



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

## **Chapter 4**

## Chapter 4. Rights of accused persons, convicted defendants and former prisoners

**The progress of the implementation of the Chapter: 49%** (The chart indicates only the implementation progress of the action plan's specific chapter and not its compliance and relevance with its goals and activities)

### Main Findings

Similar to the Action Plan for 2016-17, again the following goals are the priorities of Chapter 4: protection of human rights in the penitentiary system in accordance with international standards and best practices (Goal 4.1), improvement of the legal status of vulnerable groups (Goal 4.2), promotion of resocialisation and rehabilitation of remand and convicted prisoners (Goal 4.3) and former offenders (Goal 4.4). Furthermore, the new Action Plan comprises the key component of introduction of human rights based approaches in the management of the penitentiary system (Goal 4.5).

By the end of 2018, the quality of fulfilment of the objectives sought and activities planned in terms of improving the legal status of prisoners is not quite satisfactory. The introduction of human rights based approaches in the management of the penitentiary system and developing the penitentiary system operating in compliance with international standards remain prospects for the future because of the following challenges: there is an informal prison rule based on the criminal underworld in the penitentiary system thus posing a serious challenge in terms of the security of prisoners and personnel, non-discrimination and realisation of the equality principles; and activities of resocialisation and rehabilitation still are not tailored to the actual needs of offenders.

In the reporting period, there were no legislative changes aimed at improving the legal status of prisoners. Similar to the previous years, overcrowding remains to be a challenge in penitentiary establishments. Apart from the problem regarding placing prisoners in penitentiary establishments over the statutory limits, the problem of providing each prisoner with a minimum living space of 4 m<sup>2</sup> remains problematic. This has been recommended by the CPT and the Public Defender of Georgia for years. In the 2018 report, the Public Defender still refers to the shortcomings of the parole mechanism. The solution of this problem is related to the prevention of overcrowding.

Numerous infrastructural improvements in penitentiary establishments, including closing down the buildings of penitentiary establishments nos. 7 and 12 notorious for their dire material conditions are commendable. These establishments were relocated to other buildings, which comply with established standards. In the reporting period, prisoners were provided with the appropriate furniture and items of personal hygiene in practically all establishments. Nevertheless, it should be pointed out that, according to the reports of the monitoring bodies, some penitentiary establishments still fail to comply with the duty of ensuring adequate material conditions.

In 2018, there were no considerable changes in terms of improving the provision of medical services to remand and convicted prisoners, including the management, accessibility and quality of mental and preventive healthcare services.

Based on the reports presented by the monitoring bodies, in general, accessibility of healthcare services is improved both within and outside penitentiary establishments. The positive trends in the management and accessibility of hepatitis C and tuberculosis programmes are maintained in terms of both prevention (screening) and therapeutic activities.

In the reporting period, the following issues remained to be challenging: anonymity/confidentiality of medical services; waiting period for consultation services and treatment; and low awareness among prisoners about preventive health care.

In 2018, there was an increase in the number of identified psychiatric and behavioural disorders. The

programmes existing in this regard are still unable to ensure facilitating and improving prisoners' mental health. In the reporting period, no strategic document on mental health care was elaborated or approved that would ensure consistent and strategic approaches to eradicate the existing challenges.

Due to the limited accessibility of information, it was impossible to assess the effectiveness of the suicide prevention programme. Despite the positive assessment of the content of the existing suicide prevention programmes/activities, it is difficult to identify its impact on the prisoners at risk of suicide.

No changes have been made to improve the substitution treatment programmes for substance-dependant prisoners. The existing services are insufficient and unable to provide psycho-rehabilitation services for prisoners.

In terms of improving the rights of vulnerable prisoners, there were no particular improvements in the reporting period. Firstly, it should be pointed out that the Action Plan itself is deficient in this regard, as it only mentions women, juveniles and persons with disabilities in the category of vulnerable prisoners. Therefore, there is no emphasis on important groups such as LGBTI+, religious and ethnic minorities, etc.

As regards persons with disabilities (PWDs), there is no considerable improvement in this regard, in the reporting period. The majority of penitentiary establishments are still not accommodated to the needs of persons with disabilities. The statistical reports of the Special Penitentiary Service provide no information about psychosocial programmes tailored to the needs of persons with disabilities.

In the reporting period, number of activities were implemented in terms of prisoners' resocialisation and rehabilitation. Unfortunately, the present programmes remain unable to respond to the existing needs and similar to the previous years, only a small part of prison population is involved in them.

A rather high number of remand and convicted prisoners receiving higher education is commendable. In this regard, the following activities are noteworthy: the concepts and study programmes developed – with the participation of experts of the EU-funded Penitentiary and Probation Support Project (EU4Justice) – in the fields of resocialisation and rehabilitation and modern methods of prison management and vocational retraining of senior and middle level officers, social workers and psychologists of the penitentiary system. In case of adequate implementation of these components and full use of the vocational potential of the retrained personnel, it will be possible to solve the serious problems in terms of resocialisation and rehabilitation in future years.

## **Goal 4.1. Protection of the rights of accused persons/convicted defendants in accordance with international standards and the best practice**

**The progress of the implementation of the Goal: 36.25%**

With a view to bringing the legal status of remand and convicted prisoners in compliance with international standards and best practices, it is planned:

- To improve the legislation and practice pertaining to human rights;
- To prevent overcrowding;
- To improve material, sanitary and hygienic conditions;
- To improve medical services.

The objectives set for achieving this goal are adequate in terms of implementing international standards and best practices in the penitentiary system of Georgia. However, as the quality of their implementation shows, the introduction of an appropriate system still requires considerable efforts. In particular, in the

reporting period, there were only insignificant improvements in terms of material, sanitary and hygienic conditions of penitentiary establishments; no considerable steps were made to identify the actual reasons of overcrowding and to eradicate them; and the legislative changes made were only superficial by nature and had no effect on the legal status of remand/convicted prisoners.

As regards the accessibility and quality of medical services, it is commendable that the positive trend in terms of management of infectious diseases and accessibility of respective medical services is maintained. Nevertheless, the lack of services offered to patients with mental disorders and substance dependence problems remains to be a serious challenge. This, in turn, undermines the smooth operation of the suicide prevention programme. Furthermore, the medical confidentiality remains to be an unsolved problem of the penitentiary health care, etc. considering all the above-mentioned, there was no particular progress in terms of medical services in the reporting period.

## **Objective 4.1.1. Developing legislation and practice of human rights protection in penitentiary system**

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

### Objective Indicators:

Planned and unplanned reports or/and suggestions, stated in conclusions, made by internal and external monitoring bodies, national prevention group, as well as international monitoring mechanism, is already taken into consideration in appropriate judicial changes;

Flaws revealed in practice by inner and external monitoring bodies, national prevention group, as well as international monitoring mechanisms, are already eradicated;

### Assessment:

In 2018 and the first half of 2019, no legislative amendments were made to improve the legal status of remand/convicted prisoners.

On 5 July 2018, 60 changes were moved into the Imprisonment Code; however, these changes were of technical nature and were caused by the abolition of the Ministry of Corrections and Probation, the creation of new legal entities of public law and the changes made to the names of respective agencies.

As regards permanent analysis of the relevant legislation and practice with a view to drafting appropriate legislative amendments, the Special Penitentiary Service has not supplied any information in this regard.

To this day, a number of recommendations made by the monitoring bodies remain unfulfilled; among them are the recommendations issued by the Public Defender of Georgia, e.g., in relation to determining the minimum living space of 4 m<sup>2</sup> for remand prisoners; amending the statute on conditional early release, etc.

In the reporting period, objective 4.1.1 was not fulfilled.

## **Activity 4.1.1.1. Preparing and initiating respective legislative amendments and internal regulations based on the analysis and of the recent legislation and recommendations from international**

organizations regarding the rights of convicted defendants.

**Responsible agency:**

- Ministry of Corrections of Georgia

**Indicator:**

Planned and unplanned reports or/and suggestions, stated in conclusions, made by internal and external monitoring bodies, national prevention group, as well as international monitoring mechanism, is already taken into consideration in appropriate judicial changes;

Flaws revealed in practice by inner and external monitoring bodies, national prevention group, as well as international monitoring mechanisms, are already eradicated;

**Status:** Not implemented

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

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

**Deadline:** 2018-12-31

**Assessment**

**Activity 4.1.1.2. Identifying respective gaps based on the analysis of the recent legislation and recommendations from international organizations regarding the rights of the accused persons.**

**Responsible agency:**

- Ministry of Corrections of Georgia

**Indicator:**

Planned and unplanned reports or/and suggestions, stated in conclusions, made by internal and external monitoring bodies, national prevention group, as well as international monitoring mechanism, is already taken into consideration in appropriate judicial changes;

Flaws revealed in practice by inner and external monitoring bodies, national prevention group, as well as international monitoring mechanisms, are already eradicated;

**Status:** Not implemented

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

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

**Deadline:** 2018-12-31

**Assessment**

## Objective 4.1.2. Prevention of congestion in the penitentiary facilities

The progress of the implementation of the Objective: 25%

### Objective Indicators:

All convicted defendants are provided with the minimum living space according to the international standards;

Maximally reduce amount of judgments made against council;

### Assessment:

In the reporting period, overcrowding remained problematic in a number of penitentiary establishments. This was highlighted in the 2018 reports of the Public Defender and the CPT.

We consider it to be imperative for the eradication of the problem of overcrowding and its prevention in the future that the Special Penitentiary Service studied the reasons thereof and improved the placement of offenders taking into account that some establishments are overcrowded and at the same time other establishments of the same type are not housing offenders to their full capacity.

Therefore, in the reporting period, objective 4.1.2 is partially fulfilled.

### **Activity 4.1.2.1. All convicted defendants are provided with the minimum living space of 4m<sup>2</sup> at multi-seated cells and with minimum of 6m<sup>2</sup> living space at single-seated cells**

#### **Responsible agency:**

- Ministry of Corrections of Georgia

#### **Indicator:**

All convicted defendants are provided with the minimum living space according to the international standards;

Maximally reduce amount of judgments made against council;

**Status:** Mostly incompleted

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

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

**Deadline:** 2018-12-31

### **Assessment**

In 2018, offenders were still not provided with the minimum living space recommended by the local and international monitoring bodies.

According to the Public Defender's 2018 report, "the following were problematic in 2018: ... minimum living space of 4 m<sup>2</sup> as established by Article 15 of the Imprisonment Code for each convicted persons. Besides, the Public Defender's recommendation made in the 2017 Parliamentary report concerning ensuring accused persons with 4 m<sup>2</sup> as the minimum living space has not been fulfilled."<sup>[1]</sup>

According to the 2018 report of the National Preventive Mechanism, the minimum living space of 4 m<sup>2</sup> as established by Article 15 of the Imprisonment Code for each convicted person remains problematic in penitentiary establishments nos. 2, 8, 14, 15 and 17.<sup>[2]</sup>

According to the CPT report about the visit to Georgia carried out in 2018, "overall, overcrowding was no longer a problem in the prisons visited (notably, Georgia's prison population had not increased since the 2014 visit), with the exception of Prisons Nos. 8 and 15. That said, the CPT is concerned that – unlike for sentenced prisoners (for whom the norm was 4 m<sup>2</sup> per person) – the norm of living space per remand prisoner had remained unchanged (3 m<sup>2</sup>). The Committee reiterates its recommendation that the Georgian authorities ensure that the minimum standard of 4 m<sup>2</sup> of living space per prisoner in multi-occupancy cells (not counting the area taken up by any in-cell toilet facility) is duly respected in all penitentiary establishments, for all categories of prisoners; for single-occupancy cells, the standard should be at least 6 m<sup>2</sup>. In newly-built prisons, the standards should preferably be even higher."<sup>[3]</sup>

According to the statistics reports published by the Special Penitentiary Service, overcrowding was a problem in penitentiary establishments nos. 2 (Kutaisi) and 15 (Ksani).

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<sup>[1]</sup> The Report of the Public Defender of Georgia on the State of Protection of Human Rights and Freedoms, 2018, p 57.

<sup>[2]</sup> The 2018 Report of the National Preventive Mechanism of the Public Defender of Georgia, 2019, p 45.

<sup>[3]</sup> The Report to the Georgian Government on the visit to Georgia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 21 September 2018 and published in 2019, available at: <https://rm.coe.int/1680945eca>, p. 27.

