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REHABILITATION-RESOCIALIZATION PROCESS IN THE PENAL SYSTEM

ANALYSIS OF THE POLICY DOCUMENTS

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1. THE AIM OF THE RESEARCH

The aim of the research is to assess the process of planning and implementing the public policy related with rehabilitation and resocialization process in the penitentiary system during 2015-2018.

2. THE OBJECTIVE OF THE RESEARCH

Objectives of the research are:

- To assess positive and negative trends in respect with planning the implementation of public policy;
- To assess the structure of action plans and the process of developing and complying with them;
- To develop recommendations in respect with public policy planning and implementation.

3. RESEARCH METHODOLOGY

Obligations taken on by Georgia at the international level and the state policy documents were assessed for the research objectives, which apply to the classification of convicted individuals and assessing the risks of threat.

Obligations claimed by Georgia were assessed within the scope of the research in the association agenda of Georgia-EU (2014-2016 and 2017-2020). Besides, it was assessed what sorts of obligations were reflected in the state policy documents developed by Georgia. These documents are:

- a) National strategy of human rights of 2014-2019¹;
- b) Action plans of human rights protection of 2014-2015, 2016-2017 and 2018-2020² (respective chapters);
- c) Criminal law reform strategies plans of 2015, 2016, 2017 and 2018³ (penitentiary systems reform chapter);

¹ "Decree of the parliament of Georgia of April 30, 2014 on approving the National Strategy of Human Rights Protection of Georgia (for 2014-2020).

² Decrees of the Government of Georgia N 445 of July 9, 2014, N 338 of July, 2016 and N 182 of April 17, 2018.

³ Strategies of 2015, 2016, 2017 and 2018 of the Penal Code reform approved by the inter-agency coordination board of the criminal law reform.

- d) Criminal law reform strategies plans of 2015, 2016, 2017 and 2018⁴ (part of the action plan of the penitentiary system reform);
- e) Strategy of 2019-2020 of development of penitentiary and crime prevention system⁵;
- f) 2019-2020 action plan (general assessment) of developing the penitentiary and crime prevention systems ⁶(general assessment).

When assessing the state policy documents, main focus was made on analysing the action plans. Plans were assessed according to the following components: relevance of components of action plans; compliance with action plans and action plans structure.

Relevance of components of action plans

Assessing the components of action plans was carried out according to the following sources: **manual research** - classification of convicted individuals and assessing threat risks in the penitentiary system; annual reports of the public defender of Georgia; research carried out by various organizations and the normative base for action.

Based on the mentioned sources, purposes, tasks and activities reflected in action plans were assessed in terms of their relevance and to what extent they responded to the existing challenges in the specific reporting period (years of 2015, 2016, 2017, and 2018).

Complying with action plans

Assessing compliance with action plans was carried out according to the following sources: public information requested from state agencies; compliance reports of human rights protection government plans of 2014-2015 and 2016-2017⁷; Progress reports of the criminal law reform VII (2015), VIII (2016), IX (2017); annual reports of the public defender and active normative base.

Structure of action plans

The structure of action plans, namely, objectives and activities (envisaging indicators and responsible agencies) will be assessed according to the so-called **S.M.A.R.T** principle, which encompasses to what extent the components were reflected in the plan - S (Specific) = specific (concrete, detailed, well defined); M (Measurable) = measurable (figures, amount); A (Achievable) = achievable (manageable); R (Realistic) = realistic (envisaging resources); T (Time-bound) = written out in time (should have a definite term for compliance, the so-called deadline). Main tendencies, positive and negative sides reflected in plans were assessed in this respect.

⁴ Action plans 2015, 2016, 2017, and 2018 of criminal law reform approved by the inter-agency coordination board of the criminal law reform.

⁵ Decree N 385 of February 22, 2019 of the Minister of Justice of Georgia on "Strategy of developing the penitentiary and crime prevention system and approval of the action plan of 2019-2019-2020", Appendix N 1

⁶ Strategy of developing the penitentiary and crime prevention system and Decree N 385 of February 22, 2019 of the Minister of Justice of Georgia on "The approval of the action plan of 2019-2019-2020", Appendix N 2.

⁷ Compliance reports of 2014-2015 and 2016-2017 of government action plans of human rights protection.

4. LIMITATIONS OF RESEARCH

In the process of carrying out the research, public information was requested from the Ministry of Justice of Georgia which concerned carrying out activities (in certain cases, tasks) reflected in state policy documents (action plans). The given information would be used as the supplementary instrument for assessing the respective points of action plans. Public information was not provided by the Ministry of Justice of Georgia due to which analysis was made according to other sources.

