



**Public Defender of Georgia  
National Preventive Mechanism**

**State of Rights of Older Persons in Daily Specialized  
Institutions**

2015

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## Contents

Introduction .....	3
Monitoring Methodology.....	4
Main Findings of Monitoring.....	6
General Overview of Legal Regulations .....	8
Absence of Mechanism for Supervision of Compliance with Standards .....	11
Information about Service Delivery (Standard №1) .....	13
Beneficiary-Friendly Environment (Standard №2), Safety and Sanitary Conditions (Standard №3) .....	19
Observing Confidentiality (Standard №4).....	24
Individual Approach in Service Delivery (Standard №5).....	26
Catering (Standard №6) .....	29
Promoting Social Activity (Standard №7) .....	33
Health Protection (Standard №8) .....	38
Feedback and Complaint Procedures (Standard №9).....	43
Protection against Violence and Discrimination (Standard №10) .....	47
Improper Treatment .....	49
Requirements to Personnel (Standard №11) .....	53

## Introduction

The present document is a special report on the results of the monitoring conducted by the Public Defender's Office, within the framework of National Preventive Mechanism, to study the situation of the rights of older persons.

The work conducted within the scope of the monitoring involved analyzing international and national acts regulating the rights situation of older persons; requesting information from state entities; also, during the period from 1 to 5 April 2015, inspecting residential institutions for older persons by members of the special preventive group and representatives of the Department of the Rights of People with Disabilities of Public Defender's Office<sup>1</sup> to study the degree of protection of the rights of beneficiaries placed in those institutions, the conformity of those institutions with the standards defined in international documents and national legislation.

To assess the rights situation of older persons in specialized residential institutions and the conditions therein, the monitoring group paid visits to two subsidiaries of the legal entity in public law, the State Fund for Protection of and Assistance to Victims of Trafficking in Persons, and five institutions providing the service within the framework of community organizations subprogram of the 2014 State Program of Social Rehabilitation and Child Care.

The information regarding the specialized residential institutions for older persons operating in the country was requested from the Ministry of Labor, Health and Social Affairs of Georgia. According to received correspondence,<sup>2</sup> as of the moment of monitoring, some six community organizations operated in the country, including the non-profit (non-commercial) legal entity, Social Assistance Center (address: 1 Vakhtang Gorgasali Street, the village of Digomi, Tbilisi). However, the special preventive group was not able to monitor the mentioned institution as it could not find out the exact location of the institution. Having arrived at the indicated address, the representatives of the Public Defender discovered that the institution was not located there. Nor were the monitors able to reach a contact person, named by the Ministry, by a telephone. To deal with the situation, the Public Defender's Office sent a letter<sup>3</sup> to the Ministry which responded<sup>4</sup> that the non-profit (non-commercial) legal entity, Social Assistance Center, was registered as a provider of service under the community organizations subprogram on 2 October

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<sup>1</sup> The authority to inspect human rights situation in the institutions of restricted freedom is granted to the representatives of the Public defender of Georgia or/and members of special preventive group under Articles 18, 19 and 19<sup>1</sup> of the Organic Law of Georgia on Public Defender of Georgia.

<sup>2</sup> A letter N01/8200 of the Ministry of Labor, Health and Social Affairs, dated 9 February 2015.

<sup>3</sup> Letter N09-3/2737 of 8 April 2015.

<sup>4</sup> Correspondence N01/32836-11.05.2015

2014; however, because of the change in the service, it reregistered on 1 March 2015. The non-profit (non-commercial) legal entity, Social Assistance Center, has not actually started delivering the service yet.

The monitoring revealed a number of violations in institutional arrangement, flawed regulations and harmful practice. The Public Defender believes that the rights of older persons being under the state care are not properly realized; the level of their living is inadequate; on certain occasions they become victims of improper treatment. The state does not fulfil the obligations specified in international documents, including in The Madrid International Plan of Action on Ageing and the Political Declaration. National legislative acts regulating the field need further elaboration. Moreover, a poor mechanism of enforcement and supervision of existing norms represents a significant problem.

## Monitoring Methodology

In March 2015, the Office of Public Defender developed “The Methodology of Protecting the Rights of Older Persons in State Care and Other Residential Institutions.” This document is focused on the inspection of the following standards:

1. Information about the delivery of service (Standard №1)
2. Beneficiary-friendly environment (Standard №2)
3. Safety and sanitary conditions (Standard №3)
4. Observing confidentiality (Standard №4)
5. Individual approach in service delivery (Standard №5)
6. Catering (Standard №6)
7. Promoting social activity (Standard №7)
8. Health protection (Standard №8)
9. Feedback and complaint procedures (Standard №9)
10. Protection against violence and discrimination (Standard №10)
11. Requirements to personnel (Standard №11)

The inspection involved the collection of both quantitative and qualitative data. The documentation reflecting institution’s administrative management and delivered care was requested from the administrations of residential institutions for older persons. The information was collected through interviews with beneficiaries and employees of these institutions as well as inspections of living conditions therein. The living conditions were assessed and the working process of service providers observed.

The method of semi-structured interview was applied in interviews with beneficiaries of residential institutions for older persons. A qualitative interview was conducted with the help of a questionnaire designed in advance enabling to assess the issues related to factual and legal state of these persons.

Interviews were conducted upon the informed consent of beneficiaries, individually, mainly in private and in a quiet atmosphere with the right of interviewees to stop them at any stage and the confidentiality guaranteed. While strictly observing confidentiality, the information received from individual interviews of older persons were double-checked with other persons and service providers. To double-check particular information, brief informal interviews, by using indirect questions, were conducted with various employees of institutions.

The monitoring group comprised members of special preventive group,<sup>5</sup> employees of the Department of Prevention and Monitoring,<sup>6</sup> and the Department of the Rights of People with Disabilities<sup>7</sup> of the Public Defender's Office.

The monitoring was conducted in the following specialized residential institutions:

***Territorial units (branches) of the legal entity in public law, the State Fund for Protection of and Assistance to Victims of Trafficking in Persons:***

- **Tbilisi Boarding House for Older People<sup>8</sup>** (address: 2<sup>nd</sup> block of residential buildings, 11<sup>th</sup> micro region, Temka settlement, Tbilisi)
- **Kutaisi Boarding House for Older People<sup>9</sup>** (address: 6, dead end 4, Solomon II Street, Kutaisi)

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<sup>5</sup> Ketevan Gelashvili, teimuraz Rekhviashvili, Irina Putkaradze, Zurab Putkaradze, Irma Manjavidze, Olga kalian, Natia gogolashvili, Sofia nemsitsveridze.

<sup>6</sup> Daniel Mgeliashvili, Levan Begiashvili.

<sup>7</sup> Irine Oboladze, Rusudan Kokhodze, Lika Batsikidze, Luka Chochua.

<sup>8</sup> The institution counts 79 beneficiaries at this stage. By the moment of monitoring, 78 older persons were actually receiving service. None of older persons are recognized as having psycho-social needs. One person has the status of a person with disability. One of the institution's beneficiaries, L. K., arbitrarily left the institution on 7 May 2014 and disappeared. According to the administration, this fact was reported to the law enforcement bodies and the investigation is underway. To find out more information, the Public defender sent a letter (N09-1/4388) to the Gldani-Nadzaladevi District Department of the Interior Ministry which, in its response (N1284781), informed that despite active operative-investigative measures, it has yet failed to detect the whereabouts of the missing beneficiary.

<sup>9</sup> The institution counts 86 beneficiaries at this stage, including nine beneficiaries in wheelchairs and 19 bedridden. None of older persons are recognized as having psycho-social needs. None of them has a supporter.

*Private institutions providing residential service to older persons and delivering service within a relevant state program (community organizations subprogram of the state program of social rehabilitation):*

- **Nonprofit (noncommercial) legal entity, Young Teachers' Union**<sup>10</sup> (address: the village of Anaseuli, Ozurgeti municipality);
- **Nonprofit (noncommercial) legal entity, the boarding house for older persons and persons with disability, My Family**<sup>11</sup> (address: territory of 2<sup>nd</sup> area in Gldani, Tbilisi);
- **Nonprofit (noncommercial) legal entity, Diodora**<sup>12</sup> (address, 1a, Ushakov Street, Tbilisi);
- **Nonprofit (noncommercial) legal entity, Untroubled Old Age**<sup>13</sup> (address: the village of Bodbiskhevi, Sighnaghi municipality);
- **Nonprofit (noncommercial) legal entity, Beteli**<sup>14</sup> (address: 65 Aghmashenebeli Street, town of Tsnori).

The monitoring group visited these institutions for one day each.

To specify and complement the information obtained through monitoring, additional information was requested from the Ministry of Labor, Health and Social Affairs of Georgia, the legal entity in public law, the State Fund for Protection of and Assistance to Victims of Trafficking in Persons, Tbilisi City Hall, the Gldani-Nadzaladevi Unit of Tbilisi Main Division of the Ministry of Internal Affairs of Georgia.

## Main Findings of Monitoring

The monitoring revealed a whole set of systemic problems thereby providing the ground to conclude that the majority of special residential institutions for older people either improperly fulfill or fail to fulfill the requirements set out in international and national regulations, including the minimal standards approved by the Decree №1-50n of the Minister of Labor, Health and Social Affairs, dated 23 July 2014. In their conversations with members of the

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<sup>10</sup> At the moment of monitoring the institution counted 20 beneficiaries (14 female and six male). Four of them have limited mobility.

<sup>11</sup> At the time of monitoring the institution counted six beneficiaries, all of them female. During the monitoring only five beneficiaries were on site. None of older persons are bedridden, in wheelchair or recognized as having psycho-social needs. None of them has a supporter.

<sup>12</sup> At the moment of monitoring the institution counted 16 beneficiaries (12 females and four males). One of them has the status of disability. Two beneficiaries are bedridden.

<sup>13</sup> At the moment of monitoring the institution counted 10 beneficiaries, including six females and four males. Five older persons are bedridden including two blind.

<sup>14</sup> At the moment of monitoring the institution counted 16 beneficiaries, including three bedridden and five incapable of self-attending. None of beneficiaries are confined to wheelchair.

monitoring group, heads of several institutions admitted that they had heard about the standards but never read them themselves (the boarding house for older persons and persons with disability, My Family; the boarding house for older people, Untroubled Old Age) or they were aware of the standards but considered meeting them in the conditions of existing funding unrealistic (the boarding house for older people, Diodora).

Despite existing internal legislative regulations, the state lacks a well-running, systematized mechanism of overseeing their enforcement. The Ministry of Labor, Health and Social Affairs does not conduct a systemic monitoring of the compliance of specialized institutions for older persons with the minimal standards and consequently, does not adequately react to existing violations, which translates into a poor service delivery to older persons and often discriminatory and degrading treatment thereof.

