



PUBLIC DEFENDER
(OMBUDSMAN) OF GEORGIA



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SPECIAL REPORT

CHILD RIGHTS IMPACT ASSESSMENT OF COVID-19 RELATED STATES MEASURES IN GEORGIA

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Acronyms

CEDAW	- Convention on the Elimination of All Forms of Discrimination against Women
CERD	- International Convention on the Elimination of All Forms of Racial Discrimination
CESCR	- United Nations Committee on Economic, Social and Cultural Rights
CRC	- United Nations Convention on the Rights of the Child
CRIA	- Impact Assessment on Children's Rights
CRPD	- Convention on the Rights of Persons with Disabilities
CRPD	- United Nations Committee on the Rights of Persons with Disabilities
ENOC	- The European Network of Ombudspersons for Children
ICCPR	- International Covenant on Civil and Political Rights
ICESCR	- International Covenant on Economic, Social and Cultural Rights
IDP	- Internally Displaced Person
LEPL	- Legal Entity of Public Law
MIA	- Ministry of Internal Affairs
UNCRC	- United Nations Committee on the Rights of the Child
UNICEF	- United Nations Children's Fund

CONTENTS

Introduction.....	6
1. Research Methodology	7
1.1. Research aim and objectives.....	8
1.2. Research design.....	8
1.3. Research stages	9
1.3.1. First stage - screening - Identifying measures taken to prevent the spread of pandemics.....	9
1.3.2. Second stage - Defining the list of information to be obtained and studied	9
1.3.3. Third stage – Collecting evidence and consultations with interested stakeholders	9
1.3.3.1. Research Participants.....	10
1.3.3.2. Desk research	11
1.3.3.3 Inclusion and participation of children.....	13
1.3.3.4. Interviews with decision makers and service providers	14
1.3.4. Assessment of the participation of children in the decision-making process on imposing restrictions (measures)	14
1.3.5. Data Analysis - Impact Assessment	15
1.3.6. Preparation of research report - conclusion and recommendations.....	15
1.3.7. Publication and distribution of CRIA	15
1.4. Restrictions and challenges.....	16
2. Short review of measures selected for CRIA.....	17

Impact of Measures Taken to Prevent the COVID-19 Pandemic on Violence against Children.....

1. Analysis of standards of protection of the child against violence and physical inviolability.....	22
1.2. Impact of Measures Taken to Prevent the COVID-19 Pandemic on Violence against Children	23
1.3. Distance learning and isolation	23
1.4. Suspension of entrepreneurial/economic activity	32

1.5. Switching services to remote work and scarcity of resources	33
1.6. Mandatory isolation/quarantine regime	37
Recommendations	39

Impact of measures taken during Covid-19 pandemic on the Children's

Right to General Education	41
1.1. Children's right to general education– an overview of international and local standards	41
1.2. Switching to distance learning	43
1.2.1. General Regulations and Challenges	44
1.2.2. Impact of distance learning on the inclusive education.....	49
1.3 Suspension of the economic activities.....	50
1.4. Delivery of services remotely and restrictions on movement/transportation	51
1.5. Priorities foreseen in the national plan of vaccination	52
1.6. Main Findings	52
Recommendations	55

Impact of Measures Taken to Prevent the COVID-19 Pandemic on Children in state care57

1.1. The Covid-19 pandemic and the challenges of protecting the rights of children in a state care	57
1.2. Covid-19 and the right to access information (article 17)	58
1.3. Covid-19 and access to the required services	59
1.4. Impact of measures on the Right to Healthcare	62
1.4.1. Mental health and behavioral difficulties	67
1.5. Covid-19 and planning of free time, the right to play and leisure	69
1.6. Covid-19 and maintaining family relationships	70
1.7. Main Findings	71
Recommendations	73
Annexes	74
Annex 1 Visits and Meetings within the scope of the reasearch	74

INTRODUCTION

This document represents a special report, which was prepared based on the initiative of the European Network of Ombudspersons for Children (ENOC), also initiative and support of the United Nations Children's Fund's (UNICEF) Regional Office for Eastern Europe and Central Asia, and the United Nations Children's Fund's (UNICEF) Georgian Representation. The report is prepared by the Office of the Public Defender of Georgia within the project "Child Rights Impact Assessment of COVID-19 related States measures in Georgia" and sets out the findings of Impact Assessment on Children's Rights on measures taken by the state during the COVID-19 pandemic.

Among the measures undertaken by the state should be mentioned a decree¹ issued by the President of Georgia on March 21, 2020, based on which a state of emergency was declared, and certain rights and freedoms provided for in Chapter 2 of the Constitution of Georgia ("Basic Human Rights") were restricted. Among the restrictions set out in the decree was a restriction on freedom of movement, while the relevant authorities were granted the permission to forcibly transfer a person to an appropriate institution for breaching the isolation or quarantine rules established by the government. The decree covered the rights of fair administrative proceedings and access to public information. Any gatherings and demonstrations were restricted, with exception of cases defined by a government decree. Freedom of labor, freedom of association, right to protest, and freedom of economic activities were restricted. The government was authorized to establish rules and conditions different from the rules established by the laws of Georgia on Early and Preschool Education, General Education, Professional Education, Special Professional Education, and Higher Education.

According to the Public Defender's annual review of the situation regarding Human Rights and Freedoms in Georgia,² since the beginning of the COVID-19 pandemic, the protection of children's rights has faced new challenges in all aspects, namely: the situation of children deprived of family environment, who lack access to adequate resources, who experienced violence and require a variety of rehabilitation services, has deteriorated. Furthermore, during the pandemic, the risks of violence against children and them witnessing violence increased, while the mechanisms for detecting such cases faced challenges. The increased risk of violence against children was mainly due to the transition to distance learning, isolation, and the ban of entrepreneurial/economic activities for private law entities, leaving people without jobs and income. Children became restricted from having access to individuals responsible for observing children's behaviour and identifying emotional or physical signs of possible violence against them. At the same time, children and young people found it challenging to be in a confined space, and their psycho-emotional state became complicated due to the transition to distance learning and isolation, while some parents lacked the skills to deal with the needs of their children independently.

The assessment results show that despite the increased risks, there is no significant increase in referrals to government agencies. In some cases, the referral is slightly increased or, conversely, there is a downward trend. This is probably related to the problem of detecting cases of possible violence against children. During the pandemic, only the social workers of the State Care Agency

¹ On the Declaration of the State of Emergency throughout the Whole Territory of Georgia N1 Decree of the President of Georgia, March 21, 2020. available at: <https://bit.ly/30arLPe> [last visited: on October 8, 2021].

² Parliamentary Report, the Public Defender of Georgia, 2021: "The Situation in Human Rights and Freedoms in Georgia 2020"; Information available at: <https://bit.ly/3lemXjQ> [last visited on October 4, 2021].

point to a sharp increase in the number of cases of violence against children in their territorial units.

The realization of the right to the general education of children also became a significant challenge during the pandemic. Home and computer replaced contact learning, which was a source of various positive experiences-gaining education, socialization, communication etc. Like other measures imposed by the government, the transition to distance learning has put children and their families under significant stress and uncertainty.

The COVID-19 pandemic has most acutely highlighted issues that have plagued the education system for years. These include the effective involvement of children with disabilities in the learning process, the quality of education, the rate of access to technology, and more. Analysis of these challenges showed, that the government inaction and inefficiency became even more apparent both before the pandemic and during the pandemic. In particular, on the one hand, there was no specific plan/vision to be applied in crises, including for the smooth functioning of the educational system. On the other hand, state measures taken during the pandemic, given their general nature, failed to identify children's needs effectively and to eliminate the challenges they faced. As a result, substantial damage has been done not only to the right to general education but also to the realization of many other rights and freedoms and the best interests of children.

One of the most identified vulnerable group of children are those living in a state care, whose isolation has been further strengthened in Georgia by the new global pandemic. As in other countries, in Georgia children deprived of parental care and, amongst them some living in various residential institutions became at heightened risk of being more easily infected with the new coronavirus. Therefore, it was essential to develop regulations aimed at specific needs of children and service providers. Unfortunately, the following assessment revealed many shortcomings in terms of the children's right to health, play, planning rest and leisure, access to information, access to necessary rehabilitation and social services, and maintaining family relationships.

1. Research Methodology

The study is based on the Child Rights Impact Assessment Methodology (hereinafter CRIA). CRIA is a tool that enables the systematic assessment of children's and youth's rights, needs, and interests. CRIA assesses what impact government decisions and actions have had or might have on the protection of the rights of the child. The methodology is based on the ENOC Common Framework Recommendations (CFR) for Child Rights Impact Assessment. This methodology guides how to assess the impact of state measures on children's rights during the COVID-19 pandemic.

The assessment was carried out based on Article 12 of the Organic Law of Georgia on the Public Defender and following the guidelines developed by the UN Commissioner for Human Rights. In addition, the assessment was based on the United Nations Convention on the Rights of the Child (UN CRC) and its additional protocols, as well as other international instruments.

The process of developing instruments and the assessment activities was also based on the 11 recommendations of the UN Committee on the Rights of the Child (CRC), directly related to the main areas of CRIA during the COVID-19 pandemic.³

1.1. Research aim and objectives

The study aimed to assess the children's rights during the COVID-19 pandemic by examining the impact on children of state measures taken to prevent the spread of the pandemic, which will be further explored in the report. Considering the problematic child rights context even before the pandemic and the challenges posed by COVID-19, as well as the content of the measures taken by the state, the following thematic areas were selected for the study:

- ◆ Alternative care
- ◆ General education
- ◆ Protection from violence and ill-treatment

The research was divided into two parts:

- ◆ Assessing state measures taken during the pandemic related to alternative care, education, health care, awareness, and protection from violence, access to various services, and family relations through desk research and on the other hand, evaluating the impact of these measures through field work, focus groups and interviews with relevant groups, individuals and stakeholders.

This study has long-term goals, such as:

- ◆ Promoting monitoring of the UN Convention on the Rights of the Child;
- ◆ Promoting accountability of state agencies towards children;
- ◆ Encouraging the application of the CRIA tool at the national level.

1.2. Research design

Desk and qualitative research methods were defined as research design.

The study focused on the four fundamental principles of the Convention on the Rights of the Child (life and development, protection against discrimination, best interests of the child, and the involvement of the child in decision-making) and identified the fundamental rights most likely to be affected by the preventive measures against the spread of the pandemic.

These rights include:

- ◆ The right to education (art. 23, 28, CRC)
- ◆ The right to health (art. 24, 26, 27, 39)
- ◆ Maintaining family relationships (art. 5, 9–11, 18, 20, 27)

³ 11 recommendations of the UN Committee on the Rights of the Child (CRC), Information available at: <https://bit.ly/2WxoQyd> [last visited on August 31, 2021].

- ◆ The right to have access to information (art. 13)
- ◆ Protection from violence (art. 19, 24, 28, 34, 37, 39)
- ◆ The right to rest, play, leisure (art. 31)
- ◆ Maintaining access to needed services, including psychosocial support (art. 3, 18, 23, 24, 39).

1.3. Research stages

The research was carried out in 8 stages:

- ◆ Screening - identification of measures taken to prevent the spread of pandemic and selection of the measures that was assessed;
- ◆ Scoping - defining a list of information needed to be obtained and studied
- ◆ Collecting evidence and consultations with stakeholders
- ◆ Assessing the participation of children in the decision-making process on restrictions (measures) to be imposed
- ◆ Data analysis - impact assessment
- ◆ Preparing the research report - conclusion and recommendations
- ◆ Publication and dissemination of CRIA
- ◆ Monitoring and follow-up evaluation

1.3.1. First stage - screening - Identifying measures taken to prevent the spread of pandemics

At this stage, the measures taken by the state to prevent the spread of the pandemic were identified. After identifying all measures taken to prevent the spread of the pandemic, the measures in line with the study's objectives were distinguished and selected. These measures were grouped into three categories: Measures that had a direct impact on children's rights, measures that did not directly impact children's rights and measures that did not affect children's rights at all.

1.3.2. Second stage - Defining the list of information to be obtained and studied

At this stage, the schedule of the assessment work and data analysis was defined in detail. Participants and institutions that the study focused on were also identified.

1.3.3. Third stage – Collecting evidence and consultations with interested stakeholders

At the third stage, a desk research was prepared, as well as fieldwork was conducted with stakeholders to collect evidence and data. The third stage was divided into several sub-stages: desk research, interviews and focus groups with children, decision-makers and service providers/staff (Appendix 1).

1.3.3.1. Research Participants

The participants of the research include:

- ◆ Children in state care, including children with disabilities and of ethnic minorities
- ◆ Employees of small family group homes
- ◆ Employees of children's large residential institutions
- ◆ Students of public schools and boarding-schools, under the Ministry of Education and Science;
- ◆ Employees of public schools and boarding-schools
- ◆ Beneficiaries and employees of shelters for victims of violence, Shelter for mothers and children, Shelters and daycare centers for children living and/or working in the street, Social housing service
- ◆ Representatives of state agencies.⁴

Throughout the research, the focus groups or interviews were conducted with following number of individuals:

- ◆ Children living in state care - 43
- ◆ Employees of state care institutions - 6
- ◆ Pupils of public schools, including boarding schools - 50
- ◆ Employees of public schools, including boarding schools - 74
- ◆ Representatives of 7 service provider organisations
- ◆ Women receiving shelter services for victims of violence - 5
- ◆ Employees of shelters for victims of violence - 22
- ◆ State Agencies - 4
- ◆ Beneficiaries living in shelters for children living and/or working in the street - 9
- ◆ Employees of shelters for children living and/or working in the street - 3
- ◆ Social housing workers - 3
- ◆ Social housing residents - 3

⁴ Ministry of Education and Science of Georgia, LEPL Resource Service of Educational Institution, General Prosecutor's Office of Georgia, Ministry of Internal Affairs of Georgia, Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs, LEPL Agency For State Care And Assistance For the (Statutory) Victims of Human trafficking.

Staff interviews were conducted at all facilities where the fieldwork was carried out. For example, interviews were conducted with caregivers and coordinators (during visits at state care institutions), teachers, resource officers, school principals, and other representatives (during visits at the general education institutions).

The process of selecting the general educational institutions visited by the Office of the Public Defender was based on the following criteria:

- ◆ Geographical location - during the research, the geographical balance and the balance between the city and village institutions was maintained as much as possible. In order to fully understand the context, visits were also made to small schools (located in the high mountainous areas), regions populated by ethnic and religious minorities. During the selection process, attention was also paid to the municipalities (Kvemo Kartli region) on which strict lockdown measures were imposed for a certain period;
- ◆ Child Vulnerability Indicators - In assessing children's enjoyment of the right to education and the protection from violence, particular attention was paid to the needs of vulnerable groups such as beneficiaries of residential services (social housing, small family group homes, boarding-schools), children living and/or working in the streets, children with disabilities, representatives of ethnic and religious minority groups. The main criteria for selecting government agencies was the scope of their mandate to directly or indirectly influence children's rights to education, health care, rehabilitation, access to various services, protection from violence, access to information, and maintaining family relationships, defined by the Law of Georgia on the Structure, Powers, and Rules of Procedure of the Government of Georgia.

1.3.3.2. Desk research

During the desk research, international child rights protection standards and regulations, international standards for preventing the spread of pandemic, locally available government and civil society reports, and the information requested from government agencies were analysed. In particular, the following sources were analyzed as part of the desk research:

1. Analysis of national legislation, policies and programmes

During the study, acts regulating children's right to education and protection from violence, rights of the children in state care and regulations adopted by the government during COVID-19, relevant for the research, were studied in detail. In particular, the following acts were analyzed:

- ◆ Constitution of Georgia
- ◆ Code of the Rights of the Child
- ◆ Criminal Code of Georgia
- ◆ Juvenile Justice Code

- ◆ Law of Georgia on General Education
- ◆ Law of Georgia on the Rights of Persons with Disabilities
- ◆ Central and local government budgets for 2020-21

2. Analysis of international standards

During the research, international standards relevant to the field were analyzed, which address many substantive aspects of children's rights. For this purpose, the following documents were analyzed as part of the study:

- ◆ Universal Declaration of Human Rights
- ◆ UN Convention on the Rights of the Child
- ◆ European Convention for the Protection of Human Rights and Fundamental Freedoms
- ◆ International Covenant on Economic, Social and Cultural Rights
- ◆ UN Convention on the Rights of Persons with Disabilities
- ◆ Council of Europe Framework Convention for the Protection of National Minorities
- ◆ UNESCO Convention against Discrimination in Education
- ◆ International Covenant on Civil and Political Rights
- ◆ Convention on the Elimination of All Forms of Discrimination against Women
- ◆ Statements and thematic reports by UN Special Rapporteurs (1. On the right to education; 2. On extreme poverty and human rights; 3. On the rights of persons with disabilities)
- ◆ Statements and general comments of the UN treaty bodies (CRC, CRPD, CESCR)
- ◆ United Nations Guidelines for the Alternative Care of Children
- ◆ Recommendations and guidelines developed by UNESCO
- ◆ Recommendations and guidelines developed by the Council of Europe.

3. Analysis of various sources of information

During the research, theoretical materials relevant to the research issues were analyzed, including books, academic or semi-academic materials, reports of various organisations/institutes, official statements/briefings of agencies. Additionally, the complaints and the cases studied by the Public Defender's Office were analyzed.

4. Analysis of public information

Information, including statistical data, was requested from March 1, 2020, to June 2021. For comparison with the period before the pandemic, statistical information was also requested regarding the period from January 2020 and March 2020 from the following agencies:

- ◆ Administration of the Government of Georgia
- ◆ Ministry of Education and Science of Georgia
- ◆ LEPL Office of Resource Officers of Educational Institutions to public general educational institutions
- ◆ Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia
- ◆ LEPL Agency For State Care And Assistance For the (Statutory) Victims of Human trafficking
- ◆ General Prosecutor's Office of Georgia
- ◆ Ministry of Internal Affairs of Georgia
- ◆ Ministry of Justice of Georgia
- ◆ Association of local self-governments

1.3.3.3 Inclusion and participation of children

Child participation played a leading role in the data collection phase. It was essential to understand children's views on their participation in the process of imposing measures by the state to prevent the spread of the COVID-19 pandemic and the difficulties they have encountered and/or still face as a result of these measures.

In this process, following the ENOC Ethics Standards and the Ombudsman's internal rules, special attention was paid to the ethical aspects of child participation, including the protection of children's privacy and personal data. In particular, the following ethical aspects were and further will be considered in the process data processing, and dissemination of the findings to the general public:

Participation was transparent and informative	In a manner understandable to children, researchers explained the essence and importance of CRIA and their right to participation. This information also indicated how they could have been involved in the research and why they were asked to participate. Information was also provided on the form and structure of their meaningful participation, and the greater benefits of participating in the study.
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Participation was voluntary	Children could choose whether or not to participate in the study and were informed that they could change their decision at any time. There was no pressure put for them to participate or to express their views.
The process of participation was based on respect	Interviewers work was based on the principal of showing respect, in order to create an environment where children had an opportunity to express their views freely.
Participation was contextual	Participation was based on children's direct knowledge and focused on issues relevant to children's life and local context.
Child-friendly approaches	<p>Child-friendly approaches were used so, children could make a real contribution to the process. Approaches and methods of participation were created and modified according to the age, abilities, and interests of children.</p> <p>No age restriction was imposed. The approach was only different based on the age of a child. At an early age, an unstructured questionnaire was used that focused on age-appropriate activities when interviewing children.</p>
Inclusiveness	The opportunity to participate was provided to various groups of children.
Safety and risk sensitivity	While working with children, researchers had an obligation to care and did everything possible to reduce any risks possible threatening the best interests of children.
Accountability	Children were provided with detailed information on how their views would be processed and applied, how their views might have an impact on outcomes, and, where possible, how they could be involved in the assessment activities.

1.3.3.4. Interviews with decision makers and service providers

In-depth interviews were conducted with decision makers, service providers, and staff members of facilities. During the meetings, detailed information on the research objectives and research issues was provided to them.

1.3.4. Assessment of the participation of children in the decision-making process on imposing restrictions (measures)

Hearing children's opinion and involving them in the decision-making process is one of the four fundamental principles of the CRC, along with the principles of life and development, non-discrimination and best interests. The child's participation in the decision-making process is protected by Article 12 of the CRC. The Convention recognizes both the right of the child to have views

and express them freely, as well as the obligation of persons involved in caring for and working with children to listen to them and take into account the expressed views and opinions. This is also guaranteed under the Article 8 of the Code of the Rights of the Child.

The issue of child participation in the process of imposing measures to prevent the spread of COVID-19 was explored through interviews with the children and the decision-makers. Unfortunately, the assessment showed, children were not involved in the decision-making process regarding the measures adopted related to the COVID-19, even though it would have a significant impact on their daily lives and the realization of their rights.

