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საქართველოსთვის
The European Union for Georgia



ინიციატივა მონაცვლადი ჯგუფების
რეაბილიტაციისათვის
Rehabilitation initiative for
vulnerable groups



Educational and Rehabilitation Process in Prisons

Desk Research





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წინამდებარე სამაგიდო კვლევა მოამზადა ორგანიზაციამ „ინიციატივა მონწყვლადი ჯგუფების რეაბილიტაციისთვის“ (ავტორი: ანტონ (ტატო) ქელბაქიანი). კვლევა ჩატარდა ევროკავშირის ფინანსური მხარდაჭერით, „ციხის საერთაშორისო რეფორმის სამხრეთ კავკასიის ოფისის პროექტის – „სასჯელსრულებისა და პრობაციის რეფორმების ხელშეწყობა და მონიტორინგი სამოქალაქო საზოგადოების ჩართულობით“ ფარგლებში. დოკუმენტის შინაარსზე სრულად პასუხისმგებელია ავტორი და ტექსტში გადმოცემული მოსაზრებები არცერთ ვითარებაში არ შეიძლება ჩაითვალოს დონორის, „ციხის საერთაშორისო რეფორმის“ ან მისი პარტნიორი ორგანიზაციების პოზიციის გამომხატველად.

The publication has been produced by Rehabilitation Initiative of Vulnerable Groups (Author: Anton (Tato) Kelbakiani) within the framework of the EU funded project “Monitoring Government’s Commitments and Promoting Penal Reforms through the Engagement of CSOs” which is implemented by Penal Reform International South Caucasus Regional Office. The contents of this document is the sole responsibility of the Author and can in no circumstances be regarded as reflecting the position of either the donor or Penal Reform International, or its partner organisations.

Introduction

Rehabilitation and re-socialization of persons in conflict with the law is the primary goal of punishment, including the deprivation of liberty. The United Nations and the Council of Europe determine various standards related to the importance of educational, rehabilitation and employment programs and set out issues for their effective organization. Parallel to international standards, certain regulations are also in national legislations. In this regard, it is of great importance to conduct comparative analysis of local and international standards and generally determine how local legislation and international standards are in compliance.

In addition, it is important to analyse the practice of introduction and implementation of educational, rehabilitation and employment programs in the penitentiary system in 2014-2017. The most considerable sources, in this regard, are the Parliamentary and Special Reports of the Public Defender of Georgia, the research, carried out by NGOs and international organizations working in the field, and statistical information, reflected in the reports/surveys, official websites of state agencies and material requested in the form of public information.

Main Findings

Legislation

During the period of 2014-2017, various challenges have been identified in the penitentiary system in relation to organizing rehabilitation and re-socialization process. It should be noted that the existing legislation is in line with international standards and practices, but there are certain issues where the shortcomings need to be improved. In particular, the compliance of the labour standards in prison with the standards outside, in the civil sector - prisoners employed in the upkeep and maintenance service have irregular working hours and often have to work without any off times. Besides, when prisoners are to be involved in the upkeep and maintenance service, they usually do not know in advance about the kind of work they will have to perform.

In addition, one of the shortcomings is the restriction of higher education for persons under disciplinary punishment.

Rehabilitation and re-socialization of convicts is one of the primary tasks of punishment, and education is one of the directions on this road. Therefore, education should not be a privilege and, where possible, everyone should be able to get involved in educational programs. Also, one of the significant shortcomings is the fact that there are more restricted services in high security risk prisons. A principle exists that "the resources must respond to the risks", or the necessity of involvement in various programs, for the purpose of re-socialization and rehabilitation of high-risk prisoners. Consequently, despite the relatively strict regime in which these prisoners are, they should be able to get involved in various programs.

Vocational Training

Modular training (within vocational education) is carried out both in penitentiary establishments and in community colleges. Vocational training is not equally accessible in every establishment of the penitentiary system. Where it is accessible, the beneficiary has the opportunity to obtain relevant credits through one of the modules within a short period of time (6 months). However, it should be noted that courses offered in penitentiary establishments by the Ministry of Education and Science are based only on theoretical teaching and do not include the practical part. While for part of the beneficiaries it is preferable to be involved in a short-term (less than 6 months) practice-based teaching over the modular training. Therefore, it is important that the vocational education provider creates a base of practical equipment in parallel with the training and provides the course along with it.

Production of Statistical Information

Production of statistical information in the penitentiary system is also quite problematic in this regard. It is very difficult to make any analysis based on the information available on the official website of the state agency. As regards to the involvement in educational and rehabilitation programs, also the prisoners involved in the employment program, statistical information is presented in the way which makes it impossible to determine how many persons were able to use these opportunities during the year. The main trustworthy source in this regard is the information provided in the Public Defender's reports, although the complete analysis based on this source is quite difficult. In addition, one of the sources is the research conducted on this issue by other organizations.

Individual Planning Process

The individual planning process is an important component of the rehabilitation process. Within the legal obligation, this process must take place in every penitentiary establishment. The research shows that this process is more or less functional only in N11, №5 and №16 penitentiary establishments.

Human Resources

Social workers and psychologists have the main role in organizing the educational and rehabilitation process. Their insufficient amount creates a risk that organizing the individual planning and general educational and rehabilitation process may not be effectively implemented. The research revealed a shortcoming that penitentiary establishments are in shortage of social workers.

