes of death, disease and disability – such as heart disease, sexually transmitted diseases, cancer and suicide.’³

States that are parties to the UN Convention on the Rights of the Child (CRC) have a clear obligation to take all appropriate legislative, administrative and educational measures to

¹ United Nations Secretary-General, *World Report on Violence against Children*, 2006, p175.

² *Sexual Violence in Institutions, including in detention facilities*, Statement by Manfred Nowak, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, 2010.

³ WHO and the International Society for Prevention of Child Abuse and Neglect, *Preventing child maltreatment: a guide to taking action and generating evidence*, 2006.

protect children in detention from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment or exploitation, including sexual abuse.⁴ Furthermore, under Article 40 (1) of the CRC states are obliged to: 'recognise the right of every child alleged as, accused of, or recognised as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.' In their General Comment on Children's Rights in Juvenile Justice (General Comment No. 10) the CRC Committee asserts that all forms of violence in the treatment of children in conflict with the law must be prohibited and prevented.⁵ The right of children to freedom from violence is also found in the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Under Article 24 of the ICCPR, children enjoy the right 'to such measures of protection as are required by [their] statuses as minors'. In addition, both the ICCPR and CAT prohibit cruel, inhuman, or degrading treatment.

Penal Reform International (PRI) has carried out a review that aims to increase our understanding of the specific legal and policy measures that can work to prevent and remedy violence against children in detention in Georgia. This is part of a larger piece of work which reviews legal and policy measures to prevent and remedy violence against children in detention in seven other countries, selected because they are countries where PRI has a presence and/or relative influence to follow up recommendations: Bangladesh, Jordan, Kazakhstan, Pakistan, Russia, Tanzania and Uganda.

For each country the review aims to:

- identify policy and legislative measures already in place to prevent and detect violence, to assist victims and to make perpetrators accountable;
- highlight significant gaps in provision; and
- make recommendations for improvements.

This report first describes the background to and methodology used in the review before summarising its key findings and recommendations for Georgia.

⁴ Convention on the Rights of the Child (CRC), Article 19.

⁵ UN Committee on the Rights of the Child (CRC), *CRC General Comment No. 10 (2007): Children's Rights in Juvenile Justice*, 25 April 2007, CRC/C/GC/10 hereafter General Comment No.10, para 13.

2. BACKGROUND TO THE REVIEW

Definitions

For this review, children are defined as all those under 18⁶. In the context of detention, violence against children can take many forms including torture, beatings, isolation, restraints, rape, harassment, self-harm and humiliation. This review draws on definitions of violence provided by the CRC: 'all forms of physical or mental violence, injury and abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse'.⁷ This includes torture which is defined by the Committee on the Rights of the Child in a recent General Comment as 'violence in all its forms against children in order to extract a confession, to extra-judicially punish children for unlawful or unwanted behaviours, or to force children to engage in activities against their will, typically applied by police and law enforcement officers, staff of residential and other institutions and persons who have power over children, including non-State armed actors'.⁸ The Committee on the Rights of the Child has emphasised that the term violence 'must not be interpreted in any way to minimize the impact of, and need to address, non-physical and/or non-intentional forms of harm (such as, *inter alia*, neglect and psychological maltreatment)'.⁹

Methodology used

A list of indicators of law and policy measures that can prevent and respond to violence against children in detention were drawn up. These were based upon various sources including the report prepared by the Office of the High Commissioner for Human Rights (OHCHR), UN Office on Drugs and Crime (UNODC) and the SRSG on Violence against Children entitled *Joint Report on Prevention of and Responses to Violence Against Children within the Juvenile Justice System*. They were also based on the research plan used by UNICEF in the Central and Eastern Europe and the Commonwealth of Independent States (CEE/CIS) region supporting research into the torture and ill-treatment of children in the context of juvenile justice by looking at its prevalence, impact, prevention, detection, assistance and accountability. Please see Annex 1 for the indicators used which include:

- having systematic information and data gathering in place to determine the scale and character of the problem;
- having a comprehensive policy on children's law and justice that makes it clear that children in conflict with the law are rights holders, violence against children in detention is unacceptable, and that perpetrators will be held accountable;
- ensuring that deprivation of liberty is used as a measure of last resort by having in place an appropriate minimum age of criminal responsibility, diversion measures and alternative measures to detention;
- ensuring that children are detained for the shortest appropriate period of time by implementing effective legal limits on time spent in police and pre-trial detention;

⁶ CRC, Article 1.

⁷ CRC, Article 19.

⁸ UN Committee on the Rights of the Child (CRC), *General Comment No. 13 (2011): The right of the child to freedom from all forms of violence*, 18 April 2011, CRC/C/GC/13 para 26.

⁹ *Ibid.* para 4.

- protecting children when they are in detention by separating children from adults, having properly trained, qualified and remunerated employees working in detention facilities, and ensuring contact with families, lawyers and civil society;
- having an effective independent complaints and monitoring mechanism; and
- holding those responsible for violence against children accountable through investigation of allegations, prosecution of those implicated by the evidence, and imposition of proportionate penalties where applicable.

A desk review was conducted to assess whether the above pre-defined law and policy measures were in place in Georgia and the extent to which the measures were implemented in practice where such information was available. The research constituted an intensive literature search, review, and synthesis of relevant documents concerning Georgia's current law and policy relating to the indicators identified. It drew upon a wide range of sources including information and reports from international agencies such as UNICEF, UN and regional human rights mechanisms such as the Universal Periodic Review (UPR), National Human Rights Institutions, civil society and, in some instances, media reports.

This review focuses on police and pre-trial detention based on the assumption that these settings are particularly dangerous for children. Children can be vulnerable when in contact with the police: unreasonable force may be used in the course of arrest and during interrogations in order to force confessions; they may be held for lengthy periods of time alongside adult detainees; the arrest and placement of children in police detention may go unrecorded for some time, thereby providing law enforcement officials with a cloak of impunity; children can be very isolated at the police station; they may be denied access to legal representatives; and their families are often not told that their child has been arrested or where they are being held. Children in pre-trial detention are often at greater risk than those who have been convicted because they are held in the same overcrowded pre-trial detention facilities as adults, which can increase the risk of violence occurring.