## **Activity 4.1.2.2. Effective functioning of the parole mechanism, including improving judgment rationale, implementing individual approach and involving convicted defendants in the review process**

### **Responsible agency:**

- Ministry of Corrections of Georgia

### **Indicator:**

All convicted defendants are provided with the minimum living space according to the international standards;

Maximally reduce amount of judgments made against council;

**Status:** Not implemented

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

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

**Deadline:** 2021-03-23

## Assessment

In the reporting period, no tangible changes were made to improve the parole mechanism. Order no. 320 of the Minister of Justice of Georgia of 7 August 2018, which governs the procedure for examination of the issue of conditional early release and decision-making by the local councils of the Special Penitentiary Service does not contain any changes in terms of reasoning of decisions, involvement of offenders in the examination procedure or improving the individual approach.

The Public Defender of Georgia, in the 2018 Report on the Situation of Protection of Human Rights and Freedoms observes, "The existing system of conditional early release should be also revised since there are shortcomings in its implementation. It is still a major problem that decisions are not justified. Also, different approaches of local councils in different cases with identical circumstances are identified, which is manifested by adopting different decisions in such cases."[\[1\]](#)

The Special Penitentiary Service did not supply any information in response to our written enquiry as to the number of applications lodged with the courts in 2018 that challenged decisions on conditional early release adopted by the local councils and the similar statistics in 2016-2017. This statistics is not available on the websites of other agencies either. While judgments adopted against the local councils do not allow for analysing the effectiveness of the parole mechanism per se, the annual dynamics of this statistics would show how actively offenders use the new complaint mechanism and its effectiveness.

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[\[1\]](#) The Report of the Public Defender of Georgia on the State of Protection of Human Rights and Freedoms, 2018, p. 49.

## Objective 4.1.3. Improve living and sanitary-hygienic conditions

**The progress of the implementation of the Objective:** 75%

### Objective Indicators:

Concrete infrastructural projects conducted in accordance with internal and external monitoring mechanisms' suggestion;

Number of necessary inventory passed to the penitentiary institutions according to legislation;

All convicted defendants are provided with the necessary inventory foreseen by legislation;

### Assessment:

With regard to this objective, the Action Plan refers to the recommendations made by the CPT in its report about the visit to Georgia carried out in 2014 in terms of improving the living conditions of penitentiary establishments,[\[1\]](#) including the following:



- The CPT assessed the situation of the majority of offenders placed in establishments nos. 7 and 9 as inhuman and degrading treatment on account of the restriction of their contact with the outside world to the maximum degree.
- In general, in the CPT's view, it was necessary to review the rules and procedures related to placement in solitary confinement; such placement could only be based on clear, transparent written criteria and be effected with due respect for procedural safeguards in order to avoid arbitrariness on the part of the administration.
- Any bans on access to information should be justified duly and in detail by exceptional circumstances related to the interests of the investigation or the behaviour of the prisoner in question, and be of a limited, clearly specified duration. Inmates should be informed of the reason for the ban in writing, and of the right to appeal to a competent authority.
- Problems in terms of water supply was mentioned in the context of establishment no. 3 (Batumi).
- The CPT emphasised once again the shortage and inadequacy of outdoor exercise areas and sport equipment in establishments nos. 3, 7, 8, and 9.

With a view to fulfilling the same objective, the Action Plan also refers to the resolution of the Parliament of Georgia regarding the 2016 report of the Public Defender<sup>[2]</sup> regarding infrastructural improvements to be carried out in a number of penitentiary establishments.

There were positive trends in terms of improvement of material conditions in the reporting period. The buildings of the two problematic penitentiary establishments (nos. 7 and 12) were closed down; several penitentiary establishments were renovated; prisoners are supplied with soft furniture and hygiene items determined by law without considerable impediments. However, the reports of the monitoring bodies still refer to serious problems in terms of material and hygienic conditions (including lice and rodents). These problems should be tackled in the shortest period. The infrastructure of a number of penitentiary establishments is also outdated and should be renovated.

Considering all the above-mentioned, objective 4.1.3 should be deemed as partially fulfilled.

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[1] The Report to the Georgian Government on the visit to Georgia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in 2014 and published in 2015, available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806961f8>, paras. 59, 61, 67, 75, and 170, (accessed 01.10.2019).

[2] Resolution of the Parliament of Georgia of 30 June 2017 regarding the 2016 report of the Public Defender of Georgia, para. 6.n)o)p)q)r)s).

### **Activity 4.1.3.1. Providing convicts in the penitentiary system with a soft inventory and with necessary materials for personal hygiene.**

**Responsible agency:**

- Ministry of Corrections of Georgia

**Indicator:**

Concrete infrastructural projects conducted in accordance with internal and external monitoring mechanisms' suggestion; Number of necessary inventory passed to the penitentiary institutions according to legislation; All convicted defendants are provided with the necessary inventory foreseen by legislation;

**Status:** Fully completed

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

**Start date:** 2018-01-12

**Deadline:** 2018-12-31

## Assessment

Based on findings of the monitoring bodies, it can be concluded that in the reporting period, provision of prisoners with soft furniture and personal items of hygiene was satisfactory. According to the CPT report about the visit to Georgia carried out in 2018, the furniture and equipment in the cells of the penitentiary establishments visited were satisfactory; no problems have been identified in terms of provision of bedding or personal items of hygiene either.<sup>[1]</sup> Neither the Public Defender's report of 2018 refers to any problems in this regard. Accordingly, at this stage, the activity can be deemed to be fulfilled.

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<sup>[1]</sup> The Report to the Georgian Government on the visit to Georgia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 21 September 2018 and published in 2019, available at: <https://rm.coe.int/1680945eca>, paras. 59, 60, 62, and 66.

## Activity 4.1.3.2. Updating existing infrastructure and drafting new projects based on the needs

### Responsible agency:

- Ministry of Corrections of Georgia

### Indicator:

Concrete infrastructural projects conducted in accordance with internal and external monitoring mechanisms' suggestion;

Number of necessary inventory passed to the penitentiary institutions according to legislation;

All convicted defendants are provided with the necessary inventory foreseen by legislation;

**Status:** Mostly incompleted

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

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

**Deadline:** 2018-12-31

## Assessment

Despite serious infrastructural problems in a number of establishments, considering renovations carried out in 2017-18, activity 4.1.3.2 was partially fulfilled by the end of 2018.

In terms of infrastructural improvements, the relocation of establishment no. 7 to another building is a positive development. The new building complies with standards which is further confirmed by the CPT report about the visit to Georgia carried out in 2018.<sup>[1]</sup> The relocation of establishment no. 12 in February 2019 is similarly commendable. The transferred offenders are provided with material conditions compatible with the existing standards.<sup>[2]</sup>

The CPT also pointed out that cells had been refurbished and water supply problems had been solved in establishment no. 3 (Batumi). In short, the CPT considered the material conditions as adequate.<sup>[3]</sup> The Committee also considered the material conditions to be satisfactory in establishment no. 9 and observed that there were renovations underway in a number of cells and some of them had already been renovated.<sup>[4]</sup>

The Committee observed that only the juvenile unit had been renovated in establishment no. 8 and the rest of the building remained in a dire situation and needed to be repaired.<sup>[5]</sup> Some cells in establishments nos. 6<sup>[6]</sup> and 15<sup>[7]</sup> also needed to be renovated.

According to the Public Defender's 2018 report on the Situation of Protection of Human Rights and Freedoms in Georgia, "despite the planned renovation works, similar to previous years, in 2018 too sanitation and hygiene in cells were problematic in penitentiary establishments nos. 2, 8, 12, 14, 15, 17, 18 and 19. There are insect infestations in penitentiary establishments nos. 2, 8, 15, 16 and 17. During visits, the monitoring group members saw cockroaches and bed bugs in psychologists' offices, living cells and solitary confinement cells. More than one prisoner showed insect bites to the group members."<sup>[8]</sup> It is noteworthy that according to the action plan of the Strategy on the Development of the Penitentiary and Crime Prevention Systems for 2019–2020, approved by the Minister of Justice, the plan of construction of new establishments and expansion of the existing infrastructure must be finalised by the second half of 2019; similarly, by the end of 2019, the plan of closing down a number of establishments should be completed (Activity A.1.1). Due to the absence of public information, it is

unknown as to what extent this activity has been fulfilled and at what stage the infrastructure improvement projects outlined in the Action Plan are.

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[1] The Report to the Georgian Government on the visit to Georgia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 21 September 2018 and published in 2019, available at: <https://rm.coe.int/1680945eca>, para. 64.

[2] Available at: <http://sps.gov.ge/ka/media/akhali-ambebi/article/23321-cikhe-gushin-da-dghes-2.html>, (accessed 04.12.2019).

[3] The Report to the Georgian Government on the visit to Georgia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 21 September 2018 and published in 2019, available at: <https://rm.coe.int/1680945eca>, para. 56. It is noteworthy in this context that according, according to the 2018 report of the Public Defender of Georgia, again water supply is cut off for several hours overnight in the cells of establishment no. 3 (Batumi): The Report of the Public Defender of Georgia on the State of Protection of Human Rights and Freedoms, 2018, p. 45.

[4] The Report to the Georgian Government on the visit to Georgia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 21 September 2018 and published in 2019, available at: <https://rm.coe.int/1680945eca>, para. 60.

[5] The Report to the Georgian Government on the visit to Georgia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 21 September 2018 and published in 2019, available at: <https://rm.coe.int/1680945eca>, para. 58.

[6] Ibid., para. 63, (accessed 01.10.2019).

[7] Ibid., para. 69, (accessed 01.10.2019).

[8] The 2018 Report of the National Preventive Mechanism of the Public Defender of Georgia, 2019, p. 57.

#### **Objective 4.1.4. Improve healthcare of accused persons/convicted defendants, promote development of managing mental health and prevention-based medical service and providing drug addicted accused persons/convicted defendants with appropriate service**

The progress of the implementation of the Objective: 45%

Objective Indicators:

Reduced indicator of spread illnesses compared with previous years (statistical data C hepatitis, tuberculosis);

Interrelation between number of persons with suicide risks and persons involved in the programme;

Number of beneficiaries, involved in suicide programme, whose level of suicide risk has been reduced according to internal monitoring;

Reduced percentage of suicide attempts in relation with the whole amount of prisoners;

Replacing treatment programme for opioid addicted persons fully meets existing necessities.

#### Assessment:

Reports of the international and local monitoring bodies published in 2018-2019 and the monthly statistics tables published by the Special Penitentiary Service were used to assess the implementation of the medical services provided to remand and convicted prisoners under objective 4.1.4 of the Human Rights Action Plan for 2018-2020.

The assessment is based on the review of identified documents, their study and analysis. No fieldwork has been done for the assessment purposes that would enable us to study in detail the timeliness and quality of medical services as well as the provision of preventive and mental healthcare services determined by the Action Plan.

It is noteworthy that the Action Plan only determines one objective in terms of healthcare issues. This does not cover the whole range of challenges existing in the penitentiary health care. This objective is only focused at several components of healthcare services.

The indicators set for the objective are not comprehensive and therefore do not allow for full and impartial assessment of the activities determined with regard to the objective at stake. For instance, activity 4.1.4.1 that concerns equivalent care to be provided to remand and convicted prisoners (which in turn, is such a broad field that it is already wrong to confine it to one activity) is assessed through the only indicator given under the objective – the indicator of spread of hepatitis C and tuberculosis; whereas services covered by the public healthcare programme includes a considerably wider range of medical activities. Similarly, there is no indicator determined for one of the most serious challenges of the penitentiary system that is related to mental healthcare issues.

Stemming from all the above-mentioned, we consider that the results achieved in terms of medical services only partially fulfil the sought objectives.

### **Activity 4.1.4.1. Providing accused persons/convicted defendants with medical service equivalent to the civil healthcare**

#### **Responsible agency:**

- Ministry of Corrections of Georgia

#### **Indicator:**

Reduced indicator of spread illnesses compared with previous years (statistical data on hepatitis, tuberculosis);

Interrelation between number of persons with suicide risks and persons involved in the programme; Number of beneficiaries, involved in suicide programme, whose level of suicide risk has been reduced according to internal monitoring;

Reduced percentage of suicide attempts in relation with the whole amount of prisoners;

Replacing treatment programme for opioid addicted persons fully meets existing necessities.

**Status:** Mostly completed

**The progress of the implementation of the Activity:** 60%

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

**Deadline:** 2018-12-31

## Assessment

According to the general principles of the penitentiary health care,[\[1\]](#) remand and convicted prisoners in the penitentiary system must be provided with the equivalent care available in the public health care system.