1.3.5. Data Analysis - Impact Assessment

The structure of the analysis was organized according to CRC guiding principles:

- ◆ Civil rights and liberties: articles 8, 13, 14, 16, 17, 28, 37, 39
- ◆ Family environment and alternative care: 5, 9, 10, 18, 19, 20, 21, 25, 27, 39
- ◆ Health and well-being: 6, 18, 23, 24, 26, 27, 33
- ◆ Education, leisure and cultural activities: 28, 29, 30, 31
- ◆ Special protection measures: 22, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40

During the analysis, the impact on the children's rights, of each chosen measure adopted for the prevention of the spread of COVID-19 pandemic, was assessed based on the evidence and its direct or indirect effect.

1.3.6. Preparation of research report - conclusion and recommendations

After analyzing the data and evaluating the impact of measures on children's rights, a final report with relevant recommendations was prepared.⁵

1.3.7. Publication and distribution of CRIA

The next step was to make the report available to the general public. At this stage, in addition to sharing the research results with decision makers, children's participation will be ensured and they will be given feedback on how their information was used and what impact the findings and recommendations of the research could have on their situation. Additionally, it is also planned to develop an adapted version of the report for children, the preparation process of which will also ensure child participation.

Following the publication of the report, the implementation of issued recommendations will be monitored and its rate will be assessed within the mandate and authority of the Public Defender.

⁵ See, p. 91

1.4. Restrictions and challenges

Following restrictions and challenges were identified during the research:

- ◆ Timely receipt of information requested from the state agencies
- ◆ The Office of the Public Defender was not provided with complete, comprehensive and specific statistical information by the agencies, which made it impossible to oversee a full and comprehensive picture (The Office of the Public Defender did not receive detailed data on particular issues, which is probably because the agencies do not process certain statistics). In addition, although data was requested regarding specific period, information from individual agencies was not provided with respect to relevant dates. Also, agencies count statistics using different methodologies. All of this has made it difficult to connect and compare the various received data, including on the incidence or referral rate of cases of violence against children
- ◆ In some cases, the responses received through focus groups or individual interviews were very general, making it difficult to accurately examine and evaluate specific issues. In this regard, an additional problem during the pandemic was having to conduct interviews/meetings remotely, which further affected the ability to retrieve detailed information
- ◆ Beneficiaries living in some shelters refused to be interviewed by the representatives of the Office of the Public Defender or were not in the facility during the visit, which is why the number of interviews conducted with them is not numerous
- ◆ In certain cases, interviewed specialists talked about individual issues based only on their own experience, which may not reflect common practice
- ◆ By the time the field research was carried out, the learning process in public schools and boarding schools was almost completed. Therefore, it was impossible to cover a larger number of schools. Furthermore, in some of the cases when the visit was paid to school, children were no more attending classes
- ◆ The period of the field research work coincided with the summer period, during which children in state care whose parents/relatives have the right to temporarily take them from institutions, were out of facilities. Due to this, not all children could be met and according to their willingness, interviewed;
- ◆ Due to confirmed cases of COVID-19 pandemic, field work could not be carried out in two facilities;
- ◆ Due to the tense background developed in parallel with the process of deinstitutionalization of large residential facilities in the country, children large in one of the residential institutions, did not express a desire to talk to the representatives of the Public Defender. Some interviewed children, in some cases, expressed negative attitudes and responded

to the interviewers only with pre-prepared text. Because of this, it has become difficult to identify specific facts of possible violations of their rights

- ◆ Due to the tight schedule of implementing the project, interviews were conducted only with the heads of government agencies and service providers, who were contacted in a short period of time and expressed a desire to and could participate in this process;
- ◆ At some institutions, there were some barriers of communication. This challenge was eliminated in one case with the help of Azerbaijani speaker representative of the Public Defender's Office and in the other case with sign language interpreter.

2. Short review of measures selected for CRIA

This chapter reviews measures adopted by the state to prevent the spread of pandemics from March 2020 to May 2021, which were selected for the research purposes as having an impact on children's rights, including on the right to be protected from violence and ill-treatment, the right to education and the realization of the rights of children in state care.

- ◆ On March 21, 2020, the President of Georgia issued a decree, based on which a state of emergency was declared, and certain rights and freedoms under the Chapter 2 of the Constitution of Georgia ("Basic Human Rights") were restricted.⁶ On 31st of March 2020 the so-called curfew was imposed, the movement of persons from 21:00 to 06:00 was prohibited and restrictions under the state of emergency were tightened.⁷ On the same day, any type of public transportation (including the metro) in the cities and municipalities was suspended.⁸ From 23rd of March, gathering of more than 10 individuals in public space was forbidden.⁹ At the same time social events related to the gathering of more than 10 individuals, like weddings and similar events, was restricted.¹⁰ Later, from 31st of March, this measure was replaced by the restricting gathering of more than 3 people in public space.¹¹

⁶ N1 Decree of the President of Georgia „On the measures to be implemented concerning the declaration of State of Emergency throughout the Whole Territory of Georgia“, March 21, 2020. Rights guaranteed by the articles 13, 14, 15, 18, 19, 21 and 26 of the Decree.

⁷ On the Approval of Measures to be Implemented concerning the Prevention of the Spread of the Novel Coronavirus (COVID-19) in Georgia, N181 Ordinance of the Government of Georgia, March 23, 2020; Art. 2.9 of the Ordinance, as in effect on March 31, 2020.

⁸ On the Approval of Measures to be Implemented concerning the Prevention of the Spread of the Novel Coronavirus (COVID-19) in Georgia, N181 Ordinance of the Government of Georgia, March 23, 2020; Art. 2.6 of the Ordinance, as in effect on March 23, 2020.

⁹ On the Approval of Measures to be Implemented concerning the Prevention of the Spread of the Novel Coronavirus (COVID-19) in Georgia, N181 Ordinance of the Government of Georgia, March 21, 2020; Art. 5.2 of the Ordinance, as in effect on March 23, 2020.

¹⁰ On the Approval of Measures to be Implemented concerning the Prevention of the Spread of the Novel Coronavirus (COVID-19) in Georgia, N181 Ordinance of the Government of Georgia, March 21, 2020; Art. 5.3 of the Ordinance, as in effect on March 23, 2020.

¹¹ On the Approval of Measures to be Implemented concerning the Prevention of the Spread of the Novel Coronavirus (COVID-19) in Georgia, N181 Ordinance of the Government of Georgia, March 23, 2020; Art. 5.2 of the Ordinance, as in effect on March 31, 2020.

The restriction was in force until May 14, 2020, and from May 18 permissible number of individuals gathering in public space has increased to 10 persons again.¹²

- ◆ The Government of Georgia has developed a plan to gradually remove the imposed restrictions. The plan consisted of 6 phases, with an average of 2 weeks interval between the removal of restrictions.¹³ In particular: from April 27 suspension on private vehicle movement was removed; On May 23, 2020, the state of emergency ended and the “curfew” was abolished.
- ◆ The state imposed restrictions on the movement even after the lifting of the state of emergency. In particular, on November 9, 2020, an amendment was made to the Decree of the Government of Georgia N322 of May 23, 2020 “On the Approval of Isolation and Quarantine Rules”, except in cases defined by the Decree. In Tbilisi, as well as in several other cities,¹⁴ the movement from 22:00 to 05:00, both as a pedestrians and by vehicles, as well as being in public space was prohibited. Subsequently, a new amendment came into force on November 28, 2020, according to which, except for the cases defined by the decree itself, the movement throughout the country was prohibited from 21:00 to 05:00.¹⁵ Finally the curfew was abolished from 23:00 on 30 June 2021.¹⁶

Restrictions on movement has negatively affected all children, including children in need of various social rehabilitation services, children receiving social work services, and others. In particular, due to the suspension of public transportation, children were not able to access the services they needed, which affected, among other aspects of their lives, their right to education. During the declaration of universal quarantine, the provision of rehabilitation and social services to children was restricted, which negatively affected their social and emotional state, as well as their right to development. In some cases, they were no longer able to get access even to food that the relevant facilities, for example daycare centers provided for them.

- ◆ From March 4, 2020, the educational process was suspended and preparations began for the transition to distance learning format. From March 30, the educational process, due to the epidemiological situation in the country and consequent restrictions, was fully switched to distance learning.¹⁷ From February 15, 2021, education resumed in classrooms throughout Georgia. And, from the beginning of the 2021-2022 academic year, (general, vocational, higher) until October 4, 2021, educational process resumed only through distance learning and, using various forms of communication.

¹² On the Approval of Measures to be Implemented concerning the Prevention of the Spread of the Novel Coronavirus (COVID-19) in Georgia, N181 Ordinance of the Government of Georgia, March 23, 2020; Art. 5.2 of the Ordinance, as in effect on May 18, 2020

¹³ Human Rights Protection during the COVID-19 Crisis, Report on Measures Taken by the Government of Georgia, 2020, Information Available: <https://bit.ly/3AoQIiv> [Last visited on September 21, 2021].

¹⁴ Batumi, Kutaisi, Rustavi, Gori, Poti, Zugdidi.

¹⁵ On the Approval of Isolation and Quarantine Rules, N322 Ordinance of the Government of Georgia, May 23, 2020; Art. 2.6¹ of the Ordinance as in effect on December 31, 2020.

¹⁶ On Changes in the Ordinance N322 of the Government of Georgia, 23 May 2020, on the Approval of the Rules of Isolation and Quarantine, Ordinance N294 of the Government of Georgia of June 22, 2021.

¹⁷ Ibid.

The taken measure had a negative impact on all children, including, in particular, children living in large families and in poverty, children with disabilities and special educational needs, homeless, IDPs and refugees, as well as children belonging to ethnic minorities. Also, it intensely affected children living in the rural areas of Georgia, where there is no or is a restricted internet access. This measure had an impact on children's right to education, as well as the protection of children from any form of violence, health and other rights, which will be discussed in following chapters. Alongside to the negative impact, distance learning has had a positive impact on preventing the spread of coronavirus amongst children and their families and it prevented the announcement of the academic semester.

- ◆ From March 2020, part of state agencies, except in special cases, switched to remote working model. Also, the recommendation to switch to remote working model was issued for the private sector.¹⁸ The Agency for the State Care shifted to partially working remotely and according to a statement issued on March 16, 2020, the transition to remote model also affected social workers. In particular, in cases of foster care and beneficiaries of a small family-group homes, social workers exercised telephone supervision and went to the particular institutions, families, only in case of emergency.¹⁹

The transition of social services and childcare services to remote work had a negative impact on all children, including children with disabilities and special educational needs, as well as victims of violence. The transition to remote mode has prevented timely detection of violence against children and the provision of rehabilitation to victims of violence. However, it is also important to note that provision of services remotely has increased its accessibility for some children, for instance, children's access to the services of the Resource Officer's Psycho-Social Rehabilitation service, in some cases, has increased. In particular, children living in rural areas, who might have had to travel long distances to receive these services, found online services much more accessible.

- ◆ From March 23, practically all businesses closed, except for grocery stores and pharmacies.²⁰ As of March 31,²¹ due to various restrictions, economic activities were gradually stopped, except for the essential activities, enterprises and facilities.²² From 23 May, at the end of the state of emergency, all economic activities were allowed, with certain exceptions.²³

This measure has had a negative impact on all children, including children left without parental care, as well as on children whose families have had their income significantly reduced or cut off. In particular, the amount of money spent on children's education decreased due to the suspension/

¹⁸ On the Determination of Specific Measures in Public Institutions to Prevent the Possible Spread of the Novel Coronavirus (COVID-19), N529 Decree of the Government of Georgia, March 12, 2020.

¹⁹ Information available: <https://bit.ly/2XLORNO> [Last visited on September 21, 2021].

²⁰ On the Approval of Measures to be Implemented concerning the Prevention of the Spread of the Novel Coronavirus (COVID-19) in Georgia, N181 Ordinance of the Government of Georgia, March 23, 2020. Art. 7 of the Ordinance.

²¹ On the Approval of Measures to be Implemented in connection with the Prevention of the Spread of the Novel Coronavirus (COVID-19) in Georgia, N181 Ordinance of the Government of Georgia, March 23, 2020; Art. 7 of the Ordinance, as in effect on March 31, 2020.

²² Human Rights Protection during the COVID-19 Crisis, Report on Measures Taken by the Government of Georgia, 2020, Information Available: <https://bit.ly/3AoQlly> [Last visited on September 21, 2021].

²³ Ibid.

loss of income, which increased the challenges regarding the access to education, of child abuse and exploitation, including child labor, as well as made the lack of alternative services apparent, as parents who continued to work during the pandemic were less involved in child's life and education.

- ◆ The Government of Georgia, by its Decree №322 of May 23, 2020, approved the "Rules of Isolation and Quarantine," to prevent the mass spread of the new Coronavirus (COVID-19), to manage the epidemiological situation and reduce risks posed to life and health of the population. According to Article 11 (1) of this Decree, isolation is carried out to prevent the risk of spreading the Coronavirus by persons suspected of having Coronavirus or being at high risk of having it. According to paragraph 2 of the same article, isolation may occur in a quarantine space (quarantine) decided on by the state or in a person's preferred and isolated space (self-isolation). From March 23, 2020, strict quarantine was introduced in some municipalities.²⁴ Later, quarantine restrictions have been gradually loosened or lifted.
- ◆ In order to prevent the possible spread of the coronavirus (COVID-19), quarantine area for children living and/or working in the street operated in Tbilisi for a month, from March 28 to May 2020, where a total of 18 children were accommodated.
- ◆ During the state of emergency, as well as after it ended, the Georgian legislation did not provide detailed criteria as to when self-isolation could be used instead of quarantine. From June 2, 2020, the Government of Georgia established additional criteria that a person must have met in order to be transferred to self-isolation. More precisely, the following criterias were defined: essential medical needs due to the state of health; Status of a person with disabilities; Children, other special circumstances.²⁵ These criterias provided a wider scope for the application of self-isolation.²⁶ The article containing the possibility of applying the indicated criteria was removed from the resolution of the Government of Georgia on October 21, 2020.²⁷ Currently a person can automatically remain in self-isolation and only if she/he does not have the possibility of self-isolation, she/he will be transferred to the quarantine space at her/his own request.

The imposed measure had a negative impact on all children, including children with disabilities. In particular, the quarantine regime increased the risk of violence against children and reduced the opportunities for its detection, as well as the confinement of children in one space limited their access to services essential for their development.

²⁴ Human Rights Protection during the COVID-19 Crisis, Report on Measures Taken by the Government of Georgia, 2020, Information Available: <https://bit.ly/3AoQlIv> [Last visited on September 21, 2021].

²⁵ On the Approval of Isolation and Quarantine Rules, N322 Ordinance of the Government of Georgia, May 23, 2020; Art. 2.61 of the Ordinance as in effect until October 21, 2020; Art. 11.7¹ and 7².

²⁶ Monitoring of Places of Restriction of Freedom relating to Quarantine Measures against Novel Coronavirus (COVID-19), The Public Defender of Georgia, 2020, Information available at: <https://bit.ly/3Bjy3Zw> [Last visited on August 2, 2021].

²⁷ Ordinance N637 of the Government of Georgia On Changes in the Ordinance N322 of 23 May 2020 of the Government of Georgia on the Approval of the Rules of Isolation and Quarantine.

- ◆ From 23 March 2020, social activities were restricted by the government decree. In particular, it was forbidden to hold any types of cultural or sports events both indoors or outdoors, this restriction was later gradually removed.²⁸

Due to this, children's involvement in social life and their development was affected. Children were restricted from participating in games and entertainment activities, as well as were distanced from cultural life. Children in state care, who had been forced to stay inside the institutions for months and were restricted from visiting their parents, were particularly isolated. Institutions were not prepared to offer alternative social programs and activities to children in a closed space.

- ◆ Priorities defined by the National COVID-19 Vaccination Plan in Georgia (vaccination of teachers was considered in the Phase II-III).

The measure taken had a negative impact on the students. In particular, due to the low priority given to the issue of vaccinating teachers, it was impossible to minimize occurrence of online learning and promptly return to contact learning, which indicates a negative impact of the measure.

²⁸ Ordinance of the Government of Georgia №181 „On the Approval of Measures to be Implemented concerning the Prevention of the Spread of the Novel Coronavirus (COVID-19) in Georgia, in force from March 23, 2020 to May 23 of the same year.

IMPACT OF MEASURES TAKEN TO PREVENT THE COVID-19 PANDEMIC ON VIOLENCE AGAINST CHILDREN

1. Analysis of standards of protection of the child against violence and physical inviolability

Before assessing the impact of state measures on violence against children, it is important to review the standards-international and national legislation, for the protection of the child against violence and physical inviolability.

Article 19 of the Convention on the Rights of the Child states that the child should be protected against all forms of violence. In particular, the state is obliged to take appropriate measures to protect children from all forms of physical or psychological, sexual violence, abuse, cruel and negligent treatment and exploitation by the parents, legal representatives or other persons. The article also sets out the obligation of the state to take preventive measures to eliminate all forms of violence and develop appropriate programs for the rehabilitation and support of children victims of violence, as well as to ensure the detection and effective response to the facts of violence.

As the UN Committee on the Rights of the Child points out, there is a need to explicitly and clearly prohibit corporal punishment or other forms of cruel or degrading treatment under civil or criminal law. Given the traditional acceptance of corporal punishment, it is essential that all relevant legislation, such as family law, law on education, and the law on alternative care and the justice system, explicitly prohibit it.²⁹ Corporal punishment of a child means applying corporal or physical punishment that inflicts pain or discomfort on the child, although it is of a lesser intensity than the physical violence. In the CRC's view, corporal punishment is always degrading.³⁰

Article 53 of the Code on the Rights of the Child shares the approach of the UN Committee on the Rights of the Child on the prohibition of corporal punishment. In particular, according to part 2 of the mentioned article, corporal punishment, torture, other cruel, inhuman or degrading treatment of a child is prohibited in any setting. This leads to the imposition of the responsibility under the legislation of Georgia. According to Article 38 (2) of the same Code, it is prohibited to use any form of violence, including corporal punishment or other cruel or degrading treatment, as a disciplinary measure in an educational institution.

Despite the prohibition of corporal punishment of a child under the Child Rights Code, its effective enforcement is problematic. In particular, Georgian legislation does not contain comprehensive and detailed explanations of what is meant by corporal punishment of a child (does not specify the forms of corporal punishment of a child) and it is unclear what response mechanisms or measures of responsibility may be applied. Because of this, it becomes difficult for the relevant agencies to respond to this vicious practice. In particular, a police officer who, together with a social worker, fails to effectively respond to such cases.³¹

²⁹ The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia), General comment No. 8, Committee on the Rights of the Child, 2006, §34-35; Information available at: <https://bit.ly/3fwyfMY> [last visited on August 4, 2021].

³⁰ Ibid.

³¹ "The Government's Compromise on Violence against Children" – Policy Document - Open Society Georgia Foundation – Ana Abashidze, Nana Gochiashvili and Ana Arganashvili, 2016, 8; Information available at: <https://bit.ly/37olmiq> [Last visited on August 7, 2021].

According to the Criminal Code of Georgia, physical violence both in the family or elsewhere is punitive, including if it is committed against a child, only if the action inflicted physical pain on the victim. In addition to this, according to Article 144³ of the Criminal Code, humiliating or coercing a person, placing her/him in an inhuman, degrading and humiliating condition, which inflicts severe physical and psychological suffering on her/him is prohibited.

Georgian legislation provides for the following forms of violence against children: physical violence, psychological violence, sexual violence, economic violence, exploitation, coercion and neglect of children.

1.2. Impact of Measures Taken to Prevent the COVID-19 Pandemic on Violence against Children

Given the fundamental importance of protecting children from violence and its harmful consequences, it was assessed how the pandemic and the subsequent state measures affected the risks of violence, its timely detection, and response to such cases.

This study found that the risks of violence against children, including in terms of their corporal punishment, increased during the pandemic. This also responds to a United Nations policy brief, which shows that closure of services and economic activities, as well as isolation, may increase the risks of child abuse and of children witnessing abuse.³² In such situations, children no longer have proper communication with their teachers to report cases of domestic violence against them. In addition, due to the transition to distance learning, online platforms have created a threat to children's access to inappropriate content material. Risks also increase due to the combined impact of school closures and the economic crisis, as some children are forced to drop out of school, engage in labor,³³ and the risk in increase of child marriages is heightened.³⁴ Children in state care are particularly vulnerable to exploitation and other ill-treatment.³⁵

1.3. Distance learning and isolation

The transition to distance learning and the restriction of social activities, facilitated isolation of all children, which consequently made it stressful for children to be locked at home/institution.³⁶ Also, children were more depressed after returning to school.³⁷ At the beginning of the pandem-

³² The Impact of COVID-19 on children"- Policy Brief:-United Nations; Information available at: <https://bit.ly/2V7NCon> [Last visited on August 4, 2021].

³³ Child Labour During Novel Coronavirus Pandemic and Beyond, Special Report, the Public Defender of Georgia, 2021; Information available at: <https://bit.ly/3yvNM6F> [last visited on August 2, 2021].

