



INCREASING OVERSIGHT OVER GEORGIA'S ANTI-TORTURE COMMITMENTS AND THE COMPLIANCE WITH THE INTERNATIONAL STANDARDS

Project Evaluation

This report was produced at the request of the Penal Reform International's South Caucasus Office.

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DISCLAIMER

The author's views expressed in this publication do not necessarily reflect the views of the Penal Reform International or its South Caucasus Office.

COVER PHOTO

Nelson Mandela addresses the Special Committee Against Apartheid in the General Assembly Hall, UN, June 22, 1990. UN Photo/P Sudhakaran (Creative Commons License: BY-NC-ND, source <https://www.flickr.com/photos/un_photo/3310404474/>).

*“It is said that no one truly knows a nation
until one has been inside its jails.
A nation should not be judged by how it treats
its highest citizens, but its lowest ones.”*

Nelson Mandela

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ACRONYMS

CoE	Council of Europe
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment
CSO	Civil Society Organization
GoG	Government of Georgia
EQ	Evaluation Question
KI	Key Informant
KII	Key Informant Interview
MIA	Ministry of Internal Affairs of Georgia
MoC	Ministry of Corrections and Probation of Georgia
MoH	Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia
MoJ	Ministry of Justice of Georgia
NPM	National Preventive Mechanism of Georgia
OSF	Open Society Foundation
PRI	Penal Reform International
PRI SC	Penal Reform International's South Caucasus Office
PRI Tbilisi	Penal Reform International's Tbilisi Sub-Regional Office
Project	OSF funded project "Increasing Oversight over Georgia's Anti-torture Commitments and the Compliance with the International Standards"
UN	United Nations

EXECUTIVE SUMMARY

Introduction

PRI Tbilisi implemented “Increasing Oversight Over Georgia’s Anti-torture Commitments and the Compliance With the International Standards” Project from October 01, 2016 until September 30, 2018. The Project was financed by the grant of the Open Society Institute Budapest Foundation (grant No. OR 20 16-27362), a Hungarian charitable foundation within OSF. The grant was made as part of the activities of the Human Rights Initiative of OSF. The Project had four specific objectives:

1. To promote implementation of the international standards in the penitentiary system of Georgia for the prevention of torture, ill-treatment and inhumane conditions;
2. To improve the capacity of penitentiary system staff to fulfil their national and international obligations pertinent to preventing torture and ensuring humane treatment and conditions for prisoners;
3. To increase awareness of risks and contexts conducive to torture and encourage respective responses; and
4. To provide oversight over the implementation of national policies for torture prevention.

Evaluation Purpose and Questions

PRI SC engaged an outside consultant to conduct an external end of project evaluation. The evaluator was asked the following EQs: 1) Have planned objectives and outcomes been reached? 2) What has been the impact on the main project stakeholders? 3) Will the impact be sustained? 4) What has been PRI’s contribution to the achievement of outcomes? 5) Was the Project relevant to the current justice reform landscape of Georgia? 6) Were the activities appropriate and effective for reaching the objective? 7) What was the quality of PRI’s implementation? 8) What should PRI change for future project designs and implementation?

The evaluator’s findings, conclusions, and recommendations will be used by PRI to capture learning and identify recommendations to inform PRI’s future project designs.

Evaluation Methodology

The evaluation methodology was carefully designed to respond to the EQs and to determine whether the Project made progress toward achieving its anticipated outcomes. The evaluator used a mixed-methods design, combining qualitative and quantitative data collection instruments, which were applied to a diverse set of project stakeholders. The evaluator conducted interviews with representatives of PRI Tbilisi, and KIs with partners, beneficiaries, and stakeholders, such as: the Office of the Public Defender (Ombudsman) of Georgia; CSOs (Human Rights Center and Rehabilitation Initiative for Vulnerable Groups); Penitentiary and Probation Training Center of MoJ; Special Penitentiary Service of MoJ; directors, deputy directors, social workers and psychologists of several penitentiary institutions of Georgia.

There are several limitations that are inherent to the evaluation design, such as the biases in data collection methodologies, attribution difficulties, halo bias, and difficulty assessing sustainability, all fully described in the report. The evaluator was mindful of each of these biases and engaged in mitigation measures, which are described in the report.

Analysis of Findings

The Project implemented various activities for reaching its objectives: the Project organized several trainings, translated and published materials related to the updated Nelson Mandela Rules, prepared analysis of the Georgian legislation in terms of compliance with the Nelson Mandela Rules, and implemented other activities.

Various evidence identified during the evaluation showed that the Project made the significant impact on its main stakeholders. Interviewed respondents highly evaluated PRI's work. During the preparation of the trainings, the penitentiary system asked the Project, in addition to the discussion of the Nelson Mandela Rules, to assist in the discussion of the CPT standards, because a CPT visit was expected in 2018. This shows that the penitentiary system of Georgia believes in ability of PRI to deliver the high quality assistance.

The Project made significant impact on psychologists and social workers of the penitentiary system. KIs stressed the importance of the combined trainings for social workers and psychologists, and stated that such combined approach was very useful for sharing of opinions and experience. The evaluation revealed that social workers and psychologists did not have such opportunity in the past.

Certain factors may negatively affect sustainability of the Project's impact. Highest management of the penitentiary system changed in 2018 and more changes are expected. Moreover, there is very high rate of employees' turnover in the penitentiary system due to stressful work, low salary which does not correspond to the high level of risk, no perspective of promotion to highest positions and several other factors.

From the seventeen KIs asked regarding the relevance of the Project for the justice reform landscape in Georgia, ten stated that the Project was highly relevant. Seven other respondents evaluated it as relevant, although not as highly. No respondent evaluated the Project as not relevant. The Project and PRI Tbilisi are very much appreciated and respected by all stakeholders. In response to the question of the quality of PRI's work, seven out of nine KIs representing the Penitentiary System of Georgia and CSOs highly appraised PRI Tbilisi.