According to the reports of the monitoring bodies, medical services provided in the penitentiary system include provision of these services in and outside penitentiary establishments. According to the Public Defender, it is possible to consult with doctors of various specialisations apart from a doctor of primary

health care, a nurse and a dentist, whereas referrals are made to the medical establishments of the public sector.[\[2\]](#)

The CPT, in its report about the visit to Georgia carried out in 2018, noted further improvement in prisoners' access to both primary and secondary health care in all prisons visited. The medical facilities and equipment were of a satisfactory level in all the establishments except for penitentiary establishments nos. 6 and 15.[\[3\]](#)

However, the same report discusses numerous challenges hampering the accessibility of medical services. For instance, at establishment no. 15 the delegation noted that the waiting time for some specialist examinations (e.g. MRI, hearing tests and ophthalmological examinations) could be up to a year, and for some surgical procedures (e.g. cholecystectomy, operation of hernia, removal of lipoma) more than 2 years. Further, the delegation had some misgivings regarding access to somatic specialists at establishment no. 6 and establishment no. 9.[\[4\]](#)

According to the CPT and the Public Defender, medical confidentiality remains problematic as it is not always respected and medical examinations could still take place in the presence of custodial officers.[\[5\]](#) The Public Defender's special report also discusses in detail the problems related to confidentiality and notes that, sometimes, apart from prison staff, other prisoners too are present during medical consultations.[\[6\]](#)

The present indicator determined to assess the above activity (the reduced rate of disease spread compared to the previous years – statistical data – hepatitis C, tuberculosis) cannot ensure the comprehensive comparison of the penitentiary health care with the public health care as the indicator covers only two diseases.

The management of the diseases indicated in the Action Plan (hepatitis C and tuberculosis) can be positively assessed. There were both preventive (screening programmes) as well as treatment measures actively taken in these directions.

There are three state programmes implemented in the penitentiary system to tackle infectious diseases: tuberculosis, HIV/AIDS and hepatitis C virus (HCV). The tuberculosis programme is integrated within the State Programme Against Tuberculosis. Tuberculosis screening examinations are implemented and carried out systematically. This is further confirmed by the Consolidated Monthly Statistics on Criminal Law, which contains increasing data on conducting screening for all types of tuberculosis.[\[7\]](#)

Prisoners undergo screening for tuberculosis upon the admission to a penitentiary establishment and repeated screenings once in three months. The need for additional examination is identified in a timely manner and examinations are conducted diligently. Continuous nature of the treatment ensures its effectiveness.[\[8\]](#)

There was no increase in the number of screenings conducted in 2018; however, the positive trend of conducting screenings for hepatitis B and hepatitis C is maintained. By 2018, this data amounted to 5,743, and in 2017 – 5,837. In 2018, 1,600 individuals were included in the State Programme of Hepatitis C Elimination.[\[9\]](#)

Despite effective management of infectious diseases, the accessibility of preventive healthcare services remains problematic. Prison healthcare services are still aimed at treating already occurred diseases rather than preventing them.

Early diagnostics of diseases, preventive examination and screening for non-infectious diseases for their management remain problematic. Medical personnel responds to clinically identified symptoms and treatment is also confined to treating symptoms. According to the analysis of the 2018 Monthly Statistics of the Special Penitentiary Service, somatic health problems are indicated as the cause of death in most cases; among them, cardiovascular, respiratory and digestive problems, which can be linked to wrong,

related diagnosis and treatment of preventable diseases.

Prisoners lack information about preventive services and their importance. According to the Public Defender's report, no concrete steps were made in this regard in 2018.<sup>[10]</sup> Moreover, objective 4.1.4 determines ensuring preventive services, which should not be represented by managing two diseases only.

Stemming from the above-mentioned, despite certain progress made in the penitentiary health care, which concerns the management of tuberculosis and hepatitis C in the first place, the above problems and shortcomings make it impossible to consider the accessibility and quality of medical care as equivalent to that of the public health care. This is further confirmed by the fact that the CPT remained of the view that a transfer of responsibility for prison healthcare services is needed to improve the quality of health care through its better integration with the public health system, and to strengthen the professional independence of healthcare staff working in prisons. The CPT emphasises that the time has come to start concrete preparations for such a transfer, comprising precise deadlines.<sup>[11]</sup>

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<sup>[1]</sup> Available at: <http://sps.gov.ge/ka/saqmianoba/penitenciuri-jandacvis-servisi/penitenciuri-jandacvis-dzirithadi-principebi.html>, (accessed 04.12.2019).

<sup>[2]</sup> The Special Report of the Public Defender of Georgia on the Impact of Prison Conditions on Prisoners' Health, 2018.

<sup>[3]</sup> The Report to the Georgian Government on the visit to Georgia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 21 September 2018 and published in 2019, available at: <https://rm.coe.int/1680945eca>, p. 6.

<sup>[4]</sup> The Report to the Georgian Government on the visit to Georgia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 21 September 2018 and published in 2019, available at: <https://rm.coe.int/1680945eca>, para. 77.

<sup>[5]</sup> The Report to the Georgian Government on the visit to Georgia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 21 September 2018 and published in 2019, available at: <https://rm.coe.int/1680945eca>, para. 81.

<sup>[6]</sup> The Special Report of the Public Defender of Georgia on the Impact of Prison Conditions on Prisoners' Health, 2018, chapter 4.4.5.

<sup>[7]</sup> Ibid., p. 56.

<sup>[8]</sup> The 2018 Report of the National Preventive Mechanism of the Public Defender of Georgia, 2019.

<sup>[9]</sup> The 2018 Statistics Report of the Ministry of Corrections and Probation of Georgia; the 2017 Consolidated Statistics Report of the Ministry of Corrections and Probation of Georgia.

<sup>[10]</sup> The 2018 Report of the National Preventive Mechanism of the Public Defender of Georgia, 2019, p. 47.

<sup>[11]</sup> The Report to the Georgian Government on the visit to Georgia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)



## Activity 4.1.4.2. Elaborating and approving strategic document on mental health protection

### Responsible agency:

- Ministry of Corrections of Georgia

### Indicator:

Reduced indicator of spread illnesses compared with previous years (statistical data C hepatitis, tuberculosis);

Interrelation between number of persons with suicide risks and persons involved in the programme;

Number of beneficiaries, involved in suicide programme, whose level of suicide risk has been reduced according to internal monitoring;

Reduced percentage of suicide attempts in relation with the whole amount of prisoners;

Replacing treatment programme for opioid addicted persons fully meets existing necessities.

**Status:** Not implemented

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

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

**Deadline:** 2018-12-31

## Assessment

In the reporting period, no strategy document on mental health was either developed or approved. Furthermore, there is no indicator under objective 4.1.4 aimed at assessing this particular activity.

The analysis of the consolidated monthly reports of 2018 of the Special Penitentiary Service shows an increase in the number of problems related to mental health. In the reporting period, mental and behavioural disorders constituted the majority of diseases prevailing in the penitentiary system.

The CPT, in its report about the visit to Georgia carried out in 2018, noted that practically no progress had been made in terms of support to mental health services. Mental health services for prisoners are still limited; they are not aimed at prevention and timely diagnostics; the available services are confined to psychiatric consultations and medication treatment; the need for intervention is not timely identified and medical care is belated.<sup>[1]</sup>

Reports of the monitoring bodies show that there have been no changes to tackle mental health challenges since 2018. The analysis of the statistics makes it clear that the situation of prisoners' mental health has worsened. Compared to 2017, in 2018, mental and behavioural disorders became the key problem whereas somatic problems prevailed in 2017. For ensuring mental health services, it is important to implement fully the package of mental health services, which would include screening, inpatient and outpatient psychiatric care based on bio-psycho-social approaches.

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[1] The Report to the Georgian Government on the visit to Georgia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 21 September 2018 and published in 2019, available at: <https://rm.coe.int/1680945eca>, paras. 84-86.

### Activity 4.1.4.3. Conducting actions foreseen by suicide prevention programme and action plan in penitentiary institutions

**Responsible agency:**

- Ministry of Corrections of Georgia

**Indicator:**

Reduced indicator of spread illnesses compared with previous years (statistical data C hepatitis, tuberculosis);

Interrelation between number of persons with suicide risks and persons involved in the programme;

Number of beneficiaries, involved in suicide programme, whose level of suicide risk has been reduced according to internal monitoring;

Reduced percentage of suicide attempts in relation with the whole amount of prisoners;

Replacing treatment programme for opioid addicted persons fully meets existing necessities.

**Status:** Mostly completed

**The progress of the implementation of the Activity:**  
60%

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

**Deadline:** 2018-12-31

### Assessment

The study of the suicide prevention programme is hampered due to the limited access to relevant information. It was impossible to assess the activity determined by indicators as the statistics on attempted suicide and self-harm was removed from the official statistics tables of the Special Penitentiary Service of the Ministry of Justice in 2018. This fact itself shows the attitude of the agency towards the problem at stake.

The 2017 data shows a high rate of self-harm (1,088 incidents) and attempted suicide (46 incidents). It is impossible to conduct a comprehensive analysis without the available data of 2018. The consolidated statistical data is noteworthy in this regard. According to this data, the suicide rate is higher – in 2018, there were 4 suicides committed in penitentiary establishments. [1]

The Public Defender positively assesses the content of the suicide prevention programme. [2] According to the Public Defender's special report, the services offered within the programme – revision and

assessment of risks by a psychologist/psychiatrist and determination of the level of risk; development of an individual plan by a multidisciplinary group – have a positive effect on prisoners' mental health. However, the report also points out that each service needs to be analysed for further improvement, which emphasises the incomprehensive and ineffective implementation of the programme.

According to the programme, incidents of self-harm are not linked to suicide and the definition of suicide is problematic. This certainly undermines the effectiveness of the programme as the extension of the programme to prisoners prone to self-harm and accordingly assessment of risks in a timely manner would reduce suicide risk.

As the Public Defender's National Preventive Mechanism noted in its 2018 report, in general, the incidents of death, inter alia, suicides are not individually studied or analysed. It is important that the Medical Department analysed each death in order to plan appropriately the measures of preventive health care and prevent complications of somatic health problems.<sup>[3]</sup>

Stemming from the all above-mentioned, also taking into account the ineffective management of mental disorders as referred under Article 4.1.4.3, it can be said that the suicide prevention programme is implemented in the right direction albeit with serious shortcomings which considerably hampers achieving tangible and long-term outcomes.

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[1] The 2018 Statistics Report of the Ministry of Corrections and Probation of Georgia.

[2] The Special Report of the Public Defender of Georgia on the Impact of Prison Conditions on Prisoners' Health, 2018, p. 76.

[3] The 2018 Report of the National Preventive Mechanism of the Public Defender of Georgia, 2019, p. 47.

#### **Activity 4.1.4.4. Providing accused persons/convicted defendants in freedom suppression institutions with service consistent to the rule of conducting replacement treatment programme**

**Responsible agency:**

- Ministry of Corrections of Georgia

**Indicator:**

Reduced indicator of spread illnesses compared with previous years (statistical datas C hepatitis, tuberculosis);

Interrelation between number of persons with suicide risks and persons involved in the programme; Number of beneficiaries, involved in suicide programme, whose level of suicide risk has been reduced according to internal monitoring;

Reduced percentage of suicide attempts in relation with the whole amount of prisoners;

Replacing treatment programme for opioid addicted persons fully meets existing necessities.

**Status:** Mostly completed

**The progress of the implementation of the Activity:** 60%

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

**Deadline:** 2018-12-31

## Assessment

The indicator determined under the objective aimed at assessing the fulfilment of the activity (the programme of substitution treatment is fully tailored to the existing needs) is not specific and measurable; it does not specify what kind of substitution treatment (short/long term) it is related to and what the needs imply.

The methadone programme is offered within the programme of substitution treatment in penitentiary establishments. Due to the limited access to information, it was impossible to assess to what extent the

respective programmes were implemented. These programmes were planned under the joint order of the Minister of Corrections and Probation of Georgia and the Minister of Labour, Health Care and Social Affairs of Georgia<sup>[1]</sup> that approved the procedure for substitution programme for persons with opioid dependence to be implemented in detention and prison facilities. It was planned to implement these programmes in 2018 in penitentiary establishments nos. 2 and 8.