Out of seven inspected specialized institutions, the conditions in one of them, namely, **Young Teachers' Union**, deserves praise, where despite the dearth of information about the needs of older persons received from the regional social services, a low level of involvement of the guardianship and custody body in the process of service delivery to older persons, and the lack of supervision, the service is delivered to older persons in accordance with international and national standards and in view of older persons' rights.

The level of care about the safety of beneficiaries, their emotional, psychological wellbeing and mental health in other residential institutions for older persons as well as the level of knowledge of legal regulations on violence and standards of service providers is extremely low. Beneficiaries are not informed about their rights. Heads of the institutions do not regard the mentioned issues as important standards of care and according to their explanations, they do not have financial means to ensure them either.

The monitoring revealed that the scarce financing of institutions for older persons is one of main factors leading to existing problems. This problem was emphasized by every service provider. Article 4 of the Ordinance of the Government of Georgia №22, dated 27 January 2010, on the "Approval of the Rule and Terms of Financing (Co-financing) of Placement of a Person in a Specialized Institution"<sup>15</sup> details the rule and terms of financing various target groups. The financing of service rendered in a state boarding house for older persons comprises 16 GEL a day.

The monitoring revealed the following major problems:

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<sup>15</sup> See <https://matsne.gov.ge/ka/document/view/4780>;

- Instances of inadequate treatment of beneficiaries
- Absence of the mechanism for overseeing the compliance with the standards
- Shortcomings in maintaining documentation
- Lack and low qualification of personnel
- Poor feedback mechanism and low awareness of beneficiaries
- Non-adapted physical environment and poor infrastructure
- Social passivity of beneficiaries and threat of being isolated from society
- Problems with the access to timely and adequate medical service
- Problems with the access to medications

## General Overview of Legal Regulations

A special international document regulating the issues of the rights of older persons was adopted under the aegis of the UN adopted at the Second World Assembly on Ageing in Madrid, in April 2002 and it is called The Madrid International Plan of Action on Ageing and the Political Declaration. It requires from the states to ensure older persons with adequate living conditions, social protection and health care; to reduce and prevent poverty and to develop a relevant strategy and programs;<sup>16</sup> to ensure adequate pensions, social security and health insurance;<sup>17</sup> to organize various social protection systems to ensure minimum income for older persons who are especially vulnerable; at the same time, to reform pension and insurance systems for the improvement of the living standards.<sup>18</sup>

The national legislation pertaining to the rights of older persons include: the Constitution of Georgia; the Law of Georgia on State Pensions;<sup>19</sup> Minimal Standards of Service to Persons with Disability and Older Persons in Specialized Residential Institutions approved by the Decree №1-50n of the Minister of Labor, Health and Social Affairs, dated 23 July 2014;<sup>20</sup> the Decree №52/n of the Minister of Labor, Health and Social Affairs, dated 26 February 2010, On the Approval of the Rule and Terms of Admittance of Persons to and Discharge from Specialized Residential Institutions<sup>21</sup> and other normative acts.

The main direction of state care policy of older persons in Georgia is the delivery of service in boarding houses. Such a service is provided in larger residential state institutions and within the

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<sup>16</sup> Ibid, Paragraph 48;

<sup>17</sup> Ibid, Paragraph 52;

<sup>18</sup> Ibid, Paragraph 53;

<sup>19</sup> <https://matsne.gov.ge/ka/document/view/27946>

<sup>20</sup> <https://matsne.gov.ge/ka/document/view/2391345>

<sup>21</sup> <https://matsne.gov.ge/ka/document/view/1008810>



framework of community organizations subprogram of the State Program of Social Rehabilitation.

**Residential state institutions** are subordinated to the State Fund for Protection of and Assistance to Victims of Trafficking in Persons (hereinafter referred to as the Fund). As of now, two state boarding houses for older persons exist in Tbilisi and Kutaisi. According to the charter of the Fund, one of its aims is to create dignified living conditions for older persons,<sup>22</sup> whilst its functions include: creating for older persons such conditions that are approximated to family environment, ensuring round-the-clock care, catering, primary health care, providing/organizing treatment-rehabilitation procedures.<sup>23</sup> The Fund performs its tasks through central office and territorial units (branches). The structure, powers and the rule of activity of a branch are defined in the charter which is endorsed by the director. Heads of territorial units are appointed and dismissed by the director.<sup>24</sup>

**The community organizations subprogram** (hereinafter referred to as the Subprogram) is designed for older persons (women above 60 years of age and men above 65 years of age).<sup>25</sup> The budget of the Subprogram was set at 836,000 GEL for 2014 and at 1,044,300 GEL for 2015.<sup>26</sup> The objectives of the Subprogram are to create the conditions approximated to the family environment, to facilitate independent living and social integration. To this end, beneficiaries must be provided with housing, daily service, and catering three times a day; when needed, must receive primary health care, have outpatient and inpatient health service organized; must be provided with individual service programs developed and implemented for them to raise the level of their independence; must get professional skills developed (choosing a craft, facilitating the education and practical application thereof taking into account a beneficiary's individual capacities and desire); must be provided with clothes matching their age, sex and season and items of personal hygiene; other measures facilitating their integration into society.<sup>27</sup>

The Subprogram is implemented by the legal entity in public law, Social Service Agency.<sup>28</sup> A provider of service envisaged under the Subprogram may be any entity registered at the Ministry of Labor, Health and Social Affairs in accordance with the rule established by the law.<sup>29</sup>

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<sup>22</sup> Decree of the Government of Georgia N146, dated 13 February 2014, on Approval of Charter of LEPL the State Fund for Protection of and Assistance to Victims of Trafficking in Persons; Article 2(d). See, <http://www.atipfund.gov.ge/index.php/ka/about-us/regulations>

<sup>23</sup> Ibid, Article 3(g)

<sup>24</sup> Ibid, Paragraphs 2, 4 and 5 of Article 4.

<sup>25</sup> Decree of the Government of Georgia N291, dated 14 April 2014, On the Approval of the 2015 State Program of Social Rehabilitation and Child Care; Annex 1.12, Subparagraph b) of Paragraph 1 of Article 2; see <https://matsne.gov.ge/ka/document/view/2791238>

<sup>26</sup> Ibid, Annex 1.12, Paragraph 1 of Article 4.

<sup>27</sup> Ibid, Annex 1.12, Article 2.

<sup>28</sup> Ibid, Annex 1.12, Article 6.

<sup>29</sup> Ibid, Annex 1.12, Article 5.

To get registered as a service provider, an applicant must submit an application and information about offered service to a registering body (the Ministry)<sup>30</sup> which considers the submitted application and information and takes a decision on registering an entity as a provider of service envisaged by the Subprogram.<sup>31</sup> Should the provider fails to properly fulfill the requirements, the registering body is entitled to cancel the registration.<sup>32</sup>

A condition precedent for financing the service provided within the Subprogram may be the requirement to submit information concerning the service delivered by the provider in the form as demanded by the Agency.<sup>33</sup>

The admission of older persons to boarding houses is coordinated by the legal person in public law, the Social Service Agency which accepts applications, establishes the needs and takes a decision on the admission of older persons to a concrete institution. This issue is regulated by the Decree №52/n of the Minister of Labor, Health and Social Affairs, dated 26 February 2010, On the Approval of the Rule and Terms of Admittance of Persons to and Discharge from Specialized Residential Institutions.<sup>34</sup>

Those eligible to be admitted to boarding houses for older persons and community organizations are elderly and persons with disability aged 60 and over, except for persons with mental disorders. The list of documents required for the placement of these persons in an institution is defined in the above mentioned decree.<sup>35</sup>

Within one month after the Agency receives an application, with enclosed documents, for the admission to a specialized institutions, a social worker draws up a conclusion about the suitability of placing a person into a specialized institution.<sup>36</sup>

A decision on the placement of a person in a specialized institution financed from the state budget is taken by a regional council.<sup>37</sup> The regional council considers the issue of placement of applicants and persons with disability in boarding houses for older persons in that sequence as provided in the register.<sup>38</sup> Alongside the decision of the placement of a person in a specialized

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<sup>30</sup> Ibid, Annex 1, Paragraph 3 of Article 3.

<sup>31</sup> Ibid, Annex 1, Subparagraph b) of Paragraph 3 of Article 3.

<sup>32</sup> Ibid, Annex 1, Subparagraph e) of Paragraph 3 of Article 3.

<sup>33</sup> Ibid, Annex 1.12, Paragraph 4 of Article 4.

<sup>34</sup> <https://matsne.gov.ge/ka/document/view/1008810>

<sup>35</sup> Decree №52/n of the Minister of Labor, Health and Social Affairs, dated 26 February 2010, On the Approval of the Rule and Terms of Admittance of Persons to and Discharge from Specialized Residential Institutions; Annex №1, Paragraph 1 of Article 3; <https://matsne.gov.ge/ka/document/view/1008810>

<sup>36</sup> Ibid, Annex №1, Paragraph 7 of Article 4.

<sup>37</sup> Annex №1, Paragraph 2 of Article 2.

<sup>38</sup> Annex №1, Paragraph 4 of Article 9.

institution, the regional council decides on the issue to fully finance, co-finance or not finance the placement at all.<sup>39</sup> A person may leave a boarding house upon his/her desire or a desire of his/her legal representative, also in case of appointing a guardian/custodian or transfer to another specialized residential institution.<sup>40</sup>

The issues regarding the delivery of service in specialized residential institutions is regulated by the standards approved under the Decree №1-54/n of the Minister of Labor, Health and Social Affairs, dated 23 July 2014.<sup>41</sup> This regulation is binding on all providers registered within the scope of the state program, which render round-the-clock service to older persons or/and persons with disabilities as well as on branches of the State Fund for Protection of and Assistance to Victims of Trafficking in Persons except for several paragraphs which mainly refer to ensuring beneficiaries with living spaces, bathrooms and caregivers.

The standard regulates almost all spheres of life of older persons in specialized residential institutions, in particular: supplying information about the service, observing confidentiality, creating beneficiary-friendly environment, safety and sanitary conditions, individual approach to service delivery, catering, facilitating social activity, health care, protecting against violence and discrimination, feedback and complaint procedures, requirements to personnel. The enforcement of listed standards in practice is detailed in the chapters below.

