



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

Goal 3.1

Goal 3.1. Strengthening procedural and institutional guarantees of the persons held in the pre-trial detention cells

The progress of the implementation of the Goal: 52%

Objective 3.1.1. Ensure that persons held in pre-trial detention cells are provided with the timely access to the medical staff and confidentiality of timely access with lawyers and to medical examination through their own expenses

The progress of the implementation of the Objective: 100%

Activity 3.1.1.1. Providing persons held in pre-trial detention cells with necessary healthcare

Responsible agency:

- Ministry of Internal Affairs of Georgia

Indicator:

Number of received and considered complaints submitted to the appropriate body regarding the medical service

The amount of received and considered complaints submitted to the appropriate body regarding the accessibility of the lawyer

Status: Fully completed

The progress of the implementation of the Activity:
100%

Start date: 2018-01-01

Deadline: 2020-12-31

Assessment

In response to our written enquiry concerning the measures for ensuring the accessibility of medical service in TDIs and improving their quality, the Department of Monitoring Human Rights Protection and Quality of Investigation of the Ministry of Internal Affairs informed us that: “in the beginning of 2018, medical units were operational only in 7 regional TDIs and ambulance was called in for persons detained in other 22 TDIs. In the beginning of 2018, the Ministry of Internal Affairs of Georgia developed a project to increase the number of TDIs with medical units. Since February 2018, the process for recruiting doctors started. (...) In October 2018, medical units opened in TDIs of Mtskheta, Poti and Sagarejo and in November, in TDIs of Kvareli and Zestaponi. In December, medical units became operational in TDIs of Akhaltsikhe, Chkhorotsku and Khashuri. The process of arranging and opening medical units in other TDIs continues. Accordingly, as of today, there are medical units operational in 15 TDIs out of 29 active TDIs under the Department of Temporary Detention Isolation.”^[1]

Efforts to ensure the provision of necessary medical services to persons in temporary detention isolators continued in 2019. According to the department: “In 2019, a new medical unit was opened in four TDIs.

Accordingly, out of 29 temporary placement isolators operating across the country today, the medical unit already operates in 19 isolators, where persons undergo medical examination in accordance with the requirements of the Istanbul Protocol. ”^[2]

This information is further confirmed by the reports of the Public Defender of Georgia. The Public Defender, in the 2019 parliamentary report, pointed out “detainees in police custody were provided with medical care in a timely manner, except in isolated cases.” It is commendable that the number of medical facilities in TDIs facilities has increased from 15 to 19 in 2019.^[3]

In the CPT report on the visit to Georgia carried out in 2018, the Committee also positively assessed the accessibility of medical services in TDIs. Furthermore, the CPT encourages the Georgian authorities to implement their plans to employ doctors and nurses in all TDIs as the description of injuries was much more detailed when it was carried out by doctors employed in TDIs rather than by called in doctors.^[4]

^[1] Letter no. MIA 8 19 01790150, dated 9 July 2019.

^[2] Letter no. MIA 6 20 00965423, dated 1 May 2020.

^[3]

^[4] Report to the Georgian Government on the visit to Georgia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 21 September 2018, Strasbourg, 10 May 2019, para. 24.

Activity 3.1.1.2. Ensuring that persons held in pre-trial detention cells are provided with medical service through their own expenses

Responsible agency:

- Ministry of Internal Affairs of Georgia

Indicator:

Number of received and considered complaints submitted to the appropriate body regarding the medical service

The amount of received and considered complaints submitted to the appropriate body regarding the accessibility of the lawyer

Status: Fully completed

The progress of the implementation of the Activity:
100%

Start date: 2018-01-01

Deadline: 2020-12-31

Assessment

According to the Department of Monitoring Human Rights Protection and Quality of Investigation of the Ministry of Internal Affairs, “in 2018-2019, no requests were filed with the Department of Temporary Detention Isolation for the provision of medical services at their own expense.”^[1]

Under Article 16.2 of the Regulations of TDIs of the Ministry of Internal Affairs of Georgia that was approved by Order no. 423 of the Minister of Internal Affairs of Georgia of 2 August 2016 on Approving the Model Statute and Regulations of the Temporary Detention Isolators of the Ministry of Internal Affairs of Georgia, “a person placed in a TDI, if needs be, shall be entitled to request medical examination for the entire period of his/her placement as well as call in an expert for conducting such examination with his/her own means.”

