



PUBLIC DEFENDER OF GEORGIA
DEPARTMENT OF PREVENTION AND MONITORING

**THE ROLE AND OPERATION OF
NATIONAL PREVENTIVE MECHANISM
IN GEORGIA**



PUBLIC DEFENDER OF GEORGIA DEPARTMENT OF PREVENTION AND MONITORING

MANDATE OF PUBLIC DEFENDER OF GEORGIA

- Public Defender's Office of Georgia is a constitutional body. It's status is defined in the article 43 of the Georgian Constitution;
- Public Defender's Office of Georgia was established in 1996, when the "Organic Law of Georgia on Public Defender" was adopted;
- In August 2005 Georgian Parliament ratified the Optional Protocol to the UN Convention against torture (OPCAT);
- Since 2005 Public Defender's Office has been conducting systematic monitoring activities for prevention of Torture in places for deprivation of liberty;
- Regular monitoring activities were performed by the Department of Investigation and Monitoring of Public Defender's Office.



PUBLIC DEFENDER OF GEORGIA DEPARTMENT OF PREVENTION AND MONITORING

MANDATE OF PUBLIC DEFENDER OF GEORGIA

- Regular monitoring initially covered Police Stations and Police Isolators for Temporary Detention, considering that treatment by Police remained a serious matter of concern;
- Findings of such monitoring visits were reflected in recommendations to relevant authorities;
- As a result of intensive and systematic monitoring:
 - Facts of ill-treatment and torture in these institutions were decreased/eliminated;
 - Human Rights Protection and Monitoring Division was created under the Ministry of Internal Affairs of Georgia to effectively monitor, control and examine treatment of persons detained in Police Stations and Police Isolators for Temporary Detention;



PUBLIC DEFENDER OF GEORGIA
DEPARTMENT OF PREVENTION AND MONITORING

MANDATE OF PUBLIC DEFENDER OF GEORGIA

- In July, 2009 relevant amendments to the “Organic Law of Georgia on Public Defender” were made;
- Article 3-1 identifies the Public Defender’s Office of Georgia as the principle body performing National Preventive Mechanism against torture under the Optional Protocol to the UN Convention against Torture (OPCAT);
- Article 19-1 refers to creation and determines the status/mandate of a Special Preventive Group in the Office of Public Defender of Georgia for implementation of National Preventive Mechanism functions;



PUBLIC DEFENDER OF GEORGIA DEPARTMENT OF PREVENTION AND MONITORING

MANDATE OF PUBLIC DEFENDER OF GEORGIA

- Article 19 determines detailed Mandate of Public Defender, as well as of the Special Preventive Group;
- In October, 2009 the Special Preventive Group has been composed from 6 permanent members and 2 interns of Prevention and Monitoring Department;
- Department of Prevention and Monitoring undertakes preventive monitoring by regular visits to special institutions and complaints based monitoring by reacting to complaints on facts of torture, ill-treatment, inhuman or degrading action or punishment;
- According to the requirements of a Scheduled and/or Ad Hoc Monitoring the qualified field experts are being included in the Special Preventive Group.



PUBLIC DEFENDER OF GEORGIA
DEPARTMENT OF PREVENTION AND MONITORING

BRIEF OVERVIEW OF MONITORING FUNCTION

➤ In 2005 Public Defender's Office of Georgia commenced the wide-scale monitoring in various Penitentiary Establishments. Namely:

401 visits in 2005;
587 visits in 2006;
290 visits in 2007;
384 visits in 2008



PUBLIC DEFENDER OF GEORGIA
DEPARTMENT OF PREVENTION AND MONITORING

PURPOSE OF NATIONAL PREVENTIVE MECHANISM

- Prevention of torture and other cruel, inhuman or degrading treatment or punishment;
- Introduction, application and implementation of internationally accepted standards on national level.



PUBLIC DEFENDER OF GEORGIA
DEPARTMENT OF PREVENTION AND MONITORING

TYPES AND METHODS OF MONITORING

- Monitoring is conducted in following institutions:
 - Penitentiary Establishments (currently in Georgia - 18),
 - Police Isolators for Temporary Detention (45),
 - Military Police Detention Facilities (places of administrative detention) under Ministry of Defense (5),
 - Psychiatric Institutions (6),
- Social Care Homes:**
 - Orphanages (21),
 - Homes for elderly (3)



PUBLIC DEFENDER OF GEORGIA
DEPARTMENT OF PREVENTION AND MONITORING

TYPES AND METHODS OF MONITORING

➤ Monitoring function of National Preventive Mechanism entails two types of monitoring:

Scheduled Monitoring

Ad Hoc Monitoring

➤ **Scheduled Monitoring:** Special Preventive Group composed from 6 members of PDO's Department of Prevention and Monitoring (Special Preventive Group's permanent members together with interns selected based on open competition) and selected field experts conduct the detailed monitoring visits and examination/assessment of the treatment of persons deprived of their liberty in various institutions.

➤ Detailed plan of Scheduled Monitoring is elaborated by Special Preventive Group with the aim of conducting Scheduled Monitoring regularly/at least three times per year in each of the institutions.



PUBLIC DEFENDER OF GEORGIA
DEPARTMENT OF PREVENTION AND MONITORING

TYPES AND METHODS OF MONITORING

- **Ad Hoc Monitoring:** Special Preventive Group conducts the *Ad Hoc* detailed monitoring visits and examination/assessment of conditions and treatment of persons in various institutions.