The way in which girls and boys experience violence in detention can be different. Girls are always in the minority within criminal justice systems for children and require special protection as a consequence. As a result of their low numbers, many countries do not have special facilities for them and they are often held with adult women, which may increase the risk of physical and sexual abuse. Furthermore, they can be at risk of being held in isolation or far from their homes in order to keep them in institutions separate from boys. There may be a lack of female staff in facilities where girls are detained. Efforts were made to reflect these differences in the design of the desk review questions.

Challenges and limitations

This review is designed to provide a snapshot of the state of play of existing law and policy measures to prevent and reduce violence against children in Georgia and as such provide a useful springboard for further action on the ground. However, it has limitations: for example, it doesn't consider primary and secondary crime prevention measures for children; it doesn't examine violence by police which doesn't result in arrest and detention (for example against children living or working on the street); and doesn't look at law and policy in place for

children who are in post-trial detention. It also does not cover administrative or immigration detention or detention of children who are held with their mothers.

This review is not original research and is therefore hampered by its reliance on secondary data sources on the issue. Although every effort was made by PRI to ensure its comprehensiveness, it is possible that key sources were not accessed. Despite these limitations, it is hoped that the report is a useful starting point for further action.

3. FINDINGS AND RECOMMENDATIONS

Evidence available on the issue

Number of children detained in police and pre-trial detention

According to the Public Defender of Georgia, during 2010, 19 girls and 437 boys were detained in police temporary detention isolators.¹⁰ The number of convicted children in Georgia reached a high of 1,166 in 2008, but has significantly declined since then.¹¹ As of 1 April 2012¹², the number of convicted children in detention was 135 (two of them girls) and there were just seven children held in pre-trial detention (one of them female).¹³ Most of the crimes committed by children are property crimes (including theft, burglary etc). According to the Public Defender of Georgia, boys are held in pre-trial detention in two institutions: No. 8 in Gldani, No. 2 in Kutaisi. Girls are placed in the Prison and Closed Type Penitentiary Establishment No. 5 for Women.

What evidence do we have of prevalence of violence against children in police and pre-trial detention?

We do not have a complete picture regarding the prevalence of violence against children in Georgia in police and pre-trial detention. The Public Defender of Georgia states that 'facts of ill-treatment of juveniles are very rare'.¹⁴ It is clear that there have been significant improvements in law and policy relating to criminal justice for children in recent years that has reduced the numbers of children entering detention. In 2010 Georgia restored the minimum age of criminal responsibility to 14, after reducing it to 12 (which was never in effect in practice) in 2008 and in 2009 the Government adopted a Juvenile Justice Strategy and Action Plan for 2009-13 intended to guide reform in this area.

However, allegations of abuse of children in police and pre-trial detention have been made in recent years and the 2009 Universal Periodic Review Stakeholders' Report finds that bullying amongst children in detention is a 'hot issue'.¹⁵ In 2010, during an ad-hoc monitoring visit to Establishment No.5, representatives of the Public Defender's Office identified two juveniles who, according to their statements, were beaten by police during detention initially in order to get a confession, and later due to the fact that they had taken a lengthy time in confessing.¹⁶ The same report highlighted a particular problem in Gldani prison No8 which holds children in pre-trial detention who are subject to the same rather harsh and strict treatment as the rest of prisoners.

Following a field visit in 2011, the expert members of a team visiting from the Atlas of Torture concluded that 'it became obvious that the main problem of ill-treatment shifted from the

¹⁰ *Annual Report of the Public Defender of Georgia*, 2010, p46. Available at <http://www.ombudsman.ge/files/downloads/en/rthhchgqjhxwaxijhpx.pdf> (accessed 1 November 2012)

¹¹ UNICEF, *Georgia and the CRC*, 2011, p45. Available at: http://www.unicef.org/georgia/UNICEF_Sitan_ENG_web.2MB.pdf (accessed 1 November 2012)

¹² Source of information: Penitentiary Department.

¹³ Ministry of Justice statistics.

¹⁴ *Ibid.* p39.

¹⁵ *Joint UPR Submission by NGO coalition Concerning Child Rights Situation in Georgia*, 2009, p8.

¹⁶ *Annual Report of the Public Defender of Georgia*, 2010, p39.

police to the penitentiary system, where the situation can be described as alarming.....torture and ill-treatment are far from being eradicated in Georgia'.¹⁷ This information is not specific to the treatment of children but is suggestive of an overall climate of impunity within detention facilities.

This information found confirmation in the events which unfolded in August and September 2012 in the Georgian penitentiary system. Following the riot which took place in a juvenile detention institution on August 8, the Public Defender of Georgia made a public statement indicating that one of the causes of this unrest was the alleged ill-treatment of children in this institution.¹⁸ Further evidence of violence and ill-treatment was found in footage depicting abuse of a juvenile by prison officials that emerged as part of the scandalous videos disseminated on September 18, 2012 by a range of national TV channels.¹⁹

Use of detention as a last resort

Comprehensive law and policy on children in criminal justice

In 2009 the Government adopted a Juvenile Justice Strategy and Action Plan for 2009-13 intended to guide reform in this area. However, currently there is no separate system of juvenile justice in Georgia and children are considered as a separate group only in as much as acts of criminal legislation contain sections with specific reference to them. In addition, there is no child protection policy in place in the country.

Minimum age of criminal responsibility

Setting the age of criminal responsibility as high as possible and no lower than 12 years (as recommended by the UN Committee on the Rights of the Child²⁰) is an important preventive measure since it reduces the number of children in detention overall. The age of criminal responsibility in Georgia is 14 years old.

Diversification measures

Provided children admit their responsibility for committing an offence, diverting children away from the formal criminal justice system is an important way of ensuring they are not exposed to violence within detention settings.

Articles 89-91 of the Criminal Code of Georgia state that a first time juvenile offender who commits a misdemeanour, may be released from criminal liability if the court holds that it is advisable to correct the juvenile by application of a coercive measure of educative effect. These coercive measures include 'caution, transference under supervision, assigning the obligation of restitution, restriction of conduct, and placement into a special educative or medical-educative institution'. However, it should be noted that these coercive measures are rarely, if at all, applied in practice.

