

Report of the Public Defender of Georgia

Children's rights monitoring in boarding houses run by the Georgian Orthodox Church and the Muslim confession

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Introduction

In the period between 23 February and 15 March 2015, the Special Preventive Group monitored juveniles' boarding houses run by the Patriarchate of the Georgian Orthodox Church and the Muslim Confession of Georgia. It was acting under the auspices of the Public Defender, within the mandate of the National Preventive Mechanism and together with the Center of Children's Rights at the Public Defender's Office.

The monitoring was carried out in the following institutions: 1. Not-for-profit (non-commercial) legal entity "St. Ilya the Right College Preparatory Boarding School in Stepantsminda", the Patriarchate of the Georgian Orthodox Church; 2. Not-for-profit (non-commercial) legal entity "St. Nino Boarding House for Orphans, Waifs and Children in Need of Care", the Patriarchate of the Georgian Orthodox Church; 3. Not-for-profit (non-commercial) legal entity "St. Apostle Matthias Foundation's Boarding School in Village Feria", the Patriarchate of the Georgian Orthodox Church; 4. Girls Boarding House in Village Feria, Georgian Muslims' Association; 5. Boys Boarding House in Village Feria, Georgian Muslims' Association; 6. Boys Boarding House in Kobuleti, Georgian Muslims' Association; 7. Rehabilitation Center for Children and Adolescents in Bediani, the Patriarchate of the Georgian Orthodox Church.

This is the Public Defender's first endeavor of its kind in the sphere of inspection the human rights situation in the above-listed boarding facilities, identifying challenges and developing recommendations to address these challenges. It is noted with satisfaction that the boarding schools and boarding houses run by the Patriarchate of the Georgian Orthodox Church and the Georgian Muslim Confession demonstrated their readiness to cooperate with the monitoring group in carrying out their mission in regard to the respective institutions. Since the mandate of the National Preventive Mechanism envisages carrying out monitoring in both State and non-State institutions, it is important that the Mechanism has given the possibility to regularly monitor such institutions.

In conducting their activities under the Organic Law on the Public Defender, the Monitoring Group was guided by the Georgian Constitution, the United Nations

Convention on the Rights of the Child and applicable normative acts.¹ The monitoring was conducted on the basis of a tool developed according to the standards enshrined in the UN Convention on the Rights of the Child, the relevant recommendations of the Committee on the Rights of the Child, the Council of Europe and the State Childcare Standards.

Pursuant to Article 2(1) of the Convention on the Rights of the Child, States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind. According to Article 3(1) of the Convention, in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

According to Article 20 of the Convention on the Rights of the Child, a child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State. Such a child must be provided by the State with alternative care, including foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. It follows from the spirit of the Convention on the Rights of the Child that the use of residential care should be limited to cases where such a setting is specifically appropriate and in his/her best interests.² Facilities providing residential care should be small and be organized around the rights and needs of the child, in a setting as close as possible to a family.³ In countries where large residential care facilities (institutions) remain, alternatives should be developed in the context of an overall deinstitutionalization strategy. States should establish care standards to provide for individual care in small groups. States should evaluate large residential facilities (public or private) against childcare standards but decisions regarding the

¹ Law on Social Assistance; Law on Child Adoption and Foster Care; Joint Order of the Minister of Labor, Health and Social Protection, the Minister of Interior, and the Minister of Education and Science no. 152/N-496-45/N dated 31 May 2010 approving Child Protection Referral Procedures; Order of the Minister of Labor, Health and Social Protection no. 52/N approving "Rules and Conditions of Admission to and Discharge from Specialized Institutions dated 26 February 2010.

² UN General Assembly resolution – "Guidelines for the Alternative Care of Children" (2010), para. 21.

³ *Ibid.* para. 123.

establishment of, or permission to establish, new residential care facilities, should take full account of this deinstitutionalization objective and strategy.⁴

In pursuance of these requirements, Georgia did make certain steps to facilitate the deinstitutionalization process. By its Individual Order no. 762 dated 24 April 2013, the Government of Georgia approved a Child Welfare and Protection Action Plan for 2012 – 2015. The purpose of the Action Plan is to ensure that every child is protected from violence and neglect and has the opportunity of individual and positive psychosocial development in a family or a close-to-family setting. As part of the deinstitutionalization process, small family-type children's homes were established. Despite these steps, large residential care facilities still exist in Georgia and the task of ensuring individual care to children in a small group setting remains unfulfilled. One of the measures to conclude the deinstitutionalization process and to expand the alternative care service is the evaluation and optimization of children's homes. Hence, it is important to evaluate in a timely manner, compliance with licensing conditions and State Childcare Standards and to help encourage the licensing process.

The Public Defender wishes to emphasize that, in view of the economic hardship and the challenges existing in respect of children's alternative care in Georgia, it is in the best interests of children that the State develop a consistent policy of deinstitutionalization and implementation of the Convention on the Rights of the Child.

States' efforts directed at children's welfare and harmonious development should include legislative and administrative measures, putting in place effective legal remedies, establishing a dialogue with all the stakeholders, developing of a comprehensive national strategy, coordinating with the interested parties of measures aimed at the protection of children's rights, facilitating the provision of services by private entities in observance with the requirements of the Convention on the Rights of the Child, setting up a mechanism to monitor the provision of services and training and capacity building of persons involved in the childcare process.⁵

Mindful of these requirements, our monitoring was aimed at, first, evaluating compliance with the State Childcare Standards at boarding schools and boarding houses run by the Patriarchate of the Georgian Orthodox Church and the Muslim Confession in Georgia and, secondly, evaluating the State's efforts directed at

⁴ *Ibid.* Para. 23.

⁵ Committee on the Right of the Child, General Comment No. 5 (2003) "General measures of implementation of the Convention on the Rights of the Child", CRC/GC/2003/5.

promoting the fulfillment of these standards. Fulfillment of the recommendations suggested in this Report largely depends on whether the State manages to have consistent policies.

1. Internal regulations at the facilities

Article 3(3) of the Convention on the Rights of the Child stipulates that the institutions, services and facilities responsible for care and protection of children shall conform to the standards established by competent authorities.

According to the “Childcare Standards: Technical Regulations” (Standard 1), “Sharing of information by the service provider with interested persons facilitates to properly meeting the needs of beneficiaries and to making appropriate decisions.”⁶

The boarding facilities in Feria and Ninotsminda have provided easy-to-understand information about themselves as service providers, the facility’s address and the target groups. The schools also shared their teaching programs including methods of instruction and daily agenda.

Licensing. Under the Law on Licenses and Permits, educational activity is subject to licensing. The Law on Licensing Educational Activity further explains that the relevant licenses should be issued by the relevant agency of the Ministry of Labor, Health and Social Protection.

The Law on General Education defines boarding schools as specialized education institutions where the teaching and upbringing process is regulated by an order of the Minister of Education and Science.

Of the institutions monitored, the boarding facilities in Feria and Stepantminda – both run by the Patriarchate of the Georgian Orthodox Church – provide both educational and boarding services. Other institutions are providing boarding only.

Of the boarding schools run by the Patriarchate, only the Orthodox Boarding School in Feria has a license to provide schooling.⁷ The boarding schools in Bediani and

⁶ Resolution of the Government of Georgia no. 66 dated 15 January 2014 approving “Childcare Standards: Technical Regulations”, Standard no. 1.

⁷ St. Apostle Matthias Foundation in Village Feria, the Patriarchate of the Georgian Orthodox Church.

Ninotsminda have explained that they have started proceedings to obtain the licenses.⁸

As regards Muslim boarding schools, there was not the possibility to look into the documents of any of these schools. The representatives of these institutions were unable to provide the requested documents for various reasons.

Internal Regulations were made available to the monitoring group by the Patriarchate's boarding schools.

Internal regulations of the Patriarchate-run Orthodox boarding facilities in Ninotsminda, Bediani and Feria⁹ regulate issues such as staff recruitment, safety, confidentiality, behavior management, protection against violence, complaints and feedback, termination of services and work-related issues. The document also contains rules about beneficiaries' nutrition, facilitation of formal and informal education, development of personal independence, social contacts and skills, care and observation, disciplinary measures, purposeful use of leisure time, individualism, and protection of health and personal hygiene. The regulations of the Orthodox boarding school in Feria¹⁰ additionally prescribe forms of cooperation with a social worker.

At the Stepantsminda boarding school,¹¹ the regulations are displayed in the entrance of the building. The boarding school operates in accordance with the Law on General Education and the school statute. According to the school regulations, the school activities include class instruction as envisaged by the National Curriculum, in-class and out-of-class events, pupils' thematic groups and sports groups, and participation in other programs. In addition, the regulations govern the operation of the faculty council and teaching departments, rights and obligations of teachers and pupils, list of documents to be included in a pupil's personal file, measures of encouragement and disciplinary punishment for the staff and rules of staff appointment and dismissal.

The Bediani Rehabilitation Center, in addition to internal regulations, has a teaching program, a statute and regulations of the "Rehabilitation Center under the auspices of the Giorgi Mtatsmindeli Monastery". According to the regulations, Bediani Rehabilitation Center is one of the territorial branches of the "Rehabilitation Center

⁸ St. Nino Boarding House for Orphans, Waifs and Children in Need of Care of the Patriarchate of the Georgian Orthodox Church; Rehabilitation Center for Children and Adolescents in Bediani.

⁹ St. Apostle Matthias Foundation in Village Feria.

¹⁰ St. Apostle Matthias Foundation in Village Feria.

¹¹ St. Ilya the Righteous Boarding School in Stepantsminda.

under the auspices of the Giorgi Mtatsmindeli Monastery". The regulations also prescribe the sources for funding the Bediani Rehabilitation Center; in particular, according to the regulations, the Center can be financed from the funds allocated by the "Rehabilitation Center under the auspices of the Giorgi Mtatsmindeli Monastery", targeted loans and grants, and other revenues allowed by the Georgian law. The Center keeps short reports of activities carried out in the period of 2012 – 2014 with photos. The reports speak about training sessions, excursions, hiking events, meetings and sports events organized at the Center with the participation of its beneficiaries.

The Orthodox Boarding School in Feria¹² has a separate document on the policy of managing beneficiaries' behavior. The document emphasizes staff empowerment measures such as training sessions and consultations with specialists, as necessary. The policy of managing beneficiaries' behavior prescribes ways of empowering the beneficiaries as well such as teaching them their rights and obligations and raising their awareness in managing emotions, behavior and conflicts. The document further describes behavior management techniques and procedures of encouragement and management of problematic/defiant behavior.

Registration of admissions to and discharges from specialized institutions.

Normally, children are admitted to the Patriarchate-run boarding facilities on the basis of their parents' request. According to the managers, they are sometimes receiving such requests for accommodating children in their facilities from municipal bodies and law enforcement authorities.

Children enlisted in the Orthodox boarding school in Feria and the boarding house in Ninotsminda,¹³ are aged between 0 and 18. For admission, a parent has to lodge an application with the principal. It should be noted that many of the residents of the Ninotsminda boarding house have been moved there¹⁴ from the St. Barbara Boarding House after the latter was shut down. Both institutions are keeping journals to register admissions and discharges as well as a journal to register temporary leaves.