Under Article 12 of the Annex to the Instructions for Medical Services for Persons Placed in the TDIs of the Ministry of Internal Affairs of Georgia approved by Order no. 691 of the Ministry of Internal Affairs of Georgia of 8 December 2016, “in case of a reasoned request, a person placed in a TDI, with the permission of a TDI can call in a personal doctor.”

^[1] Letter no. MIA 8 19 01790150, dated 4 September 2019 and Letter no. MIA 6 20 00965423, dated 1 May 2020.

Activity 3.1.1.3. Continually enhancing qualification of the medical staff

Responsible agency:

- Ministry of Internal Affairs of Georgia

Indicator:

Number of received and considered complaints submitted to the appropriate body regarding the medical service

The amount of received and considered complaints submitted to the appropriate body regarding the accessibility of the lawyer

Status: Fully completed

The progress of the implementation of the Activity:
100%

Start date: 2018-01-01

Deadline: 2020-12-31

Assessment

According to the Department of Monitoring Human Rights Protection and Quality of Investigation of the Ministry of Internal Affairs:

Within the Council of Europe project, in the period of June-September 2018, medical personnel to be employed (46 doctors) were retrained in three stages. According to the agency, apart from the doctors to be employed, in spring 2018, the employed medical personnel was also retrained. In April 2018, medical

personnel employed within the Medical Service of the Department of Temporary Detention Isolation of the Ministry of Internal Affairs of Georgia was retrained in two groups (25 doctors) on the topics of mental health and recording injuries identified on persons placed in TDIs.

In 2019, within the Council of Europe project, 20 physicians employed in TDIs were retrained on documenting injuries in accordance with the Istanbul Protocol and the topics of mental health, suicide and self-harm as well as infectious disease prevention. At the same time, in the same year, in collaboration with the Council of Europe, a new project was launched, which provided TOT for physicians that will provide training for future employees and practicing doctors in documenting injuries. As a result of these trainings, nine doctors were selected, whose training was completed in February 2020.

Activity 3.1.1.4. Continually enhancing qualification of non-medical staff

Responsible agency:

- Ministry of Internal Affairs of Georgia

Indicator:

Number of received and considered complaints submitted to the appropriate body regarding the medical service

The amount of received and considered complaints submitted to the appropriate body regarding the accessibility of the lawyer

Status: Fully completed

The progress of the implementation of the Activity:
100%

Start date: 2018-01-01

Deadline: 2020-12-31

Assessment

According to the Department of Monitoring Human Rights Protection and Quality of Investigation of the Ministry of Internal Affairs, in March 2018, The LEPL Academy of the Ministry of Internal Affairs of Georgia, resumed the study programme of training and retraining of TDI personnel. In 2018, each staff member of TDIs who had not been retrained previously followed the study programme in the Academy of the Ministry of Internal Affairs (in total, 10 groups, 200 participants). According to the information provided by the same department in a letter dated 1 May 2020, ^[1] in 2018-2019, within the renewed personnel training and retraining programme, all the employees of the isolators were sent to the Academy of the Ministry of Internal Affairs.

[1] Letter no. MIA 6 20 00965423, dated 1 May 2020.

Objective 3.1.2. Providing persons held in custody with adequate living, sanitary and other conditions

The progress of the implementation of the Objective: 52.5%

Indicator: Periodic reports of intra-agency monitoring;

Living, sanitary, hygienic, nutritional and other material conditions ensured, according to independent monitoring (including the Public Defender) reports

Assessment:

The efforts of the Ministry of Internal Affairs towards improving the material, sanitary and other conditions in TDIs are commendable. As a result of renovations, the living conditions considerably improved in several TDIs in the reporting period. However, both the Public Defender of Georgia and the CPT point out a number of problems persisting in some TDIs.

It is noteworthy that both monitoring bodies emphasise that the living conditions of TDIs are not suitable for administrative detention.

In the reporting period, similar to the previous years, there was no progress regarding the quality of the food supplied by TDIs. According to the agency, the Department of Temporary Detention Isolation is working towards making changes in terms of the existing practice of providing dried meals to persons placed in TDIs. We hope the problems related to the quality of the food will be resolved as well.

