

CHILD RIGHTS IN GEORGIA

Report Card 2019

**Coalition
for Children and
Youth**





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Coalition for Children and Youth (CCY), 2020

CHILD RIGHTS IN GEORGIA
2019 REPORT

COALITION FOR CHILDREN AND YOUTH

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Policies and Practices of Quality Early and Preschool Education in Georgia	2
Tendencies of Institutionalized Childcare in Georgia	1.5
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CHILD RIGHTS SITUATION: WHAT WAS THE GEORGIAN GOVERNMENT'S AVERAGE SCORE IN CHILDCARE IN 2019

SOCIAL WORK IN THE CHILD WELFARE SYSTEM

The field of social work in general is faced with a range of big challenges in Georgia, including in every direction of their professional activity and the conditions in which they work. It is crucial that the Government appreciates the need for social work, plans for the development of this profession and engages in the discussion with experts in this process.

PREVENTION AND FAMILY SUPPORT SERVICES

A number of studies expose significant challenges faced by families with children. The prevention programs administered and/or supported by the state in response to these challenges are insufficient. In addition, the Government does not have an action plan which would introduce specific programs and models focused on prevention and family support. Although the Code on the Rights of the Child adopted in 2019 contains provisions on family support, enforcement mechanisms are unclear and the contents of these programs are uncertain, as well as the instructions as to how they will be carried out and what resources (human and financial) will be mobilized for their quality implementation.

EVALUATION OF THE REINTEGRATION PROGRAM

The reintegration program which has been around for 20 years continues to demonstrate to the Government that it is more cost-effective to support children in their biological family environment than under the state care system. Moreover, building family support systems drives the process of reintegrating the children and ensures that they grow up in a better environment. Nevertheless, this program faces a number of serious challenges.

POLICIES AND PRACTICES OF QUALITY EARLY AND PRESCHOOL EDUCATION IN GEORGIA

Preschool education system for children of early age is also characterized with a number of flaws. The reforms that were launched after the 2016 adoption of the law of Georgia on Early and Preschool Education to improve the service quality are implemented at a very slow pace or delayed for an unknown period of time and for unclear reasons. Although the Government has declared on a number of occasions that preschool education is one of its priorities, the lack of support for municipalities and the lack of required allocations within municipal budgets for these services continue to be a major issue.

TENDENCIES OF INSTITUTIONALIZED CHILDCARE IN GEORGIA

Despite implementing the state-driven deinstitutionalization policies, there is a clear and ongoing tendency of the institutionalized childcare (alternatively to parental care) instead of providing the opportunities to raise children in their biological families. The state childcare programs reflect a great lack of the availability of social workers, services adequate to their professional competences and family support practice.

The state policy is more oriented on the crisis intervention (the child's placement to a secure environment) rather than the solution of family crisis (keeping the child in or ensuring her/his timely return to the family).

CHILD POVERTY AND DEINSTITUTIONALIZATION

Child poverty and its severe consequences is one of the major challenges of the childcare system in Georgia. Often the social-economic conditions of families' cause children to end up in large residential institutions. The Government's response actions cannot be viewed as effective as they fail to substantially address this grave situation. One of the severe consequences of this problem is that to this day children continue to live in large residential institutions.

VIOLENCE AGAINST CHILDREN

2019 saw changes in Georgia's child rights legislation. The Parliament of Georgia adopted the Code on the Rights of the Child, which is the first unified legal document in the field of child rights in the country. Nevertheless, the children's situation has not changes substantially. Resource mobilization continues to be a major issue. Incidences of violence against children are still frequent and the state mechanisms for protection are weak.

STILLBIRTH AND INFANT MORTALITY

Despite the fall in the rate of stillbirths and infant mortality in Georgia, it is still higher than the average number in Europe. The share of neonatal deaths among children up to 5 years as well as at infant age continues to be high, standing at 58-60% and 70% respectively.

JUVENILE JUSTICE

Recent years have seen important improvements in the country's juvenile justice system; however, despite these improvements, a number of shortcomings continue to prevail in the legislation as well as practice. The system to train every professional involved in the juvenile justice process (psychologists, social workers) is yet to be developed. Where such system is regulated by the legislation, mechanisms are lacking to effectively control the quality of their activities. There are failures at the level of the child's initial contact with the justice system, mainly at police departments. The state does not yet have a clearly defined evaluation framework which would ensure evaluation of the reforms and development of evidence-based approaches.

CHILDREN WITH DISABILITIES

Ministry of Education, Science, Culture and Sports of Georgia does not have a clear strategy and action plan on how to strengthen and improve the quality of inclusive education in the educational system. Although the functional assessment tool for children with disabilities has been developed and is currently being piloted, the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs is lacking a distinct vision and strategy for when and how the systems will shift from the medical understanding of disability to the social model, including carrying out required activities such as: training of functional assessment specialists across the country; setting up and training multidisciplinary

teams who will decide on the relevant disability status; setting up and introducing needs-based support systems (including the so-called social package) and services, etc. Despite the increase in the number of services and the number of enrolled children in recent years, access to the social services (day care centers, early child development programs, children's rehabilitation-habilitation programs) remains to be a challenge. The quality of service provision is low and the monitoring mechanisms are weak.

INTRODUCTION

“Child Rights Situation: what was the Georgian Government’s average score in childcare in 2019” is the first report prepared by the Coalition for Children and Youth (CCY).

CCY was founded in 2012 and originally included 22 non-governmental organizations (NGOs). In 2016 it registered officially as a not-for-profit, non-commercial legal entity, as required by its new charter. It is a union of organizations working on the issues of children and youth with the mission to improve the child and youth welfare systems in Georgia. Currently the CCY brings together 49 NGOs and its main activities include advocacy of the child and youth rights on national and international level.

The report presented here examines the Government’s action plans, legislation, policies and services designed to safeguard child rights in the country. It sets out to conduct annual and evidence-based monitoring of Government actions that aim to improve childcare systems in the country. The report also offers recommendations to assist the Government in establishing child-centered policies and practices.

The 2019 report covers ten main themes, which were identified by the CCY as the most pressing issues in the child rights sector: children with disabilities; violence against children; prevention and family support services; child poverty and deinstitutionalization; tendencies of institutionalized childcare; shortcomings in the implementation of the reintegration program; stillbirth and infant mortality; juvenile justice system; social work in the childcare systems and the policies and practices of its quality application at early and preschool education.

Themes for the report were selected based on the criteria of: urgency of the issue; availability of secondary data sources regarding the issue; and the expertise of the CCY member organizations.

Data for the report was collected and analyzed in the following manner and based on the following sources: assessment of the objectives and activities under the child right section of the Government’s Human Rights Action Plan; analysis of research, reports and policy papers related to the selected themes; and the public information requested from government institutions.

The draft report has been made available for all relevant government agencies and the pre-determined list of external experts on child rights in order to elaborate on the document and validate the factual data.

SOCIAL WORK IN
THE CHILD WELFARE SYSTEM

FAILURES IN SOCIAL WORK

Failures in improving social work systems and the **difficult working conditions of social workers have direct negative effect** on the wellbeing of children.



Distribution of cases



The permissible workload of social workers is **not legally regulated**; therefore, there is no official statistics on this issue.

There are **no professional supervision mechanisms** in place.

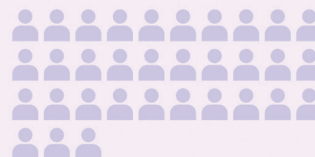
Number of social workers

Social workers operate in **24 areas**

Nevertheless, the number of social workers **increased only by 17** in 2019



while at the same time **33** social workers **were dismissed** in February 2020.



Qualifications

Out of the social workers employed at Social Service Agency in 2019:



47 had higher education degree



106 were certified social workers



86 had no professional education



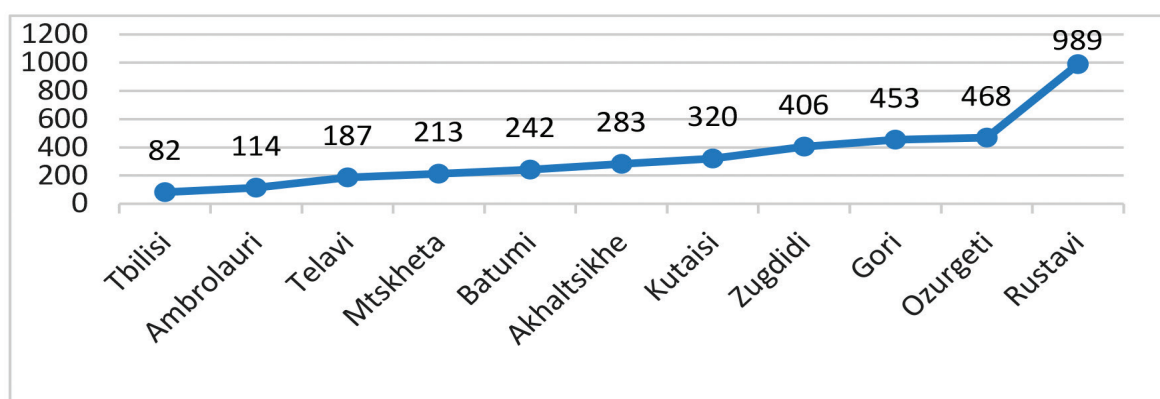
Fundamental problems and challenges faced by social workers in Georgia’s child welfare system have grown particularly visible in the wake of recent social workers’ strike and protests. These problems were highlighted by the Public Defender in its 2018 report¹ and they are directly caused by the conditions for social workers to do their job effectively: a poorly qualified social worker operating in derelict facilities, with immense workload and lack of resources cannot offer adequate support to a child in state care or take effective preventive measures which in the end affects wellbeing of the child.

Nevertheless, the situation did not improve in 2019 either. The social work job description consists of 24 items covering a range of tasks to be performed with different target groups. The total number of social workers (including senior social workers and those working with homeless children) has increased only by 17 from 222 (as of December 31, 2018) to 239 (as of December 31, 2019).

As for their workload, the Social Service Agency did not provide updated statistics for 2019 for the presented report; however, it should be noted here that the 2018 data is not accurate either and does not describe a realistic picture as there are overlaps between the cases that have been handled throughout the year. The individual workload of Tbilisi-based social workers is also misrepresented. Frequent staff turnover adds to the difficulties of maintaining correct data as there is no unified data registry system across the Agency and social workers submit quantitative information regarding their cases to the Agency upon request. This situation calls into question the accuracy of the data provided by the Agency and suggests that the Agency itself is not well informed about the workload of its social workers.

Notably, social workers mostly work on cases which require their prolonged involvement (prevention, foster care, reintegration, small group homes, domestic violence/child abuse, guardianship/caregiving/support, etc.). The permissible workload of social workers is not defined in the legislation pertaining to the Agency; however, Paragraph 2 of Article 47 of the Law of Georgia on Social Work (2018) requires from responsible agencies to establish the minimum quantity of cases to be handled by an individual social worker at 50, applicable from January 1, 2025.

The level of social workers’ qualifications is also a matter of concern. According to the information provided by the Social Service Agency², out of the 239 social workers operating within the mandate of the Agency in 2019, only 47 have a higher education degree in social work while the remaining 106 are certified as social workers. These numbers show that 86 social workers who interact with children do not possess professional knowledge which poses more risks for the hitherto vulnerable and unprotected group. Finally, the wage for social workers has increased from 850 to 1200 Georgian Lari, irrespective of their academic education or work experience.



ANNUAL WORKLOAD OF SOCIAL WORKERS IN MAJOR TOWNS OF GEORGIA

¹ Public Defender of Georgia, Parliamentary Report on the Situation in Human Rights and Freedoms in Georgia, 2018.

² 29.11.2019 correspondence №04/62297 of the Deputy Head of the LEPL Social Service Agency.

Efficacy of social work is effectively compromised when required services are still lacking in the country and existing services are insufficient to ensure immediate and continued access for all clients. In view of these shortcomings, the Government's decision to cut budgets for some of the preventive services is puzzling. Namely, funding of the program of food provision for families in crisis has been reduced from GEL 1,800 000 (2019)³ to GEL 1,300 000 (2020)⁴. The program quota of children aged from 6 to 18 at risk of abandonment, who do not have disability and whose families are registered in the vulnerable households' database, has also been reduced (from 661 to 619). The Human Rights Action Plan, in contrast, emphasizes the need to strengthen the state-funded preventive and family support schemes, including day care centers for vulnerable children and children at risk of placement under the state care⁵.

The 2018 Law of Georgia on Social Work does not only require social workers to have higher education or the state certificate in social work, but it also requires from relevant institutions to ensure professional supervision of social workers⁶. Enforcement of this provision remains to be an ongoing challenge, as social workers do not yet receive professional supervision at their workplace (within the mandate of the Social Service Agency) and the influx in the professional practice of social work of individuals who do not meet the above requirements carries on, both of which critically affects the quality of their work.