³⁴ The Impact of COVID-19 on children"- Policy Brief:-United Nations; Information available at: <https://bit.ly/2V7NCon> Last visited on August 4, 2021];

³⁵ Ibid.

³⁶ Focus group with staff members of shelters for victims of violence; Also, according to one of the beneficiaries of a shelter for victims of violence, imposed curfew aggravated stress, namely when everyone was trying to catch up with the procurement of products, there were queues in stores, no distance could be kept; Focus group with Small Family Group Home employees.

³⁷ Focus group with boarding school administration and psychologist (boarding school provides services to children with disabilities and special educational needs); Focus group with the staff of the boarding school (the boarding school is an educational institution for Students with Special Needs); Focus group with the boarding school principal, teachers and students (the school enrolls students with hearing impairments); Focus group with the staff of one of the small

ic, the psycho-emotional state of children was steadily good, but over the time, despite whether restriction measures were in place or removed, the overall stress and other general and personal experiences affected children's psycho-emotional state, which resulted in their complicated behavior.³⁸

- *The family did not have the necessary resources for children's psycho-social assistance and development, parents were not ready to teach children at home. Therefore, upon returning to school, children had complicated behaviour that was redressed a result of the involvement of a psychologist and other specialists. When contact learning resumed, children gradually became more and more cheerful and involved in school life – Employees of a Boarding School implementing special educational programs*
- *The psycho-emotional state of the children deteriorated during the transition from the distance to the contact learning; when children returned from home, their stressful state was noticeable. The closure of schools also negatively affected the development of children, as the school had adaptive exercises, special components of teaching, and the cognitive inventory; during the distance learning period, children did not have the opportunity to use these resources. Accordingly, stress, monotonous environment, delay in development were named as the negative aspects of distance learning – Employees of a Boarding School implementing special educational programs*
- *The main difficulty in small family-group homes was the routine and rules introduced to prevent the spread of the pandemic, even washing hands was triggering the challenging behavior. The pandemic caused behavioral difficulties in children, including frequent cases of their escape from the institution; caused intensified demonstrative behavior of children in the presence of a caregiver (e.g., cases of public masturbation)- A Service Provider Organisation*
- *There were frequent cases when a parent (mother) went to a social worker and asked for help from a psychologist, since parent had difficulty communicating with a child (mostly with a teenager) and because of this, the family situation was tense- A social worker of the State Care Agency*
- *Parents often applied to the psycho-social service centre of the Office of Resource Officers of Educational Institutions for the problem of managing their children's behavior, especially due to the internet addiction - the representative of the LEPL Office of Resource Officers of Educational Institutions to public general educational institutions*

family group home in Imereti; Focus group with staff members of the day care and 24-hour shelter for children living and/or working in the streets (according to the information provided by them, behavioral difficulties were severely aggravated in children, including even children who had not previously experienced any behavioral difficulties); Focus group with the staff of one of the small family group home in Samegrelo; Interview with the representative of a psychological service provider organisation (the organisation worked with approximately 500 children and up to 350 caregivers from March 2020 to January 2021).

³⁸ According to the information provided by the representative of one of the service provider organisations, nothing has changed in terms of the psycho-emotional state of children, although the behavior of one of the child has become more difficult. In particular, the child became more aggressive towards others; a psychologist was involved in the process of working with the child and other children.

- *Parents are so distant from their children and unaware of their needs that a pandemic and being in the same space has brought people closer. Some parents successfully coped with their child's behavior, while some parents did not know how to manage difficult behavior*³⁹ – *Employee of a Shelter for Victims of Violence;*
- *We were explaining to children, but they could not understand why we could not take them to play and walk and they were nervous because of that. Children were crying while father was telling them to stop. While in a drunk state, father shouted when children did not act according to his request* – *Beneficiary of a Shelter for Victims of Violence.*

One of the big residential institution's educators points out that after the pandemic, children became more tense and aggressive, the irritation increased, although no one has enough time to talk to them about it, and he doesn't acquire such competence. Another staff member at the same facility explained that while the pandemic did not increase the risks of child abuse at the facility, from October till the end of February, children were isolated, locked in a single space for 5 months, making their behavior more difficult. Because of the children's complicated behavior, during the focus groups, representatives of one of the service provider organisations also pointed out increased cases of peer-to-peer violence.

Distance learning and isolation increased the risks of violence against children.⁴⁰ Also, due to the transition to distance learning, children were more likely to be at home and were more likely to be witnessing domestic violence.⁴¹

- *Increased risks were caused by distance learning. Gathering and mostly locking family members in one space caused tension, people could no longer control their emotions and behavior* – *A social worker of the State Care Agency*
- *Being in isolation mainly increased the risks of violence because people had to be in the same space, while a child's playfulness was irritating family members. Children also became victims of indirect violence as they witnessed conflicts between parents* – *An employee of the Shelter for Victims of Violence*
- *Unhealthy attitudes of parents towards their children were observed during distance learning. In particular, when the child was involved in the distance learning process from home, the following comments were made by the parent: "Why can't your lesson come to an end?!" "Why can you not finish it?!" Of course, this had a negative impact on the psychological wellbeing of children, they are constantly experiencing stress and seem to be under psychological pressure from the parents. Teachers ask parents to create a school environment for their children at home, but when a family has several children, it is impossible for a student to have adequate access to distance education* – *An employee of a Shelter for Victims of Violence*

³⁹ This was also confirmed by the representative of the LEPL Office of Resource Officers of Educational Institutions to public general educational institutions.

⁴⁰ Focus groups with staff of shelters for victims of violence. According to one of the shelter for victims of violence, the risks of violence increased only in those families who already had a conflict situation; Focus group with social workers of the State Care Agency; Interview with a representative of one of the day care center's and shelter for children living and/or working in the streets employee.

⁴¹ Two facilities (shelters) for victims of violence.

Despite the increased risks of violence against children, switching to distance learning has made it challenging to monitor a child's behavior, and identify emotional or physical signs of violence. In particular, observation of the problem was no longer available to outsiders (e.g., school, resource officers of educational institutions).⁴² During this period, the resource officers mainly communicated with the school administration and tutors and took appropriate measures in case they provided the information on the cases of child's rights violation.⁴³

- *A difficult situation was created by the fact that the sources of information about the children were blocked. In particular, outsiders (eg, school staff) could not directly observe children and their behavior, because everyone was at home. Therefore, detection of cases of violence against children became difficult - A representative of the LEPL Office of Resource Officers of Educational Institutions to public general educational institutions*
- *The pandemic made it quite difficult to identify cases of violence against students in biological families. No such case has been reported. According to school staff, it is difficult to monitor children's or parental behavior at home and identify possible indicators of violence. They also point out that they do not have the effective leverage and mechanisms in this regard – An employee of a Boarding School implementing special educational programs.*⁴⁴

Due to barriers to overseeing child behavior, identification of cases of alleged child abuse by schools and resource officers was under threat, which was reflected in a reduction of the referral rate to the relevant agencies or in a tendency for referrals to remain unchanged. According to the representative of the Resource Officer's Office, despite the fact that they were providing online services, it was very difficult to communicate with children, when not everyone was equipped with Internet or other relevant resources. Also, it was impossible to directly observe the behavior of a child at school, which further complicated the situation. However, self-referral/reach out to the service increased when children's behaviour, who were left without social contacts for long periods of time, aggravated. A representative of the Resource Officer's Office also noted that online services have not been a challenge only for children and their parents. This challenge was for the specialists as well, and it still is relevant today. Psychology, social work and psychiatry are services achieving better results through direct visual contact and online work complicates it all. It is also noteworthy that pupils under the age of 13 could not receive online services directly, but only with their parents. Also, providing services in the minority language was a challenge due to the lack of relevant specialists.⁴⁵

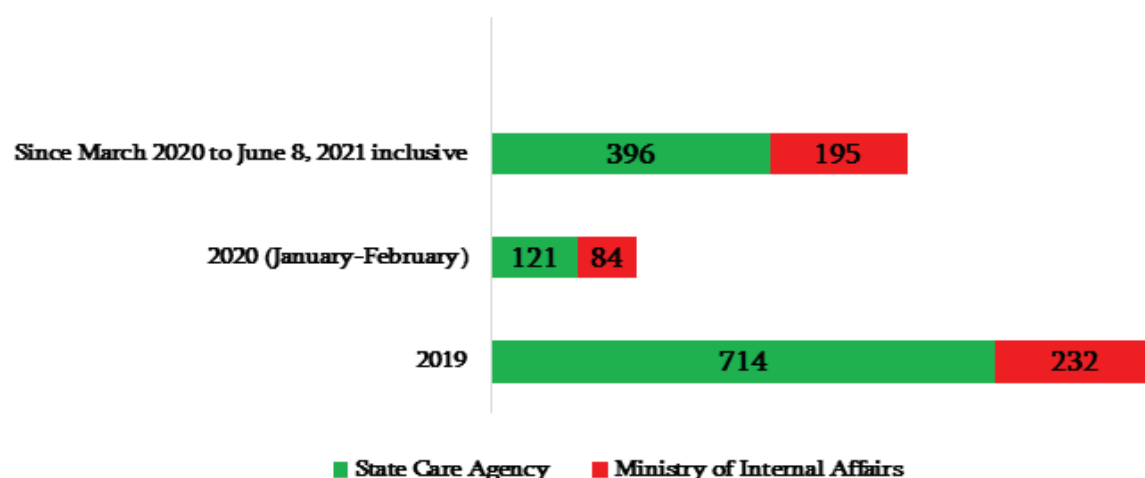
The diagram below illustrates the referral rate of cases of violence against children by the LEPL Office of the Resource Officers of Educational Institution to the Ministry of Internal Affairs and the State Care Agency.

⁴² Interview with the representative of the LEPL Office of Resource Officers of Educational institutions.

⁴³ Letter from the LEPL Office of Resource Officers of Educational institutions MES 1 21 0000578157; 16.06.2021.

⁴⁴ The school maintains a journal of injury and self-harm, however, in 2020 (20.02.2020) there is only one record relating to the injury of another student by a student. In 2019 - 4, and same in 2018.

⁴⁵ In-depth interview with a representative of the Resource Officer's Office.

Table N1

The number of cases referred to the State Care Agency from January 2020 to June 8, 2021 is much lower than the number of cases referred to in 2019. As for the referred cases of violence against children to the Ministry of Internal Affairs during the given period, it only exceeds the data for 2019 by 47 units. Most of the referred cases involved circumstances related to early marriage and early marriage risks.⁴⁶

- Due to distance learning, reports from schools' on alleged violence against children have dramatically decreased.⁴⁷ Law enforcement officials also indicate a reasonably low rate of reports on child sexual abuse and early marriages, although they believe that the number of reports received from the school before the pandemic was still low. It is therefore difficult to assess the extent to which pandemic prevention measures have had an impact on obstructions on school reporting.⁴⁸
- During the period before the pandemic, many reports were referred from school to our services, but during the pandemic, I do not recall case when I had to work on the report coming from school - A Social Worker of the State Care Agency
- There was an early marriage case, and the school heard about it late. They received information from the police, and the law enforcers found out about it only after the child – the victim of forced marriage – was subjected to sexual and physical violence in the family. If the school had actively paid attention to why the child missed out on online lessons, the case of early marriage could have been detected at an earlier stage - A Social Worker of the State Care Agency

From March 2020 to June 16, 2021, schools referred 5 cases of alleged violence against children to the Ministry of Internal Affairs and 6 to the State Care Agency.⁴⁹ There is also a low number of referrals from schools where there are no resource officers. In particular, according to the infor-

⁴⁶ Letter from the LEPL Resource Service of Educational Institution MES 1 21 0000578157; 16.06.2021;

⁴⁷ Interviews with social workers of the State Care Agency;

⁴⁸ Focus group with representatives of the Ministry of Internal Affairs;

⁴⁹ Letter of the Ministry of Education and Science MES 9 21 0000581485; 16.06.2021.

mation provided by the Ministry of Education and Science of Georgia, from March 2020 to June 16, 2021, 4 cases were referred to the Ministry of Internal Affairs, and 5 cases - to the State Care Agency.⁵⁰

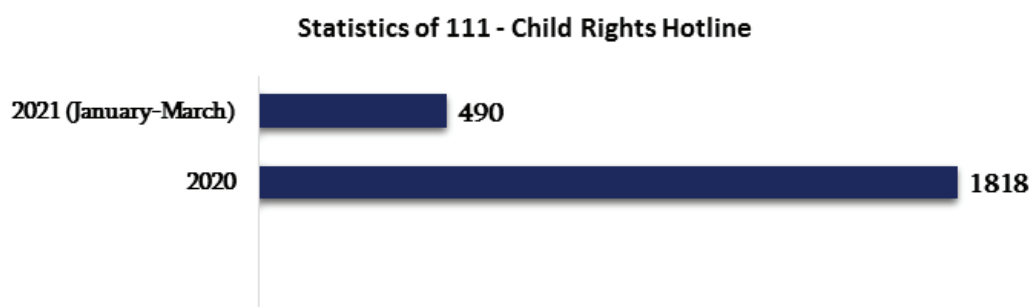
The Initiative for Social Change (ISC), with the support of UNICEF, has developed a document/guide on "Child Protection in Emergencies and during Pandemics". The purpose of the document is to identify child safety risks during online learning in times of pandemics.⁵¹ The guidelines were prepared for the social workers of the Resource Officers' Office and teachers,⁵² although it is unknown whether the document was disseminated amongst all teachers working in the educational institution and whether they used given document as a guideline. The effectiveness of the document and the frequency of its use is questionable considering the extremely low rate of school referrals of cases of alleged child abuse to the relevant state agencies.

As for the reporting to the agencies accountable for responding to incidents of violence against children, according to the information provided by the social workers of the State Care Agency, in general, the number of reports of incidents of violence against children in their agency has increased. In particular, there has been an exceptionally high incidence of domestic violence against children and/or cases of domestic violence where the child has witnessed violence since the autumn. Also, the incidence of suicide attempts in children has increased during the pandemic. The initiators of the reporting were mainly children⁵³ and family members. Also, the reports of alleged violence against children mainly came through the Child Rights Hotline - "111".

- *Isolation, job loss, and economic problems faced by families have contributed to psychological and physical violence. Also, appointing a social worker as a procedural representative for minors has become more frequent- Social workers of the State Care Agency*

The diagram below shows the number of reports addressed to the Child Rights Hotline.⁵⁴

Table N2



⁵⁰ Ibid.

⁵¹ Letter from the LEPL Resource Service of Educational Institution MES 1 21 0000578157; 16.06.2021; Interviews with the Representatives of LEPL Resource Service of Educational Institution.

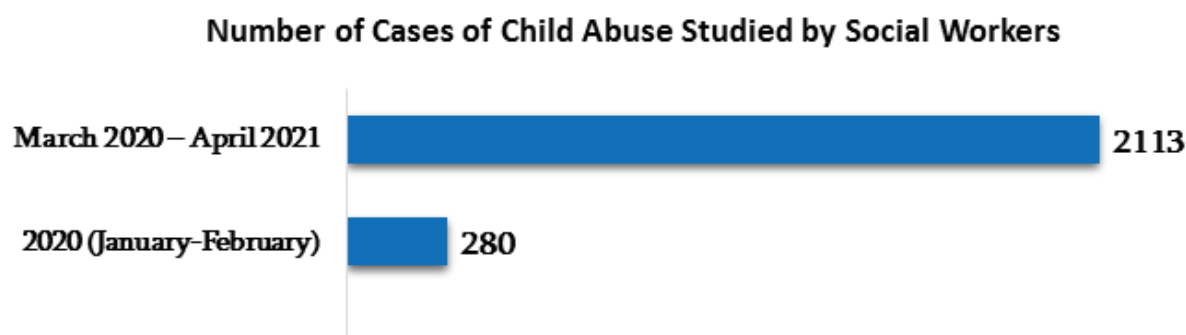
⁵² Ibid.

⁵³ According to the information provided by a social worker of the State Care Agency, there were frequent cases when a child called the police during violence between parents; According to the information provided by a Social Worker of the State Care Agency and the representatives of the Ministry of Internal Affairs, the neighbors were also more active in addressing the facts of domestic violence.

⁵⁴ Letter of the LEPL Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking, № 07/5111, 17.06.2021.

The diagram below shows the number of cases of alleged violence against children studied by social workers

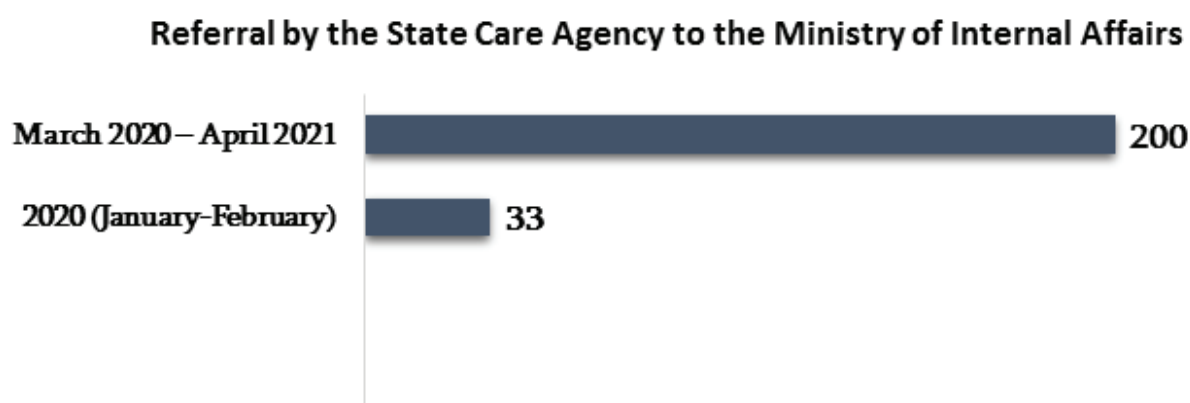
Table N3



During the pandemic (March 2020 to April 2021), 2113 cases of violence against children were studied by the State Care Agency. Out of these, 456 cases related to domestic violence, while 21 cases regarded violence against a child in the state care.⁵⁵

The diagram below shows the number of cases referred to the Ministry of Internal Affairs of Georgia by the State Care Agency

Table N4



From March 2020 to April 2021, out of 200 cases reported by the Agency to the Ministry of Internal Affairs, most cases concerned psychological, physical and sexual violence, and facts of early marriage.⁵⁶

⁵⁵ Letter of the LEPL Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking № 07/5111, 17.06.2021. Although the 2019 data were also requested from the State Care Agency, pursuant to their letter sent of June 17, 2021 № 07/5111, from February 1, 2020, the agency is the legal successor of the LEPL Social Service Agency, therefore the requested information was provided only for 2020 and its subsequent period.

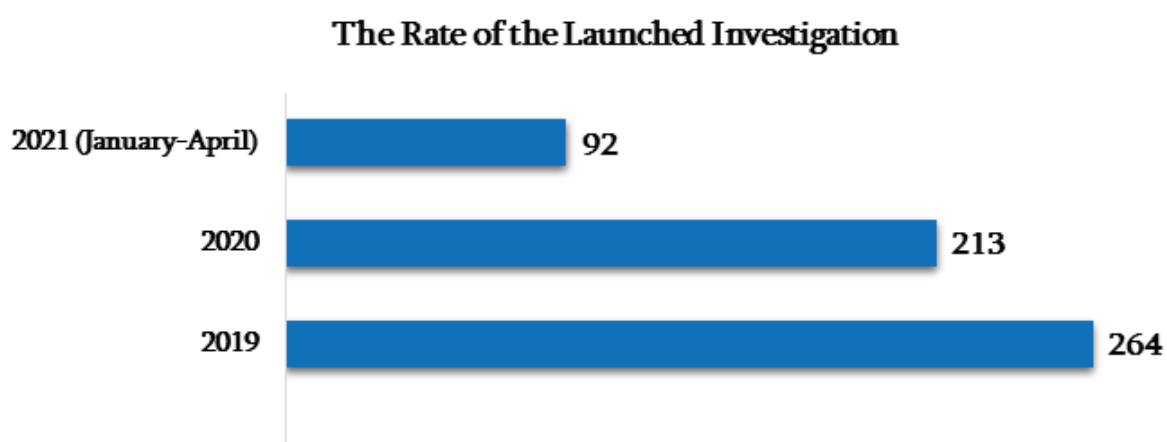
⁵⁶ 49 cases of psychological violence, 49 cases of early marriage, 42 cases of physical violence and 21 cases of sexual violence;

The cases of sexual abuse of children, especially lewd acts⁵⁷, have increased; there is a high rate of this crime committed by family members.⁵⁸

- *In 2021, the number of reporting about the facts of sexual violence against children increased. Also, sexual violence is mainly perpetrated by family members (brother, father, stepfather, etc.) – An employee of a shelter for victims of violence.*

The diagram below shows the rate of launching an investigation⁵⁹ into cases of sexual abuse of children⁶⁰ –

Table N5



In 2020-2021 (January-April), the rate of launched investigation on sex crimes is slightly higher than in 2019. During this period, compared to 2019, an investigation was launched on 41 more cases. Among the above-mentioned crimes, the facts of committing sexual violence crime against a minor under the age of sixteen and having committed lewd act predominates. In addition to this according to the Ministry of Internal Affairs, the investigation was launched on 80 cases of lewd acts in 2019, 73 cases in 2020, and 27 alleged cases in 2021 (January-April).