¹⁷ Atlas of Torture, *Monitoring and Preventing Torture Worldwide – Building Upon the Work of the UN Special Rapporteur: GEORGIA: Short report on problems and needs in the area of torture prevention Conclusions of the consultations*, 2011

¹⁸ 'The Public Defender's statement about the incident that took place in Juvenile Establishment No. 11 of the Department of Prisons', 9 August 2012, Available at:

<http://www.ombudsman.ge/index.php?page=1001&lang=1&n=0&id=1538> (accessed January 2013)

¹⁹ 'Protest against torture and abuse in Georgian Prisons', *Human Rights House*, 21 September 2012, Available at: <http://humanrightshouse.org/Articles/18631.html> (accessed January 2013)

²⁰ General Comment No 10, para 32.

A 2010 amendment to the Criminal Procedure Code, and later the new Code, introduced the possibility of other diversion options for juveniles in conflict with the law. There are strict conditions on the use of this programme however: it must be a child's first offence; it must be a minor offence; he/she must not have participated in a diversion or mediation program before; he/she must admit guilt; and where there is no public interest in continuing with criminal prosecution. Previously there were requirements that the child, or his or her family, must be ready to pay damages to the victim; however, the Ministry of Justice now has an alternative project that allows children to do some beneficial work to cover this as a form of restitution. For example, some children have been involved in an electronic library project under which they helped to type up e-books. Once the above conditions for diversion have been met, it is at the prosecutor's discretion whether or not to divert the child.

When a prosecutor does decide to divert a child, he/she contacts a social worker to hand over the child's case. The social worker then puts together a report on the child (following a bio-psycho-social assessment) and drafts a diversion plan as a civil agreement to be signed by the child, his or her parents, the prosecutor, social worker and where applicable, the victim of the offence. The agreement contains the services to be provided to the child and the specific activities and obligations of the child to the victim and the public, which should be monitored by the social worker. If the child breaches the agreement, the social worker returns the case to the prosecutor to begin/continue criminal proceedings.

As it stands today there are few, if any, agencies to provide a child with the above services, which makes it very difficult for diversion programmes to yield any practical results. Diversion schemes currently run in several major cities with authorities planning to expand its scope to other cities, aiming to divert children who commit minor offences away from formal prosecution. UNICEF reports that it is anticipated that this will reduce the number of children prosecuted by 33 per cent, which should make a big contribution to protecting children from violence in police or pre-trial detention in the future.²¹ In January 2012, the Ministry of Justice announced Small Grants Programme for NGOs to provide rehabilitation/education services to diverted children.²²

Alternatives to pre-trial detention

Keeping children out of pre-trial detention in the first place will reduce the numbers of children exposed to violence in these settings. Pre-trial detention in Georgia can be imposed under the following circumstances: to prevent the avoidance of the preliminary investigation and trial; to eliminate further criminal activities; to ensure the criminal investigation to find the truth is not impeded; or to enforce the verdict. An accused individual should not be subject to pre-trial detention if the above-mentioned goals can be easily accomplished with less restrictive measures. Pre-trial detention can only be used where the crime carries a sentence of more than three years imprisonment. The prosecutor's decision on pre-trial detention must be confirmed by a court. Pre-trial detention is used sparingly in Georgia.

²¹ Figure cited in UNICEF, *Georgia and the CRC*, 2011, p45.

²² For more information on this grant see: Ministry of Justice announces grant competition, 12 January 2012, Available at: http://www.justice.gov.ge/index.php?lang_id=ENG&sec_id=23&info_id=4065 (accessed 1 November 2012).

RECOMMENDATIONS TO ENSURE DETENTION IS USED AS A LAST RESORT

- Georgia should create separate, comprehensive legislation protecting children throughout the criminal justice system and addressing all elements of the system from prevention of crime through to reintegration. An inter-agency approach should be adopted and clear responsibilities and timeframes allocated to each.
- Georgia should implement a range of pre-trial diversion measures and alternatives to pre-trial detention including supervision, in line with its commitments under the 2009 Criminal Justice Reform Strategy and Action Plan which promotes increased use of alternatives to prosecution and imprisonment.
- Legislation should be introduced that imposes restrictions on the use of pre-trial detention so it is only used as a last resort and for the shortest possible period of time where there is a risk of absconding and/or if a child is a danger to themselves or others.

Limiting the time children are held in police and pre-trial detention

Limiting time in police detention

The UN Committee on the Rights of the Child has indicated in General Comment No 10 that no child should be detained by the police for more than 24 hours without a judicial order. The longer the period spent in police custody without the knowledge of the court system and possibly without the knowledge of family or guardian, the greater the risk of violence taking place. Article 18 of the Georgian Constitution states 'Everyone arrested or otherwise restricted in his or her liberty shall be brought before a competent court not later than 48 hours. If, within the next 24 hours, the court fails to adjudicate upon the detention or another type of restriction of liberty, the individual shall immediately be released'. Therefore the total time for someone to be detained in police custody is 72 hours. There is no specific shorter time period stated for those under 18 years of age.

Limiting time in pre-trial detention

International guidelines require that the maximum time spent in pre-trial detention should be no longer than six months. Enforcing time limits will ensure that the numbers of children in pre-trial detention are reduced and therefore the risk of violence is lessened. Detention should be reviewed at least every 14 days. According to the current Criminal Procedural Code, Article 205 (2) stipulates a maximum of nine months pre-trial detention for any person, including juveniles. The nine-month period begins on arrest, or where there has not been an arrest (ie. detention prior to court appearance) at the moment when a judge decides on the conviction.

RECOMMENDATIONS TO LIMIT THE TIME HELD IN DETENTION

- The time limit for detaining a child in police custody must be reduced from 72 hours to 24 hours for all children in line with the recommendations of the Committee on the Rights of the Child.
- The maximum time limit for children to be detained in pre-trial detention should be no more than six months regardless of the severity of the alleged offence.