In February 2019 the social workers employed at the Social Service Agency went on a strike, demanding speedy realization of a number of provisions in the law, such as those regulating the working conditions, requiring the increase in the number of social workers and the improvement of related services. The social workers' strike lasted for 8 days and ended with the formation of a CCM Council at the Ministry which seeks to support the state in improving the childcare policies in cooperation with and assistance from a range of state agencies and NGOs. As of February 12, 2020 the Council had met only once, however, the four thematic committees formed under the Council (including one group tasked to deal with issues in social work) continue working as planned and are preparing recommendations for the Council on how to advance the childcare systems in the country. By February 2019 the 1-year process of restructuring the system ended with the transfer of the childcare department under the Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking and dismissal of 33 social workers, which placed the system even under more constraints as the workload stayed the same while the number of social workers was reduced, in some municipalities to zero. Thus the current work plans of the committees need to be revised accordingly.

Enactment of the Code on the Rights of the Child in the fall of 2019 must be duly acknowledged. One of the objectives of the Code is to improve the childcare systems. Considerable portion of the Code emphasizes the need to focus on prevention and to foster social work at the municipal level⁷. To this end,

³ December 31, 2018. Government of Georgia Resolution №684 on Approving the 2019 State Program for Social Rehabilitation and Childcare.

⁴ December 31, 2019. Government of Georgia Resolution №670 on Approving the 2020 State Program for Social Rehabilitation and Childcare.

⁵ April 17, 2018. Government of Georgia Resolution №182 on Approving the 2018-2020 Human Rights Action Plan (Goal 16.1; Objective 16.1.5).

⁶ June 13, 2018. Law of Georgia on Social Work.

⁷ Code on the Rights of the Child, 2019.

Tbilisi City Hall took some preparatory action, however, it signaled recruitment and certification of 150 unqualified candidates, bypassing the rules of transparent competition. This announcement is alarming, considering that these individuals will have to work on prevention and other related matters and particularly more so at municipal level where the institutional experiences of doing such work is simply absent.

Recommendations:

- *The number of social workers must increase, as required by the existing demand and workload;*
- *The job description and activities of social workers must be specified and clearly delineated;*
- *Data about the workload and performance of social workers must be collected and maintained in a comprehensive and reliable manner;*
- *Immediate and continued education programs must be designed to build and raise qualifications of social workers;*
- *Needs assessments must be carried out and evidence-based services introduced in order to enhance the effectiveness of social work;*
- *The childcare systems must be fine-tuned and a coherent transition plan developed for the restructuring process;*
- *Groundwork must be laid for effective enforcement of the provisions in the Code that are directly connected to working with children using the new system.*

PREVENTION AND FAMILY
SUPPORT SERVICES

NON-RESPONSE CHALLENGES IN CHILD WELFARE SYSTEM

Child poverty

22%

of children live

below the minimum subsistence level.

Child **poverty**, **violent methods** of upbringing and **lack of access** to children's books are some of the **most pressing issues in Georgia.**



One in every five children lives in a household whose members **cannot meet their minimum basic needs.**

Child upbringing

Out of all children:

69% have been subjected to a **violent method** of upbringing.



66% have experienced **psychological abuse.**



31% have experienced **corporal punishment** (strict and other kind).

5% have experienced **strict corporal punishment:**

slapping, beating on the head, forceful and continuous beating.

Access to children's books



3 or more books could be found at home of:



66% of children living in rural areas



55% of children living in Kvemo Kartli region



15% of children with ethnic Azeri background



The project "Raise Up Children's Voice" is funded with the Bulgarian Development Aid

Source:

UNICEF Welfare Monitoring Survey, 2017

National Statistics Office of Georgia - Multiple Indicator Cluster Survey, 2018

Despite the improvements in Georgia’s childcare system for the last two decades, issues in prevention and family support practices are still worrying. While on the one hand the fall in the rates of child institutionalization has ensured that more children are reintegrated with their biological families and/or placed in alternative (family-type) care, which is certainly an achievement, on the other hand this development has magnified the importance of building preventive and family support services, which remain to be a major concern. This situation is further exacerbated by rising rates of child poverty found by various studies and the increased practice of employing violent methods in upbringing, while services that would support educational and economic empowerment of parents are lacking. The state carries on handling child protection and childcare matters with reactionary policies both on the central and local levels.

The UNICEF Welfare Monitoring Survey (2017) and the Multiple Indicator Cluster Survey conducted by the National Statistics Office of Georgia (2018) offer the following key findings pertaining to the compelling issues discussed in the given section of this report.

Child poverty: 22.1% of children live below the general poverty line. In other words, every fifth child lives in a household whose basic needs are unmet. Poverty rate is higher in households with children and it rises as the number of children in the household increases.⁸

Childcare: 69% of children have been subjected to some type of a violent method of upbringing. 31% children have experienced corporal punishment (strict and other), among which 5% have experienced strict methods as slapping, beating on the head or ears and continuous forceful beating. 66% of children have experienced emotional abuse.⁹

Parent participation: The number of children who have three or more books at home is very low in rural parts of the country (66%), with 54.8% in Qvemo Qartli region and particularly low rates (14.5%) among children with ethnic Azeri background. Adult members of households have not received academic assessment results for the past one year for 33% of children.¹⁰

FAMILY SUPPORT POLICIES, PROGRAMS AND PRACTICES

In response to the challenges described above **services offered by the central and local governments** to struggling families are very limited. Besides the centrally administered Targeted Social Assistance Program which is provided based on the socio-economic indicators – the rating score – of the household, out of the social rehabilitation and childcare programs approved by the Government for 2019, only the following can be viewed as offering some kind of prevention and family support:

- Subprogram to support families with children who are in critical situation: the declared purpose of this program is to help families in extreme poverty and/or critical situation to meet their basic needs; to prevent child abandonment; to support childcare in the family environment. The subprogram provides families with food, including processed food products and essentials for home;

⁸ UNICEF Welfare Monitoring Survey, 2017

⁹ National Statistics Office of Georgia, Multiple Indicator Cluster Survey (2018)

¹⁰ National Statistics Office of Georgia, Multiple Indicator Cluster Survey (2018)

- Day care service, which aims to support families, prevent abandonment and promote social inclusion. The service is available for vulnerable children or children at risk of abandonment only in 14 out of the 69 municipalities of Georgia, reaching a total of 661 children.

It has to be stressed here that none of these programs/subprograms include elements of parent education, positive parenting skill-building and economic empowerment, the latter being the most important aspect of family support. The programs listed above can thus be questioned in terms of their efficacy and their ability to achieve the stated goals.

As for family support services operating at the municipal level, close examination of 5 municipal programs for social rehabilitation in 2019¹¹ has found that that on average 5 social programs involving children and their families are budgeted for by the local governments; however, they fail to ensure effective prevention of abandonment and reduction of risks of violence against children as most of them only offer one time or monthly monetary assistance, which is also in meager amount. Out of the 26 programs of the 5 municipalities examined in this report, only 4 of them can be understood as offering some type of family support, mostly in the form of financial subsidy/co-funding of NGOs implementing the program. Clearly, provision of only cash transfers cannot be expected to meet the needs of vulnerable families with children and to support them in tackling the complex hardships that they face.

Fulfillment of commitments in the State Action Plan – the childcare and protection section of the Human Rights Action Plan (2018-2020) sets the enhancement of prevention and family support mechanisms as one of its goals, namely Goal 16.1. Some of the tasks under this Goal include: 16.1.1. Define the concept of vulnerability on the policy level; 16.1.2. Establish the practice of community worker. 16.1.3. Ensure better access to monetary and non-monetary services for vulnerable children and families with children.

The 2018 report on the implementation of the action plan refers to the activities under 16.1.1.1. on defining the vulnerability policy concept as mostly completed; however, this statement is debatable as the report only describes that the draft of the state program of ‘tracking children left beyond the education system and enrolling them in education’ has been finalized, which clearly does not constitute a vulnerability concept and can cover only certain limited elements of such a policy definition. Furthermore, the report does not even mention other activities under the same objective, such as establishing the institute of community worker and improving access to monetary and non-monetary assistance for vulnerable families with children.

Findings of various surveys and analysis of existing services allow for a conclusion that neither central nor local services offer adequate solutions to the problems of child poverty, application of violent methods in upbringing and the low parent participation. There is not a single state-implemented or state-supported program in the country that would address all of the important and necessary aspects of family support.

Notably, the Code on the Rights of the Child which was adopted on September 20, 2019 includes a particular article (Article 28) on family support services and outlines a general framework in this regard, referring to positive parenting, parent support and auxiliary social services. Paragraph 6 of the same article mandates the Ministry of Internally Displaced Persons from the Occupied Territories, Health, Labor and

¹¹ Tbilisi, Kutaisi, Batumi, Telavi and Akhaltsikhe

Social Affairs to design and implement programs to support children within their families through inter-agency cooperation, while Paragraph 7 delegates these duties to local municipalities. Thus, addressing the issues related to enforcement of the legislation and how it will be translated into actual programs on the central and municipal level are crucial for building family support services in the country.

As a conclusion, it can be argued that the lack of preventive and family support services disrupts the principles of gatekeeping and negatively affects the efficacy of the reintegration programs, which are vital elements of the childcare and child protection systems.

Recommendations:

- *It is necessary to develop an evidence-based strategy and a corresponding state action plan to prevent violence against children and support families at the central and local level;*
- *The concept of vulnerability on the policy level and the related assessment instruments must be defined and developed in order to ensure early detection and identification of children and their families at risk of harm or placement under the state care;*
- *The concept of community-based family support programs must be designed and piloted at a municipal level. It is important that these family support programs are comprised of the following key elements: parent/caregiver education, economic empowerment, psycho-social or other assistance based on the individual needs of the families;*
- *Child-friendly centers/day care centers must be developed at the municipal level in order to assist families with child care during day time and help to build social and cognitive skills of the children;*
- *Social work must be institutionally developed at the local level and the case management practice enhanced. This means implementation of best practices policies and organizational frameworks, adequate workload distribution and work conditions, effective supervision systems and opportunities for continued professional development;*
- *Intersectoral and interagency coordination and cooperation mechanisms at the municipal level must be improved in order to effectively address the issues of prevention, early intervention and family support.*

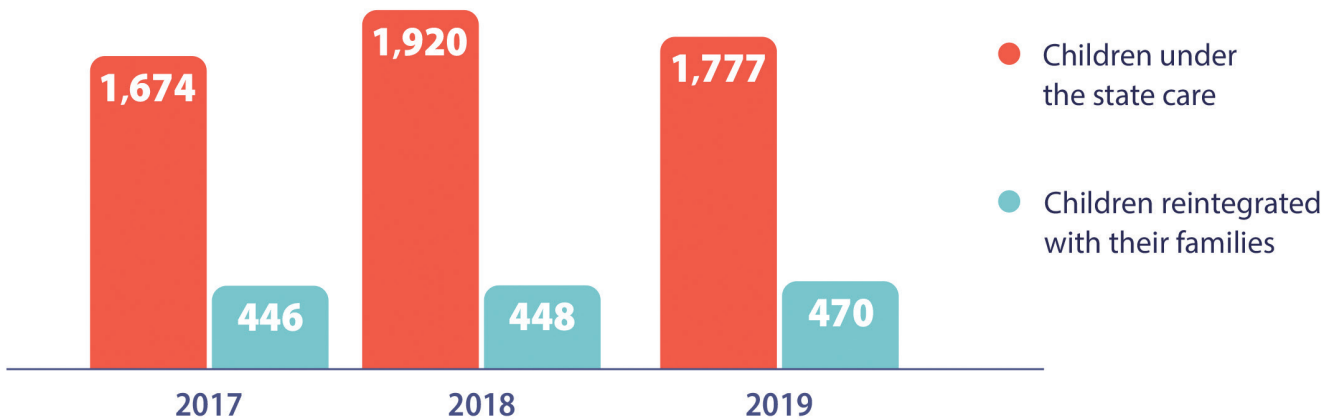
HOW EFFECTIVE IS THE PROGRAM FOR THE REINTEGRATION OF CHILDREN WITH THEIR BIOLOGICAL FAMILIES?

Efforts for the **reintegration of children** with their biological families should start on the day of their placement in the **specialized care institution***.