Prisoners with substance abuse problems are also offered a psychosocial rehabilitation programme, Atlantis. The psychologists and social workers previously retrained within the programme work with such offenders. However, according to the Public Defender's report, while the programme offers diverse activities, the participation rate is very low.<sup>[2]</sup>

According to the CPT report about the visit to Georgia carried out in 2018, treatment options for prisoners in withdrawal as well as opioid agonist maintenance should be available in prison to the same extent as in the outside community.<sup>[3]</sup>

This is also in line with the Opioid Dependence Treatment Guidelines issued by the WHO in 2009. More generally, the CPT reiterates its view that the management of prisoners with drug dependence must be varied – eliminating the supply of drugs into prisons, dealing with drug abuse through identifying and engaging drug misusers, providing them with treatment options and ensuring that there is appropriate through care, developing standards, monitoring and research on drug issues, and the provision of staff training and development – and linked to a proper national prevention policy. This policy should also highlight the risks of HIV or hepatitis B/C infection through drug use and address methods of transmission and means of protection. It is understood that healthcare staff must play a key role in drawing up, implementing and monitoring the programmes concerned and must co-operate closely with the other (psycho-socio-educational) staff involved.

The same report notes that addiction to illicit drugs and other intoxicating substances (such as alcohol) continues to be a problem affecting a significant proportion of the prisoner population, which is a serious challenge of the penitentiary system.<sup>[4]</sup> The CPT called upon the Georgian authorities to develop and implement a comprehensive strategy for the provision of assistance to prisoners with drug-related problems (as part of a wider national drugs strategy). This once again indicates the ineffectiveness and insufficiency of the services available for persons with addiction to illicit drugs and other intoxicating substances.

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<sup>[1]</sup> Joint Order no. 92 01-26/N of 14 July 2016 of the Minister of Corrections and Probation of Georgia and the Minister of Labour, Health Care and Social Affairs of Georgia.

<sup>[2]</sup> The Special Report of the Public Defender of Georgia on the Impact of Prison Conditions on Prisoners' Health, 2018, p. 92.

<sup>[3]</sup> The Report to the Georgian Government on the visit to Georgia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 21 September 2018 and published in 2019, available at: <https://rm.coe.int/1680945eca>, p. 24.

<sup>[4]</sup> Ibid., p. 6.

## **Goal 4.2. Ensuring protection of the rights of accused**

## persons/convicted defendants of the special categories in penitentiary and probationary systems

The progress of the implementation of the Goal: 41.6667%

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 prevention of ill-treatment as well.

Determining activity C 2.1<sup>[1]</sup> 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 improvement of the mechanism against inter-prisoner violence. However, with a view to ensuring the appropriate implementation of this activity as well as drafting legislative amendments in relation to crime/organised crime committed in penitentiary establishments (activity C2.3), it is necessary to conduct an 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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<sup>[1]</sup> 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: 75%

#### Objective Indicators:

Newly elaborated and/or renovated programmes/trainings 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.

It is regrettable that 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<sup>[1]</sup> approved by the Minister of Justice of Georgia in 2019 – developing the strategy aimed at recruiting, maintaining and engaging/motivating of personnel.<sup>[2]</sup>

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<sup>[1]</sup> 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.

<sup>[2]</sup> 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

### 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:** 2018-12-31

## 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.

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.

### **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:** 2018-12-31

### **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 special category; 60 officials were retrained on the specificity of working with PWDs and other prisoners of 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.

### **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:** 2018-12-31

## 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.

## 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:** 2018-12-31

**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.

**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:** 2018-12-31

**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 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.<sup>[1]</sup>

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.<sup>[2]</sup>

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<sup>[1]</sup> 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.

<sup>[2]</sup> 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> 2018-12-31

### **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

**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:** 2018-12-31

**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.

**Activity 4.2.1.8. Arranging meetings and trainings with the aim 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:** Not implemented

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

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

**Deadline:** 2018-12-31

## Assessment

No information is available about these meetings and training sessions.

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

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

Objective Indicators:

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:**

**Status:** Mostly incompleted

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

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

**Deadline:** 2018-12-31

## 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 that the female offenders placed in establishment no. 5 face.<sup>[1]</sup>

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

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.<sup>[3]</sup>

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.<sup>[4]</sup>

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 an access to specific services.<sup>[6]</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.

## Activity 4.2.2.2. Arranging appropriate infrastructure at compact

## placing locations through taking into account the needs of the persons with disabilities

### Responsible agency:

- Ministry of Corrections of Georgia

### Indicator:

Status: Mostly incompleted

The progress of the implementation of the Activity:  
50%

Start date: 2018-01-01

Deadline: 2018-12-31

## Assessment

The ministry has not supplied any information about the activities carried out in the reporting period for fulfilling this objective. Similarly, there is no information available in reports of other organisations and agencies about the changes tailored to the needs of persons with disabilities.

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 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>

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[1] Available at: <http://sps.gov.ge/ka/media/akhali-ambebi/article/23395-thea-tsulukianma-eskortirebisa-da-specialur-gho-nidziebatha-mthavar-sammarthvelos-akhali-specializebuli-avtomanganebi-gadasca.html>, (accessed 04.12.2019).

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

The progress of the implementation of the Objective: 0%

### Objective Indicators:

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 a 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 institutions**

<b>Responsible agency:</b>	
• Ministry of Corrections of Georgia	
<b>Indicator:</b>	
Number of psycho-rehabilitation programs adapted to persons with disabilities	
In the case of demand, number of accused persons/ convicted defendants with disabilities	
<b>Status:</b> Not implemented	<b>The progress of the implementation of the Activity:</b> 0%
<b>Start date:</b> 2018-01-01	<b>Deadline:</b> 2018-12-31

### **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.

### **Goal 4.3. Promotion of resocialization-rehabilitation of accused persons /convicted defendants**

**The progress of the implementation of the Goal:** 40%

Resocialisation and rehabilitation have been a serious problem for a number of years. It was caused by shortage of rehabilitative and educational programmes and their sporadic nature as well as the small number of prisoners participating in them.

According to reports of the national and international monitoring mechanisms, the situation in terms of resocialisation and rehabilitation did not improve in 2018 either. In the report about the visit to Georgia carried out in 2018, the CPT expresses its concern regarding the shortage of rehabilitation programmes and activities;[\[1\]](#) whereas the report of the National Preventive Mechanism of the Public Defender of Georgia discusses the fragmentary nature of the activities carried out in terms of rehabilitation and resocialisation and their failure to respond to the individual needs of offenders.[\[2\]](#)



Both monitoring bodies emphasise in particular the dire situation existing in the closed and special-risk prison facilities in terms of rehabilitation and resocialisation where offenders are still locked up in their cells for minimum 23 hours a day.

In this regard it should be mentioned that in the recent years, due to the efforts of the EU-funded Penitentiary and Probation Support Project (EU4Justice), active works have been underway in the penitentiary system in terms of offenders' resocialisation and rehabilitation: EU4Justice experts developed and renewed the special methodology of risk and needs assessment; juvenile related tool is also being developed; study programmes for social workers and psychologists employed in the penitentiary system were developed and implemented; the framework of rehabilitation programmes were developed into three clusters; the concept of preparation for early release has been drafted, etc. In the case of adequate implementation of all these new components, it is possible to achieve serious progress in terms of resocialisation and rehabilitation of offenders in the coming years.

A positive development should be mentioned in this regard that took place in the non-reporting period, namely, in 2019. The Department of Resocialisation and Rehabilitation was set up within the Special Penitentiary Service. The statute of the department was approved by Order no. 418 of the Minister of Justice of Georgia of 10 June 2019. The social workers and psychologists of the penitentiary system work within this department. According to the Special Penitentiary Service, "the centralised system offers uniform approaches and effective rehabilitation services. Social workers are divided into two groups according to their duties: case managers and case administrators. It is the duty of a case manager to assess convicted persons, draft individual sentence plans and offer them rehabilitation activities. It is the duty of a case administrator to administer a case. A case administrator assists a case manager and ensures the communication of a convicted person with the outside world and advocates their rights."<sup>[3]</sup>

We hope that this change will have a positive impact on the quality of prisoners' resocialisation and rehabilitation activities.

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<sup>[1]</sup> The Report to the Georgian Government on the visit to Georgia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 21 September 2018 and published in 2019, available at: <https://rm.coe.int/1680945eca>, para. 72.

<sup>[2]</sup> The 2018 Report of the National Preventive Mechanism of the Public Defender of Georgia, 2019, pp. 41-43.

<sup>[3]</sup> Available at: <https://www.facebook.com/watch/?v=2571384346421667>, (accessed 04.12.2019)

### **Objective 4.3.1. Improve psychosocial, educational, professional training and recreational programs for convicted defendants/ accused persons**

**The progress of the implementation of the Objective: 35%**

#### Objective Indicators:

Interrelationship between psychosocial trainings and rehabilitation programmes implanted in penitentiary systems to existing necessities;

Increasing number of beneficiaries involved in professional educational programmes compared with previous years;

Relevant convicted defendants with risks are provided with opportunity of getting the highest education

**Assessment:**

In terms of the fulfilment of objective 4.3.1, in the first place, the efforts of the EU-funded Penitentiary and Probation Support Project (EU4Justice) should be positively mentioned. These efforts have been aimed at introducing a uniform approach of rehabilitation and resocialisation in the penitentiary system of Georgia. In particular, in the reporting period, a uniform standard of programmes was elaborated and is now deliberated upon; this standard establishes a revised approach towards supporting reintegration of an offender; retraining on modern approaches and methodology of psychologists and sociologists employed in the system is noteworthy.

The fact that an offender’s right to higher education is now stipulated in the legislation should also be positively mentioned, despite the fact that offenders placed in special-risk prison facilities will not be able to benefit from this new statutory entitlement.

Unfortunately, the reporting period was not characterised with positive dynamics in terms of vocational and education programmes.

### **Activity 4.3.1.1. Develop universal standard and create a package of programs according to special groups (including Violence, Substance Dependence, Change of Thinking and Vision, Healthy Life, Preparing for Release)**

**Responsible agency:**

- Ministry of Corrections of Georgia

**Indicator:**

Interrelationship between psycho-social trainings and rehabilitation programmes implanted in penitentiary systems to existing necessities:

Increasing number of beneficiaries involved in professional educational programmes compared with previous years;

Relevant convicted defendants with risks are provided with opportunity of getting the highest education

**Status:** Mostly incompleted

**The progress of the implementation of the Activity:**  
40%

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

**Deadline:** 2018-12-31

### **Assessment**

This activities featured in the Action Plan for 2017-2017 as well (activity 4.4.3.1). However, as we know, no uniform standard has been developed in terms of rehabilitation programmes.

Experts of the EU-funded Penitentiary and Probation Support Project (EU4Justice) elaborated the framework of rehabilitation programmes, which is divided into three directions:

1. Rehabilitation programmes focused on crime;
2. Rehabilitation programmes focused on criminal behaviour;
3. Programmes focused on developing general socio-cognitive skills.

This programme is currently at the stage of interagency deliberation and has not been approved yet. Furthermore, certain efforts have already been made in this regard, in particular:

Within the first component, a rehabilitation programme for persons convicted for domestic violence and suffering from substance dependence was developed and it is now in the process of implementation. Many important programmes are underway that will be focusing on the resocialisation and rehabilitation of sexual offenders.

Within the programmes of the second component, group and individual work with offenders will be undertaken, where based on specific examples and incident study, the person's criminal behaviour will be corrected.

In the field of developing general socio-cognitive skills, works are conducted with offenders in terms of anger management, communication skills, and positive thinking.

## Activity 4.3.1.2. Implanting higher education electronic programmes

### Responsible agency:

- Ministry of Corrections of Georgia

### Indicator:

Interrelationship between psycho-social trainings and rehabilitation programmes implanted in penitentiary systems to existing necessities;

Increasing number of beneficiaries involved in professional educational programmes compared with previous years;

Relevant convicted defendants with risks are provided with opportunity of getting the highest education

**Status:** Not implemented

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

0%

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

**Deadline:** 2018-12-31

## Assessment

According to out information, the electronic programme of higher education was not implemented in the reporting period.

As regards the right to higher education, under the amendment made to the Imprisonment Code on 1 June 2017, offenders have been entitled to higher education since January 2018. According to the 2018 statistics of the Special Penitentiary Service, in 2018, from 10 (October) to 36 (December) prisoners exercised their right to higher education.

It is also noteworthy that the right to higher education does not apply to the offenders placed in special-risk prison facilities. Such an approach is discriminatory and does not comply with European standards.