¹² St. Apostle Matthias Foundation in Village Feria, the Patriarchate of the Georgian Orthodox Church.

¹³ St. Apostle Matthias Foundation in Village Feria; St. Nino Boarding House for Orphans, Waifs and Children in Need of Care.

The boarding school in Stepantsminda has 125 beneficiaries of whom 40 children are receiving boarding services. Children are admitted and discharged based on their parents' requests.

The Rehabilitation Center for Children and Adolescents in Bediani serves juveniles aged between 6 and 18. At the time of monitoring, 6 juveniles were registered at the Center. In addition, 2 adult beneficiaries were living there temporarily after they had attained their age of majority. The journal for registering admissions and discharges indicated the beneficiaries' identity data and the persons accompanying them on admission and discharge. The journal for temporary leaves has been maintained since 2013. Persons accompanying the leaving beneficiaries are usually their parents, legal representatives or guardians. The longest period a beneficiary can be taken out from the facility is 10 days but in exceptional cases this term may be extended. Juveniles are enrolled on the basis of a contract concluded with their legal representatives.

The monitoring showed that Muslim boarding houses are not maintaining any kind of documents: they have no internal regulations, codes of conduct or daily agendas. These facilities are not keeping the children's personal files. Managers of the facilities were unable to provide any documents requested by the monitoring group.

Activities that take place in the houses are not documented. On admission, the houses ask for the beneficiaries health certificates. Parents are made aware of the conditions at the boarding houses on admission of their children. If a beneficiary cannot cope with the facility's rules, the parent may take him or her home. The facilities are not accepting children with special needs because it is the facilities' basic rule that the beneficiaries must take care of themselves. Once a month, at the end of the week, the children leave the boarding houses for their homes (the juveniles mostly come from Achara and Guria). Representatives of the boarding houses states that the houses operate largely on the population's contributions.

Personal files of beneficiaries and protection of confidentiality. The confidentiality of the beneficiaries' personal information is guaranteed.¹⁵

Personal files of beneficiaries at the Patriarchate-run facilities are kept in administration rooms, out of reach of unauthorized persons. Confidential information about the children is protected and is not publicly available. For individual meetings with beneficiaries, the facilities use the beneficiary's room or a guest room.

¹⁵ Resolution of the Government of Georgia no. 66 dated 15 January 2014 approving "Childcare Standards: Technical Regulations", Standard no. 3.

At the Ninotsminda boarding house, the beneficiaries' personal files are kept out of reach of unauthorized people. Each personal file contains the following documents: a parent's request for admitting the child to the boarding house, a copy of the child's birth certificate and a copy of the parent's identification document. Each personal file also contains a contract between the parent and the boarding house principal that stipulates that the service provider must ensure the child's intellectual and physical upbringing, provide healthcare services as necessary and provide the conditions for the child to receive general education. According to the contractual conditions, the service provider must raise the child with the spirit of patriotism, honesty, virtue, kindness, responsibility and other spiritual properties; the service provider shall encourage the beneficiaries to be devoted to the Georgian State, be fair and be law abiding.

At the Stepantsminda Boarding School,¹⁶ in addition to the documents similar to those at the Ninotsminda Boarding House, the beneficiaries' personal files also include the Form IV-100/a, a medical certificate.

At the Bediani Rehabilitation Center, the beneficiaries' personal files include copies of their birth certificates, copies of the identification documents of their legal representatives or guardians, and the Form 025, a medical certificate. Two of the beneficiaries' personal files also contained the Form 100. Contracts between the facility and the legal representatives of beneficiaries are kept as part of the beneficiaries' personal files. According to the contracts, after a juvenile is admitted to the Center, the Center takes the responsibility for his or her upbringing, education, proper housing conditions, keeping his or her health in good order, nutrition, meeting his or her needs and raising the child as a fully integrated member of the society. The contracts include personal data of the children and their legal representatives. The contracts also indicate the reason why a child's legal representative requested his/her enrollment at the facility. The contracts articulate the rights and obligations of the parties.

Monitoring revealed that, at the time of the monitoring, Muslim boarding houses in Feria (one for boys and the other for girls) and in Kobuleti (for boys) were not keeping their beneficiaries' personal files.

Feedback and complaints mechanisms; registration of measures taken. The monitoring showed that the beneficiaries of boarding facilities run by both the

¹⁶ St. Ilya the Righteous Boarding School in Stepantsminda.

Patriarchate and the Muslims' Association are not duly aware of their right to feedback and complaints and the procedures for exercising this right. Internal regulations of the Patriarchate-run boarding facilities do not prescribe mechanisms for feedback and encouragement. Some beneficiaries do not have relevant information concerning this right. The children are not provided with information about their rights and this topic is not a matter of discussion.

None of the facilities monitored registers the actions taken in response to the reactions about the provision of services. The monitoring showed that the beneficiaries at the Patriarchate-run facilities discuss problematic issues with the priests or address the principal orally.

Actions taken in response to facts of violence have been registered in writing at the Ninotsminda facility¹⁷ since June 2014. At the time of the monitoring, 8 such cases were registered most of which concerned bullying. Discussing the matter with the relevant beneficiaries by priests, caregivers and psychologists is a major response mechanism in such cases.

Only one case was registered at the Orthodox Boarding School in Feria;¹⁸ the case description was too general and one could not discern whether any response measures had been taken and when.

Occurrences of violence are not registered at the Stepantsminda Boarding School.¹⁹ However, the school representative told the monitoring group members that such cases are normally discussed by the children with the priests.

The Bediani Rehabilitation Center has two journals to register feedback and complaints by the beneficiaries and their parents as well as facts of violence but both journals are empty.

Documents on the qualification of the staff and staff contracts. At the time of the monitoring, the Patriarchate's Orthodox School in Feria²⁰ employed 160 people, including 42 caregivers, 18 babysitters, 31 teachers, 2 physicians and 5 nurses. The school also employed teachers for separate trainings, technical personnel and an administration worker. The caregivers are on duty every third day. 2 babysitters look

¹⁷ St. Nino Boarding House for Orphans, Waifs and Children in Need of Care.

¹⁸ St. Apostle Matthias Foundation in Village Feria.

¹⁹ St. Ilya the Righteous Boarding School in Stepantsminda.

²⁰ St. Apostle Matthias Foundation in Village Feria.

after infant babies. The monitoring showed that 1 caregiver works with 7 beneficiaries. According to the information supplied to us, in 2014, all the caregivers were trained in “Individual childcare methods”, which was a basic 9-day course delivered by the “Partnership for Children” and the Georgian Foster Parents’ Organization. Personal files of all of the staff members were made available to the monitoring group. Each personal file includes a contract concluded between the school and the staff member. Caregivers’ job descriptions are in separate documents articulating the caregivers’ basic obligations, grounds for liability and disciplinary sanctions that may be applied if the staff members breach the contractual conditions.

The Stepantsminda Boarding School²¹ employs 55 staff members, including 26 teachers, 8 caregivers, 4 babysitters, administration workers, a physician, a nurse and technical personnel. The caregivers have not undergone any training. Personal files of all of the staff members were made available to the monitoring group. The files contain contracts concluded between the school and the staff members.

The Ninotsminda children’s boarding house²² employs 49 workers, including 2 supervisors, 2 assistant supervisors, 24 caregivers, 2 physicians, 2 nurses and 8 technical staff. The boarding house accommodates 13 age groups. Each group (consisting of 12 to 14 children) has 1 caregiver and 2 babysitters. 2 caregivers are serving the infants’ group at all times. 1 caregiver is meant per 7 beneficiaries. The caregivers serve in terms: they remain at the boarding house for 2 months and have their time off for the next 2 months. At the time of the monitoring, the “Partnership for Children” and the Georgian Foster Parents’ Organization were delivering a 9-day basic course entitled “Individual childcare methods” for the boarding house employees. The facility does not have a psychologist and a drawing teacher acts as a psychologist; the teacher has undergone a 3-day seminar in applied psychology entitled “How to help children in hardship” in 1998.

The Bediani Children’s Rehabilitation Center²³ has employment contracts with 6 people: 1 chief, 4 caregivers and 1 physician. Two of these people simultaneously work at the Bediani Public School as teachers. One of the caregivers is a certified director at the Bediani Public School. The caregivers’ personal files contain contracts

²¹ St. Ilya the Righteous Boarding School in Stepantsminda.

²² St. Nino Boarding House for Orphans, Waifs and Children in Need of Care.

²³ Rehabilitation Center for Children and Adolescents in Bediani.

between the Center and themselves, Form 100 health certificates, copies of identity documents and diplomas.

The Muslim Girls Boarding House in Batumi²⁴ employs mostly women of whom 5 are caregivers and 2 are cooks.

The Muslim Boys Boarding House in Feria²⁵ employs a director, 2 caregivers and 1 cook.

The Muslim Boys Boarding House in Kobuleti²⁶ employs 3 caregivers and 1 cook.

Monitoring of the Muslim boarding houses showed that the caregivers are not properly qualified to carry out care for children. Their qualification documents could not be provided to the monitoring group. However, they did mention to the monitoring group members that they had been educated in Turkey.

Individual plans. During the monitoring, the beneficiaries' personal files were studied. Patriarchate-run facilities are not keeping a record of individual activities with children depending on their individual needs. Keeping such a record is necessary to have an eye on the dynamic of the children's development. Any multi-disciplinary approach to acute cases or joint measures to deal with the problems also was not revealed.

The Orthodox School in Feria²⁷ has not started maintaining individual service plans yet but they are in the process of preparing such plans. The school caregivers are mostly busy helping children prepare their lessons. The Ninotsminda Boarding House does not keep individual records about children either.

Our monitoring showed that the Muslim boarding houses are not maintaining children's personal files.

Recommendations:

To the Ministry of Labor, Health and Social Protection:

²⁴ Muslim Boarding House in Village Feria (for girls), the Georgian Muslim Association

²⁵ Muslim Boarding House in Village Feria (for boys), the Georgian Muslim Association

²⁶ Muslim Boarding House in Village Feria (for boys), the Georgian Muslim Association

²⁷ St. Apostle Matthias Foundation in Batumi

- Ensure that caregiving authorities participate in the process of children's enrollment at the above-mentioned facilities;
- Ensure that religious schools and boarding houses are licensed according to the applicable Georgian law; inform the existing schools and boarding houses to that effect and provide appropriate consultation on licensing issues;
- Incorporate the principles of the UN Convention on the Rights of the Child and the principles of the State Childcare Standards in the boarding schools and boarding houses;
- Develop clear criteria and procedures for admission to and discharge of beneficiaries from these facilities;
- Put the children's personal files in order;
- Ensure that persons working with children at caregiving facilities attend basic training, are familiarized with the Convention on the Rights of the Child and are given appropriate training; ensure that the personnel of the caregiving facilities are trained in developing individual service plans; ensure that beneficiaries' individual needs are taken into account in the process of developing such plans and the activities envisaged by the plans are meeting the needs of the children they are designed for.