However,

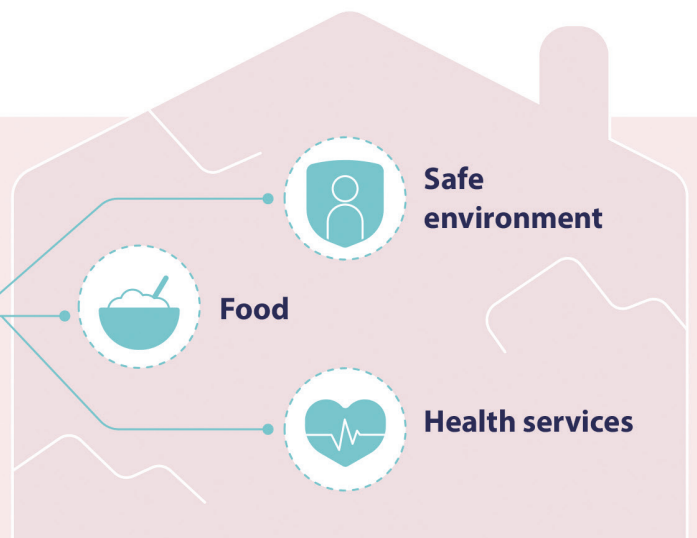
the data shows that the number of children in state care institutions is **4 times higher** than those reintegrated with their biological families.



*Small family-type homes, big residential institutions, foster care, etc.

The state fails to effectively address

the **problems**, which led to the placement of children under the state care.



The project "Raise Up Children's Voice" is funded with the Bulgarian Development Aid

Source:

Social Service Agency, Letter #04/43272 (14/08/2019)

EVALUATION OF THE REINTEGRATION PROGRAM

The discussion presented below draws from the review of Georgia’s fulfillment of the obligations required by international/national legislation, the Public Defender’s Special Report on Assessing the Reintegration Program (hereinafter referred to as Special Report) and the study produced by the Young Pedagogues’ Union into the Needs of Children and Families in Reintegration (hereinafter referred to as the Study). **A variety of data related to the implementation of certain components of the reintegration program was requested from the LEPL Social Service Agency who has not granted our requests for information, therefore, their data is not included in the presented discussion.**

Georgia began the process of transforming its childcare systems in 2000, guided by the goals of deinstitutionalization and the primary objective to support reintegration of children with their biological families. Notably, absolute majority of these children were defined as the so-called ‘social orphans’, meaning that they had parent(s), who for one reason or another, including poverty, had temporarily given up their children under the state care. In this regard the reintegration program was supposed to act as the best alternative to residential care. In 2004 these processes adopted the elements of a reform with the ultimate goal to optimize child homes and foster deinstitutionalization by means of building up community resources and spurring the return of children to their families. By 2011 all of the residential homes in the country were closed down and a portion of their residents (23% of children¹²) returned to their families through the reintegration program. These developments were also further supported by the projects of international organizations that offered opportunities to purchase home essentials¹³ and improve living conditions. Since then, the Government has failed to build a similar support system which has led to lower numbers of successful reintegration cases compared to the rates of using alternative care services.¹⁴

The table below does not specify the share of new reintegration cases across the years. Presumably, these numbers include many of the cases that took place during 2011-2013.

YEAR	REINTEGRATION	FOSTER CARE	SMALL GROUP HOME
2019	470	1452	325
2018	448	1463	457
2017	446	1356	318

The UN General Assembly Resolution N64/142 (2010) emphasizes the need for family support systems and calls upon the member states to develop and strengthen childcare skills of biological families¹⁵ and social services for parents.¹⁶ In addition, according to the Regional Minimum Standards for Alternative

¹² According to the data of the Save the Children International Project „Strengthening Child Care Services and Systems” funded by UNICEF/USAID, 23% returned to their families, 45% were placed in foster care and 30% in small group homes, while 2% stayed in the residential institutions.

¹³ Save the Children International Project „Strengthening Child Care Services and Systems” funded by UNICEF/USAID.

¹⁴ 14.08.2019 correspondence № 04/43272 of the LEPL Social Service Agency.

¹⁵ General Assembly Resolution, Guidelines for the Alternative Care of Children, Doc. A/RES/64/142 (24 February 2010).

¹⁶ General Assembly Resolution, Guidelines for the Alternative Care of Children, Doc. A/RES/64/142 (24 February 2010).

Care Services for Children produced by the CRC, the prioritized form of childcare is precisely within their biological families.¹⁷ Georgia's national legislation also recognize that 'the work on the reintegration of the child starts on the day of her/his placement in the specialized institution' (March 20, 2014 Decree №01-20/n of the Minister of Labor, Health and Social Affairs of Georgia).

According to the Study, social workers do not prepare biological families for the process of reintegration. Social workers note that 'reintegration of children mostly happens by the initiative coming from the parents. Social workers rarely develop reintegration plans to strengthen families for children's reintegration'.¹⁸ This practice clearly indicates that decisions of reintegration are not always solid and rooted in objective reasoning as there is no comprehensive pre-assessment of the circumstances and conditions that the child will be returning to. Furthermore, at the council meetings of the guardianship and care agency, social workers do not assess risks that may trigger new crisis within the family in the long term, which in its turn may affect the life and development of the child.

In view of the failures described above, it can be assumed that in most cases families are driven by the extent of their motivation to reunite with their children and are trying to eliminate the reasons (living arrangements, employment, etc.) for which their children were placed under the state care in the first place by mobilizing whatever resources they possess, and only then request from the relevant agencies to initiate the reintegration process. Essentially this process is fully reliant on the mutual desire of the 'interested party' and the child to achieve reintegration. The absence of a coherent policy to this end results in the lack of practices centered on family support and the subsequent continuation of the life of children under the state care before they reach adulthood.

All of the above demonstrate that the reintegration program as it stands today is mostly limited to social assistance in the form of cash transfers for children/families in reintegration and other purposes prescribed in the law. These processes do not encourage the multifaceted interventions of social work that would enforce the rights of reintegrated children and their families and improve their social and operational skills. To this day, the services offered within the state social programs do not respond to the specific needs of families or delay/fail in their timely enrollment in some of these services.¹⁹

It is in the state's obligations to support and assist parents in fulfilling their duties. Nevertheless, the Study has found that majority of the families in reintegration can barely make ends meet, with their monthly income hardly exceeding the minimum subsistence level (approximately 300 Georgian Lari per month for a medium sized family, i.e. with 4 members). The main source of income for these families is the cash transfers for reintegration and through the TSA program. The total amount of these cash transfers is barely sufficient to cover rent, utilities and food.²⁰ Based on this data it can be concluded that families are struggling to meet basic needs of their reintegrated children, such as: food, health and safe living environment.

¹⁷ UNICEF, „Regional Minimum Standards for Alternative Care Services for Children”, Guiding Principles (2012):para.2. http://www.unicef.org/easterncaribbean/ECAO_Regional_Minimum_Standards_for_Alternative_Care_Services_for_Children.pdf. 33.15

¹⁸ Young Pedagogues' Union, Needs of Children and Families in Reintegration (analytical report), p. 35.

¹⁹ Young Pedagogues' Union, Needs of Children and Families in Reintegration (analytical report), p. 19.

²⁰ Young Pedagogues' Union, Needs of Children and Families in Reintegration (analytical report), p. 39.

Pursuant to Article 19 of the UN Convention on the Rights of the Child, ‘States Parties shall take all appropriate measures to protect the child from all forms of physical or mental violence, neglect or negligent treatment.’ According to the Study of the Needs of the Children and Families in Reintegration, one of the most common reasons for placing the child under state care is domestic violence.²¹ Considering the failure on the part of the state to deliver educational activities for parents to improve their parenting skills and the lack of training in positive parenting methods and strategies for crisis management, it is highly likely that the reintegrated children may experience domestic violence again.

²¹ Young Pedagogues’ Union, Needs of Children and Families in Reintegration (analytical report), p. 57.

Recommendations:

- *The state must develop a strategy of reintegration to improve the existing reintegration program;*
- *The state must design evidence-based support systems (monetary and non-monetary) for families in reintegration and assess the quality of existing systems;*
- *Local governments must prioritize children/families who receive reintegration assistance in their social/healthcare programs;*
- *Preparation of reintegration cases initiated by parents/social workers must proceed with active engagement of the child, family and family support networks and the process must be described in detail, both in the individual development plan of the child as well as the so-called 'intervention plan to prepare family for reintegration'.*

POLICIES AND PRACTICES OF QUALITY
EARLY AND PRESCHOOL EDUCATION IN GEORGIA

ACCESS TO AND QUALITY OF PRESCHOOL EDUCATION IN GEORGIA

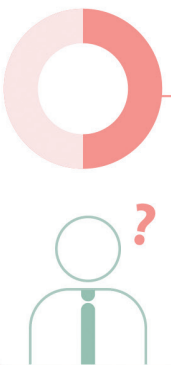
The number of children from **3 to 5 years old** who are enrolled in preschool education institutions has **increased recently**.



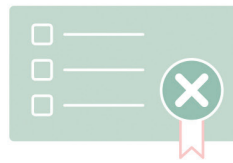
However:



Restrictions on maximum number of children in classrooms **are not followed**.

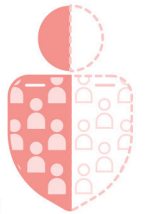


50% of school **directors are not educated** in early and preschool education matters.



44% of caregivers in **57 municipalities are not qualified**.

Only half of public preschool educational institutions in **27 municipalities have designated personnel to safeguard children from violence and abuse**.



Challenges remain in the teaching of the **official language** in regions populated by ethnic minorities, training of bilingual/multilingual children and availability of appropriate teaching and methodological resources.



A list of educational resources based on the **principles of inclusive education is still lacking**.



Authorization rules for preschool education institutions **are not established**.



There **are no approved technical regulations** for buildings and facilities, infrastructure, logistics and material and technical arrangements of the institutions.



The number of children aged 3-5 years enrolled in preschool education has soared in recent years and jumped from 46% in 2011-2012²² to 78% of children aged 59 months who are enrolled in nursery schools²³. These numbers, however, differ significantly in terms of a range of characteristics (type of residence; regions where they reside; level of poverty; special educational needs). According to the UNICEF survey in 2017, 8.9% of the total number of children aged 3-5 years could not access preschool education due to the lack of nursery schools in the vicinity (in the same village or town)²⁴.

The 2016 Law of Georgia on Early and Preschool Education established national standards²⁵, technical regulations²⁶ and a number of related normative acts²⁷. Although these provisions constitute a considerable advancement in the field of early and preschool education policy, no substantial steps have yet been taken in order to translate these standards, regulations and obligations into practice.

Notably, as reported by UNICEF in 2018, majority of preschool education personnel either lack qualifications or their qualifications and skill-set are not relevant to early and preschool education. 44% of caregiver-pedagogues in 57 municipalities do not possess required qualifications. 50% of directors are not educated in early and preschool education matters. Low levels of competency and qualification of school personnel and the shortage of specialized assisting personnel pose serious challenges to the system and impede effective provision of inclusive education at preschool institutions²⁸.

Pre-service and in-service professional development programs for preschool education personnel have been developed. A document on benchmarking early education has long been prepared and approved which lays groundwork for creating higher education programs. As of today, a number of Georgian universities have drafted higher education curriculum, which are currently pending accreditation/authorization. Notably, the training module to build up professional qualifications of caregiver-pedagogues was adopted recently²⁹. From 2016 to this day, local municipalities have received no support to improve professional skills of personnel of preschool education institutions, as required by the professional devel-

²² National Statistics Office of Georgia, 2011. Integrated Households Survey;

²³ UNICEF, 2019, Georgia MICS Multiple Indicator Cluster Survey 2018 Survey Findings Report https://www.unicef.org/georgia/sites/unicef.org.georgia/files/202001/Georgia20%MICS-202018%SFR_English.pdf

²⁴ Unicef, 2017. Welfare Monitoring Survey, Short Summary: <https://www.unicef.org/georgia/media/1221/file/WMS%20GEO%202017.pdf>

²⁵ National professional standard for caregiver-pedagogues:

<https://matsne.gov.ge/ka/document/view/3837404>

National standards for early and preschool education and care:

<https://matsne.gov.ge/ka/document/view/3838798>

²⁶ Technical regulations for sanitary and hygiene requirements to be observed by early and preschool education institutions

<https://matsne.gov.ge/ka/document/view/3837694?publication=0>

Technical regulations for standards of catering and nutritional values of diet at early and preschool education institutions.

<https://matsne.gov.ge/ka/document/view/3838370?publication=0>

²⁷ Training module for professional development of caregiver-pedagogues

<https://www.matsne.gov.ge/document/view/4873654?publication=0&fbclid=IwAR1HnGKnoen5hvyHbIKRAs0gL23P5LZN-QrjGtPjccp6GTtBa0ppurdPp-sg>

²⁸ Unicef, 2018. Study on Quality of Early Childhood Education and Care in Georgia

https://www.unicef.org/georgia/sites/unicef.org.georgia/files/2019-01/Pre-school_quality_study-ge-2.pdf

²⁹ 01.07.2020.

opment training module. This has prevented them from fulfilling their obligations, namely: providing training for caregiver-pedagogues³⁰ and directors of public preschool institutions³¹.