Recommendations

1. Better planning at the stage of the proposal writing and prior consultations with potential beneficiaries can make future activities more effective.
2. Review of the legislation and proposals for legislative amendments can be prepared at the beginning of a project so that the project can have more time to follow up and advocate changes.
3. Training activities organized according to risk levels of penitentiary institutions may be very effective and have stronger impact on participants.
4. Psychologists and social workers of the penitentiary system of Georgia have limited opportunity for learning foreign experience from their colleagues; therefore, additional trainings and activities will be very important for them.
5. PRI has extensive experience and may provide substantial analytical and research assistance to the penitentiary system. One area where the necessity of such assistance was identified during the evaluation is the analysis regarding benefits of creation of small penitentiary institutions.

1. PROJECT BACKGROUND

PRI is an independent international non-governmental organization that develops and promotes effective and proportionate responses to criminal justice problems worldwide. PRI promotes the rights of detainees to fair and humane treatment and campaigns from the prevention of torture and the abolition of the death penalty. PRI's head office is located in London, UK. PRI has regional offices in the Middle East and North Africa, Sub-Saharan Africa, Central Asia, and the South Caucasus. PRI is an independent organization, with no religious, political or governmental affiliations.¹

PRI has been working in the South Caucasus since 1999 and its office is located in Tbilisi, Georgia. PRI SC operates in Armenia, Azerbaijan and Georgia. Current work of PRI SC focuses on torture prevention and improvement of the independent public oversight of places of detention, promotion of non-custodial sanctions, building the capacity of prison and probation services, and improvement of justice for children.²

In 2012 Georgia faced a political scandal resulting from the release showing abuse of prisoners at Gldani prison. This caused political protests and it is believed that the release led to the defeat of the ruling party in the 2012 Parliamentary elections. The release showed those systematic problems in the penitentiary institutions of Georgia which had been the subject of criticism from the Public Defender of Georgia, international and local observers for years.³ Elections in 2012 brought about significant changes in penal policies, including dealing with prison overcrowding and shifting to more humane treatment in prisons.⁴ As a result of this change, in December, 2012, the new government adopted the Law on Amnesty and pardoned several thousand prisoners.⁵

After 2012, GoG publicly declared combating torture and implementing fundamental changes in the penitentiary system as its priority.⁶ GoG started investigation of complaints lodged with the Prosecutor's Office of Georgia in relation to violation in prisons before 2012, including torture and ill-treatment of prisoners.⁷

Signing in 2014 of the EU-Georgia Association Agreement spurred reform of the criminal justice system where one of the priorities was the prevention of torture and combating impunity.⁸ GoG has included the issue of transparent and independent investigation into allegations of torture in

¹ For more information regarding PRI, see <<https://www.penalreform.org/>> (November 15, 2018).

² For more information regarding PRI SC, see <<https://www.penalreform.org/where-we-work/south-caucasus/>> (November 15, 2018).

³ See "Brief analysis of the existing situation on torture and ill-treatment in the recent years in Georgia." B. Bokhashvili, 2017, p. 3 <http://www.osgf.ge/files/2017/Cameba%20cixeebshi/Final_ENG.pdf> (November 15, 2018).

⁴ "Georgia's decade-long challenges of tackling torture." Policy Brief. Tsira Chanturia, May, 2015, page 2, <[://myrights.gov.ge/uploads/files/docs/1167Georgia%E2%80%99sdecade-longchallengesoftacklingtorture.pdf](http://myrights.gov.ge/uploads/files/docs/1167Georgia%E2%80%99sdecade-longchallengesoftacklingtorture.pdf)> (November 15, 2018).

⁵ Law On Amnesty, dated December 28, 2018.

⁶ "Brief analysis of the existing situation on torture and ill-treatment in the recent years in Georgia." B. Bokhashvili, 2017, p. 4 <http://www.osgf.ge/files/2017/Cameba%20cixeebshi/Final_ENG.pdf> (November 15, 2018).

⁷ "Concluding observations on the fourth periodic report of Georgia", Human Rights Committee, UN, August 19, 2014 <<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhstNBq%2BgKf4e%2FR1Jt%2FY5Toy%2BU%2FbEak%2FX4tZ65giu9PzQqwRC7MtpShlzytTq3yLBBf%2Bix6QBHzEtA8hztY5Lzc2bkl%2Fc92pt5MWgAYP%2FSTpa>> (November 15, 2018).

⁸ "Georgia's decade-long challenges of tackling torture." Policy Brief. Tsira Chanturia, May, 2015, page 1, <[://myrights.gov.ge/uploads/files/docs/1167Georgia%E2%80%99sdecade-longchallengesoftacklingtorture.pdf](http://myrights.gov.ge/uploads/files/docs/1167Georgia%E2%80%99sdecade-longchallengesoftacklingtorture.pdf)> (November 15, 2018).

the National Action plans (for 2014 and 2015) for the Implementation of the EU-Georgia Association Agenda.⁹

The Public Defender's 2017 Report noted the positive tendency in the penitentiary system and the decrease in the number of complaints of improper treatment of prisoners.¹⁰ Moreover, during 2013-2016, the European Court of Human Rights did not issue a single temporary measure regarding treatment of prisoners in Georgia.¹¹

In spite of positive changes in the penitentiary system of Georgia, many problems remain. The Public Defender's 2014 Annual Report emphasized that "independent, impartial and effective investigation into allegations of torture and ill-treatment by law enforcement agencies remained an issue in 2013 and 2014."¹² The Public Defender devoted a special report to the problem.¹³ Moreover, in 2013-2017 the Public Defender applied to the Office of the General Prosecutor of Georgia with 72 suggestions to investigate cases of improper treatment committed by the police and employees of the penitentiary institutions.¹⁴ According to the Public Defender's report, not a single suggestion resulted in prosecution or even identification of a guilty person.¹⁵

With the Project, PRI Tbilisi aimed to contribute to the improvement of prison conditions and treatment of prisoners, by increasing oversight over Georgia's anti-torture commitments and compliance with the international standards.

The Project was financed by the grant of the Open Society Institute Budapest Foundation (grant No. OR 20 16-27362), a Hungarian charitable foundation within OSF. The grant was made as part of the activities of the Human Rights Initiative of OSF.