To the Public Law Entity "Social Service Agency" of the Ministry of Labor, Health and Social Protection:

- Conduct evaluation of the children and their families by the State social workers to help determine alternative forms of care;
- With the objective of observing confidentiality, develop a consent form to be signed by authorized persons concerning the release of the beneficiaries' personal data by the boarding schools and boarding houses.

To the boarding schools and boarding houses run by religious confessions:

- Administrate all the boarding schools and boarding houses to ensure that their beneficiaries' personal files are maintained in a proper manner;²⁸
- With the objective of observing confidentiality, allocate special rooms in each boarding school and house for private conversation.

²⁸ Resolution of the Government of Georgia no. 66 dated 15 January 2014 approving "Childcare Standards: Technical Regulations", Standard no. 3.

2. Healthcare

Access to healthcare in childcare facilities is provided in accordance with Article 135 on the Law on Healthcare, which states that the State shall provide healthcare services to the facilities for orphans, children in need of care, and children with psychical or mental problems.

Access to healthcare services. Beneficiaries of the Patriarchate-run children's facilities are receiving outpatient healthcare services at primary medical units depending on the locations of the facilities. The beneficiaries are under outpatient supervision of the district medical centers that the boarding schools and houses have concluded service contracts with.

The Orthodox Boarding School in Feria²⁹ employs two pediatricians. The physicians serve in turns. Two nurses are on duty during the daytime and three nurses are keeping the night duty.

Beneficiaries of the Stepantsminda Boarding School³⁰ are registered at the Kazbegi District Hospital for outpatient services. A pediatrician visits the boarding school once a week to provide medical consultations to the beneficiaries and to draw up a weekly menu. A nurse is available at the boarding school every day between 10 AM and 2 PM. Kazbegi District Hospital does not have ophthalmologists, neurologists, orthopedists and otorhinolaryngologists. For this purpose, the beneficiaries are sent to Tbilisi for a consultation or their parents are informed about such needs.

Beneficiaries of the Ninotsminda Boarding House³¹ are registered at the Akhaltsikhe Clinic for outpatient services. The boarding house's administration invites physicians and nurses from Tbilisi who visit the boarding house according to an agreed schedule to provide the beneficiaries with healthcare consultations.

Bediani Rehabilitation Center is served by a physician who works also for the Tskalka Hospital. The Center has been having contractual relations with the physician since 10 January 2014. According to the contract, the physician should visit the Center residents twice a month to provide preventive examination and, when necessary, prescribe a treatment. In addition, the physician should periodically discuss issues of personal hygiene and healthy way of life with the children. Like the caregivers, the

²⁹ St. Apostle Matthias Foundation in Batumi.

³⁰ St. Ilya the Righteous Boarding School in Stepantsminda.

³¹ St. Nino Boarding House for Orphans, Waifs and Children in Need of Care in Ninotsminda, Javakheti.

physician provides his/her services free of charge, without pay. If necessary, the physician visits the Center several times a month and at least once a month on his/her own initiative.

Beneficiaries of the Muslim boarding houses are registered for outpatient services with the healthcare units according to the locations of their boarding houses. The children at the Girls Muslim Boarding House in Feria³² are provided with healthcare services by a physician within the “village doctor program” and the beneficiaries of the Boys Muslim Boarding House in Feria³³ are served by another village doctor.

Mental health. Having summarized the results of interviews with the healthcare staff and the beneficiaries and having analyzed the available medical documents, the monitoring group found that the beneficiaries of boarding schools and boarding houses run by religious confessions are not getting adequate psychological and/or psychiatric assistance in spite of their need in such assistance. The caregivers at the boarding schools and houses are unaware of how to manage difficult behavior. Professional psychologists are not available at the facilities. The facilities run by the Orthodox Church employ physicians who are inexperienced in managing psychiatric conditions and are not licensed. In other words, the children at the boarding schools and houses have not been evaluated by qualified psychologists or psychiatrists.

It was further found that the care for mental and physical health of the children at the Orthodox Christian and Muslim boarding schools and houses is not consistent and well structured. Moreover, the parents and the children themselves are either rarely or never involved in making important decisions about and the process of caring after the children.

At the Orthodox Boarding School in Feria,³⁴ available psychological assistance is limited to short conversations with individual beneficiaries. Comprehensive assessment and incident management using psychological intervention techniques are not performed.

At the Ninotsminda Boarding House,³⁵ as already mentioned, the children are provided with psychological assistance by a person who is a teacher by instruction who has taken a training course in psychology issues. The mental health of the

³² Muslim Boarding House in Village Feria (for girls) of the Georgian Muslims Association.

³³ Muslim Boarding House in Village Feria (for boys) of the Georgian Muslims Association.

³⁴ St. Apostle Matthias Foundation in Batumi.

³⁵ St. Nino Boarding House for Orphans, Waifs and Children in Need of Care in Ninotsminda, Javakheti.

Ninotsminda boarding house³⁶ residents is worth paying special attention. Psychic problems, behavioral and emotional disorders are common problems among the children. The children have not been examined and evaluated by a psychiatrist and, accordingly, have not received adequate psychiatric care. According to the healthcare personnel of the Ninotsminda boarding house, because of the unavailability of local specialists, they have to take the children to medical clinics in Tbilisi for qualified evaluation of the children's health status, something that is related to significant costs and human resources.

Despite the availability of psychiatric services in the region, it was identified the need for having the children's mental health checked at the Orthodox Boarding School in Feria.³⁷ One of the beneficiaries shows mental retardation linked with heavy somatic problems. The child has been growing up at the facility since his/her birth. He/she displays emotional and behavioral disorders. He/she has not been provided with comprehensive psychological/psychiatric assessment. Neither have the child's inclusive education needs been identified.

In the course of the monitoring, it was revealed that when the staff is unable to control a child's difficult behavior, the child is returned to his/her birth family. An example of this was found at the Stepantsminda Boarding School³⁸. The School representatives do not regard involvement of a professional psychologist or psychiatrist in the childcare process necessary due to the fact that this function is performed by priests.

It should be noted that the Rehabilitation Center in Bediani has concluded a memorandum with the Young Psychologists' Association on which basis the Association members provide the beneficiaries with psychological consultation without any charge. Representatives of the Association are arriving from Tbilisi to the Center once every two weeks to conduct various activities and individual meetings. Sometimes they are taking the children with them to the Tbilisi headquarters of the Association to provide them with consultation.

Medical documents and oversight of the beneficiaries' health status. Both Orthodox Christian and Muslim boarding schools and houses require, in addition to

³⁶ St. Nino Boarding House for Orphans, Waifs and Children in Need of Care in Ninotsminda, Javakheti.

³⁷ St. Apostle Matthias Foundation in Batumi.

³⁸ St. Ilya the Righteous Boarding School in Stepantsminda.

other documents, a health certificate on the health status of the child as part of the enrollment procedure (the so-called Form no. IV-100/a).

On admission to the Orthodox Boarding School in Feria, for children aged 3 and more, HIV/AIDS test results and syphilis test results should be submitted along with a lung X-ray result to exclude lung tuberculosis. The School administration explained that they have come across such cases in the previous years and that newly enrolled children were found to have such problems. Hence, the School requires submission of the health certificate in a timely manner to reveal and treat such diseases. At the time of the monitoring, the School personnel did not have information whether the children had undergone a preventative medical examination in 2014. The Boarding School in Feria maintains a handover journal where children with various problems get registered.

The Boarding School in Stepantsminda keeps the children's health certificates (Form IV-100/a) in the personal files, while outpatient medical files are stored by a pediatrician at the Kazbegi Hospital.

The beneficiaries of the Ninotsminda boarding house³⁹ are provided with preventative medical tests once a year at the Akhaltsikhe clinic. The boarding house's healthcare staff is keeping a record of the children's health history through a special journal, which is maintained independently from the pediatrician. The boarding house's physician stated that they consider the journal to be important for keeping the children's health under a dynamic scrutiny. In 2014, the Ninotsminda boarding house was visited by various healthcare specialists from Tbilisi clinics as part of their charity activity such as a neuropathologist, a gynecologist, an otorhinolaryngology and an orthopedist. The children received medical consultation and were lab-tested. Scoliosis and tonsillitis were identified as common problems among the boarding house beneficiaries. The children were provided with tonsillectomy and preventative massage. Additional expenses were paid by the Patriarchate. The healthcare personnel at the Ninotsminda boarding house⁴⁰ are keeping a journal on beneficiaries with chronic diseases. Mostly, the children are having problems with the thyroid gland and visual impairment. The healthcare staff regards keeping of the journal as important to be able to control the prescribed tests and consultation.

³⁹ St. Nino Boarding House for Orphans, Waifs and Children in Need of Care in Ninotsminda, Javakheti.

⁴⁰ St. Nino Boarding House for Orphans, Waifs and Children in Need of Care in Ninotsminda, Javakheti.

On admission to the Bediani Rehabilitation Center, information about the juveniles' health status is collected by the local physicians through visual observation and interviews. If there are reasonable doubts that a juvenile might have health problems, he/she will be sent for medical tests. For outpatient services, the children are registered at the Tsalka hospital. Anti-tetanus vaccination was performed in Tbilisi. The children are part of the Universal Healthcare Insurance scheme. If a medical condition is not covered by the scheme, the Center will get funding from the Patriarchate and physical persons in the form of charity.

The children at the Girls and Boys Muslim boarding houses in Feria,⁴¹ as already mentioned, are served by the village doctors when necessary. For outpatient services, they are registered at the medical units according to their places of residence. A Muslim boarding houses' administration stated that they are planning to add a staff position for a nurse at their facility. The nurse would provide the children with first medical aid on the spot. As mentioned, the Muslim boarding houses could not provide medical documents on their beneficiaries. Representatives of the boarding houses stated that the children are having their preventative medical checks according to their places of residence when they go back to their families for rest. The beneficiaries of the Muslim boarding house in Feria are also insured according to their places of residence. However, that is a challenge for the village doctor who provides his/her services within the "Primary Healthcare in Villages" scheme. The doctor offered the boarding house to register the children and to move their medical registration certificates to his/her workplace. Only the families of two beneficiaries accepted the offer. Parents of other children refused because they were afraid of losing their entitlement to social assistance. The doctor stated he/she does not have the results of the beneficiaries' preventative medical tests, which impedes dynamic supervision over the children's health statuses, assessment of needs, timely intervention and provision of adequate healthcare services.

The Patriarchate's facilities in Feria and Ninotsminda as well as the Bediani Rehabilitation Center are maintaining accident registration journals.⁴²

Vaccination and infectious diseases. Primary healthcare institutions are responsible for timely and quality vaccination. The beneficiaries of the Patriarchate's

⁴¹ Muslim Boarding House in Village Feria (for girls), the Georgian Muslims Association; Muslim Boarding House in Village Feria (for boys), the Georgian Muslims Association.

⁴² St. Apostle Matthias Foundation in Batumi; St. Nino Boarding House for Orphans, Waifs and Children in Need of Care in Ninotsminda, Javakheti.

boarding schools and houses receive preventative vaccination according to the National Calendar, which the boarding facilities' physicians are keeping an eye on. They are helping to conduct the vaccination process on time and to provide the beneficiaries' transportation.

