



GYLA Statement on the International Children's Day

June 1st is International Child Protection Day. This date reminds us once again of the need for the state to take measures that are in the child's best interests and serve to protect the children's right to life, health, education, development, and dignified life. The existence of complex and effective mechanisms to ensure the protection of their rights to a high standard is important for protecting children's rights.

The Impact of COVID 19 on Children's Rights

It has been more than a year since the Covid-19 pandemic began, but effective protection of children's rights remains problematic. Particularly noteworthy is child poverty; there are serious challenges to the right to education and child health and safety issues[1]. The risks of poor living standards and poverty have increased even more due to the socio-economic problems caused by the pandemic, which has particularly affected children living on the streets and the socially vulnerable[2].

Education

The pandemic has had a far-reaching impact on a child's right to education, with

schools in some 180 countries closing and/or switching to remote learning for some time^[3]. 1 billion children are at risk of being left without education^[4]. Also, lack of access to the Internet and computer devices has led to restrictions on children's access to education.

During the very first wave of COVID-19 in Georgia, remote learning was introduced, as well as the so-called TV-school program^[5] was developed on the Public Broadcaster. However, these measures did not completely replace the schools, as the majority of the country's population is in a difficult socio-economic situation and do not have the appropriate technical equipment and/or Internet access to enable them to participate in lessons.

The remote learning mode continues in part even now, and for some time, education in the country was continuing only in remote learning mode, in which case the lack of adequate technical support for families actually led to some children being left without the right to education. The Public Defender notes that during this period, the Ministry of Education did not develop a specific action plan, according to which the activities to be carried out by the state in the field of education would be outlined^[6].

Children with special educational needs and children with disabilities were particularly affected during the pandemic. Their curriculum that was tailored to the school format and individual needs did not perfectly meet the new challenges^[7]. Due to the failure to consider their individual educational needs, part of the children with disabilities found themselves outside the educational process^[8].

Violence Against Children

In pandemic conditions, the risks of violence against children are particularly high. Some services are provided remotely, making it difficult to identify child victims of violence and questioning the effectiveness of support programs or services^[9].

The state's work on sexual offences against children remains a significant challenge. Serious cases of sexual violence require the state to work actively to prevent similar crimes. In case a crime is committed, it is necessary for the relevant agencies to conduct a rapid, effective investigation and provide appropriate protection and assistance services to the victims of sexual violence^[10]. A vivid example case of systemic failure by the state is the death of a 14-year-old girl in Kobuleti^[11].

Children Who are Wards of the State

The complete replacement of large institutions with alternative forms of care remains the challenge. The problematic nature of these large institutions has become increasingly apparent in the face of pandemics. According to the Public Defender, the staff of the Non-entrepreneurial Legal Entity educational institution of St. Matthew the Apostle Foundation in Batumi has been transferred to a 10-day service mode. Contact with the children's family members was mostly done remotely. However, due to a large number of children, their access to electronic and computer facilities remains a problematic issue. At the same boarding school, as of February 2021, 58 minors and 20 employees were infected[12].

The situation in the NNLE Boarding School of St. Nino Orphanage for Orphaned, Abandoned and Homeless Children in Ninotsminda, Javakheti, of the Georgian Orthodox Church Patriarchate is especially worrying. There have been cases of obstruction of the activities of the Public Defender of Georgia for years, and the Ombudsmen's office has no opportunity to monitor the institution and study the rights of the children there[13]. The state has not yet complied with the UN Committee on the Rights of the Child's request for an interim measure regarding the possibility of carrying out an effective monitoring[14].

In view of all the above, it is necessary for the state to:

- In pandemic conditions, the state shall step up measures to protect the rights of children and develop appropriate support programs, including to assist street and homeless children, as well as to protect children from violence.
- The Ministry of Education and Science shall timely register children in need of equipment and internet and provide their technical support.
- The Ministry of Internal Affairs and the Prosecutor's Office shall ensure proper registration of all cases of sexual abuse of children, effective and timely investigation and training of investigators.
- The government shall develop a deinstitutionalization plan for large institutions in a timely manner.
- The government shall ensure unimpeded visit of the ombudsman's representatives

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



to the Ninotsminda Boarding School.

[1] UN Policy Brief: The Impact of COVID-19 on children. Available at: https://unsdg.un.org/sites/default/files/2020-04/160420_Covid_Children_Policy_Brief.pdf

[2] Report of the Public Defender on the Situation of Human Rights and Freedoms in Georgia, 2021, p. 357. Available at: <https://bit.ly/3uESNro>

[3] UN Policy Brief: The Impact of COVID-19 on children.

[4] UNICEF, Education and COVID-19, available at: <https://data.unicef.org/topic/education/covid-19/>

[5] First Channel | on-air of education A has started. Available at: <https://1tv.ge/news/pirveli-arkhi-ganatilebis-etershi-teleskola-daiwyo/> .

[6] Report of the Public Defender on the Situation of Human Rights and Freedoms in Georgia, 2021, p. 368.

[7] Ibid. pg. 377.

[8] Ibid., 387.

[9] Ibid., 352.

[10] Council of Europe Study on "Administration of Justice on Sexual Violence Crimes against Women in Georgia", 2020, p. 30. Available at: <https://rm.coe.int/-/1680a13605> .

[11] In a joint statement of non-governmental organizations, civil society organizations respond to the grave case of suicide of a 14-year-old teenager in Kobuleti, 2021. Available at: <https://bit.ly/3qnWD6e>

[12] Report of the Public Defender on the Situation of Human Rights and Freedoms in Georgia, 2021, p. 366.

[13] Ibid.

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



[14] The Coalition for Equality Responds to the Continued Violation of the Rights of the Child at Ninotsminda Children Boarding School. Available at: <http://equalitycoalition.ge/article/69> .