As required by the Law of Georgia on Early and Preschool Education,³² by October 1, 2017 almost all of the municipalities adopted five (5) normative acts listed in paragraphs ‘a-e’ of the law; however, nothing has been done in terms of their enforcement. Interestingly, Tbilisi City Hall has only adopted normative acts regarding the service instructions, code of conduct and ethics for personnel of educational institutions.

An array of provisions prescribed in the law remain unfulfilled by various central and local government institutions:

1. The Government of Georgia has not yet adopted authorization act for preschool institutions, delaying the operation of the latter as independent not-for-profit, non-commercial legal entities, as prescribed by the law (which requires that all public and private preschool education receive authorization). Direct participation in different areas of management of preschool institutions (personnel selection, recruitment and dismissal; procurement decisions; decisions related to curriculum) needs to be ensured. As of today, no measures are being taken to support these processes;
2. The Government of Georgia has not yet legislated the minimum remuneration threshold for caregiver-pedagogues;
3. The Government of Georgia has not adopted technical regulations for buildings and facilities, infrastructure, logistics and material and technical arrangements of the institutions;
4. The Government of Georgia has not developed act for the registers of institutions by municipalities and the list of indicators and data to be included in these registers;
5. The Ministry of Education, Science, Culture and Sports has not yet devised educational and methodological resources in compliance with the principles of inclusive education and has not made these resources available to local municipalities;
6. Preschool education institutions do not follow restrictions in the law on the maximum number of children in the classroom per their age³³. The classroom sizes in big towns are very large. For example, the average number of children in classrooms at Tbilisi preschool institutions is 39, which is quite high³⁴. This practice has a negative impact on the process and outcomes of education.

The educational process at preschool educational institutions also face some challenges. Almost all of the 700 institutions participating in the benchmarking system³⁵ apply the program (educational and care program for Tbilisi nursery schools), which may not be completely fitting in with the local context and availability of resources. Caregivers in 23% of the surveyed institutions follow the program activities strictly, without accommodating the specific characteristics of the children³⁶.

³⁰ Law of Georgia on Early and Preschool Education, Article 10, Par. 3b

³¹ As required by the professional standards for early care and education service providers, and/or preschool care and education service providers, and/or school readiness service providers.

³² Law of Georgia on Early and Preschool Education, Article 28, Par. 4

³³ Law of Georgia on Early and Preschool Education, Article 22.

³⁴ Unicef, 2018. Study on Quality of Early Childhood Education and Care in Georgia: <https://uni.cf/2RsNs6D>

³⁵ Save the Children, Civitas Georgica, 2010. Improving Preschool Education in Georgia through Social Accountability Processes - Findings of the benchmarking approach.

³⁶ Save the Children, Civitas Georgica, 2010. Improving Preschool Education in Georgia through Social Accountability Processes - Findings of the benchmarking approach.

There are preschool institutions of perpetuating gender stereotypes by some of the educational institutions. 20% of them offer certain activities only for girls or only for boys. Repeated division on the grounds of gender stereotypes occur at 3% of the preschool education institutions, where children participate in activities based on their sex.

Preschool institutions are mandated to deliver government-authorized programs and resources as required for children of language minority communities, both in the official as well as their native language; however, the institutions either completely fail in this requirement or deliver the programs in a very low quality and with limited institutional support³⁷. Consequently, preschool education institutions continue facing the problems of the shortage of caregivers trained in facilitating learning Georgian with bilingual/multilingual approaches and the scarcity of methodological and institutional resources.

Preschool education institutions³⁸ are required to assign a staff person who will safeguard children from violence and abuse. Currently, 50% of public preschool educational institutions in 27 municipalities have such personnel³⁹.

For effective implementation of preschool care and education services as required by the national standards, municipalities should assess the needs in local communities and assign budgetary allocations and resources accordingly⁴⁰. The current practice of identifying and analyzing the needs and existing conditions at the local level are fragmented and mostly supported by donor-funded projects or other external initiatives.

³⁷ Law of Georgia on Early and Preschool Education, Article 5, Par. 2.

³⁸ Law of Georgia on Early and Preschool Education, Article 6, Par. 6.

³⁹ Save the Children, Civitas Georgica, 2010. Improving Preschool Education in Georgia through Social Accountability Processes - Findings of the benchmarking approach.

⁴⁰ Law of Georgia on Early and Preschool Education, Article 10, Par. 3a.

Recommendations

- *Through interagency cooperation and engagement of local municipalities, the Government of Georgia must develop and implement a strategy to ensure enrollment of vulnerable children (those living in rural parts of the country or belonging to ethnic minority communities; children with special educational needs, etc.) in preschool educational institutions. Among other crucial elements, the strategy must propose legislation modifications in order to enable municipalities and private entities to establish and provide alternative forms of preschool education. The voucher funding system covering both public and private institutions will enable parents or legal representatives of children to access more affordable preschool education services by private providers which will relax the burden on public nursery schools and allow municipalities to widen access to preschool education;*
- *The 2016 Law of Georgia on Early and Preschool Education requires from the Government of Georgia to ensure universal access to early and preschool education, including school readiness programs⁴¹ and instructs local municipalities to ensure universal availability of and access to preschool education⁴². To this end, the Government of Georgia, based on the solicitation of the Ministry of Education, Science, Culture and Sports, must approve and enforce the wide-ranging supplementary services that foster early and preschool education, developed by international organizations (UNICEF, World Vision Georgia)⁴³. Access to these services is recommended to ensure universal availability of early and preschool inclusive education, including school readiness programs;*
- *It is recommended that the benchmarking mechanism proposed by Save the Children and Civitas Georgia be applied to identify needs at the municipal level and allocate local budgets and resources accordingly;*
- *Local governments should institutionalize the benchmarking mechanism;*
- *Universities are recommended to begin admission of applicants on their programs from next year, which entails that the draft programs of higher education receive accreditation/authorization in the nearest future;*
- *The authorization Act of preschool educational institutions must be developed;*
- *Minimum remuneration of caregiver-pedagogues must be determined by law;*
- *Technical regulations for buildings and facilities, infrastructure, logistics and material and technical arrangements of the educational institutions must be adopted;*
- *Act for the registers of institutions by municipalities and the list of indicators and data to be included in these registered must be approved;*
- *The Ministry of Education, Science, Culture and Sports must devise educational and methodological resources in compliance with the principles of inclusive education and make these resources available for local municipalities;*
- *Restrictions on classroom sizes prescribed in the Law of Georgia on Early and Preschool Education must be respected;*
- *Tbilisi City Hall must adopt all normative acts listed in Article 28, Par. 4 of the Law of Georgia on Early and Preschool Education. Action must be taken in order to initiate and support procedures for the enforcement of all of the five legal acts;*
- *Relevant personnel must be designated at every preschool education institution to safeguard children from violence and abuse;*
- *Approve and Implement from preschool to school Inclusive Transition Procedures and relevant mechanisms developed by the organization 'Innovations for Inclusive Societies'.*

⁴¹ Law of Georgia on Early and Preschool Education, Article 7, Par. a: <https://matsne.gov.ge/ka/document/view/3310237>

⁴² Law of Georgia on Early and Preschool Education, Article 10, Par 1a: <https://matsne.gov.ge/ka/document/view/3310237>

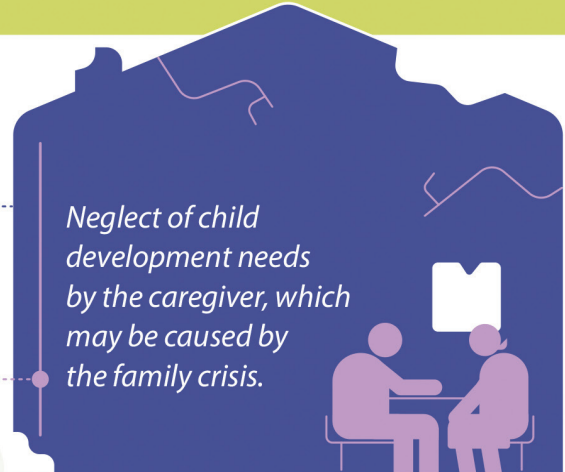
⁴³ UNICEF, 2019. a) 'Framework document on early and preschool inclusive education' (draft)

b) 'Extended supplementary services for school readiness programs for children with visual impairments in early and preschool education'; 'Extended supplementary services for school readiness programs for children with hearing impairments in early and preschool education' (drafts), World Vision Georgia, 2019.

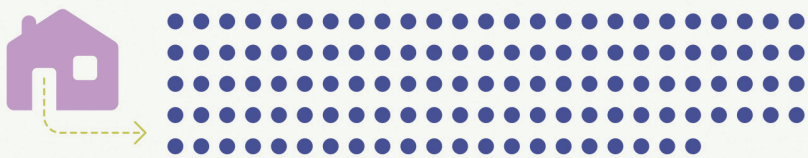
TENDENCIES OF INSTITUTIONALIZED CHILDCARE IN GEORGIA

REMOVING CHILDREN FROM THEIR FAMILIES HAS BECOME EASIER WHILE THEIR RETURN - MORE DIFFICULT!

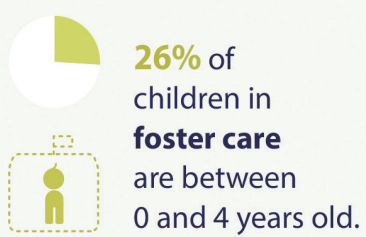
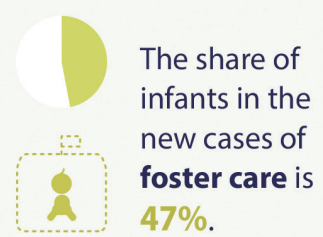
The most common reason for placing infants under the state care is **neglect**.



*Infancy: children from 2 months to 12 months

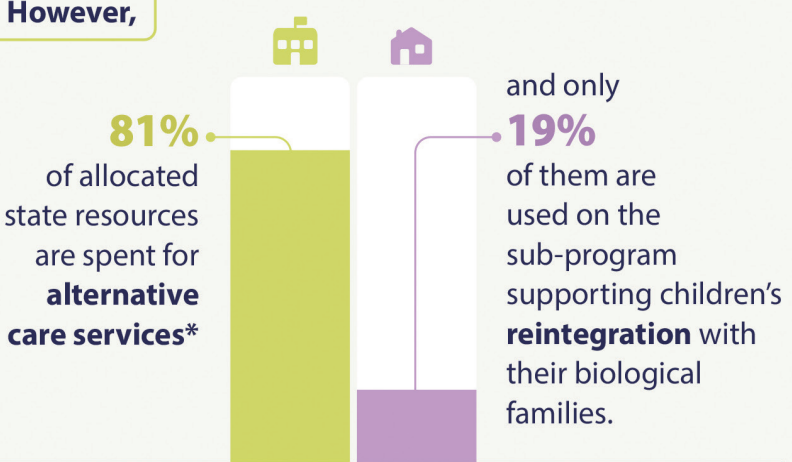


In 2018-2019 (August) the Social Service Agency **removed 121 infants** from their families.



The state must provide families with a range of support services for childcare.

However,



*Small family-type homes, big residential institutions, foster care, etc.



The project "Raise Up Children's Voice" is funded with the Bulgarian Development Aid

Source:
Social Service Agency, Letter #04/43272 (14 /08/2019), #04/65654 (26/12/2019)

The attachment theory suggests that children are inherently prone to developing strong emotional connection to and attachment with their primary caregivers, which is fundamentally decisive for their full development. Therefore, parenting competencies of their parents directly influence the wellbeing and personal development of the child. For these reasons the UN Convention on the Rights of the Child takes the approaches which are in best interests of the child and her/his development as its foundation and requires the state parties to promote environments which supports the rights enshrined in the Convention.

Georgia's signing of the UN Convention on the Rights of the Child marked the start of a new era in the country. The deinstitutionalization reform launched in 2004, preceded by the introduction of social work and the pilot deinstitutionalization project, set out to: a) repealing residential care services in the country; b) design a gatekeeping policy to prevent the instances of child abandonment by birth parents or removal of children from their families; c) implementing alternative forms of family-type care to be activated as the last resort.

Social work as a profession emerged in Georgia precisely as a result of the deinstitutionalization reform and it aimed to 'support free development of the individual in the society, promote their integration and help to improve the well-being of the society by means of individual empowerment'⁴⁴. In the course of the reform much effort was spent on building professional competencies of social workers and their supervision mechanisms as well as developing support programs tailored to the needs of families, which ensured effective performance of social workers and the success of the reform.