- *During the pandemic, the number of children with dependent status increased. In particular, there has been an increase in the reporting of mother victims of violence with many children who wanted to use the shelter services – An employee of a shelter for victims of violence*

⁵⁷ Crime under the Article 141 of the Criminal Code of Georgia, in particular, Lewd act committed without violence and knowingly by the offender with a person who has not attained the age of 16 years.

⁵⁸ Focus group with social workers of the State Care Agency; Focus group with representatives of the Ministry of Internal Affairs; Focus group with the staff of] Shelters for Victims of Violence.

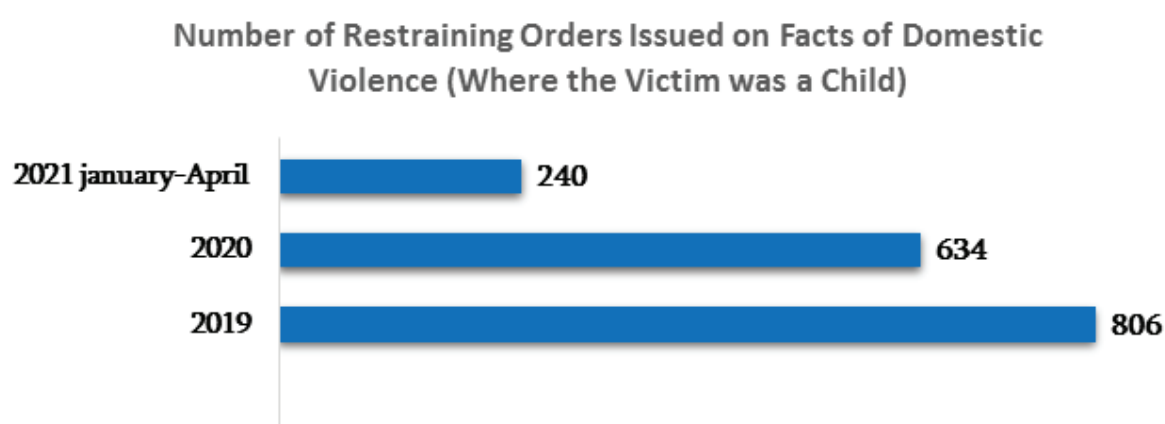
⁵⁹ Prior to the legislative changes of 17 March 2020, sexual offenses committed against minors were listed in Articles 137-139 of the Criminal Code, among other aggravating circumstances. In particular, specific articles provided aggravating circumstances when a crime was committed against a minor, a person with disabilities, or a pregnant woman with prior knowledge of the offender. Accordingly, statistics are provided by the Ministry of Internal Affairs according to specific articles, sections, and paragraphs, due to which it is impossible to identify how many cases were investigated in the given period, which was directly related to the crime committed against a minor.

⁶⁰ In this case, the crimes provided for in Chapter 22 of the Criminal Code of Georgia are meant.

In 2020, 33 children and 183 dependents used shelter services, while only in the first quarter of 2021, 8 children and 73 dependents used shelter services.⁶¹

Since the beginning of the pandemic, the number of restraining orders issued to protect children victims of domestic violence has decreased, which is probably explained by the lack of reporting. In particular, in 2019, 806 restraining orders were issued to protect children, victims of domestic violence in 2020 - 634, and in the first four months of 2021 (January-April), 240 restraining orders were issued.⁶² The number of restraining orders issued from January 2020 to the first four months of January 2021 (January-April) is slightly higher (by 68 units) than the restraining orders issued in 2019.⁶³

Table N6



Existing statistics show that during the pandemic period, the percentage of children recognized as victims of domestic violence and domestic crime increased slightly.

- *There has been a slight increase in domestic violence against children during the pandemic due to the restrictions imposed by the pandemic, as children have spent most of their time at home. In particular, in 2019, 777 children recognized as victims of domestic violence, and in 2020, the rate of granting children a status of victims of violence in domestic violence cases increased by 104 units. This indicates a slight increase. Also, the main grounds for initiating the investigation was the reports received on "112" without children needing to physically submit report. Consequently, initiation of investigation has not been under any threat – Representatives of the General Prosecutor's Office.*

⁶¹ Letter of the LEPL Agency of State Care and Assistance for the Victims of Human Trafficking № 07/5111, 17.06.2021.

⁶² Letter of the Ministry of Internal Affairs of Georgia MIA 9 21 01895323; 20.07.2021; Annex №1.

⁶³ The Ministry of Internal Affairs did not provide us with information on the investigation launched on alleged crimes committed against minors, including the rate of launching an investigation into domestic violence cases against minors. Because of this, it is difficult to assess how the Ministry has responded to cases diverted from various state agencies. The number of cases reported by the Ministry of Internal Affairs to the Agency of State Care and Assistance to Victims of Human Trafficking, as well as the number of reports received by the LEPL Emergency Response Centre "112" regarding cases of violence against children are also unknown. According to the information provided by the Ministry, the calls received on "112" are not registered by the type of specific incident and are combined under various incidents, which in turn include other cases of violence and it is not possible to separate only the cases of violence against children. The Letter of the Ministry of Internal Affairs of Georgia MIA 9 21 01895323; 20.07.2021.

Thus, the measure taken, on the one hand, increased the risks of violence against children, and on the other hand, had a negative impact on the detection of cases of violence. It also aggravated the psycho-emotional state of children, which contributed to stress and increased behavioral complications.

1.4. Suspension of entrepreneurial/economic activity

Various economic activities have been restricted to prevent the spread of the new coronavirus. The pandemic and the measures taken in response have significantly aggravated the socio-economic situation of some families as facilities have been closed and people have been left without jobs.⁶⁴

Due to the fact that the parents were left without salary or had to work from home, it became very challenging to have effective communication with children. Consequently, the risks of violence against children increased in parallel with increased stress, emotions and tension.⁶⁵ Also, job losses affected men who became dependent on alcohol and they no longer controlled their emotions. This has also contributed to an increase in cases of violence.⁶⁶

- *The increase in the risk of violence was facilitated by the economic problems created in the family, which was caused by the pandemic. For example, in one case the family found it difficult to pay the rent and the scarcity of living resources became a common cause of violence – An employee of a shelter for victims of violence*
- *Due to the deterioration of the economic situation, alcohol consumption has increased among men. Because of this, conflicts have also increased – An employee of a Shelter for Victims of Violence;*
- *When there is an economic crisis in the family, not only psychological but also physical violence increases- A social worker of the State Care Agency*

The aggravated economic situation has had an indirect impact on the increase in the risks of child labor and exploitation. During the pandemic, the numbers of children living and/or working on the streets, has increased.⁶⁷ This finding is also confirmed by the Special Report of the Public Defender of Georgia.⁶⁸

⁶⁴ Focus group with boarding school students under the Ministry of Education and Science; One of the focus group participants mentioned that her parents were left without a job, due to which she had to move to the village to live and study there; Also, the woman victim of violence participating in the focus group stated that she lost her job during the pandemic because she was pregnant and was told that she belonged to the risk group, although even after giving birth, the employer did not accept her back; Focus group with a small family group home staff. According to information provided by one of the child living at the small family group home, when there was no pandemic, parents were completely out of the house and children did not have the opportunity to see their parents, so being in self-isolation can be positive, but it also has negative sides as parents were irritated.

⁶⁵ Focus group with staff of shelter for victims of violence; Interview with a representative of a non-governmental organisation providing psychological services;

⁶⁶ Interviews with social workers of the State Care Agency; according to information provided by a woman victim of violence in the focus group, during the pandemic, her husband's job and salary were reduced, after which he became more aggressive.

⁶⁷ Interview with a representative of the service provider organisation.

⁶⁸ Child Labour During Novel Coronavirus Pandemic and Beyond, Special Report, the Public Defender of Georgia, 2021; Information available at: <https://bit.ly/3yvNM6F> [last visited on August 2, 2021].

- *Children were added with household work during the pandemic. There was a case when the mother forced a 13-year-old child to take care of his brother, and because of this, there were conflicts in the family. When children went to school, they had fewer responsibilities in the family. According to the provided information, the leading cause of violence against children was also the restriction for children to leave the house– An employee of Shelter for Victims of Violence*
- *Since children spent most of their time at home, it is possible that they were also involved in household activities. The risk of exploitation also increased, although the teacher could not identify it – An employee of Shelter for Victims of Violence.*

According to the information provided by the Ministry of Internal Affairs and the General Prosecutor's Office of Georgia, the rate of investigation into the facts of child trafficking and the recognition of children as victims has decreased. In particular, in 2019, under Article 143² of the Criminal Code, an investigation was launched into 6 cases, in 2020 – in 5 cases, and in the first 4 months of 2021 (January-April) – in 2 cases.⁶⁹ Which is probably explained by problems connected to identification and detection of such cases.⁷⁰

Thus, due to the adopted measures, the risk of both violence against children and involvement of children in labor activities has increased.

1.5. Switching services to remote work and scarcity of resources

During the pandemic, services, including social rehabilitation and child care services, shifted to working remotely. It is true that the agencies responsible for the response, including the investigative and operational units of the Ministry of Internal Affairs, did not switch to remote regime, but it was very difficult and time consuming to carry out relevant procedures. Also, the transition of public services to remote working mode has put the efficiency of services at risk.

- *One of the key witnesses to the child rape case was Covid infected, who had to go into isolation immediately, so his interrogation was delayed. Due to the pandemic, there was an obstacle in terms of the interrogation of persons involved in the case, as they may have been infected with Covid-19 or represented the contact of the infected .– A representative of the MIA*
- *During the pandemic, when day care centers were closed, children returned to biological families, which increased the risk of violence, therefore staff of centers did not cut off telephone communication with beneficiaries and monitored families where there was a suspicion of violence – A Service Provider Organisation.*

The Office of the Public Defender welcomes the implementation of various preventive measures against domestic violence by the Ministry of Internal Affairs, including sending short text messag-

⁶⁹ Letter of the Ministry of Internal Affairs of Georgia MIA 9 21 01895323; 20.07.2021; Annex №2.

⁷⁰ The representative of the General Prosecutor's Office of Georgia explained the change in data by the fact that in most cases, the main form of exploitation is labor exploitation, which is mostly related to forced begging in Georgia. During the pandemic, movement and public transportation were restricted, and forced begging of children takes place on the streets. Therefore, the data for 2020-2021 are different compared to 2019.

es to the population in various languages about the mechanisms of notifying the police about domestic violence and additionally, making informational videos. Although, these measures were not sufficient for detecting violence against children. Also, the information campaign conducted by the Ministry of Internal Affairs of Georgia on the prevention of child marriage should be positively assessed.⁷¹

According to the information provided by the Ministry of Internal Affairs, as a preventive measure, the staff of the territorial units periodically communicated with the administration of kindergartens and schools in order to immediately inform the police if the case of domestic violence and child abuse took place. Despite such activity, the meager rate of school referrals of child abuse cases to the Ministry of Internal Affairs indicates the insufficiency of this measure.

According to information provided by the Ministry of Internal Affairs, at the beginning of the pandemic, everyone was afraid to turn to the police because they thought the virus might have been transmitted from the police as they had communication with many people.

- *It was relatively easy to work in a situation when the police officer went to a family where there was no risk of virus (people on the ground were neither infected nor in contact with person who had a Covid-19). However, it was difficult to act in cases where the initiator of the report was a contact with a Covid-19 positive person or a family member who had the virus. In such cases, the police officer was going to a family where there might have been individuals infected with Covid-19, among which there were also victims of alleged domestic violence. Because of this, it became necessary to take additional measures, including the need to call an ambulance. If it was necessary to separate the abuser based on a restraining order, the police officer would find out in which Covid-19 hotel there was a free space for the abuser to avoid infecting others on his part. After the abuser's separation from the alleged victim, the latter was interviewed by telephone as there was no other way. Also, an investigator specializing in juvenile justice spoke to the child on the phone, through loudspeaker, with attendance of the child's legal representative. Eventually, the police officers who proceeded on such case went into self-isolation, as they were still considered the Covid-19 contacts – A representative of MIA.*

According to the representatives of the Ministry of Internal Affairs, the monitoring of restraining orders was also complicated, as to prevent the spread of the pandemic, they avoided going to the residence of the victim/abuser and only had telephone communication.

- *In one of the regions, there was a report of the early marriage of a 12-year-old child. Upon arriving to the scene, police found a table full of 70 people. Initially, the police were told that it was the celebration of child's birthday, but in reality, it turned out to be a 12-year-old child's engagement dinner (group gatherings were prohibited during this period). At about 4-5 p.m., the child was taken to the police station. They waited for several hours for a psychologist and social worker, and when the decision was made to separate the child from the family and move to a safe place, it was about 11 p.m. Before that, it became necessary to take the Covid-19 test. However, all emergency medical facilities were closed,*

⁷¹ The Ministry of Internal Affairs has launched an information campaign against child marriage - "Do not take away childhood". Information available at: <https://bit.ly/3iUSx3N> [last visited on July 28, 2021].

and the Covid-19 test could not be done (according to the Ministry of Internal Affairs, at this time the «curfew» also was in force from 21:00). It was later revealed that one of the clinics had a 24-hour service, which was found after about three hours of communication with other agencies and assistance requests. As the mentioned clinic was in Tbilisi, the child was brought from the region to the capital to take a Covid-19 test – A representative of the Ministry of Internal Affairs.

According to the information provided by the Ministry of Internal Affairs, the problem of allocating a social worker and a psychologist during the pandemic became more complicated. This was explained by a lack of human resources, as the social worker/psychologist was in contact with the infected person or had the virus herself/himself, and there was no other specialist in that municipality. In some cases, this has obstructed and/or delayed the initiation/conduct of interrogations of children or other actions in the investigation of alleged cases of child abuse.

A representative of the Ministry recalls a case when it was difficult to involve a social worker and a psychologist in a case of sexual violence. They said such challenges were not systematic, although it periodically occurred.

- *“It was already night when we received a report on alleged case of sexual violence against a child. In that municipality, all social workers/psychologists were contacts of Covid-19 affected individuals or had the Covid-19 confirmed. So, we had to bring in a social worker and a psychologist from another municipality. Because of this, before all the participants had gathered, it was half-past ten, and the child could not be properly interviewed that day, so it became necessary to postpone and recommence an interview of the child” – A representative of the MIA*

The challenges posed in terms of communication with the children and social workers involvement were pointed out by the representatives of the General Prosecutor’s Office. In particular, according to their information, the challenges were more related to the procedures of social worker’s communication with the child, rather than the investigation and referral process. At the same time, during the Covid-19 pandemic, the Georgian Prosecutor’s Office made procedural decisions smoothly, without unjustified delay.⁷²

- *Due to the restrictions imposed by the pandemic, social workers often could not visit the family and mostly monitored cases by phone, which made it difficult to thoroughly study the situation in the family- the General Prosecutor’s Office.*

Due to the increasing risk of violence against children, the demand for social workers has increased.⁷³ However, due to the lack of human resources, they were not able to work properly and productively.

- *Although during the period of restriction on the movement of public transportation, even though the Agency allocated transportation means, it was not enough, so the social workers had to move at their own expenses - A social worker of the State Care Agency*

⁷² Letter of the General Prosecutor’s Office of Georgia №13/38809; 29.06.2021.

⁷³ According to the information provided by the social worker of the State Care Agency, the workload of the social worker has increased by about 50% due to increased risk of violence.

- *Difficulty (additional barrier) in communicating and gaining trust with children was created by special Covid-19 safety-related equipment (mask, robe, gloves, hats, etc.) used by the social worker when visiting the family – A social worker of the State Care Agency⁷⁴*

Although when receiving information about cases of violence during the pandemic, social workers went to the scene and took appropriate action, follow-up monitoring of the case was carried out remotely, as well as the services of a psychologist were provided remotely.⁷⁵ However, because children did not like online meetings and wanted to communicate face to face, they still could not work effectively. Because they refused the services of a psychologist, it further affected their emotional state.⁷⁶

During the pandemic, the Resource Officers Office and its services also shifted to distance working. Since, all its services were tailored to the in-person/physical format, including in terms of working with children, it became particularly impossible to work online with children if a specialist had not previously established communication with them.⁷⁷

- *Switching to an online format has not been a challenge only for children and their parents. There was a challenge for the specialists as well, which in some cases still is a challenge today. Psychology, psychiatry, social work are the types of services that require physical communication. Therefore, in the online space, this process became complicated - A representative of the Resource Officers' Office of Educational Institutions⁷⁸*

In order to receive psycho-social services during the pandemic, the services were provided using online platforms (any platform acceptable to the child and his/her parent/legal guardian). In particular, parents of children between the ages of 6 and 13 and over the age of 13 receive online counseling, whereas services for children who are in a crisis situation are provided with a face-to-face services, following all recommendations. Also visits to the residence places of children are carried out and field visits are conducted in accordance with the relevant recommendations.⁷⁹

As the study showed, in some cases, switching to teleworking mode was convenient for specific groups or individuals. For some children, online platforms have increased access to the services of *the* Resource Officers' Office's Psycho-Social Rehabilitation Center. In particular, children living in rural areas, who had to travel long distances to get the center's services, found online communication more comfortable. In addition, in some cases, during the holidays, children had a possibility to go to school in an isolated room and connect with a specialist from there. Also, if parents' involvement was relatively low during physical attendance at school, when offering them different

⁷⁴ According to information provided by the representative of the State Care Agency, during the pandemic, instruction letter was sent to the regional / district centers on performing functions remotely; in cases of emergency, the social workers went to the families / services by the center car, with special equipment and in compliance with preventive rules.

⁷⁵ LEPL Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking № 07/5111; 17.06.2021.

⁷⁶ Focus group with social workers of the State Care Agency.

⁷⁷ Interview with the representative of the the LEPL Office of the Resource Officers of Educational Institutions.

⁷⁸ According to the information provided by the representative of the Resource Service, they could not provide children under the age of 13 with online services and worked only with their parents, and in the case of the age group above 13, they provided services to both children and their parents.

⁷⁹ Letter of the LEPL Resource Service of Educational Institution MES 1 21 0000578157; 16.06.2021.

types of activities through online format, parents' involvement increased significantly. This also was due to many activities scheduled in the evening, during the non-working hours.⁸⁰

Thus, due to the adopted measures, on the one hand, the coordination between the relevant agencies was even more complicated, and in some cases - the procedures for responding to violence against children were delayed. While the efficiency of public services was reduced, the exceptions were identified.

1.6. Mandatory isolation/quarantine regime

Even more than in cases of adults, placement in a quarantine space causes augmented anxiety and stress to children. According to the recommendations of the World Health Organisation,⁸¹ to deal with stressful situations, it is crucial for children to be with their parents and family members, to maintain their usual routine, to engage in age-appropriate activities, and to have a support to deal with stress in a positive way. Therefore, it is essential to provide access to psychological services for both children and caregivers so that parents can deal with stress themselves and most importantly, help children cope with stress and anxiety.⁸²

Initially, the criteria for using self-isolation as a less restrictive form of freedom were not transparent and created some shortcomings in practice. From June 2, 2020, the Government of Georgia, through its Resolution №322, defined additional criteria that a person must have met to have been transferred from quarantine to self-isolation.⁸³ However, there have been cases where individuals' requests for self-isolation have not been approved, even though they met all the criteria for self-isolation.⁸⁴ This was incredibly stressful for families who had a child, as placing children in an unfamiliar, small and confined environment, where children would not have their room and belongings, was an additional source of stress.⁸⁵ Therefore, in terms of protecting the child's best interests, placing the child in quarantine space and isolation creates additional stress for her/ him and makes it even more challenging to detect and respond to cases of domestic violence.

Thus, such measure, which did not take into account the unique needs of specific groups, in this case, children's specific needs, could not ensure the use of effective methods for quarantined/ self-isolated children.

⁸⁰ Interview with the representatives of the Office of the Resource Officers of Educational Institutions .

⁸¹ Mental health and psychosocial considerations during the COVID-19 outbreak, World Health Organisation, 2020; Information Available at: <https://bit.ly/38e7mck> [last visited on August 3, 2021].

⁸² Monitoring of Places of Restriction of Freedom relating to Quarantine Measures against Novel Coronavirus (COVID-19), The Public Defender of Georgia, 2020, Information available at: <https://bit.ly/3Bjy3Zw> [Last visited on August 2, 2021].

⁸³ Ibid.