Prevention measures at the police station

Proper registering of detainees within a time limit

Registering of detainees is an important preventive measure since it establishes that the police station has responsibility and is accountable for the treatment of a child detainee. In Georgia, immediately after arrest, an official record should be drawn up indicating 'who, where, when, in what circumstances and based on what legal grounds under this Code [a person] is arrested, the physical condition of the arrested individual at the moment when the person was taken into custody, the crime he or she is suspected of committing, the exact time of bringing the arrested person to the police station or other law enforcement agency, the list of defendant's rights under this Code'. This should then be signed by the arresting official, the individual arrested, his or her counsel (if he or she is present), and by an authorised police official, and a copy presented to the arrested individual.²³

Access to medical care

The Criminal Procedure Code (Article 174.4) requires that any individual under arrest and brought to the place of detention must be immediately examined by the doctor to determine his or her general health conditions and a corresponding medical report should be drawn up. However, the Ombudsman's representatives have stated that this is problematic in the regions where police detention isolators do not employ doctors.²⁴

Specialist police officers to deal with children

International standards²⁵ encourage specialisation within the police to deal with child offenders and a child should be referred to the relevant specialised officer as soon as possible following arrest. Both the Criminal Code and the Criminal Procedure code require that the juvenile justice process should only be conducted by judges, prosecutors and investigators who have had specialist training in psychology and pedagogy.²⁶ Recently the State has trained 430 investigators in juvenile interrogation techniques but this has not yet reached national coverage.

²³ Article 175, Criminal Procedural Code.

²⁴ *Annual Report of the Public Defender of Georgia*, 2010, p47.

²⁵ UN Standard Minimum Rules for the Administration of Juvenile Justice ('Beijing Rules'), Rule 12.1; UN Guidelines for the Prevention of Juvenile Delinquency ('Riyadh Guidelines'), #58.

²⁶ Article 319, Criminal Procedure Code.

Protection from abuse when taking samples and during searches

The process of taking samples and searching children in order to obtain evidence or for security purposes can be abused by police. The international instruments do not provide any specific protection for children in the course of searches, although Rule 10.3 of the Beijing Rules requires contact between law enforcement officials and children to be managed in such a way as to respect the legal status of the child, promote the well-being of the child and avoid harm to him or her. This could be read to imply that a child in detention should only be searched by an officer of the same sex. Intimate searches (such as taking of blood, saliva or pubic hair) should only be taken in limited circumstances and carried out by a medical practitioner.

According to Article 147 of the Criminal Procedure Code, a sample from a child (as from an adult) may be forcibly taken based on a court order. Taking a sample that may cause serious pain may only be taken in exceptional circumstances and with consent from the individual, or where a child is under the age of 16, with parental consent. During personal searches, which imply undressing of an individual, the search must only be conducted by a person of the same sex (Criminal Procedure Code, Article 121.4). However, these provisions are not specific to children.

Separation from adults during police detention

This is a vital protective mechanism and the international instruments are clear on the importance of separation of children from adults. In Georgia, according to Article 12(d) of the Additional Instruction regulating the Operation of Temporary Detention Isolators,²⁷ juveniles must be held separately from adults. Worryingly however, in exceptional cases with the written permission from a prosecutor or an investigator, adults may also be placed in the cells where children are held.

Presence of lawyers, parents and others during questioning

Article 37 (d) of the CRC requires states to provide children with 'prompt access to legal and other appropriate assistance'. The UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems assert that states should establish child-friendly legal aid systems that 'enable children, who are arrested, deprived of personal liberty, suspected or charged with a crime, to contact their parents/guardians at once and to prohibit any interview in the absence of a parent/guardian, and lawyer or other legal aid provider'. Such contact with the outside world can be a vital preventive mechanism and can also be an opportunity for children to report violence.

There are no separate rules regarding informing a parent/guardian of a child's arrest, although Article 177 of the Criminal Procedure Code does require that the prosecutor must inform a family member or close relative of the arrest of the individual no later than three hours after arrest. Importantly, the Criminal Procedural Code requires that the 'Interrogation during investigation of the accused having not attained 18 years of age shall be attended by

²⁷ Approved by the Order No108 of the Minister of Interior, February 10, 2010 (Annex 3). This document encompasses statute, internal regulations and additional instructions for the operation of temporary detention isolators under the Ministry of Interior in Georgia.

his teacher or legal representative'.²⁸ Furthermore, under the Criminal Procedural Code, the duty is on the investigators and prosecutors to ensure the mandatory presence of a legal counsel from the very first interrogation of a juvenile. The Criminal Code states that children must not be interrogated for longer than two hours without a break, and for no more than four hours during one day, or shorter if the child shows any signs of fatigue.²⁹

RECOMMENDATIONS TO PREVENT VIOLENCE AGAINST CHILDREN IN POLICE DETENTION

- A comprehensive system of police officers specialised in children's rights should be established.
- Children should have access to medical care at the police station as required.
- Amendments to legislation should be made that explicitly require the separation of children and adults at all points of detention or deprivation of liberty, including during transportation to court or other facilities.

Prevention measures during court proceedings

Support from social workers/probation officers to identify alternatives to pre-trial detention

The Criminal Code and Criminal Procedure Code requires courts (and also other actors in criminal proceedings) 'during proceedings on cases involving juveniles to investigate a child's living conditions, upbringing and development in order to assess the particularities of his or her character and conduct'.³⁰ However, in practice when a decision is being made about the possible use of detention for a child, examination of his or her social and family background is usually not taken into consideration.

Provision of legal assistance during court proceedings

Article 38.5 of the Criminal Procedural Code states that a defendant is entitled to have legal representation and to change their lawyer at any time. If a person is socially vulnerable then he or she can be provided with a legal defence at the State's expense. The defendant should have reasonable time and means to prepare a defence. According to the Criminal Procedural Code, defence counsel must always be present at a trial involving a child and the legal defence of a juvenile is mandatory. The Code also provides for a possibility of providing state-funded legal assistance in case mandatory defence must be provided and a hired lawyer is not available (Article 45, CPC). In this case the defence is provided by the Legal Aid Service under the Ministry of Corrections and Legal Assistance.³¹ A legal representative of a child is entitled to independently select and invite a defence counsel.³²

²⁸ Article 311, Criminal Procedural Code (1998). This provision is in force until September 1, 2013.