The overall goal of the Project was to increase oversight and promote adherence to the international standards and best practice examples in the penitentiary system of Georgia for effective prevention of torture and all forms of ill-treatment.

The Project had four main objectives:

1. To promote implementation of the International standards in the penitentiary system of Georgia for the prevention of torture, ill-treatment and inhumane conditions;
2. To improve the capacity of penitentiary system staff to fulfil their national and international obligations pertinent to preventing torture and ensuring humane treatment and conditions for prisoners;

⁹ "Georgia's decade-long challenges of tackling torture." Policy Brief. Tsira Chanturia, May, 2015, page 2, <://myrights.gov.ge/uploads/files/docs/1167Georgia%E2%80%99sdecade-longchallengesoftacklingtorture.pdf> (November 15, 2018).

¹⁰ Public Defender's 2017 Report, p. 81 (www.ombudsman.ge; web-site temporarily not available).

¹¹ "Brief analysis of the existing situation on torture and ill-treatment in the recent years in Georgia." B. Bokhashvili, 2017, p. 4 <http://www.osgf.ge/files/2017/Cameba%20cixeebshi/Final_ENG.pdf> (November 15, 2018).

¹² "Georgia's decade-long challenges of tackling torture." Policy Brief. Tsira Chanturia, May, 2015, page 2, <://myrights.gov.ge/uploads/files/docs/1167Georgia%E2%80%99sdecade-longchallengesoftacklingtorture.pdf> (November 15, 2018). See also "Brief analysis of the existing situation on torture and ill-treatment in the recent years in Georgia." B. Bokhashvili, 2017, p. 4 <http://www.osgf.ge/files/2017/Cameba%20cixeebshi/Final_ENG.pdf> (November 15, 2018).

¹³ See "Human Rights in Closed Establishments", National Preventive Mechanism, Office of the Public Defender, 2016 (www.ombudsman.ge; web-site temporarily not available).

¹⁴ Public Defender's 2017 Report, p. 81 (www.ombudsman.ge; web-site temporarily not available).

¹⁵ *Ibid.*

3. To increase awareness of risks and contexts conducive to torture and encourage respective responses; and
4. To provide oversight over the implementation of national policies for torture prevention.

The Project focused specifically on increasing the awareness of the penitentiary system of the Nelson Mandela Rules. These Rules were first adopted in 1955 by the United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva, and approved by the Economic and Social Council in resolutions of July 31, 1957 and May 13, 1977.¹⁶ Revised Rules were adopted by the UN General Assembly on December 17, 2015, after a five year revision process. They are known as the Mandela Rules in honor of the former South African President Nelson Mandela.

Since their adoption in 1957, the Standard Minimum Rules for the Treatment of Prisoners have constituted the universally acknowledged minimum standards for the treatment of prisoners. Despite their legally non-binding nature, the rules have been of tremendous importance worldwide as a source of legislation and the practical guidance for prison management.

2. EVALUATION PURPOSE AND EVALUATION QUESTIONS

PRI SC engaged an outside consultant to conduct an external end of project evaluation of the OSF funded project “Increasing Oversight Over Georgia’s Anti-torture Commitments and the Compliance With the International Standards”. The Project was implemented by PRI Tbilisi for the period of two years, from October 01, 2016 until September 30, 2018.

The purposes of this evaluation are the following:

1. To assess the impact of the Project;
2. To identify and assess intended and unintended outcomes, both positive and negative, and PRI’s contributions towards these; and
3. To capture learning and identification of recommendations to inform PRI’s future project designs in supporting governments to improve their torture prevention mechanisms and compliance with international standards.

In order to achieve these purposes, the evaluator was asked the following EQs:

A. Accountability:

1. Have planned objectives and outcomes been reached?
2. What has been the impact on the main project stakeholders?
3. Will the impact be sustained?
4. What has been PRI’s contribution to the achievement of outcomes?
5. Was the Project relevant to the current justice reform landscape of Georgia?

B. Learning:

6. Were the activities appropriate and effective for reaching the objective?
7. What was the quality of PRI’s implementation?

¹⁶ See <<https://undocs.org/A/RES/70/175>> (November 15, 2018).

8. What should PRI change for future project designs and implementation?

The evaluation was implemented from October 01, 2018 until November 15, 2018, by Levan Nanobashvili, a Georgia-based evaluator. The field work was conducted from October 15, 2018 until October 26, 2018.

As indicated above, evaluation questions include assessment of the impact of the Project. In general, impact evaluation is defined as “[e]valuating the positive and negative, primary and secondary long-term effects on final beneficiaries that result from an intervention; assessing the direct and indirect causal contribution claims of these interventions to such effects especially for the poor whether intended or unintended; explaining how policy interventions contribute to an effect so that lessons can be learnt”.¹⁷

Much of the work done by the Project produced results (such as, for example, increase of awareness of risks and contexts conducive to torture) that are difficult to measure formally. The Project focused on the improvement of capacities and promotion of implementation of the international standards at an institutional level (the penitentiary system of Georgia). Results of the Project may take time to mature. Therefore, to assess changes at the final beneficiary level (for example, prisoners), the evaluation would need to be carried after certain period from the end of the Project to allow for changes to occur and to assess the sustainability of such changes. However, such evaluation may not show PRI’s contribution to such changes, because various other factors may be involved (for example, changes in the political and legal context, support of other donors, etc.).

The evaluator’s findings, conclusions, and recommendations will be used by PRI to capture learning and identify recommendations to inform PRI’s future project designs in supporting governments to improve their torture prevention mechanisms and compliance with international standards.

3. EVALUATION METHODOLOGY AND LIMITATIONS

3.1. EVALUATION METHODOLOGY

The evaluation methodology was carefully designed to respond to the EQs and to determine whether the Project made progress toward achieving its anticipated outcomes. The evaluator used a mixed-methods design, combining qualitative and quantitative data collection instruments, which were applied to a diverse set of project stakeholders.