5. INTRODUCTION

Obligations taken on by the state are reflected in the Georgia-EU Association Agenda in terms of organizing the process of rehabilitation-resocialization of convicted individuals. To be more specific, the 2014-2016 agenda reads as follows “To continue the politics of rehabilitation and resocialization in the field of criminal law to promote such approaches as: non-prison punishment, socially beneficial labour, use actively probation, early release on bail, escaping responsibility/ evasion and motion”.⁸ In the agenda of 2016-2017 it is mentioned that it is important “to introduce the approaches of rehabilitation and resocialization in the penitentiary and probation system as well as outside it with the view of evading the repeated crime and maintaining balance between public order and security and guarantee human rights protection”.⁹

In 2014, the parliament of Georgia adopted the national strategy of human rights protection of Georgia¹⁰. The main aim of the strategy is to establish a systemic approach which ensures application of obligations flowing from human rights in everyday life. It is mentioned in the strategy that representatives of all branches of power, first of all, the government of Georgia, any public official at the central or local level, should very well be aware of and meet the requirements which are imposed upon them by the constitutional responsibility of human rights provision. One of the priority directions of the mentioned strategy is to establish the system of corrections and probation commensurate with international standards and the mechanisms of caring about former prisoners. The aim of this strategic direction is to establish the system of correction and probation commensurate with international standards, improving conditions at the corrections and probation establishments, ensuring timely and efficient medical service for prisoners, contributing to resocialization of convicted individuals and former prisoners. As for one of the objectives, it is to implement programs of resocialization and rehabilitation of convicted individuals and former prisoners. “. ¹¹

The interagency coordination board of implementing the criminal law reform was established on the basis of decree N 591 of December 13, 2008 of the president. The board is authorized to develop and implement the criminal law reform envisaging international standards as well as coordinate inter-agency activities in the field of criminal law. Government agencies, independent experts as well as non-government and international organizations representatives are members

⁸ Georgia-EU Association Agenda of 2014-2016, p. 35.

⁹ Georgia-EU Association Agenda of 2017-2020, p.16.

¹⁰ Parliament regulation N2315-II b. “On Approving the National Strategy for Protection of Human Rights (2014-2020), 2014.

¹¹ Ibid, Point 5.

of the coordination board. The board approves the strategy of criminal law reform and the action plan which is updated annually. The strategy established within the scope of the mentioned board involves such a direction as the strategy of the corrections system whereas one of the directions of this strategy is resocialization-rehabilitation of convicted.

As it has already been stated, the strategy is updated on annual basis. In 2015 strategy, the chapter on rehabilitation-resocialization of convicted individuals states the following priorities: "From 2013 social direction has become one of the main priorities of the system of probation. With assistance of line ministries and various partner organizations, various vocational, professional and educational courses are being held in various corrections establishments. 10 psychological-social most demanded programs have been prepared and they are gradually being introduced within the establishments using local resource. Hundreds of convicted individuals take part in them on annual basis. . . . in accordance with assessing the behaviour-based risks, the practice of distributing convicted individuals and introducing the methodology of individual planning of punishment will enable better mobilization of the ministry resources in the given direction. The aim of the ministry is to involve a maximum large amount of convicted individuals in educational, rehabilitation and employment programs. New programs are being developed. ... for 2017-2018 it is planned to gradually ensure availability of high education for convicted individuals placed in corrections establishments".¹²

In 2016 strategy there are almost identical records. However, certain issues/directions are more extended. Namely: "... new programs are being developed. Besides, focus is made on certification programs of vocational training which are provided by vocational education colleges. ... with the view of convicted individuals, it is planned to introduce and offer more programs. For 2017-2018, it is planned to gradually provide the convicted individual placed in corrections establishments with high education. ... one of the significant components of re-socialisation of prisoners is providing them with efficient rehabilitation programs, including, through education, vocational training and employment. With the initiative of the ministry, functioning of enterprises on the territory of penitentiary establishments will be promoted in which convicted individuals will be employed and they will get respective remuneration. By means of legislative changes, it will be possible to give employment to convicted individuals at penitentiary establishments in respect with small refurbishment-renovation works. The ministry will also support individual activities of prisoners and selling of production made as a result of this activity. With this view, the ministry ensures creation of the online platform which will simplify selling of production made as a result of individual labour of convicted individuals and by doing so encourage involvement of more convicted individuals into such activity".¹³

2017 strategy also contains similar records, which are given in strategies of 2015-2016. However, the mentioned strategy no more contains a record on supporting functioning of enterprises of the territory of the penitentiary establishment and with this view creating the online platform, as it was mentioned in 2016 strategy. Besides, it is not mentioned additionally in 2017 strategy that "focus in made on certification programs of vocational education which are provided by vocational education colleges".¹⁴

¹² Penal Law Reform Strategy, 2015. p. 61-62.

¹³ Penal Law Reform Strategy, 2016. p.70-71.

¹⁴ Ibid, p. 101-102.