## Activity 4.3.1.3. Increasing amount of professional/educational programmes

### Responsible agency:

- Ministry of Corrections of Georgia

### Indicator:

Interrelationship between psycho-social trainings and rehabilitation programmes implanted in penitentiary systems to existing necessities;  
Increasing number of beneficiaries involved in professional educational programmes compared with previous years;

Relevant convicted defendants with risks are provided with opportunity of getting the highest education

**Status:** Not implemented

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

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

**Deadline:** 2018-12-31

## Assessment

According to the 2018 statistics report of the Special Penitentiary Service, the number of convicted persons participating in educational and vocational training programmes in the course of the year was between 0.89-5.9 percent of the total number of the prison population. This data is practically the same as the data of 2017 (6%) and less than that of 2016 (11%).[\[1\]](#)

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[\[1\]](#) Institute for Democracy and Safe Development (IDSD), Monitoring of Governmental Action Plan on Human Rights, 2018, p. 41.

## Activity 4.3.1.4. Training and retraining of social workers and psychologists in the penitentiary system in cooperation with international and local competent organizations / structures in group and individual workmanship techniques and rehabilitation programs

### Responsible agency:

- Ministry of Corrections of Georgia

### Indicator:

Interrelationship between psycho-social trainings and rehabilitation programmes implanted in penitentiary systems to existing necessities;  
Increasing number of beneficiaries involved in professional educational programmes compared with previous years;

Relevant convicted defendants with risks are provided with opportunity of getting the highest education

**Status:** Fully completed

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

## Assessment

Within the EU-funded Penitentiary and Probation Support Project (EU4Justice), in the first half of 2018, a special training course was elaborated for social workers employed in the penitentiary and probation systems. In 2018, 94 social workers of the Special Penitentiary Service were retrained on Introduction into Social Work.[\[1\]](#)

According to the project expert on resocialisation and rehabilitation, Ms Salome Namitcheishvili, social workers were retrained in three stages:

- At the first stage, within the 5-day training course, all social workers were retrained on the topics of social work.
- At the second stage, through the internal interviews, 27 social workers were selected who underwent 6-day study course on the engagement skills: communication, empathy, and basic skills to work with beneficiaries;
- At the third stage, within the 4-day study course followed by the selected 27 social workers, the following topics were covered: case management, methodology of risk and needs assessment.

Each study course was accompanied by pre and post evaluation feedback forms.

In the reporting period, on 2 and 5 February, with the support of EU4Justice), the Training Centre of the Ministry of Justice organized professional supervision sessions for psychologists of the above services. The sessions were aimed at discussing cases of practising psychologists and receiving feedback from the project's international expert Mr Danny Clark.[\[2\]](#)

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[\[1\]](#) Available at: [https://www.facebook.com/pg/TrainingCenterOfJustice/photos/?tab=album&album\\_id=2601163659904160&\\_\\_tn\\_\\_=-UCH-R](https://www.facebook.com/pg/TrainingCenterOfJustice/photos/?tab=album&album_id=2601163659904160&__tn__=-UCH-R), (accessed 04.12.2019)

[\[2\]](#) Available at: <https://www.facebook.com/EU4JusticeCorrections/posts/977235265808038>, (accessed 04.12.2019).

## Objective 4.3.2. Increasing employment opportunities for convicted defendant

The progress of the implementation of the Objective: 0%

Objective Indicators:

Creation of entrepreneurial zones and employment mini spots at the territory of penitentiary

Increasing number of employment

## Activity 4.3.2.1. Creation of entrepreneurial zones and employment mini spots at the territory of penitentiary

### Responsible agency:

- Ministry of Corrections of Georgia

### Indicator:

Creation of entrepreneurial zones and employment mini spots at the territory of penitentiary increasing number of employment

**Status:** Not implemented

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

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

**Deadline:** 2018-12-31

## Assessment

According to the Review of the Annual Implementation of the 2018 Budget of the Ministry of Justice of Georgia, in the reporting period, “862 offenders are involved in the employment programmes, among them, 89 women. Offenders are employed in household services, beauty salons, small employment hubs and industrial activities (sewing workshop and bakery); they also pursue individual activities (production and sale of hand-made items).”[\[1\]](#)

According to the Public Defender’s 2018 report “out of 15 penitentiary establishments only in four penitentiary establishments (nos. 5, 14, 15, and 16) a workshop is functioning. In a penitentiary establishment work is not perceived as a positive aspect of the prison regime. The prisoners doing household services still have to do the jobs that are less likely to develop or maintain the skills that would enable them to sustain themselves after release.”[\[2\]](#)

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[\[1\]](#) The 2018 Report of the National Preventive Mechanism of the Public Defender of Georgia, 2019, p. 6.

[\[2\]](#) The Report of the Public Defender of Georgia on the State of Protection of Human Rights and Freedoms, 2018, p. 56.

## Objective 4.3.3. Promotion of preparation for juvenile resocialization Improvement/perfection of transitional management

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

### Objective Indicators:

Renewed transient management;

Permanent increase in the whole number of beneficiaries involved in release preparation programme

Assessment:

With the joint participation of the EU-funded Penitentiary and Probation Support Project (EU4Justice), UNICEF, and Prison Reform International, a specific tool for juvenile related risk and needs assessment is being developed. It is based on the transitional management concept, meaning that a juvenile case management starts upon his/her placement in a penitentiary establishment and will continue during probation and beyond.

The concept of preparation for early release has been drafted as well and is currently in the process of interagency deliberation.

### Activity 4.3.3.1. Reviewing and reforming transitional management in case of necessity

**Responsible agency:**

- Ministry of Corrections of Georgia

**Indicator:**

Renewed transient management;

Permanent increase in the whole number of beneficiaries involved in release preparation programme

**Status:** Mostly incompleted

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

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

**Deadline:** 2018-12-31

### Assessment

With the help of the EU-funded Penitentiary and Probation Support Project (EU4Justice), the works are underway to improve the transitional management system. According to the updated case management concept, works will start towards resocialisation and rehabilitation of an offender and data will be transferred to the probation system after release.

### Objective 4.3.4. Improve rehabilitation of accused/convicted women

**The progress of the implementation of the Objective:** 75%

Objective Indicators:

The amount of special psychosocial programmes created by gender matter;

Increasing number of convicted defendants with special necessities involved in programmes

Permanent increase of the whole amount of women involved in programmes;

Changes made in necessity with list of available things;

Report regarding the amendments made to the psychosocial programmes.

#### Assessment:

As per tradition, resocialisation and rehabilitation of female remand and convicted prisoners is better organised in comparison to male prisoners. In the reporting period, in addition to the existing small employment hubs, two new small hubs became operational; with the support of the EU-funded Penitentiary and Probation Support Project (EU4Justice), the special tool to identify women as victims of violence was developed as well the rehabilitation programme tailored to women. In 2018, a rather large number of women were involved in the rehabilitation programmes.

### **Activity 4.3.4.1. Analysing opportunities of creating employment mini spots and elaborating respective suggestions**

#### **Responsible agency:**

- Ministry of Corrections of Georgia

#### **Indicator:**

The amount of special psycho-social programmes created by gender matter;  
Increasing number of convicted defendants with special necessities involved in programmes

Permanent increase of the whole amount of women involved in programmes;

Changes made in necessity with list of available things;

Report regarding the amendments made to the psycho-social programmes.

**Status:** Mostly incompleted

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

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

**Deadline:** 2018-12-31

### **Assessment**

It is unknown, whether the penitentiary system studied the possibility of opening small employment hubs. No research document in this regard is available on the official website of the Special Penitentiary Service. It is possible that no systemic research on employment opportunities in the penitentiary system has been conducted to date.

It should also be pointed out that the penitentiary establishment for women always offered more opportunities to offenders in terms of resocialisation and rehabilitation, employment and recreational programmes.

According to the report of the National Preventive Mechanism, in the reporting period, greenhouse



farming and cotton processing workshops with respective equipment were arranged in penitentiary establishment no. 5.<sup>[1]</sup>

Review of the Annual Implementation of the 2018 Budget of the Ministry of Justice of Georgia, in the reporting period, 86 women were involved in the employment programme. The following served as the employment hubs: household services, beauty salon, sewing workshop, handicraft workshop.<sup>[2]</sup>

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<sup>[1]</sup> The 2018 Report of the National Preventive Mechanism of the Public Defender of Georgia, 2019, p. 43.

<sup>[2]</sup> Review of the Annual Implementation of the 2018 Budget of the Ministry of Justice of Georgia, 2019, p. 6.

## Activity 4.3.4.2. Further improvement of gender specific psycho-social rehabilitation approaches and creation / implementation of relevant programs

### Responsible agency:

- Ministry of Corrections of Georgia

### Indicator:

The amount of special psycho-social programmes created by gender matter;

Increasing number of convicted defendants with special necessities involved in programmes

Permanent increase of the whole amount of women involved in programmes;

Changes made in necessity with list of available things;

Report regarding the amendments made to the psycho-social programmes.

**Status:** Fully completed

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

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

**Deadline:** 2018-12-31

## Assessment

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 2018 monthly statistics reports of the Special Penitentiary Service, in the reporting period, psycho-social training sessions were followed

by 175 female prisoners and 153 women were involved in psycho-social therapy.

There are different data in the Review of the Annual Implementation of the 2018 Budget of the Ministry of Justice of Georgia. According to the latter report, in 2018, 397 female offenders were involved in psychosocial and rehabilitation training sessions.

In total, considering the data of both sources, it can be concluded that a considerable number of the female offenders benefited in one form or another from the programmes of psychosocial rehabilitation. This, considering the specific nature of the penitentiary system of Georgia can be considered a positive indicator.

### **Activity 4.3.4.3. Further improvement of female convict oriented psychosocial rehabilitation approaches and introduction of new programs**

**Responsible agency:**

- Ministry of Corrections of Georgia

**Indicator:**

The amount of special psycho-social programmes created by gender matter;

Increasing number of convicted defendants with special necessities involved in programmes

Permanent increase of the whole amount of women involved in programmes;

Changes made in necessity with list of available things;

Report regarding the amendments made to the psycho-social programmes.

**Status:** Fully completed

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

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

**Deadline:** 2018-12-31

### **Assessment**

See activity 4.3.4.2.

### **Activity 4.3.4.4. Review of the list of available items with consideration of gender specificity**

**Responsible agency:**

- Ministry of Corrections of Georgia

**Indicator:**

The amount of special psycho-social programmes created by gender matter;  
Increasing number of convicted defendants with special necessities involved in programmes

Permanent increase of the whole amount of women involved in programmes;  
Changes made in necessity with list of available things;

Report regarding the amendments made to the psycho-social programmes.

**Status:** Mostly incompleted

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

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

**Deadline:** 2018-12-31

## Assessment

In the reporting period, the list of available items with due respect for gender specificity was not reviewed. The female offenders, upon their placement into a penitentiary establishment, are provided with a certain amount of items for personal use and personal hygiene. If desired, these items can be purchased at the establishment's shop, and some may be supplied to an accused/convicted woman via parcels.

## Goal 4.4. Resocialization-rehabilitation of former accused persons/convicted defendants

**The progress of the implementation of the Goal:** 90.1515%

With the initiative of the Minister of Justice of Georgia, by the end of 2012, the programme of rehabilitation and resocialisation of former prisoners was launched. The programme is aimed at facilitating rehabilitation of persons released from penitentiary establishments, their return to full members of the society and prevention of reoffending.<sup>[1]</sup> The programme is targeted to all convicted persons released from penitentiary establishments within the last 15 years. It is voluntary for former prisoners to be involved in the programme.

On 26 November 2019, the Parliament of Georgia by the third hearing approved the Law of Georgia on Prevention of Crime, Execution of Non-Custodial Sentences and Probation. The law envisaged the merger of the Execution of Non-Custodial Sentences and National Agency of Probation and the Crime Prevention Centre and establishment of the LEPL National Agency of Crime Prevention, Execution of Non-Custodial Sentences and Probation. Under the same changes, the LEPL Training Centre of Justice of the Ministry of Justice of Georgia assumed the functions of the training and retraining of personnel of the penitentiary and probation systems; the LEPL Penitentiary and Probation Training Centre (PPTC) will be transformed into the Centre of Vocational Training and Retraining of Offenders. It is also planned to

set up the Juvenile Referral Centre. These changes will come into force as of 1 January 2020.

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[1] The Programme of Rehabilitation and Resocialisation of Former Prisoners and the Rules of Its Implementation, the LEPL Crime Prevention Centre of the Ministry of Justice of Georgia.