The qualitative data collection instruments included an extensive document and literature review together with in-depth KIIs with representatives of important project stakeholder groups. The quantitative data collection instruments included KIIs with the Project stakeholders. Selection and sampling strategies ensured representation of women, where appropriate. All research instruments were developed in Georgian.

The evaluator conducted interviews with representatives of PRI Tbilisi, and KIIs with partners, beneficiaries, and stakeholders, such as: the Office of the Public Defender (Ombudsman) of

¹⁷ Stern et al, cited in “Challenging the Overuse of Imprisonment in Georgia and contributing to the Decrease in Prison Population”, Impact Evaluation. Nick Curley, July, 2013. <<https://cdn.penalreform.org/wp-content/uploads/2014/06/Prison-Overcrowding-Evaluation-Report-Final1.pdf>> (November 15, 2018)

Georgia; CSOs (Human Rights Center and Rehabilitation Initiative for Vulnerable Groups); Penitentiary and Probation Training Center of MoJ; Special Penitentiary Service of MoJ; directors, deputy directors, social workers and psychologists of several penitentiary institutions of Georgia.

In consultation with PRI Tbilisi, the evaluator decided to conduct interviews in penitentiary institutions with the highest risk, and identified four institutions out of existing 15. The selection included the penitentiary institutions located in Tbilisi and regions of Georgia. One director of a regional penitentiary institution did not respond to phone calls and several other attempts of contact. The evaluator decided to skip this penitentiary institution and conduct interviews in the remaining three institutions.

Table 1: Key Informants Interviewed

Category	Women	Men	Total
Penitentiary System			
Special Penitentiary Service of MoJ	0	2	2
Penitentiary and Probation Training Center of MoJ	1	2	3
Total	1	4	5
Prisons			
Directors	1	2	3
Deputy Directors	0	3	3
Psychologists	2	2	4
Social workers	3	0	3
Total	6	7	13
Other			
Office of the Public Defender (Ombudsman)	2	3	5
CSOs	2	2	4
PRI Tbilisi	2	0	2
Total	6	5	11

3.2. EVALUATION LIMITATIONS

There are several limitations inherent to the proposed evaluation design.

1. **Biases in data collection methodologies.** To identify key stakeholders and beneficiaries, the evaluator relied on the assistance from PRI Tbilisi. Although there is sometimes the risk of selection bias, the evaluator did not discover any omission of individuals with whom the evaluator wanted to meet on the list of proposed meetings provided by PRI Tbilisi. Only one KI expressly declined to be interviewed citing lack of specific information regarding the Project.
2. **Attribution difficulties:** Due to the multiple completed and current projects of PRI Tbilisi, it was difficult for some KIs to clearly distinguish the work and contribution of the Project. During the KIIs, the evaluator mitigated this limitation by describing in full the Project's activities and providing KIs with a short written description of the main aims and activities of the Project so that each KI could attribute the specific activity under discussion to the

Project, rather than to other projects of PRI Tbilisi. In spite of the best efforts made by the evaluator, several KIs provided information which was not related to the Project but to other activities of PRI Tbilisi.

3. **Halo bias:** There is a known tendency among respondents to under-report socially undesirable answers and alter their responses to what they perceive either as the social norm or what they think the evaluator expects to hear. The extent to which respondents were prepared to reveal their true opinions varied, depending upon the question proffered. The vague answers offered could have been the result of respondents not wanting to provide information that appears to assess the performance of their colleagues or, despite promises to the contrary by the evaluator, would not be kept confidential.
4. **Difficulty assessing sustainability:** The evaluation was implemented immediately after the end of the Project (the Project ended on September 30, 2018), which made it difficult for the evaluator to determine whether reported/observed outcomes are likely to continue in the long perspective. This is particularly the case with those activities of the Project, which were recently finished and have lagged time effects that affect any determination on their sustainability.

The evaluator was mindful of each of these biases and engaged in mitigation measures by: triangulating evidence from different qualitative and quantitative data sources that served to increase the credibility of findings; collaborating closely with PRI Tbilisi to identify key stakeholders, as well as beneficiaries of the Project's activities, and their knowledge of the goal of the Project, its intended results, and the purpose of the evaluation; conducting systematic data analysis using well-established analysis methods; and providing all written materials in the language spoken by the KIs (Georgian).

4. ANALYSIS OF FINDINGS

This chapter of the report contains analysis of findings regarding specific evaluation questions.

4.1. HAVE PLANNED OBJECTIVES AND OUTCOMES BEEN REACHED?

The Project had four specific objectives. Expected outcomes under each objective and implemented activities of the Project are provided in the below table:

Table 2: Specific Objectives, Outcomes and Activities of the Project

Specific Objective 1:	Activities implemented by the Project
To promote implementation of the international standards in the penitentiary system of Georgia for the prevention of torture/ill-treatment and inhumane conditions:	<p>the Project implemented the following activities:</p> <ol style="list-style-type: none"> 1) the Project published the Short Guide on the Mandela Rules, in English and Georgian¹⁸ in December and January, 2016. Georgian version was distributed amount partners and stakeholders.¹⁹ Electronic versions are available on-line²⁰;

¹⁸ PRI, Final Progress Report (Oct 01, 2016 – Sep 30, 2018), p. 4.

¹⁹ *Ibid.*

²⁰ <https://cdn.penalreform.org/wp-content/uploads/2016/01/PRI_Nelson_Mandela_Rules_Short_Guide_WEB.pdf> (English version); https://cdn.penalreform.org/wp-content/uploads/2016/11/PRI_Nelson_Mandela_Rules_Short_Guide_Geo_final.pdf (Georgian version), (November 15, 2018).