The healthcare personnel at the Ninotsminda boarding house have been keeping a record of vaccinations since 2005. They keep a calendar of scheduled vaccinations per child. The children have not received anti-flu vaccination. The same is true about the children at the Patriarchate's boarding school in Feria. The School personnel stated that they refused the vaccination themselves while the Ninotsminda boarding house's personnel explained that the children were not vaccinated because of insufficient number of vaccines.

In the case of an infectious disease outbreak, the boarding facilities are, in fact, unprepared to isolate the infected children. The boarding house in Ninotsminda⁴³ is an exception, since they have 4 beds at the medical room to keep sick children isolated and under supervision. At the Patriarchate's boarding schools in Feria⁴⁴ and Stepantsminda,⁴⁵ beneficiaries may temporarily be isolated in the healthcare staff's room in case of a virus infection. At the Bediani Rehabilitation Center, in case an infectious disease is spread, the beneficiaries will be taken to Tbilisi clinics for treatment. There was a case when a child was moved to the Tsalka hospital for isolation purposes.

The Boarding School in Feria⁴⁶ maintains an infectious diseases registration journal. If an affected beneficiary's health deteriorates, the School staff will contact a pediatrician or will call an ambulance. When necessary, a sick child will be transferred to a hospital. The School informs the parents of the child concerned in all such cases.

At the Muslim boarding houses in Feria, a village doctor is in charge of the beneficiaries' vaccination, while the beneficiaries of the Muslim boarding house in Kobuleti⁴⁷ are receiving vaccination according to where they live. As the monitoring group was informed, the children did not receive anti-flu vaccination. If a child gets

⁴³ St. Nino Boarding House for Orphans, Waifs and Children in Need of Care in Ninotsminda, Javakheti.

⁴⁴ St. Apostle Matthias Foundation in Batumi.

⁴⁵ St. Ilya the Righteous Boarding School in Stepantsminda.

⁴⁶ St. Apostle Matthias Foundation in Batumi.

⁴⁷ Muslim Boarding House in Village Feria (for boys) of the Georgian Muslims Association.

sick, the staff will call an ambulance. If the child requires long-term treatment, he/she will be sent to his/her parents to recover.

Dental services, personal hygiene and drug supplies. The beneficiaries of the boarding house lack access to dental services because the available insurance package does not cover such services.

Children at the Stepantsminda Boarding School⁴⁸ can receive dental treatment at the Kazbegi district hospital. They often pay for the services themselves. Those who cannot afford it are funded by the Patriarchate.

Beneficiaries of the Orthodox Boarding School in Feria⁴⁹ are receiving dental services at a dental clinic located in Batumi based on a contract concluded by the School with the clinic.

The Ninotsminda Boarding House⁵⁰ is visited by a dentist 2 days a week to examine the children's teeth. When necessary, the dentist will schedule an appointment at his/her office in Ninotsminda. The costs are paid by the Patriarchate.

Beneficiaries of the Bediani Rehabilitation Center are using the services of a dental clinic in Tbilisi. The services are provided free of charge. The head of the Center buys items of personal hygiene for the children on funds allocated by the Patriarchate once a month on average.

In Muslim boarding houses,⁵¹ the families are taking care of providing their children with dental services.

In Patriarchate-run facilities, the caregivers are responsible for supervising the observance of hygiene by the beneficiaries. Priests, caregivers and healthcare staff discuss with the children about issues such as sexually-transmitted diseases, expected results of alcohol and drug abuse, the harmful nature of tobacco and the need for pursuing a healthy way of life.

The Patriarchate-run facilities in Ninotsminda⁵² and Feria⁵³ are procuring medical supplies from pharmacies on the basis of relevant contracts. Medications are

⁴⁸ St. Ilya the Righteous Boarding School in Stepantsminda.

⁴⁹ St. Apostle Matthias Foundation in Batumi.

⁵⁰ St. Nino Boarding House for Orphans, Waifs and Children in Need of Care in Ninotsminda, Javakheti.

⁵¹ Muslim Boarding House in Village Feria (for girls) of the Georgian Muslims Association; Muslim Boarding House in Village Feria (for boys) of the Georgian Muslims Association; Muslim Boarding House in Kobuleti" (for boys) of the Georgian Muslims Association.

distributed by nurses who also supervise how the medications are administered. The nurses keep a log of received, used and remaining medications and neutralize outdated medications, if any. At the Stepantsminda Boarding School,⁵⁴ the nurse keeps a record of received and distributed medications. First aid medications are stored at the healthcare personnel's room but the intake of medications is not supervised. The nurses give out the prescribed medications directly to the children.

The head of the Bediani Rehabilitation Center purchases medications in Tbilisi based on the doctor's request. The Center has first aid medications that are stored in the caregivers' rooms.

For the beneficiaries of the Muslim boarding houses, the families of the beneficiaries are buying items of personal hygiene and garments. In one case, clothes were received as a charity contribution. The caregivers said they are teaching the children how to maintain personal hygiene.

It should be noted that, at a majority of the facilities monitored, the children's toothbrushes are kept in washrooms without any means for protecting their hygiene and without any distinguishing signs. Hence, it is likely that the children will mix each other's toothbrushes or that the brushes will fall on the floor or get contaminated otherwise – which may put the children's health at risk.

Children with disabilities. According to Article 23 of the Convention on the Rights of the Child, "States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community."

The administration, caregivers and, on some occasions, the healthcare personnel at the Orthodox and Muslim boarding houses are not aware of the rights of people with disabilities. Hence, the granting of a disability status to children with disabilities does not take place in a systematized and orderly manner. The Social Service Agency is rarely involved in caring for children with disabilities, granting the disability status, identifying healthcare and educational needs and providing of required services.

As mentioned above, the Muslim boarding houses are not accepting children with disabilities. But if a child demonstrates health problems after he/she is admitted to the

⁵² St. Nino Boarding House for Orphans, Waifs and Children in Need of Care in Ninotsminda, Javakheti.

⁵³ St. Apostle Matthias Foundation in Batumi.

⁵⁴ St. Ilya the Righteous Boarding School in Stepantsminda.

boarding house, be it somatic or mental problems, the house administration will send such child back to his/her family. According to the Muslim boarding house's representatives, the beneficiaries must be able to independently take care of themselves, learn the materials taught and understand the explanations of Quran by the caregivers. In the course of our monitoring it was found out that a child was excluded from the Muslim Boarding House in Kobuleti because of enuresis.⁵⁵

At the Stepantsminda Boarding School,⁵⁶ there is a beneficiary with a disability. The juvenile does not receive inclusive education. He/she does not have the status of a person with a disability because his/her parents object to that.

At the Ninotsminda Boarding House,⁵⁷ there are several beneficiaries with disability statuses. A number of other beneficiaries are in the process of getting the statuses. The Social Service Agency is working on moving two beneficiaries with disabilities to a specialized facility. The house's administration said the process has been taking too long.

There are no children with disabilities at the Bediani Rehabilitation Center. As the head of the Center stated, the Center would refrain from accepting such children because the Center personnel does not have required knowledge and skills to take care of such children.

It has to be pointed out that the Social Service Agency is not actively involved in caring for children with special needs, granting the disability status, identifying healthcare and educational needs and provision of required services.

Recommendations

To the Ministry of Labor, Health and Social Protection and the boarding schools and houses run by religious confessions:

- Ensure that the beneficiaries are provided with care for their mental and physical health and with access to adequate and timely healthcare services;

⁵⁵ Urinary incontinence or loss of bladder control.

⁵⁶ St. Ilya the Righteous Boarding School in Stepantsminda.

⁵⁷ St. Nino Boarding House for Orphans, Waifs and Children in Need of Care in Ninotsminda, Javakheti.

- Ensure the involvement of parents and, as far as possible, of children, in the process of making important health-related decisions about the children;
- Where necessary, ensure that the beneficiaries go through a medical examination to determine their disability status in cooperation with and through the involvement of the Social Service Agency;
- Regularly control the observance of hygiene.

To the Ministry of Health, Labor and Social Protection:

- Assist the boarding schools and houses in training their personnel in how to treat persons with disabilities;
- Cooperate with the boarding schools and houses to ensure that Form IV-100/a is included in the personal files of the beneficiaries.

3. Nutrition

Article 27 of the Convention on the Rights of the Child guarantees the right of a minor to be provided relevant standard of living, while Paragraph 3 of the same Article stipulates the obligation of states to implement this right, which, above all, involves assistance to the parents and caregivers of minors particularly with regard to nutrition. Article 25 of the Universal Declaration of Human Rights also refers to the right to adequate standards of living, which envisages food, among others.

Arranging for safe and adequate feeding – As a result of the monitoring performed at boarding houses run by the Patriarchate it has been identified that the infrastructure of kitchens and canteens of the mentioned institutions is well organized, sanitary and hygiene conditions are observed.

At the Stepantsminda school-boarding house,⁵⁸ meals are served three times a day to beneficiaries. In this case, three-times meals is served only for the children of the boarding house, but lunch is also provided to the children who stay for extended classes. Soup is served to beneficiaries every day. During the fasting period only

⁵⁸ St. Ilya the Righteous Boarding School in Stepantsminda.

fasting food is made and all beneficiaries residing at the boarding house, irrespective of their wish, are fasting. The boarding school/house has 24/7 water supply.

The school-boarding house run by the Patriarchate⁵⁹ on the Feria Mountain offers four meals a day; this comprises breakfast, lunch, dinner and supper. The menu for the following 3 days is developed by a nurse, considering the requests of the minors. Soup is included in the daily menu. During the fasting period, fasting food is prepared only for the minors over 7 years of age. Furthermore, if a child has health related problems, with the permission of a priest; non-fasting food may also be cooked for this child. Distributors deliver food supplies to the school/boarding house once every 3 days. The caregivers assist small children with eating. As for the infants, there is a separate dining room allocated for them. Caregivers prepare porridge for children under 1.5 years, while children from the age of 2 are having meals together with other beneficiaries. There is no separate menu for the children under 7 years, but according to the kitchen staff, they take into account the age of the children, when cooking. The samples of food made daily at the kitchen are stored for 48 hours.

At the Ninotsminda Boarding House⁶⁰ the menu is designed with the involvement of a physician and the kitchen personnel. There is no separate menu prepared for babies, but similarly to the Feria facility⁶¹, the kitchen personnel has told the monitors that they take into account the age of the children in the cooking process. A fasting menu is provided for all on Wednesdays and Fridays. During the monitoring a total of 75 persons were fasting—service personnel, as well as beneficiaries. The youngest children who were observing fast were in the 4th grade (9-10 years old). Beneficiaries of the boarding house have meals in their rooms, they take food from the kitchen in containers to their bedrooms, where there is separate space for eating, with relevant tableware. They wash the dishes there as well.