Activity 3.1.2.1. Smooth functioning of pre-trial detention cells in compliance with the international standards to provide adequate living, sanitary, hygienic, nutritional and other material conditions

Responsible agency:

- Ministry of Internal Affairs of Georgia

Indicator:

Periodic reports of intra-agency monitoring;
living, sanitary, hygienic, nutritional and other material conditions ensured, according to independent monitoring (including the Public Defender) reports

Status: Mostly completed

The progress of the implementation of the Activity:
75%

Start date: 2018-01-01

Deadline: 2020-12-31

Assessment

According to the Department of Monitoring Human Rights Protection and Quality of Investigation of the Ministry of Internal Affairs:

“In Spring 2018, 3 TDIs (in Chkhorotsku, Tsalka and Akhalkalaki) were renovated and medical units

were arranged in 10 TDIs. The Mtskheta TDI was also renovated; in particular, additional cells were arranged.

In September 2018, within the United Nations project (funded by the European Union), a cell and an investigative office accommodated to the needs of juveniles were arranged in the Kvemo Kartli Regional TDI (the City of Rustavi) of the Ministry of Internal Affairs of Georgia.

At the same time, in December 2018, renovation began in TDIs of Poti, Kobuleti, and Samtredia. Renovation of Poti and Samtredia TDIs was completed in February 2019. Renovation included arrangement of medical units.

Construction of new TDIs in Tbilisi and Bakuriani as well as an administrative detention facility started in 2018.”^[1]

According to the information provided in 2020,^[2] by the end of 2019, the repair works were completed in Poti, Samtredia and Kobuleti TDIs; the TDIs in Baghdati, Tchiatura, Senaki, Lanchkhuti and Signaghi were repaired. At the same time, the construction of a new isolator and an administrative detention facility was completed in Tbilisi.

The Public Defender of Georgia, in the 2018 report, welcomed renovation conducted to improve infrastructure and material conditions of TDIs. However, the Public Defender observes that adequate living conditions are still lacking in a number of TDIs: “A number of Isolators are not provided with adequate systems of natural and artificial ventilation or light; sanitation and hygiene are not satisfactory; privacy of WCs in cells is not properly ensured. This is particularly problematic in multiple-occupancy cells where an arrested person attends to nature call in the presence of another person/s.”^[3]

“As a result of visits carried out in 2019,^[4] it was revealed that some TDIs are not adequately equipped with natural^[5] and artificial ventilation^[6] or light; some of them need basic renovation.^[7] Besides, none of the TDIs inspected by the Special Preventive Group in 2019 offered reasonable accommodation for persons with disabilities. Apart from the abovementioned, toilets in many TDIs are semi-isolated. This is particularly problematic in multiple-occupancy cells where an arrested person attends to nature call in the presence of another person/s. There are problems related to standards of hygiene.”^[8]

The 2019 report of the National Prevention Mechanism also addresses other sanitation and -hygiene problems in TDIs:

“It is noteworthy that flushing device are absent in the toilets in the cells, instead a water pipe a few centimetres above the sewer hole in the cells is used. Unfortunately, this pipe is also used by some detainees to collect drinking water. This is unhygienic due to the pipe’s location and causes legitimate dissatisfaction among detainees.” ^[9]

The CPT also points out that material conditions of detention in the TDIs visited were on the whole acceptable for the intended purpose and maximum permitted period of police custody (i.e. 72 hours). The cells were generally adequately lit and ventilated, clean and in a satisfactory state of repair; detainees were provided with mattresses and blankets for the night. However, according to the CPT, several deficiencies remained: the 4m² norm was not yet fully and systematically implemented in practice (if one took into account the number of beds per cell) and in-cell toilets were generally only partially screened. Furthermore, criminal suspects had still no access to a shower and outdoor exercise; there is no outdoor exercise yard at Dusheti TDI.^[10]

Regarding provision of persons placed in TDIs with personal space, it should be noted that under Article 26.2 of the Regulations of TDIs of the Ministry of Internal Affairs of Georgia that was approved by Order no. 423 of the Minister of Internal Affairs of Georgia of 2 August 2016 on Approving the Model Statute and Regulations of the Temporary Detention Isolators of the Ministry of Internal Affairs of Georgia, a person placed in a TDI shall have a minimum living space of 4 m². The CPT’s finding about the lack of

personal space in TDIs takes into account the number of beds per cell. According to the agency, the minimum space of 4 m² is strictly observed and the excessive number of beds is explained by those situations where due to the number of arrested individuals, it is impossible to transfer them to the nearest TDI.