The 2018 strategy contains almost the same records that those of previous years. However, some issues/directions are more expanded here. Namely, the report states that “psychological-social support activities are carried out intensively with convicted individuals placed in the penitentiary system. Introducing the individual planning of punishment is a welcoming fact in all penitentiary establishments, which ensures identification of risks and needs of beneficiaries and, then, redirecting them purposefully to the respective rehabilitation program agreed with the convicted individuals. It is significant to introduce the instrument of the risk of harm in the penitentiary system as well as update the instrument of risk and needs assessment so that to make sure that it becomes objectives and possible to calculate in scores the probability of the relapse. Development of matrixes of standards, assessment and review of rehabilitation programs, ensures measurement of programs and results achieved by the persons taking part in them and formulating united approaches in both the penitentiary and probation system and the crime prevention centre, follows the principle of transition. In the process of getting ready for liberation, it is desirable that in the program specially designed for that, apart from the representative of penitentiary system facilitators, representatives of the probation agency, centre for prevention and other government or non-government sector ones take part who work with the persons in conflict with law for the purpose of introducing services and efficient support of beneficiaries after freeing them. Ensuring transition management among the systems of corrections and probation is a significant process when the assessment, planning and achieved progress in the penitentiary system are transferred to the probation system to be taken into consideration while devising the non-prison punishment plan. “Besides, different from the 2017 strategy, there is a record in the 2018 one in relation with supporting functioning of enterprises on the penitentiary establishment territory and with this view in relation with developing this platform. Namely, “With the initiative of the ministry, support will be provided to functioning of enterprises on the penitentiary establishment territory in which convicted individuals will be employed who will get respective remuneration. The ministry also supports individual activities of prisoners and selling of the production manufactured as a result of this activity. With this purpose, the ministry ensured creation of the online platform which simplified selling of the product made as a result of individual work of convicts and, by so doing, encouraged involvement of more convicts into such type of an activity”.¹⁵

6. EXISTING CHALLENGES

This part represents information about those challenges which used to be identified throughout years (2013-2017) and the situation as of 2018. Throughout 2013-2017 various types of drawbacks used to be identified related with organizing the process of rehabilitation/resocialization which is not mentioned in the reports of the public defender of Georgia:

2013 Report states that throughout the year various types of professional and vocational courses used to be implemented in the system as well as sports activities and different measures. However, the mentioned activities were mainly implemented in penitentiary establishments N2; N5; N11; N12. Several programs got implemented in penitentiary establishments N14; N15; and N17. No secondary and vocational education programs got activated in corrections establishment N6. Only the anti-drug rehabilitation program “Atlantes” (which does not function in further years)

¹⁵ Penal Law Reform Strategy, 2018, p. 55-56

was functioning in the mentioned establishment. The “Methadone” program used to function in establishments N8 and N2 and in N8 establishment there was only a sculpture sculptor’s course (using the internal part of the bread).¹⁶

2014 - educational-rehabilitation programs in establishments N3, N7, N9, and N18 have not been functioning at all. Only establishments N5 (women) and N11 (underage) were distinguished in terms of variety of programs. The fact that convicted individuals mainly spend 23 hours in closed types of establishments served as a problem and they were not given a possibility to take part in various types of activities. Great difference was reported between statistical information reflected in the public defender’s report and those of the Ministry of Probation and Corrections, which makes it difficult to make objective analysis.¹⁷

2015 - Unlike 2014 report, educational-rehabilitation programs were more varied in the mentioned year as well. Penitentiary establishments as well - N 5 (women’s) and N 11 (of underage individuals) were distinguished in terms of the variety of programs. The legislative package developed in respect with employment of convicted individuals was also positively assessed. However, in this period as well problems in various directions were identified. Namely,

- In a closed type of penitentiary establishments, convicted individuals are mainly placed in a cell for 23 hours and they are not given the opportunity to take part in various types of activities;
- No programs were carried out in establishments N7 and N9 in this period;
- Very limited amount of activities/programs were carried out in establishments N18, N19, N6, N3;
- Certain types of programs were carried out in establishments N3, N6, N7, N9, N18, N19, though in a small amount;
- The working conditions of convicted individuals and the working schedule did not correspond with the standards existing in the civilian sector;
- A large difference is identified between the statistical information reflected in the public defender’s report and that of the Ministry of Corrections and Probation, which makes it difficult to provide objective analysis of the data.¹⁸

2016 - in this year as well, N 5 (women’s) and N 11 (juvenile) penitentiary establishments were also distinguished in terms of variety of programs. What also got positive evaluation was changes made to the code of imprisonment related with the availability of high education (however, the limitation which the person named in this respect is exposed to, is assessed negatively). The amendment made to legislation was also assessed positively, according to which, the convicted individual has the right to carry out individual activities and s/he can sell the product through internet sales. Besides, the convicted individual has the right to carry out individual activities and is able to sell the products through internet sales. The amount will be transferred to his/her account. However, problems in various directions also used to be identified in this period. Namely:

¹⁶ Public Defender of Georgia, 2013 Report on the Condition of Human Rights and Freedoms.

¹⁷ Public Defender of Georgia, 2014 Report on the Condition of Human Rights and Freedoms.

¹⁸ Public Defender of Georgia, 2015 Report on the Condition of Human Rights and Freedoms.