## Absence of Mechanism for Supervision of Compliance with Standards

As responsible state entities do not supervise the compliance with the standards of service to older people, the quality of living of older people in inspected community organizations is low. We requested information<sup>42</sup> regarding the monitoring/inspection of the institutions from the Ministry of Labor, Health and Social Affairs. According to the response<sup>43</sup> from the Ministry: “In 2014, the program monitoring unit of the Department of Social Affairs of the Ministry conducted the monitoring of one community service organization for older persons (non-profit (non-commercial) legal entity Adams) upon the notification from the legal entity in public law, the Social Service Agency.” It is worth noting that the mentioned organization is no longer a service provider. The response from the Ministry says nothing about the monitoring of other institutions. It only underlines that a certain deadline was set for the community service organization to fulfill specific articles of the Minimal Standards of Service to Persons with

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<sup>39</sup> Annex №1, Paragraph 4 of Article 10.

<sup>40</sup> Annex №1, Paragraph 3 of Article 8.

<sup>41</sup> <https://matsne.gov.ge/ka/document/view/2391345>

<sup>42</sup> Letter N09-3/2858 of 8 April 2015.

<sup>43</sup> Letter N01/2699 of the head of social protection of department of the Ministry of Labor, Health and Social Affairs, dated 20 April 2015.

Disability and Older Persons in Specialized Residential Institutions.<sup>44</sup> Consequently, we assume that the Ministry does not supervise the compliance with the standards established by it.

One should note that according to the Ordinance №138 of the government of Georgia, dated 3 March 2014, On the Approval of the 2014 State Program of Social Rehabilitation and Child Care, in order to get registered as a provider of service of “community organizations subprograms,” an applicant shall submit the application and information about offered service to the registering body (the Ministry)<sup>45</sup> which, for its part, considers the application and information and takes a decision on the registration of a person as a provider of service envisaged by the subprogram. The registering body is entitled to cancel the registration of provider in case of the failure of the latter to properly fulfill the conditions.<sup>46</sup> Moreover, a necessary additional requirement for financing the service provided within the scope of Subprogram may be the submission of information concerning the service delivered by the provider to the Agency in the form as requested by the Agency.<sup>47</sup>

The Office of the Public Defender applied to the Ministry<sup>48</sup> for the documentation required for registration of the organizations that had been registered as service providers to all (five) residential institution’s for older persons; also in case of automatic extension of registration, the information on service rendered before that extension, which these organizations submitted to the Agency.

The Ministry of Labor, Health and Social Affairs informed us that already registered service providers get automatic extension of their registration upon the approval of a new program and they are not obliged to submit additional information to the Agency.<sup>49</sup> Nor are community organizations required, under the effective procedures, to provide information about their activities to the Social Service Agency.<sup>50</sup> Consequently, we assume that when registering organizations as service providers and allocating funding to them, the Ministry does not require the information, as envisaged by the law, on services rendered, which would allow to judge about the quality and adequacy of the service offered by them.

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<sup>44</sup> It means Article 3 of the Decree №01-54n of the Minister of Labor, Health and Social Affairs, dated 23 July 2014, according to which certain paragraphs of “beneficiary-friendly environment” and “requirements to personnel” become, before the enactment of the decree, binding on service providers registered within the state program, which fall short of the standards, from 1 September 2015.

<sup>45</sup> Decree of the Government of Georgia N291, dated 14 April 2014, On the Approval of the 2014 State Program of Social Rehabilitation and Child Care, Annex 1, Paragraph 3 of Article 3.

<sup>46</sup> Ibid, Annex 1, Subparagraphs b) and e) of Paragraph 3 of Article 3.

<sup>47</sup> Ibid, Annex 1, Paragraph 4 of Article 9.

<sup>48</sup> Letter N09-3/2858 of 8 April 2015.

<sup>49</sup> Letter N01/2699 of the head of social protection of department of the Ministry of Labor, Health and Social Affairs, dated 20 April 2015.

<sup>50</sup> Letter N01/32836 of the head of social protection of department of the Ministry of Labor, Health and Social Affairs, dated 11 May 2015.

A substantial shortcoming in the relationship between a service provider and the state is also the fact that the cooperation of community organizations with the guardianship and custody body is limited to materializing the voucher. Once an older person is enrolled in the service, the involvement of the social service in the service to older person, the supervision and control of the service process stops altogether.

### **Recommendations**

#### **To the Ministry of Labor, Health and Social Affairs:**

- Ensure regular monitoring of service delivery to older persons by specialized residential institutions for older persons and react adequately to violations if detected;
- Demand that an organization submit complete information before getting registered as a service provider, therewith enabling preliminary assessment of the quality and adequacy of offered service;
- Before automatic extension of registration as a service provider, demand that the service provider submit exhaustive information about the services render before that.

#### **To the legal person in public law, the Social Service Agency:**

- Ensure the adequate involvement of the social service in the service of specialized institution and the supervision of the service within the scope of its own competence.

### **Information about Service Delivery (Standard №1)**

*Beneficiaries (including potential beneficiaries) and/or their legal representatives must be informed about the service offered by specialized residential institutions. A service provider shall have the following papers available for any interested person: an information leaflet; a service program describing the content of the service and a daily schedule; internal regulations of an institution and a document certifying the registration for a corresponding state program.*

*The administration shall have available the following papers for the guardianship and custody body, the Public Defender's Office of Georgia and the entity responsible for supervision: personal files of beneficiaries; a registry of admission and discharge of beneficiaries to/from an institution; a registry of temporary discharge of beneficiaries from an institution; documentation*

*certifying the qualification of personnel and contracts signed with them; consents of beneficiaries/their legal representative on the issuance of confidential information (if applicable); a written account of measures undertaken in response to a complaint; a written account of measures undertaken in response to facts of violence; a registry of accidents; an agreement signed by and between a beneficiary and service provider with rights and obligations explained therein.*

In the majority of inspected institutions, the documentation is kept in a non-systematized way and the search of needed material is a time-consuming exercise. Boarding houses, as a rule, have internal regulations developed (save few exceptions) which regulate issues that are important for operation; however, the familiarization with the situation on site gives rise to a reasonable doubt that the internal regulation have been developed for the sake of formality and the provisions therein are not much honored. Personal files of beneficiaries and other documentation required by the law (registries, service programs, agreements with beneficiaries and the personnel, medical documentation, et cetera) are not maintained properly.

The exception in this regard is the community service rendered by the **nonprofit (noncommercial) legal entity, Young Teachers' Union**. This institution observes requirements established by the standard. Interested persons have access to the information leaflet, service program and the document certifying the registration for a state program. The internal regulation of the institution fully meets the standard. The rule of maintaining beneficiaries' files is a well-functioning one. Agreements between beneficiaries and the service provider are also in place, clearly explaining the rights and obligations of the parties. It may be said that the written account of measures undertaken in response to facts of violence and in general, actions undertaken to manage incidents are exemplary. The institution maintains the so-called "protocols of incidents." In case of violence which mainly occurs among beneficiaries, a patrol police or a district inspector is called for. Upon the application of the nonprofit (noncommercial) legal entity, Young Teachers' Union, a conference is held on an incident in a local branch of the Social Service Agency, at which a fact of violence is considered in the presence of the parties and a corresponding decision is taken.

Labor contracts with the employees are entered into in accordance with the Georgian legislation. The maintenance of personnel files meets the standard. Personal files of the personnel contain the documentation certifying the qualification as well as other information (including the medical certificate on the health of an employee).

The service provider maintains the registries required under the normative act.

The situation in the **nonprofit (noncommercial) legal entity, Untroubled Old Age**, within the framework of the standard, falls short of requirements of the law.

The internal regulation of the institution does not contain necessary information. The service program and the document of registration as a service provider for a state program were not found. The rule of maintaining documents and keeping them securely is grossly violated.

Personal files of beneficiaries are not maintained properly either. They do not contain necessary documentation, including a decision on enrolling them in service, medical documentation as well as a program of individual development and a document certifying the status. Agreements between beneficiaries and the service provider do not explicitly explain the rights and obligations of the parties.

The institution renders service to a blind person (Q. M.) who, according to the administration, has a legal representative; however, the personal file does not contain a document certifying this fact.

**The nonprofit (noncommercial) legal entity, the boarding house for older persons and persons with disability, My Family**, fails to meet almost every requirement listed in the standard. The institution lacks an information leaflet, a service program and a document of registration as a service provider of a state program. Nor does the boarding house have an internal regulation.

Personal files of beneficiaries and agreements signed with them are in a relatively better shape. Out of registries required by the law, the manager of the institution maintains only one – the registry of temporary discharge; however, the form of a document does not meet the established standard<sup>51</sup> as it shows only the identity, the date of discharge and the signature of a beneficiary. It does not contain any information about the ground of temporary discharge, the length of discharge, the identity of a person temporarily taking beneficiary out/bringing him/her back and the date of return; also it lacks the signature of an authorized person of the specialized institution.

The administration of the **nonprofit (noncommercial) legal entity Diodora** maintains some documentation though, in reality, only the registry on the admission and discharge as well as temporary discharge of beneficiaries to/from the institution is filled in whereas other registries (on incidents, on the death of beneficiaries, on shift handover among nurses) are empty. There is neither the information leaflet nor the service program available in the institution.

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<sup>51</sup> The standard is provided in the Decree №52/n of the Minister of Labor, Health and Social Affairs, dated 26 February 2010, On the Approval of the Rule and Terms of Admittance of Persons to and Discharge from Specialized Residential Institutions, Annex 3 part 2; see <https://matsne.gov.ge/ka/document/view/1008810>.

Out of six employees of Diodora only two have employment contracts though they are not enclosed with the documentation certifying the qualification of employees. According to the head of the institution, employment contracts were not entered into with the remaining employees because of hiring them for a trial period.

The majority of beneficiaries of the service provider also lack agreements. During the monitoring, the director presented agreements signed only with five beneficiaries, saying that he failed to complete this process due to a very busy schedule.

Diodora has the internal regulation governing all issues that are important for operation; however, having observed the situation on site we may conclude that provisions of the internal regulation are often violated in practice. For example: according to the internal regulation, beneficiaries and their relatives are ensured the right to express their opinion/dissatisfaction in writing and place it in a sealed box; however, such a box (the so-called complaints box) does not exist in the institution. Also, under the internal regulation, certain functions shall be performed by a service manager and a social worker, but such personnel are absent in Diodora. Moreover, the internal regulation requires that an agreement between a beneficiary and the administration be signed within one week of admitting the beneficiary to the service, however, agreements have yet to be signed with the majority of beneficiaries.

The administration of the **nonprofit (noncommercial) legal entity Beteli** maintains the documentation on the enrollment of beneficiaries and their stay in the institution. It also has a registry on a temporary discharge of beneficiaries although it is not duly maintained with a number of instances not indicating the date of return of such beneficiaries.

After obtaining the information and documentation from the administration a number of violations were revealed. In particular, the community organization lacks an information leaflet that must be available for any interested party.<sup>52</sup> An authorized representative of the administration is not aware of this document. Besides, the service provider does not have a separately available service program which would describe the content and schedule of service. Such information can only be obtained from personal files of beneficiaries and through familiarizing oneself with agreements signed with them – something which not every interested person is entitled to under the legislation.