²⁹ Article 647, Criminal Procedure Code (1998).

³⁰ Article 320, Criminal Procedure Code.

³¹ For more information see www.legalaid.ge.

³² Article 321, Criminal Procedural Code.

Exclusion of evidence obtained through torture or threats

Courts which allow evidence that has been obtained through torture or threats add to the problems of impunity that make these practices so common in the investigation phase of the juvenile justice system. The Constitution of Georgia, Article 42.7 states that 'evidence, obtained in contravention of law, shall have no legal force', with torture and ill-treatment prohibited by Article 17 of the Constitution. In addition, an amendment to the Criminal Procedure Code requires that any confessions given by detainees (adult or child) during their detention must be confirmed in court before being admissible as evidence.

RECOMMENDATIONS FOR COURTS

- Courts must be supported in their decision-making by social workers, probation officers or other suitable persons who can liaise with family and community and identify community-based alternatives to pre-trial detention.
- Clear legal provisions should be adopted that prescribe measures to be taken by courts should evidence appear to have been obtained through torture or ill-treatment.

Prevention measures in pre-trial detention facilities

Separation from adults in pre-trial detention

This is a vital protective mechanism and the international instruments are clear on the importance of separation of children from adults. The Criminal Procedural Code, Article 323 specifically refers to the separation of children in pre-trial detention: 'The juvenile defendant, to whom detention is applied as a preventive measure, shall be held separately from adult defendants, convicts, and juvenile convicts'. Article 68 of the Imprisonment Code states that a child may stay in a juvenile establishment until the age of 20, although doesn't state whether or not those who have reached the age of maturity will be separated from those under the age of 18.

Children in pre-trial detention are usually isolated from adult inmates.³³ However, in 2010, the Public Defender highlighted the fact that girls, both those in pre-trial detention and those convicted, are rarely separated fully from women prisoners. For example, the unit for girls within the General and Prison Regime Penitentiary Establishment No. 5 for Women and Juveniles is only formally separated from the unit for women and there is a shared yard which means that in practice, girls stay for a fair period in a day with sentenced women. During one monitoring visit, the establishment was overcrowded and, due to this, female children were living with adults in one cell.³⁴ The Georgian penitentiary authorities' reason for the failure to fully separate girls and women is the small number of female juveniles in the system at any point in time. As of December 2012 there was only one juvenile in the women's penitentiary establishment.

³³ IJJO Interview with PRI Georgia's Regional Director on the evolution of the Juvenile Justice system, 28 March 2012 found at: <http://www.penalreform.org/news/ijjo-interview-pri-georgias-regional-director-evolution-juvenile-justice-system> (accessed 1 November 2012)

³⁴ *Annual Report of the Public Defender of Georgia*, 2010, p40.

Regular visits by parents/guardians/family members and others

Children are allowed 'four short visits per month, one additional short-term visit as an incentive; have three long-term visits per year, and as a form of incentive – two additional long-term visits per year with the length of 1-2 days'.³⁵

Specialised standards and norms concerning disciplinary measures and security procedures with respect to children in pre-trial detention

According to the Imprisonment Code, 'handcuffs and strait-jackets shall not be used for women or juveniles' and while it is allowed for other accused/convicted prisoners, 'use of firearms shall be prohibited in the case of an escape of women and juveniles'. It also prohibits the placement of a child in solitary confinement.³⁶

Procedural rules regarding searches of children which respect their privacy and dignity

If children are to be searched then this should be conducted by an officer of the same sex as the child and should be conducted in a way that does not humiliate, degrade the humanity and dignity of a child. The Imprisonment Code of Georgia states 'it shall be admissible to conduct search of accused/convicts.....personal search of accused/convicts shall be conducted by a person of the same sex'.³⁷

Appropriately qualified, trained and remunerated staff

According to the UN Study: 'Unqualified and poorly remunerated staff are widely recognised as a key factor linked to violence within institutions.' The status of staff in juvenile detention facilities in Georgia remains low.

Implementation of a clear child protection policy in place with step-by-step procedures on how allegations and disclosures of violence are to be handled by institutions

Institutions where children are detained do not have a clear overarching child protection policy that includes a clear statement that every child has the right to be protected from all forms of violence, abuse, neglect and exploitation, and it is the duty of every police officer and detention facility employee to ensure that children are so protected and where everyone has a duty to immediately report any concerns, suspicions or disclosures to the appropriate authorities.

RECOMMENDATIONS TO REDUCE VIOLENCE IN PRE-TRIAL DETENTION

- Amendments to legislation should be made that explicitly require the separation of boys and girls from adults at all points of detention or deprivation of liberty (including during transportation to court or other facilities), including police and pre-trial detention.
- Regulations relating to visits by parents, family members and others to children in

³⁵ Article 70, Imprisonment Code.

³⁶ Article 57, Article 82, Imprisonment Code.

³⁷ Article 52, Imprisonment Code.

detention should be developed taking into account the following issues:

- The Havana Rules state that they should occur 'in principle once a week and not less than once a month'.³⁸
 - Children should have access to appropriate facilities to maintain contact with relatives and significant others such as comfortable private space to conduct visits.
 - Children should be placed in a facility that is as close as possible to the place of residence of his or her family.³⁹ To ensure that children are able to be placed near their families, the Havana Rules encourage States to decentralise institutions.⁴⁰
 - Children should be provided with help in communicating with their families and their right to privacy should be respected.⁴¹
 - Children should be allowed to communicate with other persons or representatives of reputable outside organisations who can help to expand the range of activities and support that the child can access while detained, supporting their development and encouraging their reintegration into society.
- Specific regulations must be drawn up and implemented concerning the use of disciplinary measures in all detention facilities where children are held. This must be in line with the Havana Rules and in particular must prohibit corporal punishment, solitary confinement and restriction or denial of contact with family members. These regulations must be known about by children and staff.
- Staff should be carefully selected, undergo criminal record checks, receive appropriate training and necessary supervision, be fully qualified, and receive adequate wages.
- Staff must be trained in child rights and non-violent disciplinary measures.
- Efforts should be made to improve the status of individuals working with children in detention to ensure high-calibre employees.
- They must be trained to immediately report any concerns, suspicions or disclosures of violence against children to the appropriate authorities.
- Establish a clear child protection policy as part of the national Juvenile Justice Action Plan, which includes step-by-step procedures on how allegations and disclosures of violence are to be handled by institutions.