- Convicted individuals in a closed type of penitentiary establishment are mainly placed for 23 hours and they are not given the possibility to take part in various activities;
- The individual planning process of going through punishment was going on in only establishments N5, N11 and N16;
- Shortage of programs occurred in special risk establishments and establishments N14 and N15;
- Programs were not available due to the language barrier whereas foreign prisoners could not access programs;
- The amount of social workers and psychologists was limited in the establishment;
- In establishments N 2 and N 3 psychologists had no rooms at all;
- Compared with 2015, in 2016 the amount of employed people was limited;
- The fact that prisoners have to work at weekends and they do not know in advance what kind of work they have to do, used to be a problem in respect with employment;
- Criteria to assess service efficiency was not formulated;
- It was not known in advance what kinds of needs existed in penitentiary establishments in respect with organizing service¹⁹.

A big difference used to be identified between statistical data in the public defender's report and those of the Ministry of Corrections and Probation, which makes it difficult to carry out objective analysis of data.

2017 - in the mentioned year, the majority of problems which were identified in 2016 were still present. However, legislative changes implemented in relation with activating the establishment of release were positively evaluated. Besides the fact that in 2016 existing problems were almost identical, the report focuses separately on the challenges in the following directions:

- In establishments of special risk, convicted individuals were not given the possibility to get involved in programs. The problem of involving the life-long prisoners in rehabilitation programs also got identified;
- Discriminative approaches were identified in respect with the LGBT community related with their involvement in rehabilitation-educational programs;
- Problems were identified in respect with sub-culture which makes impact on organization of educational-rehabilitation programs.²⁰

Various types of surveys were administered in 2017-2018 by various non-government and international organizations, which referred to organizing the educational-rehabilitation process of convicted individuals in penitentiary establishments. Secondary analysis of these survey was carried out at the end of 2018 in the mode of the desk reports²¹. On the basis of recommendations reflected in the public defender's report (which are given above) and desk reports to be

¹⁹ 2016 Report of the Public Defender of Georgia on the Condition of Human Rights and Freedoms.

²⁰ 2017 Report of the Public Defender of Georgia on the Condition of Human Rights and Freedoms.

²¹ <https://www.rivg.ge/media/1001537/2019/03/04/442648aabd5aa3402a620b8e92775844.pdf>

implemented, the challenges which used to exist in the penitentiary establishments at the end of 2018 can be summarized as follows:

It should be stated that the existing legislation mainly corresponds with international standards and practice; however, there are issues where some drawbacks are observed and they need to be refined. To be more specific, correspondence of the labour standards of convicted individuals with those in the civil sector – prisoners employed in the economic activities do not have fixed working time and, actually, in most cases, have to work without any break. Also, when getting involved in economic activities, the prisoners do not know in advance what kind of work they have to carry out. Besides, one of the drawbacks is limiting getting high education for the persons imposed disciplinary punishment. Rehabilitation and resocialization of convicted individuals is one of the main objectives of punishment and getting education is one of the directions in this respect on this way. Besides, the following directions got identified:

a) Vocational education

Modular training is carried out both in the penitentiary establishment and the vocational education college. Such education in the penitentiary system is not equally available in all establishments. Where such training is being carried out, beneficiaries have the possibility to gain respective credits in a short period of time (6 months) through one module. However, it needs to be stated here that often courses offered by the Ministry of Education and Science to penitentiary establishments are based on only theoretical instruction and does not contain the practical side whereas for the part of beneficiaries, involvement in short-term (less than 6 months) practice-based training is more of priority. Therefore, it is significant to make sure that the provider of vocational education creates the base equipped for practical activities along with providing instruction and use it for offering the training course.

b) Generating statistics

Generating statistical information in the penitentiary system is quite problematic. Based on the information placed on the website of the agency, it is quite difficult to make any kind of analysis. Statistical information in terms of both involvement in educational-rehabilitation programs and prisoners included in the employment program, is not presented so that it is impossible to define throughout the year how many persons had the possibility to use this program.

c) The process of individual planning of punishment

The process of individual planning is the significant component of the rehabilitation process. Within the scope of the obligation envisaged by law, this process should be going on in all penitentiary establishments. It gets clarified as a result of research that this process is more of less properly functioning only in penitentiary establishments N11, N5 and N16. This is also mentioned in the report of the European Committee of Fighting against Torture.²²

d) Human resources

Social workers and psychologists serve as the main link in the process of organizing the educational-rehabilitation process. Their insufficient amount creates the risk of the fact that organization of individual planning and, in general, the educational-rehabilitation process will not be carried out effectively. It was identified as a result of the survey that there are drawbacks in the penitentiary establishment related with the amount of social workers and psychologists and their qualification.