Other documents are also incomplete and with shortcomings. The internal regulation of Beteli does not cover the list of issues envisaged by the standard, including: the rules and methods of

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<sup>52</sup> Minimal Standards of Service to Persons with Disability and Older Persons in Specialized Residential Institutions approved by the Decree №1-54/n of the Minister of Labor, Health and Social Affairs, Annex.



dealing with socially unacceptable behavior of beneficiaries; feedback and complaints procedures; rules for the prevention of infectious diseases; issues of confidentiality; the rules and procedures for ensuring the care. The administration of the institution does not maintain a written account of measures undertaken in response to complaints and facts of violence. Nor does it maintain a registry of incidents.

Personal files of beneficiaries do not contain a program of individual development, a document certifying a status (if applicable) as well as contact information of relatives.

**Kutaisi boarding house for older persons** has the internal regulation which covers issues envisaged by the standard. The internal regulation sets forth procedures for a temporary discharge of beneficiaries; the rights and obligations of legal representatives and relatives of beneficiaries; issues of protection of beneficiaries against violence, discrimination and neglect; requirements for observing sanitary and hygiene rules; and crisis management.

As regards personal files of beneficiaries, they are maintained improperly. Personal files rarely contain medical documentation (medical documentation №IV-100/a – a certificate of health) and they often reflect incomplete data. The conversation with the authorized representative of the institution showed that the administration lacks information about the need to keep medical documentation in personal files of beneficiaries.

Kutaisi boarding house for older persons maintains the registry on the admission of beneficiaries, also a registry on temporary discharge of beneficiaries from the institution. Since 2014, it also maintains a registry on incidents, a registry on facts of violence and a written account on measures undertaken in response to complaints. The boarding house has a special feedback registry as well. Moreover, agreements between beneficiaries and the service provider, explaining rights and obligations of the parties, are also kept.

A several-hour exit of beneficiary from the boarding house is allowed upon oral agreement and such fact is registered by an employee in charge of security of the institution.

**Tbilisi boarding house for older persons** has the information leaflet posted on a conspicuous place. The decree about the service program of the Tbilisi boarding house for older persons was also posted on the wall as well as the internal regulation of territorial units of the Fund.

Personal files of beneficiaries do not contain a program of individual development. According to the psychologist of the boarding house, the development of a comprehensive individual action plan is impeded by the fact that the institution does not have a social worker among its staff.

Although the service provider is obliged to have the documentation certifying the qualification of personnel and employment contracts available for the guardianship and custody body, the Public Defender's Office and an entity responsible for the supervision, the institution does not keep this documentation. According to the administration (the deputy head), the competition and selection of employees is conducted by the State Fund for Protection of and Assistance to Victims of Trafficking in Persons and consequently, the documentation certifying the qualification of personnel and employment contracts are kept at the Fund.

The administration does not maintain registries on measures undertaken in response to complaints and incidents. As a representative of the administration explained there have not been any instance of issuing confidential information or accident in the institution, hence no such registries are available. The monitoring group believes that the institution, pursuant to the standard, must anyway maintain such registry.

### **Recommendations**

#### **To the administration of specialized residential institutions for older persons:**

- Ensure the compliance with the requirements concerning the maintenance of documentation in accordance with the rule established under the Minimal Standards of Service to Persons with Disability and Older Persons in Specialized Residential Institutions;
- Ensure availability of data envisaged by the mentioned standard for any interested person;
- Develop the internal regulation of the institution in full conformity with the requirements of the law;
- Ensure the observance of the provisions of internal regulation by every person in the institution;
- Maintain personal files of beneficiaries in accordance with the requirements of the standard;
- Clearly spell out the rights and obligations of the parties in an agreement entered into by and between a beneficiary and the institution;

- In signing employment contracts with personnel, observe the rule established by the Georgian legislation.

## Beneficiary-Friendly Environment (Standard №2), Safety and Sanitary Conditions (Standard №3)

*Administrations of specialized residential institutions are required to render service in such a geographic area in which beneficiaries can access health care and other services existing in the community (store, drugstore, et cetera). At the same time, the physical environment must be approximated to family conditions and ensure free movement of beneficiaries. A living space and equipment must match the number and needs of beneficiaries.*

The monitoring revealed serious problems of infrastructure and sanitary-hygienic conditions of physical environment in a number of boarding houses. The lack of access to services was observed in some of them; in particular, the boarding house for older persons and persons with disability, My Family, is located in a settlement of rural type,<sup>53</sup> on an elevated place with the water supply system repair works underway on the access road to it. It is virtually impossible to move by a motor car in a rainy day and as a result, the population of the boarding house is isolated from the outer world. Moreover, it becomes complicated to provide a timely and adequate health service when it is needed. In this regard, the Public Defender's Office approached<sup>54</sup> the municipal improvements service of the Tbilisi City Hall, which informed<sup>55</sup> us that "the rehabilitation of water supply network in the Giorgitsminda settlement is carried out by Georgian Water and Power Ltd which must restore the road damaged because of performed works to its original condition." Later, the Tbilisi City Hall forwarded the letter of Georgian Water and Power Ltd<sup>56</sup> to the Public Defender's Office, which said that Georgian Water and Power Ltd completed the construction works of power supply networks and corresponding infrastructure and the roads were restored to their original condition. However, **"given that the mentioned settlement either lacks the sewerage systems or has it only fragmentary, that the waste waters flowing on roads damages and/or will damage roads, the road reinstatement works are of temporary nature and the condition of roads may deteriorate any time."**

According to the administration of the boarding house My Family, the institution does not have sufficient number of walking sticks, crutches and wheelchairs and therefore, are not able to provide assistive devices to all people needing them.

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<sup>53</sup> Giorgitsminda settlement, Gladni, Tbilisi.

<sup>54</sup> Letter N09-3/2918, 15 April 2015.

<sup>55</sup> Letter N06/15107425-18 of the head of city service of municipal improvements of Tbilisi municipality, 27 April 2015.

<sup>56</sup> Letter N6504/09, 14 July 2015.

Some problems have been observed in terms of arrangement and security of the yard. In particular, a larger part of the yard is used for storing construction materials and waste. The adjacent territory is not smooth (it is sloped).

**The boarding house My Family**



Unpleasant smell and humidity was observed in buildings of several boarding houses; they lack central heating and instead, use electric heaters (Diodora, Untroubled Old Age, Tbilisi boarding house for older persons, Kutaisi boarding house for older persons).

Living conditions and yards of boarding houses (with the exception of Young Teachers' Union) are not adapted to older persons with disabilities, thereby putting them in unequal conditions as compared to other beneficiaries,



**The boarding house Untroubled Old Age**

All boarding houses that were visited are located in settlements. Nevertheless, beneficiaries of the Untroubled Old Age<sup>57</sup> have no access to a drugstore because the closest drugstore is located

<sup>57</sup> Village of Bodbiskhevi, Sighnaghi municipality.

in a neighboring village. The Kutaisi boarding house for older persons is located on the outskirts of the city.

The institutions are fit with dining rooms and kitchens; beneficiaries are provided with individual beds, pieces of furniture to keep personal items and sufficient living spaces.

A central heating system is fully available in the following boarding houses: My Family, Diodora, Beteli and Young Teachers' Union. Tbilisi boarding house for older persons lacks central heating and uses electric heaters instead.



**Tbilisi boarding house for older persons**

Bathrooms, living rooms and balconies in Tbilisi boarding house for older persons require improvement. The items in rooms are outdated, insufficient and not uniform.

The larger part of the building of the boarding house Untroubled Old Age, apart from having a room for taking rest, is fit with the central heating whilst Kutaisi boarding house for older persons has central heating only in one building<sup>58</sup> whereas another building is heated with electric stoves.

Kutaisi boarding house for older persons, boarding houses Beteli and Untroubled Old Age, have scheduled water supply and therefore they need to store water in reservoirs.

External stairs to the central doorway of Kutaisi boarding house for older persons are damaged and require repair. A large segment of beneficiaries use one bathroom because living rooms of

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<sup>58</sup> The boarding house is located in two separate buildings.

the boarding house either lacks individual bathrooms or they are broken. The rooms are not fit with air conditioners and artificial ventilation system.



**Kutaisi boarding house for older persons**

**Nonprofit (noncommercial) legal entity, Young Teachers' Union**



According to the Madrid International Plan of Action on Ageing, when ensuring older persons with housing and surrounding conditions, especially important is to take into account such factors as: accessibility and physical and psychological security. It is recognized that good housing can promote good health and well-being.<sup>59</sup>

The living environment and conditions in institutions (except for Young Teachers' Union) inspected by the monitoring group of Public Defender's Office cannot be evaluated as positive and affect health, emotional state and wellbeing of older persons residing in these institutions.

<sup>59</sup> The Madrid International Plan of Action on Ageing and the Political Declaration; the Second World Assembly on Ageing, 2002; Paragraph 95.



**Nonprofit (noncommercial) legal entity, Young Teachers' Union**

### **Recommendations**

#### **To administrations of specialized residential institutions:**

- Ensure secure environment for free orientation and movement of beneficiaries;
- Ensure the temperature corresponding to a season of year in the buildings;
- Strictly observe norms of sanitation in any part of buildings, including in bathrooms;
- Provide specific items (if need be) to persons with disability as well as older persons;
- Support the creation of the environment adapted to beneficiaries with disabilities;
- Ensure the equipment of rooms with the items specified in the standard.

#### **To Tbilisi City Hall:**

- Ensure the improvement of the access road to the nonprofit (noncommercial) legal entity, the boarding house for older persons and persons with disability, My Family, so that older persons can move within the community and in case of need, are provided with emergency medical aid.

## Observing Confidentiality (Standard №4)

*The legislations provides for the right to keep personal information of older persons placed in specialized residential institutions confidential. According to the standard, beneficiaries and their representatives shall be informed about this right, also, about the instances when the confidentiality of personal information might be violated. A service provider shall have a proper environment (a room or specially allocated place) for individual consultations to ensure confidentiality of conversations with beneficiaries; keep personal files of beneficiaries in an inaccessible place; not discuss beneficiaries' personal information publicly; before disclosing confidential information seek written consent from beneficiary/beneficiary's legal representative. An institution may disclose personal information without a consent of beneficiary/beneficiary's legal representative only in exceptional cases, in accordance with the rule established under the law, when it is necessary for ensuring state security or public safety.*

The administration of **nonprofit (noncommercial) legal entity, Untroubled Old Age**, is not at all aware of this standard and the need to observe it.