Independent monitoring of police and pre-trial detention facilities

According to the UN Standard Minimum Rules for the Protection of Juveniles Deprived of their Liberty, duly constituted authorities independent from the institution should undertake inspections on a regular basis, with unannounced inspections on their own initiative. Such inspections can play an important role in preventing violence as well as providing avenues for children to bring violence to the authority's attention.

³⁸ United Nations Rules for the Protection of Juveniles Deprived of their Liberty ('Havana Rules'), Rule 60.

³⁹ General Comment No 10, para 60.

⁴⁰ Havana Rules, Rule 30.

⁴¹ Havana Rules, Rule 61 and 87(e).

Relevant international and regional human rights instruments ratified and cooperation with UN special procedures

Georgia is State Party to the CRC, ICCPR, CAT and the ECHR, all of which contain provisions on the prohibition of torture. Georgia has also ratified OPCAT and the ECPT. The CPT visited Georgia in 2001, 2003, 2004, 2007, 2010 and 2012. Georgia has cooperated with the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment who visited in 2005, and has received a visit from the Working Group on Arbitrary Detention.⁴²

System guaranteeing regular independent inspection of places of detention

Georgia has ratified OPCAT and established a National Preventive Mechanism (NPM) within the Public Defender's Office. The Imprisonment Code (Article 60) gives the Public Defender of Georgia and the Special Preventive Group the right to access all pre-trial detention and custodial establishments without special authorisation. Similarly Article 18 of the Organic Law of Georgia on the Public Defender of Georgia states 'the Public Defender shall be entitled to: a) have unimpeded access to the premises of any state or local self-government body, enterprise, organisation and institution, regardless of its organisational-legal form including military units, places of arrest, pre-trial detention facilities and other places of restriction of liberty, psychiatric institutions...; b) demand and immediately or not later than within 10 days receive from state or local self-government bodies, public organisations and officials all documents, files and other material necessary for examination; c) demand and receive written explanation from any public official, civil servant or equivalent employee on the subject under the examination; d) engage relevant state and/or private agencies to perform expert examinations and/or prepare findings...; e) have access to criminal, civil and administrative case files where a final decision has been rendered by court'.

Article 19 of the Act sets out that 'the Public Defender or a member of the Special Preventive Group inspects the observance of human rights and freedoms in establishments of detention and deprivation of liberty, other places of arrest or restriction of liberty, psychiatric institutions...; personally meets and interviews persons under arrest, detained persons and convicts; inspects the documentation confirming their placement in above mentioned establishments'.

The NPM has actively conducted monitoring visits to juvenile facilities. However, the creation of the NPM has meant that other public oversight in places of detention has disappeared including public commissions mandated by the Ministry of Justice to enter prisons and conduct monitoring.

RECOMMENDATION TO ENSURE INDEPENDENT MONITORING

Ensure that independent inspections and monitoring of detention facilities by qualified bodies take place on a regular basis, at times unannounced, with full access to the facilities and freedom to interview children and staff in private.

⁴² Human Rights Council, *Report of the Working Group on Arbitrary Detention A/HRC/19/57/Add.2*, 2012.

Available at:

<http://nhri.ohchr.org/EN/IHRS/HumanRightsCouncil/19/WG%20arbitrary%20detention/Report%20of%20the%20WG%20on%20Arbitrary%20Detention%20-%20Mission%20to%20Georgia.pdf> (accessed 1 November 2012)

Measures to ensure accountability

Under international human rights law, Georgia is obliged to thoroughly and promptly investigate allegations of violence (including the use of torture) against children in police and pre-trial detention, prosecute those implicated by the evidence, and, if their guilt is established following a fair trial, impose proportionate penalties. Implied in this is that the children concerned should have the opportunity to assert their rights and receive a fair and effective remedy, that those responsible stand trial, and that the victims themselves obtain reparations.

In the first instance there should be clear avenues for children to make complaints of ill-treatment whilst in detention. The rules regarding lodging complaints are found in Article 96 of the Imprisonment Code: 'Act (action of omission) of the staff of the penitentiary system, legal act, decision and other violations of rights determined by the present Code, may be a basis for filing a complaint. An accused/convict may file individual or collective claims. The complaint may be filed in written form. A complaint may be filed within three months after disclosure of the act concerned'.

On admission to an establishment, the staff must provide the possibility for children to read written information including the rules for filing complaints, or if illiterate for the information to be provided orally and the child must sign to signify that this has been done. Specifically, Article 97 states that a child should be given this information 'in an understandable for him or her format'.

Children may also make complaints to the Public Defender (Ombudsman) of Georgia. Article 15 of the Organic Law of Georgia on the Public Defender states: 'applications, complaints and letters sent to the Public Defender by persons held in police custody, pre-trial detention or in other places of restriction of liberty shall be confidential and shall be mailed without opening, examination or censorship. Any such correspondence shall be delivered to the Public Defender without delay'.

In addition, the Imprisonment Code allows for the detained person's lawyer, legal representative or close relative to file a complaint if 'they have a reasonable doubt about violation of an accused/convict's rights; or health condition of an accused/convict does not allow him or her to file a complaint personally'.

Public officials also have an obligation to report ill-treatment and take action upon it. Article 75 of the Imprisonment Code requires that 'Upon admission to the pre-trial detention establishment a person shall undergo medical examination by a doctor of the pre-trial detention establishment and a relevant report drawn up. If an accused is discovered to have bodily injuries the administration shall immediately inform the prosecutor thereof'.

Provisions against violence and abuse are found in the Civil Code (1997), the Code of Administrative Offences, the Criminal Code (1999) and the Constitution (1995). Any person subject to abuse may pursue a civil action against the abuser. The Prosecutor General's Office is in charge of all criminal investigations into allegations of torture and mistreatment. Prosecutors are required to investigate the use of force by police when a detainee with injuries sustained during arrest is registered. The law requires the office to open an investigation when it receives information about a possible violation, even if from an

anonymous source. If prosecutors conclude after an investigation that charges are not warranted, the decision can be appealed to a higher level within the office.