Today's Child welfare system in Georgia at glance after 20 years: a) is being regulated by the better Governmental legislation guided by the best interests of the child; b) is being strengthened annually by the revised and increased budget allocations on social rehabilitation and care programs; c) the role and obligations of local municipalities within the ongoing decentralization reform are growing. In this light, being in contrast to the parental childcare practices, the tendencies of institutional child care have been still rising

Notably, although the deinstitutionalization reform has reduced the number of children placed in residential care by their parents' will, the state's efforts to safeguard children from violence has increased the instances of placing children under the state care by decision of social workers. While on the one hand this development can be viewed as a positive result in terms of protecting children from violence, looking at it from the point of view of removing children from their families and the ensuing reintegration issues, reveals tendencies that are harmful for children⁴⁵. This situation, in its turn, directly indicates the shortcomings in the gatekeeping and family support policies and the failures of social work.

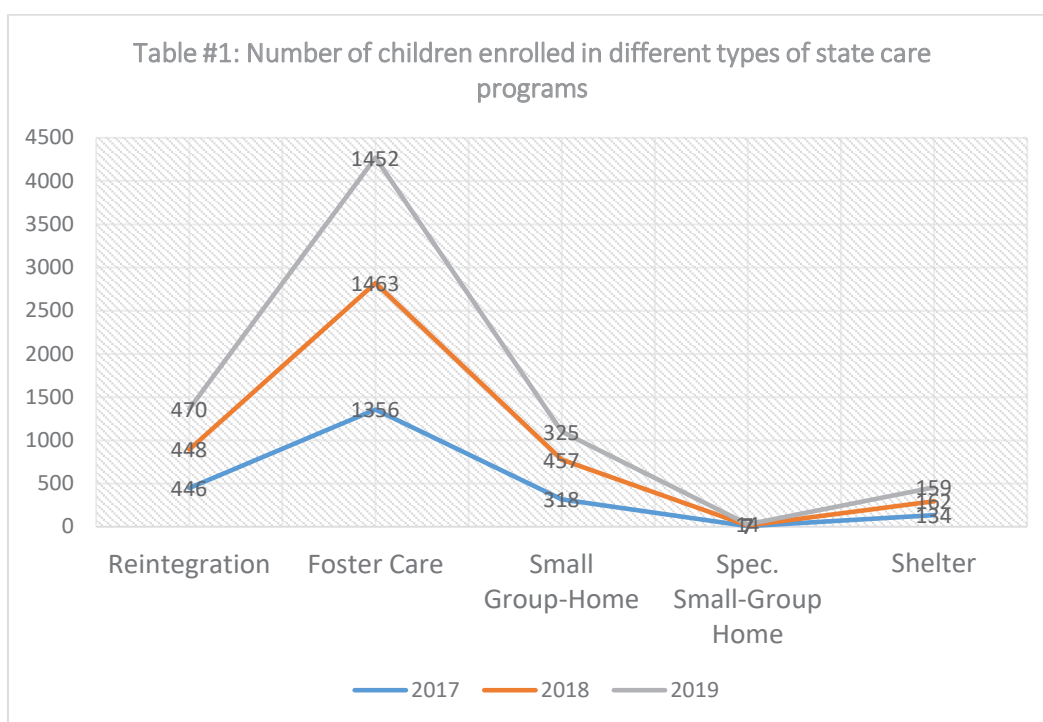
The dominant circumstance cited as a reason for abandonment of children by their parents or for their removal from their families by decision of social workers is **neglect by parents**. This particular form of violence is very harmful as it affects the child's development and its prolonged practice may even lead to the death of the child. However, it is noteworthy that where social workers succeed at timely identification of vulnerable families and their enrollment in prevention and support programs, most of these families stop presenting an unfavorable and life-threatening environment for children. Therefore, removing the

⁴⁴ Law of Georgia on Social Work

⁴⁵ Public Defender of Georgia, Special Report on Monitoring of Childcare Systems – Effectiveness of Alternative Care, 2019

child from the family should not be seen as an absolute necessity unless the child’s life is in danger and where social workers fulfill their duties. Furthermore, numerous studies demonstrate that involving parents in family support programs improves positive parenting skills and reduces the risks of inappropriate treatment.⁴⁶

24 infants were recognized as abandoned by their parents according to the court’s decision in Georgia during 2017-2018⁴⁷. The major reasons for child abandonment by birth parents have been neglect (56%) while reasons of poverty (8%) and the child’s health conditions (3%) are cited significantly less frequently⁴⁸. Conversely, the instances of removing children from their families are much higher. According to the 2018-2019 data⁴⁹, 121 children have been removed from their biological families for reasons of ‘various forms of violence’. Unfortunately, information provided by the Social Service Agency does not allow for a more nuanced analysis; nevertheless, the frequency of removing children at their early age from their biological families is alarming in itself, particularly more so when the number of children being reintegrated within their families is even lower.



Analysis of the data for all age groups shows that in 2018 there were 1440 children in foster care, 26% of which (N 382) are aged between 0 and 4 years old. In the new cases of foster care, comprising 18% (N 259)⁵⁰ of all cases, the share of infants is 47% (N 121). During the same period, only 13% (N 50)⁵¹ of children aged 0-4 years have been reintegrated with their biological families.

⁴⁶ Dozier, M., Zeanah, C.H, Bernard, K. (2013) Infants and Toddlers in Foster Care, Child Development Perspectives, The Society for Research in Child Development.
⁴⁷ Children aged between 2 months and 12 months are defined as infants.
⁴⁸ 26.12.2019 correspondence N 04/65654 of the LEPL Social Service Agency.
⁴⁹ 14.08.2019 correspondence N° 04/43272 of the LEPL Social Service Agency
⁵⁰ Public Defender of Georgia, Special Report on Monitoring of Childcare Systems – Effectiveness of Alternative Care, 2019, p. 5
⁵¹ 26.12.2019 correspondence N 04/65654 of the LEPL Social Service Agency.

The number of children enrolled in different types of state care services (Table #1) clearly points to an extremely wide gap in the ratio of children in alternative care and those in reintegration programs. It shows that instead of honoring its commitment to strengthen family support programs, the state invests 81% of its efforts and resources in alternative care systems.

It should also be pointed out that as of January 2019, the total number of persons enrolled in the state social rehabilitation and care programs is 6836⁵² (out of which 87% are minors) and the number of social workers working at the Social Service Agency does not exceed 271. Notably, there were 240 social workers in 2013 and their workload and number of beneficiaries were much lower.

The lack of access to and quality of social work in state care programs is so dramatically low that it undermines opportunities to utilize the strong and favorable conditions that are already in place. For example, 93.9%⁵³ of minors in foster care describe that their foster families are supportive of their relationship with their biological families, which is a positive tendency, indicating the effectiveness of the practices of foster care. However, looking at the reintegration dynamic, one can conclude that the programs administered by the state do not build upon these strengths (i.e. do not utilize the above described favorable conditions for timely reintegration of children) and are preoccupied with crisis intervention (removal of the child from the family).

Social work is critically important for the implementation of child welfare policies and family support programs. Effective performance of social workers reduces the risks of placing children under state care, enables families to overcome hardships and by timely return of children to their families, lessens the harmful impact that alternative care experience may have imposed on children. Consequently, the success of the deinstitutionalization reform in Georgia significantly depends on the quality of social work. It is imperative that the childcare systems must serve the best interests of children and their families.

⁵² Website content of the LEPL Social Service Agency: http://ssa.gov.ge/index.php?lang_id=&sec_id=1453

⁵³ Public Defender of Georgia, Special Report on Monitoring of Childcare Systems – Effectiveness of Alternative Care, 2019, p. 13

Recommendations:

- *The Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking must take the following measures in order to improve social work within its mandate: a) introduce and further develop mechanisms for professional supervision; b) build clinical approaches (for example, training in motivational interviewing skills); c) revise social worker job descriptions and align them with the professional competencies of social work; d) develop guiding programs to prevent placement of children in alternative care and support their reintegration with their biological families;*
- *The local governments must: a) design social programs to prevent placement of children in alternative care and to support their reintegration with their biological families; b) develop standards for social work and introduce ecological system approaches;*
- *Family support programs must include resources focused on the needs of the child (development), parent (parenting) and family (functioning) and based on multisectoral and multidisciplinary principles.*

CHILD POVERTY AND DEINSTITUTIONALIZATION

LARGE RESIDENTIAL INSTITUTIONS FOR CHILDREN

Every child has the right to grow up in a family environment.

Still, **up to 1500** children in Georgia continue to live in large residential institutions:

children's homes and boarding schools.

Unlicensed institutions



Boarding homes for minors operated by the Patriarchate of the Georgian Orthodox Church, Georgian Muslims Associations



and those under the control of local municipalities

Licensed institutions



Residential institutions for children with disabilities



Not-for-profit (non-commercial) legal entities of the Patriarchate of the Georgian Orthodox Church

- "Javakheti's Ninotsminda St. Nino Boarding School for Orphans, Waifs and Children in Need of Care"
- "St. Apostle Matthias Foundation's Boarding School in Village Feria"
- Rehabilitation Center for Children and Adolescents in Bediani



Boarding schools under the jurisdiction of the Ministry of Education, Science, Culture and Sports of Georgia



Institutions



Children

Up to
38

Up to
900

2

Up to
80

3

73

101

6

16

...

7 schools for children with special educational needs



The project "Raise Up Children's Voice" is funded with the Bulgarian Development Aid

Source:

Joint staff working document, Association Implementation Report on Georgia, 2020
Public Defender of Georgia, Special Report on Monitoring of Childcare Systems – Effectiveness of Alternative Care, 2019

The childcare reform in Georgia was ran in several phases. The first phase started in 1999 when UNICEF and Georgian Government piloted the deinstitutionalization program as up to 5000 children were living across 46 large residential institutions back then. Closure of large homes became the major focus of the national childcare system in 2004. They have all been dismantled since then and replaced by alternative care services such as foster care and small group homes.

Against the backdrop of malfunctioning social protection arrangements and the struggling childcare systems when every fifth child lives in a household whose members are unable to meet their basic needs⁵⁴, the tendency to institutionalize children is still sustained. The state continuously fails to safeguard children from abandonment and placement in large, often unlicensed, residential institutions.

At the national level, 4.3% of the total number of households, 5% of the total population and 6.8% of children live below the extreme poverty line. During 2015-2017 these rates increased by 2.6%, 2.9% and 4.3% respectively while the number of children living in impoverished households rose from 26.8% to 31.6%. As for the general poverty indicators, 19.6% of households, 21.7% of the total population and 27.6% of children live below the general poverty line⁵⁵. The major support scheme provided by the Government to impoverished households is the 'Targeted Social Assistance Program' (TSA) which offers cash transfers as well as certain types of non-monetary assistance. The findings of the UNICEF Welfare Monitoring Survey point to the limited geographical capacity of the TSA programs to reach out to all vulnerable population as they only provide for 37% of all children living below the general poverty line⁵⁶. In view of these limitations, the positive development of 2019 to improve the social conditions of children, such as the increase of the cash value of food vouchers from 10 Georgian Lari to 50 Lari for children whose households score less than 100 001 in the poverty reduction program, cannot substantially tackle the issues of child poverty.

Child poverty and inadequate living standards leave children without the age-appropriate nutrition necessary for their development. According to the Multiple Indicator Cluster Survey published in 2019, half of the children aged from 6 to 23 months have access to only 5 groups of the 8 recommended food products. 66% of the children of the same age receive the minimum required amount of solid/soft meal appropriate for their age and only 27% of children have access to minimum required diet and dietary diversity at a minimum frequency⁵⁷.

Through the framework of the second cycle of Universal Periodic Review (UPR) and the fourth periodic review of the UN Committee on the Rights of the Child, Georgia has received a number of recommendations towards deinstitutionalization. Importantly, the UN Committee draws a direct link between institutionalization and financial hardships of families, lack of support services, flaws in the social protection systems and the problems in early identification of child needs and the subsequent management of these needs. It is a significant development that the 2018-2020 Human Rights Action Plan contains a separate section on deinstitutionalization, however, measures taken towards its implementation are fragmented, unsubstantial and mostly in breach of the defined indicators⁵⁸. 2019 has also seen new rules in the licens-

⁵⁴ UNICEF Welfare Monitoring Survey, 2018.

⁵⁵ UNICEF Welfare Monitoring Survey, 2018.

⁵⁶ UNICEF - A detailed analysis of targeted social assistance and child poverty and simulations of the poverty-reducing effects of social transfers, 2019.

⁵⁷ National Statistics Office of Georgia, Multiple Indicator Cluster Survey (2018-2019); UNICEF, National Center for Disease Control and Public Health, Infant and Young Child Feeding, 2019.
https://www.unicef.org/georgia/sites/unicef.org.georgia/files/2019-11/iycf_ge.pdf

⁵⁸ Public Defender of Georgia, Special Report on Monitoring of Childcare Systems – Effectiveness of Alternative Care, 2019; Interim Report on the Implementation of the Human Rights Action Plan of the Government of Georgia, 2018; December 16, 2019 correspondence #01/20845 of the Ministry of Internally Displaced Persons from the Occupied Territories, Health, Labor and Social Affairs.

ing requirements for large residential institutions; however, they have not resulted in any substantial improvements either.