<p>Outcome 1: Improved prison conditions and strengthened protection against torture and ill-treatment in Georgia's prisons;</p> <p>Outcome 2: Greater awareness of and adherence with the Nelson Mandela Rules in prison practices;</p>	<ol style="list-style-type: none"> 2) the Project contributed to the development of the Initial Guidance on the Interpretation and Implementation of the Nelson Mandela Rules (Essex Paper 3), which was prepared by the University of Essex Human Rights Center (mid-February, 2017). The document was translated into Georgian and disseminated among the partners;²¹ 3) the Project translated into Georgian the Guidance Document on the Nelson Mandela Rules, prepared by S. Critoph and A. Huber. The publication was planned for 2017; however, the English original was published only in August, 2018.²² In the same month, the Project translated the document (186 pages) into Georgian. The electronic version is available on-line²³. Printed copies will be distributed to the management of all prisons; 4) the Project translated into Georgian PRI's Short Guide for Prison Staff on Mental Health in Prisons.²⁴ The Project also contributed to the publication costs and circulated the publication to all prisons in May, 2018²⁵; 5) the Project updated the Georgian translation of the Detention Monitoring Tool done under the previous OSF project²⁶; 6) the Project organized several workshops and trainings: <ol style="list-style-type: none"> a) March 25-26, 2017 (Kvareli, Georgia): for the representatives of MoC on the Nelson Mandela Rules and their practical implementation; b) April 13, 2017 (Tbilisi, Georgia): for the representatives of the Public Defender's (Ombudsman) Office, including the NPM staff regarding changes to the Nelson Mandela Rules. Gaps of the Georgian legislation were also discussed²⁷; c) August, 2018 (Borjomi, Georgia): two-day training for the PRI SC team and the EU-funded project "Promoting and Monitoring Reforms in the Penal Sector through the Engagement of CSOs", the NPM staff and local experts, regarding methods of conducting monitoring in penitentiary institutions²⁸; 7) the Project contracted a consultant on penal reform who analyzed the Georgian legislation in terms of compliance with the Nelson Mandela Rules. The analysis has been circulated to relevant stakeholders²⁹; and 8) in October-December, 2017 the Project undertook monitoring visits to nine different prisons of Georgia (out of the total 15 prisons), in order to assess their adherence to the Nelson Mandela Rules and prepared the report³⁰;
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²¹ PRI, Final Progress Report (Oct 01, 2016 – Sep 30, 2018), p. 4.

²² *Ibid.*, p. 5.

²³ *Ibid.*

²⁴ <<https://www.penalreform.org/resource/mental-health-in-prison-a-short-guide-for/>> (November 15, 2018).

²⁵ PRI, Final Progress Report (Oct 01, 2016 – Sep 30, 2018), p. 6.

²⁶ <<https://www.penalreform.org/priorities/torture-prevention/preventive-monitoring/tools-resources/>> (November 15, 2018).

²⁷ PRI, Final Progress Report (Oct 01, 2016 – Sep 30, 2018), p. 10.

²⁸ *Ibid.*, p. 11.

²⁹ *Ibid.*, p. 8.

³⁰ *Ibid.*, p. 8-9.

Specific Objective 2:	Activities implemented by the Project
To improve capacities of staff of the penitentiary system to fulfil their national and international obligations pertinent to preventing torture and ensuring humane treatment and conditions for prisoners;	<p>the Project implemented the following activities:</p> <ol style="list-style-type: none"> 1) the Project had consultations regarding training workshops for senior management of prisons with the Penitentiary and Probation Training Center;³¹ 2) After consultations with the Penitentiary and Probation Training Center, the Project organized several training workshops: <ol style="list-style-type: none"> a) on November 27-29, 2017 and December 01-02 (Rustavi, Georgia): for 15 prisons directors and 30 deputy directors from all penitentiary institutions of Georgia regarding the Nelson Mandela Rules and the CPT standards; b) on April 17-20, 2018 (Rustavi, Georgia): for 39 phycologists and social workers regarding gestalts therapy and human ecological principles for transforming prison environments into the dynamic organisms;
Specific Objective 3:	Activities implemented by the Project
<p>To increase awareness of risks and contexts conducive to torture and encourage respective responses;</p> <p>Outcome 3: Better knowledge of risk factors and contexts conducive of torture;</p>	<p>the Project implemented the following activities:</p> <ol style="list-style-type: none"> 1) developed a factsheet on incident management and independent investigations. The documents was translated into Georgian. The electronic version is available on-line³²;
Specific Objective 4:	Activities implemented by the Project
<p>To provide oversight over the implementation of national policies for torture prevention</p> <p>Outcome 4: Improved reflection of respective measures of prevention in policy documents and practice;</p> <p>Outcome 5: Improved implementation and compliance with Georgia's national and international torture prevention commitments.</p>	<p>the Project implemented the following activities:</p> <ol style="list-style-type: none"> 1) the Project monitored the Anti-torture National Action plans for 2015-2016 and 2017-2018; 2) the Project reviewed the existing legislation and the amendments to the Code of Imprisonment of Georgia; 3) the Project prepared and sent questionnaires to MoC, MIA, MoJ, Prosecutor's Office, MoH, Legal Aid Agency of Georgia) asking for information regarding their performance in the fulfilment of the objectives defined by the Anti-torture Action Plan³³; 4) the Project actively promoted the creation of an investigative body, which was created in the form of the State Investigative Body on July 21, 2018; however, the Project raised concerns regarding its mandate and independence³⁴; 5) the Project will circulate the report on monitoring of the implementation of the Georgian's Anti-torture National Action Plan (2015-2016 and 2017-2018).³⁵

The Project has not completed the monitoring of prisons activity in 2018 due to unexpected merger of the Ministry of Corrections and the Ministry of Justice. This merger became effective

³¹ PRI, Final Progress Report (Oct 01, 2016 – Sep 30, 2018), p. 13.

³² <<https://www.penalreform.org/resource/detention-monitoring-tool-incident-management-and-independent-investigations/>> (November 15, 2018).

³³ PRI, Final Progress Report (Oct 01, 2016 – Sep 30, 2018), p. 19.

³⁴ *Ibid.*, p. 20.

³⁵ *Ibid.*

on July 11, 2018. As a result of the merger, the key responsible officials were not identified in time and the Special Penitentiary Service did not provide the Project with an official response authorizing prison monitoring. According to PRI Tbilisi, one additional factor which also delayed authorization was the planned involvement in the monitoring of one CSO, as a partner of PRI Tbilisi. Prior to the joint application, this CSO published a critical prison monitoring report and, as a result, MoJ was not willing to grant authorization to this CSO before sensitive pre-election period (September-October, 2018)³⁶.