Lack of Services, Sustainability and Quality Control System

The lack of services is one of the challenges of penitentiary establishments. The research has revealed that the services are concentrated only in three (№11, №5, №16) penitentiary establishments, where approximately 5% of the whole prison population is located.¹

As the research has shown, there are no bases for various services, which would be available for different state agencies and NGOs. These bases are desirable to include the latest information on current and past programs of both the state and non-governmental sectors. Naturally, the absence of such a base hinders both efficient planning and avoidance of the overlap, but also the possibility of referral of beneficiaries from one organization to another to receive the desired service. The existing practice indicates that because of the lack of information on current/ongoing programs, organizations sometimes provide the same service to beneficiaries and other necessary services are not provided at all. In addition, the list of services, which are necessary to be carried out in the penitentiary system, shall be identified.

The research revealed that the system of ensuring the quality of provided services is not established and therefore, the analysis of the uniform process of preparing the convicts for release is also not carried out. Quality control mechanisms in the penitentiary system are multifarious and are not systematized. It is necessary to establish a quality control system that includes all the elements discussed above - supervision/monitoring; feedback and reporting system; system of collection and analysis of existing data. Certainly, in this process, it is possible to consider different approaches depending on different types of establishments and categories of convicted persons. A uniform cycle of quality control system should be established, which should be regulated at the legislative level.

Inter-agency Cooperation

It was revealed that cooperation between the penitentiary establishments and the National Probation Agency in the process of release of convicts from the penitentiary system begins only 3 months prior to the possible early release of the convicted person (or until the penalty is changed with more lenient sentence). At the moment this cooperation is limited to the process of preparing women and juvenile convicts for release. Also, this process now concerns the convicts placed in the №16 low-risk penitentiary establishment. The current cooperation between the Penitentiary Department and the Center for Crime Prevention is limited to providing a beneficiary with information on the type of services that can be accessed after the release. Only this activity does not provide an effective mechanism for the preparation process for release. In this regard, there were clear shortcomings of cooperation between the agencies, particularly in terms of delivering accurate information to the beneficiaries about the role of the Crime Prevention Center and what they offer after their release.

Infrastructure

The existence of adequate infrastructure is one of the most important components in organizing relevant services in penitentiary establishments. Studies have shown that at this stage there is no short- or long-term plans for the development of infrastructure. The problems related to infrastructure hinders the efficient rehabilitation process of beneficiaries (lack of relevant space) and effective classification of prisoners according to the risks, which is one of the challenges in terms of reducing influence of criminal subculture that prevents the effective organization of the rehabilitation process.

¹ <http://moc.gov.ge/images/temp/2019/01/08/221299ddfc3f2318ddc1a185011f8331.pdf>

Low Motivation of Beneficiaries

As studies have shown, in the penitentiary system, beneficiaries have **low motivation** to engage in programs. Often, they do not have complete information on the existing services implemented by relevant agencies. At this stage there is no efficient and evidence-based system of motivation for beneficiaries, which would make the available services/programs more attractive to beneficiaries.

Criminal Subculture

As studies have shown, criminal subculture is one of the hindering factors in the provision of services to the beneficiaries. One of the reasons why the beneficiaries cannot be involved in various services is criminal subculture.² Studies show that according to the rules of the criminal subculture, the involvement of beneficiaries in the educational and rehabilitation programs are not accepted among certain groups of prisoners, which may influence the motivation of beneficiaries.

Recommendations

- Make amendments to the legislation in order to provide the opportunity of receiving higher education for persons with disciplinary punishments;
- Make amendments to the legislation to determine the procedures of involving prisoners in the employment process, which would be in compliance with international standards and standards in the civil sector;
- Increase the access of beneficiaries to various services, both by increased budgetary financing and close cooperation with NGOs and international organizations;
- Introduce individual planning process in all penitentiary establishments where each beneficiary will have equal opportunities to engage in this process;
- Improve the rules and practice of producing statistical information, in order to improve the educational and rehabilitation process;
- Provide evidence-based (needs-based) services for beneficiaries. Through cooperation with state agencies and the non-governmental sector, the Ministry of Justice of Georgia shall conduct relevant analysis to determine the purposefulness of the programs and ensure the continued provision of various evidence-based programs for beneficiaries;
- In order to increase the involvement of beneficiaries in different types of services, establish an evidence-based motivation system which could include various components;
- Pre-determine the list of services, which will be available to beneficiaries;
- Gradually increase the number of social workers and psychologists in penitentiary establishments;
- Ensure the introduction of modular as well as relatively short-term practice-based professional trainings in all penitentiary establishments, taking into consideration internal and external resources of all competent partner organizations and the needs of beneficiaries. This would allow the beneficiaries to choose between offered programs. Vocational education providers to create the base of practical equipment and on its basis develop practical skills of beneficiaries;
- Develop a single database regarding the involvement of beneficiaries in services. The database shall be available to relevant state agencies and service provider NGOs, which would ensure saving human and material resources and the continuity of rehabilitation process;
- Prior to the full establishment of the system of preparation for release, form the information exchange system among agencies in those penitentiary establishments, where the cooperation process among the Penitentiary Department and the National Probation Agency / Center for Crime Prevention is not regulated;
- Introduce effective mechanisms for delivering information to the convicts about the activities of the agencies within the framework of the program for preparation for release;
- Within the program of preparation for release, introduce the mechanisms of providing information to the convicts about the work of the agencies;
- Develop a clear vision for introducing the program for release, considering various types of penitentiary establishments, and elaborate clear criteria for inclusion of convicts in this program;
- Establish an evidence-based short- and long-term plan for reducing the influence of criminal subculture in penitentiary establishments;
- Establish an evidence-based short- and long-term plan for the development of infrastructure.

2 Ibid, p 64.