⁸⁴ Parliamentary Report, the Public Defender of Georgia, 2021: "The Situation in Human Rights and Freedoms in Georgia 2020"; Information available at: <https://bit.ly/3lemXjQ> [last visited on October 4, 2021].

⁸⁵ For example, it is noteworthy that in one of the cases concerning the placement of one of the families in the quarantine with a child, where neither adequate space nor adequate food was provided for the child, the parent requested the child to be placed in self-isolation. Following an appeal to the court, the request of the applicant and his family to be transferred from quarantine to self-isolation was granted. See. Decision of the Tbilisi City Court of July 7, 2020 №3 / 3778-20.

1.7. Main findings

- ◆ Switching to distance learning, being in isolation, and banning entrepreneurial/economic activity for private law entities increased the risks of violence against children
- ◆ The transition to distance learning, isolation and changes in the form of relevant services have negatively affected the psycho-emotional state of children
- ◆ Due to the transition to distance learning, it has become difficult to observe children's behavior, emotional and physical signs of violence
- ◆ Due to the transition to distance learning, the number of cases of alleged violence against children identified by the school and referred to relevant agencies has decreased
- ◆ Despite the increased risks, there is no significant increase in referrals to government agencies. In some cases, referrals are slightly increased, or a downward trend is observed
- ◆ In cases of violence against children, it has become challenging and time-consuming to carry out appropriate procedures. Also, the transition of public services to remote work has put the efficiency of the service at risk
- ◆ Children's placement in quarantine space and self-isolation brought additional stress to them. This measure did not address their special needs and did not offer them an effective methods of coping with the stress and anxiety.

RECOMMENDATIONS

To the Government of Georgia:

- ◆ Elaborate urgent strategies for mitigating the negative impact of the measures already developed
- ◆ Ensure that all future measures aimed to prevent the spread of the virus are based on sufficient evidence of possible impact on children's rights, especially the most vulnerable groups of children
- ◆ Develop a guideline document for the coordinated work between agencies responsible for detecting and responding to violence against children in the context of measures in force aimed to prevent the spread of the virus (distance learning, self-isolation); This should envision the special procedures and measures to be taken to separate the abuser and to take out the victim of violence from the family; The instruction should also include the issues of multigroup activities and coordination between the relevant state agencies;
- ◆ Develop unique mechanisms and rules for the detection and follow-up of cases of violence against children in self-isolation/quarantine, which will also envision safety procedures for preventing the spread of pandemics
- ◆ Ensure training of child service providers on online services, in particular employees of all organisations or agencies which if needed must provide services to children remotely.

To the Ministry of Education and Science of Georgia:

- ◆ Create a guide/instruction designed to identify signs of violence against children through the online space, which will be accessible to all specialists working with children;
- ◆ Continue a hybrid service delivery model in the work of the LEPL Office of the Resource Officers of Educational Institutions.

To the Ministry of Internal Affairs of Georgia and the General Prosecutor's Office:

- ◆ Develop guidelines for conducting investigative or procedural measures during the pandemic, including communication with a child victim of violence, to facilitate the work of relevant specialists without a delay.

To the LEPL Agency of State Care and Assistance to Victims of Trafficking:

- ◆ Gradually increase the number of professionals employed in the system, especially social workers and psychologists, to improve the working conditions of childcare professionals, to respond to and prevent child abuse effectively, and to address the increasing risks of violence against children and the difficulty of detecting such cases during the pandemic;
- ◆ Train those involved in child care on terms of remote work with child victims of violence, complex behavior, stress management, and working with children with psychological/psychiatric needs, as well as to strengthen child victim identification and referral skills;
- ◆ In case of placement of a child in self-isolation/quarantine space, ensure access to psychological services to both children and caregivers so that adults can deal with stress themselves and simultaneously, help children cope with it.

IMPACT OF MEASURES TAKEN DURING COVID-19 PANDEMIC ON THE CHILDREN'S RIGHT TO GENERAL EDUCATION

1.1. Children's right to general education– an overview of international and local standards

Carried out CRIA process focused on children's right to general education and did not cover the issues concerning pre-school, vocational and higher education. The content of the right to the general education of children is quite complex, and in-depth research is impossible without an analysis of relevant universal and regional international⁸⁶ and national legal instruments in force. After reviewing these standards, it became possible to determine the commitment of the state and the nature of measures taken during the crisis, which in turn enabled in-depth assessment.

Articles 28 and 29 of the UN Convention on the Rights of the Child impose an obligation on states to ensure realization of children's right to education, including the development of various forms of general/secondary education and its accessibility to all children (including financial access,⁸⁷ access to information and materials), to minimize school dropout rates among students, and to protect the dignity of children in the process of receiving education. Relevant international instruments cover such vital issues as implementing policies for the development of the educational system, improving the conditions for staff involved in educational process, etc.⁸⁸

The UN Committee on Economic, Social, and Cultural Rights plays an essential role in defining the right to general education, with four main elements:⁸⁹

- **Availability** - includes the sufficiency of informational technologies, training of teachers
- **Accessibility** - means that educational institutions and programs should be equally accessible to all, both in terms of the physical environment and financial aspects
- **Acceptability** - means the adequacy of the form and content of education, for example, cultural relevance, general relevance, and quality
- **Adaptability** - requires the flexibility of education, meeting the needs of different groups.

Despite the importance of the right to education, relevance, and diversity of state obligations, the realization of this right is under significant threat in crises, including pandemics.⁹⁰ It should be noted that unlike the International Covenant on Civil and Political Rights, the International Covenant

⁸⁶ Relevant instruments in this regard include instruments binding contracting states, as well as the so-called Instruments of "soft law." Finally, the UN Convention on the Rights of the Child of 1989 is particularly noteworthy in identifying the right to general education; Universal Declaration of Human Rights, 1948; International Covenant on Economic, Social and Cultural Rights, 1966; UN Convention on the Rights of Persons with Disabilities, 2006; UN Convention on the Elimination of All Forms of Discrimination against Women, 1979; European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950; European Social Charter (as amended), 1996.

⁸⁷ Universal Declaration of Human Rights, 1948, 26 (1) for free general education.

⁸⁸ International Covenant on Economic, Social and Cultural Rights, 1966,

⁸⁹ Committee on Economic, Social and Cultural Rights, General Comment No. 13: The Right to Education (Art. 13), E / C.12 / 1999/10, 1991, para. 6.

⁹⁰ This is stated by the UN Committee on the Rights of Persons with Disabilities in its General Comment No. 4, which, among other vital issues, addresses the impact of the state of emergency on the inclusive education system. The Committee notes that situations such as armed conflict, humanitarian or natural disasters have a disproportionate impact on the right to inclusive education.

on Economic, Social, and Cultural Rights does not provide for deviations from the obligation to exercise the rights guaranteed by it, which means that states must ensure the right to education even in times of crisis and emergency. Therefore, in cases when government measures somehow restrict the right to education (for example, when educational institutions are entirely or partially closed), they must fully comply with the conditions set out in Article 4 of the Covenant.⁹¹

In addition, the UN Committee on Economic, Social, and Cultural Rights points out that in the face of a public health crisis measures taken to restrict the rights envisaged under the Covenant must be proportionate, necessary, and reasonable. Measures taken in the context of a pandemic should also be based on relevant scientific research and relevant findings. Consequently, emergency measures taken by states in the context of a pandemic should not be used in an abusive way and should be lifted or mitigated as soon as they are no longer necessary to protect public health.

Like the Covenant, the CRC does not provide the possibility of deviation. However, the UN Committee on the Rights of the Child points out that measures taken to protect public health should be used only when necessary and to minimalistically restrict the child's rights, while meeting the proportionality test. According to the Committee, in addition to the above principles, measures taken by the State should prioritize the child's best interests.⁹²

Talking about measures taken in the context of the pandemic, the UN Special Rapporteur on the right to education indicates that states should have a strategy to reduce the existing negative impact, especially in situations that disproportionately affect different vulnerable groups.⁹³ In this case, governments must take all measures to combat the pandemic in the fairest methods and avoid the additional economic burden on the most marginalized and vulnerable groups. This commitment, *among other things*, includes close and practical communication between the various relevant institutions, teachers, parents, and the community as a whole in order to identify and understand specific needs.⁹⁴

In contrast to the relevant international standards, it is essential to focus on the national mechanisms in place, for the general education of children. Among the existing standards at the national level, first of all, the Constitution of Georgia is noteworthy, which introduces the component of education as the principle of the social state and guarantees everyone the right to receive education, to choose its form, to get total funding of primary and compulsory basic education.⁹⁵

The general obligation provided by the Constitution is specified in such acts as the Code of the Rights of the Child, the Law of Georgia on General Education and the Law of Georgia on the Rights of Persons with Disabilities. Along with various essential standards, the legislation emphasizes the right of all children to receive a quality and inclusive education and the responsibility,⁹⁶

⁹¹ "The state can subject these rights only to the restrictions prescribed by law, only to the extent that they are compatible with the nature of these rights, and only to ensure the common good in a democratic society."

⁹² Committee on the Rights of the Child, Statement on COVID-19, 2020; Available at: <https://bit.ly/3t0M5gd>. [last visited on August 3, 2021].

⁹³ Report of the Special Rapporteur on the right to education, Right to education: impact of the coronavirus disease crisis on the right to education - concerns, challenges and opportunities, A / HRC / 44/39, 2020, para. 80.

⁹⁴ It should be noted that the model proposed by the speaker contradicts the authoritarian systems of education, which are found globally in many countries.

⁹⁵ Constitution of Georgia, Article 5 (6), 27.

⁹⁶ It should be noted that this obligation becomes even more relevant and compelling in cases where there is a risk of abandonment of the child or separation from the family, the child being placed in alternative care; See. Code of the Rights of the Child, Article 27, 29.

of the state to ensure that the inclusive education system is accessible to all.⁹⁷ This obligation includes providing access to general education according to the individual abilities and needs of children, as well as access to relevant information for children, facilitating the return to the school of children who are left out-of-school and preventing them from dropping out of school. Besides, the acts are ensuring participation of children at every stage of educational process.⁹⁸

A review of key national standards shows that general legal framework for basic education is in place, however, the main question is the effectiveness of its enforcement process, especially when it comes to the context of the Covid-19 pandemic and representatives of various vulnerable groups.

1.2. Switching to distance learning

The Government of Georgia started taking measures to manage and prevent the spread of the new coronavirus pandemic in January 2020. Unfortunately, in the period before the spread of the virus in the country, the executive body of State focused only on public health and public awareness in this area, while did not consider a plan to address or to mitigate the challenges posed by the pandemic (including to the education system).⁹⁹ In particular, Decree No. 164 of the Government of Georgia, January 28, 2020 on Covid-19 indicated disease detection, confirmation, threat assessment, testing, as well as measures taken for informing the society on the consequences of such actions, as the measures in response to operational plan to prevent the spread of the virus. However, there was not foreseen, for example, the vision and mechanisms necessary for the smooth operation of the educational system in a possible crisis.

One of the most commonly imposed measures globally during the Covid-19 pandemic was the suspension of the educational process in the physical space and switching to distance learning.¹⁰⁰ Georgia was no exception. In March 2020, in parallel with various measures, the government suspended the educational process in the physical space throughout the country and entirely switched to distance learning. At the initial stage of the pandemic, the regulation affected 579,995 students in 2,081 public and 221 private schools.¹⁰¹

Despite the main focus of the CRIA, the absence of the relevant data in the Governmental agencies, did not allow for the analysis of accurate quantitative data. However, the content of Governmental regulations regarding distance learning laid the ground for unequal environment based towards many groups, including, children living in rural and mountainous regions, as well as children living and/or working in the streets or in the shelters designed for them, considering poverty and socio-economic vulnerability of these groups.

⁹⁷ The Code of the Rights of the Child, Art. 10, 35 - 37, 93; Law of Georgia on the Rights of Persons with Disabilities, Art. 8, 27; The Law of Georgia on General Education, Art. 7, 9.

⁹⁸ The Code of the Rights of the Child, Art. 5, 85, Law of Georgia on General Education, Art. 10-11.

⁹⁹ The Decree No. 164 of the Government of Georgia of January 28, 2020 "On Measures to Prevent the Possible Spread of the New Coronavirus in Georgia and to Approve the Plan for Operational Response to Cases of New Coronavirus Disease". The Decree indicates that its main purpose is to establish an infection response plan, to address response measures at the national level, and to address the relevant responsibilities of government agencies.

¹⁰⁰ UNESCO, Education: From Disruption to recovery, <https://bit.ly/3yzRKvT>.

¹⁰¹ The Ministry of Education, Science, Culture and Sports of Georgia, Pandemic and General Education in Georgia, 2020.

1.2.1. General Regulations and Challenges

In order to restrict the Covid-19 pandemic, educational institutions suspended educational process on March 4, 2020. From March 30, the distance learning mode was fully implemented.¹⁰² Within a few months, amendments were made to the Law of Georgia on General Education and the Order N 95/N of the Minister of Education, Science, Culture and Sports of September 9, 2020 "On Approval of the Rules and Conditions of Remote Conduction of the Educational Process in Georgian General Educational Institutions."

It should be noted that the Law on General Education has recognized the possibility of distance learning since 2016. However, in 2020, with the legislative changes, the general framework of distance learning adapted to the situation and context in the country, defined distance learning as conducting the learning process remotely/electronically or using other means of communication, with synchronous¹⁰³, asynchronous¹⁰⁴ communication format.

The study showed that the Ministry and representatives of educational institutions, children, and their families were primarily unprepared for the distance learning. A significant portion of the study participants noted that in the spring of 2020, the transition process to the distance learning format was somewhat chaotic.¹⁰⁵ On the one hand, this can be explained by the extraordinary nature of the situation and the lack of past experience, and, on the other hand, by the viscosity of the measures taken by the state and the non-prioritization of the needs of a number of vulnerable groups.

- *The decision to switch to distance learning was made solely by the Coordinating Council, which operates under the Prime Minister, and is composed of government representatives and epidemiologists. According to the Ministry of Education and Science of Georgia, this decision was made due to the epidemiological situation, and children, civil society representatives, organisations working on children's rights, parents, and organisations working on disability issues were not involved in these processes.*¹⁰⁶
- *According to teachers and children, they did not have information when they would return to school, which caused them additional stress. The informational vacuum, the transition to distance learning, and a number of restrictions have complicated children's behavior, which has been acutely manifested since their return to school.*¹⁰⁷ *On the other hand, according to children and representatives of some schools, the emotional level of the children did not significantly deteriorate during the distance learning period, although they unconditionally chose to go back to school and get education through contact learning.*¹⁰⁸

¹⁰² Human Rights Protection during the COVID-19 Crisis, Report on Measures Taken by the Government of Georgia, 2020, Information Available: <https://bit.ly/3AoQlIv> [Last visited on September 21, 2021].

¹⁰³ Synchronous communication refers to the type of interaction in which communication between the sender and receiver of information takes place at the same time; See. Law of Georgia on General Education, Art. 61 (2).

¹⁰⁴ Asynchronous communication is a type of interaction when the communication between the sender and the receiver of the information does not co-occur, Law of Georgia on General Education, Art. 61 (2).

¹⁰⁵ Focus group with public school students.

¹⁰⁶ Letter from the Ministry of Education and Science of Georgia MES 9 21 0000581485; 16.06.2021.

¹⁰⁷ Focus group with public school staff.

¹⁰⁸ Interview with the principal of a public school.

- *According to the teachers, the transition process to the distance learning turned out to be incredibly stressful for some children. In particular, the inconvenience of participating in online lessons was experienced by children living in overcrowded households and children who had to listen to the lesson and be involved in educational process in the situation of family conflict. For example, during the research process, one of the teachers remembered a conflict between parents during the lesson and verbal abuse of the child by the parents, which threw the child into a severe psycho-emotional state.¹⁰⁹*

One of the main challenges encountered during the distance learning was inadequate awareness of teachers, students and their family members/legal representatives about the usage of relevant electronic platforms.¹¹⁰ According to the teachers of some schools, they were fully or partially trained¹¹¹ to use communication systems¹¹² and or the “Teams” platform. The issue of similar training for students and their legal representatives was much more problematic. During the research period, both students and representatives of educational institutions unanimously indicated that similar trainings were not conducted for students and their parents/legal representatives.¹¹³

- *Despite the recommendations provided to schools by the Ministry of Education and Science, using the “Teams” platform during the first weeks of transition to the distance learning was associated with significant barriers for the notable proportion of surveyed teachers and students.*
- *According to a significant part of the respondents, they learned to use the platform independently and overcome many technical problems by themselves. One part of the teachers was trained to use the “Teams” program at the initial stage of distance learning, while others underwent training in the fall.¹¹⁴*

On the other hand, in the research process, challenges connected to the general nature of the recommendations issued by the executive government and the difficulties of its effective implementation in real life became obvious.

- *Part of the teachers did not receive any kind of instructions on changing the methodology when switching to distance learning – Teachers of boarding schools*
- *According to the representatives of some schools, they were systematically receiving documentation/recommendations¹¹⁵ on pandemic from the Educational Resource Centers, and informational meetings for the representatives of the the school administration and the teachers were held through the “Teams” platform.¹¹⁶*

¹⁰⁹ Focus group with the students of public school.

¹¹⁰ Focus group with the employees of the public school.

¹¹¹ In this case, the teachers who underwent the training provided the information received during the training to the other teachers in the school.

¹¹² Interview with the principal of the public school.

¹¹³ Focus group with public school students; Focus group with boarding school administration and teachers.

¹¹⁴ Results of a visit to a public school.

¹¹⁵ Results of a visit to a public school.

¹¹⁶ Interview with the principal of the public school.

Along with the lack of information, a significant challenge was technical issues that hampered the teaching process and the active involvement of students. Among which, the technical malfunction of the “Teams” platform is noteworthy. Part of the interviewed teachers and students pointed out the technical shortcomings of the program, which, in the absence of thorough knowledge of its use, created even more significant problems during lessons¹¹⁷. According to them, these deficiencies (for example, sound and image were not apparent, students received personal incorrect passwords,¹¹⁸ the program became faulty from time to time and expelled lesson participants - teachers and students) existed at the initial stage of transition to distance learning format and after were eliminated.

At the same time, the lack of access fast and quality internet was a significant challenge for both children and teachers, which ultimately created problems for their active involvement in the teaching process. The problem of the Internet has become particularly acute in socio-economically vulnerable families¹¹⁹ and in regions where the internet access has not been actively provided. An essential problem for some of the surveyed students and teachers¹²⁰ was having the quality equipment through which they could use and/or use the online platforms smoothly. This problem has been identified especially in relation to children placed in the state care, as well as in large families and/or in socio-economically vulnerable households.¹²¹

- *By switching to distance learning, some of the children still had laptops distributed to them during the first grade, but some of them were damaged, which made their involvement in the teaching process problematic – Employees of a boarding school*
- *Several children had only one computer in which sound could be heard. Consequently, they faced challenges in terms of their involvement in learning process. Children also did not have documented information on how to send the prepared tasks to their teachers – Children residing in a small family-group home*

In addition to the “Teams” program, the messenger application, means of providing information through phone, and the “Teleschool” project were also used during the distance learning.

- *Due to the difficulty of involving children living in the region in the educational process due to the lack of appropriate communication tools and equipment, informational videos were recorded and sent to their parents. Also, in cases when students could not be contacted by teachers, tasks and teaching materials were sent to them through the Georgian Post Office. However, in this case, the problem was giving feedback on the completed tasks. Accordingly, the students were instructed to present the completed tasks on their return to school – A principle of a public school*

¹¹⁷ Focus group with the students of public school.

¹¹⁸ For example, a visit to one of the homeless children’s shelters revealed that passwords received from the the Ministry of Education and Science were inappropriate for their program.

¹¹⁹ For example, a case was identified when a class tutor paid internet fees to socially vulnerable students, interviewee with a boarding school director.

¹²⁰ It should be noted that in this case, as a rule, the educational institutions provided the appropriate equipment and space for teachers.

