



# **Monitoring of the implementation of the Government's Human Rights Action Plan**

**Goal 4.2**

## **Goal 4.2. Ensuring protection of the rights of accused persons/convicted defendants of the special categories in the penitentiary and probationary systems**

**The progress of the implementation of the Goal:** 65.6%

The Action Plan determines rather narrow scopes for the category of (vulnerable) prisoners with special needs. This factor is a significant shortcoming of the Action Plan. It does not imply representatives of ethnic or religious minorities or LGBTI+ community, or in general, those individuals who in the Georgian prisons are subjected to everyday bullying and discrimination against the background of the criminal underworld and informal rule becoming stronger.

We believe it to be imperative that, in future, when working on the issues of prisoners with special needs and vulnerable prisoners, the penitentiary authorities took into account the situation of those considered to be the “low-level” in the context of the criminal underworld and elaborate a specific strategy to eradicate or neutralise this problem. This would be a significant step towards the prevention of ill-treatment as well.

Determining activity C 2.1[1] in the Strategy on the Development of the Penitentiary and Crime Prevention Systems and Action Plan for 2019–2020 (approved by the Minister of Justice of Georgia) can be considered as the first step in this direction. This activity implies the improvement of the mechanism against inter-prisoner violence. However, to ensure the appropriate implementation of this activity as well as draft legislative amendments concerning crime/organised crime committed in penitentiary establishments (activity C2.3), it is necessary to conduct in-depth research on the root causes of such crimes and inter-prisoner violence in general in the first place and to implement effective measures for their eradication. This is not determined in any action plans.

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[1] Order no. 385 of the Minister of Justice of Georgia of 22 February 2019 on Approving the Strategy on the Development of the Penitentiary and Crime Prevention Systems and Action Plan for 2019–2020.

### **Objective 4.2.1. Awareness raising of staff of penitentiary and probationary systems concerning peculiarities of approach towards convicted defendants with special necessities, equality and tolerance**

**The progress of the implementation of the Objective:** 76.25%

Indicator: Newly elaborated and/or renovated programmes/training are appropriate to existing necessities and international standards

Increasing percentage indicator of retrained staff

Assessment:

In the reporting period, with the active support of the EU-funded Penitentiary and Probation Support Project (EU4Justice), the modern methodology of teaching was updated and implemented for psychologists and social workers of the penitentiary system; ToTs were also conducted (see objective

4.3.1). The study programmes include topics such as gender equality, communication with vulnerable offenders, etc.

Again, with the support of the EU4Justice, each officer of the probation system and regime officers (as well as members of multidisciplinary groups) of penitentiary establishments nos. 2, 5, 8, 16, and 17 were retrained on the updated methodology of risk and needs assessment.

Regrettably, the progress is hampered to a certain degree by the problem of the high staff turnover rate and in general, the lack of personnel working on psychosocial rehabilitation in the penitentiary system. In conditions of the adequate management of human resources and stability, updated study programmes and regular training sessions will be an effective means for achieving the sought outcomes. In this regard, it will be important to carry out effectively activity G2.2 – determined by the Strategy on the Development of the Penitentiary and Crime Prevention Systems and Action Plan for 2019–2020 approved by the Minister of Justice of Georgia in 2019 – developing the strategy aimed at recruiting, maintaining and engaging/motivating of personnel.[\[1\]](#)

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[\[1\]](#) According to the Strategy on the Development of the Penitentiary and Crime Prevention Systems and Action Plan for 2019–2020, by December 2019, a new system of recruiting employees must be already operational.

## Activity 4.2.1.1. Reviewing educational programmes and updating in case of need

<b>Responsible agency:</b>	
• Ministry of Corrections of Georgia	
<b>Indicator:</b>	
Newly elaborated and/or renovated programmes/trainings are appropriate to existing necessities and international standards increasing percentage indicator of retrained staff	
<b>Status:</b> Fully completed	<b>The progress of the implementation of the Activity:</b> 100%
<b>Start date:</b> 2018-01-01	<b>Deadline:</b> 2020-12-31

### Assessment

With the efforts of the EU-funded Penitentiary and Probation Support Project (EU4Justice), in the reporting period, the process of the revision and improvement of study programmes oriented towards human rights and management of vulnerable offenders continued. Both local and European experts were included in the process, which should guarantee the high quality of the revised programmes.

