



Georgia's deinstitutionalisation of state childcare must ensure quality alternatives which put children first

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Abstract: The state is responsible for ensuring the wellbeing and rights of children placed in alternative care. Any misconduct by caregivers must be immediately identified and responded to promptly and appropriately. It is crucial that children have a voice in decision-making.

Every child has the right to grow up in their [own family](#) and if this is impossible or against their best interests, the state must provide them with a child-centred family-

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like environment. The policy of deinstitutionalisation [strives to ensure](#) that every child experiences upbringing within a family or a family-like setting. This involves the closure of large childcare institutions, the prevention of child abandonment and the facilitation of family reunification. It also emphasises the availability of alternative forms of childcare, such as foster care, adoption and daycare homes.

Georgia has voted in favour of the UN General Assembly [resolution](#) on the Rights of the Child which was adopted in December 2019 and which reiterates the state's responsibility to end the institutional care of children and to provide high-quality, family and community-based alternative care for children.

History of institutional care in Georgia

After Georgia gained independence, the country inherited a Soviet-style system of residential institutions to provide care for children without parental support. However, as globalisation and economic development progressed, the need for deinstitutionalisation (DI) reform in the Georgian children's welfare system became evident. From 2003 to 2014, Georgia successfully [decreased](#) the number of children residing in institutional care from 8,155 to 1,100; an impressive reduction of approximately 86 per cent. DI reform in Georgia can be understood as a [two-phase undertaking](#): in the late 1990s to early 2000s, the Georgian government adopted the National Plan of Action for Children 2003-2007 and subsequently, the Child Welfare Plan of Action 2008-2011. These plans expanded the reform's focus beyond DI and reduced the institutionalised child population to encompass the overall wellbeing and welfare of all children in the country. Moreover, 46 large orphanages that existed during the Soviet Union were [closed](#) in the first decade of the new millennium.

However, mere adoption of formal policies and analysis of associated statistics often fails to provide a complete understanding of the true extent of reform, the quality of policy implementation and its actual impact.

The church-run orphanage

In 2021, a significant [event](#) unfolded when an orphanage boarding school in Ninotsminda, which housed 56 children (eight of them with disabilities) and operated under the authority of the Georgian Orthodox Church, was closed. The situation reached a crisis point when the head of the boarding school denied access to representatives from the Public Defender's Office and the State Care Agency, who sought to assess the living conditions and wellbeing of the children residing there. This refusal raised concerns that the children might be subjected to various forms of violence, necessitating prompt action. Consequently, the Public Defender demanded an investigation into potential violations of the law. Multiple governmental and non-governmental organisations, including the State Care Agency, Ministry of Internal Affairs, NGOs, and the Patriarchate of Georgia, became actively involved in the process. [In response](#), social workers, psychologists, and

other professionals were swiftly dispatched to the boarding school, as mandated by the court, without engaging in effective negotiations with the school administration. The primary objective was to quickly relocate children to various forms of state care, including foster families and small family-type homes. However, the unexpected and sudden arrival of social workers and other professionals at the orphanage triggered hostility among both the staff and the children residing there. The conflict between the state and the Patriarchate, which attracted [media](#) and public attention, further complicated the situation. Despite the numerous challenges, including confusion, stress, the necessity of minimising trauma, and as a result of constant work, the State Care Agency finally was able to establish enough trust with some of the children to transfer them to different forms of state care. This process took around two to three weeks, without thorough assessments of suitability. Approximately 15 children refused to leave the boarding school and continue to reside there under the supervision of the State Care Agency. Some of the [key considerations](#) of alternative care were violated in the orphanage, namely, preparing the child for independent life, their integration with the outside world and socialisation. The institution did not ensure the children's health care nor their nutritional and educational needs. Neglect of minors' needs does not correspond with children's wellbeing and is another form of [violence](#). It was [revealed](#) that the facility's actions equated with years of torture and ill-treatment. Forms of punishment integrated into upbringing methods were degrading, humiliating and traumatic for the children. According to witnesses, physical violence and deprivation of sleep and food were used as a form of punishment. The systematic nature of violence against children was demonstrated in various occurrences, for instance, to punish children for refusing to eat, food was poured on their heads. In one case, the caregiver poured tea on the child's head and then forbade them to bathe. One of the children, who addressed the former head with obscene words, was placed in a psychiatric clinic. Another child explained that crying during the violent act was forbidden, which is why she still has the fear of crying and is unable to express emotion.

Shortcomings of measures taken

The Georgian Ministry of Internal Affairs acted immediately and investigations were launched into three criminal [cases](#) of alleged violence and one of alleged rape; nevertheless, nobody has been held accountable. The orphanage [dismissed](#) over two dozen staff. The State Care Agency provided for the children's transition, except for those who refused to move, to different forms of care within two to three weeks. The children who would not leave the institution are constantly monitored by the social workers. Considering that this case concerns systematic violence and ill-treatment against children, the ongoing investigation is ineffective. Unfortunately, the relatively short timeframe during which some of the children were transferred to new homes limited the opportunity to thoroughly assess the suitability of the new environments for each child and their voices were left unheard. Hence, the state

was unable to adequately safeguard the best interests of the children and involve them in the decision-making process, which violates [Article 12](#) of the UN Convention on the Rights of the Child. In such a tense situation, the children suffered the most and the state should have prioritised their wellbeing. The state failed in its primary obligation under international and national legislation to protect children placed in state care from all forms of violence and provide them with adequate living conditions. This failure was on several counts; the initial failure to prevent such conduct in the boarding school in the first place, then to promptly identify the violations and respond in a timely and effective manner. The aspects discussed indicate violation of [Article 3](#) (prohibition of torture and inhuman/degrading treatment) and [Article 8](#) (right to protection of private and family life) of the European Convention on Human Rights.

Looking ahead

The case discussed in this blog has once again emphasised the problems associated with large residential institutions which have such destructive outcomes on children. Ultimately, the Georgian government, in conjunction with local authorities, NGOs and civil society, is obligated to develop a detailed deinstitutionalisation action plan compliant with international standards. The action plan must be focused on the closure of large residential institutions and their replacement with foster care services in order to enhance and ensure quality alternative care services for children. The main aspiration of the action plan should be the redirection of resources into families in order to ensure that all children can receive the care they need.

While the issue concerns a vulnerable group such as children, any decision related to them should be not taken solely by the state but with the collaborative efforts of various stakeholders. The multi-level integrated approach should be directed towards strengthening families and keeping children in families rather than funding largescale care facilities. The development of specific recommendations from external actors, who can bring different perspectives and help guide preparation of the deinstitutionalisation plan, is a key factor in accordance with the best interests of children. Additionally, the successful experience of other countries should be considered. For instance, the Latvian government has managed to reform the childcare system and develop family and community-based care solutions, which has resulted in [two-thirds reduction](#) in the number of children in institutions over the past decade.