²² Report of the European Committee Against Torture on the visit to Georgia in 2018, p. 7373.

e) Deficit of services, their sustainability and the system of quality control

Service deficit is one of the challenges in penitentiary establishments. Research showed that services are mainly concentrated on only three penitentiary establishments (N11, N5, N16) where about 5% of prisoners is placed.²³

There are no bases about various types of services which would be available for various state agencies and NGOs. The mentioned bases are desirable to contain the information current programs and those existing in the past in both state and NGO sectors. Naturally, existence of such a base prevents both efficient planning of programs and avoiding overlapping as well as the possibility of directing the beneficiaries from an organization to the organization to get desirable services. The existing practice demonstrates that due to non-existence of information in respect with current programs, sometimes organizations offer beneficiaries one and the same service and other necessary services are not provided at all. Besides, based on evidence, the list of those services should be identified which the penitentiary system needs.

Besides, actual no-existence of the quality assessment system of the total process of rehabilitation/resocialization as well as that of separate services serves as one of the challenges. Existing quality control mechanisms are not homogenous and systematized. It is necessary to establish the quality control system which should encompass such types of components which as -supervision-monitoring; the system of feedback and reporting; the system of collecting and analysing the existing data. Naturally, it is possible that different approaches are envisaged in this process according to the categories of the type of establishment. A united cycle of quality control should be established which should be regulated at the legislative level.

f) Regime of a closed type of establishment

Besides the deficit of services, in general, involvement of prisoners in closed types of establishments serves as the problem (establishments of imprisonment, closed ones and those of special risk). It is stated on the reports of the public defender as well as the one of the European Committee against Torture²⁴ that the persons placed in such establishments actually do not get any opportunity to take part in any kind of activities and they mainly spend 23 hours of the day comprised of 24 ones in the cell.

g) Inter-agency cooperation

Cooperation between the penitentiary department and national agency of probation in the process of preparing for the release of convicted individuals from the penitentiary system starts only three months before the possible term of release of the convicted individual on parole (or change of the portion of the punishment which was not gone through. This cooperation at this stage is only within the scope of the preparation process of releasing women and underage convicted individuals. Besides, at this point, this process already concerns the convicted individuals placed in N 16 low risk penitentiary establishment. As for the present cooperation between the penitentiary department and crime prevention centre, it gets limited only with providing information to beneficiaries on what kind of services they can have access to after release. Only this mentioned activity does not serve as an effective mechanism of preparing for release.

²³ <http://moc.gov.ge/images/temp/2019/01/08/221299ddfc3f2318ddc1a185011f8331.pdf>

²⁴ Report of the European Committee Against Torture on the visit to Georgia in 2018, p.48, 72.

h) Infrastructure

Having a respective infrastructure serves as one of the significant components in respect with organizing the respective services in the penitentiary establishment. Research demonstrates that at this stage no short and long term plan of developing infrastructure is developed. Problems related with infrastructure prevent an effective process of rehabilitation for beneficiaries (no respective services for organizing programs; working environment of social workers and psychologists) and effective classification of prisoners according to risks, which is one of the challenges in terms of reducing the impact of criminal sub-culture that at the same time, prevents effective organization of the rehabilitation process.

i) Low motivation of beneficiaries

As demonstrated by research, beneficiaries in the penitentiary system have little motivation to get enrolled in programs. In most cases, they do not possess full information about those existing services which are carried out by respective agencies. At this stage, no system based on effective system and that of based on evidence is formulated which would make the existing services/programs extremely attractive for beneficiaries.

j) Criminal sub-culture

As research showed, criminal sub-culture in the process of providing services to beneficiaries is one of the preventing factors. One of the reasons why involvement of beneficiaries in various services is not possible is criminal sub-culture. Research demonstrates that according to the rules of criminal sub-culture, involvement of beneficiaries in educational-rehabilitation programs is considered to be a bad form among certain groups of prisoners due to which it is possible that the above-mentioned makes impact on the motivation of beneficiaries.²⁵ The European committee of fighting against torture also indicates to the problems related with sub-culture in its report.²⁶

k) Condition of rights of minorities in the educational-rehabilitation process

There are no resocialization programs for citizens of a foreign country or those with no such citizenship, since these activities are carried out in the Georgian language. As for the prisoners enrolled in economic activities, they did not take part in rehabilitation programs together with other prisoners, which speaks of their non-acceptance by the rest of the population of the corrections system. Persons enrolled in the economic service are automatically identified by the subculture of the penitentiary system and marginalizes them. Therefore, the minority groups do not get a possibility to get involved in the resocialization programs whereas if such a desire had existed, the risk of refusal to get involved in this activities for the reasons of security is quite high.

No courses have been provided in any of the establishments to raise awareness of equality and tolerance principles. Such courses have not been offered either for the employees of the administration of the penitentiary establishment due to which it is impossible to define the mechanisms of dynamic security and specific needs of the vulnerable group and then meeting them.²⁷

²⁵ The educational-rehabilitation process of convicted individuals in the penitentiary system, desk survey, 2018. .

²⁶ 2018 Report of the European Committee Against Torture on the visit to Georgia, p. 50-53, 71.

²⁷ Condition of rights of minorities and citizens of foreign countries in the penitentiary system, desk report, 2018. p. 39-41.

