

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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GEORGIA: AUTHORITIES MUST ENSURE PROMPT AND EFFECTIVE INVESTIGATION INTO ALLEGATION OF ABUSE OF CHILDREN IN ORTHODOX CHURCH-RUN BOARDING SCHOOL

Amnesty International is concerned that the Georgian authorities are failing in their duty to ensure effective protection the children placed in alternative care at the Ninotsminda boarding school, in the mountainous region of Samtskhe-Javakheti.

Georgia's authorities must ensure safety of all the children in the Georgian Orthodox Church-run Ninotsminda boarding school amidst allegations of child abuse including sexual violence. All allegations must be thoroughly investigated in line with international standards safeguarding the best interests of the child. Pending the investigations, authorities should ensure immediate removal of either alleged perpetrators or the victims from the present environment.¹

Georgia has an international obligation to take all appropriate measures to protect children, including those in alternative care, from all forms of physical or mental violence, injury or abuse, maltreatment or exploitation and sexual abuse. Such protective measures include effective procedures for prevention and identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment.²

At the time of writing, more than 20 children remain in the boarding school, in contact with and in care of the alleged perpetrators,³ while several criminal investigations are ongoing into alleged cases of child abuse and sexual abuse of children. The exact number of children at the boarding school is disputed, as local human rights defenders report that several children reside there without official registration.⁴

Twenty-six children were moved from the boarding school to family-based care or their biological families, after Tbilisi City Court issued, on 5 June 2021, a temporary order for their removal citing risks of "significant harm" and "violations of the interests of children." The court noted that its order only applied to the children with disabilities and instructed the State Care Agency to refer to the court the cases of the remaining children to consider their removal from the institution.⁵ The State Care Agency, which is responsible for ensuring the protection of children in alternative care, is currently monitoring Ninotsminda boarding school and has not yet approached the court with the relevant request.

Following their removal from Ninotsminda boarding school, several children have come forward with allegations of having been subjected to systematic physical and psychological abuse, including insults, deprivation of food and sleep that lasted several days, and corporal punishment.⁶

Local human rights defenders told Amnesty International that children at the Ninotsminda boarding school remain at risk of abuse and under pressure from the school administration to prevent them from testifying in the ongoing investigations. At least two former boarding school students who have testified in the ongoing investigations have reported being threatened and evicted from church-run educational institutions.⁷

¹ Council of Europe, *Council of Europe Convention on the Protection of children against sexual exploitation and sexual abuse*, 12 July 2007, CETS No.: 201, Article 14. <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680084822>

² UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577. Article 19, <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

³ Caucasian Knot. *Bishop Abuladze resigns as director of orphan boarding school in Ninotsminda*. 15 June 2021, <https://www.eng.kavkaz-uzel.eu/articles/55831/>

⁴ AI interviews with representatives of NGOs Sapari and PHR representing the rights of children from Ninotsminda boarding school. 16 June, 2021

⁵ The City Court of Tbilisi, Case N 4704728-21. 05.06.2021 *Temporary measure*. Unofficial translation. Document on file.

⁶ AI interviews with representatives of NGOs Sapari and PHR representing the rights of children from Ninotsminda boarding school. 16 June, 2021. See as well JAMNews. *Court ruling allows 26 minors to leave Georgian Patriarchate's boarding school in Ninotsminda, Church officials promise to appeal*. 7 June.2021, <https://jam-news.net/26-minors-leave-patriarchates-boarding-school-in-ninotsminda/>

⁷ Public Defender of Georgia. *Public Defender's Statement on Former Beneficiary of Ninotsminda Orphanage*. 9 June 2021,

<https://ombudsman.ge/eng/akhali-ambebi/sakhalkho-damtsvelis-gantskhadeba-ninotsmindis-bavshvta-pansionis-qofil-aghsazrdeltan-dakavshirebit>

Furthermore, human rights defenders working on this issue and monitoring the rights of children, including the Georgian Public Defender herself, have also become targets of smear, threats and harassment campaigns from various pro-Georgian Orthodox Church groups.

Georgian authorities have been long aware of the reports of alleged abuse and ill-treatment in Ninotsminda boarding school but have failed to effectively monitor, identify, report, investigate and address them.⁸ Starting from 2015, the Georgian Public Defender's Office (PDO) has raised numerous concerns regarding the inadequate conditions for children in Ninotsminda boarding school as well as state's failure to track the enrolment of children in religious boarding schools and monitor their educational and living conditions there.⁹

Following PDO representatives' last visit in 2016, the Ninostminda boarding school administration has refused to allow the PDO any further visits to the premises. On 17 April 2021, following another refusal to grant access to the PDO monitoring team, the bishop in charge of the boarding school told the media that he would not allow "people who demand the legalization of same-sex marriages to be near children."¹⁰ Similarly, representatives of the State Care Agency have also been refused access during the June 2020-April 2021 period and thus prevented from inspecting the boarding school. Allegedly its visits were declined due to COVID-19 restrictions.