## **Objective 4.4.1. Individual work with former prisoners for their effective resocialization**

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

Objective Indicators:

The number of beneficiaries receiving the service

The number of successful cases to be determined by the professional's assessment of the beneficiary before and after the completion of the work

### **Activity 4.4.1.1. Social worker individually works with each beneficiary and evaluates them with the special form, plan and implement rehabilitation and resocialization process**

**Responsible agency:**

- Ministry of Corrections of Georgia

**Indicator:**

The number of beneficiaries receiving the service

The number of successful cases to be determined by the professional's assessment of the beneficiary before and after the completion of the work

**Status:** Fully completed

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

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

**Deadline:** 2018-12-31

## **Assessment**

Within the concept of transitional management, individual works with a prisoner begin in the period of his/her placement in the penitentiary system and continues outside it, in the probation system.

According to the Review of the Annual Implementation of the 2018 Budget of the Ministry of Justice of Georgia, with a view to introducing the programme of rehabilitation and resocialisation of former prisoners, social workers met with 1,031 prisoners in penitentiary establishments. [1]

According to letter no. 2/111173 of the LEPL Execution of Non-Custodial Sentences and National Agency of Probation of the Ministry of Justice of Georgia, dated 4 December 2019, in 2018, the LEPL Crime Prevention Centre received 538 requests regarding participation in the vocational retraining course offered within the programme of rehabilitation and resocialisation of former prisoners. For better planning and implementing resocialisation and rehabilitation, the programme's social workers assessed and included 332 individuals in the relevant services.

According to the Review of the Annual Implementation of the 2018 Budget of the Ministry of Justice of Georgia, in total, 500 beneficiaries were included in the programme by the end of the reporting period.

As regard successful cases the number of which is an indicator of objective 4.4.1, according to letter no. 2/111173 of the National Agency of Probation, their registration in the form of indicators was added to the Action Plan in 2019. Accordingly, no such statistics was maintained in the reporting period.

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[1] Review of the Annual Implementation of the 2018 Budget of the Ministry of Justice of Georgia, 2019, p. 18.

## **Objective 4.4.2. Psychological and therapeutic services for former prisoners**

**The progress of the implementation of the Objective: 75%**

Objective Indicators:

Number of service recipients;

The number of successful cases to be determined by the professional's assessment of the beneficiary before and after the completion of the work.

Assessment:

The number of former prisoners who benefited from the psychological and therapeutic services offered by the Crime Prevention Centre is rather low (36 received psychiatric and psychological services and 27 participated in art therapy). Considering the number of the applicants (538) and the number of those involved in the programme (in 2018, 332 persons were involved in the programme, by the end of 2018, 500 beneficiaries in total), the majority of the applicants, after the assessment by social workers, were involved in various components of the programme. Against this background, the low number of the beneficiaries of psychological and therapeutic services can be related to the low number of applicants for these particular services. As regards, the number of successful cases, similar to objective 4.4.2, statistics on such cases started to be maintained since 2019.

### **Activity 4.4.2.1. Psycho counselling - psychological counselling for beneficiaries involved in the former prisoners rehabilitation and re-**

## socialization program

### Responsible agency:

- Ministry of Corrections of Georgia

### Indicator:

Number of service recipients;

The number of successful cases to be determined by the professional's assessment of the beneficiary before and after the completion of the work.

**Status:** Mostly incompleted

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

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

**Deadline:** 2018-12-31

## Assessment

According to the Review of the Annual Implementation of the 2018 Budget of the Ministry of Justice of Georgia, 36 beneficiaries received consultation from psychologists and psychiatrists; among them, 21 beneficiaries received consultation from the project's psychologist; 9 beneficiaries received psychological services rendered by other partner organisations and 6 beneficiaries received psychiatric care from other partner organisation.[\[1\]](#)

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[\[1\]](#) Review of the Annual Implementation of the 2018 Budget of the Ministry of Justice of Georgia, 2019, p. 18.

## Activity 4.4.2.2. ART Therapy - Offer an Art therapy module to beneficiaries involved in the former prisoners rehabilitation and re-socialization program

### Responsible agency:

- Ministry of Corrections of Georgia

### Indicator:

Number of service recipients;

The number of successful cases to be determined by the professional's assessment of the beneficiary before and after the completion of the work.

**Status:** Fully completed

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

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

**Deadline:** 2018-12-31

## Assessment

According to the Review of the Annual Implementation of the 2018 Budget of the Ministry of Justice of Georgia, 25 beneficiaries followed the Art Therapy courses.[\[1\]](#)

[\[1\]](#) Ibid., p. 19.

## Objective 4.4.3. Professional retraining of former prisoners

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

Objective Indicators:

Number of retrained former prisoners

### Activity 4.4.3.1. Involve in vocational training courses - professional retraining of beneficiaries who are willing to participate in vocational training

**Responsible agency:**

- Ministry of Education and Science of Georgia; Ministry of Labour Health and Social Affairs of

Georgia

**Indicator:**

Number of retrained former prisoners

**Status:** Mostly incompleted

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

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

**Deadline:** 2018-12-31

**Assessment**

According to the Review of the Annual Implementation of the 2018 Budget of the Ministry of Justice of Georgia, 134 beneficiaries participated in the training course organised by the LEPL Crime Prevention Centre.[\[1\]](#)

According to letter no. 2/111173 of the LEPL Execution of Non-Custodial Sentences and National Agency of Probation of the Ministry of Justice of Georgia, dated 4 December 2019, in 2018, 57 beneficiaries successfully followed the vocational retraining course within the programme of rehabilitation and resocialisation of former prisoners.

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[\[1\]](#) Review of the Annual Implementation of the 2018 Budget of the Ministry of Justice of Georgia, 2019, p. 18.

**Objective 4.4.4. Promote integration of the former prisoners into the society**

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

Objective Indicators:

Strategy of integration of the former prisoners into society involves appropriate necessities

Assessment:

This objective implies the activities carried for facilitating the employment of former prisoners. Considering the scarcity of the Georgian labour market and the challenges related to employing former prisoners and the stigma against them in the society, the number of prisoners trained and employed with the centre's help can be considered satisfactory.

**Activity 4.4.4.1. Conducting study regarding the needs of the**



## employment market

### Responsible agency:

- Ministry of Corrections of Georgia

### Indicator:

Strategy of integration of the former prisoners into society involves appropriate necessities

**Status:** Fully completed

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

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

**Deadline:** 2018-12-31

## Assessment

An annex to letter no. 2/111173 of the LEPL Execution of Non-Custodial Sentences and National Agency of Probation, dated 4 December 2019 contained a research carried out by the Crime Prevention Centre, presumably, in the reporting period. The research included review of similar researches conducted in other countries and information about the situation of the Georgian labour market, conditions hampering employment of former offenders and possible ways of their eradication.

## Activity 4.4.4.2. Promote retraining and employment process of former prisoners based on the results of the study of the needs of the employment market

### Responsible agency:

- Ministry of Corrections of Georgia

### Indicator:

Strategy of integration of the former prisoners into society involves appropriate necessities

**Status:** Fully completed

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

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

**Deadline:** 2018-12-31

## Assessment

Similar to the assessment of 4.4.3.1 based on the information supplied by the National Agency of Probation, in 2018, 57 beneficiaries successfully followed the vocational retraining course within the programme of rehabilitation and resocialisation of former prisoners.

According to the Review of the Annual Implementation of the 2018 Budget of the Ministry of Justice of

Georgia, in the reporting period, 7 beneficiaries were employed; 37 beneficiaries were employed independently after the completion of the rehabilitation course and with the support of partner NGOs, 26 beneficiaries started small business.[\[1\]](#)

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[\[1\]](#) Review of the Annual Implementation of the 2018 Budget of the Ministry of Justice of Georgia, 2019, p. 18.

### **Activity 4.4.4.3. Recruitment of the beneficiaries from the former prisoners rehabilitation and resocialization programs in the social enterprise**

**Responsible agency:**

- Ministry of Corrections of Georgia

**Indicator:**

Strategy of integration of the former prisoners into society involves appropriate necessities

**Status:** Fully completed

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

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

**Deadline:** 2018-12-31

### **Assessment**

According to letter no. 2/111173 of the LEPL Execution of Non-Custodial Sentences and National Agency of Probation, dated 4 December 2019, in the reporting period, 4 beneficiaries and family members of 4 beneficiaries were employed in the social workshop Change the Scenario operating under the auspices of the LEPL Crime Prevention Centre.

### **Activity 4.4.4.4. Funding business**

**Responsible agency:**

- Ministry of Corrections of Georgia

**Indicator:**

Strategy of integration of the former prisoners into society involves appropriate necessities

**Status:** Fully completed

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

Start date: 2018-01-01

Deadline: 2018-12-31

## Assessment

According to the Review of the Annual Implementation of the 2018 Budget of the Ministry of Justice of Georgia, with the support of partner NGOs, 26 beneficiaries started small business.[\[1\]](#)

[\[1\]](#) Idem.

## Goal 4.5. Governing penitentiary system with methods based on human Rights

The progress of the implementation of the Goal: 38.3333%

The management of the penitentiary system with human rights based approaches is the central objective that practically encompasses all other components. The penitentiary system that operates in compliance with international standards, offers effective resocialisation and rehabilitation activities and ensures prisoners protection from the personnel and third persons are inconceivable in the system the management of which is not based on human rights.

Such management can be ensured by the appropriate number of personnel, which is familiar and follows the principle of dynamic security. The dynamic security requires an alert staff who interact with prisoners in a positive manner and engage them in constructive activities, allowing staff to anticipate and prevent problems before they arise.

Against the background, where the resocialisation and rehabilitation activities are scarce and there is a powerful criminal underworld and deep-rooted forms of the informal rule, thus exposing weaker prisoners to the risk of violence and intimidation, the use of disciplinary measures is not uniform and adequate etc., it is difficult to discuss the human rights based prison management

The first steps made since the previous years in this regard are undoubtedly commendable: development of risk assessment and needs assessment mechanism; introduction of individual sentence planning; the work towards the improvement of these mechanisms is to be mentioned positively and the active assistance by the EU-funded Penitentiary and Probation Support Project (EU4Justice) to the penitentiary authorities of Georgia. We hope that with the involvement of international experts the reform will have a tangible and practical outcome in close future.

### Objective 4.5.1. Improvement of the process of classification of the convicted defendants, risk assessment, individual planning of the execution of the sentence and transitional management (the process of preparing for the release and referral mechanism)

The progress of the implementation of the Objective: 30%

Objective Indicators:

Every convicted defendant's risk is assessed and all convicted defendants are placed in respective institutions;

Amendments to the behaviour-based risk assessment instrument are made based on classification/danger assessment instrument of objective mark summing system;

Piloting results are assessed and recommendations are taken into consideration in implementation process

Assessment:

In the reporting period, again the risk-assessment system was considered unsatisfactory by the CPT and the National Preventive Mechanism of the Public Defender of Georgia. The problems and challenges remain the same – it is still the security office of a penitentiary establishment that has a final say in the risk-assessment procedure and in the CPT's view, the participation of social workers and psychologists remains to be only formalistic. In the opinion of the Public Defender of Georgia, the number of prisoners transferred to the closed-type prison facilities is problematic considering the fact that the system does not have conditions conducive to the risk reduction; prisoners have no information about the progress of the proceedings or assessment criteria which makes it impossible to use legal safeguards.

As regards, the introduction of the mechanism of risk, needs assessment, and based on this assessment elaboration of individual sentence plans is clearly a step forward. However, in the opinion of the CPT and the Public Defender, the functioning of this mechanism is still punctuated with considerable shortcomings. For instance, the involvement of the offender in the procedure is still not ensured. This already means that the determined risks and needs are not tailored to the individual situation of the offender. Furthermore, individual sentence plans, in practice, are mostly drafted for female and juvenile prisoners and the work on drawing up individual plans for the remainder of male sentenced prisoner population is supposed to continue in the near future.

The active involvement of the EU-funded Penitentiary and Probation Support Project (EU4Justice) in the elaboration of risk and needs assessment mechanism is commendable. This process is still underway. Nevertheless, if implemented appropriately in practice, it can become a serious step forward in terms of the improvement of approaches towards resocialisation and rehabilitation.