7. MAIN FINDINGS

Basic findings will be presented according to three components – relevance, structure and compliance outcome. However, this will be preceded by presenting the dynamics of establishing and complying with both human rights government plan and criminal law reform action plan;

2014-2015 government plan of human rights protection

The above-mentioned plan has the following structure – the aim; objective; activity/measure; responsible entity; term of compliance; the indicator. No budget section was given. The aim and objective envisaged by the plan was relevant and corresponded with existing challenges. Activities defined by the same plan generally responded to the existing challenges. However, they were general (not measurable) to the extent that it was difficult to measure what steps had to be made in act. Besides, taking into consideration the challenges in that period, the mentioned plan did not reflect such significant issues as establishing the mechanism of service quality control; steps made to overcome the influences of criminal sub-culture; improving the mechanism of motivation of prisoners; refining the mechanism of inter-agency cooperation; introducing and developing the program of preparing convicted individuals for release; developing the programs fit for minorities and vulnerable groups; improving generation of statistical information; improving labour standards of prisoners; related with organizing the activities in closed types of establishments.

2016-2017 governmental plan for the protection of human rights

The mentioned plan was structured as follows – the aim; objective; activity; responsible entity; term of compliance; the indicator. No section was allocated for the budget. The aim and objectives defined by the plan were relevant in general and corresponded with the existing challenges. Majority of assessment indicators were general so that using them to define what was going to be planned was difficult. According to compliance outcomes, planned and implemented activities will not be considered finally relevant. However, in general, the dynamics was positive in respect with organizing the educational-rehabilitation-employment programs in a penitentiary system.

Besides, presented aims were not achieved with existing objectives. Also, the above-mentioned could not have been attained through existing activities. The existing plan did not reflect such significant issues as establishing the mechanism of the system of service quality control; steps made to overcome the criminal sub-culture; refining the mechanism of inter-agency cooperation; improving the mechanism of prisoner motivation; introducing and developing the program for preparing the convicted individual for release; developing the programs fit for minorities and vulnerable groups (except the activities planned for women prisoners); improving the labour standards of prisoners; related with organizing activities in closed types of establishments.

2018-2020 government plan of human rights protection

The given plan has the following structure: aim; objective; indicator of the objective; activity; responsible agency; partner agency; international recommendation; term of compliance; status;

budget. Aims and objectives of the action plan with their content are generally relevant and respond to the present challenges. The plan contains such issues as introducing the programs tailored to the need of people with limited abilities; creating programs for groups of special needs and implementing them; introducing the electronic program of high education; increase of vocational programs; training of social workers and psychologists; creating industrial zones and some employment opportunities; refining the system of transition management; piloting and introducing the instrument of assessing risks and needs; offering women prisoners psychological-social programs, etc. However, the plan does not reflect such significant issues as establishing the mechanism of service quality control system; steps made towards overcoming the impact of criminal sub-culture; establishing the system of prisoner motivation; refining the system of inter-agency cooperation (this part only does not only envisage the so-called “transition management, for example, cooperation with local municipalities); developing the programs fine-tuned to ethnic and religious minorities as well as citizens of the foreign country; improving the standard of work of prisoners; related with organizing the activities in closed types of establishments. Respectively, the aims of the plans will not be fully achieved through existing objectives and activities.

Different from previous year’s plans, assessment indicators in this year’s plan are given for objectives and not activities. However, in most cases it is impossible to define with existing indicators what in fact is planned. Only after this it is possible to generally talk about relevance of objectives and activities. This plan has not been assessed since the term of compliance has not been expired yet. However, it needs to be mentioned here that the plan, different from those of previous years, are improved both in terms of the content and the structure. Also, in most cases, no connection was reported between the objective, indicator and activity due to which it was difficult to define what was planned specifically and what outcome should have been achieved.

2015 action plan of rehabilitation-resocialization in the criminal law justice system

The mentioned plan is structured as follows: the aim; the strategic aim; the indicator; the existing condition; activity; attainable outcomes; the responsible entity; resources. The aim, strategic aims and activities defined by the plan, in general, were relevant and corresponded with the existing challenges. Activities of this plan mainly corresponded and in some parts expanded further the components of the action plan of human rights protection. However, majority of assessment indicators (which used to be used for assessing compliance of activities), were general so that defining through their help what was planned, was hard. Besides, the aim and strategic aims defined by the plan would not have been attained through mentioned activities. Envisaging the challenged existing at that period, the mentioned plan give such significant issues as the steps made to overcome impacts of criminal sub-culture; creating the motivation system of prisoners; refining the mechanism of inter-agency cooperation; developing the programs fit for minorities and vulnerable groups; improving generation of statistical information; improving working standards of prisoners; related with organizing the activities in closed types of establishments. Besides, despite the components reflected in the plan, majority of activities did not get executed and/or assessing their compliance envisaging the existing structure and compliance outcomes is impossible. Also, in the majority of cases, no link was identified between the strategic aims, measure, indicator and attainable outcomes because of which it was difficult to define what was specifically planned and what outcome should have been achieved.