Beneficiaries of the Bediani Rehabilitation Center are having meals four times a day. The menu is not designed in advance. Soups are cooked daily. The menu for the following day is prepared in agreement with the children, considering their requests. Caregivers have general knowledge of calories required for adolescents and themselves and they can determine what type of food a beneficiary has to take during a day. Daily menu varies by houses, since they vary depending on the requests of the

⁵⁹ St. Apostle Matthias Foundation in Batumi.

⁶⁰ St. Nino Boarding House for Orphans, Waifs and Children in Need of Care in Ninotsminda, Javakheti.

⁶¹ St. Apostle Matthias Foundation in Batumi.

children. During the fasting period, fasting as well as non-fasting food is cooked at the center, since fasting is not mandatory and depends on the wish of the minors.

At the Muslim Boarding house for Girls at the Feria Mountain, they did not have a predesigned menu but according to caregivers, soups are included in the daily menu. The meals are primarily provided three times a day, occasionally supper is added to the meals. As the caregivers and kitchen personnel have told the monitors, during the fasting period minors fast according to their own wish. Irrespective of the fasting period, meals are cooked at the boarding house and the children can have meals according to their own wish.

The situation in the food bloc of the Boys Muslim Boarding House on the Feria Mountain is similar to that at the Girls' Boarding House. During the day, children are provided meals three times a day, in the dining room. The menu is not designed in advance and meals are made according to a verbal agreement with the director.

The infrastructure at the Kobuleti Boys' Muslim boarding house is in a very poor condition, the food bloc is insanitary, hygiene norms are not observed. There is no hot water, natural air and heating. The menu is decided verbally among the employees of the boarding house. The staff has also stated that the meals are served three times a day.

Food bloc/kitchen technical supply and storing foodstuff – According to the kitchen personnel, foodstuff is provided to the Stepantsminda School-Boarding House⁶² from Tbilisi on a monthly basis. Furthermore, every week, dairy and meat products are supplied to the institution. Bread is supplied two times a week. There is no weekend menu at the institution, and for those who stay at the institution over the weekend, a Bishop's assistant cooks. The kitchen has a storeroom for foodstuff, separate from the dining room. Children have a schedule, according to which they clean the 12 tables in the dining room, in turns.

The school-boarding house on the Feria Mountain⁶³ run by the Patriarchate has agreements with the stores. Bread is supplied to the institution daily.

In the kitchen of the Ninotsminda boarding house,⁶⁴ there are differentiated tables, cutting boards, knives, and forks for fish products, bread, meat products and

⁶² St. Ilya the Righteous Boarding School in Stepantsminda.

⁶³ St. Apostle Matthias Foundation in Batumi.

⁶⁴ St. Nino Boarding House for Orphans, Waifs and Children in Need of Care in Ninotsminda, Javakheti.

vegetables. A total of 6 persons are employed at the kitchen. They bake bread in-house, in the kitchen, using a relevant appliance. The boarding house has 24/7 electricity, natural air and water supply. Garbage is stored in closed containers and is removed daily by a trash collection vehicle. They buy products twice a week at local stores, while meat and dairy products are supplied from the farm of the Boarding House. There is a separate fridge for infants. Food designed for them is purchased in Akhalkalaki pharmacy. Individuals often provide pro bono foodstuff assistance to the boarding house.

At the Bediani rehabilitation center, the head of the Center brings food products from Tbilisi, once a week. This includes dairy and meat products as well. The mentioned products are purchased at a store using relevant invoices. There are cases when they purchase some foodstuff locally. Bread is brought from Tbilisi or is baked in-house.

The food block of the Feria Mountain Girls' Muslim Boarding House⁶⁵ is clean. They have sufficient dishes at the kitchen. There is a separate storeroom for foodstuff. Absolute majority of the foodstuff in the kitchen was of Turkish origin – the products are primarily purchased at Turkish stores. During the monitoring, some expired products have also been discovered, such as packaged tomato paste and oil. They have a one week supply of meat and dairy products. The dining room, where all beneficiaries have meals together is separate.

At the Boys' Muslim Boarding House on the Feria Mountain they purchase foodstuff as needed, but are primarily receiving those as donations, including dairy and meat products. A large amount of soda drinks have been found at the kitchen. They serve these products about 4 times throughout a week. The consumption of high amounts of these drinks is contrary to healthy eating principles. The products in the kitchen were of Turkish origin.

At the Kobuleti Muslim Boarding House, products and funds are received as donations. Expired food products have also been discovered during the monitoring. Dairy and meat products are fully supplied by the rural population as donations. They do not have varied dishes at the Boarding House and refrigerator was out of order. Vegetables were stored in a storeroom, together with firewood, in non-hygienic conditions. Trash is burned close to the kitchen, in the yard of the Boarding House.

⁶⁵ Muslim Boarding House (for girls) in Village Feria.

Recommendations

To the Ministry of Labor, Health and Social Affairs and the boarding houses of religious confessions:

- Ensure regular retraining of the personnel of boarding houses in terms of storage of foodstuff, their safety and healthy, balanced food for children.

To the Ministry of Labor, Health and Social Affairs:

- Design nutrition standards.

To the boarding houses of religious confessions:

- Administration should check on a regular basis the quality and expiration date of foodstuff received as donations;
- Ensure developing of a menu for the beneficiaries.

4. The Right to education and preparing for independent life

According to Article 35(1) of the Constitution of Georgia, every person is entitled to education and to choosing the form of education."

According to Article 28 of the Convention on the Rights of the Child, a child has the right to education and states, on the basis of equal opportunity, shall facilitate the realization of such right. Article 3 of the Law of Georgia on General Education sets forth basic goals of state policy in general education, among them, establishes the principle of openness and equal access, the introduction of inclusive education, etc. According to Article 13 of the International Pact on Economic, Social and Cultural Rights, "participating states acknowledge the right of every person to receive education."

Access to general education –Minors accommodated at the boarding houses run by the Patriarchate⁶⁶ as well as by the Association of Muslim Confession⁶⁷are involved in the process of gaining general education.

Beneficiaries of Stepantsminda and Feria Orthodox boarding houses⁶⁸ receive education not at the local public school but at a school within the institutions. At the school-boarding houses, directors are clergymen. Teaching is performed according to the national educational plan.

Stepantsminda school-boarding house⁶⁹ is housed in a single building. About up to 40 children live on a permanent basis at the institution, and 123 minors are enrolled at the school. The academic process program covers grades from 1st to 12th grades. There are a total of 22 teachers working at the school, out of those three teachers also perform caregiver functions. After school, children are kept in the extended classes until approximately 7 pm, while their bedrooms are locked during the day.

Beneficiaries of the Bediani Rehabilitation Center are involved in the general education process. Minors study at the Bediani public school, where one of the teachers and a director as mentioned above, are working as the caregivers of the Centers pro bono. There is no kindergarten in Bediani. Therefore, preschool education is not available for the beneficiaries of the Center and village residents.

A total of 120 children are enrolled at the Apostle St. Matthias Feria school-boarding house⁷⁰, while 80 minors are involved in the academic process. At the school facility, children receive basic education – teaching is performed from 1st through 9th grades, while in 10th, 11th, and 12th grades beneficiaries continue their studies at the Batumi spiritual high school. One full floor of the building is allocated to the school located in the Feria facility, and classrooms are situated on this floor. 23 teachers are employed at the school. After the school classes extended classes are held; schoolteachers and 3 invited teachers deliver these lessons. There is a kindergarten for preschool children at the institution.

⁶⁶ St. Ilya the Righteous Boarding School in Stepantsminda; St. Nino Boarding House for Orphans, Waifs and Children in Need of Care in Ninotsminda, Javakheti; St. Apostle Matthias Foundation in Batumi.; ⁶⁶ Rehabilitation Center for Children and Adolescents in Bediani.

⁶⁷ Muslim Boarding House in Village Feria (for girls); Muslim Boarding House in Village Feria (for boys); Muslim Boarding House in Kobuleti (for boys).

⁶⁸ St. Ilya the Righteous Boarding School in Stepantsminda; St. Apostle Matthias Foundation in Batumi.

⁶⁹ St. Ilya the Righteous Boarding School in Stepantsminda.

⁷⁰ St. Apostle Matthias Foundation in Batumi.

Beneficiaries of the Ninotsminda school-boarding house⁷¹ receive general education at the Ninotsminda public school. There is a problem with the access to preschool education in Ninotsminda - there is no Georgian language kindergarten for the children of this age.

Muslim boarding houses combine the functions of a 24/7 caregiving establishment and a religious school (madrassa). It has been discovered as a result of the interview with caregivers (khoja) and children that beneficiaries of this facility are usually involved in the general education process. After returning from school, caregiver helps them with preparing school homework.

50 girls live at the Batumi Muslim Girls' Boarding House⁷² which teaches grades from 6th to 12th; they receive general education at the public school of the Feria settlement. After coming back from school, with the help of caregivers or independently they prepare school homework. Each caregiver has a group assigned. After school, at about 4 pm the preparation of school homework starts, and this process lasts until 10 or 11 pm.

Inclusive education -- School-boarding-houses are not involved in the inclusive education program. For example: according to the caregivers of the Bediani facility,⁷³ some children lag behind in studies, school lacks special teachers. Therefore, they try to overcome this problem with their own forces.

As mentioned above, there is a beneficiary at the Stepantsminda school-boarding-house⁷⁴ who needs to be assessed and included in the inclusive education program, however, his parent is against it. The teachers only work with the minor during classes, since the child is not included in the boarding-house services. Officially, the school does not have a special teacher.

At Feria Muslim boarding house for boys a total of 40 children are enrolled, from 8th through 12th grade. Each of them are enrolled in public school and are engaged in the general education process. There is a total of 2 caregivers at the facility and similarly to the caregivers of the girls' boarding house, they are required to have a high level of education and knowledge of religion. The children's parents pay the charge for the extended classes which are taught by additionally invited teachers.

⁷¹ St. Nino Boarding House for Orphans, Waifs and Children in Need of Care in Ninotsminda, Javakheti.

⁷² Muslim Boarding House in Village Feria (for girls).

⁷³ Rehabilitation Center for Children and Adolescents in Bediani.

⁷⁴ St. Ilya the Righteous Boarding School in Stepantsminda.

A total of 15 children are enrolled at Kobuleti boys' Muslim boarding house, from 6th through 9th grade. Beneficiaries receive a general education at the Kobuleti public school. After grade 10, they are taken to the madrasa school for boys on the Feria Mountain. Admission to the Madrassa school depends on the academic achievements of a child, more specifically, a child should not have grades lower than 8 in any of the subjects. There is a total of 3 caregivers at the boarding house. During the day one hour is dedicated to religion classes, and afterwards the caregivers help beneficiaries to prepare for school work. This process lasts until 10pm. On Saturdays they have additional classes in English and math.