**Activity 4.5.1.1. Risk assessment by the multidisciplinary team and periodic review of the decision regarding the placement of the convicted defendant in the respective facility according to the priorities of different target groups in order to cover whole population of convicts**

**Responsible agency:**

- Ministry of Corrections of Georgia

**Indicator:**

Every convicted defendant's risk is assessed and all convicted defendants are placed in respective institutions;

Amendments to the behaviour-based risk assessment instrument are made based on classification/danger assessment instrument of objective mark summing system;

Piloting results are assessed and recommendations are taken into consideration in implementation process

**Status:** Mostly incompleted

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

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

**Deadline:** 2018-12-31

## Assessment

The Public Defender deems the following to be the serious challenges of the penitentiary system: the system of risk assessment of convicted persons is a significant challenge of the penitentiary system. In this regard, the practice of reassessment of convicted persons and their transfer from semi-open penitentiary establishments to closed type penitentiary establishments is problematic; there are no approaches towards risk reduction and no legal safeguards for convicted persons in the risk assessment process. It is problematic in the context of legal safeguards of convicted persons in the risk assessment process that the Georgian legislation does not lay down the obligation of penitentiary establishments to inform a prisoner during his/her first placement in an establishment about the risk assessment system.”<sup>[1]</sup>

The CPT also recommended that the recently introduced individual risk assessment (for all prisoners) and individual sentence plans (for sentenced inmates) be fully implemented in practice. As regards prisoners classified as “high-risk”, there is an urgent need to completely rethink the philosophy and the approach to them, so as to ensure that any restrictions on organised activities, association, privacy and contact with the outside world are only imposed based on a genuine and frequently reviewed (at least every 6 months) individual risk and needs assessment. In the Committees’ view, the current blanket approach is grossly excessive.<sup>[2]</sup>

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[1] The Report of the Public Defender of Georgia on the State of Protection of Human Rights and Freedoms, 2018, p. 51.

[2] Report to the Georgian Government on the visit to Georgia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 21 September 2018 and published in 2019, available at: <https://rm.coe.int/1680945eca>, para 48.

## Activity 4.5.1.2. Risk assessment by the multidisciplinary team and periodic review of the decision regarding the placement of the

## convicted defendant in the respective facility

### Responsible agency:

- Ministry of Corrections of Georgia

### Indicator:

Every convicted defendant's risk is assessed and all convicted defendants are placed in respective institutions;

Amendments to the behaviour-based risk assessment instrument are made based on classification/danger assessment instrument of objective mark summing system;

Piloting results are assessed and recommendations are taken into consideration in implementation process

**Status:** Mostly incompleted

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

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

**Deadline:** 2018-12-31

## Assessment

The risk assessment system was not revised in the reporting period. Order no. 395 of the Minister of Justice of Georgia of 8 May 2019 approved Types of a Convicted Person's Risks, Risk Assessment Criteria, Procedure for Risk Assessment and Risk Reassessment, Terms and Procedure for Transferring A convicted Person to another Prison Facility of the Same or Other Type, Also the Procedure for Determining Activity and Authority of the Risk Assessment Team. However, the above order still does not offer new approaches in terms of offenders' risk-assessment. The problems existing in the reporting period (see the assessment of the fulfilment of activity 4.5.1.1) will not be solved by the new order.

## Activity 4.5.1.3. Working with case managing comprehensive method and implementing and piloting risk and necessity assessment instrument in N16, N5 and N17 penitentiary institutions

### Responsible agency:

- Ministry of Corrections of Georgia

### Indicator:

Every convicted defendant's risk is assessed and all convicted defendants are placed in respective institutions;

Amendments to the behaviour-based risk assessment instrument are made based on classification/danger assessment instrument of objective mark summing system;

Piloting results are assessed and recommendations are taken into consideration in implementation process

**Status:** Mostly incompleted

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

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

**Deadline:** 2018-12-31

## Assessment

The CPT, in its report about the visit to Georgia carried out in 2018 points out that the introduction of individual risk assessment (for all prisoners) and individual sentence plans (for sentenced inmates) has been one of the positive legislative developments. However, the Committee stated that, „unfortunately, both instruments were still far from being (properly) implemented in practice: although most of the inmates had had their first risk assessment done, it became clear in the prisons visited that the vast majority were not aware of the fact and had not been in any way involved in the process (there had been no hearing, inmates had in most cases not received written information about the risk assessment decision and about the appeal procedure). More fundamentally, although the procedure foresaw the involvement of a multi-disciplinary team (operational, security, medical, psychological, social), in practice the final say was always with the security department which frequently overruled other professionals and whose recommendations, which were classified as secret (and thus not communicated to other participants in the assessment process, including the inmates and their lawyers), were almost invariably followed by the Prison Department. The impression was of a rubber-stamp procedure and of a wasted effort by the sociomedico-psychological teams. It was hardly surprising that for the vast majority of the inmates interviewed by the delegation (especially those classified as “high-risk” and thus in most cases subjected to a very restrictive regime, often amounting to solitary confinement), the new risk assessment procedure had brought no practical change to their situation”.[\[1\]](#)

As for individual sentence plans, the Committee observed that, in practice, they had not yet been drafted for most of the sentenced prisoners: all female and juvenile inmates had them (the delegation could read examples of those for the juveniles at Prison No. 11, which appeared to be quite detailed and indeed individualised). The Committee was informed that work on drawing up individual plans for the remainder of male sentenced prisoner population was supposed to continue in the near future.

The CPT recommended the Georgian authorities to implement fully in practice the new provisions on individual risk assessment and individual sentence plans in all prisons and in respect of all inmates. In this context, particular attention should be paid to the procedural safeguards mentioned above and, in the case of individual sentence plans, to involving (to the extent possible) prisoners in the drafting and reviewing the plans, to secure their commitment to the implementation of the plans and to their social rehabilitation.

With the active assistance of the EU-funded Penitentiary and Probation Support Project (EU4Justice), with the participation of the EU expert, Mr Danny Clark, in the reporting period, the methodology of risk and needs assessment was updated. The qualitative indicator of the original system was augmented by

the quantitative indicator and an algorithm was created to measure risk of reoffending, as well as the possible harm to the society. As already mentioned, a specific tool for juveniles is being developed.

According to the updated methodology, a multidisciplinary group assesses risks and needs. The group comprises a social worker and a security officer and if needed, they are joined by a psychologist and a doctor.

A screening tool has been developed to allow a social worker to conduct risk assessment (low, average, high risk) upon the very first placement of a person in a penitentiary establishment. In parallel, the special registry unit of a respective establishment assesses statistical aspects (the crime committed, criminal past, membership of a criminal group, etc.). As a result of cross-referencing these two assessment reports, the offender's risk group is determined. The methodology aims at allowing the system to plan specific measures for preventing specific risks.

In the reporting period, the multidisciplinary groups of penitentiary establishments nos. 2, 5, 8, 11, 16, and 17 were retrained on the updated methodology.

We hope that the updated methodology will be successfully implemented at the first stage, in a pilot mode and later in each penitentiary establishment, thus making a positive impact on the process of resocialisation and rehabilitation.

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[1] Report to the Georgian Government on the visit to Georgia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 21 September 2018 and published in 2019, available at: <https://rm.coe.int/1680945eca>, para. 73.

## **Objective 4.5.2. Raising Awareness of accused persons/convicted defendants regarding complaints for protection of their rights and disciplinary and administrative procedures**

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

### Objective Indicators:

Leaflets regarding the rights and obligations of accused persons and convicted defendants, translated into different languages, are available and produced in penitentiary facilities

Reduced number of appropriate complaints

### Assessment:

The Special Penitentiary Service has not supplied any information about the activities carried out in terms of raising awareness among prisoners. Certain information in this regard is available in the Review of the Annual Implementation of the 2018 Budget of the Ministry of Justice of Georgia. According to this report, in the reporting period, offenders underwent training on prisoners' rights; furthermore, text video clips were developed and made available on one of the TV channels.

Undoubtedly, these activities are assessed positively. However, it should be noted that text video clips cannot replace informative brochures which prisoners can keep with themselves all the time.



Furthermore, it is unknown whether these text video clips are accessible for PWDs or prisoners not having the command of the Georgian language. It should also be borne in mind that each offender may not be able to have an access to TV programmes for instance when placed in an internal classification cell or solitary confinement.

Stemming from all the above-mentioned, objective 4.5.2 can be deemed as only partially fulfilled.

### **Activity 4.5.2.1. Distribution of informational leaflets regarding the rights of accused persons/convicted defendants, including distribution within the penitentiary facilities (in Azerbaijani, Turkish, Armenian, Arabic, Russian, English and Persian languages)**

**Responsible agency:**

- Ministry of Corrections of Georgia

**Indicator:**

Leaflets regarding the rights and obligations of accused persons and convicted defendants, translated into different languages, are available and produced in penitentiary facilities  
reduced number of appropriate complaints

**Status:** Mostly incompleted

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

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

**Deadline:** 2018-12-31

### **Assessment**

According to the Review of the Annual Implementation of the 2018 Budget of the Ministry of Justice of Georgia, in the reporting period, text video clips were produced which contained updated information on prisoners' rights. The text video clips are available on one TV channel for remand and convicted prisoners of each penitentiary establishments. Despite the novelty of such an approach, text video clips cannot replace the informative brochures and banners, considering their limited accessibility. Furthermore, only prisoners with the command of the Georgian language can understand text video clips.

### **Activity 4.5.2.2. Conducting educational consultations or/and group meetings for accused persons/convicted defendants including persons with disabilities in order to raise awareness regarding their rights**

**Responsible agency:**

- Ministry of Corrections of Georgia

**Indicator:**

Leaflets regarding the rights and obligations of accused persons and convicted defendants, translated into different languages, are available and produced in penitentiary facilities  
reduced number of appropriate complaints

**Status:** Mostly incompleted

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

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

**Deadline:** 2018-12-31

**Assessment**

According to the Review of the Annual Implementation of the 2018 Budget of the Ministry of Justice of Georgia, in the reporting period, 777 offenders followed training programme on prisoners’ rights; among them, juvenile remand and convicted prisoners, including the Juvenile Justice Code and female prisoners – including the Bangkok rules.

**Objective 4.5.3. Ensuring protection of the rights of foreign accused persons/convicted defendants**

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

Objective Indicators:

Reports made by national and international monitoring mechanisms/organisations

**Activity 4.5.3.1. Providing foreign accused persons/convicted defendants with the interpretation on the languages which they understand regarding their rights/responsibilities, conditions in prison, legal consultation and help**

**Responsible agency:**

- Ministry of Corrections of Georgia

**Indicator:**

Reports made by national and international monitoring mechanisms/organisations

**Status:** Mostly incompleted

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

## Assessment

The Public Defender's National Preventive Mechanism, in its 2018 report, still discusses the problem of limited accessibility of services for foreign prisoners due to linguistic barriers.<sup>[1]</sup>

The 2018 report jointly prepared by the Public Defender of Georgia and the Human Rights Centre on the Situation of Female and Juvenile Prisoners in Georgia, points out that under the Nelson Mandela Rules, the information on complaints mechanism shall be available in the most commonly used languages in accordance with the needs of the prison population. If a prisoner does not understand any of those languages, interpretation assistance should be provided. This includes, inter alia, information about prison law and applicable prison regulations; prisoners' rights and obligations; and all other matters necessary to enable prisoners to adapt themselves to the life of the prison. Apart from the above-mentioned problems, foreign prisoners are not duly informed about their rights.<sup>[2]</sup>

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<sup>[1]</sup> The 2018 Report of the National Preventive Mechanism of the Public Defender of Georgia, 2019, p. 50.

<sup>[2]</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. 32.

## Objective 4.5.4. Improvement of availability of procedures of appeal according to the Code of Imprisonment

The progress of the implementation of the Objective: 0%

### Objective Indicators:

Number of complaints according to international monitoring reports;

Changes made according to periodic analysis about flaws revealed in existing appeal mechanisms

### Assessment:

The accessibility of complaint mechanism in the penitentiary system is one of the issues that remains to be problematic for years.

The 2015 special report of the National Preventive Mechanism of the Public Defender of Georgia on the Requests/Complaints Mechanism in the Penitentiary System of Georgia identified the following major problems related to this mechanism:

- The low awareness among prisoners about their rights and procedures related to submitting and examining requests/complaints;
- Breach of complaint confidentiality, which not only reduces the effectiveness of the complaint mechanism but also endangers the psychological security of the author of a complaint. In particular, authors of confidential complaints are notified in a cell about the registration number, which allows

for the identification of the complaints. There have been cases, where a confidential complaint was sent to the person against whom the complaint had been filed. In a number of penitentiary establishments, the complaint boxes are within the area subject to video recording; when requesting a complaint form, a prison officer records the envelope number and the prisoner's name and surname, etc.