Another alternative for monitoring of prisons was through the mandate of the NPM; however, the response of the NPM was not received in time. In spite of the fact that the Project started the discussion of this issue in May-June, 2018, the Project did not receive the response from the NPM. During the interview, the representatives of the NPM informed the evaluator that the delay was caused by problems related to the building of the Ombudsman's office, where the NPM was located. Namely, on June 05, 2018, 5.6 magnitude earthquake hit the territory of Georgia and its capital, Tbilisi, substantially damaging the building of the Ombudsman's office.³⁷ Until a new building was found, the Ombudsman's office and the NPM experienced significant delays in their work.

The Project did not implement the training of trainers of the Penitentiary and Probation Training Center (activity 2.2 under specific objective 2). According to the Final Report of the Project, the Training Center informed the Project that "[...] *they already have a curriculum for trainers including the Nelson Mandela Rules.*"³⁸ At the same time, it seems that this activity was still implemented, although partially and indirectly. As one KI stated, "*several social workers and phycologists who attended these trainings are the trainers of the Training Center and they conduct trainings themselves. They were not selected because of being trainers, but they attended the training*".

The Project prepared certain documents which are scheduled to be distributed after the expiry of the Project's term: the report on monitoring of the implementation of Georgia's Anti-torture National Action Plan³⁹ and the printed copies of the Guidance document on the Nelson Mandela Rules.⁴⁰

4.2. WHAT HAS BEEN THE IMPACT ON THE MAIN PROJECT STAKEHOLDERS?

Various evidence identified during the evaluation showed that the Project made the significant impact on its main stakeholders. Interviewed respondents highly evaluated PRI's work.

One area of improvement identified during the evaluation seems to be the better understanding of the Nelson Mandela Rules by management of the penitentiary institutions. As several KIs stated, they knew and used the Nelson Mandela Rules in the past; however, after the trainings conducted by the Project and distribution of materials in Georgian, they have better understating of the Rules. Many KIs expressed interest in learning how the Nelson Mandela Rules are applied not only in general, but in prisons with the same level of risk as their prisons.

During the preparation of the trainings, the penitentiary system asked the Project, in addition to the discussion of the Nelson Mandela Rules, to assist in the discussion of the CPT standards,

³⁶ PRI, Final Progress Report (Oct 01, 2016 – Sep 30, 2018), p. 10.

³⁷ <<https://www.radiotavisupleba.ge/a/29274952.html>> (November 15, 2018).

³⁸ Final Progress Report (Oct 01, 2016 – Sep 30, 2018), p. 17.

³⁹ *Ibid.*, p. 20.

⁴⁰ *Ibid.*, p. 5.

because a CPT visit was expected in 2018.⁴¹ This shows the interest of the penitentiary system to the discussion of the international standards. Moreover, this also shows that the penitentiary system respects PRI and believes in its ability to deliver the high quality assistance.

Increased knowledge of the Nelson Mandela Rules indirectly contributed to the acceleration of technical renovation of several prisons in Georgia. As one KI from the penitentiary system stated, *“we are planning to acquire scanners to screen prisoners and other persons when they enter a prison. This will allow us to reduce or eliminate full strip searches of prisoners and to better comply with the standards of the Nelson Mandela Rules.”*⁴²

The Project made significant impact on psychologists and social workers of the penitentiary system. As one KI from the system stated, trainings, Georgian language literature and support of prison psychologists are *“very rare, but very useful in practice”*. Also, KIs stressed the importance of combined trainings for social workers and psychologists, and stated that such combined approach was very useful for sharing of opinions and challenges of the penitentiary system. The evaluation revealed that social workers and psychologists did not have such opportunity in the past. All KIs expressed interest in additional trainings and learning strategies and methods which they can apply in their everyday work.

The Project translated various materials into the Georgian language and made them available to the penitentiary system and other stakeholders. According to several KIs, availability of the materials in Georgian is very important and they could not access these materials in the past.

At this stage it is unclear whether the analysis of the Georgian legislation in terms of its compliance with the Nelson Mandela Rules prepared by the Project will result in any legislative amendments. According to PRI Tbilisi, Georgian legislation does not significantly contradict with the Nelson Mandela Rules; however, there are still some issues which need correction. For example, there is no proper mechanism of independent investigation of prison accidents. Implementation of the legislative amendments suggested by the Project will significantly increase the impact of the Project.

4.3. WILL THE IMPACT BE SUSTAINED?

Certain factors may negatively affect sustainability of the Project's impact. First of all, high turnover of employees in the penitentiary system may decrease the impact of the Project. Many KIs discussed the high rate of employees' turnover due to stressful work, low salary which does not correspond to the high level of risk, no perspective of promotion to highest positions and several other factors.

Recent changes in the highest management of the penitentiary system may also negatively affect the sustainability of the Project's impact. During the evaluation period (October-November, 2018), the Head of Special Penitentiary Service, who was at the same time Deputy Justice Minister, resigned from his office.⁴³ Usually, such registrations lead to other changes on the high management level. Earlier (July, 2018), the Minister of Corrections Kakhi Kashishvili left his position, as a result of merger of MoC and MoJ. This merger resulted in several other changes in

⁴¹ *Ibid.*, p. 6, 13.

⁴² It should be noted that the use of scanners as an alternative method of search was recommended by the Public Defender (Ombudsman) of Georgia in the 2016 Parliamentary Report. See “State of Women and Juvenile Prisoners in Georgia”. Report of the Human Rights Center, 2018, p. 6.

⁴³ <<https://1tv.ge/en/news/head-special-penitentiary-service-quits-post/>> (November 15, 2018).

the management of the penitentiary system. Such frequent changes in the high management negatively affect the impact of the Project and PRI's work in general.

Due to the torture scandal in 2012, Georgian society is aware of the significance of the constant and proper oversight of places of detention. As one KI stated, *"training and materials are not enough. The effective control system is necessary as well. Those who violate rules usually attend trainings, but somebody should also permanently monitor them."* However, this is not the outcome which can be achieved by PRI Tbilisi alone.