The teaching of religion in boarding houses – In the facilities run by the Patriarchate, except for the Bediani Rehabilitation Center⁷⁵, scripture is taught along with the general education subjects. For example: at the Stepantsminda school-boarding house⁷⁶ scripture is taught from 1st through 12th grade twice a week, which means that minors read the Gospel and learn certain parts of it by heart. At the facility, during 5th-7th grades the old script is also taught. Lessons in the scripture are also delivered in Batumi, at the school-boarding house on the Feria Mountain.⁷⁷

At the Batumi facility for Muslim Girls⁷⁸ about three and a half hours are dedicated to religious-didactic lessons during the day. There is a total of ten caregivers at the facility. The staff is required to have received secondary education, and to have a good knowledge of religious rites and relevant faith. A caregiver should be capable of conducting classes in religion and teaching the Koran to the minors. This staff is trained specifically by older women to implement caregiving activities. Adult women live in a dedicated block of the facility; they are trained by older women to perform didactic/caregiving activities and are instructed about religious matters. It should also be mentioned that if a beneficiary wants to receive religious education only, when she becomes of age, she may move to the department where older women deliver religious classes to the girls above 18 years old.

At the Batumi boys' Muslim facility, the children have one hour of religion class a day.

Extracurricular activities – The academic process at the facilities comprises school and extracurricular activities.

⁷⁵ Rehabilitation Center for Children and Adolescents in Bediani.

⁷⁶ St. Ilya the Righteous Boarding School in Stepantsminda.

⁷⁷ St. Apostle Matthias Foundation in Batumi.

⁷⁸ Muslim Boarding House in Village Feria (for girls).

In this regard, the Feria school-boarding house⁷⁹ stands out as the extracurricular activities are diverse and most importantly, adapted to the needs of the children.

At the Bediani Rehabilitation Center⁸⁰, in addition to school activities, beneficiaries are involved in different activities as well. They have lessons in drawing, they learn different handicrafts and often held exhibition sales for their own work. They have rich library and according to a caregiver, children select the literature for reading themselves. Sometimes a caregiver provides a recommendation for the work of an author. During the year, they have English, computer, drawing and embroidery classes. A teacher was sent to the village under a special program by the Ministry of Education and teaches English to the children.

At the Stepantsminda school-boarding house, classes are conducted from 10 am to 3 pm; while group work and work with caregivers is led from 2 to 7 pm. Beneficiaries are involved in local and national academic competitions. For example, for demonstrating their knowledge in civic education, they participated in a Georgia-wide academic competition. At the school-boarding house, they held in-house activities, such as: we Study the Bible, "the smartest one". They publish a monthly newspaper "My School", where extensive information about church holidays, congratulations to the winners of different competitions, impressions of children, essays, poems, drawings, as well as information about the activities conducted at the facility is published.

There are libraries at the facilities run by the Patriarchate. Minors are authorized to use the Internet only for educational purposes, under strict supervision of caregivers.

There are additional computers without an internet connection at the Feria school-boarding house⁸¹ and these computers are used by beneficiaries for playing games.

Every beneficiary of the Bediani facility⁸² has a personal computer, telephone, tablet. In this regard, there is a problem at the Ninotsminda school-boarding-house⁸³, where the majority of the computers are dated and damaged, there is no internet communication.

⁷⁹ St. Apostle Matthias Foundation in Batumi.

⁸⁰ Rehabilitation Center for Children and Adolescents in Bediani.

⁸¹ St. Apostle Matthias Foundation in Batumi.

⁸² Rehabilitation Center for Children and Adolescents in Bediani.

⁸³ St. Nino Boarding House for Orphans, Waifs and Children in Need of Care in Ninotsminda, Javakheti.

Libraries at the institutions of Muslim confession primarily comprise school textbooks and religious literature. The use of TV, computer, internet and telephone by the beneficiaries is strictly controlled.

At the Feria Girls' Muslim Facility,⁸⁴ parents provide school supplies to the children. There is no library at the facility and only religious literature is placed on the shelves in the classrooms. The use of the Internet is limited and is allowed only for educational purposes, under the supervision of caregivers. According to caregivers, children participate in school level academic competitions, although they are not engaged in other additional activities, among them, sports and arts circles.

At the Feria boys' Muslim facility, similar to the Kobuleti boys' Muslim facility, there is only one computer that the minors may use, but only for educational purposes and under strict control of the adults. While in the Kobuleti Muslim facility, certain websites are blocked in the computer.

Preparing for independent life –According to the information obtained during the monitoring, after finishing 9th grade, children often do not plan to continue their studies. Beneficiaries are not engaged in vocational education. The location of the facilities is an obstacle as since in regions there are no special vocational colleges where minors would be able to master certain professions.

In this regard, the practice at the Feria facility⁸⁵ should be commended; with the funding of the Patriarchate, children are able to obtain education at vocational colleges in Batumi.

Some of the beneficiaries of the facilities are prospective students who are preparing for the Unified National Exams. It is primarily the caregivers who help them with the preparation. In this regard, the situation in the Feria facility⁸⁶ is good, during the monitoring stage, there were 3 prospective students, who were taken for additional classes in Batumi, to attend the lessons given by the tutors of relevant subjects. The caregivers of the facility have noted that the institution retains relationships with the beneficiaries who have come of age. If necessary, the Feria facility⁸⁷ rents apartment for the beneficiaries and pays tuition fees. Former beneficiaries of the facility study at the Georgia Technical University and Georgia Public Affairs Institute. One of the

⁸⁴ Muslim Boarding House in Village Feria (for girls).

⁸⁵ St. Apostle Matthias Foundation in Batumi.

⁸⁶ St. Apostle Matthias Foundation in Batumi.

⁸⁷ St. Apostle Matthias Foundation in Batumi.

former beneficiaries also studies at the Milan Academy of Arts. It should also be mentioned that the Non-Commercial Legal Entity Batumi Saint Matthias Foundation is covering their tuition expenses.

A trend has been identified at facilities that, if a beneficiary does not wish to gain higher or vocational education, he/she is returned to his/her biological family. There are cases when former beneficiaries are employed at the facility.

Beneficiaries of the Ninotsminda school-boarding house⁸⁸ primarily enter Adjara region universities, including a village Khichauri institution, because there is a residence of the Patriarchate nearby where they are able to live. Moreover, beneficiaries of the Ninotsminda school-boarding house are sent to Zestaponi, to a farm run by the Patriarchate of Georgia, for employment.

According to the practice at the Bediani Rehabilitation Center, when reaching 18 years of age, beneficiaries are given a choice: they are able to stay and continue living at the Center, or leave the institution to study/work. If they opt to stay, former beneficiaries are engaged in the activities performed at the Center. And in case they decide to continue their studies, they enter Tbilisi higher educational or vocational institutions and select a profession according to their desire. During their studies in Tbilisi, these young students live in a house owned by the head of the Center. In case a young person fails to obtain full funding, tuition fees are covered by donations received at the Center from foreign and Georgian individuals.

At the institutions of Muslim confessions, the beneficiaries are taught Arabic and Turkish languages. A certain number of interviewed minors plan to continue their studies at religious educational institutions in Turkey.

At the Muslim Feria girls' facility,⁸⁹ 3 beneficiaries were prospective students. Parents were funding their tutors' fees.

The caregivers have mentioned that once they turn 18 beneficiaries can return to their own families. They are also given an option, if they continue their studies in Tbilisi, to apply to a local madrasa where they will continue receiving religious education.

At the Feria boys' Muslim facility, beneficiaries are learning Arabic. Beneficiaries that turn 18 are often sent to Turkey for studies at a similar facility, where they first learn the Turkish, and afterwards they enroll at a relevant faculty.

⁸⁸ St. Nino Boarding House for Orphans, Waifs and Children in Need of Care in Ninotsminda, Javakheti.

⁸⁹ Muslim Boarding House in Village Feria (for girls).

Recommendations

To the Ministry of Labor, Health and Social Affairs:

- Introduce the program for preparing for independent life in the boarding houses.

To the Ministry of Labor, health and Social Affairs of Georgia, and the facilities of religious confessions:

- Ensure additional preparation of beneficiaries in necessary subjects;
- Ensure active involvement of beneficiaries in additional educational activities.

To the Ministry of Education and the Ministry of Labor, Health and Social Affairs of Georgia:

- Ensure the retraining of teachers and personnel of boarding houses and school-boarding houses in the area of working with the children with special educational needs.

5. Rest, recreation and leisure time

Article 31 of the UN Convention on the Rights of the Child protects the right of a child to recreation and leisure time.

The monitoring has demonstrated that in the majority of facilities opportunities for rest and recreation are not adequately ensured.

At the Stepantsminda⁹⁰ school-boarding house, a choir is functioning, out of extracurricular circles. At the wish of the parents, some of the beneficiaries are taking rugby and dancing lessons. In addition to the subjects included the National Educational Plan, the majority of available educational or extracurricular activities are religious -- Scripture, choir. The beneficiaries do not have the option to satisfy their different interests, e.g., a student with good vocal skills and the willingness to study a

⁹⁰ St. Ilya the Righteous Boarding School in Stepantsminda.

genre different from religious chant will not be given the possibility to do so. At the New Year's concert, children presented several pop songs, and received a reprimand from the bishop. In the summer children go on vacation at a camp for 2 weeks annually and they periodically go for excursions and organize field activities in the villages to visit various significant and historic places. There is a sports hall at the Stepantsminda facility where beneficiaries' friends are allowed for sports games.

In addition to the academic process, the Bediani⁹¹ facility beneficiaries are able to engage in different activities. As mentioned above, every day they have a drawing lesson, they learn handicrafts and often held exhibition-sales of their own works. Each child has a bicycle. They have access to different sports and entertainment supplies, including mountain shoes, tents and skating shoes. During the conversation with the members of the monitoring group caregivers and beneficiaries mentioned that they often go on excursions, in winter they have the possibility to spend time in Bakuriani, and in summer go for long hiking tours, as well as rafting. At the facility they celebrate birthdays of beneficiaries and each beneficiary recalls this with joy. There is a stadium in the village where children play together with local residents.

In Ninotsminda⁹² informal activities need to be promoted more (e.g., summer camps, excursions, hiking tours, as well as vocational, sports, music and other activities). Girls learn handicrafts, although there is a lack of relevant tools and supplies. There is one tennis table at the institution but children seldom go on excursions. There are dancing and drawing activities at the facility. Beneficiaries have their own telephones (they are not allowed to use them during classes). In a common room, there is a large TV set, where children can watch it together and discuss about films. A few beneficiaries go out of the facility for wrestling and computer courses. They keep a record of activities carried out by the children. Children participate in different competitions. E.g., they participated in the folk concert, multi-ethnic arts festival –“Under a Common Sky—dialogue of cultures, Tbilisi 2014” and were given diplomas for their participation.

At the Feria Orthodox facility,⁹³ informal activities are promoted and dedicated space is available for sports, arts, educational activities, music and handicrafts. Beneficiaries are able to enroll in an activity that interest them. In particular the following activities are available: dance, folk songs, singing, violin, piano, folk instruments, sewing,

⁹¹ Rehabilitation Center for Children and Adolescents in Bediani.

⁹² St. Nino Boarding House for Orphans, Waifs and Children in Need of Care in Ninotsminda, Javakheti.