2016 and 2017 action plans of rehabilitation-resocialization in the criminal law justice system

Assessment of the mentioned plans is homogenous. They are formulated as follows: the aim; strategic aim; the indicators; the existing situation (this part is not given only in 2017 plan); activity; outcome to be achieved; accountable agency; resource. The aim, strategic aims and activities were generally relevant and corresponded with the present challenge. Activities of the plan mainly corresponded with and in some parts expanded more on the components of the government plan of human rights protection. However, assessment indicators were mostly general (which were used for assessing compliance with activities) so that it is hard to define through them what was planned. Besides, through the mentioned activities it would not have been possible to achieve the defined and strategic aims. Taking into consideration the challenges at that moment, the mentioned plans did not provide such significant issues as steps made to overcome criminal sub-culture; establishing the system of prisoner motivation; refining the mechanism of interagency cooperation; developing the programs fit for minorities and vulnerable groups; improving working standards of prisoners; organizing activities in closed type of establishments. Also, despite the new components reflected in the plan, majority of activities did not get completed and/or assessment of its compliance is impossible given the existing structure and envisaging compliance outcomes. On top of that, one of the directions of the plan, majority of activities of strategic aim 3, has not been complied with in the mentioned period (2016-2017), similar to the year 2015. However, in the plan of both years, similar activities and attainable outcomes are not provides. Therefore, it is a little vague why these components got reflected in plans, which were presumably destined to not being complied with before. Also, in frequent cases, no connection was identified between the strategic aim, measure, indicator and the objective to be achieved, due to which it is difficult to define what was planned specifically and what kind of outcome should have been achieved.

2018 action plan of rehabilitation-resocialization in the criminal law justice system

The structure of the mentioned plan, different from those of previous ones is not changed. The aim of the plan, its objective (instead of strategic ones); the indicator; the measure; outcome to be achieved; responsible agency; the partner are given. In this part of the plan there is no budget box. Assessment indicators are given in relation with compliance with objectives rather than activities/measures, as it was the case in respect with the plans of previous years. The aim, objective and activities defined by the plan were, in general, relevant and corresponded with the existing challenges. However, the majority of indicators to assess the objective were general and, therefore, to use them to define what was to be planned, is complicated. Besides, the aim and objectives envisaged by the plan could not have been achieved by mentioned activities taking into consideration the challenges existing in that period, the plan did not reflect such significant issues as steps to be made to overcome influences of criminal subculture; establishing the system of prisoner motivation; developing the program fine-tuned to minorities and vulnerable groups; improving generation of statistical data; improving generation of statistical information; improving prisoners' working standards; organizing activities in closed type of establishments. Besides, despite the components reflected in the plan, majority of objectives/events were not met and/or assessing their compliance taking into consideration assessment of its compliance envisaging the existing structure and execution, is impossible. Additionally, majority of directions

of the plan are repeated and the same was planned as in the previous years' ones which had to be yet achieved in previous years. Also, in most cases, no link was identified between the objectives, measure, indicator and the outcome to be achieved because of which it was difficult to define what was specifically planned and which outcome had to be achieved. However, different from previous years, progress can be observed in respect with previous years in respect with fulfilling separate directions of the plan (where it was possible to measure).

2019-2020 development action plan of the development strategies of the penitentiary and crime prevention systems

The structure of the mentioned plan is differently formulated. The structure is made up on the basis of the following principle – aim; outcome; activity; intermediary outcome; expected outcome; term of execution and indicators; the accountable person from the Ministry of Justice system. The structure of the plan is formulated in a better manner and activities and expected outcomes are measurable (in most cases). It is clearly formulated what period is necessary (indicating a respective year, quarter and months) and who the accountable person is (in previous year's plans responsible agencies were indicated). However, there is no mention of the budget defined to implement the specific activity and the source from which resource needs to be obtained.

Components reflected in the given plan are relevant and commensurate with the existing challenges. However, the plan does not reflect such significant components as activities to overcome the impact of criminal sub-culture (apart from the infrastructural changes); establishment of the system of prisoner motivation; measures fine-tuned to religious and ethnic minorities and citizens of foreign countries; improving maintenance of statistical information; improving labour standards of prisoners; those related with organizing activities in closed types of establishments. It also needs to be mentioned that this plan as well reflects a number of such components which also were included in the previous year's plans. However, they did not get complied with, which may serve as the substantial ground for suspecting to what extent the mentioned activities will be complied with.

Relevance of plans

As a result of generalizing the plans, that during years the aim, objective, objectives (strategic goals) and activities envisaged by the policy aim were generally relevant and met existing challenges. However, at the same time, it needs to be mentioned that besides the issues reflected in documents, there were equally significant and actual ones, which were not reflected in plans. Namely, steps made to overcome the impact of criminal sub-culture; establishing the system of prisoner motivation; refining the inter-agency cooperation mechanism; developing the programs fit for minorities and vulnerable groups; improving generation of statistical information; improving the labour standard of prisoners.