According to the Human Rights Secretariat's 2019 Monitoring Report on the Governmental Action Plan on Human Rights, in 2019, all existing curricula were reviewed/updated where necessary and a new

curriculum –named Peculiarities of Treatment of Persons with Disabilities and other Special Categories of Prisoners was developed. TOT was conducted and 31 employees were trained in total.[\[1\]](#)

We hope that the content of the revised programmes will be publicly accessible in future, which will enable us to carry out its in-depth analysis.

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[\[1\]](#) P. 44.

## Activity 4.2.1.2. Retraining staff of penitentiary system, who are in touch with accused persons/convicted defendants of the special categories

### Responsible agency:

- Ministry of Corrections of Georgia

### Indicator:

Newly elaborated and/or renovated programmes/trainings are appropriate to existing necessities and international standards  
increasing percentage indicator of retrained staff

**Status:** Mostly incompleted

**The progress of the implementation of the Activity:**  
50%

**Start date:** 2018-01-01

**Deadline:** 2020-12-31

## Assessment

According to the 2018 desk research on the Personnel of the Penitentiary System conducted by the NGO Rehabilitation Initiative for Vulnerable Groups, as of June 2018, 14 officials of the penitentiary system participated in a ToT on the specificity of working with PWDs and other prisoners of the special category; 60 officials were retrained on the specificity of working with PWDs and other prisoners of the special category.

With the support of the EU-funded Penitentiary and Probation Support Project (EU4Justice), in 2018 and the first half of 2019, senior managers of penitentiary establishments were retrained. The course, inter alia, included the rights of vulnerable groups.

There is no information available about the number of personnel retrained on these topics in the second half of 2018. This data indicates that the quality of fulfilment of this activity, considering the small number of retrained personnel is unsatisfactory.

According to the Human Rights Secretariat's 2019 Monitoring Report on the Governmental Action Plan on Human Rights, under the auspices of the LEPL National Agency for Crime Prevention, Execution of Non-Custodial Sentences, the National Agency of Probation and the Special Penitentiary Service, with

the support of the Embassy of the Kingdom of the Netherlands and in cooperation with the organisation Anti-Violence Network of Georgia, the following documents and programmes were developed:

- A questionnaire to identify physical, psychological, economic and sexual violence was developed to facilitate the rehabilitation and resocialisation of convicted women. 15 social workers and psychologists were trained on this topic;
- A Rehabilitation Program for Women Convicts has been set up to rehabilitate and empower women and to facilitate their reintegration into society after their release and to prevent possible violence against them. 15 social workers and psychologists were trained on this topic.

### **Activity 4.2.1.3. Updating and improving appropriate educational programmes in collaboration with international and local competent organisations/structures on the necessity of accused/convicted juveniles**

#### **Responsible agency:**

- Ministry of Corrections of Georgia

#### **Indicator:**

Newly elaborated and/or renovated programmes/trainings are appropriate to existing necessities and international standards  
increasing percentage indicator of retrained staff

**Status:** Fully completed

**The progress of the implementation of the Activity:**  
100%

**Start date:** 2018-01-01

**Deadline:** 2020-12-31

### **Assessment**

Within the framework of the monitoring of the Governmental Action Plan on Human Rights for 2016-2017, according to the information supplied by the PPTC in its letter no. MOC 9 17 00772750, dated 03 October /2017, in 2015, within a joint project of UNICEF and the centre, a specialised study course was developed, including Juvenile Justice, Psychology, and Methods of Interacting with the Juveniles. The specialised course (24 academic hours) included the following mandatory modules determined by Resolution no. 668 of the Government of Georgia of 30 December 2015 on Approving Specialising Standards for Persons Administering Juvenile Justice and Those Involved in this Process:

Juvenile Justice Code;

International standards of juvenile justice;

Psychological aspects of antisocial behaviour;

Child abuse and its impact on child development;

Interrogation/questioning of a child victim and a child witness

According to the same source, in 2015-2017, each staff member of the penitentiary and probation systems with official contacts with juvenile remand or convicted prisoners followed this programme.