⁹³ St. Apostle Matthias Foundation in Batumi.

embroidery, iconography, drawing, stone and woodcarving courses. Beneficiaries are also able to enroll in design activities, to learn gobelin tapestry, enamel work, enroll in chess or basketball. There is a music team and a band composed of the beneficiaries. Relevant specialists work with the children who are often taken to excursions within Georgia as well as abroad. The beneficiaries go on vacation once a year. During their free time, the children are able to play computer games but the facility also organizes fun games, intellectual and sports competitions.

The yards of Stepantsminda⁹⁴ and Ninotsminda⁹⁵ school-boarding houses are not organized for the sports and entertainment activities of the beneficiaries. The situation is similar at the facilities of Muslim confessions.

The monitoring revealed that at the facilities managed by the Patriarchate, access to internet is limited for beneficiaries. Minors are able to use internet only for study purposes under the supervision of an administration representative. In order to ensure their safety, children are not allowed to leave the institution without permission.

At Muslim facilities beneficiaries the use of the telephone is limited, they use the Internet for study purposes only, under the supervision of caregivers, they are not involved in informal activities or various activities and are fully oriented towards their studies. After classes, they are provided with extended classes at home. At the mentioned facility, the daily schedule is designed in a way that children have little time for physical development.

At the Girls' Muslim facility,⁹⁶ the monitors were told that they go for picnics and excursions frequently. During the monitoring, there was no TV set at the institution. At the Feria boys' Muslim facility,⁹⁷ one TV set is located in the dining room and they are primarily watching the news. Several beneficiaries at the school attend football, arm wrestling and chess activities. In the evenings, they watch movies, which are selected with the approval of administration representatives. For the beneficiaries of the Kobuleti facility⁹⁸ the main physical activity is playing football in the yard of the boarding house. On weekends, children are able to go out to the city and spend time

⁹⁴ St. Ilya the Righteous Boarding School in Stepantsminda.

⁹⁵ St. Nino Boarding House for Orphans, Waifs and Children in Need of Care in Ninotsminda, Javakheti.

⁹⁶ Muslim Boarding House in Village Feria (for girls).

⁹⁷ Muslim Boarding House in Village Feria (for boys).

⁹⁸ Muslim Boarding House in Kobuleti (for boys).

as they wish. During the days off, they watch TV for longer periods. The program is selected by administration representatives.

Recommendations:

To the Ministry of Labor, Health and Social Affairs and the institutions run by religious confessions:

- Support the promotion of a healthy lifestyle in the institutions where this is not adequately promoted. Increase the role of physical and sports activities in the daily life of the beneficiaries; Support the involvement of beneficiaries in informal activities—arts, sports, intellectual circles and games – according to their interests.

6. Beneficiary oriented environment

According to the UN Convention on the Rights of the Child,⁹⁹ “every child has a right to the level of living that is necessary for his/her physical, mental, spiritual, moral or social development.” While the State, in turn, is required to ensure relevant conditions for the realization of this obligation. For the complete development of a child, a normal environment similar to the family environment is necessary.

Infrastructure – At the Kobuleti boys’ Muslim facility, the building requires repair. There is no central heating system. In winter, the institution is heated via a firewood stove located in the hall of the main building which does not ensure relevant temperature throughout the building. The walls of the bedroom are peeled off and moist. In a 21.2 sq. m. bedroom there are seven double-tier beds, where 14 beneficiaries sleep. In the bedroom, kitchen and dining room there are unpleasant specific smells. There is no ventilation system in the building. The toilets and bathrooms are deteriorated. In the bathroom beneficiaries are having shower directly from the rubber hose. There is a lack of furniture and other supplies, while existing ones are already old. The TV set and computer are only located in the room of a supervisor.

⁹⁹ UN Convention on the Rights of the Child; Article 27(1).

The bathroom is deteriorated at the Feria Boy's Muslim Boarding House. Due to the absence of a shower room, beneficiaries are having shower using water taken from the barrel. There is no ventilation system at the boarding house. In the same boarding house, there is no window in a classroom. Lighting of the classroom is only artificial. In a bedroom with the area of 92.6 sq. m., 22 two-tier iron beds are placed, designed for 44 beneficiaries. This overload¹⁰⁰ makes the observance of sanitary-hygiene conditions difficult and creates the threat of the spread of an infection. There is no other furniture in the bedroom, except for the beds. Children store personal belongings in a clothes storage room on the first floor.

The building of the Feria Girls Muslim Boarding House has been renovated recently, the general condition of the infrastructure is satisfactory. There is sufficient room in the study, reception room for guests and bedrooms. All rooms have a primary lighting source. There are two bedrooms in the building, in a bedroom of 100.2 sq.m. There are 20 double-tier beds designed for 14 beneficiaries. In both bedrooms, there is a lack of necessary furniture and an overload problem.

The building of the Stepantsminda boarding house run by the Patriarchate has been renovated. 8 boys are accommodated in a 22 sq.m. bedroom and another 17 boys in a 66 sq.m. bedroom. In the Boarding house area for girls 5 girls are accommodated in a 22 sq.m bedroom and another 6 girls are accommodated on a 62 sq.m bedroom. Only one bedroom for girls is equipped with relevant furniture and supplies.

The Patriarchate run Rehabilitation Center in Bediani owns several private houses with their own courtyard. The houses are old, although during the monitoring the repair works at the newly built building for beneficiaries were coming to a conclusion. Residential houses were heated using firewood stoves.

At the Ninotsminda¹⁰¹ facility, the children are distributed in their rooms according to groups. The bathroom, bedroom, dining and study space are located in one area. The beneficiaries' rooms, where they spend almost the entire day and where they study, are not organized appropriately. Children need relevant soft furniture. During the monitoring, the children studying at desks which size did not match the children's age and physical parameters. Sitting at these desks for long periods on a regular basis

¹⁰⁰ According to Technical Regulations Approved under the Resolution of the Government of Georgia no. 66 dated 15 January 2014 on approving "Childcare Standards: Technical Regulations", Standard no. 14, there should be at least 6 sq. m. per beneficiary.

¹⁰¹ St. Nino Boarding House for Orphans, Waifs and Children in Need of Care in Ninotsminda, Javakheti.

increases the possibility of developing spine problems; moreover, for the prevention of vision problems, study areas should have better lighting.

Monitoring results have revealed that at some facilities individual needs and infrastructure do not correspond to family conditions. The rooms are overloaded. Not all facilities are equipped with a central heating system, relevant temperature, furniture, equipment, storage space, articles necessary for keeping hygiene norms, telephones, natural and artificial lighting, repaired bathrooms and toilets, kitchens and dining rooms. Children are not provided with a personal corner and areas for storing clothes and other items.

In the yards of the boarding houses the conditions and supplies are not suitable for the entertainment of children. The lack of supplies necessary for sports activities can be observed in all the facilities.

The boarding houses do not have an emergency escape plan. They rarely have fire extinguishing equipment, when they do they are placed in non-prominent places and in an insufficient amount. Caregivers and beneficiaries do not have information about the risks (threats) caused by natural disasters and the possibilities of avoiding or reducing them.

Recommendations

To the Ministry of Labor, Health and Social Affairs and the facilities run by religious confessions:

- Ensure the improvement of religious boarding houses by adding supplies and creating of adequate living conditions for children;
- Design an emergency escape plan for all boarding houses that will be introduced to caregivers as well as beneficiaries;
- Provide fire extinguishers to boarding houses. For this purpose, dedicate a special corner at the buildings of institutions;
- Ensure the training of caregivers on the reduction of risks of natural disaster.

7. Emotional development and protection against violence

According to Article 19 of the Convention on the Right of the Child, "State Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child", According to Article 36 of the Convention, States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare, while according to Article 37(a), "no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment";

The UN Committee on The Rights of the Child, in its General Comment N 8 calls on the states to make a swift response to any type of any physical violence against minors¹⁰². In the mentioned comment the Committee stipulates that a clear line should be drawn between disciplining and violence. The latter, unlike the former, causes a pain of a certain intensity, discomfort and humiliation.

Article 27 of the UN Convention on the Rights of the Child stipulates the right of a child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

A number of religious restrictions have been set for the beneficiaries of boarding houses run by religious confessions; often the minors are obeying these restrictions against their will. Among them, the restrictions related to clothing should be mentioned. Beneficiary girls of Muslim boarding houses, according to their religion, are not allowed to wear trousers. They are not required to wear head covers at public school and only wear those in the boarding house.

Except for the Feria Orthodox and Bediani boarding houses, beneficiary girls of the boarding houses run by the Patriarchate are not allowed to wear trousers. The restrictions apply to the length of the dress as well. Children express discontent in this matter.

At Muslim boarding houses children are brought up in an environment where childcare is performed in compliance with Islamic traditions. Beneficiaries live in strict

¹⁰² General Comment N^o8, *the Right of the Child to Protection from Corporal Punishment and other Cruel or Degrading Forms of Punishment*, Committee on the Rights of the Child, 2006, Para. 2.

observance of religious rites. Satisfying the individual needs of a child is not a priority the primary goal is to bring up a child according to religious rites.

Caregivers of Muslim boarding houses have told the monitors that when there are certain problems related to the upbringing of a child they, in all specific cases, refer to the Muslims' sacred book, the Koran. When any specific issue comes up caregivers refer a child to a specific verse in the Koran and explain how a true Muslim should behave. The principles of individual upbringing of a child are not a priority and primary goal is to bring a child up according to religious rites. Hence, there are no articles demonstrating individuality and different interests at Muslim boarding houses, each child is only provided school textbooks, the Koran and religious articles.

During a conversation with the monitors the beneficiaries of boarding houses would always mention that they live at boarding houses based on their own wish, although each of them stated that at first they found it very hard to get accustomed to the life at the boarding house and adapt to the rules, they wanted to return home, experienced discomfort by living at the boarding house. Beneficiaries leave boarding houses and go out to city only for a limited time and when it is necessary for buying necessary items. While living in the boarding house the communication of children with the community is restricted to the communication with the children living in the Muslim community only, of the same sex and the attendance of a religion lesson at the boarding house with the children and adults of the same sex. At Muslim boarding houses they do not celebrate the birthdays of the beneficiaries and there is no periodic motivation for the beneficiaries.

All beneficiaries of boarding houses run by the Patriarchate have their own spiritual father/priest. Contacts between a child and his biological family is promoted and supported. Only climatic conditions or the inability of a family to receive a child may serve as hampering factors. Beneficiaries often go to visit their families (region residents every weekend, while those living in relatively remote region once about every two weeks). Some beneficiaries of boarding facilities do not have biological families, the service providers try to find biological families of these children and restore links at their own expense, without the involvement of social services, but such attempts are often futile. They congratulate children with birthdays, organized modest celebrations, and children also give each other symbolic presents they can afford.

The social, cultural and sports life in the Stepantsminda¹⁰³ and Ninotsminda¹⁰⁴ regions is less active and children do not have many options in this regard.

The institutional style of boarding houses often significantly differs from a family environment. This is especially noticeable when assessing the daily schedule and living environment of beneficiaries, e.g. at the Stepantsminda school-boarding house beneficiaries are in extended classes after school, bedrooms are locked during the day, there are no objects for entertainment or ones demonstrating the individuality of the children. A similar environment is observed in the boys rooms as well.