- **Ad Hoc monitoring** is conducted on the basis:
 - Of complaints, phone calls made either by the persons deprived of liberty or by their relatives, or their attorneys;
 - Of information on facts of any violations received from media sources.

- **Ad Hoc Monitoring** can be conducted with the purpose:
 - To control the application of newly adopted legal norms and their implementation;
 - To follow up fulfillment of recommendations made during Scheduled Monitoring.



PUBLIC DEFENDER OF GEORGIA
DEPARTMENT OF PREVENTION AND MONITORING

MONITORING PROCESS FLOW

➤Composition of Special Preventive Group consisting of permanent 6 members, interns and various field experts;

Field experts (with required capabilities and professional knowledge) are selected on a competitive basis by PDO's special selection committee;

Field experts are qualified professionals, among them: Penitentiary Experts, Psychiatrists, Child's Rights Experts, Psychologists, General Profile Physicians, Pediatricians, Forensic doctors, Social Workers, general practitioners;

➤Enquiry on preliminary information/documentation one month prior to Scheduled Monitoring visit;

➤Analysis of the enquired information/documentation;

➤Determination of priority topics of the Scheduled Monitoring on the basis of information/documentation analyzed;



PUBLIC DEFENDER OF GEORGIA
DEPARTMENT OF PREVENTION AND MONITORING

MONITORING PROCESS FLOW

- Development of standard questionnaires;
- Interviews with administration of institution;
- Assessment of institution's infrastructure;
- Private interviews with the persons detained/placed in special institutions;
- Analysis of completed questionnaires;
- Drafting reports on findings of the conducted Scheduled Monitoring;
- Drafting Recommendations to relevant authorities on the violations and shortcomings revealed with the aim of improving treatment and the conditions of the persons deprived of their liberty/placed in special institutions.



PUBLIC DEFENDER OF GEORGIA
DEPARTMENT OF PREVENTION AND MONITORING

MONITORING (SCHEDULED/Ad Hoc)
COMPLETED IN 2009

➤ Penitentiary establishments (currently in Georgia - 18):

32 Scheduled Monitoring Visits completed in the first part of 2009;

34 Scheduled Monitoring Visits completed in the second part of 2009;

189 Ad Hoc Monitoring Visits completed in the first part of 2009, during which more than 700 persons deprived of their liberty have been interviewed;

112 Ad Hoc Monitoring Visits completed in the second part of 2009, during which about 500 persons deprived of their liberty have been interviewed.



PUBLIC DEFENDER OF GEORGIA
DEPARTMENT OF PREVENTION AND MONITORING

MONITORING (SCHEDULED/Ad Hoc)
COMPLETED IN 2009

➤ **Police Isolators of Temporary Detention (45):**

Due to insufficient budget no Monitoring (Scheduled/Ad Hoc) conducted in the first part of 2009;

37 Scheduled Monitoring Visits completed in the second part of 2009.

➤ **Military Police Detention Facilities(5):**

Due to insufficient budget no Monitoring (Scheduled/Ad Hoc) conducted in the first part of 2009;

5 Scheduled Monitoring Visits completed in the second part of 2009



PUBLIC DEFENDER OF GEORGIA
DEPARTMENT OF INVESTIGATION AND MONITORING

MONITORING (SCHEDULED/Ad Hoc)
COMPLETED IN 2009

➤ Psychiatric Institutions (6)

Social Care Homes:

➤ Orphanages (21)

➤ Homes for elderly (3)

Due to insufficient budget no Monitoring (Scheduled/Ad Hoc) conducted in 2009.



PUBLIC DEFENDER OF GEORGIA
DEPARTMENT OF INVESTIGATION AND MONITORING

SCHEDULED MONITORING FOR 2010

➤ **Penitentiary establishments (18):**

37 Scheduled Monitoring Visits to be completed in February-March 2010;

36 Scheduled Monitoring Visits to be completed in June-August 2010;

33 Scheduled Monitoring Visits to be completed in November-December 2010.

In total 106 Scheduled Monitoring Visits to be completed in 2010.

➤ **Isolators of Temporary Detention (45):**

43 Scheduled Monitoring Visits to be completed in February 2010;

45 Scheduled Monitoring Visits to be in June 2010;

45 Scheduled Monitoring Visits to be completed in October 2010.

In total 133 Scheduled Monitoring Visits to be completed in 2010.



PUBLIC DEFENDER OF GEORGIA
DEPARTMENT OF PREVENTION AND MONITORING

SCHEDULED MONITORING FOR 2010

➤ **Military Police Detention Facilities (5):**

5 Scheduled Monitoring Visits to be completed in February 2010;
5 Scheduled Monitoring Visits to be completed in June 2010;
5 Scheduled Monitoring Visits to be completed in October 2010.
In total 15 Scheduled Monitoring Visits to be completed in 2010.

➤ **Psychiatric Institutions (6):**

11 Scheduled Monitoring Visits already completed in January 2010.

➤ **Orphanages (21):**

21 Scheduled Monitoring Visits to be completed in January-February 2010.

➤ **Homes for elderly (3):**

3 Scheduled Monitoring Visits to be completed in January-February 2010.



PUBLIC DEFENDER OF GEORGIA
DEPARTMENT OF PREVENTION AND MONITORING

RESOURCES FOR NPM

- Significant financial support for recent NPM activities rendered by:

UNDP

Council of Europe

European Commission

- Further increase of human, financial resources and training activities are essential in order to fulfill planned NPM functions/Monitoring Visits more effectively.