According to the EU-funded Penitentiary and Probation Support Project (EU4Justice), with the project's support, in 2018, updating study courses for the penitentiary personnel continued.

According to the Human Rights Secretariat's 2019 Monitoring Report on the Governmental Action Plan on Human Rights, in November 2019, social workers and psychologists of penitentiary establishments, the Convicted Persons' Re-Socialisation and Rehabilitation Department were trained (9 employees). The module covers international justice standards, juvenile justice legislation in Georgia, an overview of general rules, goals and principles of the Juvenile Justice Code, antisocial behaviour and psychological aspects.<sup>[1]</sup>

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<sup>[1]</sup> Pp. 45-46.

### **Activity 4.2.1.4. Preparing/enhancing qualification of penitentiary system's staff working with juveniles concerning treating juveniles, their special necessities, age peculiarities**

**Responsible agency:**

- Ministry of Corrections of Georgia

**Indicator:**

Newly elaborated and/or renovated programmes/trainings are appropriate to existing necessities and international standards  
increasing percentage indicator of retrained staff

**Status:** Mostly incompleted

**The progress of the implementation of the Activity:**  
50%

**Start date:** 2018-01-01

**Deadline:** 2020-12-31

### **Assessment**

With the support of the EU-funded Penitentiary and Probation Support Project (EU4Justice), multidisciplinary groups of the penitentiary system, including those of establishment no. 11, were retrained on the updated methodology of risk and needs assessment.

There is no statistical data on retraining the personnel working with juveniles.

According to the Human Rights Secretariat's 2019 Monitoring Report on the Governmental Action Plan on Human Rights, in November 2019, 10 employees of the Special Penitentiary Service were trained in the training programme Specialisation in Juvenile Justice.<sup>[1]</sup>

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[1] Ibid., p. 46.

## Activity 4.2.1.5. Elaborating appropriate educational programmes and updating and improving existing programmes on gender equality and domestic violence issues in collaboration with international and local competent organisations/structures

### Responsible agency:

- Ministry of Corrections of Georgia

### Indicator:

Newly elaborated and/or renovated programmes/trainings are appropriate to existing necessities and international standards  
increasing percentage indicator of retrained staff

**Status:** Fully completed

**The progress of the implementation of the Activity:**  
100%

**Start date:** 2018-01-01

**Deadline:** 2020-12-31

## Assessment

Within the framework of the monitoring of the Governmental Action Plan on Human Rights for 2016-2017, according to the information supplied by the Penitentiary and Probation Training Centre (PPTC), in 2017 (letter no. MOC 1 17 00773148, dated 3 October 2017) in cooperation with contracted experts, the centre elaborated the first level and second level study courses for employees appointed for a probationary period to the special penitentiary service. The study courses, among other theoretical and practical issues, include human rights, gender equality and non-discrimination topics: fundamental human rights and freedoms; equality and tolerance; gender equality; prevention of violence, (inter alia, violence against women and domestic violence) and fighting discrimination; vulnerable groups, (inter alia, women), their rights and specificity of working with them; prevention of torture and other ill-treatment in the penitentiary system; effective communication; anger management; management of violent behaviour; etc.

Later, the ministry, through electronic communication, specified that these topics had always been integral to the study programmes designed for the training and retraining of penitentiary personnel.[1]

According to the Review of the Annual Implementation of the 2018 Budget of the Ministry of Justice of Georgia, in the reporting period, based on the needs assessment conducted by the PPTC with regard to study programmes by the end of 2017, the study activities were planned in 2018. Furthermore, working groups started developing new study programmes and updating the existing ones.[2]

[1] Institute for Democracy and Safe Development (IDSD), Monitoring of Governmental Action Plan on Human Rights, 2018, Chapter 4, assessment of the fulfilment of activity 4.6.6.1.

[2] Review of the Annual Implementation of the 2018 Budget of the Ministry of Justice of Georgia, February 2019.