- Self-censorship – refraining from filing a complaint as a result of the pressure on the part of the administration or other prisoners and in general, fearing the deterioration in his/her situation;
- Absence of the timeframes within which the General Inspection must examine a complaint and in general, the failure to comply with the requirements of reasonable time.
- Shortcomings in the performance of the General Inspection: the procedure set for the examination of complaints is vague and partial; the number of granting complaints is low; the decisions are not reasoned;
- The general ineffectiveness of the complaint procedure – only 52 percent of non-confidential complaints have been granted as a result of decisions adopted by the General Inspection and this indicator is even lower in terms of confidential complaints (37 percent);
- The failure to hand decisions to prisoners;
- The mechanism for challenging the decision is not indicated therein.

The shortcomings identified in the above research are not redeemed even after four years.

In November 2019, the Public Defender of Georgia published another special report - the Practice of Disciplinary Proceedings Against Prisoners in Georgia. The report contains significant information also for the penitentiary authorities as well as important recommendations regarding shortcomings of the complaint mechanism.

In particular, the special report identifies problems punctuating disciplinary proceedings such as unlawful use of disciplinary measures, the lack of uniformity of the practice, the lack of involvement of prisoners in disciplinary proceedings, etc. According to the report, in 2018, 307 disciplinary measures were applied in total, and out of them only 24 were challenged. In the Public Defender's opinion, this data gives rise to misgivings that prisoners were probably not given the decisions and therefore they could not even be aware of a disciplinary sanction imposed on them. Prisoners were only informed about such measures when their requests for conditional early release was examined.[\[1\]](#)

In the reporting period, no changes were made to the legislative provisions governing complaint mechanisms. As regards numerous practical shortcomings, the reports of the monitoring mechanisms contain no information about their eradication.

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[\[1\]](#) The Special Report of the Public Defender of Georgia on the Practice of Disciplinary Proceedings Against Prisoners in Georgia, November, p. 23.

## Activity 4.5.4.1. Periodic exploration of recent appeal mechanism's flaws

### Responsible agency:

- Ministry of Corrections of Georgia

**Indicator:**

Number of complaints according to intramonitoring reports;

Changes made according to periodic analysis about flaws revealed in existing appeal mechanisms

**Status:** Not implemented

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

0%

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

**Deadline:** 2018-12-31

**Assessment**

It is unknown whether the Special Penitentiary Service studies periodically the existing complaint mechanisms. The Special Penitentiary Service has not provide any information in this regard. Similarly, no relevant information is available on the official websites and in the published reports of the monitoring bodies.

### **Activity 4.5.4.2. After analysing recent mechanism of appeal, appropriate changes should be made**

**Responsible agency:**

- Ministry of Corrections of Georgia

**Indicator:**

Number of complaints according to intramonitoring reports;

Changes made according to periodic analysis about flaws revealed in existing appeal mechanisms

**Status:** Not implemented

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

0%

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

**Deadline:** 2018-12-31

**Assessment**

In the reporting period, no changes were made regarding appeal mechanisms.

### **Objective 4.5.5. Ensure personal data protection for accused persons/convicted defendants in accordance with the Georgian "law on Personal Data Protection" and international obligations**

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

Objective Indicators:

Reduced number of complaints concerning the probable violation of the rights of private life;

Documents of every penitentiary facilities are archived

Assessment:

This objective is worded in rather broad terms and it is less likely that the planned activities will ensure its fulfilment on their own.

Under Article 2.b) of the Law of Georgia on Personal Data Protection, special categories of data is, inter alia, the data related to a person's "criminal record, administrative detention, preventive measures, plea bargains, diversion, recognition as a victim of crime or as a person affected, as well as biometric and genetic data that allow for identification of a natural person by the above features." Under Article 6.2 of the law, processing of this data shall be impermissible unless with a written consent of a data subject or when data are processed to consider the issues related to the maintenance of personal files and registries of the accused/convicted persons; the individual sentence planning of a convicted person, conditional early release of a convicted person; and commutation of unserved sentence with a lesser penalty."<sup>[1]</sup> However, in these cases too, it is permissible only to process the data but it is necessary to obtain the data subject's consent for making the data publicly available or their disclosure to third parties.<sup>[2]</sup>

The exceptions stipulated in Article 6.3 of the above-mentioned law, which make it legal to process personal data of accused/convicted prisoners, refer to a rather broad group of persons both within and outside the system (for instance, the members of local councils examining requests for conditional early release). These persons have access to prisoners' personal data. Accordingly, it is necessary to involve the efforts of not only the Special Penitentiary Service but also that of the State Inspector to cover these issues comprehensively. The State Inspector, apart from examining citizens' applications alleging violations in penitentiary establishments, should pay particular attention to the respect for confidentiality of accessible information by those officials.

Apart from the above-mentioned, Order no. 90 of the Minister of Corrections of 25 May 2011 remains to be problematic. The order approves the list of personnel specially authorised to have access to personal files of accused/convicted persons. This issue was also discussed in the assessment of the fulfilment of the Governmental Action Plan for 2016-2017.<sup>[3]</sup>

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<sup>[1]</sup> The Law of Georgia on Personal Data Protection, Article 6.2.f).

<sup>[2]</sup> Ibid., Article 6.3).

<sup>[3]</sup> Institute for Democracy and Safe Development (IDSD), Monitoring of Governmental Action Plan on Human Rights, 2018, assessment of the fulfilment of activity 4.3.2.

## **Activity 4.5.5.1. Rising awareness of the persons who are responsible for the publication of private information**

**Responsible agency:**

- Ministry of Corrections of Georgia

### Indicator:

Reduced number of complaints concerning the probable violation of the rights of private life;

Documents of every penitentiary facilities are archived

**Status:** Mostly incompletd

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

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

**Deadline:** 2018-12-31

## Assessment

At this state, it is unknown, whether there were any activities aimed at raising awareness among officials in charge of disclosure of personal information. It can be assumed that the retraining programme for multidisciplinary teams (see, the assessment of the fulfilment of objective 4.2.1) included necessarily also the issues of personal data protection. However, as already mentioned, practically each staff member of the penitentiary system has access to various types of this data more or less. Accordingly, it is impossible to discuss whether there were active steps made in terms of raising awareness for each of them based on one type of a training session only.

According to the 2018 Report of the Office of the Personal Data Protection Inspector of Georgia on the Situation of the Personal Data Protection and the Inspector's Activities, in the reporting period, the State Inspector examined up to 70 cases involving processing of personal data by law-enforcement authorities. Out of this, 10 concerned the Special Penitentiary Service of the Ministry of Corrections and Probation/the Ministry of Justice. In 5 out of 10 cases, a fine was imposed for the violation.[\[1\]](#)

According to the same report, "compared to the previous years, in 2018, there was a significant decrease in the number of violations identified in the law-enforcement sector and the number of applications filed by prisoners with the inspector regarding processing personal data during video recordings and exercise of the right to telephone calls. This, in turn, indicates the positive effect of the legislative changes in the field and the measures taken by the Ministry of Corrections and Probation of Georgia."[\[2\]](#)

It is noteworthy that the 2017 Report on the Situation of the Personal Data Protection and the Inspector's Activities also mentions a decrease in the number of prisoners' applications filed with the inspector regarding processing personal data during video recordings and exercise of the right to telephone calls. This, in the inspector's view "indicates the positive effect of the legislative changes in the field and the measures taken by the Ministry of Corrections and Probation of Georgia."[\[3\]](#)

The same report points out the following problems in the penitentiary system:

- Offenders are not informed about the video recording;[\[4\]](#)
- Problems related to the use of telephone. [\[5\]](#)

Unfortunately, the 2018 Report of the Office of the Personal Data Protection Inspector of Georgia on the Situation of the Personal Data Protection and the Inspector's Activities does not mention anything about the solution of the above problems. However, as made clear by the 2018 report of the National Preventive Mechanism, the problems related to prisoners' personal data protection in the penitentiary system remain the same.[\[6\]](#)

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[1] The Report of the Office of the Personal Data Protection Inspector of Georgia on The Situation of the Personal Data Protection and the Inspector’s Activities, 2018, pp. 62-63.

[2] The Report of the Office of the Personal Data Protection Inspector of Georgia on The Situation of the Personal Data Protection and the Inspector’s Activities, 2018, p. 62.

[3] The Report of the Office of the Personal Data Protection Inspector of Georgia on The Situation of the Personal Data Protection and the Inspector’s Activities, 2017, p. 38.

[4] The Report of the Office of the Personal Data Protection Inspector of Georgia on The Situation of the Personal Data Protection and the Inspector’s Activities, 2017, pp. 44-45.

[5] The Report of the Office of the Personal Data Protection Inspector of Georgia on The Situation of the Personal Data Protection and the Inspector’s Activities, 2017, pp. 52-53.

[6] The 2018 Report of the National Preventive Mechanism of the Public Defender of Georgia, 2019, pp. 33. 48.

### **Activity 4.5.5.2. Archived documents of penitentiary facilities are step by step transferred to the central archive within the framework of the centralization (the process of centralization has been started)**

**Responsible agency:**

- Ministry of Corrections of Georgia

**Indicator:**

Reduced number of complaints concerning the probable violation of the rights of private life;

Documents of every penitentiary facilities are archived

**Status:** Mostly incompleted

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

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

**Deadline:** 2018-12-31

### **Assessment**

According to the EU-funded Penitentiary and Probation Support Project (EU4Justice), with the involvement of the EU social expert, the consolidated penitentiary and probation database is being developed within which the data of remand and convicted prisoners as well as former prisoners will be archived and serve as an element for implementing transitional management.

### **Objective 4.5.6. Implement human rights based approach in**



# penitentiary system

The progress of the implementation of the Objective: 50%

Objective Indicators:

Assessment:

This objective and the only activity determined for its fulfilment is a clear example of the deficient nature of the Action Plan. On the one hand, there is an objective, the fulfilment of which implies that human rights based approach is/being implemented in penitentiary establishments, which seems rather unrealistic not only in the reporting period but even in the close future (see below); and on the other hand, there is the only activity determined with a view to implementing the above objective, which was fulfilled rather successfully in the reporting period.

The CPT report about the visit to Georgia carried out in 2018 contains rather alarming information concerning the management methods of penitentiary establishments. The situation in penitentiary establishment no. 15 is particularly noteworthy, where, according to the Committee, the “pernicious influence of the informal prisoner hierarchy” was an important factor.<sup>[1]</sup> What is even more alarming, the management of penitentiary establishment no. 15 acknowledged that it considered itself compelled to share a part of its responsibility for order and security with “strong prisoners”.

The above-mentioned is very distanced from the human rights based approach as the informal rule, being the problem of not only penitentiary establishment no. 15, is the direct indicator of inter-prisoner physical and psychological violence. The presence of such rule undoubtedly signals the serious problems in terms of prison management, which is unequivocally indicated also in the CPT report about the visit to Georgia carried out in 2018.<sup>[2]</sup>

All the above-mentioned issues, including ineffective management of human resources, which is manifested in a high staff turnover rate and losing trained personnel, undermine those positive measures that were conducted in the reporting period. In particular, with the support of the EU-funded Penitentiary and Probation Support Project (EU4Justice), The Handbook on International Standards of Imprisonment was developed. Senior managers of all penitentiary establishments were retrained on the relevant issues of modern methods of prison management and prisoners’ rights.

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<sup>[1]</sup> The Report to the Georgian Government on the visit to Georgia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 21 September 2018 and published in 2019, available at: <https://rm.coe.int/1680945eca>, para. 51.

<sup>[2]</sup> The Report to the Georgian Government on the visit to Georgia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 21 September 2018 and published in 2019, available at: <https://rm.coe.int/1680945eca>, para. 52.

## Activity 4.5.6.1. Retraining middle and high level managers through human rights based approach

### Responsible agency:

- Ministry of Corrections of Georgia

### Indicator:

**Status:** Mostly incompleted

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

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

**Deadline:** 2018-12-31

## Assessment

In the reporting period, with the active support of the EU-funded Penitentiary and Probation Support Project (EU4Justice) directors, deputy directors and regime officers were retrained on human rights, modern methods of prison management and dynamic security principles. According to the project's Facebook page, the above training programme was conducted in 2018-2019 and 82 managers of 15 penitentiary establishments participated in it.<sup>[1]</sup>

However, it should be also pointed out that according to the information at our disposal, out of 15 directors of penitentiary establishments who had followed the training programme 7 already left their positions. This fact itself undermines the effectiveness of the activity.

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[1] Available at: <https://www.facebook.com/EU4JusticeCorrections/photos/a.570554886476080/1050052295193001/?type=1&theater>, (accessed 04.12.2019).