Torture is clearly prohibited under Article 17.2 of the Constitution of Georgia: 'Torture, inhuman, cruel treatment and punishment or treatment and punishment infringing upon honour and dignity shall be impermissible'. After amendments to the Criminal Code in 2005, the crime of torture is now defined in line with international standards with regard to the definition of torture. The penalty for torture was increased in 2006 from seven to 10 years' imprisonment (between nine to 15 years if committed in aggravating circumstance, and between 12 to 17 years if committed by an organised group). In addition, attacking a child is considered to be an aggravating circumstance in cases of torture and cruel, inhuman or degrading treatment or punishment and other forms of violence. (When the victim is a child, the person responsible is punishable with deprivation of liberty for a term of nine to 15 years, and subject to deprivation of the right to hold office for a term not exceeding five years. In cases where there is no aggravated circumstance, the custodial sentence is seven to 10 years).⁴³ However, there is no specific definition of torture against a child victim and the World Organisation against Torture has voiced concerns about how the courts may interpret and adequately apply the legislation in practice to cases where the victim of torture is a child. Under Article 92 of the Criminal Procedure Code, 'everyone has a right to request and receive compensation for damages incurred due to illegal procedural actions...via civil/administrative claim procedure'.

The challenge is of course that of implementation and the often insurmountable obstacles children face in ensuring that criminal investigations are initiated and impartially and adequately investigated. With regards to police violence against suspects and defendants, the US Department of State Human Rights Report⁴⁴ highlights NGO allegations that victims often do not report abuse, fearing police retribution against them or their families. NGOs also continued to claim that close ties between the Prosecutor General's Office and police hindered their ability to substantiate police misconduct and alleged that the judiciary's lack of professionalism and independence made it unresponsive to torture allegations. Furthermore, the Public Defender claimed that investigation of ill-treatment is both superficial and formalistic in nature and often is qualified not under legislation regarding torture and ill-treatment but under the law prohibiting abuse of power, which carries a considerably lower sanction. As a result, despite implementation of positive reforms, NGOs claimed law enforcement officials could still resort to torture or mistreatment with limited risk of exposure or punishment. NGOs also believed a lack of adequate training for law enforcement officers, as well as low public awareness of the protections afforded citizens, impeded improvements. Another issue is that in some cases forensic medical examination is ordered with a delay of some weeks, at a point when the injuries suffered by a victim may not be traced any more.

There are no procedures or practices designed to protect victims of torture or ill-treatment from continued violence, threats or reprisals and this was raised by the Ombudsman in his report (2011) and statements. He specifically recommended establishing a procedure of transferring prisoners to prison institutions different from those where they were subject to

⁴³ Article 144(1), Criminal Code, paras 2 and 3.

⁴⁴ US Department of State, *Human Rights Report: Georgia*, 2010. Available at: <http://www.state.gov/j/drl/rls/hrrpt/2010/eur/154425.htm> (accessed 1 November 2012)

alleged ill-treatment. This was also one of the recommendations from PRI's 2012 regional conference on Combating Torture.⁴⁵

RECOMMENDATIONS TO COUNTER IMPUNITY

- Deliver a firm message of 'zero tolerance' of ill-treatment, including through ongoing training activities, to all police and prison staff. As part of this message, it should be made clear that the perpetrators of ill-treatment and those condoning or encouraging such acts will be subject to severe sanctions.⁴⁶
- Ensure that allegations of violence and ill-treatment including torture are impartially and adequately investigated.
- Establish effective, confidential and child-friendly complaint procedures for children and their families and ensure that complaints are promptly and thoroughly investigated by an independent authority.

⁴⁵ For a video report of the event from the *Georgia Times*, see <http://www.youtube.com/watch?v=re4XylkflRE>

⁴⁶ <http://www.cpt.coe.int/documents/geo/2010-27-inf-eng.pdf>

ANNEX 1. COUNTRY STUDY TEMPLATE

INFORMATION REQUIRED FOR COUNTRY STUDIES ON LAW AND POLICY MEASURES TO PREVENT AND REMEDY VIOLENCE AGAINST CHILDREN DURING POLICE AND PRE-TRIAL DETENTION

1. Baseline information

NB where possible this information should be disaggregated by gender

- The number of children arrested within 12 months per 100 000 child population
- The number of children in detention per 100 000 child population
- The number of children in pre-trial detention per 100 000 child population
- Time spent in detention before sentence
- Time spent in detention after sentence
- Number of child deaths in detention during 12 months
- Percentage of children not wholly separated from adults
- Percentage of children visited by family member in last three months
- Percentage of children receiving a custodial sentence
- Percentage who enter a pre-trial or pre-sentence diversion scheme
- Percentage of children in detention who are victims of self-harm during a 12-month period
- Percentage of children in detention who are victims of sexual abuse during a 12-month period
- Percentage of children in detention who have experienced closed or solitary confinement at least once during a 12-month period
- Percentage of children released from detention receiving confidential exit interviews by independent authority

2. Overarching law and policy

- Is there a comprehensive law and policy on juvenile justice in line with the core elements set out in Committee on the Rights of the Child General Comment no 10?

3. Measures in place to reduce the number of children in detention overall

- Are status offences and minor offences such as begging or loitering decriminalised?
- Are there any status offences/minor offences which particularly impact on girls?
- What is the age of minimum criminal responsibility?
- What is the minimum age at which children can be detained in custody?
- What provision is there for children with mental health problems to be dealt with outside the criminal justice system?
- What is the availability and use of pre-trial and pre-sentence diversion.
- Does the use of pre-trial and pre-sentence diversion differ for girls and boys?

4. Measures in place to protect children from violence at the police station

- Are there alternatives to arrest such as issuing a police warning/caution or written notice to appear?