The Nelson Mandela Rules are not mandatory, but they are examples of best practice. KIs from the penitentiary system stressed their willingness to follow these rules; however, they also raised concerns regarding enforceability of certain standards in all Georgian prisons due to technical problems, high level of risk in some institutions, and the criminal subculture existing in Georgian prisons. Such skeptical attitude may also negatively affect the sustainability of the Project's impact.

The Project prepared various documents and translated several publications into Georgian language. Such documents were printed and distributed in limited copies (some, in 50 printed copies), but they are also available in electronic form on the Internet. Availability of more printed copies could have better impact on stakeholders in the penitentiary system, because the system has limited access to electronic documents due to restrictions which apply to the Internet networks of penitentiary institutions.

4.4. WHAT HAS BEEN PRI'S CONTRIBUTION TO THE ACHIEVEMENT OF OUTCOMES?

As reported by the Project and additionally evidences by KIIs, PRI Tbilisi made the substantial contribution to the achievement of planned outcomes. All KIs highly evaluated the work of PRI and its professionalism. The Project has been the only activity in Georgia which provided assistance to the penitentiary system related to the updated Nelson Mandela Rules and translated documents regarding the Rules (Outcome 2 under Objective 1).

The Project implemented significant part of its activities independently. However, some outcomes could not be achieved by the Project alone. Within the timeframe of the Project, PRI Tbilisi also worked with various partners for the achievement of planned outcomes. As reported by the Project, PRI made significant contribution to the development of the Guidance Document on the Nelson Mandela Rules ("Essex Paper 3") which was prepared by the expert's working group led by PRI and the Human Rights Center of the University of Essex.⁴⁴ The Project collected in Georgia comments on the draft of the "Essex Paper 3" and presented them to the working group at the Warsaw meeting.⁴⁵

4.5. WAS THE PROJECT RELEVANT FOR THE CURRENT JUSTICE REFORM LANDSCAPE IN GEORGIA?

The torture scandal in 2012 damaged the reputation of Georgia. This scandal still remains a painful issue for the Georgian society and very often it becomes a topic for discussion. As a result, oversight over anti-torture commitments was a very relevant project for Georgia.

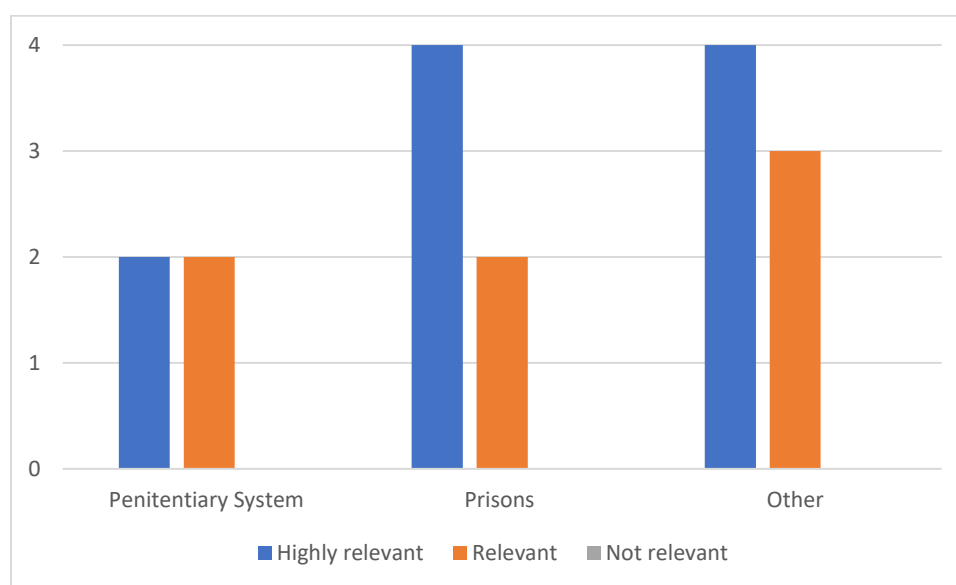
⁴⁴ PRI, Final Progress Report (Oct 01, 2016 – Sep 30, 2018), p. 5.

⁴⁵ *Ibid.*

From the seventeen KIs asked regarding the relevance of the Project for the justice reform landscape in Georgia, ten stated that the Project was highly relevant. Seven other respondents evaluated it as relevant, although not as highly. No respondent evaluated the Project as not relevant.

Table 3: Relevance of the Project for the current justice reform landscape in Georgia

n=17



Some KIs were very critical of the current attitude of GoG regarding activities of Georgian CSOs. According to them, GoG usually positively receives recommendations for improvement, but it is very slow in their implementation or never implements them. However, all KIs acknowledged that the current situation in the penitentiary system cannot be compared with the one existing before 2012.

4.6. WERE THE ACTIVITIES APPROPRIATE AND EFFECTIVE FOR REACHING THE OBJECTIVE?

Considering the nature of the Project, difficulties were unavoidable. However, PRI Tbilisi's activities were appropriate and effective in the implementation of the Project and reaching its objectives.

The Project was very effective in modifying its activities and avoiding duplication of efforts. One case of such modification is that initially the Project planned to develop the Guidance Document on the Nelson Mandela Rules. However, such Guidance Document was under the development by the expert's working group led by PRI and the University of Essex Human Rights Center.⁴⁶ Therefore, the Project decided to partly contribute to the development of this document and to play an active role in its promotion in Georgia.⁴⁷

⁴⁶ PRI, Final Progress Report (Oct 01, 2016 – Sep 30, 2018), p. 5.

⁴⁷ *Ibid.*

According to the Public Defender's 2017 report, there is negative tendency in Georgia with regard to ill-treatment of people by the police; therefore, according to the Public Defender, this requires complex and urgent measure for increasing control over the activity of the police. In parallel to this, guarantees for the avoidance of torture and ill-treatment should be implemented. The Project focused only on the penitentiary system; however, PRI SC worked on the monitoring of the police as well, but under the umbrella of a different project.