The administration and personnel of **nonprofit (noncommercial) legal entity, Young Teachers' Union**, possess proper knowledge regarding the protection of confidentiality of information about beneficiaries. Requirements established by the standard are set forth in the internal regulation of the institution as well as in contracts signed with beneficiaries and with employees. The rule of storing personal files of older persons is fully observed.

The administrations of **nonprofit (noncommercial) legal entity, the boarding house for older persons and persons with disability, My Family**, and **nonprofit (noncommercial) legal entity, Diodora**, explain that conversations on personal topics with beneficiaries are conducted in private. According to them, the right to confidentiality of personal information of beneficiaries is protected and there has not been a need of disclosing it yet; consequently, the institutions do not have documents certifying consent of beneficiary/beneficiary's legal representative on the disclosure.

The **nonprofit (noncommercial) legal entity, Beteli**, does not have a space allocated for individual consultations, which would ensure confidentiality of conversations with beneficiaries as well as representatives of state entities. Moreover, employees are not aware of the rules of keeping the information on beneficiaries after stopping the provision of service to them.



The standard of keeping personal files of beneficiaries is not observed. The documentation is not kept either in a strongbox or any such place that would ensure its protection.

Beneficiaries of **Kutaisi boarding house for older persons** are not aware of the requirement to keep the information obtained in the course of service delivery confidential as well as of instances when confidentiality may be violated. They/their legal representatives give oral consent instead of obligatory written one.

A positive development is that the institution has a space for individual consultations, ensuring the confidentiality of conversations. Newly admitted beneficiaries are made familiar with the service program in this room.

The interview with the administration of the institution revealed that an authorized person is not aware of and does not observe the requirements regarding the storage of documentation about a beneficiary in the event a service delivery to beneficiary has been terminated.

An interview with representatives of administration of **Tbilisi boarding house for older persons** revealed the following circumstances: a room for individual conversations with beneficiaries is allocated, but the majority of conversations is conducted in the library; beneficiary/beneficiary's legal representative is informed verbally about the confidentiality of the information obtained in the course of service delivery as well as about instances when confidentiality may be violated.

According to the psychologist of the institution, before releasing photos of beneficiaries, a mutual agreement on the release is signed with them.

In case of terminating service delivery to a beneficiary, the documentation about them is stored in archive. The supervision on the archive is carried out by the Fund.

The majority of beneficiaries claim that they were not informed about the confidentiality of their personal files and documentation em, or instances when confidentiality may be violated.

### **Recommendations**

#### **To the State Fund for Protection of and Assistance to Victims of Trafficking in Persons:**

- Ensure that the awareness of representatives of administrations of institutions is raised, requirements of confidentiality are observed; introduce the practice of seeking consent of beneficiary/beneficiary's legal representative before the disclosure of relevant information.

### **To administrations of specialized residential institutions for older persons:**

- Inform beneficiaries/their legal representative about the confidentiality of information obtained in the course of service delivery as well as on instances when the confidentiality may be violated;
- Ensure corresponding place (a room or allocated place) for individual consultations, thereby ensuring confidentiality of conversations with beneficiaries;
- Strictly observe the rule of storing personal files of beneficiaries.

### **Individual Approach in Service Delivery (Standard №5)**

*The service received by beneficiaries must be tailored to their special needs so that an individual approach in the service delivery works towards encouraging beneficiaries to participate in the planning of the service.*

*An individual plan of service must be developed within 30 days after the enrollment of a person in the institution, on the basis of assessment conducted by a social worker in view of beneficiary's needs and direct participation of the latter. Moreover, the plan must contain a clear description of the nature of service (support), the schedule of its implementation, expected results of service, identities of persons responsible for the fulfillment of the plan and their obligations.*

*A copy of individual plan, upon request, must be handed over to the beneficiary. It must be periodically revised/evaluated, at least once six months.*

*A service provider is also obliged to maintain personal files which must contain plans, notes on their implementation and achievements, information on a beneficiary's health and emotional state, socialization and other issues.*

The assessment of documentation of residential institutions for older persons and interviews with service providers conducted by the monitoring group revealed that the requirements of the standard concerning an individual service approach are not fulfilled in the majority of boarding houses.

**Low standards of service to older persons probably results from shortcomings in legal regulations too.** In particular, according to the decree №52/n of the Minister of Health, when enrolling a beneficiary, a person responsible for service delivery in a relevant institution is handed over, alongside the decision of the regional council (excerpt from a protocol) on the placement of an older person, copies of personal documents, including a copy of medical certificate on the health of the beneficiary and a copy of conclusion of comprehensive assessment made by a social worker. In contrast to a copy of comprehensive assessment filled in by a social worker when placing a child in an institution, a service provider of older persons, (Article 6.1.d) when admitting the latter, is handed over only a copy of a social worker's conclusion (Article 6.1.e) thereby disabling the service provider to have information about biological, psychological and social needs of an aged beneficiary. **The same decree does not envisage the development of an individual development plan by a social service. Yet another significant shortcoming is that after an older person has been enrolled in a service, the involvement of representatives of the guardianship and custodian body, the Social Service Agency, in the service delivery to older persons as well as the supervision and control thereon stops altogether.**

Personal files of beneficiaries do not contain the information on individual needs of older persons. Nor do they contain a complete set of documentation required under the standard. The personal files lack conclusions of social assessment of beneficiaries and individual service plans.

In often cases, a conclusion of a social worker is not drawn up (the boarding house My Family) whereas ones that exist are not informative. It does not reflect basic needs of older persons, aims of service and the information about the results (the boarding houses Untroubled Old Age and Diodora).

Beneficiaries are not involved in drawing up the plans.

Service providers complain that they lack sufficient knowledge for drawing up individual plans. They do not know whom to approach to get assistance in dealing with this issue. Medical certificates (Form NIV-100/a), kept in personal files of beneficiaries, do not fully reflect psychosomatic health condition of beneficiaries. Moreover, personal documentation lacks accounts about psycho-physical health, emotional state or socialization of beneficiaries or activities undertaken by service providers during the period of service.

Although a psychologist of the **Kutaisi boarding house for older persons** intensively maintains relevant documentation, individual plans of service to beneficiaries are not/cannot be drawn up and implemented.

Within a month of admitting a beneficiary, the psychologist evaluated psycho-emotional state of the older person and repeats this exercise periodically (once six months); however, it is not followed by the development of an individual plan or any changes to the specifics of the service.

Individual service plans are not drawn up at the **nonprofit (noncommercial) legal entity Beteli and Tbilisi Boarding House for Older Persons**. The Tbilisi boarding house has a psychologist who has the qualification of a social worker too. Upon her own initiative, the psychologist drew up a form of individual service delivery plan, but the boarding house has so far failed to introduce and use it. The delivered service is uniform for all older persons and not tailored to individual needs of beneficiaries. Beneficiaries are not involved in the service planning process. They are not provided with copies of such plans either. According to beneficiaries, they rarely meet with the psychologist of the institution (approximately, once a month). Several beneficiaries said that they had not seen the psychologists for two months. This might be explained by the fact that the psychologist, apart from her direct professional duties, virtually performs the functions of a social worker, a librarian and a cultural worker too.

The **nonprofit (noncommercial) legal entity Young Teachers' Union** draws up six-month individual service plans, as required under the standard, after the first assessment of an older person. At the same time, it is tailored to individual psycho-physical and social needs of an older person. Set goals are achieved by a multidisciplinary team and the quality of its performance is evaluated by relevant indicators.

Until 30 June 2014, the multidisciplinary service to older persons involved, in addition to a nurse, a psychologist, a social worker and an occupational therapist and the financing of this team was ensured within the scope of an additional project of the Young Teachers' Union. As of now, the service involves nurses alone. The institution periodically invites various specialists depending on the level of qualification of the staff and in accordance with the standard.

The needs arising in the course of service to beneficiaries and corresponding activities undertaken by specialists is reflected in special registries which are kept together with personal files.

Employees of the boarding house has undertaken trainings in the issues of gerontology, psychiatry, violence, occupational therapy, art-therapy, the rights of older persons and multidisciplinary care after older persons.

### **Recommendations**

**To the administrations of specialized residential institutions:**

- Ensure the development of individual service plans on the basis of assessments of social workers and in view of needs of beneficiaries;
- Involve beneficiaries in the process of developing individual service plans and provide them with copies of such plans;
- Keep the information on the implementation of individual plans as well as accounts on achievements in personal files of beneficiaries;
- Ensure the planning of measures towards the improvement of personnel's qualification.

## Catering (Standard №6)

*Aged beneficiaries of specialized residential institutions must be ensured with high-quality, safe and adequate amount of food meeting their needs.*

*Administrations of residential institutions for older persons must provide at least three-time wholesome meals to beneficiaries; in providing meals, the administrations must take into account desire, health conditions and peculiarities of religious belief of beneficiaries. Beneficiaries must be supplied with safe potable water in a sufficient amount whilst the beneficiaries with special needs must be assisted while eating.*

**The community organization Beteli in the town of Tsnori** does not observe safety rules of catering and sanitary-hygienic norms; the administration does not monitor the quality of food products; rules of food storing are violated; various types of food products (meat, fish and dairy products) are kept in one refrigerator; there is a shortage of items for preparing food (pans, cutting boards, knives, tables).

The institutions does not have a dietary menu. Personnel says that the dietary meals are prepared when needed.

**Kutaisi boarding house for older persons** observes sanitary-hygienic norms in the dining room. The kitchen has tables for different products and items are new and in a sufficient number. Products are kept according to sanitary-hygienic norms; the dining room has special washing rooms where food products and dishware are washed. Food product storages are also tidy with food products placed on special shelves. The condition of the dining room ensures safety and quality of catering.

Employees of a catering bloc are equipped with aprons and headwear.

The dining space of **Tbilisi boarding house for older persons** consists of several rooms – a kitchen, a dishwashing room and a storage for food products. A dishwashing machine is broken. Kitchen utensils and food products are washed in one sink. Sanitary-hygienic state of the dining room is unsatisfactory. All food products are prepared on one table as well as various sorts of food products (meat and dairy products) are kept in one fridge alone, therewith violating the food safety component. Kitchen inventory is outdated.

**The non-profit (non-commercial) legal entity My Family** purchases food products (flour, cereals, eggs, bread, confectionary, toasts, fat) in supermarkets whereas meat and meat products, vegetables, fish, fruit and dairy products from private persons.

The institution has a supply of certain products, however the rules of storage thereof are violated. Perishable goods – meat, fish, dairy products – are kept alongside ready-made products.

Menu is not drawn up in the institution. It lacks a cook and meals are prepared by the head of organization. Beneficiaries of the institution eat three times a day.

The kitchen of the boarding house **Untroubled Old Age** is a small room without a range hood and with the walls wet. Washed dishware is placed on an old, wet table. The items for preparation of food is not sufficient.