### **Activity 4.2.1.6. Include the above-mentioned topics in all the main curriculum programs in the Training Centre**

<b>Responsible agency:</b>	
• Ministry of Corrections of Georgia	
<b>Indicator:</b>	
Newly elaborated and/or renovated programmes/trainings are appropriate to existing necessities and international standards increasing percentage indicator of retrained staff	
<b>Status:</b> Fully completed	<b>The progress of the implementation of the Activity:</b> 100%
<b>Start date:</b> 2018-01-01	<b>Deadline:</b> 2020-12-31

### **Assessment**

See the assessment of the fulfilment of activity 4.2.1.5.

### **Activity 4.2.1.7. Training staff of the penitentiary and probationary system on women's rights and gender equality issues in accordance with international standards and suggestions, as well as local legislation**

<b>Responsible agency:</b>	
• Ministry of Corrections of Georgia	
<b>Indicator:</b>	
Newly elaborated and/or renovated programmes/trainings are appropriate to existing necessities and international standards increasing percentage indicator of retrained staff	
<b>Status:</b> Fully completed	<b>The progress of the implementation of the Activity:</b> 100%



## Assessment

As mentioned in terms of the assessment of the fulfilment of activity 4.2.1.5, according to the then Ministry of Corrections and Probation, training sessions on the women's rights and gender equality are an integral part of the training and retraining study programmes of the personnel of the Special Penitentiary Service.

Apart from the above-mentioned, with the joint efforts of the EU-funded Penitentiary and Probation Support Project (EU4Justice), the UN Women and the NGO Anti-Violence Network of Georgia, the special tool to identify women as victims of violence was developed as well the rehabilitation programme tailored to women, incorporating in-depth activities with regard to female victims of violence. Personnel of the penitentiary and probation systems were also retrained within the framework of this initiative.

According to the information published on the website of the UN Women, "On 4-8 September 2018, the UN Women, jointly with the Ministry of Justice of Georgia, conducted a ToT for GPs employed in the penitentiary system aimed at enhancing their capacities in terms of the rehabilitation programme."

According to the Human Rights Secretariat's 2019 Monitoring Report on the Governmental Action Plan on Human Rights, escort officers employed in the penitentiary system undergo mandatory training, namely, an orientation course for escort officers. From January to October 2019, all escort officers (122 employees) appointed through the new competition procedure were retrained. The orientation course covers essential legal acts, skills improvements, stress management, effective communication and teamwork skills, and covers topics such as non-discrimination and the prevention of violence against women and domestic violence. Regarding the existing programs, it is noteworthy that, with the support of the National Violence Protection Network, a screening tool for identifying domestic violence and violence against women and a group motivation programme for women were developed for the penitentiary, crime prevention and probation systems.

- In December 2019, 15 employees of penitentiary, probation and crime prevention systems were trained as facilitators according to the women motivation programme;
- In 2017-2019, the programme Training on Violent Attitudes and Behaviour Change was developed in the penitentiary and probation systems. The goal of the program is to raise awareness and a sense of responsibility in those who abuse their partners; developing emotion and empathy for women who are victims of violence; modifying attitudes and beliefs about gender roles and resort to violence, and providing information on the concept of gender equality. Within the framework of the development of the programme, multi-sectoral workshops were held in 2019, in which psychologists and social workers of the re-socialisation-rehabilitation departments of the probation and penitentiary service actively participated (10-12 specialists);
- In 2019, with the support of the Bureau of International Narcotics and Law Enforcement Affairs (INL) of the US Embassy in Tbilisi, penitentiary, probation and crime prevention staff members went on a study visit to the United States, where they underwent training on sexual assault behaviour correction (10 participants);

In 2019, the National Probation Agency signed a memorandum with the Polish Foundation Human Doc. The memorandum envisages cooperation in providing psycho-social services to beneficiaries and/or their family members and their involvement in programmes and projects of the Foundation's partner organisations. In cooperation with the organisation, in 2019, a training session was conducted for representatives of various sectors "working with those who commit domestic violence and who cannot cope with aggression and cannot manage anger." Six employees of the National Agency for Crime Prevention and Probation participated in the training.[\[1\]](#)

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[1] The Monitoring Report on the Governmental Action Plan on Human Rights, 2019, p. 49.