Structure of plans

When assessing action plans, it is important that objectives and goals are formulated following the so-called SMART principles. To be more specific, each aim and activity should be **specific**, which means that it should be formulated specifically and in detail and the action to be implemented

has to be defined well; **measurable**, which implies that it should be possible to measure the activities and aims and reflect them in figures and amounts; **attainable**, respectively, its compliance should be possible. Aims and activities should be **realistic**, which implies that envisaging the existing resources, it should be possible to carry them out. They should also be **time bound**, there has to be the term defined for doing the activities and achieving the aim, i.e. the deadline. It also needs to be stated that **indicators** of assessing the aims and objectives may measure only compliance of separate activities (compliance indicators). Also, it is possible that they are indicators of impact and solution, which demonstrates to what extent the aim defined in the action plan was achieved. The responsible entity for attaining the separate activity or the aim should be defined as well as the source of funding. Indicators should meet all five conditions of SMART.

Unfortunately, the existing action plans mostly do not meet the given requirements. In most cases, aims, activities and indicators are too general, not specifically formulated, neither the amount of beneficiaries is indicated hiding of which would serve as achieving the goal. Often, aims are not realistic taking into consideration the resource which exists and the state budget is not defined clearly. Frequently, indicators and activities are mixed, which makes assessment of the plan difficult.

Also, counting only the amount of beneficiaries as an indicator, does not measure attainment of the goal. It only applies to carrying out certain activities (e.g. it may indicate conducting of training) whereas the impact of this activity on goal achievement may not be assessed only through this piece of data. In order to assess the impact, it is essential to define in detail how indicators should be calculated; “to assess the policy, it is not enough to give dichotomic replies (e.g. the amount of trained employees). Instead, what needs to be taken into consideration is when assessing non-existing laws is opinions/depiction of stakeholders”.²⁸ Based on the mentioned calculation, it is possible that due to the low amount of trained employees, it was not purposeful at all to envisage given indicators in the plan. This only served as a small component and giving it in the plan does not have any strategic significance.

It is also important to define belonging. Namely, to what extent it is possible to define attainment of the aim as implementation of a separate activity. It also needs to be noted here that the plan, in most cases, gives no source of expenditures necessary for implementing the activity, which initially undermines achievement of the aim and a question arises to what extent the given aim or activity is attainable and realistic. This is also illustrated by the fact that from year to year one and the same activity is reflected in the plan, which does not get achieved at all.

In terms of the main structure, finding optimal indicators in action plans of both human rights and criminal law reform is difficult. Mainly, indicators used for all main objectives and activities are characterized by the drawbacks described in examples above. The 2019-2020 development action plan of the strategy of developing the penitentiary and crime prevention systems serves as the exception, in which measuring fulfilment of activities is possible in most cases. However, the budget side is not given in this plan either.

²⁸ Handbook of Monitoring Juvenile Justice Reform (GCRT).

Compliance outcomes

As for the compliance of plans, the status of complying with separate activities in human rights plan execution in compliance reports of human rights plan, is defined as complied with or partially done so. However, each activity is reviewed in respect with indicators. In the circumstances of existing indicators, it is in fact impossible to assess their execution since it is not defined what was planned in fact. As for the compliance reports of criminal law, they do not just give information about the activity implemented without a specific status. However, in this case, in the circumstances of existing indicators, it is actually impossible to assess their compliance provided that even in this case it is not possible to define what in fact was planned.

In most cases, the information given in reports applies to carrying out separate activities (objectives in certain cases) and it is not possible to assess this fully as well. However, provided that in certain cases certain activities anyway are carried out, (despite the fact that assessment indicators are general), it is possible to consider fulfilment of these activities partially credible. However, it also needs to be mentioned here that the aim of the plan is to define specific activities which will be measurable. General records are the part of the strategy and not the action plan.

In conclusion, it should be stated that in 2015-2018, action plans were developed with drawbacks; in most cases, it was impossible to define what was planned; from year to year, such activities were repeated in plans which were not carried out in previous years; in most cases, the structure of plans was unclear and the information in compliance reports was not credible in certain cases.

8. RECOMMENDATIONS:

Action plans should be built on the SMART principles, indicators and objectives were specific, measurable, attainable, realistic and time bound;

Action plans should be based on the detailed analysis of the situation so that to avoid implementation of pieces of work and those expenditures which in coming years may not be regarded actual or its cost-efficiency may be undermined;

The budget necessary for carrying out each activity should be outlined (state budget, amounts allocated by donors, other sources);

The action plan should reflect only those issues which can make a realistic impact on the processes taking place in the system. Respectively, it is advisable to make sure that indicators measure not only outcomes of activities but also their impact on the whole system;

The plan should outline the detailed formula of calculating indicators so that to realistically measure the impact on the target group;

It is essential to make sure that the plan of every year is based on the needs of the year and it does not serve as the automatic extension of the plan of the previous year.