Boarding house Untroubled Old Age



The dining room is not a separate room as the majority of beneficiaries are bedridden older persons. Five beneficiaries require assistance when eating. For those who can move freely, there is a table in a sitting room. One of the beneficiaries suffers from diabetes mellitus because, as the personnel says, he does not observe diet and ignores recommendations of a doctor; dietary meals are not cooked for him. Menu is not posted on a conspicuous place in the institution.

**The non-profit (non-commercial) legal entity Diodora** purchases food products several times a month. Cereals and vegetables are kept in a storage. According to the director of the institution, he and the cook are personally responsible for the operation of a catering bloc and drawing up menus. Menu is not posted on a conspicuous place but is kept in the director's office. According to the director, the menu often undergoes changes in accordance with desires of beneficiaries.

**The non-profit (non-commercial) legal entity Young Teachers' Union** keeps the catering bloc and the dining room in good shape. The kitchen and the dining room are clean and quite large. Out of 20 beneficiaries of the institution only one is bedridden and requires assistance when taking meals. The institution has a cook and an assistant to the cook.

Beneficiaries are provided with meals three time a day. Beneficiaries have beef twice a week whilst poultry and fish once a week each. There are two beneficiaries suffering from diabetes mellitus and there is no dietary menu drawn up for them. Nevertheless, according to the cook, they take dietary food.





The registry on the receipt and consumption of food products, drawn up by the Young Teachers' Union, was available during the monitoring period, listing the products given to beneficiaries by names and amounts.

The kitchen is fit with ventilation system and the institution has a sufficient amount of kitchen items.

Once a week, beneficiaries, through the cook or the assistant to the cook, may purchase, on their account, the products they want.





### **Recommendations**

#### **To the Ministry of Labor, Health and Social Affairs:**

- Ensure the development of a minimum standard of catering for above mentioned institutions and approval of that standard with a corresponding normative act.

#### **To administration of specialized residential institution:**

- Take into consideration desire of beneficiaries when providing catering;
- Draw up a dietary menu on the basis of recommendations of a corresponding specialist, taking into account the health condition of a beneficiary;
- Ensure the compliance of a catering bloc (kitchen, dining room) with the sanitary-hygienic norms.

### **Promoting Social Activity (Standard №7)**

*Beneficiaries in specialized residential institutions must participate in cultural, entertainment and other events, helping them maintain physical, social, intellectual and creative activity. To this end, the physical environment shall be equipped with resources suiting beneficiaries' interests and needs (for example, books, intellectual games, sport inventory, et cetera); TV set, computer and other appliances must be available; the establishment of close relations of beneficiaries with other members of the community must be encouraged.*

*A service provider shall offer beneficiaries various targeted events both within the service and outside it, taking into account their interests and capabilities, and facilitate their involvement in various labor activities.*

The majority of institutions does not facilitate social activity of beneficiaries, does not organize targeted events and labor activities. Equipping institutions with resources and items needed for physical, social, intellectual and creative activities is a problem as well as the lack of personnel responsible for organizing such events.

Instances were revealed of beneficiaries lacking assistive devices, forcing the majority of older persons to spend most of the time in beds with the care after them limited to meeting their physiological needs.

During the monitoring our attention was drawn to a fact that institutions do not consider physiological changes characteristic for geriatric age such as vision and hearing impairments, dental problems as something that must be improved, that their treatment and the provision of assistive devices is a necessary condition for beneficiaries to adapt to daily life. Even more, according to administrations of several institutions (Diodora, My Family), beneficiaries do not express desire to use assistive devices and to undertake dental procedures. It is necessary to cover special needs of older persons and lengthy treatment with an insurance voucher.

**A high frequency of impairment/loss of vision and hearing among beneficiaries, the shortage of proper medical service and assistive devices are factors impeding communication with one another and decrease opportunities for beneficiaries to receive information and cause sensory deprivation. The latter leads to isolation from environment.**

Beneficiaries of **My Family** risk being isolated from the community due to extremely poor access road. This factor completely restricts them from movement within the community. The lack of guests and rare visits of family members are explained with poor roads by beneficiaries. Beneficiaries are not involved in cultural events organized in the community and poor roads are used as an excuse for the refusal to take them to church or medical services, in case they want to.

Based on the information obtained at **Tbilisi boarding house for older persons** it may be concluded that the involvement of the majority of beneficiaries in various activities is limited to the role of passive viewers. Targeted events are not held. According to the administration, there are instances when beneficiaries are invited to cultural events. On such occasions tickets are redistributed according to their interests, though beneficiaries were not able to recall such facts. Interviewed beneficiaries confirm that the institution is often visited by guests and various events are held (for example, on public holidays) in which several older persons take part. The remaining beneficiaries mainly act as viewers. The majority of those confined to wheelchairs cannot attend such events due to obstacles in movement.

According to the charter of Tbilisi boarding house for older persons, the service includes: the development of creative skills; the education of healthy living style and development of daily skills; the development of skills for independent living; the involvement in cultural and sport events.<sup>60</sup>

The institution does not have a concrete employee or employees in charge of the mentioned area. Consequently, beneficiaries are not encouraged to get involved in sport and labor activities. Equipping the institution with resources and items needed for physical, social, intellectual and creative activities is a problem. A room allocated for sport activities is on the third floor. According to an employee, it has been two years now that the room was not cleaned due to lack of interest towards it. The institution does not have a sport instructor and a labor therapy pedagogue.

The institution has a library but the position of a librarian was abolished several years ago and this function is performed by a psychologist who has put up her office in the library. By combining the duty of librarian the psychologist spends her time in an untargeted manner. The absence of librarian leads to inefficient distribution of books and newly delivered newspapers and magazines as well as impediments in systematic delivery and reading of newspapers and magazines to beneficiaries with difficulties in movement and with vision and hearing impairments. Beneficiaries sent a written request to the Ministry to reinstate the position of a librarian, however, according to the response, the addition of an employee within the existing salary fund proved impossible. There are no TV sets for every beneficiary. Print press is provided to beneficiaries in an insufficient amount. From one to five copies of each of 10 newspapers are delivered to the institution, which is not enough for 78 beneficiaries. During the

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<sup>60</sup> Charter of Tbilisi Boarding House for Older Persons, a territorial unit (branch) of the LEPL the State Fund for Protection of and Assistance to Victims of Trafficking in Persons; Paragraph 3 of Article 4; [http://www.atipfund.gov.ge/images/stories/pdf/filialebi/tbilisi\\_xandazmulta\\_pansionati.pdf](http://www.atipfund.gov.ge/images/stories/pdf/filialebi/tbilisi_xandazmulta_pansionati.pdf)

monitoring one of the beneficiaries complained about not receiving print press for three months.

Entertaining, cultural and other targeted events are not conducted in **Beteli** either. The only pleasant recollection which beneficiaries hold is the visit of employees of Tbilisi City Hall on the New Year Day. According to the administration, beneficiaries do not want to participate in the events, although the interview with beneficiaries revealed the opposite. They are involved in labor activities.

Neither the library nor the sport hall operates in the institution. Beneficiaries cannot receive press. There is virtually one TV set available for them which is watched by all beneficiaries together and their individual desires in selecting TV programs are, therefore, neglected.

The situation concerning the social activity of older people in **Young teachers' Union** should be assessed positively. The institution has a small-size library and a film library; weekly press is delivered; beneficiaries have opportunities to look after a rose garden, vine yard, fruit orchard and apiary; art-therapy method is applied which means creating such conditions for older persons where they may model items, decorate them with applications and natural materials; exhibitions of these items are held periodically; various entertainment evenings are organized with the involvement of young volunteers. Tea Evening is held every Saturday during which topics selected in advance are discussed or poems are read.



**The rose garden of Young teachers' Union**

Older people may participate in cultural and entertainment events at any time, upon the agreement with the administration; to independently go out of the boarding house and attend religious services (in accordance with their religious denomination), movies or theatre performances in the city of Ozurgeti. Relatives of beneficiaries visit them at the institution.

Upon a request of older persons, the boarding house ensures their communication with their biological families.

The participation of beneficiaries of boarding houses **My Family** and **Diodora** in entertainment events is of fragmentary nature. The involvement of beneficiaries in targeted events outside the institutions is not supported. The institutions do not have libraries and sport halls.

As regards the means of information, My Family has only one TV set and a radio receiver (privately owned).

During the visit to Diodora, TV sets were seen in all sleeping rooms. According to the administration, printed press is delivered every week, however, the magazines seen by monitors dated 2014 only. Since the institution lacks a library, beneficiaries basically use books brought from their homes.

The dissatisfaction among the beneficiaries of **Kutaisi boarding house for older persons** in the area of social activity is caused by the limit established on temporary exits from the institution (20 days a year). According to the director of the institution, beneficiaries want the limit of 20 days, which is established under the law, to be increased<sup>61</sup> because this regulation becomes an impediment to the process of their socialization. Moreover, in the event this limit has been used up, the existing procedures for a consent on such a leave protracts the process of satisfying their requests (for example, when an older person wants to go to a funeral). All the above said prevents older persons from staying with their families as long as they desire or going to villages to attend important events. Thus the need of improving the existing mechanism and increasing an annual limit is obvious.

### **Recommendations**

**To the Ministry of Labor, Health and Social Affairs:**

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<sup>61</sup> Under the Decree №01-26/n of the Minister of Labor, Health and Social Affairs, dated 2014, as a result of amending the Decree №52/n of the Minister of Labor, Health and Social Affairs, dated 26 February 2010, On the Approval of the Rule and Terms of Admittance of Persons to and Discharge from Specialized Residential Institutions, the regulations in Article 7 was changed – the rule of temporary exit of beneficiary from specialized residential institutions and according to Paragraph c.d) of Paragraph 1 of this Article, a beneficiary may be temporarily taken from the institution no longer than 10 consecutive days a year and the total of 20 days during a year. In the event this limit has been used up, a written consent of the local guardianship and custody body is required for additional days, which is issued only in case of substantiated necessity.

- Ensure the increase of the limit of temporary exit (20 days) of beneficiaries of specialized residential institutions; improve the mechanism of obtaining consent on a temporary exit of the institution for additional days when the established limit has been used up;
- Consider an addition of a position for an employee in charge of developing of beneficiaries' skills, organizing cultural, sport and labor activities.

**To LEPL Social Service Agency:**

- Ensure the establishment of active participation, supervision and control of social services in the process of care.