### **Activity 4.2.1.8. Arranging meetings and trainings to raise awareness on the rights of cellmates and accused/convicted persons with disabilities**

**Responsible agency:**

- Ministry of Corrections of Georgia

**Indicator:**

Newly elaborated and/or renovated programmes/trainings are appropriate to existing necessities and international standards  
increasing percentage indicator of retrained staff

**Status:** Mostly incompleted

**The progress of the implementation of the Activity:**  
10%

**Start date:** 2018-01-01

**Deadline:** 2020-12-31

### **Assessment**

According to the Human Rights Secretariat's 2018 Monitoring Report, "2 meetings on the rights of persons with disabilities and other vulnerable groups were held and 16 convicts participated in them." [1]

According to the Human Rights Secretariat's 2019 Monitoring Report, the penitentiary system introduced psychosocial training on Stigma and Discrimination. The programme is conducted for convicted persons by social workers linked to penitentiary establishments. The training programme covers various vulnerable groups, including people with disabilities. In 2019, 62 convicts participated in the training programme Stigma and Discrimination.[2]

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[1] The Monitoring Report on the Governmental Action Plan on Human Rights, 2018, p. 49.

[2] The Monitoring Report on the Governmental Action Plan on Human Rights, 2019, p. 48.

### **Objective 4.2.2. Adapting living and other conditions in penitentiary establishments to accused persons/convicted defendants special**

## necessities

**The progress of the implementation of the Objective:** 50%

**Indicator:** Living conditions in penitentiary establishments are tailored to the special needs of the accused/convicted persons

**Assessment:**

The activities planned under this objective concerned the improvement of the living and material conditions of women and persons with disabilities placed in penitentiary establishments. In the reporting period, no considerable progress has been identified in this regard.

### Activity 4.2.2.1. Assessing and revealing special necessities of accused/convicted women

#### Responsible agency:

- Ministry of Corrections of Georgia

#### Indicator:

Living conditions in penitentiary establishments are tailored to the special needs of the accused/convicted persons

**Status:** Mostly completed

**The progress of the implementation of the Activity:**  
70%

**Start date:** 2018-01-01

**Deadline:** 2020-12-31

## Assessment

The joint 2018 report of the Public Defender and the Human Rights Centre on the Situation of Female and Juvenile Prisoners in Georgia discusses a number of problems faced by the female offenders placed in establishment no. 5.[\[1\]](#)

First, the practice of searching female prisoners remains problematic. In particular, upon admission to and leaving the establishment, female prisoners are still subjected to a full body search, including strip search, and required to squat even when they are menstruating. Due to this practice, prisoners refuse to leave the penitentiary establishment to receive medical care outside it or to attend court hearings.[\[2\]](#)

According to the same report, the method of strip search is also problematic. In particular, prisoners are required to take off their clothes at once and not in two-steps. This practice is against the established CPT standards.[\[3\]](#)

The report also discusses search practice involving a scanner. Despite the wording of the statute of establishment no. 5, the scanner is used together with strip search and not as an alternative means of examination.[\[4\]](#)

The special report also discusses material conditions female prisoners are faced with in establishment

no. 5: absence of hot water, ventilation related problems, lack of exercise area in some wings, etc.<sup>[5]</sup>

According to the 2018 report of the National Preventive Mechanism, the situation of the female prisoners placed in penitentiary establishment no. 2 is problematic, as they do not have access to specific services.<sup>[6]</sup>

According to the Human Rights Secretariat's 2019 Monitoring Report on the Governmental Action Plan on Human Rights, "in 2019, an assessment tool called the Initial Screening for Violence against Women and Domestic Violence was introduced at penitentiary establishment no. 5 for women. The tool was developed in cooperation with the National Network for Protection from Violence. The results obtained according to the evaluation process are score-based and the beneficiary is referred to the relevant service through special criteria."<sup>[7]</sup>

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<sup>[1]</sup> The Joint Report of the Public Defender of Georgia and the Human Rights Centre on the Situation of Female and Juvenile Prisoners in Georgia, 2018.

<sup>[2]</sup> Ibid., p. 23.

<sup>[3]</sup> Report to the Czech Government on the visit to the Czech Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 1 to 10 April 2014, published in 2015, available at:

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168069568c>.

<sup>[4]</sup> The Joint Report of the Public Defender of Georgia and the Human Rights Centre on the Situation of Female and Juvenile Prisoners in Georgia, 2018, p. 24.