A number of issues regarding deinstitutionalization have to be specifically highlighted:

- The child welfare reform which was launched in 2004 in order to complete the process of deinstitutionalization has neglected residential homes of children with disabilities, which were left beyond the scope of reform. To this day, up to 80 children with disabilities continue to live in Tbilisi-based infants home and the children's home located in Kojori;
- **Orphanages and boarding homes run by the Patriarchate of the Georgian Orthodox Church, Georgian Muslims Associations and those under the control of the local governments** continue to compromise the deinstitutionalization process and pose serious challenges for its completion. Most of these residential homes (38 in particular⁵⁹) are operating without license, which increases the risks of regular violations of the rights of up to 900 children who live in these institutions; Boarding schools and residential homes under the control and management of religious groups remains to be a major concern in the country, which is linked with failures in the licensing procedures and in the state control systems. To this day the state does not possess full information about each and every religious boarding schools/homes in the country out of which only three are licensed⁶⁰.
- Children also live in **boarding schools which are under the jurisdiction of the Ministry of Education, Science, Culture and Sports of Georgia**. There are a total of 16 schools across the country, which offer residential services to their students, including 7 resource schools for children with special educational needs. Impoverishment of the families and inadequate living standards are among the most frequently cited reasons for enrollment. There are also cases when children are wrongly enrolled. Moreover, the service standards and effective monitoring mechanisms of these boarding schools are still lacking⁶¹.

Recommendations

- *Mechanisms for identifying and assessing the needs of children and their families must be developed and introduced, in order to empower families, improve their social conditions and prevent child abandonment;*
- *All large-scale residential institutions that meet the required terms and conditions must be licensed before the end of 2020;*
- *The needs of children who live in licensed residential institutions and their families must be assessed and family support services for the reintegration of children within their biological families must be designed;*
- *Where, guided by the best interest of the child, the needs assessments conducted at licensed residential institution find it unreasonable to return her/him to the biological family, measures must be taken to place the child in alternative, family-type care;*
- *Children living in the residential institutions who fail to meet the licensing requirements must be immediately placed in alternative care.*

⁵⁹ Joint staff working document, Association Implementation Report on Georgia, 2020, https://eeas.europa.eu/sites/eeas/files/1_en_document_travail_service_conjoint_part1_v4.pdf

⁶⁰ Not-for-profit (non-commercial) legal entity of the Patriarchate of the Georgian Orthodox Church "Javakheti's Ninotsminda St. Nino Boarding School for Orphans, Waifs and Children in Need of Care" (73 children); Not for-profit (non-commercial) legal entity of the Patriarchate of the Georgian Orthodox Church: "St. Apostle Matthias Foundation's Boarding School in Village Feria" (101 children); Rehabilitation Center for Children and Adolescents of the Patriarchate of the Georgian Orthodox Church in Bediani (6 children)

⁶¹ Public Defender of Georgia, Parliamentary Report on the Situation in Human Rights and Freedoms in Georgia, 2019.

VIOLENCE AGAINST CHILDREN

Due to failures in prevention and adequate response mechanisms by the state the incidences of **violence against children are high** in Georgia.



Violence in school



Number of cases of alleged violence reported by the schools:



1,134
Incidences of **bullying**

259
child abuse cases by the school personnel



198
To the Ministry of Internal Affairs

461
To the LEPL Social Service Agency

LEPL Office of Resource Officers of Educational Institutions received **3,434** referrals.

Domestic violence



740 Restraining orders issued on the grounds of violence perpetrated against children.



380 Criminal convictions for breaching the terms of restraining orders issued on the grounds of domestic violence/crime.



Sexual violence

In 2019 investigations into **262** cases of **alleged sexual abuse** against minors were initiated.



149 cases

Concern penetration of sexual nature into the body of persons aged under 16

79 cases

Lascivious behavior

24 cases

Deal with alleged rape

9 cases

Other types of sexual abuse

1 cases

Penetration of sexual nature into a minor's body or other type of sexual coercion



The project "Raise Up Children's Voice" is funded with the Bulgarian Development Aid

Source:

Parliamentary Report by Public Defender of Georgia, 2019
Correspondence #13/19154 of the Prosecutor's Office of Georgia

FAILURES IN THE CHILD PROTECTION SYSTEMS

Alarmingly, the number of incidences of violence against children and the complications of identifying these incidences continued into 2019 as well. The number of professionals working on rehabilitation and related activities for victims of violence is extremely low and the cooperation between responsible institutions is fragmented. Although during the reporting period investigators have received recommendations on the standards to be applied when investigating cases related to child marriages and the Ministry of Internal Affairs carried out a public education campaign, crime prevention remains to be a significant challenge.

The Social Service Agency examined 115 cases in 2018 and 261 cases during the period covered in this report.⁶² The rate of dropout of girls from education institutions for reasons of marriage continues to be high.

Problems endemic in the system have caused a rise in incidences of violence occurring at home or at an educational institution and negatively affected the response and prevention mechanisms. Despite incremental improvements in the rehabilitation services for child victims of violence, these services have yet to meet the minimum requirements.⁶³

VIOLENCE AT SCHOOL

According to the information collected from the Ministry of Education, there were 1134 registered cases of bullying at school in 2019. In 259 cases the school personnel are facing disciplinary charges for allegedly bullying the children. 198 cases have been filed with the Ministry of Affairs by schools. As for the LEPL Social Service Agency, they received 461 cases from schools and the psycho-social services department of the LEPL Office of Resource Officers of Educational Institutions took 3434 referrals from schools.⁶⁴

Schools are unable to prevent and effectively respond to even minor violations. There is no unified policy or an action plan to combat bullying at school or a set of rules to be activated during crisis. Detection of and adequate response to cyberbullying continues to be a major concern. State-supported rehabilitation services for child victims of violence and abuse are dramatically lacking. Safeguarding children from juvenile delinquency at private schools is a persistent problem.

DOMESTIC VIOLENCE

In 2019 the Ministry of Health received 87 referrals about domestic violence and Ministry of Internal Affairs issued 740 restraining orders in cases where the victims were minors⁶⁵. According to the information provided by the Prosecutor's Office of Georgia, 380 persons were prosecuted for breaching the terms of the restraining orders issued on the grounds of domestic violence/crime.⁶⁶ The high rate of violations of restraining orders points to the shortcomings in the mechanisms to safeguard children from violence. The death of a 4-year child who fell victim to domestic violence is a blatant demonstration of the system's

⁶² Parliamentary Report by Public Defender of Georgia, 2019, p. 203.

⁶³ The nationwide number (13) of psychologists at LEPL Social Service Agency has increased by two which is certainly insufficient to meet the demand. Throughout the year these psychologists have provided service to 1263 children (correspondence #07/1483 of the Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking)

⁶⁴ Report by Public Defender of Georgia, 2019, p. 336.

⁶⁵ Ibid. p. 337

⁶⁶ Correspondence #13/19154 of the Prosecutor's Office of Georgia. The Office does not specify the number of breached restraining orders which were issued specifically for the purpose of protecting children.

failure. Although the state institutions of protection had previously been fully informed about the risks faced by the child, they failed to protect her from violence.⁶⁷

SEXUAL ABUSE

Offences of sexual nature against children continue to be a major concern. According to the Ministry of Internal Affairs, it began investigation of 262 cases of alleged sexual abuse against minors, out of which 24 cases deal with alleged rape, 9 cases involve other types of sexual abuse, one case has to do with a penetration of sexual nature into a minor's body or other type of sexual coercion, 79 cases involve a variety of lascivious behavior and 149 cases concern penetration of sexual nature into the body of persons aged under 16.⁶⁸ Ministry of Internal Affairs prepared a set of legislative amendments aiming to toughen punishment, strip the perpetrators of their rights and establish a unified data-base of sexual offenders. In comparison to recent years, 2019 has seen a rise in reported cases; however, it has to be noted that in view of substandard investigation and a general societal taboo on such matters, the reported numbers do not reflect the actual scale of the problem.

Ignoring the recommendations by local NGOs and the UN Committee on the Rights of the Child (CRC), the Georgian Parliamentary Committee on Human Rights and Civil Integration removed from the draft text of the Code on the Rights of the Child the very important preventive provision concerning the teaching of reproductive health issues at schools.

Recommendations

- *The number and quality of state-supported rehabilitation services for child victims of abuse and violence must increase, with the needed geographical distribution;*
- *Mechanisms of communication and coordination between different state institutions must be enhanced in order to ensure effective prevention of and response to incidences of violence against children;*
- *Mechanisms for preventing the practice of early marriage and for ensuring quick investigation of such instances must be improved. Monitoring of fulfillment of the obligations by relevant professionals must be enhanced;*
- *Educational environment at schools must be upgraded to ensure safety and to allow recruitment of additional professionals in order to develop programs for identification and prevention of bullying and abuse. Schools need to be equipped with a unified policy of crisis management and the resources required for its enforcement;*
- *Accreditation standards for general education institutions must require abuse/violence prevention and response mechanisms and the requirement must be mandatory for both public and private schools;*
- *Effectiveness of the legal mechanisms designed to respond to cases of domestic violence/abuse needs to be questioned and substantially revised;*
- *The state childcare system must be reformed. Mobilization of relevant professional staff and programs is required;*
- *Existing tools for examining and preventing sexual offences have to be updated, including by means of developing tools to effectively investigate cybercrime. Adequate rehabilitation services for victims of violence have to be provided;*
- *Teaching reproductive health issues must be made mandatory as part of the formal education system.*

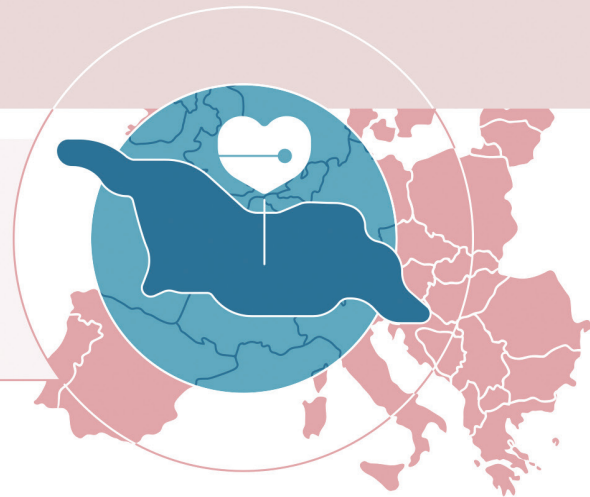
⁶⁷ <http://liberali.ge/news/view/42673/sistema-tavisi-umoqmedobit-khdeba-dzaladobis-khelshemtsyobi--koalitsia-4-tslis-bavshvis-gardatsvaleb>

⁶⁸ Report by Public Defender of Georgia, 2019, p. 335.

STILLBIRTH AND INFANT MORTALITY

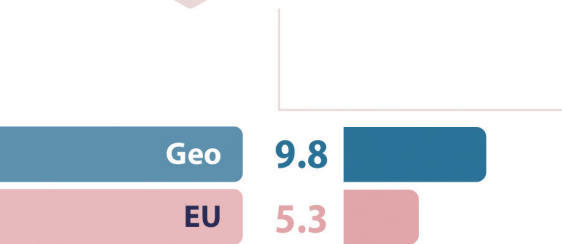
STILLBIRTH AND MORTALITY OF INFANT AND CHILDREN AGED 0-5

Despite the recent decline in the incidences of stillbirth and infant mortality in Georgia, yet these numbers **are higher than the corresponding average rate in Europe.**



Stillbirth

Per 1000 births (2017)



Mortality

Per 1000 live births (2018)

Neonatal

(Infants up to 28 days old)



Infant



Children aged 0-5



%

Reasons for infant mortality:



Maternal health during the perinatal period*



Premature birth and related health complications



Congenital anomalies

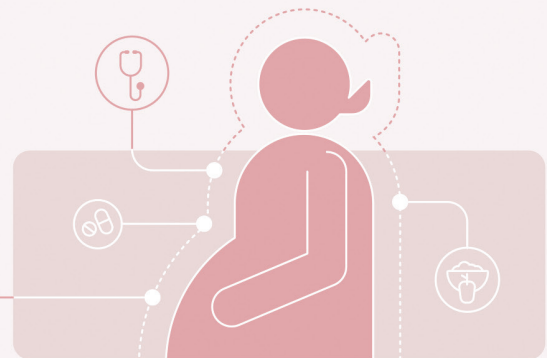


Infections



Asphyxia

Up to 27% of complications can be preventable by means of improved care after pregnant women and improved conditions during pregnancy.