**Administrations of specialized residential institutions for older persons:**

- Ensure the employment of relevant professionals in institutions, who are responsible for the development of beneficiaries' skills, organizing cultural, sport and labor activities;
- Ensure the availability of TV sets for all beneficiaries;
- Ensure the availability of a reasonable amount of new editions of newspapers and magazines;
- Organize group activities of beneficiaries for the aim of developing and sustaining their social and other skills;
- Develop a plan of cultural, entertainment and other targeted events;
- Regularly hold cultural and entertainment events (discussion of films, books, outings) with the active involvement of beneficiaries;
- Ensure the operation of a library at a location easily accessible for beneficiaries;
- Develop a catalogue of books and print press to enable beneficiaries with mobility problems to choose books and magazines;
- Organize labor activity.

**Health Protection (Standard №8)**

*All beneficiaries must live in an environment in which healthy way of life is encouraged and a proper attention is paid to their health condition.<sup>62</sup>*

*Administrations of specialized residential institutions for older persons shall, in case of need, have the delivery of medical health to beneficiaries organized, provide advice about personal hygiene and infectious diseases as well as expected consequences of use of alcohol, drugs, tobacco and other harmful substances and about healthy way of living. Medical personnel of institutions shall carry out control on infectious diseases by applying measures recommended by a doctor, also, to register incidents in a special registry, which resulted from physical injury of beneficiaries.*

*Service providers shall ensure contact with family/district doctors, if any.*

*Apart from the rule established under this standard, the decree №226/n, dated 23 July 2007, of the Minister of Labor, Health and Social Affairs of Georgia approved The Forms of Medical Documentation in Specialized Residential Institutions for Adults and the Rule of Maintaining and Completing Them. This rule is binding on all types of those specialized residential institutions for adults existing in the country regardless of their ownership and organizational or legal form, which provide primary health service to beneficiaries of these institutions.<sup>63</sup>*

*According to the state program for social rehabilitation and child care, one of measures of the community organizations subprogram is to deliver primary medical aid and to organize outpatient and inpatient service, depending on the needs of a target group. Consequently, boarding houses for older persons shall maintain medical documentation in accordance with the above mentioned rule. In particular, institutions shall maintain the following forms: a) a medical card of beneficiary (Form №1); b) registry of beneficiaries (Form №2); the rule of filling in these forms is approved under the minister's decree.*

Problems with regard to the fulfillment of requirements established under the health protection standard and the decree of the Minister of Labor, Health and Social Affairs of Georgia were observed in almost all institutions.

The majority of boarding houses do not actually maintain medical documentation. Medical cards of beneficiaries are disorderly; they do not show the dynamic of treatment, lack Form №IV-

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<sup>62</sup> Minimal Standards of Service to Persons with Disability and Older Persons in Specialized Residential Institutions approved by the Decree №1-54/n of the Minister of Labor, Health and Social Affairs, dated 23 July 2014.

<sup>63</sup> <https://matsne.gov.ge/ka/document/view/71998>; The decree №226/n of the Minister of Labor, Health and Social Affairs of Georgia dated 23 July 2007. Paragraph 1, Article 1. Last retreated on 24.08.2015.

100/a. Beneficiaries are not provided with advice on the issues of personal hygiene, infectious diseases, abuse of alcohol, drugs, tobacco and other harmful substances.

Due to absence of medical documentation, it is often impossible to find out whether the primary medical service is delivered to beneficiaries or, in case of need, outpatient and inpatient medical service is organized.

The problem of availability of medications necessary for beneficiaries was observed in every institution. Medications are in short supply and therefore, beneficiaries have to buy them with their money.

An important challenge is the sufficient number of medical personnel (doctors, nurses) in the boarding houses. The majority of institutions is not served by doctors and nurses round-the-clock.

The community organization **Beteli** does not virtually maintain the medical documentation. The absence of such documentation makes it impossible to find out whether the primary medical service is actually delivered to beneficiaries or, in case of need, outpatient and inpatient medical service organized. The personnel of the boarding house includes one doctor and six caregivers. It does not include a position of nurse. According to the head of the institution, a doctor arrives at the institution in the morning and in the second half of the day. He also said that the transfer of beneficiaries to hospital and continuity of medical service is ensured, when need be. The doctor of the institution said that beneficiaries receive needed medical service within the scope of state program of universal health insurance at the Arkimede Clinic LLC.

**Kutaisi boarding house for older persons** have the total of 86 beneficiaries of which 12 persons are registered in psycho-neurological clinic, seven are confined to wheelchairs, 20 persons are bedridden and 15 beneficiaries require hygienic diapers.

The medical personnel of the institution counts one doctor and four nurses.

The institution has a medical office fit with medical items: a medical sofa, a cupboard for medications, blood pressure monitor.

Medical cards of beneficiaries, various medical registries as well as an iron cupboard for medications under a special control are all kept in the office of chief doctor.

A storeroom for medications is set aside in the institution, in which medications are kept in cupboards and refrigerator.



Kutaisi boarding house for older persons maintains registries on a daily basis. This institution observes the Forms of Medical Documentation in Specialized Residential Institutions for Adults and the Rule of Maintaining and Completing Them.

The problem of shortage in medications was observed in the boarding house. Beneficiaries (G. P.; D. E.; Ts. K.; F. M.) purchase medication with their money.

The medical personnel of **Tbilisi boarding house for older persons** comprises a doctor and six nurses.

Medical cards of beneficiaries are disorderly; they do not show the dynamic of treatment, lack Form №IV-100/a. According to medical personnel, the institution had no doctor over the period from August to December 2014. During the monitoring it was found out that the new doctor was appointed a month before and was making efforts to put the medical cards to rights. However, according to the doctor the process is so labor consuming that it is impossible for only one person to tackle this problem.

Primary medical service is not delivered in the boarding house **My Family**. The medical personnel does not serve the institution on a regular basis. In emergency cases the institution calls in a district doctor or ambulance. There is no one with medical background in the boarding house; beneficiaries are nor advised on personal hygiene, infectious diseases, abuse of alcohol, drugs, tobacco and other harmful substances.

The monitoring of the boarding house **Untroubled Old Age** in Bodbe revealed that medical documentation is not maintained in accordance with the established rule. The medical personnel of the institution has no information about the type of documentation it is supposed to maintain. The existing medical documentation contains scarce information. In some cases recommendations of Form №IV-100/a concerning the intake of medications or further dynamic monitoring were not taken into account. When studying the condition of beneficiaries, attention was drawn to a fact that diagnosed chronic diseases such as glaucoma, cataract, post-stroke condition, require constant medical supervision and care. The need of palliative care is also obvious in some cases.

Almost all beneficiaries buy medications themselves (Mezim Forte, Senadexin, sedative and other symptomatic medication).

Medical documentation in **non-profit (non-commercial) legal entity Diodora** does not reflect the health condition of beneficiaries and they are not maintained in accordance with the rule established under the law.

The head of the institution said that beneficiaries receive primary health care from a family doctor.

The process of medication intake by beneficiaries is not properly organized. Moreover, beneficiaries have to buy medications themselves.

**Young teachers' Union** maintains register of personal files of beneficiaries. The institution has an invited doctor; there is a doctor's office where all necessary registries and medications are kept. The institution employs a family doctors who makes notes according to the need dan complaints of beneficiaries. A registry reflecting the spending of medications is also maintained. An incident registry of the institution registers facts of death.

When needed, the delivery of medical service to beneficiaries is ensured.

### **Recommendations**

#### **To the Ministry of Labor, Health and Social Affairs:**

- Establish the number of medical personnel (doctor, nurse) needed in institutions, under the standard; describe their rights and obligations;
- Ensure the study of health condition of beneficiaries in boarding houses for older persons and objectively identify needs of medical service both upon the admittance and thereafter, stage by stage;
- Ensure the conformity of medical services within the framework of state program of universal health insurance with the needs of older persons and availability of medication treatment.

#### **Administrations of specialized residential institutions for older persons:**

- Ensure the observance of the rule of medical documentation forms, their maintenance and filling in;
- Ensure timely delivery of primary medical care to beneficiaries;

- When need be, have medical service (outpatient/inpatient) to beneficiaries organized.

## Feedback and Complaint Procedures (Standard №9)

*According to the standard, beneficiaries of community organizations and their legal representatives must have the right to complain about the quality and form of service delivery and to provide feedback. Administrations shall: establish a simple and clear feedback and complaint procedure which must be defined in the internal regulation and made known to beneficiaries as well as any person engaged in the service delivery; create conditions for confidential feedback from beneficiaries about the structure and content of service; regularly discuss comments of beneficiaries at least once a month; take into account opinions and attitudes of beneficiaries when discussing issues related to them and ensure their involvement in a decision making process; register all reasonable instances of complaint/feedback.*

Standards of feedback and complain procedures are not observed in the majority of institutions. A feedback and complain procedure defined in an internal regulation is not detailed and easily comprehensible. Older persons are not sure about the confidentiality of feedback and are not aware of who has access to materials placed into the “complaints box,” who discusses them and takes relevant decisions on them. Consequently, the feedback and complain procedures established under the standard are not efficient in practice.

Based on interviews with beneficiaries one may say that they do not have information about their rights, the forms and content of offered service and therefore, they feel nihilistic and think that they have no other option but to be content with minimal living conditions and food. The majority of them did not even been struck by the idea to express their opinion or demand, even more, they avoid thinking about that. In case of certain disagreement arises, it is solved on a personal level and not in accordance with corresponding procedures. A “complaints box” does not exist in several institutions (Diodora, My Family, Beteli).

According to the director of the **nonprofit (noncommercial) legal entity, the boarding house for older persons and persons with disability, My Family**, beneficiaries have never complained about the form and content of the service. They only express dissatisfaction with one another about everyday issues. On such occasions, the director conducts individual consultations with them and settles the relations.

Interviews with beneficiaries showed that they are not aware of their rights, the form and content of offered service. The institution does not have the internal regulation which would spell out a feedback and complaint procedures.

The internal regulation of the **nonprofit (noncommercial) legal entity Diodora** regulates both written and oral feedback and complaint procedures, however, a “special sealed box placed on a conspicuous and easily accessible place” mentioned in the procedures can be seen nowhere in the institution. The internal regulation details the opening procedure of the abovementioned box and the rules and terms of considering them by an “authorized group;” however, it is not clear who is implied under this “authorized group.” The director of the institution explains that no fact of expressing an opinion, dissatisfaction or feedback by beneficiaries have occurred and hence, no need of registry of such incidents.

All the above said provides a ground to conclude that that feedback and complaint procedures set forth in the internal regulation are not applied in practice, beneficiaries are unaware of such procedures and have no opportunity to express their opinions or dissatisfaction.

The administration of the **nonprofit (noncommercial) legal entity Beteli** does not have a simple and clear complaint and feedback procedure developed, which would be reflected in the internal regulation in accordance with the requirements of the standard. Moreover, the interviews with two beneficiaries of the institution made it clear that they are ignorant of this issue; certain disagreements are tackled on a personal level rather than in accordance with certain procedures. Beneficiaries do not have an opportunity to express their position on the structure and content of the service either.