- What are the legal requirements regarding the presence of lawyers, appropriate adults, parents or guardians during questioning in a police station? What are the sanctions for breach of these requirements?
- Does the law limit the period that a child may be held by the police for questioning without a judicial order to 24 hours, as recommended by the Committee on the Rights of the Child? If not, how long may the police keep a child in detention for purposes of questioning without a court order?
- What are the legal provisions for children to have access to medical care whilst detained by the police?
- Is there provision for a child to be handed over to a specialised police official as soon after arrest or apprehension as possible?
- Do procedural rules regarding searches of children respect their privacy and dignity, and ensure that intimate searches are only authorised in narrow circumstances and carried out by a medically trained person of the same sex unless delay would cause harm to the child?
- Do procedural rules regarding the taking of intimate and non-intimate samples for evidence include rules relating to consent, and to the retention of such evidence?
- What do rules of evidence say regarding the submission of any statements or evidence that are not gathered in compliance with law or policy, and what are sanctions for officers regarding failures arising from this?
- Is there law and policy setting out appropriate physical conditions for police holding cells that accommodate children and which take into account the requirements of boys and girls?
- Do police station registers indicate the child's details (including age) and the time of arrest/apprehension and are these registers open to inspection by lawyers, social workers and independent monitoring bodies?

5. Measures for protecting children being brought before the court for the first time

- Are children brought before a court/tribunal (or the appropriate forum) for consideration of release as soon as possible but within 24 hours of arrest or apprehension?
- What are the sanctions against those responsible if there is a delay in coming before court?
- Law and policy regarding transporting children to court (ie separate from adults, girls separate from boys, and not handcuffed except in tightly-prescribed exceptional circumstances).
- Law and policy regarding accommodation of children at court, ie kept separate from adults and girls separate from boys.
- What are the legal requirements regarding the presence of lawyers, appropriate adults, parents or guardians during court appearances? What are the sanctions for breach of these requirements?
- Is the possibility of diversion or other alternative measures considered at the first appearance?
- If the case is not to be diverted, then are alternative measures to detention considered eg unconditional or conditional release into the care of

parent/guardian/other appropriate adult, close supervision in the community, foster care etc?

- Are courts allowed to use evidence that has been obtained through torture or threats to be presented to the court or used against a child to lead to a conviction?

6. Measures to reduce the numbers in pre-trial detention

- Law and policy regarding use of alternative measures to detention eg diversion/ referral to restorative justice programmes.
- Alternatives to pre-trial detention eg care of parent/guardian/suitable adult, close supervision, foster care etc.
- Law and policy regarding maximum period in pre-trial detention (Committee on the Rights of the Child recommends no longer than six months).
- Frequency that detention is reviewed.
- Support from social workers/probation officers to identify alternatives to pre-trial detention
- Are regular visits to the child in detention by parents/guardians/responsible adults permitted?

7. Measures to control and reduce the use of restraint by staff members working in institutions where children are detained

- Are there specialised standards and norms concerning disciplinary measures and procedures with respect to children in police and pre-trial detention? What are they?
- What is the percentage of children in detention who have experienced a disciplinary measure at least once during a 12-month period? (disaggregate by sex where possible)
- What are the sanctions for use of prohibited measures or where measures are used outside the restrictions used by law?

8. Measures to control the use of illegal violence by staff members

- What are the sanctions, including criminal charges, civil claims for damages and dismissal proceedings, for any prohibited use of violence against children?
- Are staff appropriately qualified, eg are they carefully selected and recruited/ is there professional recognition of child care work/ are there specialist staff members such as psychologists available to children?
- Are staff directed to undertake their duties in a humane, committed, professional and fair manner, and without resort to violence or unlawful use of force or restraint?

9. Measures to prevent violence by adult detainees

- Are children prohibited from mixing with adults in any form of detention? (exceptions may be made for children who reach the age of majority whilst in detention, subject to appropriate supervision and risk management)
- What measures are taken to ensure girls are held separately from women?

10. Measures to prevent violence by other children

- Are children assessed on admission to determine the type and level of care required for each child?

- Are children placed within the facility according to the outcome of the assessment, in accordance with their particular needs, status and special requirements?

11. Measures to ensure accountability

- Do the staff of police or detention facilities, or other persons having access to them, have a legal obligation to report complaints or evidence of ill-treatment of children confined in the facility or police station?
- Which agencies or officials are responsible for investigating cases of violence against children in police and pre-trial detention? What are their responsibilities and obligations?
- What are the sentences attached to the offences of violence against children in detention?
- Does the law recognise the responsibility of the State to pay damages, or provide any other forms of compensation, to victims of violence?
- Are there gender-specific procedures for girls and boys who have been victims of torture and other ill-treatment, including with regard to access to redress for victims of rape and other sexual abuse?
- Does a child who claims to be a victim of violence have the right (standing) to take legal action in person, if his or her parents are unwilling to do so?

12. Provision for complaints

- What provision is made for children to make formal complaints regarding their treatment in police and pre-trial detention?
- Can others make complaints on their behalf? (parent/guardian/ appropriate adult etc)
- Do mechanisms ensure there are no reprisals against those who bring the complaint?
- Are there sanctions attached when breaches of law or policy are found via complaints?

13. Inspection and monitoring

- Is there a system guaranteeing regular independent inspection of places of detention?
- What is the percentage of police stations and pre-trial detention facilities that have received an independent inspection visit in the last recorded 12 months?
- Do children have confidential access to the team carrying out the inspection?
- Do inspection teams include women as well as men?

14. Data collection

- Is data relevant to violence against children collected in line with the recommended UNODC and UNICEF indicators, and disaggregated by gender?⁴⁷

⁴⁷ UNODC and UNICEF, *Manual for the measurement of juvenile justice indicators*, United Nations: New York, 2007; and also indicators outlined in Detrick S, Abel G, Berger M, Delon, A and Meek R, *Violence against children in conflict with the law: A study on indicators and data collection in Belgium, England and Wales, France and the Netherlands*. Amsterdam, Defence for Children International, 2008.

15. Other relevant information

- Are there any significant cases or jurisprudence concerning violence against children in police and pre-trial detention? If so please identify and summarise them.
- Are there any examples of measures taken by governments, civil society or others that have contributed to preventing or detecting violence against children in police and pre-trial detention and/or which have provided affected children with redress and rehabilitation or increased the likelihood of perpetrators being held accountable?
- Any other relevant information for this country?