[1] Letter no. MIA 8 19 01790150 of the Ministry of Internal Affairs of Georgia, dated 9 July 2019.

[2] Letter no. MIA 6 20 00965423 of the Ministry of Internal Affairs of Georgia, dated 1 May 2020.

[3] The Report of the Public Defender of Georgia on the State of Protection of Human Rights and Freedoms, 2018, p. 84.

[4] In TDIs located in the following regions: Kakheti, Imereti, Ratcha-Lechkhumi and Kvemo Svaneti, Ajara and Guria.

[5] There is a problem of natural light and ventilation, due to small windows in the cells of Ajara and Guria Regional TDI, Tchiatura, Imereti, Ratcha-Lechkhumi and Kvemo Svaneti Regional TDIs, Samtredia, Zestaponi, Baghdati, Sagarejo, Kakheti Regional TDIs, Kvareli and Lanchkhuti TDIs.

[6] Artificial ventilation in cells is not adequate in Ajara and Guria Regional TDI and in Baghdati TDI.

[7] There are patches of removed paint and traces of dampness and dirt on the walls of the cells in Ajara and Guria Regional TDI, Imereti, Ratcha-Lechkhumi and Kvemo Svaneti Regional TDIs and Sagarejo TDI.

[8] The 2019 Report of the NPM. p.116.

[9] Ibid. pp. 116-117.

[10] Report to the Georgian Government on the visit to Georgia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 21 September 2018, Strasbourg, 10 May 2019, para 28.

Activity 3.1.2.2. Ensuring nutritional condition in pre-trial detention cells according to international standards

Responsible agency:

- Ministry of Internal Affairs of Georgia

Indicator:

Periodic reports of intra-agency monitoring;
living, sanitary, hygienic, nutritional and other material conditions ensured, according to independent monitoring (including the Public Defender) reports

Status: Mostly incompleted

The progress of the implementation of the Activity:
30%

Start date: 2018-01-01

Deadline: 2020-12-31

Assessment

The meals to be provided for the persons placed in TDIs are determined by Order no. 457 of the Minister of Internal Affairs of Georgia of 5 May 2005.

According to the Department of Monitoring Human Rights Protection and Quality of Investigation of the Ministry of Internal Affairs, except for the Tbilisi TDI, in all other TDIs in the country, arrested persons are provided with ready-made dried meals, whereas food is served from a local canteen in the Tbilisi TDI.

According to the same source, “the Department of Temporary Detention Isolation is working towards making changes in terms of the established practice of providing dried meals to persons placed in TDIs. It is planned to introduce serving cooked food instead of dried meals in at least four TDIs by the end of 2019. In this process, the respective recommendations made by the United Nations Food and Agriculture Organisation (FAO) and World Health Organisation (WHO) will be taken into account.”^[1]

In the TDIs, the current situation in terms of nutrition related conditions of 2018 was maintained in 2019 as well. According to the information provided by the department, “except for the Tbilisi Temporary Detention Isolator, all other isolators across the country are provided with ready-made dry food rations, whereas the Tbilisi Isolator is supplied with food from a local canteen. According to the agency, cooked meals will also be provided in the new isolator in Tbilisi and in the administrative detention facility.”

The Ministry of Internal Affairs confirms, “by the end of 2019, it was planned to introduce cooked meals in at least four isolators, which has not been done at this stage.”^[2]

According to the 2019 report of the NPM, “in the TDIs inspected in 2019, detainees are provided with only dry (canned beef, canned soup, pâté and bread) meals, which is incomplete food. Unfortunately, the detainees have to have this food for up to 15 days, which can be detrimental to their health. Lack of quality food is also a problem for persons placed in an isolator.”

^[1] Letter no. MIA 1 19 02342906, dated 4 September 2019.

^[2] Letter no. MIA 6 20 00965423, dated 1 May 2020.