

Best practice of

# Monitoring of Child Institutions in Georgia 2010-2011



PUBLIC DEFENDER OF GEORGIA

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# Liberties and Protection in Child Institutions in Georgia

2010-2011

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# Methodology

- Multidisciplinary monitoring team: psychologist/psychiatrist, social worker, lawyers-experts of the National Preventive Mechanism and the representatives of the Child and Woman Rights Centre at Office of the Public Defender.
- A meeting was held in a separate room, in an environment acceptable for a child, where the conversation of the child and the human rights advocates were protected from the hearing and intervention by third persons. A child could have stopped an interview at any point.
- Special attention of the representative of the Public Defender and the expert psychologist/psychiatrist was devoted to avoiding exhaustion and re-traumatisation of a child by talking about a negative moments of a child's life
- Members of the Special Preventive Group, during the monitoring, as well as after its completion, watched and undertook the continuous supervision to avoid further punishment, repeated violence against children or any other undesired result caused by provision of information by children about violence to human rights defenders

- Obstacles, problems and the attempts to stop the monitoring
- State Care Agency, the directors of several children's homes refused the members of the Preventive Group to have confidential interviews with children.
- Particular negligence to the voices of children with certain level of learning disabilities (including so called institutional syndrome).
- Only following the direct communication between the Minister of Labor, Health and Social Protection and the Public Defender it was made possible to continue the monitoring further.

# The main results of the monitoring

- The cases of violence by staff of the children's homes toward children. The violence is long-lasting practice in the majority of child institutions. Low level of awareness regarding the essence of violence and the use of violence as a method of discipline.
- In an absolute majority of children's homes children are unprotected from the violence among the beneficiaries. The administration is not able to ensure the psycho-social rehabilitation of children with behavioral challenges or children with other problems.
- The unfavorable environment conditions for the development of a child and the environment dangerous for health: a number of cold living buildings (temperature 7° Celsius), insufficient and damaged furniture, barrack type sleeping rooms (16 beds in 1 room), the short beds not in line with the needs of the age of children, anti sanitary in the dining blocks, unprotected territory

# The main results of the monitoring

- The use of child labor: the child labor is used against the will of children. In particular: cleaning of restrooms and kitchens; washing with cold water; collecting the harvest of the neighbors; cleaning of houses of teachers; it shall be noted that children clean the houses of teachers for the minimum remuneration - getting cloth, or 5-10 Georgian Lari. According to children, they are the cheap labor force;
- Discrimination of children: it is evident that children live in different conditions in different child institutions at the same time, there are differences within the same institution on the provision of care and minimum living conditions of children.
- Insufficient nutrition for children: in certain institutions the menus of the child institutions lack fruit; food is provided to the child institutions with delay or the food provided is not fit for eating;
- Severe lack of the psycho-social rehabilitation: children, who had experienced serious psychological stress within the institution or before entering it, are in the prolonged post-traumatic condition; the attempted suicides are noted, the deviant behavior and lack of adaptation in the environment. The beneficiaries have not received adequate psychological assistance to solve this problem to date.
- The serious gaps identified in the process of deinstitutionalization: children had returned to families, where they have no sufficient medication, nutrition, their right to education got limited; some of the children survive by means of begging, after being reintegrated with their families.

# Participation Rights - Freedoms

- Right to be heard – serious problems exists in practice, though its is guaranteed by the legislation.
- Not encouraged (even restricted) to meet child rights advocates (representatives of Ombudsman etc.);
- Child opinion is not considered during the placement decision or the review;
- Individual plans are not in place in most of the institutions;

# Participation Rights - Freedoms

- Right to privacy, protection of family life – information on health, family status and other private issues is often accessible to other beneficiaries and the staff, not primarily involved with the child case-management.

# Child Protection

- Vague definition of the violence against children – often ignorant to the General Comment N13 of the UN Child Rights Committee (issued at the 56th session, 7 January-4 February, 2011);
- The monitoring team itself witnessed the fact of a psychological abuse of a child. The stories provided by the children also show a pattern of physical and emotional violence: beating by a stick into hands and legs, pulling hair for the purpose of punishment, slapping, boxing ears

# As a result...

- Ombudsman provided large number of recommendations to Georgian Parliament and the executive government on improving child rights protection in child institutions in Georgia.
- Results of the monitoring were included in the special report on child rights for the UN mechanism of Universal Periodic Review (2010).
- widespread media campaign on the monitoring results took place.
- 35 small group homes were procured and renovated by the Ministry of Labor, Health and Social Affairs of Georgia in the framework of deinstitutionalization reform in 2010-2011.
- During the last five years: number of state-run child care institutions has been reduced from 46-20, number of children in institutions 5000-1300;