



ევროკავშირი
საქართველოსთვის
The European Union for Georgia



ინიციატივა მონწყვლილი ჯგუფების
რეაბილიტაციისათვის
Rehabilitation initiative for
vulnerable groups



PRISON STAFF

Desk Research





Prison Staff

Desk Research

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

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

Introduction

The population of the penitentiary establishment is composed of the accused and convicted persons, but also the employees of the establishment. Therefore, in order to ensure the optimal management of the prison, it is important to assess the observance of the rights of employees along with the rights of the detained persons. Below we will discuss certain issues relevant to the employees. Addressing these issues will improve the conditions of the existing staff, and also, to some extent, will stop the staff outflow and facilitate the attraction of competent employees to the system. Protection of the rights of penitentiary establishment employees is particularly important, as they have to work in an isolated, closed institution that creates a complex and extraordinary work environment.

Main Findings and Recommendations

In this document we will address the challenges that have been identified within the desk-research. However, there are number of issues that also need to be solved and can be identified through qualitative research or interviews with employees during the monitoring of penitentiary establishments.

As for the findings of the desk-research, the main challenges identified are offered as bullet-points below:

- The legislation emphasizes the specialization of persons working with juveniles. Other employees are not legally obliged to undergo special trainings. The law does not specify the following issues as subjects for training - prevention of violence among prisoners, mediation skills, and child development and healthcare issues, for those employees who work with children of women prisoners – which would facilitate compulsory training for the staff. It is possible that prison staff undergoes this type of training in practice, **however it is recommended that this obligation is regulated by law and does not depend on the content of individual training modules.**
- International standards provide that the appointment of qualified staff in the penitentiary system should happen through a competition and training. It also provides for the ongoing and continuous training. Local legislation allows for the whole group of officials (middle and high-level managers) to be appointed without any competition. We believe that these norms do not comply with international standards and best practices, because it is exactly the top-level management (directors, deputies, heads of departments) who necessitate the highest qualification and knowledge, since they play a big role in the successful functioning of the penitentiary system. It should be noted that these officials are not obliged to undertake preliminary basic training either. The existing norms create an impression that lower the person is at the position hierarchy higher the standards for their recruitment, which is not justified. At the same time, the situation creates a risk that directors will be appointed through personal decisions and their qualifications will not be evaluated by the recruitment commission. It is also noteworthy that the existing provisions, regarding the competition stages, state that after the selection of applications, the persons will be interviewed, if necessary. **It is important that the selection criteria and procedures are as transparent as possible and, to minimize the risk of bias, the decision is not made by only one person. Therefore, it is recommended that the interviews are not optional, but rather mandatory and persons are appointed to the position by the recruitment commission not just through the review of application documents, but through evaluation of their professional experience, qualifications and skills. It is recommended that the directors of penitentiary establishments also undergo this selection stage and preliminary training before the appointment on the position.**
- International standards specify the observance of gender balance among penitentiary system employees, which is not reflected in the legislation of Georgia and represents one of the challenges to the system, in practical terms; **It is recommended to observe the gender balance of employees in penitentiary establishments, especially concerning the establishments for women and juveniles.**
- It should be noted that the promotion of the penitentiary service in various ways, competitive remuneration, social guarantees, nutrition, transportation, overtime work compensation, incentives, insurance package, stable and respectful working environment are very important. Unfortunately, only the fact that the newly recruited employees are entitled to remuneration for their work while undergoing the theoretical training course cannot be enough motivation to attract new staff, more so that the penitentiary system employees have to perform a very difficult job. **Therefore, it is important to develop a complex and consistent plan to attract human resources to the penitentiary service, improve social packages and include people (eg, representatives of the administrative office) who do not have access to insurance packages, pay for the overtime to ordinary employees similarly as to the top-level management.**
- Obtained data shows that in five years' time only 7 research was carried out in the penitentiary system.

It is desirable to carry out/facilitate more research to ensure that any change is evidence-based. It is important that, if the Ministry is unable to carry out research/analytical activities within its own financial resources, international and non-governmental organizations support to strengthen this direction in order to enhance the evidence-based policies. **It is recommended that the Ministry promotes its own analytical direction and actively cooperates with NGOs and other research institutions in the field to implement research activities in the system. It is important that the research is not perceived as to be denouncing the system, but as a supporting instrument, with a goal to improve and develop the penitentiary system.**

- It should be noted that burnout training for the staff of penitentiary system is of utmost importance due to the nature of the work and the schedule. Therefore, it is recommended that all employees undergo this training in the near future. The burnout training should not be a one-time thing and persons employed in the penitentiary system should undertake it periodically (preferably those, who have direct contact with the prisoners, undertake burnout training at a specified timeframe and more intensively than others). Similar recommendation was made by the Public Defender in 2017, which urged the Ministry to hold burnout trainings for all the employees through 2018. However, taking into consideration the existing reality (trainings have not started yet), it is practically impossible that the trainings will be held for all staff members at the end of 2018. Also, when talking about the psychological state of the employees and their mental healthcare, it is alarming that the employees of the Ministry's Penitentiary Service have not undergone the burnout trainings since 2014 (and possibly even before then), but the Ministry believes that it pays enough attention to this issue, while the system inherited a very heavy system under which every employee had and has constant stress and pressure. **The Ministry is recommended to hold burnout trainings for the absolute majority of penitentiary system employees, especially for those with direct contact with the accused/convicted persons.**
- The labour migration statistics of the Ministry employees show that in the last four and half years about 1174 employees left the Ministry, which is quite a high number. As we see from the available statistical data, their absolute majority leaves their job based on their own resignation letters. **It is desirable that the Ministry carries out the so called "exit interviews", where human resources staff member obtains information about the reason why they left the job (whether it was lack of reimbursement, bad social package, irregular working hours, which was not systematically carried out, and so on).** This will help the Ministry to correct the shortcomings that hinder having correct staff policy, maintaining experienced staff, who can ensure the sustainability of institutional memory, etc.
- The present reality or the responses received from the Ministry does not show that there is a well-functioning quality control system, which clearly describes and defines the supervision trajectory of the lower, middle and upper-level staff, performance evaluation criteria and procedures, which suggests that the Ministry, at this stage, does not have a clear view of introducing internal quality control system for the entire system; **It is recommended that the quality management system is established, which will improve the quality of each employee's performance.**
- It is especially important that the salary and working conditions of the penitentiary staff are favourable, the staff is provided with adequate food, transportation to the establishment (in number of establishments this issue was resolved by the end of 2018, but it is important that the problem is solved in all of them), overtime work compensation and the possibility of using their leave; **It is recommended to increase the salaries of the lower and the middle level staff, to establish the overtime work compensation system, to arrange canteens for employees and to solve transportation problems.**
- **In order to ensure a proper performance and accountability of the penitentiary system staff, it is necessary to timely develop clear (renewed) job descriptions, standard operating procedures and incident management guidelines.**
- In addition, it should be noted that the state cannot refuse the request for public information, simply because they have not processed the specific requested information. If responding to the requested public information requires additional time, this should be duly communicated to the requestee and this will not become the basis for refusal to provide information. Otherwise it will be understood so that the public information referred to in the General Administrative Code will be limited only to the public information that has already been processed and prepared by the Ministry at the time of its request.