*Perinatal period starts from the 22nd week of pregnancy, covers the entire pregnancy period and ends within 7 days after childbirth



The project "Raise Up Children's Voice" is funded with the Bulgarian Development Aid

Source:

Eurostat, Infant Mortality Rates
Healthcare. Brief statistical review, NCDC, 2017
The World Bank, Mortality Rate
Who – Every Newborn: an action plan to end preventable death, 2014

The National Maternal and Newborn Health Strategy for 2017-2030 and its 2017-2019 Action Plan respond to most of the international requirements regarding maternal and newborn health. One of the key objectives is to reduce mortality rates of mothers and newborn children, which is closely linked with the issues of stillbirth and infant mortality. According to the UN Inter-Agency Group for Child Mortality Estimation (IGME), the rate of infant mortality per 1000 live births has dropped from 41 in 1990 to 11 in 2015. The rate of stillbirth also fell from 16.8 in 2006 to 9.7 in 2015. By 2018 these numbers amounted to 8.1 and 8.5 respectively per 1000 live births (source: The Statistical Directory of Healthcare, 2018). Notably, despite the declining rates, they are still higher than the average indicators in Europe. The numbers of neonatal deaths among children up to 5 years as well as infants remain to be high at 58-60% and 70% respectively.

STILLBIRTH

Current situation – Official statistics point to significant fall in the number of stillbirths in the last decade: from 10.7 (2009) to 8.5 (2018); however, compared to other countries these numbers are still high (statistics available for this year shows 9.3 in CIS countries and 5.3 in the EU). 79.8% of stillbirth cases occurred during the antenatal period and 12.6% during the intranatal period (in 7.7% of the cases the precise time of death is unknown). The number of stillbirths at the early stages of gestation (weeks 22-27) during the antenatal period reached 36.5% and 70.9% during the intranatal period (2018). More than half of the total number of stillborn children (59.1%) weighed up to 999 grams. The 2018 data shows significant contrasts in the numbers of stillbirth across Georgia's regions. Close studies of the reasons for stillbirth are still lacking as verbal and anatomic pathological autopsy outcomes are rarely (only in frames of some research) analyzed on the one hand and the medical registries do not contain comprehensive information about a set of important determinants for mother's health, such as environment and behavior on the other, which in combination hinder full-scale analysis of the reasons for stillbirth.

Recent advancements – In 2013 the Ministry of Labor, Healthcare and Social Affairs developed a fast notification system for stillbirth and maternal and child (up to 5 years of age) mortality which required each cases of stillbirth to be reported within 24 hours of occurrence and the related medical papers to be submitted to the Ministry within 5 working days. Information regarding stillbirth discussed here relies on the data produced by the Ministry of Labor, Health and Social Affairs and the National Center for Disease Control and Public Health (NCDC).

Starting from January 1, 2016, with technical assistance by UNICEF, the Ministry of Labor, Health and Social Affairs and the NCDC introduced the electronic maternal and child health management information system of Georgia, the so-called Birth Registry. The electronic module tracks and collects information about each pregnancy and childbirth and allows for improved quality and management of related services.

Normally the number of stillbirths during the intranatal period varies between 4 to 10% in developed countries. Compared to other middle-income countries, Georgia has a lower percentage (14%) of stillbirth occurring at the intranatal stage. These figures have to be studied in more detail. As the practice of ana-

tomical pathological autopsy is not applied in Georgia, the precise time and reasons for stillbirth remain to be unclear.

INFANT MORTALITY

Current situation – The rates of infant mortality have been gradually declining in Georgia, since 2005. By 2010 the situation stabilized and starting from 2016 the numbers have been falling significantly. Despite this development, reduction of fetus and infant loss caused by perinatal pathologies proceeds at a slow pace (in 2018, 68.5% of cases of death among infants aged from 0 to 1 were caused by diseases during the perinatal period). One third of neonatal deaths occurred in infants whose gestation age was 34 weeks (premature birth). The share of infants among the deceased children aged 0-5 years is still high, twice as high as the global indicator (40% by WHO) as reported by the NCDC and the National Statistics Office of Georgia (Geostat). Since 2015 the Dollfus Classification of Infant Deaths is being applied to the analysis of reasons for death. According to the most recent data, these reasons include premature birth and subsequent complications (51.8%), congenital anomalies (20.3%), asphyxia and infections (5.8% and 5.8% respectively). As for postnatal deaths, the following reasons are cited: premature birth and related complications (44.2%), congenital anomalies (27.9%), infections (13.6%) and perinatal infections (3.2%). 85% of infant deaths were caused by preventable reasons such as accident and infections (source: The Statistical Directory of Healthcare, 2018). Empirical studies demonstrate that 35.3% of deaths can be preventable in the event of early diagnostics and required treatment during pregnancy and 26.8% of the cases can be avoided by improving care after pregnant women (source: WHO - Every Newborn: an action plan to end preventable deaths, 2014).

Recent advancements – Data on infant mortality is collected by Geostat as well as various medical institutions and the National Center for Disease Control and Public Health, which generates information through the Electronic Integrated Disease Surveillance System (EIDSS).

A closer look at the statistical data points to a significant fall in infant mortality in Georgia during the recent years as a result of the Ministry of Health's efforts to achieve the Millennium Development Goals, which were guided by detailed analysis of maternal and perinatal health data. The planned interventions were therefore evidence-based, including the introduction of perinatal regionalization as an instrument to improve the efficiency of the healthcare systems and the quality of medical services. Medical institutions across the country that provide perinatal services were categorized in 2017. Protocols for primary and secondary healthcare facilities were developed, with requirements of the referral of patients to third level facilities, where necessary. The electronic maternal and child health management information system - the so-called Birth Registry - was introduced (which tracks every pregnant woman from the very first antenatal visit throughout the entire pregnancy period and including child delivery). The number of antenatal visits paid for by the state has increased to 8 and there has been an increase in the number of pregnant women under monitoring during the first trimester. As of 2017, every pregnant woman is tested for HIV and syphilis and where positive, provided with required treatment. Every pregnant woman up to

week 13 is given folic acid medication and in case of diagnosed iron deficiency anemia they have access to medication containing iron. Newborn children of mothers who have tested positive for Hepatitis B are vaccinated against the disease. Almost 99.9% of child deliveries are performed by qualified medical personnel.

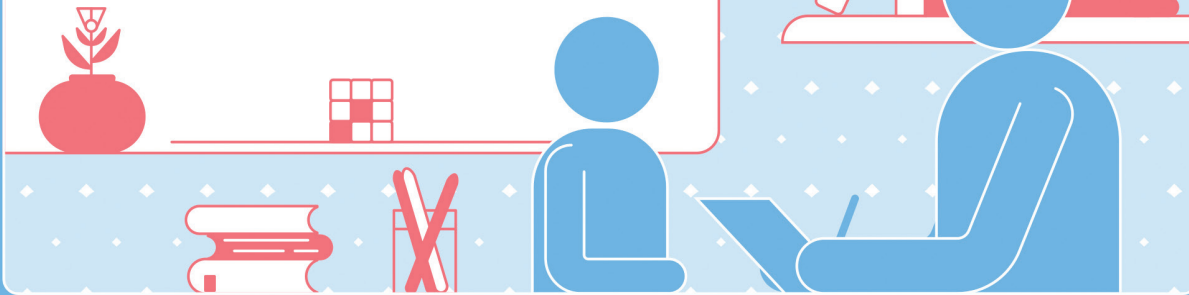
Recommendations:

- *Detailed analysis of each infant death is necessary in order to maintain the declining trend of infant mortality and to establish preventable reasons for infant death. Research into potential medical-biological, organizational and medical-social conditions (including across different regions) is also necessary to identify the risk-factors and design and implement measures based on the analysis of research findings;*
- *Official statistics point to conditions developed during perinatal period as the leading reason for infant death in Georgia, including conditions related to maternal health which is formed in childhood and at a young age. Consequently, it is necessary to assess the fertility capacity of young women and women of fertile age (prenatal diagnostics), to build practices for improving healthcare and implement interventions in compliance with the WHO Global Strategy for Women's, Children's and Adolescents' Health (2016-2030): Survive. Thrive. Transform;*
- *The foundation for improving reproductive health is to advance the quality of gynecological and perinatal services at the wide array of primary and secondary healthcare facilities, which monitor pregnancies and where most of planned child deliveries take place. System improvements are required at the ambulatory level in order to ensure universal access to evidence-based services during pre-conception, antenatal and postnatal periods;*
- *It is necessary to carry out a strategy to address the incidences of premature birth, guided by evidence-based interventions proposed by WHO; to improve management of the health conditions of premature babies and to strengthen early detection and management programs, which will significantly reduce the rates of infant mortality;*
- *At the given stage of the perinatal regionalization program, it is vital to assess its medical-social and economic effects in terms of its impact on the rates of reproductive losses and on the quality of services in mother and child protection. It is also important to study public opinion in order to control the quality of and access to services on all three levels, encourage feedback and measure patient satisfaction;*
- *Consultations must be held about starting a katamnesis unit or a department in the third level gynecology facilities in order to ensure provision of high quality specialized treatment for severely premature babies who are born with very little or extremely little weight; also for those who have undergone critical health complications at the early neonatal stage. The main purpose of such a unit will be to prevent, detect and treat certain chronic diseases caused by congenital and perinatal pathologies.*

ARE QUESTIONING PRACTICES AT POLICE STATIONS CHILD-FRIENDLY?



Child-friendly infrastructure is required at police stations for questioning/interrogating minors.



However, as of today:



Investigators/prosecutors do not know **what occasions require** the involvement of psychologists in the process.

Most of the questioning occurs in places that **are not appropriate for children's needs**.

There are **no appropriate environments** for questioning/interrogating children.



Where the involvement of psychologists is ensured:

They are mostly **unqualified**.

Responsibilities of psychologists **as to what needs to be done to support children** in the process are not specified.



The project "Raise Up Children's Voice" is funded with the Bulgarian Development Aid

Source:

Survey 'The role of psychologists in questioning/interrogating victim and witness children during investigation'

Enforcing specialized approaches towards children and adolescents in the justice system and acting in their best interests directly influence their future development and their capacity to find their place in the society. Children finding themselves in the justice system are particularly vulnerable, regardless of their status. Qualifications of relevant professionals who are in communication with such children and the environment where this communication takes place are highly important. A study designed to examine these issues⁶⁹ has found significant flaws in the system. The study consisted of the desk research as well as a qualitative survey involving 31 respondents from different institutions (investigators, prosecutors, psychologists, NGO representatives, witness/victim children and their legal representatives).

Child-friendly environment (infrastructure) – Physical environment may unsettle the child or even pose some risks for them. The international standard provides for the child’s right to be heard and understood, which is closely linked with the availability of adequate infrastructure. Addressing child-friendly justice systems, the European directives clarify that any case involving a child must be investigated and discussed in a child-sensitive environment where s/he will feel safe and thus free to speak and not in one that is intimidating for children⁷⁰.

Professional qualifications – International standards establish the importance of professional qualifications of individuals who work with children in the justice system. Pursuant to the Beijing Rules ‘The personnel should receive such training as will enable them to carry out their responsibilities effectively, in particular training in child psychology, child welfare and international standards and norms of human rights and the rights of the child’⁷¹. Interrogation must be carried out by professionals who have received specialized training.⁷²

The role of psychologists and their active participation in the process of interrogation/questioning of children is of particular importance. Secondary analysis of the study referred to above reveals that there is no designated agency that will deliver training for psychologists while the existing practice demonstrates that the level of their preparedness is in most cases below the required standard. The study has also found that most of interrogation/questioning takes place in common spaces of police departments with several other investigators working in the same space. These spaces are also used for interrogating adults. There may be parallel interrogations taking place in the same space where one can hear other interrogations as well as casual exchanges between the staff, shouts and offensive exclamations from people waiting outside, etc. In such circumstances privacy and confidentiality of children are grossly violated.

One of the goals of the Human Rights Action Plan 208-2020 is to ‘develop a child-friendly justice system and ensure equal accessibility’ (Goal 16.3). To this end, the Action Plan proposes a number of objectives and activities to improve legislation (Objective 16.3.1.), create child-friendly environments (Objective 16.3.2.) and foster institutional specializations within the justice system (Objective 16.3.3.).

The Administration of the Government of Georgia published an interim report on the implementation of the Action Plan describing activities carried out in 2018. The report states that the minor’s right to psychological support, where necessary, has been established and the rules of engaging psychologists in the

⁶⁹ The role of psychologists in questioning/interrogating victim and witness children during investigation - <https://www.rivg.ge/media/1001537/2020/01/20/4811c6652cd87c83c6ac059fca3697b5.pdf>

⁷⁰ Ursina Weidkuhn, December 2016, Georgia. The Concept of Child-friendly Environment in the Judicial System. See Paragraph IV 54ff and supplementary memorandum.