¹²¹ Results of the visit to the public school,

- *In the absence of the internet and computers, school provided children with adapted textbooks and assignments. The institution also found resources and handed over 15 tablets to children – Teachers of a public school*
- *According to some students, the project “teleschool” was not useful for them, because they missed the subject program and the teachers still had to explain the material in detail – Students of a public school*
- *During a visit to one of the public schools, it was found out that during the distance learning, the “Facebook messenger” in the school computers was blocked, as in the previous period, at the level of the Ministry’s informational system, due to which teachers had to use their own internet.*

Despite significant problems with access to the Internet and technology, the Ministry of Education and Science of Georgia has not undertaken appropriate measures to address these challenges. Conducted interview results show that the Ministry requested information from schools about children with such needs, although no further action was taken. However, due to data variability, the agency did not provide the statistics of students who had/have problems with the Internet and/or relevant technical devices. The Ministry also noted that in a number of cases, “families have access to the Internet and devices, but because of subjective views, they prevent students from engaging in distance learning.”¹²² Simultaneously, various studies indicate that only 79.3 percent of the population across the country (69.3 percent of the rural population) has access to the internet, while the UNICEF report¹²³ underlines that 50 400 children from 3 to 17 years do not have access to a computer and internet at home, indicating a possible high rate of children left out of from distance learning.¹²⁴ Switching to distance learning has had a significant impact on the quality of education. School principals, teachers, and students unanimously noted that the quality of teaching and the motivation of children have declined. During this period, children’s addiction to the Internet also increased significantly.¹²⁵ Moreover, some students also mentioned that they were so accustomed to computer games that they had trouble sleeping.¹²⁶ On the other hand, children also stressed that being in front of a computer and mobile phone screens for a long time caused them health problems (problems with vision).¹²⁷

Due to the abovementioned challenges, the goals set at the beginning of the school year were not met and were eventually modified. An even more significant challenge was the low attendance rates during online lessons and the difficulty of children understanding and learning lessons. Additionally, due to the reduced time allocated to online lessons, schools had to determine what topics to cover during the semester.

- *As regards the completion of the program provided by the National Curriculum, it was revealed that the duration and the intensity of online lessons were not sufficient to cover the whole material. According to students, significant time was spent on technical issues.*

¹²² Letter from the Ministry of Education and Science of Georgia MES 9 21 0000581485, 16.06.2021,

¹²³ UNICEF, Vulnerable Children and Risks in COVID-19 Times, 2020, p. 3.

¹²⁴ International Partnership for Human Rights (IPHR), Human Rights Impact Assessment of The Covid-19 Response on the Territory of Georgia, 2020, 37,

¹²⁵ Focus group with small family group home staff.

¹²⁶ Focus group with public school students.

¹²⁷ Focus group with public school students.

It took much time to check and fill the assignments, and therefore, there was no time left to explain the new material. Therefore, they were unable to complete the material in some subjects. In this situation, children requested additional lessons, and the request was satisfied – Teachers and students of public schools

- *Teachers tried to offer diversified tasks to children to increase their involvement in the learning process, as well as to increase quality of learning. In some schools, teachers sent e-certificates to parents to increase children's motivation - Teachers of a public school*

In the face of the above challenges, according to the interviewed principals of general educational institutions,¹²⁸ the learning process was monitored through the "Teams" platform, without prior agreement with the teachers. However, it should be noted that this only enabled monitoring of students' attendance rather than assesment of the teaching quality.

Switching to distance learning has also created significant problems for teachers. They said they had to spend at least twice as much time and effort preparing for each lesson. However, due to the remote learning process, it was difficult for them to measure and evaluate students' achievements and progress.¹²⁹

- *The assessment process has become more problematic for teachers, as significant inconsistencies have been identified between physical and online journal data. In the end, the priority was given to the data presented in the physical journals of attendance.*

Despite the abovementioned challenges, the research process revealed the positive effects of the distance learning for both children and their parents, as well as teachers. The following issues are especially noteworthy:

- ***Better involvement of some children in the learning process*** - *Although the study found that the active participation and effective involvement of children in the distance learning was problematic, distance learning methods had a positive effect on particular students. Namely, the regulations concerning distance learning encouraged the participation of children living in villages who resided far from the school and who due to the worsened weather conditions were physically unable to attend classes.*
- ***Active involvement of parents in the educational process*** - *While, the role of parents and/or family members in providing technical support to their children during the educational process has significantly increased, requiring additional time and resources on their part, it became clear that some of them had fewer skills to help their children in the educational process.¹³⁰ Despite the abovementioned challenge as well as other problems¹³¹ detected during the CRIA process, as some of the teachers participating in the study pointed out, in most cases, switching to the distance learning has increased the degree of parents' involvement in the educational process of their children. Moreover, parents clearly saw the needs of their children, their abilities (especially in the case of children with special needs),*

¹²⁸ Including boarding schools.

¹²⁹ Focus group with boarding school teachers.

¹³⁰ Focus group with boarding school administration and teachers.

¹³¹ For the detected challenges, see, p. 23 of this Report.

the importance of involving them in the learning process, and achieved progress in terms of acquired skills. The active involvement of parents in the educational process facilitated strengthening the cooperation between parents and schools.¹³²

- **Improving skills related to technology and the Internet** - Distance learning has significantly facilitated teachers to improve their skills related to technology and the Internet, even if by their own means.

1.2.2. Impact of distance learning on the inclusive education

Shift to distance learning has affected all children. However, representatives of various vulnerable groups, including children with disabilities and special needs have faced the most significant challenges.

In September 2020, by order of the Minister of Education, Science, Culture and Sports of Georgia, the obligations of general education institutions concerning the students with special needs were established¹³³. In particular, obligation envisaged organizing distance educational process tailored to the abilities of students with special needs, with the involvement of teachers and inclusive education specialists (if any), who in turn had to communicate and support parents/legal representatives to develop children's academic, social and functional skills.

Despite the regulation as mentioned earlier, the involvement of children with disabilities and children with special needs in the educational process has become challenging, especially considering diversity of their individual needs:

- **For the individuals with visual impairments** – the “Teams” platform proposed by the Ministry of Education and Science of Georgia for distance learning was not available; this significantly hindered their effective involvement in the learning process;
- **For pupils with hearing impairments** - Involvement in the distance learning process has become a significant challenge, as using the “Teams” program has been inconvenient for the sign language interpreters.¹³⁴ However, while the “Teleschool” project was positively evaluated by teachers, school administration, and most of the children, its practical use was problematic for children with hearing impairment. Although the interpretation was synchronized, inconvenient layout on the screen (for example, the interpreter sometimes was covered with the TV logo, and the image was so small that students could not concentrate on the interpreter and the teacher at the same time), which made the whole perception of the information difficult.¹³⁵ Moreover, subtitles were not used during the distance learning. Therefore, children who had little or no knowledge of sign language and were using the method of understanding information through the mouth movement faced a particular problem.

¹³² Interview with a public-school principal.

¹³³ Order N 95 / N of the Minister of Education, Science, Culture and Sports of September 9, 2020 “On Approval of the Rules and Conditions for Remote Conduct of the Educational Process in General Education Institutions of Georgia and Evaluation of Outcome”.

¹³⁴ Focus group with public school director, teachers and students.

¹³⁵ Focus group with boarding school students.

- *For children with psychosocial and intellectual disabilities* – engaging children with psychosocial and intellectual disabilities in distance learning has been associated with significant challenges, as their special needs required learning process to take place in the physical space. For example, children with autism spectrum disorder found it challenging to concentrate in front of screens for a long time.¹³⁶ Due to the lack of direct communication during distance learning and the restriction of appropriate visual materials, children with intellectual disabilities faced challenges as well.¹³⁷ Therefore, teachers had to spend much more effort than usual to prepare for and conduct lessons, which in return could have caused professional burnout of teachers, which itself decreased the quality of learning process.

During distance learning, children with special needs were assessed according to their development plans. Teachers involved in the study and representatives of the administration of educational institutions stated that the quality of their involvement and learning dropped sharply due to many factors, including limited access to computer equipment and the Internet,¹³⁸ as well as reduced time of lessons.

Another critical challenge related to the effective involvement of children with disabilities and special needs in the distance learning and access to quality education was the increased responsibilities of their family members. For example, according to one of the public-school principal, a significant problem during the distance learning was that the responsibilities of special educators and assistants shifted to parents who, in turn, did not appear to be ready for meeting these responsibilities.

1.3 Suspension of the economic activities

In the situation of the Covid-19 pandemic, the Georgian government has decided to regulate economic activities differently. In particular, on the one hand, the government has identified areas in which, despite the imposed restrictions, it was possible to carry out activities without hindrance, but a significant part of economic activity was suspended. Consequently, due to this measure, part of the employees lost their jobs altogether and were left without income, or their income was significantly reduced, while the other part continued to work remotely.

Given the complexity of the above-mentioned restriction measure on economic activity, the situation regarding the realization of children's right to education was not uniform.

- *Children whose parents, despite the pandemic, continued to work in the physical space or remotely, faced challenges in accessing the equipment. The study revealed that in order to be involved in the educational process, some children were waiting for the parent to return/finish the job to use the equipment she/he owned.¹³⁹ In relation to such cases, teachers stressed that they taught these students individually, for the most part, in the evenings. This fact, erased the boundaries between teachers' working and non-working*

¹³⁶ Results of a visit to a public school.

¹³⁷ Focus group with the boarding school director and teachers.

¹³⁸ However, in some cases, some teachers and students also noted that children had difficulty stopping even with the small amount of time allocated for computer lessons.

¹³⁹ Focus groups with students of public schools

hours. Additionally, according to them, parents often have sent children's homework at night and asked for the feedback. Therefore, teachers had stressful experiences, however, no stress management training or any type of service was available to them.¹⁴⁰

- In the case of children whose parents/legal representatives have lost their jobs or the source of income, significant socio-economic challenges arise. Consequently, expenditures for children's education was reduced, which increased the challenges connected to their access to education. The problem for children living in poverty was the accessibility to the internet and relevant equipment, as well as to educational materials, while most importantly, their survival and meeting basic needs, even in terms of access to food was under threat. In this regard, boarding schools' practice of allocating existing, unused vouchers several times a semester (mainly 2-3 times) to provide goods to students, should be emphasized.¹⁴¹

Additionally, it is noteworthy, that the rising socio-economic vulnerability of households posed many threats to children's wellbeing and protection from violence or exploitation, unfortunately, teachers and representatives of the school administration involved in the study could not recall a specific recommendation issued by the Ministry of Education and Science to help identify and respond to such possible cases.

1.4. Delivery of services remotely and restrictions on movement/transportation

The realization of the right to the general education of children was also affected by measures taken during the pandemic, such as the switching the public services, including social rehabilitation and childcare services to remote work mode and the restriction of movement.

Measures in this regard had a particular impact on children with disabilities and children with special needs, those in need of various (including rehabilitation) services, and children with whom social workers have worked intensively. On the one hand, due to restricted access to transportation, and on the other hand, the form of remote delivery of services has put under question the adequate access to services. Access to online services was especially difficult for students with disabilities and special needs, which aggravated their psycho-emotional condition and led to intensified challenges. All of these, as mentioned above was a significant obstacle to their involvement in the learning process.

The problems caused by the interruption of relevant services became apparent after the learning process continued in the classrooms. According to the school staff, children returned from their homes with complicated, in some cases, aggressive, behavior.¹⁴²

At the same time, as mentioned above, the suspension of public transportation and the transition to online services have created severe challenges in the movement of social workers and their visits to families. Social workers did not go to the relevant place due to the pandemics, except in extreme and urgent cases, and were communicating with families, children through remote

¹⁴⁰ Focus groups with employees of public schools

¹⁴¹ Interview with the principal of the boarding school.

¹⁴² Focus group with public school representatives.

means.¹⁴³ It is clear that given the aggravated situation during the pandemic and such barriers further complicated the ability to protect the child's best interests and identify and respond to violations of their right to education.

1.5. Priorities foreseen in the national plan of vaccination

According to the plan, the groups whose vaccination should have been prioritized were identified. According to this plan, teachers' vaccination was envisioned only in II and III phases and they were not considered as so-called "frontline workers", while this has been emphasized by numerous internationally prepared reports.

It should be noted that the vaccination is, at first glance, a neutral factor in relation to the students of the general education institutions, as the issue of vaccination of children was considered during the development and approval of such a plan. However, on the other hand, the unconditional prioritization of teachers in this process would have been a precondition for uninterrupted contact learning process. It would have reduced the risks connected to distance learning.

In addition, based on the information provided by the Ministry of Education and Science of Georgia, according to the Ordinance N975 of the Government of Georgia, "On the approval of the list of priority persons to be subjected to mandatory testing for coronavirus (SARS-CoV-2) infection (COVID-19)", persons working in general education institutions are subject to mandatory testing - once every 14 days with a maximum (100%) coverage of employees, but not less than 20% (20% of testing should be done by PCR and the remaining 80% - by rapid antigen test). At the same time, the Ministry said it had no information about the vaccination rates amongst teachers.¹⁴⁴

The Government has not taken appropriate mitigating and preventive measures towards spreading the virus in general educational institutions, while ensuring contact learning. Namely, the promotion of active vaccination of teachers started in August 2021, when the additional cabinets for the staff of the educational system have been set up at immunization centers.¹⁴⁵ The delayed actions of the Government was clearly seen in the current vaccination statistics as well. For example, as of September 13, 2021, only 33 % of all public school staff was fully vaccinated, while the average rate of the full vaccination of teachers was 36 %.¹⁴⁶

1.6. Main Findings

- ◆ As the CRIA process indicated, the main challenges related to the realization of the right to general education (including the effective involvement of children with disabilities, the quality of general education, access to the relevant equipment and the internet) have been visible from year to year, but they have become particularly evident during the Covid-19 pandemic

¹⁴³ Focus group with social workers of the State Care Agency.

¹⁴⁴ Letter from the Ministry of Education and Science of Georgia MES 9 21 0000581485; 16.06.2021.

¹⁴⁵ See, the Ministry of Education and Science of Georgia, "Additional immunization cabinets for education system staff have been set up in immunization centers", 05.08.2021, <https://bit.ly/3AvvBQn>.

¹⁴⁶ Publika, "How many teachers have been vaccinated in private and public schools?" 13.09.2021, <https://bit.ly/39s2ZLW>.

- ◆ The process of shifting to distance learning was chaotic. This was on the one hand due to the lack of the past experience in responding to such crises, and, on the other hand, to the inefficiency of the measures taken by the government and its delayed response to emerging challenges;
- ◆ The process of transition to distance learning was not inclusive and children's views were not heard. The decision making process didn't ensure participation of children, organisations working on their rights, organisations working on the issues of persons with disabilities, as well as representatives of civil society
- ◆ Informing children properly was also problematic. The informational vacuum about the expected date of their return to schools put them in an even more stressful situation. Participating in the distance learning process also proved to be stressful for children living in overcrowded households, as well as for children who had to attend classes in the face of family conflicts
- ◆ The recommendations provided by the Ministry of Education and Science to general education institutions were general and did not give the possibility of their effective implementation in practice, taking into account specific needs of various groups of children and of concrete schools
- ◆ At the first stage of the transition to distance learning, a particular challenge was the technical malfunction of the platform "Teams." Part of teachers underwent training, as for the children, they had to learn how to use the platform on their own and through the school's efforts
- ◆ One of the main problems identified regarding the distance learning was students' and teachers' access to internet and appropriate means of communication. Although the Ministry of Education and Science requested information from the schools about these problems, no effective measures were taken to solve them
- ◆ During the distance learning, the "messenger" application, providing study materials and information by phone, and the project of "Teleschool" were used as an alternative to the "Teams" program. At the same time, there was a practice of particular schools sending assignments to students by Georgian Post. However, the use of these means was not effective and did not meet children's specific needs
- ◆ Transition to distance learning and social isolation, as well as changes in the form of providing relevant services to target groups, have complicated the psycho-emotional state of children, leading to a decrease of their motivation and the quality of learning
- ◆ Despite the many challenges, the positive effects of distance learning have been identified, including the active involvement of particular children in educational processes, effective involvement of parents in educational processes, and the development of children's and teachers' technical skills;

- ◆ Individual needs of children with disabilities were not taken into account while transiting to distance learning. As a result a significant part of them was in danger of being excluded from the learning process
- ◆ Restricted economic activities threatened the involvement of children in distance learning. On the one hand, children were waiting for their parents to finish working to get involved in educational process at least in the evening. On the other hand, in the event of a loss/reduction of income, not only financial access to education but also the physical survival of children was threatened
- ◆ Teachers were not considered “frontline workers” and, therefore, were not included in the first wave of the COVID-19 vaccination process. It is clear from the letter received from the Ministry of Education and Science that the Ministry did not have information in a timely manner about the rate of vaccination of teachers.

RECOMMENDATIONS

To Georgian Government

- ◆ Establish an institutional crisis management mechanism, based on the close collaboration with relevant agencies and actors, in order to assess the potential impact on children's rights (including the right to education), and for the different groups of children in any decision-making or action
- ◆ Ensure the creation of a mechanism at all levels and all governmental agencies on the child participation and consideration of their views in the decision-making processes
- ◆ Develop a communication strategy with children that focuses on providing information to them in the situation of global pandemic or emergency, in a manner that suits their age and specific needs, and ensures their genuine involvement in the decision-making process. Also, ensure that the communication strategy with children is accessible for ethnic minorities.

To the Ministry of Science and Education of Georgia

- ◆ Develop a methodology and produce detailed statistics on the needs of children involved in and of those who are left beyond the educational process. As a baseline, before the end of the pandemic, detailed statistics on children who face challenges regarding access to technology and/or the Internet should be produced, and all measures should be taken to immediately eliminate identified individual or systemic barriers
- ◆ Develop a hybrid and/or distance learning method of general education for children with individual needs outside the framework of the Covid-19 pandemic
- ◆ Develop detailed methodologies and guidelines on the challenges and specifics of distance learning during the pandemic, which, among other issues, will include the effective involvement of children with disabilities in the learning process, quality control or assessment aspects
- ◆ Provide in-depth training for teachers and students on the use of online teaching platforms
- ◆ Promptly take all possible measures to ensure the full accessibility for children with various needs to existing educational platforms or choose other platforms that will be accessible to all children regardless of their specific needs
- ◆ Adapt "Teleschool" to the needs of children with hearing impairments;
- ◆ Ensure contact learning for children who, due to their needs, are unable to engage in distance learning, in a situation if distance learning is a necessity

- ◆ Guarantee the effective participation of children in the decision-making process at both the Ministry level and at schools, and ensure that their opinions are heard/taken into account
- ◆ Conduct an in-depth study of the functioning of the general educational system during the pandemic and, based on its results, develop a detailed tool to be used during emergencies.

To Ministry of IDPs from the Occupied Territories of Georgia, Labor, Health and Social Affairs

- ◆ In close cooperation with the Ministry of Education and Science of Georgia, take measures to encourage vaccination among employees of general education institutions and to prioritize their vaccination;
- ◆ Provide financial/social support to families with children who have partly/entirely lost their income during the pandemic and within a reasonable time after its completion.

IMPACT OF MEASURES TAKEN TO PREVENT THE COVID-19 PANDEMIC ON CHILDREN IN STATE CARE

1.1. The Covid-19 pandemic and the challenges of protecting the rights of children in a state care

In the process of assessing the impact of measures taken for the prevention of the spread of Covid-19 pandemic on children in a state care, the study covered small family group homes, shelters, religious boarding houses and boarding schools operating under the Ministry of Education and Science, which are all regulated according to the national legislation on child's rights and child care.

Children living in state care, especially in institutions have been recognized as an even more vulnerable group among all children. The main reason for this is the risk that their continued support could easily be endangered in times of crisis.¹⁴⁷ In particular, due to the closure of facilities during the pandemic,¹⁴⁸ children living in residential institutions on the one hand may be forced to return to their families without any support, because of the certain state regulations, as it occurred concerning the boarding schools operating under the Ministry of Education and Science, or on the other hand, might have to be in isolation in the facility during the massive lockdown. Also, the risk connected to the spread of the virus in large residential institutions is heightened. This risk can be particularly severe in the case of residential facilities for children with disabilities. In addition, children living and/or working in the street are also one of the most vulnerable groups, especially when they remain isolated and without various services during massive lockdown and restriction of movement.¹⁴⁹

From the first days of the pandemic, children's access to necessary social and rehabilitation services became pressing. In this regard, it is essential to outline needs of children in the state care system who are residing in facilities, away from their parents. Due to existing regulations and restrictions, they had little access to social workers and other necessary services.¹⁵⁰

The pandemic also negatively affected the mental health of children. The requirements of physical distancing and restriction of movement had a particularly negative impact on children's mental health, which in long term perspective is linked to cognitive development challenges.¹⁵¹ Georgian law recognizes the right of a child to enjoy the highest standard of health, including in the field of mental state.¹⁵² Consequently, while facing increased risks of children's mental health deteriorating, it was important for the state to make an adequate and effective intervention. This is especially true in the light of international indicators published in the 2020 Global Survey. The study found that 74% of children are more depressed than before the pandemic, 62% feel less happy, and 47%

¹⁴⁷ Policy Brief: The Impact of COVID-19 on children, 2020, <https://bit.ly/3dePJMn>

¹⁴⁸ In Georgian context, daycare centers and boarding-schools under the Ministry of Education and Science closed temporary;

¹⁴⁹ Protection of Children during the Covid-19 Pandemic, Children and Alternative Care Immediate Response Measures, Better Care Network, The Alliance for Child Protection in Humanitarian Action and UNICEF, 2020, <https://uni.cf/35QykpB>.

¹⁵⁰ The impact of COVID-19 on children and young people, The Children's Society, <https://bit.ly/3qrK5fN>.

¹⁵¹ Policy Brief: The Impact of COVID-19 on children, 2020, <https://bit.ly/3dePJMn>.