4.7. WHAT WAS THE QUALITY OF PRI'S IMPLEMENTATION?

The Project and PRI Tbilisi are very much appreciated and respected by all stakeholders. In response to the question of the quality of PRI's work, seven out of nine KIs representing the Penitentiary System of Georgia and CSOs highly appraised PRI Tbilisi. Three KIs made the following key statements:

"PRI is one of the most experienced in its field."

"We [organization] have long history of cooperation with PRI. We like their approach to problems, it is always correct and adequate. Our cooperation continues and it is very important for our organization and the penitentiary system. I cannot recall a case of PRI's indifferent attitude to our problems."

"We have very good and close communication with the PRI's team. They are very comfortable partners".

The evaluator did not have a direct contact with prisoners and did not interview them, however, as one KI from CSO sector stated, *"prisoners are of very high opinion regarding PRI"*.

Participants of trainings organized by the Project stressed the quality of trainers invited by the Project. According to them, the trainers had very good practical experience and their interaction with training participants was very productive. At the same time, three KI from the high risks penitentiary institutions mentioned the importance of organizing trainings according to the level of risks in prisons. According to them, they face specific problems and discussion of these problems is more important for them than the review of general issues. Participants of the trainings also mentioned that materials of the trainings were sent to them in advance and they could read them and prepare for the discussion. As one KI (a director of a prison) stated, *"this was very helpful"*.

4.8. WHAT SHOULD PRI CHANGE FOR FUTURE PROJECT DESIGNS AND IMPLEMENTATION?

1	Lesson Learned	The Project was designed and planned carefully, and PRI Tbilisi was successful in its implementation. During the implementation, PRI Tbilisi had to adjust certain activities of the Project to avoid duplication of efforts and build on activities and documents prepared by other parties. PRI Tbilisi was effective in modifying its activities.
	Recommendation	Better planning at the stage of the proposal writing and prior consultations with potential beneficiaries can make future activities more effective.
2	Lesson Learned	The Project prepared the comprehensive review of the national legislation and practice in terms of compliance with the Nelson Mandela Rules, and the analysis has been circulated to relevant stakeholders. However, the analysis was distributed at the end of the Project's term. It is not clear whether suggestions developed during the analysis will result in legislative amendments.
	Recommendation	Review of the legislation and proposals for legislative amendments can be prepared at the beginning of a project so that the project can have more time and better ability to follow up and advocate changes.
3	Lesson Learned	Trainings organized by the Project were very effective and had strong impact on the penitentiary system. However, some penitentiary institutions face specific problems related to the high risks in such prisons and they are strongly interested in learning the application of the international standards in prisons with the same level of risk.
	Recommendation	Training activities organized according to risk levels of penitentiary institutions may be more effective and have stronger impact on participants.
4	Lesson Learned	The Project was very effective in providing trainings and materials to psychologists and social workers of the penitentiary institutions. Such assistance was especially valuable for participants because it involved sharing of information from an international expert. Moreover, participants of such trainings highly evaluated the fact that trainings were organized collectively for psychologists and social workers.
	Recommendation	Assistance provided to psychologists and social workers may have very strong impact on many individuals in the penitentiary system. Moreover, psychologists and social workers have limited opportunity for learning foreign experience from their colleagues; therefore, additional trainings and activities will be very important for them.
5	Lesson Learned	Many problems existing in the penitentiary system of Georgia are caused by the big size of some penitentiary institutions. Gldani prison No. 8, for example, is one of the biggest in the region.
	Recommendation	PRI has extensive experience and may provide substantial analytical and research assistance to the penitentiary system. One area where the necessity of such assistance was identified during the evaluation is the analysis regarding benefits of creation of smaller penitentiary institutions.

ANNEX 1: REFERENCES

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Public Defender’s 2017 Report

(www.ombudsman.ge, web-site is temporarily not working)

ANNEX 2: LIST OF DOCUMENTS

No.	Title of the Document	Language	Date	Author
1	First Progress Report. Period: October 01, 2016 – March 31, 2017	English	2017	PRI Tbilisi
2	Second Progress Report. Period: April 01, 2016 –October, 31, 2017	English	2017	PRI Tbilisi
3	Third Progress Report. Period: March – September, 2018	English	2018	PRI Tbilisi
4	Final Progress Reports. Period: October 01, 2016 – September 30, 2018	English	2018	PRI Tbilisi
5	Mental Health in Prisons. Short guide for prison staff	English and Georgian	2018	PRI. (Georgian translation by PRI Tbilisi)
6	Detention Monitoring Tool. Factsheet, ed. 1. Incident Management and Independent Investigations. Addressing risks factors to prevent torture and ill-treatment.	English and Georgian	N/A	PRI (Georgian translation by PRI Tbilisi)
7	Nelson Mandela Rules presentation. Human Dignity.	Georgian	2017	PRI Tbilisi
8	Report of the Public Defender (Ombudsman) of Georgia Regarding the Protection of Human Rights and Freedoms in Georgia	Georgian	2017	Office of the Public Defender (Ombudsman) of Georgia
9	Human Rights in Closed Facilities. Prepared by the National Mechanism of Prevention of the Public Defender (Ombudsman) of Georgia	Georgian	2016	Office of the Public Defender (Ombudsman) of Georgia
10	Essex paper 3 Initial guidance on the interpretation and implementation of the UN Nelson Mandela Rules	Georgian	2017	Based on deliberations at an expert meeting organized by PRI and Essex Human Rights Centre at the University of Essex, 7-8 April 2016.
11	Guidance Document on the Nelson Mandela Rules, Implementing the UN Revised Standard Minimum Rules for Treatment of Prisoners	English and Georgian	2018	OSCE / ODIHR (Georgian translation by PRI Tbilisi)
12	The United Nations Standard Minimum Rules for the Treatment of Prisons (the Mandela Rules)	Georgian	2018	Georgian translation by PRI Tbilisi
13	Short Guidance Document on the Nelson Mandela Rules, Implementing the UN Revised Standard Minimum Rules for Treatment of Prisoners	Georgian	2016	PRI (Georgian translation by PRI Tbilisi)