⁷¹ The Beijing Rules. Rule #85

⁷² European Commission guidelines on child-friendly justice, Article 64.

justice process and their responsibilities have been specified. This information, however, is inaccurate as these rules and responsibilities are yet to be finalized. The report goes on to describe that with UNICEF support, child-friendly infrastructure has been set up in Rustavi Police Department, Regional Office of the Prosecutor and the Legal Aid Agency, where children, particularly witness/victim children, will be questioned/interrogated. Furthermore, it is reported that up to 50 investigators operating in juvenile justice system have received additional training and that they follow NICHD protocols when questioning/interrogating children. These statements are also partially correct. The above study⁷³ has found that not all of the investigators follow these protocols due to the lack of required skills. The Government report also describes that the new draft government resolution on regulating the specializations has been prepared which will introduce detailed rules in every institution upon its enactment.

Current legislation does not specify the grounds on which psychologists are called on to participate in the questioning/interrogation of the minor. It does not outline the discretionary mandate regarding participation of a psychologist in the process. It is necessary to develop guidelines specifying as to in what cases and circumstances psychologists are to be involved in the questioning/interrogation of minors and what their roles and responsibilities pertaining to this process should be.

The study has found that in most cases minors are questioned/interrogated in common spaces of police departments (except for the space set up by UNICEF in Rustavi) where several other investigators work at the same time. The justice system must offer minors a safe and child-friendly environment which will encourage and enable children to provide relevant and reliable information to law enforcement authorities without feeling pressured or traumatized. Best practices show that such spaces should be set up in the towns/regions where they are most required and minors should not be forced to interact with law enforcement officials in a police department that cannot offer adequate arrangements.

The study has also exposed the lack of preparedness and knowledge among the psychologists involved in the process, as is required by both international and national legislation. In addition, there is no designated agency, which would address this gap; therefore, it is essential that the legislation designates such an institution which will have the mandate and obligation to control performance of the psychologists.

Finally, although it was envisaged in the Action Plan to prepare a new government resolution on regulating specializations, no such resolution was drafted during 2018-2019.

Recommendations

- *Clear criteria for engaging psychologists in the process of questioning/interrogating victim/witness minors must be developed;*
- *The roles and mandates of psychologists and investigators in the course of the questioning/interrogation process must be clarified;*
- *A government body responsible for training and preparing psychologists must be designated by law;*
- *NICHD protocols must be mandatory for investigators to follow during questioning/interrogation;*
- *A module for psychologist training must be developed and utilized;*
- *A set of measures must be implemented in order to create child-friendly environments (infrastructure) in the justice system; particularly in big towns and the regions where such facilities are most needed.*

⁷³ The role of psychologists in questioning/interrogating victim and witness children during investigation - <https://www.rivg.ge/media/1001537/2020/01/20/4811c6652cd87c83c6ac059fca3697b5.pdf>

CHILDREN WITH DISABILITIES

Education

The Government does not have an action plan with clearly defined indicators on how to **design, implement and monitor inclusive education and social services.**



Only **65%** of public schools have identified **children with SEN***.

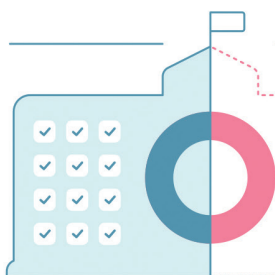
**Special education needs*



The number of students with SEN whose student status at vocational institutions have been revoked has **increased by 20%** in the last three years.



The number of students with SEN who graduated from vocational education institutions **fell by 34%** in 2019, as compared to 2018.



50% of students with SEN **are not admitted** to their preferred professional programs **due to the quota limitations** for persons with disabilities and SEN.

Social services



Social services **are not available** in all regions of Georgia.

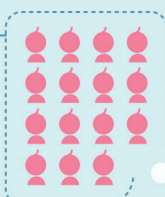


A number of social services operate **without any form of monitoring.**



Referral of children to appropriate services **is delayed.**

Only **15%** of children aged between 0 and 3 years **are enrolled** in early development programs.



The project "Raise Up Children's Voice" is funded with the Bulgarian Development Aid

Source:

Ministry of Education, Science, Culture and Sport of Georgia, Letter MES 92000021203, 13/01/2020, MES 81901783343, 31/12/2019 Report 'Inclusive Education in Pilot Public Schools', 2019

THE NEW MODEL FOR DISABILITY STATUS CLASSIFICATION

By ratifying the UN Convention on the Rights of Persons with Disabilities (CRPD), Georgia declared its commitment to harmonize national legislation with the international standards. Effective enforcement of an array of rights safeguarded by the CRPD, including setting up required services, cannot be achievable against the backdrop of the existing assessment system which is guided by the medical-social examination. The prerequisite to access social services is to have a disability status, which is currently determined and assigned based on the medical understanding of disability, i.e. medical examination, and complete reliance only on the medical diagnosis (the early development programs for children aged 0-7 are an exception as well as the rehabilitation/habilitation programs for children aged 0-3). Instances of failing to establish the disability status of children aged up to 3 years are also frequent which often preclude the children from accessing municipal or national social and healthcare services. The medical model of assessment does not examine individual functional capacities and individual needs and it does not give consideration to external, environmental barriers due to which the amount of the social package (pension) attached to the disability status is fixed. The purpose of the social package is not clear and it is not differentiated in accordance with particular needs of children. At this stage the pilot version of the functional assessment tool for children based on the Model Disability Survey (MDS) developed by the World Health Organization (WHO) has been finalized; however, other efforts required alongside the functional assessment tool to move from the medical to the social model of disability have yet to be initiated, for example: necessary legislative amendments; development of new services; etc. The issue of assessing the child face-to-face is also a matter of concern: currently members of the multidisciplinary teams are more influenced by the information provided to them by parents than the assessment reports produced by coordinating doctors and the functional assessment specialists after their direct contact with and assessment of the child in question.

EDUCATION

10 years after the introduction of inclusive education in Georgia, only 65% of public schools report having students with special educational needs (SEN) in their classes. Based on this data we can assume that majority of schools do not identify SEN students and/or that large numbers of such children are left beyond the education system. According to the 2019 monitoring report produced by the Public Defender, provision of quality inclusive education is hindered by the physical infrastructure of public schools; the shortage of a range of resources; the lack of relevant specialists and the low level of their qualifications; and the limitations of internal and external monitoring systems. The number of members of multidisciplinary teams has also decreased recently – as of 2019 the ratio between the total quantity of multidisciplinary team members and the number of SEN students across the country is 1:177 and even 1:300 in some regions (Ministry of Education, Science, Culture and Sports, 2019). In addition, the multidisciplinary teams rarely engage narrow profile specialists. In general, the number, diversity and geographical coverage of specialists in this field is disproportionate in relation to the needs of children with disabilities and SEN. Programs designed to improve qualifications of teachers and specialists of inclusive education are tokenistic, lacking practical supervision and sufficient capacity to build basic competence of its participants.

Although the number of special teachers increased four times during 2018-2019 and the frequency of their training by 1.5, there are still a lot of public schools where they lack special teachers or where the special or subject teachers have not received the training. The emergence of the position of individual assistants at public schools in 2019 has not been followed by training of relevant personnel. The February 21, 2018 Decree #16/n of the Minister listed a range of services required to support SEN students in public schools, however, the funding regulations for inclusive education restrict the financial capacity of the schools to offer required services to their students. Rigid bureaucratic procedures and the lack of relevant staff impede the opportunities to introduce these services in public schools.

The number of students with special educational needs in vocational education who have their status suspended has increased since 2017. The number of such students was 9% in 2017, 22% in 2018 and it reached 29% in 2019. The total amount of graduates of vocational educational institutions decreased by 34% in 2019, compared to 2018. During 2018-2019, 27 students with special educational needs and students with

disabilities were not/could not be recommended by the professional exam committees for admission in the vocational educational institution. The reason for rejection in more than 50% of cases was the limited number of places allocated in the programs for students with special educational needs.

SOCIAL SERVICES

Despite increases in the funding of the State Program on Social Rehabilitation and Childcare, lists of clients waiting to receive a variety of services, the geographical coverage and quality of service provision and overlaps between central and municipal budgetary allocations within certain state-funded programs continue to pose serious challenges. In spite of the rising number of service provider organizations, the Ministry does not look into the needs of children with disabilities and does not yet have a clear action plan on how to address these needs, what type of services to develop and at what pace. There is no data at the local level about local communities of persons with disabilities and no practice of studying their specific needs. Regrettably, organizations providing early development services with funding from the Ministry of Health and Social Protection of the Autonomous Republic of Adjara do not follow the service standards established by the Ministry of Internally Displaced Persons from the Occupied Territories, Health, Labor and Social Affairs of Georgia and the concept paper on early development prepared by the Parliament of Georgia. Consequently, there is no unified standard and quality of service provision across the country. Day care centers, which fail to meet the minimum standards for registration and operation as defined by the Ministry, find it easy to register as service providers of municipal programs as these programs do not impose monitoring mechanisms or specific requirements for registration. Thus, in the absence of the unified service provision standard and effective monitoring mechanisms, these day care centers continue to operate with funding from local municipalities. Some of the municipalities offer co-funding of centrally funded social programs, which is desirable as long as the terms and conditions of such co-funding do not contradict the standards and conditions set forth by the state program.

Recommendations:

- *The Government must develop a plan with a clearly defined set of indicators for designing, implementing and assessing/monitoring inclusive education;*
- *The Government must improve vocational, bachelor and master degree programs by means of increasing the number of inclusive education specialists (i.e. sign language teachers, sign language interpreters, speech and language therapists, orientation and mobility specialists, occupational therapists, psychologists, individual assistants) and improving their qualifications. For example, it must introduce new programs in educational institutions in the regions, subsidize the cost of studies, etc.*
- *Targeted funding of inclusive education in public schools must increase in order to fully meet the educational needs of students;*
- *A professional orientation system must be instituted in order to assist applicants with special educational needs in making informed choices;*
- *The 27.09.2013 Decree #152/n of the Minister on Approving the Rules for Professional Testing which sets the quota threshold of 10% for SEN students must be revised;*
- *A fitting tool of functional assessment of children must be developed in order to obtain comprehensive information about the functional capacity of the child;*
- *The data (achievements/challenges/practices) collected by means of the functional assessment tool must be presented to the public and applied in the design of social policy strategies;*
- *A strategy for early detection and referral must be developed, accompanied by the action plan;*
- *Mechanisms to monitor service providers funded by central and local governments must be elaborated;*
- *Responsibilities between central and local governments must be better coordinated and delegated in order to ensure purposeful and efficient spending of state finances allocated to support children with disabilities and their families;*
- *A unified data-base on children with disabilities must be developed and access to the data must be granted in consideration of the best interest of the child;*
- *A unified standard of service provision must be designed which will be mandatory for implementation by service providers funded by both central and local governments;*
- *Local governments must support service providers in meeting the standard requirements of service provision;*
- *Local governments must design and introduce mechanisms to monitor service providers.*

MEMBERS OF THE COALITION FOR THE CHILDREN AND YOUTH

1. Georgian Association of Social Workers
2. Partnership for Human Rights (PHR)
3. SOS Children's Villages Georgia
4. Save the Children International
5. World Vision Georgia
6. MAC Georgia
7. Youth Pedagogues' Union
8. Children of Georgia
9. Partnership for Children
10. First Step Georgia
11. Public Health Foundation of Georgia
12. Association ANIKA
13. Global Initiative on Psychiatry Tbilisi
14. Informational Medical Psychological Center – Tanadgoma
15. International Association - Civitas Georgica
16. International Support Fund for the Children Suffering from Leukemia
17. Caritas Georgia
18. Studio ADC
19. Association Right to Health
20. Women's Information Center
21. Anti-Violence Network of Georgia
22. Our Home Georgia
23. The Georgia Centre for Psychological and Medical Rehabilitation of Torture Victims
24. Rehabilitation Initiative for Vulnerable Groups
25. Society Biliki
26. Institute for Nonviolent Communication
27. Union Imedi plus+
28. Association of Child and Family
29. Association for the Assistance of Children with Hearing and Speech Disorders (Parental Union)
30. Welfare and Development Center
31. Union ORIONI
32. Partnership for Social Welfare
33. Initiative for Social Changes (ISC)
34. International Scout Centre Rustavi
35. Divine Child Foundation of Georgia
36. Children's Welfare League
37. Child, Family, Society
38. International Charitable Foundation for Children with Leukemia
39. Mtskheta-Mtianeti Committee of the National Network for Protection from Violence
40. Institute for Equal Opportunity Policy and Advocacy
41. Youth Thinking
42. Child an Environment
43. Georgian Academy for Children with Disabilities
44. Parents Information Center
45. Parental Support
46. Civil Society Development Center (CSDC)
47. Sapari
48. Kvareli Youth Association
49. Association of Small Group Households