¹⁵² Law of Georgia "Code of the Rights of the Child", Article 11.

are more hopeless than before. Also, 60% are sadder, 59% are more melancholic, while 51% lack social connections with friends and peers.¹⁵³

In the context of the global pandemic, children's right to be informed and involved in the decision-making process, which is recognized as one of the guiding principles of CRC, has become particularly important. In order to prevent the spread of the virus and protect children's right to health, it was essential to inform children in an appropriate manner. However, according to the results of this and a global study, unfortunately, children were not adequately informed and involved in the decision-making process.¹⁵⁴ In response to this challenge, the World Health Organization (WHO) has developed a Guideline document for States,¹⁵⁵ that sets out in detail the measures to be taken by States to protect the rights of persons with disabilities, including access to information.

Following the declaration of a global pandemic worldwide, specific measures were imposed in Georgia, the primary purpose of which was to prevent the spread of the virus. At the same time, this limited certain rights and freedoms, and directly or indirectly affected the protection of children's rights, including of children in a state care. In this chapter particular emphasis will be placed on protecting children's right to health and access to information in the face of pandemics, the right play and leisure, of family relationships and access to essential services

1.2. Covid-19 and the right to access information (article 17)

The following initiatives¹⁵⁶ have been taken by the Government of Georgia to raise public awareness about COVID-19 pandemic:

- ◆ Daily government briefings were held with the participation of industry experts, ministers, and the Prime Minister
- ◆ Government briefings were broadcasted using sign language
- ◆ Information was translated into languages of ethnic minorities
- ◆ Website on Covid-19 www.StopCov.ge was made available in six languages. In particular, Georgian, Abkhazian, Ossetian, English, Armenian and Azerbaijani languages. Informational videos posted on the website are accompanied by sign language translations
- ◆ Massive information of the population was made through the SMS system, translated into languages of ethnic minorities.

Also, according to the LEPL Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking, during the pandemic children in a state care, including children with disabilities,

¹⁵³ The Hidden Impact of COVID-19, Save the Children, A Global Research Series, 2020, <https://bit.ly/3wWng6m>.

¹⁵⁴ According to the survey, only 46% of children said their family members listened to them when speaking about the COVID-19 pandemic, and only 34% said they were asked for their opinion. According to the World Health Organisation, during the COVID-19 pandemic, access to information is of particular importance for the protection of the rights of persons with disabilities.

¹⁵⁵ Disability considerations during the COVID-19 outbreak, 2020, <https://bit.ly/3wZl0sn>.

¹⁵⁶ Human Rights Protection during the COVID-19 Crisis, Report on Measures Taken by the Government of Georgia, 2020, Information Available: <https://bit.ly/3AoQllv> [Last visited on September 21, 2021].

were provided with the necessary information- health protocols, recommendations and guides to prevent the spread of new coronavirus infection. Also, according to the agency, in the child related decision-making process, the best interests of the child were taken into account.¹⁵⁷ However, the provided information does not specify directly what means of the information dissemination about the pandemic were used, by whom, and how often and in what way children were informed. As well as how children were directly involved in decisions making process in relation to the pandemic, and on what issues. These issues are especially relevant, based on results of CRIA and while referring to difficulties in raising children's awareness on the matters related to the pandemic.

Some of the institutions held informational meetings with the children on their own, without the support of the state, translated brochures themselves, and showed children the videos available online.¹⁵⁸ Some service provider organisations, in order to inform children in a child friendly manner, tried to find external sources of information. In other case, another service provider organisation did not ensure provision of information to children in an age-appropriate form, mainly highlighted the severe consequences of the virus in order to achieve children's compliance with the rules.

- *"Children themselves made the decision, they knew that it was a dangerous and severe infection and that if anyone got sick, that we would take them to the hospital. They had a sense of a protest from the beginning, we have open-type institution. However, when they heard these explanations, what could have been the consequences, children were making a decision to comply and even today they do not want to go out" said a representative of a service provider organisation.*

A particular problem in state care Institutions was related to the awareness of children with disabilities. They had difficulty understanding the need for protective means and equipment.¹⁵⁹ Employees of one of the shelter's for children living and/or working in the streets and also, boarding school's for children with disabilities mentioned the lack of information about the virus in terms raising children's awareness. Consequently, children received most of the information about the virus through the internet and through television, on their own.

- *"We received information from the Internet. The masks were provided to us at the institution. Other things we learned from the Internet and TV", said the child living in a state care.*

1.3. Covid-19 and access to the required services

During the crisis, it became impossible for the State Care Agency to provide specific services to children with disabilities. Due to the epidemiological situation in the country, some of the sub-programs of the State Program for Social Rehabilitation and Child Care have been suspend-

¹⁵⁷ Letter of the Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking, June 17, 2021 № 07/5111.

¹⁵⁸ In-depth interviews with representatives of service providers.

¹⁵⁹ In-depth interviews with representatives of service providers.

ed. In the case of remote or semi-remote delivery of services, service providers were guided by a special regulation adopted at the initial stage of the pandemic.¹⁶⁰

Providing psychosocial services to children was connected to significant challenges, in the face of the pandemic. To address this challenges: children and their parents/legal guardians, were offered the use of any acceptable online platform, and a list of recommendations was created for parents to enable them to effectively support their children in overcoming the stress caused by the pandemic.¹⁶¹ However, none of the surveyed children in the state care and representatives of the service provider organisations have indicated the use of mentioned services. A project implemented by the non-governmental organisation “Children of Georgia,” providing significant support to children in face of the pandemic, should be assessed positively. The project was implemented at the request of the LEPL Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking and with the support of the UNICEF. The program involved 12 psychologists who provided a service to small family-group homes and children involved in the foster care sub-program.¹⁶²

The announcement of a lockdown has put the issue of children’s access to vital services, access to food and rehabilitation services under threat. This issue was especially problematic in the first months of the pandemic, when services, daycare centers, boarding-schools under the Ministry of education and Science closed or shifted to remote operation, and there was no alternative food supply scheme for beneficiaries in such need. Later, a total of 4,400 vouchers were issued to support 2,200 beneficiaries during the crisis.¹⁶³ However, the measure taken by the state to ban public transportation also was problematic in terms of food supply.

- *“It was a big challenge when everything closed, especially in terms restrictions imposed on public transportation. We have daycare centers for children living and/or working in street and along with children in our organisation, the elderly and their family members are visiting them. Due to the restriction of transport movement, we faced an enormous challenge in delivering food to them, because it was vital for our beneficiaries and their families. The state could not provide this service, and we depended on the goodwill of the providers. Then we started raising funds, and periodically, at least once every two weeks, we were able to supply the daycare center children with food. The state has not allocated a single extra cent for this,” said a representative of the service provider organisation.*

¹⁶⁰ On Approval of the Framework Document for Day Care Services, Early Childhood Development Services, Child Rehabilitation / Habilitation, Home Care Sub-Programs for Children with Severe and Deep Developmental Disorders and Cochlear Implant Provision Component Ministerial Order № 01-184 / O of May 1, 2020 and “On the Approval of the Conceptual Framework for Remote Delivery and Receipt of Social Rehabilitation Services for Children with Disabilities, Developmental Disabilities and / or Children Under 18” in the Occupied Territories, Labor, Health and Social Affairs of the Occupied Territories of Georgia Order of the Minister of Defense 4 01-536 / o of November 4, 2020.

¹⁶¹ The LEPL Office of Resource Officers of Educational Institutions to public general educational institutions, June 16, 2021; Letter #MES 1 21 0000578157.

¹⁶² The LEPL Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking, June 17, 2021; Letter #07/5111.

¹⁶³ Human Rights Protection during the COVID-19 Crisis, Report on Measures Taken by the Government of Georgia, 2020, Information Available: <https://bit.ly/3AoQlIv> [Last visited on September 21, 2021].

While switching to the remote services, it became more difficult to provide child rehabilitation services. The parents/caregivers themselves provided children with some exercises and massages, which was associated with great difficulties.¹⁶⁴

According to the report prepared by the state, children in a state care, caregivers and foster parents are provided with psychological support services to cope with the stress caused by the Covid-19 and to overcome the crisis situation.¹⁶⁵ However, the report does not explain specifically what kind of support was provided, how often, and how many children were assisted. In parallel, service provider organisations pointed out shortcomings in receiving online psychological assistance. In particular, in some institutions, the problem was the low motivation to receive online services of a psychologist, which ultimately harmed children's best interests.¹⁶⁶ A different approach was observed in the institutions where "Georgian Children" was implementing the project.

- *"Children themselves asked for the help of a psychologist, and none missed a meeting; they were not late. Children, not social workers whose involvement was shallow, themselves were redirecting their friends, other children. Foster families were spreading the information amongst other foster families, about the service. Children criticized the state psychologist, who can come to them once in 6 months, which is not a real intervention", said a representative of the service provider organisation.*

During the pandemic, the continuous involvement of the social worker in the monitoring of the rights of children living in the state care was particularly important. According to the special report prepared by the state regarding the pandemic, in order to maintain regular contact with children, social workers employed in the territorial centers of the State Care Agency were given special instructions regarding remote work.¹⁶⁷ Despite these recommendations, according to the assessment results, social workers' involvement in monitoring conditions of children in the state care during the pandemic was relatively low. This was explained by a lack of human resources, as the social worker was in contact with the infected person or had the virus herself/himself, and there was no other specialist in that municipality. Also, there was a problem with the transportation of social workers and because of this, and the shift to remote work, the quality of work decreased sharply.

There were cases when in the most critical situation, the institutions worked without a social worker. This was especially problematic in shelters for children living and working in streets and also, regarding service of social housing, where 87 children and their families live permanently. There was no social worker at the Shelter for months, while the number of referrals increased significantly. Especially shallow involvement of the social worker was observed in one of the small family group homes. According to the institution's staff, small-group home employees were contacting social workers on its initiative. Meaning, that social worker did not proactively, on her/his initiative, communicate with the institution. Not even updated plans for the individual development of children were prepared by the social worker.

¹⁶⁴ In-depth interviews with a representative of the service provider organisation;

¹⁶⁵ Human Rights Protection during the COVID-19 Crisis, Report on Measures Taken by the Government of Georgia, 2020, Information Available: <https://bit.ly/3AoQJlv> [Last visited on September 21, 2021].

¹⁶⁶ In-depth interviews with a representative of the service provider organisation.

¹⁶⁷ Human Rights Protection during the COVID-19 Crisis, Report on Measures Taken by the Government of Georgia, 2020, Information Available: <https://bit.ly/3AoQJlv> [Last visited on September 21, 2021].

In the case of boarding school for children with disabilities, there was a problem with the number of employees, as eight employees could not reach the facility due to the restriction of public transportation. Because of this, their work was redistributed to other employees.¹⁶⁸

Imposed restrictions and switching to remote services have severely diminished access to psycho-social and rehabilitation services, and access to social workers for children in the state care. Before the pandemic, children used to attend various informal educational activities, but then everything closed, which worried them a lot.¹⁶⁹

1.4. Impact of measures on the Right to Healthcare

The Covid-19 pandemic has posed new challenges to children's right to health. Timely and effective resolution of issues that were not relevant before the global pandemic emerged, and consequently, state care service providers did not have sufficient readiness and relevant information to deal with the new reality. The pandemic has put at risk not only the physical but also the mental health of children.

Since the announcement of the pandemic, Children's residential facilities have been considered as one of the places where the virus might spread easily. Consequently, children placed in state care institutions faced more notable difficulties. In this challenging situation, it was important for the state to create effective mechanisms and develop appropriate regulations specifically for such institutions, which would have focused on preventing the spread of the virus and dealing with it effectively. It would also be important for the institutions to make appropriate changes in the internal regulations directly.

Within the scope of the study, small family-group homes, shelters for children living and working in the street, and large-scale licensed facilities were asked about the information/documentation that state-provided them with regarding functioning in times of the pandemic and whether changes in internal regulations were made since March 2020. The analysis of the provided information showed that the state care institutions have not made any changes in the internal regulations during the pandemic. However, the development of separate, adapted internal regulations by one of the service provider organisations and its dissemination amongst other service providers should be welcomed.¹⁷⁰

According to the information received from the relevant state agencies and the monitored institutions within the research framework, general recommendations¹⁷¹ and standards¹⁷² primarily include general rules developed for hygiene, rules for cleaning and disinfection of inventory for

¹⁶⁸ In-depth interviews with a representative of the service provider organisation.

¹⁶⁹ Meetings with children in state care.

¹⁷⁰ Noncommercial (non-governmental) legal entity Charitable Foundation "Caritas Georgia in order to prevent and manage the spread of new coronavirus in educational institutions";

¹⁷¹ Recommendations for New Coronavirus (SARS-CoV-2) Infection (COVID-19) for Some Subprogram Providers Registered under the State Social Rehabilitation and Child Care Program; Temporary recommendations for cleaning non-medical facilities exposed to COVID-19; Rules for Control of Infections of facilities of Territorial Units (Branches) of the Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking" etc.;

¹⁷² Standards for the prevention and control of the spread of infection caused by the new coronavirus (SARS-CoV-2) (COVID-19) for 24-hour child care facilities (including maternity and child shelters); COVID-19 case identification (temporary), standards for the prevention and control of the spread of new coronavirus (SARS-CoV-2) infection (COVID-19) in daycare facilities for the elderly and persons with disabilities;

persons with disabilities. As for the standards, they address the following issues: emotional support for beneficiaries and staff in the event of the pandemic, commitment to providing up-to-date information on Covid-19, reporting, and coordination with relevant government agencies, infection control, and prevention of transmission, means of protection, supervision of beneficiaries, staff and visitors, physical distancing and restriction of movement, informing the beneficiaries and staff about the disease.

Although the state developed some general recommendations and standards regarding managing the situation during the pandemic for 24-hour state care facilities, research has shown that delivery of those documents to service providers was delayed, and their content often did not meet the challenges of their daily reality.¹⁷³ However, organisations outlined the support of the “Children of Georgia”, who has helped a lot in managing children’s behavior, in contrast to the state’s efforts, which has not allocated resources despite the need in this direction.¹⁷⁴ Because of this, the initial stage of the pandemic proved to be very difficult for most service provider organisations.

- *“Like for everyone else, the beginning of the pandemic was a challenging period for us, when everything was closed. Information was minimal, and we mostly had to gain knowledge from our international partners. We also asked the Ministry of Health and the State Care Agency to provide us with instructions on what to do. Unfortunately, if these instructions came, it came too late, or we received an instruction that was ineffective. Then we sat down and tried to figure something out ourselves. Also, the regulations were not tailored for each specific form of service. The regulations were more for the big institutions operating on the balance of the state, and we just followed.” - A representative of the service provider organisation.*
- *The recommendations were general, it was not tailored for my needs, and it could not have been, I had four houses, and I had one general recommendation for all four. I do not know if these recommendations helped me in anything, something helped, something did not” - A representative of the service provider organisation.*

A representative of the service provider organisation speaks about the difficult situation at the initial stage of the pandemic. The representative said everything was upside down when the coronavirus first appeared, and they were not ready. Problems in the administrative aspects emerged, especially as regards to transportation, medication, and nutrition. He said that they were seeking information throughout the internet on their own, calling various agencies to find out what to do. In the face of delayed response from the state, they decided to deal with the situation through internal regulations, creating an action plan to determine who was responsible for what.¹⁷⁵

Apart from the fact that there was a delay in delivering developed recommendations and standards to state care providers, recommendations were unclear for the most part, and service providers did not understand how to apply them in practice. For example, one of the recommendations was for employees to work in long-term shifts. However, what this long-term shift meant was not clear.¹⁷⁶

¹⁷³ 7 organisations/ institutions indicate reception of the recommendations

¹⁷⁴ In-depth interviews with a representative of the service provider organisation;

¹⁷⁵ In-depth interviews with a representative of the service provider organisation;

¹⁷⁶ In-depth interviews with representatives of service provider organisation;

Additionally, in parallel with the general recommendations and standards, the institutions were not provided with adequate material and human resources.¹⁷⁷

- *“The situation was not easy because we had to strengthen our human and material resources; the needed resources were doubled. We took care of the caregivers; we were ensuring their transportation to and from work. They had to work for two days, as recommended. Longer than one shift, but it did not work out. We took into account their marital and emotional state” - A representative of the service provider organisation*
- *“The most significant challenge was related to finances. Our budget envisions allocating finances for certain expenses one year in advance. Covid-19 caused panic among people, and we materially supported the employees who remained in quarantine. We paid a double salary for their encouragement.” - A representative of the service provider organisation*
- *“It cost us a lot of money. We even had to undergo 24-day quarantine and pay extra to a caregiver locked in an institution for a whole month, because she left her family for such a long period, risking her health”, said a representative of the service provider organisation*

The assessment revealed that most institutions were trying to follow preventive measures against the spread of the virus, such as thermal screening, wearing masks, putting particular sanitary barriers at entrances of the buildings. In this regard, difficulties were identified regarding one particular big residential institution and one small family group home. In the latter one, the fact that there is no separate bathroom for educators is problematic. Upon entering both of above mentioned facilities, there was no thermal screening.¹⁷⁸ Also, there were no sanitary barriers at the mentioned big residential institution, and the staff did not wear masks. Informative materials related to Covid-19 were not visibly placed on the appropriate boards.

One of the most critical problems related to protecting the child’s right to health in state care and, consequently, regarding preventive measures against the spread of the virus, was the access to enough sanitary protective means. It is true that according to the information provided by the Ministry of Labor, Health, and Social Affairs of IDPs from the Occupied Territories of Georgia, during the crisis, small family group homes were equipped with appropriate disinfection and medical items.¹⁷⁹ However, the information received from the institutions outlines an insufficient quantity of those items. It should be noted that the assistance of private companies has been outlined as of great significance during the crisis management process, as well as the vital role of non-governmental organisations. In particular, public service providers noted the private organisation provided children with the necessary equipment and medication at the initial stage of the pandemic, when institutions did not have sufficient medicine and sanitary items.¹⁸⁰

- *“Financial support from the state was 0. One private organisation helped us, contacted us, and asked about our needs. It was a significant help, which provided us with needed medication, protective items, masks, disinfection liquids, gloves. This was an essential help*

¹⁷⁷ In-depth interviews with representatives of service provider organisation;

¹⁷⁸ The institution only had the old period thermal screening registration list, which was filled in at the beginning of the pandemic;

¹⁷⁹ Letter #01/8868 of the Ministry of IDPs from the Occupied Territories, Labor, Health and Social Affairs of Georgia dated June 18, 2021;

¹⁸⁰ In-depth interviews with a representative of the service provider organisation;

for us. We received masks, gloves, and headcovers from the state only in daycare centers for early development programs, but not in 24-hour care facilities” said a representative of the service provider organisation.

The mobilization of the hospital sector had significant importance in managing the pandemic and protecting the population’s health. With increased rates of infected people, the Ministry of Health has started to mobilize both the hospital and the primary health care sector. In response to Covid-19, the Ministry targeted the mobilization of 1,620 hospital beds in 15 clinics. Also, an additional 1,050 beds in 15 fever clinics were allocated in the regions.¹⁸¹ The hotel infrastructure has been used effectively to avoid overload of the hospital sector. Since October 2020, additional resources have been mobilized in the form of hotels, which are an intermediate link between hospital and home treatment.¹⁸²

Although the measures taken by the state envisaged hospitalization of Covid-19 infected patients, if necessary, in November and December 2020, a significant crisis was evident in this direction. At the same time, no concrete measures were taken to effectively manage the hospitalization of children and staff from state care facilities. In most of the cases of children infected with Covid-19 did not need a hospitalization, but the need and rate of caregivers’ hospitalization was relatively constant. The monitoring revealed that the management of confirmed Covid-19 cases was a particular difficulty for state care providers.

- *“We were waiting for days to be hospitalized in November. There were no benefits for us. We were calling the hotline and begging for a timely response. The state care agency did not respond to us at all. Assistance was provided through the goodwill of specific individuals in the Ministry. However, we wrote authorities before that the caregivers should have been given a priority in case of need. However, in reality, it did not happen”, said a representative of the service provider organisation.*

Monitoring of state care facilities showed that once one individual was Covid-19 positive, then almost all children and caregivers were infected. This once again confirms the tremendous risk posed by the pandemic in these institutions and requires exceptional support from the state. Cases of reinfection of children have also been reported in some facilities.¹⁸³ Also, the condition of 12 children worsened during the first wave of the pandemic.¹⁸⁴ In one case, a child was transferred to a hotel, and according to the child, it was quite a difficult experience.¹⁸⁵

In the management process of the Covid-19 pandemic, the challenges related to the infrastructure and insufficient space were also identified. In particular, if several children became infected, it was impossible to isolate them since facilities were overcrowded.¹⁸⁶

An important challenge in state care facilities was Covid-19 testing, which is directly related to the protection of children’s right to health. Testing was only possible in limited numbers and locations at the initial stage, which prevented the timely detection of people carrying the virus. During the

¹⁸¹ The Ministry of IDPs from the Occupied Territories, Labor, Health and Social Affairs of Georgia June 18, 2021, Letter # 01/8868.