At the Ninotsminda¹⁰⁵ school-boarding house children are accommodated in isolated sectors according to groups. A sector comprises two bedrooms and a dining room. Minors spend most of their free time watching TV. It was discovered as a result of interviews with the beneficiaries that children are not allowed to play or spend time freely in the hall of the boarding house, to avoid noise and disorder.

A positive emotional and social environment prevalent at the Feria Orthodox boarding house¹⁰⁶ should be noted. The building of the boarding house has been repaired and painted in bright colors; the interior is decorated with the works created by the beneficiaries in arts studios, the children of any age are able to freely move within the building. There is space for all age groups for informal meetings, equipped with soft furniture and a TV set. As mentioned already, at the boarding house there are 24 different profile studios and a sports group, children are actively involved in the activities of the studios and they have great opportunities for realizing and satisfying their interests. Minors, together with caregivers, go to concerts, to the theater, the seaside, on excursions, participate in sports activities, competitions, exhibitions and academic competitions.

The Bediani Village, where the Bediani boarding house¹⁰⁷ is located, is quite far from the district center and during the winter access to the boarding house is difficult due to the poor roads and climatic conditions. It has been discovered during the conversation with caregivers that children of former beneficiaries are also accommodated at the boarding house, they are a second generation of children going

¹⁰³St. Ilya the Righteous Boarding School in Stepantsminda.

¹⁰⁴ St. Nino Boarding House for Orphans, Waifs and Children in Need of Care in Ninotsminda, Javakheti.

¹⁰⁵ St. Nino Boarding House for Orphans, Waifs and Children in Need of Care in Ninotsminda, Javakheti.

¹⁰⁶ St. Apostle Matthias Foundation in Batumi.

¹⁰⁷ Rehabilitation Center for Children and Adolescents in Bediani.

there. The communication between children and parents is open, they can visit their children, take them away during vacation and holidays. The residential environment is adapted to children's needs, currently one of the houses is being constructed, where the conditions will be significantly improved. At a meeting with the beneficiaries of the Bediani Rehabilitation Center their openness and sincerity was evident. They freely spoke and expressed their opinions. Beneficiaries remember the New Year Night, birthdays with joy, when they get gifts and get the feeling of a real holiday. However, according to caregivers, adolescents have certain behavioral difficulties. Caregivers mention that they have not undergone any special training related to the work in a small family-type institution, although they have caregiving as well as teaching experience. During conversations with monitors, they demonstrated the skills of effective communication with children and adopted approaches in accordance with the rights of a child. The daily routine of the institution, according to beneficiaries and caregivers, envisages the possibility of gaining formal as well as informal education, preparing homework during a fixed period of a day, and entertainment and play during the leisure time. Caregivers have mentioned that they are performing the main household activities, although beneficiaries are actively involved in all activities.

At boarding houses run by the Patriarchate, a number of beneficiaries have told the members of the monitoring group about cases of bullying among the children. In this regard, the situation in the Ninotsminda boarding house¹⁰⁸ should especially be mentioned; here the cases of psychological as well as physical bullying among beneficiaries is frequent.

Through the interviews with the beneficiaries, the monitoring group has revealed individual cases of psychophysical violence from caregivers: it has been discovered at the Ninotsminda boarding house¹⁰⁹ that beneficiaries, as a punishment, are banned from leaving the room or have to skip a meal, e.g., supper. According to the beneficiaries, for physical punishment, minors have to crawl in the hall in front of their peers, while having their hands pressed their head.

At the Feria Orthodox boarding house¹¹⁰ cases of verbal insult of a beneficiary by one of the caregivers and undue treatment of girls as well have been discovered. It was identified that this caregiver would make the same beneficiary get on her knees in

¹⁰⁸ St. Nino Boarding House for Orphans, Waifs and Children in Need of Care in Ninotsminda, Javakheti.

¹⁰⁹ St. Nino Boarding House for Orphans, Waifs and Children in Need of Care in Ninotsminda, Javakheti.

¹¹⁰ St. Apostle Matthias Foundation in Batumi.

punishment, when she was younger. According to the information provided to monitors two caregivers were dismissed due to the above-mentioned reason.

A trend has been identified in boarding houses run by the Patriarchate: one of the common methods of punishment is prostration. At the Stepantsminda¹¹¹ school-boarding house, in case of a child's difficult behavior, beneficiaries are sent to the clergymen and a spiritual father makes children prostrate to repent sins or as a punishment. 50-100 prostrations are determined as the measure of punishment. Beneficiaries have also mentioned the obligation to make prostrations when they miss prayer. It has been revealed as a result of the monitoring that Ninotsminda boarding house beneficiaries also have the obligation of prostrations as a form of punishment.

It has also been discovered during the monitoring that the providers of school-boarding house services are not familiar with the standards and legal regulations of prevention and managing violence/bullying cases¹¹².

Due to the low level of knowledge of service providers in the matters of identification and referral in case of violence, of legal regulations when managing cases of victims of violence, none of the beneficiaries are identified as the victims of violence and therefore no relevant psychosocial activities are implemented for them.

The lack of relevant skills for managing difficult behavior of a child on the part of caregivers serves as a provoking factor for violent treatment of children and the punishment of minors takes the form of psychological as well as physical influence.

At Muslim boarding houses the beneficiaries interviewed by the monitoring team do not speak about systematic physical violence cases, although they mention that sometimes caregivers scream at them and rarely demonstrate physical violence. It has been identified following the monitoring that during the initial period of being placed in a boarding house, children find it hard to adapt to the existing rules. This causes stress reaction in beneficiaries, hence, caregivers send them back to their biological family for several days and it is often against his/her wish that a beneficiary goes back to the boarding house.

¹¹¹ St. Ilya the Righteous Boarding School in Stepantsminda.

¹¹² Joint Order of the Minister of Labor, Health and Social Protection, the Minister of Interior, and the Minister of Education and Science no. 152/N-496-45/N dated 31 May 2010 approving Child Protection Referral Procedures; The Law of Georgia on Prevention of Domestic Violence, Protection of and Assistance to the Victims of Domestic Violence.

At the Muslim Boarding House, they deny the presence of children with psychological or mental health problems among beneficiaries and do not see the need for psychological assistance.

Another factor impeding psychiatric assistance is the geographic location of boarding houses and the lack of specialists in the region. Despite an urgent need for mental health assistance, it is impossible to provide psychiatric assistance to the beneficiaries of boarding schools without the informed consent of a legal representative of a child under the age of 16.¹¹³ Since a number of the beneficiaries do not have legal representatives, because it is impossible to find their biological families, and since Social Services are not involved in the care process – children are not under the state’s care.

The Bediani boarding house is an exception in this regard. Beneficiaries of the institution¹¹⁴, according to caregivers, have difficult behaviors. In such cases, as mentioned above, specifically invited psychologists provide assistance to them.

Recommendations

To the Ministry of Labor, Health and Social Affairs of Georgia:

- Ensure professional training/retraining of individuals involved in the child care process in the matters of skills of identifying violence against children, difficult behavior and stress management and identifying the psychological/psychiatric needs a child and/or a child who is a victim of violence;
- Ensure the multidisciplinary assessment of beneficiaries of boarding facilities and design development plans adapted to their individual needs;
- Continue the deinstitutionalization process to support raising children in a family environment and strengthening biological families.

¹¹³ Article 8(2) of Georgia Law on Psychiatric Assistance.

¹¹⁴ Rehabilitation Center for Children and Adolescents in Bediani.

Conclusion

Several important points have been identified as a result of the monitoring of children's rights in the facilities run by the Orthodox Church of Georgia and the Muslim Confession. This monitoring, performed by the Public Defender of Georgia, aims at improving the well-being of children as it is an obligation of the state. The quality of provided care differs from one institutions to another as they are not regulated by a unified childcare system. Beneficiaries of boarding houses and school/boarding houses are not under the state care, hence, Social Service Agency is not involved in the care process. This is contrary to the genuine interests of a child and makes the implementation of fundamental rights and freedoms difficult, for example, the right to health care, education, protection against violence, etc. The fact that the beneficiaries of these boarding houses are not receiving state care creates problems for the children with disabilities as well. Without state involvement, their status cannot be determined and relevant medical services cannot be implemented. Furthermore, without the cooperation with the Social Services Agency the matter of organizing personal documentation of minors, as well as determining their educational needs is a problem. In the case of the beneficiaries of boarding houses run by religious confessions, it is necessary to vest the Guardianship and Care Body with rights and duties of their legal representation, which is important in the process of resolving the issues related to minors.

At the children's boarding houses run by religious confessions, similarly to minors living in small family type houses, a majority of the beneficiaries are victims of various types of violence, traumatized children in need of a special approach, consistent psychological rehabilitation, and in a number of cases, psychiatric help. At the same time, full-fledged psychiatric/psychological services are not provided to these beneficiaries. In this context, the matter of the qualification of caregivers is important. A caregiver, according to the Order¹¹⁵ on Approving the Procedures for Referral with the Purpose of prevention of Violence and Protection of Children, should have relevant knowledge and skills to identify and detect an act of violence against a minor and refer the child to a relevant body. Therefore, the professionalism of the personnel working at the mentioned institution becomes of special importance. In this regard,

¹¹⁵ Joint Order of the Minister of Labor, Health and Social Protection, the Minister of Interior, and the Minister of Education and Science no. 152/N-496-45/N dated 31 May 2010 approving Child Protection Referral Procedures.

the monitoring shows that a majority of caregivers require retraining in childcare¹¹⁶, because they lack the skills to correctly care for children who are the victims of violence and have difficult behavior. This is an increased risk factor of violence against a child. Notably, an NGO Partnership for Children provides training for caregivers at the children's' boarding houses run by the Patriarchate of Georgia. Furthermore, it has also been revealed following the monitoring that all administrations of the mentioned boarding houses have expressed their willingness for regular retraining of caregivers and teachers of the institutions in the matters of general education, as well as child care.

Moreover, it is necessary to establish an individual approach that would be directed at the individual needs of the beneficiaries, considering their views and interests, to enable the minors to fully realize their own capacity.

Hence, for the improvement of the children's welfare of, the full-fledged implementation of their rights and freedoms and the consideration of their genuine interests, the services provided to the beneficiaries of boarding houses run by religious confessions require harmonization with the state childcare standards. The upbringing of the beneficiaries in boarding houses must be done in conditions that are as close as possible to the family environment. The measures taken by the state for this purpose can be assessed as unsatisfactory. Respectively, considering the objective of deinstitutionalization, in close cooperation with service providers, the state has to direct all necessary resources to fulfill state childcare standards at the mentioned institutions. It should create a relevant mechanism for overseeing subsequent fulfillment of these standards, as well as provide training and build the capacity of individuals involved in the services process. The state must conduct a dialogue with all the stakeholders in the process of the care and harmonious development of children. Furthermore, it must strengthen international cooperation for the implementation of the Convention on the Rights of the Child.

¹¹⁶ It should be mentioned that since 2014, NGO Partnership for Children provides has been providing systematic trainings to caregivers.