<sup>[5]</sup> The Joint Report of the Public Defender of Georgia and the Human Rights Centre on the Situation of Female and Juvenile Prisoners in Georgia, 2018, pp. 26-28.

<sup>[6]</sup> The 2018 Report of the National Preventive Mechanism of the Public Defender of Georgia, 2019, p. 50.

<sup>[7]</sup> The Human Rights Secretariat's 2019 Monitoring Report on the Governmental Action Plan on Human Rights, p. 49.

## **Activity 4.2.2.2. Arranging appropriate infrastructure at compact placing locations by taking into account the needs of the persons with disabilities**

### **Responsible agency:**

- Ministry of Corrections of Georgia

### **Indicator:**

Living conditions in penitentiary establishments are tailored to the special needs of the

accused/convicted persons

**Status:** Mostly incomplete

**The progress of the implementation of the Activity:**  
30%

**Start date:** 2018-01-01

**Deadline:** 2020-12-31

## Assessment

The ministry has not supplied any information about the activities carried out in the reporting period for fulfilling this objective.

According to the information published on the website of the Special Penitentiary Service, there are two four-bed cells in establishment no. 12 that are adapted to the needs of PWDs.

According to the same source, in the non-reporting period, namely, in September 2019, the Minister of Justice handed the Special Penitentiary Service escort vehicles, one of them being adapted to the needs of PWDs.<sup>[1]</sup>

According to the Human Rights Secretariat's 2018 Monitoring Report on the Governmental Action Plan on Human Rights, "ramps and shower rooms adapted to people with disabilities were arranged in medical establishment no. 18; the cell of persons with disabilities was repaired in penitentiary establishment no. 6."<sup>[2]</sup>

According to the Human Rights Secretariat's 2019 Monitoring Report on the Governmental Action Plan on Human Rights "in 2019, 14 rooms for short visits have been repaired completely; community areas have been adapted to the disabled and appropriate ramps have been arranged in penitentiary establishment no. 2; two elevators were installed for the disabled in the penitentiary establishment no. 14."<sup>[3]</sup>

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<sup>[1]</sup> Available at:  
<http://sps.gov.ge/ka/media/akhali-ambebi/article/23395-thea-tsulukianma-eskortirebisa-da-specialur-gho-nisdziebatha-mthavar-sammarthvelos-akhali-specializebuli-avtomanqanebi-gadasca.html>.

<sup>[2]</sup> The Human Rights Secretariat's 2018 Monitoring Report on the Governmental Action Plan on Human Rights, pp. 49-50.

<sup>[3]</sup> The Human Rights Secretariat's 2019 Monitoring Report on the Governmental Action Plan on Human Rights, p. 49.

## Objective 4.2.3. Providing persons with disabilities with the respective services

**The progress of the implementation of the Objective:** 0%

**Indicator:** Number of psycho-rehabilitation programs adapted to persons with disabilities

In the case of demand, number of accused persons/ convicted defendants with disabilities

### Assessment:

Persons with disabilities remain the most vulnerable group in the penitentiary system. Despite the gravity of their situation, no considerable steps have been made over the years to tackle the existing problems. The system does not maintain any statistics regarding PWDs, the categories of disabilities and problems related; there is no needs assessment of PWDs. The care for persons with disabilities is confined to installing ramps in several penitentiary establishments and conducting various training sessions for the personnel.

## **Activity 4.2.3.1. Implanting habilitation/rehabilitation programmes tailored to the needs of the persons with disabilities through taking into account the rules existing in penitentiary establishments**

### **Responsible agency:**

- Ministry of Corrections of Georgia

### **Indicator:**

Number of psycho-rehabilitation programs adapted to persons with disabilities

In the case of demand, number of accused persons/ convicted defendants with disabilities

**Status:** Not implemented

**The progress of the implementation of the Activity:**  
0%

**Start date:** 2018-01-01

**Deadline:** 2020-12-31

## **Assessment**

The reports of the Public Defender and the CPT do not discuss habilitation/rehabilitation programmes tailored to the needs of persons with disabilities. Similarly, there is no information in the 2018 statistics report of the Special Penitentiary Service in this regard.