¹⁸² Ibid.

¹⁸³ In-depth interviews with representatives of service providers.

¹⁸⁴ Small family group home - 3 children, boarding school for children with disabilities - 9 children.

¹⁸⁵ Big Residential institution under the Georgian Orthodox Church.

¹⁸⁶ In-depth interviews with a representative of the service provider organisation.

second wave of the pandemic, a laboratory network was mobilized, and testing was available at more than 250 laboratories and primary healthcare centers.¹⁸⁷ Along with the expansion of testing, the new criteria to the list of persons who should be given priority in testing was defined. The priority was given to the following categories of individuals in small family-group homes, foster care, boarding-schools with a license: A) Beneficiaries and personnel; B) Children before being placed in the service; C) beneficiaries temporarily withdrawn from the service, upon return; D) Beneficiaries withdrawn from the service at the time of withdrawal and return¹⁸⁸. This rule is in force from October 2020.¹⁸⁹ The planned testing of the abovementioned individuals is carried out once every 14 days was also determined.¹⁹⁰

Representatives of all the institutions participating in the study noted that these changes were significant for them and help prevent the spread of the virus. However, difficulties have been identified in some cases related to the timely enforcement of the decision in practice.

- *“ Under the regulation, a child and employee in 24-hour care must undergo testing once every two weeks and when a child returns after temporarily being in the biological family. However, it is not done, named reason is that the program does not enable it, then the rapid test is offered, which often is not accurate, ” – a representative of the service provider organisation.*

*One service provider organisation also outlined problems related to planned testing, which only two months after the entry into force of the regulation, as a result of the intervention of the Ministry, was able to provide testing of its employees and beneficiaries.*¹⁹¹ Shelters for children living and/or working in the street also faced challenges regarding obligatory testing. Here, part of the regulation- obligatory testing of children before admitting her/him to the institution is not implemented. In particular, police officers are bringing children who have not been tested, directly to shelters at night.¹⁹²

Vaccination is of particular importance for preventing the spread of the virus. It should be noted that in a situation when the country did not have enough vaccines, particularly until the second half of July 2021, despite of the state care workers being at high risk of spreading the virus, and despite an official appeal to the Ministry of IDPs from the Occupied Territories, Labor, Health and Social Affairs of Georgia employees of state care institutions were not included in the vaccination priority plan.¹⁹³

- *“We are not a priority in vaccination. This is bad. We are a massive risk group, and the whole system is disturbed, you have to adjust to the abnormal situation, human resources*

¹⁸⁷ The Ministry of IDPs from the Occupied Territories, Labor, Health and Social Affairs of Georgia June 18, 2021; Letter # 01/8868.

¹⁸⁸ The Regulation “On the List and Procedure for Making Coronavirus (SARS-COV-2) Infection (COVID-19) Mandatory Testing and the Rules of Conduct” was amended by the Decree of the Government of Georgia N975 of June 15, 2020, by the Decree of the Government of Georgia N1423 of August 5, 2020.

¹⁸⁹ Amendment to the Ordinance N975 of the Government of Georgia of June 15, 2020 (Ordinance N1938 of the Government of Georgia of October 6, 2020).

¹⁹⁰ LEPL Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking, June 11, 2021; Letter # 07/4951.

¹⁹¹ In-depth interviews with a representative of the service provider organisation.

¹⁹² In-depth interviews with a representative of the service provider organisation.

¹⁹³ In-depth interviews with a representative of the service provider organisation.

are also a problem, if the caregiver is infected, no one stays with the children, we will collapse” - the representative of the service provider organisation.

In order to protect children living and/or working in the streets and prevent the possible spread of Covid-19, a quarantine area was opened. Children in state care, who were out of service had contacts with infected individuals or their contacts were not identified, were placed in quarantine.¹⁹⁴ In particular, such space was opened in Tbilisi for one month. Mobile groups working within the sub-program for providing shelter for homeless children were on duty in the quarantine area.¹⁹⁵ The quarantine space served 18 children.¹⁹⁶ Notably, the quarantine space did not envision children’s individual needs, and as a result, the psycho-emotional state of children deteriorated. Consequently, the state care institutions indicate that they should have the space where the child can be accommodated separately in case of such need, and the environment will be less stressful for a child. It is also notable, that the quarantine space for children was managed in the same way as spaces for adults, and consequently, the needs of children were neglected.¹⁹⁷ There have also been cases where children have been placed in quarantine solely for violating the curfew.¹⁹⁸ The quarantine area had very negative impact on children’s following rights: right to health (article 24), right to liberty (37b), non-discrimination (article 2), best interests of children (article 3), respect for the views of the child (article 12), child’s right to freedom of expression (article 13), access to appropriate information (article 17), right to protection from all forms of violence (article 19).

1.4.1. Mental health and behavioral difficulties

In addition to protecting children from the virus and ensuring their physical health, mental health and complex behavior management have become particularly crucial during the pandemic. Constant isolation and suspension of social contacts made it difficult to manage children’s behavior, and destructive behavior became common. Children with prior mental health problems before the pandemic, faced heightened challenges. This issue had to be anticipated in advance and required the timely intervention of the relevant state agencies. However, the assessment revealed that this was also entrusted entirely to the service provider organisations and institutions. No adequate support was provided from the state. The Ministry of IDPs from the Occupied Territories, Labor, Health, and Social Affairs has developed a set of guidelines and protocols “Mental health and COVID-19 pandemic: guideline for clinic practice”.¹⁹⁹ The protocol includes state standards for the safe management of psychiatric inpatient and outpatient services during COVID-19. However, this could not be considered an effective measure to support children in the state care, as it was only focused on managing the virus while providing services to people with mental health problems. The state needed to take practical steps in this regard. As to the Office of Resource Of-

¹⁹⁴ The Ministry of IDPs from the Occupied Territories, Labor, Health and Social Affairs of Georgia, June 18, 2021; Letter # 01/8868.

¹⁹⁵ In particular, such a space was opened in Tbilisi. Mobile groups working within the sub-program for providing shelter for homeless children were on duty in the quarantine area.

¹⁹⁶ Letter from the State Care Agency dated February 08, 2021 № 07/842.

¹⁹⁷ In-depth interviews with a representative of the service provider organisation.

¹⁹⁸ In-depth interviews with a representative of the service provider organisation.

¹⁹⁹ Mental Health and COVID-19, Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia, <https://bit.ly/3gUknNZ>

ficers' for educational institutions, which provides psycho-emotional support to children, the dire psychological conditions in which children found themselves was apparent. According to their representative, anxiety and fear have increased among children.²⁰⁰

A significant problem was identified in the mental health management approach. In particular, most of the time when a child has a diagnosis related to mental health, while virtually a psychologist cannot intervene and work therapeutically with him/her, placing a child in a psychiatric facility for two weeks and giving medication is considered as a mental health management strategy.²⁰¹

Children's mental health and behavioral difficulties were discussed at all institutions where the assessment was conducted. In institutions which have yards and appropriate infrastructure, caregivers were relatively able to manage children's behavior using outdoor activities. However, more difficult situation was in those small family-group homes and shelters, where there was no similar infrastructure. Because of this, the rate of children escaping from institutions has increased, especially in the case of shelters for children living and/or working in the streets.²⁰²

- *"The yard was the only space where they walked. Children who had previously attempted to escape facilities developed new behaviors. The objective reason for this was that there was no yard, no school, and no friends. There were occurrences of throwing away their clothes, demolition of wardrobes. Conflicts and physical confrontations between children were frequent. When the children went to sleep at night, another child was staying awake and watching for them not to become a subject of violence from older children"- A representative of the service provider organisation.*

Unfortunately, there were cases when the institution had a yard but did not use it, and children were locked in their rooms all day. A similar case was reported concerning boarding school for children with disabilities, where most of the children before the pandemic had behavioral difficulties and additional restrictions intensified this. According to the representative of the service provider organisation, children are tied to the wheelchair all day, and only during the eating process is when someone comes to them. Therefore it is easy to explain the aggravated behavioural challenges. According to the boarding school representatives for children with disabilities, the rate of transferring children to psychiatric institutions has increased and also, the number of conflicts between children. Aggravation of children's behavior was also observed in one of the shelters for children living and/or working in the streets and family group homes. Moreover, behavioral challenges have been identified amongst children who have not had similar challenges before.

- *"The lockdown period was challenging. Children were irritated by these restrictions. In the beginning, everything went well, but towards the end, the situation worsened. Children could no longer be in a locked state. One girl's mental wellbeing especially deteriorated. She expressed physical aggression, hit her hands on the wall, and tried to abuse other children. We needed to spend more energy on managing the situation. When the lockdown measures were removed, we could not bring children back home. All the time, they wanted to be out with friends in parks and outdoors. Then it took much effort for us to bring them back», said a representative of the service provider organisation.*

²⁰⁰ In-depth interview with a representative of the Office of Resource Officers' for educational institutions.

²⁰¹ In-depth interviews with a representative of the service provider organisation.

²⁰² In-depth interviews with a representative of the service provider organisation.

Massive lockdown measures, the transition to the distance learning, and the exclusion of children from social activities have created an additional problem in their reliance on gadgets. In addition to increased risks of internet bullying and violence, this has affected children's physical and mental health. During the monitoring, pupils of Boarding School spoke about health problems, including the complication of various vision conditions. Also, according to the pupils of the same boarding school, their dependence on computer games has significantly increased, which has caused sleep problems.²⁰³ A representative of the service provider organisation also spoke about the two cases of internet addiction, which made it necessary for them to enroll children in the therapeutic program.²⁰⁴

1.5. Covid-19 and planning of free time, the right to play and leisure

Preventive measures taken in the early stages of the pandemic, which completely cut off children living in the state-care from the community and friends, barred children from leaving the facility to prevent the virus from spreading easily in a closed facility. Therefore, it increased the need to plan their free time to balance time for their play and leisure.

One of the problems with planning free time, play, and leisure was the lack of outdoor infrastructure and/or inadequate planning. In such institutions, children could not engage in physical activities, which would help them cope with the difficulties in face of the new reality. Part of the institutions decided to pay special attention to the solution.

The case of one of the service provider's approaches should be evaluated positively. In this case, even during the lockdown, they tried to take children out of the city, into the nature, forest, where there was a safe environment. For this, they used their transportation. Outdoor activities were also actively used in the case of another service provider organisation. Their establishment set up camps, although this activity is seasonal. Also, unlike many institutions, they had a diverse list of activities in one small family group home. In particular, at home they always celebrated birthdays, listened to music, watched movies, had materials for drawing and handcraft, board games, and puzzles.

Stringent regulations were identified in the small family-group home located in Kakheti region. Children said they were banned entirely from going out until March 2021 and can only go out for 2 hours after March. This ban is particularly problematic because the house does not have an outdoor infrastructure that would make it easier for children to deal with the situation caused by the pandemic. Similar strict bans were introduced in other small family-group home located in the same region. Children said they had no contact even with the neighbors. They only went to school and shop. However, they were able to leave the facility once or twice a week before the pandemic.²⁰⁵

According to assessment results, the main entertainment for children since the beginning of the pandemic is a computer or a telephone. This problem was especially evident in two particular small family group homes located in Kakheti region.

- *"We became more and more addicted to computers. We have no other activities. We*

²⁰³ Focus group meeting with children in state care;

²⁰⁴ In-depth interviews with a representative of the service provider organisation;

²⁰⁵ Meeting with children in state care;

were totally locked after the pandemic outburst. Also, we do not have any means of entertainment - ball, badminton, etc.”- A child in a state care.

- *“We entertain ourselves with the Internet. Lately, we are going out in the evening, and it was not permitted before. Sometimes, during the summer, we are playing and splashing each other with water once a week now.” - A child in a state care.*
- *“Mostly we are entertained by phone and computer. Sometimes we can even play board games”- A child in a state care.*
- *“It affected the little ones more, who do not have internet to have fun. We do not have many friends, neither in the neighborhood nor at school. Our main entertainment is the internet. Sometimes we play in the yard, we have a ball and a hammock ”- A child in a state care.*

The problem in some institutions is the lack of entertainment items. Residents of one of the small family-type group homes say that they have nothing in the yard, they want to have a tennis table, badminton or a ball. They said the ball was damaged 2020 and they have not had it since.

1.6. Covid-19 and maintaining family relationships

Under the massive lockdown announcement in March 2020, when residential facilities faced restrictions, intercity travel was banned, and public transportation was suspended, maintaining contact with the families of children in a state care was threatened. At the initial stage of the pandemic, the State Care Agency halted enabling children to visit parents who were officially authorized to do so. Also, in the reality of introduced restrictions, parents were not allowed on the institutions' territory. Therefore, among other things, the restrictions imposed during the Covid-19 pandemic has put under risk children's right to maintain family relationship. While, according to recommendations, children in alternative care need to maintain access to services that can help solve these problems.²⁰⁶

Restriction that affected family relations has aggravated challenging situation of children. Most of them have experienced changes in their behaviour:

- *“I could not see my friends. I felt truly alone. I could not see my mother either, I felt bad”- A child in state care.*

Due to the abovementioned problem, some institutions started to consider cases individually in order to meet children's needs. For example, one service provider organisation allowed parents on the institution's territory, and children were allowed to interact with them using a mask and social distancing. However, a similar approach has not been observed in all institutions. Part of them was actively using means of telecommunications. For example, in the case of one service provider organisation, children actively used a telephone specifically designated for their daily contact with their parents.

The situation changed at the next stage when the restrictions were revoked. Today, children contact their parents and relatives in most cases and temporarily go to their biological families with

²⁰⁶ The impact of COVID-19 on children and young people, The Children's Society Georgia, <https://bit.ly/3qrK5fN>

official permission. However, a different situation was observed in one small family group home, where children have not seen their parents since the beginning of the pandemic, including the period of when the representatives of the Ombudsman visited the institution, and have only been contacting them by the telephone.

1.7. Main Findings

- ◆ State care institutions have not made any changes in internal regulations, including regulations regarding operation during the time of the crisis caused by the pandemic
- ◆ Crisis management regulations and recommendations on protecting children's right to health in state care were too broad, vague for service providers, and not tailored to the particular types of services (small family houses, large residential facilities, shelters, social housing). Also, there was a delay in the process of dissemination of those regulations to the institutions
- ◆ In order to enforce the regulations developed for the effective management of Covid-19, the state did not provide material support to service providers, and their assistance was limited to a singular provision of disinfection/protective items
- ◆ In the early stages of the pandemic, state care facilities had problems related to free movement, supply of medication, and food
- ◆ The pandemic turned out to be a heavy financial burden for the institutions, and it became necessary for them to independently seek various funds, because the assistance provided by the state was not sufficient
- ◆ Not all institutions followed the rules imposed by the state explicitly. On the other hand, some institutions followed stringent rules, which lead to the complete isolation of children. In both cases, the best interests of the child were not taken into account
- ◆ In institutions where confirmed cases of the virus have been reported, mostly, it transmitted to all children and staff. Also, after testing positive for Covid-19, in the event of such need, it was challenging to hospitalize employees of the state care institutions;
- ◆ Employees and children of the state care institutions are subject to mandatory testing once every two weeks. However, there were some difficulties with the timely testing, which varied according to the region. Additionally, employees of state care institutions were not included in the priority list of persons in the vaccination process. This threatened the physical, as well as mental health of children
- ◆ The quarantine area for children living and working on the streets, which functioned in Tbilisi, has failed to achieve its purpose. The center was not focused on the individual needs of children
- ◆ Given the challenges related to outdoor infrastructure and insufficient planning of social activities, the psycho-emotional state of children aggravated. In some cases, children became more addicted to the internet, and in some cases even required therapeutic

services. Additionally, challenges related to self-harming practices, destructive behavior of children and peer-to-peer violence intensified

- ◆ The state has not developed specific approaches to raise awareness of children about the Covid-19 pandemic, so institutions had to deal with this issue relying on their own resources. The issue of disseminating information in a child-friendly manner was particularly problematic
- ◆ The universal lockdown measures have put children's access to vital services at risk. The closure of daycare centers and free canteens made the provision of food for target groups nearly impossible
- ◆ Children's right to maintain family relationship was threatened
- ◆ The involvement of the social worker in the assessment of the situation regarding children's rights in the state care during the lockdown measures was quite low. Therefore, possible violations of children's rights and the identification of specific needs of children was left beyond the close attention of social workers. Additionally, during the outburst of the pandemic, some institutions did not have a social worker at all, when their role was of vital importance in the cases of provision of services to children working and/or living in the street, also social-housing facility.

RECOMMENDATIONS

To Georgian Government:

- ◆ Train child service providers on how to provide services online
- ◆ Develop a strategy of communication with children, which in a child-friendly and age appropriate manner, also based on the specific needs of a child, will focus on informing children on a global pandemic and on ensuring their meaningful involvement in the decision-making process. Also, ensure that the strategy of communication with children is accessible in languages of ethnic minorities and for different groups of children
- ◆ Work closely with relevant agencies and actors to establish an institutional mechanism for crisis management, which will assess the potential impact of any decision or action on the children's rights using the child rights impact assessment tools
- ◆ Ensure the establishment of a mechanism at all levels of government that will include the meaningful participation of children while making relevant decisions in times of crises.

To Ministry of IDPs from the Occupied Territories of Georgia, Labor, Health and Social Affairs:

- ◆ In the case of drafting/issuing recommendations and standards created for the pandemic management, the specifics and particular needs of facilities should be taken into account. Namely, the characteristics and needs of large facilities, small family group homes, and shelters for children living and/or working in the streets and the needs of various groups of children should be considered
- ◆ Employees of state care institutions should be included in the priority list of vaccination.

To Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking:

- ◆ Establish a multidisciplinary team composed of professionals, which will be directly responsible for the professional and informational support of state care institutions in the context of the global pandemic or in situations of crises
- ◆ In view of increased risks of child's rights violations during Covid-19, the number of psychologists in state care agencies should increase and they should be trained if needed to efficiently provide services remotely
- ◆ In order to ensure access to online psychosocial rehabilitation services during the Pandemic, state care institutions should be fully provided with an uninterrupted internet and relevant equipment. Also, in view of Covid-19 Pandemic, in situations of children having to be isolated at institutions, appropriate financial funds should be allocated in order to arrange outdoor infrastructure of state care institutions and provide resources needed for children's social activities;
- ◆ Only in case of an extreme necessity, social workers should be restricted to visit institutions. In any other case, Social Workers should visit children's residential places and have frequent direct communication with children living in the state care.

ANNEXES

ANNEX 1 VISITS AND MEETINGS WITHIN THE SCOPE OF THE REASEARCH

Visited Public schools and boarding schools:

- ◆ Boarding school in the village of Shatili, Dusheti Municipality
- ◆ Boarding school in the village of Barisakho, Dusheti Municipality
- ◆ Magroskari boarding school, Dusheti municipality
- ◆ Akhaltsikhe N7 public boarding school
- ◆ Kutaisi N45 public boarding school
- ◆ Chiatura N12 public boarding school
- ◆ Samtredia №15 public boarding school
- ◆ Tbilisi Public School N198
- ◆ Tbilisi Public School N200
- ◆ Tbilisi Public School N202
- ◆ Tbilisi Public School N203
- ◆ Gori N5 public school
- ◆ Public school N2 in the village of Salibauri, Khelvachauri Municipality
- ◆ Tsalka N1 public school
- ◆ Trialeti Public School, Tsalka Municipality
- ◆ Marneuli N5 public school
- ◆ Amrakh Aslanov Public School N 1 in the village of Tazakendi, Marneuli Municipality.

Social housing:

- ◆ Orkhevi social housing in Tbilisi.

Shelter for Mothers and children:

- ◆ Shelter for mothers and children of the NGO "Biliki"

Visited Shelters for victims of violence:

- ◆ Shelter in Tbilisi
- ◆ Shelter in Gori

- ◆ Shelter in Signagi
- ◆ Shelter in Batumi
- ◆ Shelter in Kutaisi

All 6 Shelters and 6 daycare centers for children living and/or working in the street.

Most of the Small family-type group homes were visited as part of the study

Licensed large-scale establishments visited as part of the study:

As part of the study, a visit was paid to all licensed large residential facilities, except for the Ninots-minda St. Nino Boarding School.

Meetings with representatives of state agencies:

- ◆ The Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking
- ◆ Ministry of Internal Affairs of Georgia
- ◆ Prosecutor's Office of Georgia
- ◆ LEPL Office of Resource Officers of Educational Institutions to public general educational institutions

Meetings with representatives of service providers:

- ◆ Association «SOS Children's Village of Georgia»
- ◆ Charitable Foundation "Caritas Georgia"
- ◆ Society "Biliki"
- ◆ Children of Georgia
- ◆ Child and Environment
- ◆ Divine Child Foundation of Georgia