Concerns over the suspected abuse intensified as it was revealed, in June 2021, that there had been four ongoing criminal investigations into alleged violence against children, including sexual abuse, in the Ninotsminda boarding school starting from 2016.¹¹ According to the Ministry of Interior, these investigations have not yet being concluded. On 3 June 2021, the Ministry launched a fresh investigation into alleged abuses and ill-treatment of children after several young persons identifying themselves as former students of Ninotsminda boarding school also came forward in local media outlets, about having both witnessed and experienced ill-treatment at the boarding school. Their testimonies included being subjected to insults, beatings, denial of food and degrading forms of corporal punishment such as being blindfolded and forced to lie down and kneel.¹²

Starting in June 2021, Georgian authorities have deployed social workers on site to monitor the conditions, and work with the remaining children at the Ninotsminda boarding school. However, the PDO representatives continue to be denied the access, despite the Office's constitutional mandate which gives it the authority to visit such institutions. On 7 May 2021 the UN Committee on the Rights of the Child also issued an interim measure calling on the Georgian authorities "to ensure immediate access by the relevant state monitoring institutions in order to verify the conditions and treatment of children..."¹³

The ongoing concerns about the Georgian authorities' ability to ensure effective monitoring of the institution, promptly address ongoing reports of abuse, and conclude the investigations before the case garnered serious publicity, raise important concerns regarding the impartiality of the process and the willingness of Georgian authorities to hold the alleged perpetrators accountable. The recent declarations by senior politicians including the chairman of the ruling party that the government does not want to "to ruin the relationship with the Patriarchate" in relation to the case, also adds to these concerns.¹⁴

Amnesty International is calling the Georgian government to:

- ensure prompt and effective investigations into all allegations of ill-treatment and abuse and ensure that suspected perpetrators are brought to justice in line with international standards;

⁸ Public Defender of Georgia. *Public Defender's Statement on Ninotsminda Children's Boarding School*. 19 May, 2021.

<https://ombudsman.ge/eng/akhali-ambebi/sakhalkho-damtsvelis-gantskhadeba-ninotsmindis-bavshvta-pansiontan-dakavshirebit>

⁹ Public Defender of Georgia. *Monitoring of Child Care System – Effectiveness of Alternative Care Special report*. 2019. p. 39.

<https://www.ombudsman.ge/res/docs/2019051418581765162.pdf> see as well: Public Defender of Georgia. *Report of the Public Defender of Georgia Children's rights monitoring in boarding houses run by the Georgian Orthodox Church and the Muslim confession*.

<https://www.ombudsman.ge/res/docs/2019040514142996306.pdf>

¹⁰ JAMNews. *Court ruling allows 26 minors to leave Georgian Patriarchate's boarding school in Ninotsminda, Church officials promise to appeal*. 7 June.2021, <https://jam-news.net/26-minors-leave-patriachates-boarding-school-in-ninotsminda/>

¹¹ AI interviews with representatives of NGOs Sapari and PHR representing the rights of children from Ninotsminda boarding school. 16 June, 2021

¹² Radio Free Europe/ Radio Tavisupleba. News. *What was happening at the boarding school- the testimony of the former resident*, 3 June 20201.

Audio file available in Georgian: <https://www.radiotavisupleba.ge/a/31288606.html>

¹³ United Nations Office of the High Commissioner. Official Communisation. REF: G/SO CRC-IC GEO (4) B/mg 144/2021 7 May 2021.

<https://phr.ge/documents/UNCRC%20INTERIM%20MEASURE.pdf.pdf>

¹⁴ Radio Free Europe/ Radio Tavisupleba News. *Kobakhidze: I think it is clear that we do not want to spoil relations with the Patriarchate*.5 June 2021.

Available in Georgian: <https://www.radiotavisupleba.ge/a/31291104.html>

- provide protection and assistance including psychological assistance to all alleged child victims and witnesses of abuses;
- identify the exact number of children at the Ninotsminda Boarding school at present and at any point going forward, and investigate reports that children were enrolled and removed from the institution without appropriate reporting and notification to the responsible state agencies;
- in line with the Convention on the Rights of the Child, ensure that the best interest of the child is taken into account as a primary consideration in all decisions concerning children. Ensure the protection of every child's right to privacy and to a family environment, as well as their right to education and to physical and mental health, especially during the investigation process;
- ensure the protection of witnesses, including children, and ensure that all allegations of threats and harassment against witnesses are effectively investigated;
- implement the UN Committee's interim measure and ensure that PDO staff are given access to the Ninotsminda boarding school;
- investigate and effectively address the reports of harassment and threats against the Georgian Public Defender and local human rights defenders working on the case; and
- ensure a safe and enabling environment in which it is possible to defend and promote human rights without fear of punishment, reprisal or intimidation.

BACKGROUND

Ninotsminda is a boarding school run by the Georgian Orthodox Church located in a rural area in the mountainous region of Samtskhe-Javakheti. The orphanage is one of three such facilities in the country run by the Church. It was opened in 2015 and housed some 57 children before some were removed, including some with disabilities.

Previous incidents of violence, including assaults perpetrated by the Orthodox clergy and radical Orthodox Christian groups against peaceful demonstrators during 2012 and 2013 International Day Against Homophobia, Transphobia and Biphobia (IDAHOTB) events remain without effective investigation, reinforcing a dangerous trend of impunity in the name of the religion.¹⁵

¹⁵ Amnesty International. "Georgia: First LGBTI Pride in the South Caucasus test for the authorities." 21 June 2019, <https://www.amnesty.org/en/latest/news/2019/06/georgia-first-lgbti-pride-in-the-south-caucasus-test-for-the-authorities/>
See as well: European Court of Human Rights (ECtHR). *Identoba and others v. Georgia*. (Application no. 73235/12) JUDGMENT. 12 May 2015.