Beteli lacks a complaints box; nor is the confidential feedback possible. Consequently, no discussion of beneficiaries’ comments takes place as required (at least once a month) and no registration of all reasonable instances is made.

In compliance with the internal regulation, **Kutaisi boarding house for older persons** has two boxes for remarks and recommendations. Beneficiaries are aware of them, but interviews with representatives of the institution and its beneficiaries revealed that the latter rarely use this mechanism and instead, directly approach relevant persons with their demands. One of factors which may nudge them towards such a behavior is the locations of these boxes – they are placed in a territory which is never empty (for example, in the dining room) and hence, cannot ensure the confidentiality.

Beneficiaries do not trust in anonymity of feedback and are not aware of who has access to that material, who considers them and takes corresponding measures. In several beneficiaries’

opinion, the administration reads those letters itself and they do not want to strain relations with it. Representatives of administration explain that the special boxes are opened in accordance with the requirements of the internal regulation and that they do not read the information contained therein.

The inspection of the special feedback registry showed only positive information written in it (praise of employees). At the same time, those notes are, in most cases, made by same beneficiaries; comments of employees of the boarding house toward the head of the institution are written in one handwriting with various names and surnames indicated under the texts. These circumstances cannot ensure the application of the registry as intended and give rise to doubts about the objectivity of data therein as well as about the implementation of the procedure in response to a complaint in accordance with the requirements of the standard.

If a beneficiary is unhappy about the quality of service or any other issue, Kutaisi boarding house for older persons sets up a commission comprising a corresponding specialist (doctor, psychologist), a representative of the administration, a beneficiary of the institution. The decision making process involves the beneficiary in question.

When receiving information about an alleged facts of violence, the administration immediately undertakes corresponding measures. It maintains a round-the-clock contact with the Fund; in case of need it contacts local self-government bodies, patrol police, a duty department of criminal police. It must be noted, however, that the registry of violent facts is empty in this institution.

Article 6 of the internal regulation<sup>64</sup> of **Tbilisi boarding house for older persons** envisages three feedback/complaint procedures: verbal, written and anonymous. The internal regulation provides for the availability of complaints box and the rule of applying it.

The deputy director of the institution stated that the administration has not instructed the beneficiaries about the application of feedback procedures and the information about that was spread by beneficiaries themselves.

Open comments of beneficiaries are discussed once a month at a common meeting of beneficiaries. Opinions of beneficiaries as to whether the administration takes into account decisions on the common meeting are controversial. Protocols of decisions of common meeting are not available as well as the documentation reflecting measures implemented in response. As regards the comments/complaints in the anonymous box, they are studied only by the

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<sup>64</sup> Internal regulation of territorial units (branches) of LELP the State Fund for Protection of and Assistance to Victims of Trafficking in Person.

monitoring and coordination department of the Fund and they are not available to the administration of the institution.

At the initiative of beneficiaries, a consultative body of older persons of Tbilisi boarding house for older persons has been set up in the institution. The main function of this body is to study living, leisure and health conditions of beneficiaries, the content of problems existing among them, personal or other problems between the beneficiaries and employees of administration, the quality of rendered service, the course of psycho-social rehabilitation of beneficiaries, and quality and number of measures undertaken by the administration for the labor activity, leisure and entertainment of beneficiaries. The complaints box is installed in the accessible place for the beneficiaries, the so-called telephone room from where one may contact the Office of Public Defender of Georgia or supervisory body; however the beneficiaries with mobility problems are not able to use the box without an assistance from the administration.

The majority of beneficiaries communicate their complaints directly to the administration; they virtually do not use the feedback registry and complaints box. Since May 2014, there has been only one note made in the feedback registry.

The majority of interviewed beneficiaries have some information about the feedback and complaints procedures, however they are not aware what specifically the mentioned rules imply. All of them declare that they were not informed about the feedback/complaints procedures.

The **nonprofit (noncommercial) legal entity Young Teachers' Union** observes the requirements of the standard. Beneficiaries, their legal representatives and persons engaged in providing service are aware of the feedback and complaints procedures which are detailed in the internal regulation of the institution. According to this document, various forms of feedback and complaints are established: verbal, written and anonymous.

The boarding house has the so-called complaints box, maintains the registration of complaints, opinions, and comments and discusses them. However, beneficiaries show little activity during the exercise of the rights granted to them within the scope of this standard.

The administration and personnel as well as beneficiaries of the **nonprofit (noncommercial) legal entity Untroubled Old Age** do not possess information about the feedback and complaints procedures. The internal regulation does not contain this information. Although the complaints box exists it is not used. The service provider does not maintain the register of feedback and complaints cases.

## Recommendations

### **To the State Fund for Protection of and Assistance to Victims of Trafficking in Persons:**

- Ensure smooth operation of feedback and complaints mechanism in the branches of the Fund and an opportunity of anonymous feedback.

### **To administration of specialized residential institutions**

- Ensure the observance of feedback and complaints procedures, including an opportunity for anonymous feedback and increase the level of awareness of this issue among beneficiaries;
- Maintain the registration of all reasonable instances of feedback and complaints.

## Protection against Violence and Discrimination (Standard №10)

*Every beneficiary shall be protected against any form of violence (physical, psychological, sexual economic) and coercion. They shall be provided with equal opportunity to enjoy service.*

*Service providers must be aware of and guided by effective legislation (Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims). Moreover, beneficiaries must be provided with the service tailored to their individual needs and capacities in the delivery of which any beneficiary must be protected against any discrimination as well as biased or negative attitude or action which may occur on the part of service provider, other beneficiary or person.*

*Administrations of residential institutions of older persons shall ensure the implementation of adequate measures to support the psycho-social rehabilitation of beneficiaries. Every fact or statement of violence as well as measures undertaken to counter it shall be registered in a special registry.*

The monitoring revealed incidents of mutual violence and discrimination among beneficiaries. The facts were observed that may be qualified as improper treatment of older persons. On certain occasions beneficiaries lacked proper care, were in degrading conditions.

In **Tbilisi boarding house for older persons** the problem of communication of caregivers with beneficiaries was seen, which was expressed in addressing beneficiaries in a rude way and loud voice. This fact is evidenced in a letter of the psychologist to the director of the boarding house,

dated 17 October 2014, asking for a consent from the director to conduct a special training in communication for caregivers to tackle the mentioned problem.

Beneficiaries note the lack of generous treatment and attention on the part of administration and service personnel.

Despite the claim of administration that for the sake of informing the beneficiaries, the information on procedural issues in case of facts of violence is put up in the entrance to the institution, we were not able to find such a visual material in the building.

The administration of the institution maintains a special registry of facts of violence, though no fact of violence is registered there.

The administration failed to present a registry reflecting the facts of violence and the measures undertaken in response. Moreover, no measure is undertaken for facilitating the psycho-social rehabilitation of beneficiaries.

Several beneficiaries of the Tbilisi boarding house, who are confined to wheelchairs, say that they cannot participate in collective outings for years as the microbus owned by the boarding house is not adapted to the needs of handicapped people; this may be qualified as discrimination on the ground of disability.

None of older persons confirm any fact of physical, psychological, sexual or economic abuse on the part of administration or other beneficiaries.

Nor do beneficiaries of **Kutaisi boarding house for older persons** confirm any fact of physical, psychological or sexual abuse on the part of administration, though some of them complain about rudeness of service personnel. Beneficiaries recall facts of lending money to service personnel but never an incident of their money being misappropriated.

The level of care about security, emotional, psychological wellbeing and mental health of beneficiaries as well as of knowledge of legal regulations against violence and standards among service providers in boarding houses **My Family**, **Untroubled Old Age** and **Diodora** is extremely low. Beneficiaries are not informed about their rights.

The head of the boarding houses **My Family** admits that he is ignorant of regulations and standards. Moreover, the director does not maintain written account of measures undertaken in response to facts of violence and excludes both the violence on the part of beneficiaries and among beneficiaries; however, the subsequent interviews with the director and the beneficiaries



reveal that in recent past, after the involvement of LEPL Social Service Agency, a (male) beneficiary of the boarding house was transferred to another boarding house because “he systematically violated the regime, leaving the boarding house and staying nights elsewhere or returning inebriated and starting to fight,” threatening and offending female beneficiaries. However, the head/caregiver of the institution did not qualify this particular case as violence and did not recount it in writing.

Even though the director of the boarding house **Diodora** is aware of legal regulations and has a registry for “written description of measures undertaken in response to facts of violence,” he denies facts of violence in the boarding house and no such fact is registered in the registry.

The head of the boarding house for older persons, **Untroubled Old Age**, claims that he knows legal regulations but does not have a “written account of measured undertaken in response to facts of violence;” a brief handwritten description of violence among beneficiaries written on a sheet of paper, often without names and dates indicated, takes on the form of a written pledge of a beneficiary to behave him/herself, or an application written by a beneficiary or the director of the boarding house to the head of police, or a protocol drawn up by a caregiver which do not comply with the standards established by the state.

Beneficiaries of **Young Teachers’ Union** express their satisfaction and gratitude towards service providers and exclude psychological or physical violence on their part.

The prevention of violence in the institution complies with the standards, registering non-standard situations (for example, quibble among beneficiaries, emotional reaction of older persons to the transfer to a hospital or the need to change the room) as well as measures undertaken by caregivers in a special registry.

## Improper Treatment

Each state shall prevent acts of other cruel, inhuman or degrading treatment or punishment in any territory under its jurisdiction.<sup>65</sup> The national preventive mechanisms, within its power, examines the treatment of the persons deprived of their liberty for their protection against torture and other cruel, inhuman or degrading treatment or punishment.<sup>66</sup>

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<sup>65</sup> UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; paragraph 1, article 15.

<sup>66</sup> Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, article 17.

Within the framework of the monitoring, the national preventive mechanism identified several facts which may be qualified as inhumane or degrading treatment of older persons.

#### Case 1.

One of beneficiaries (bedridden) of non-profit (non-commercial) legal entity Diodora cannot use crouches due to the amputation of left lower limb below the knee. An effort to use prosthesis by the person, before being admitted to the boarding house, proved unsuccessful and since then the specialist neither assessed the condition of the beneficiary nor provided any corresponding assistance. To use bathroom for hygienic purposes, the beneficiary has to crawl on his knees whilst due to difficulties in movement, he has meals in his bed. The issue of buying a wheelchair for him has not been raised; nor has the beneficiary asked for it because he is sure that he will not be able to use the wheelchair because the environment is not adapted to the needs of a person using wheelchair.

#### Case 2.

A blind beneficiary of non-profit (non-commercial) legal entity Untroubled Old Age lives in a 6,5 square meter room with two beds; he cannot leave the room and lies on a dirty mattress without bed linen. A toilet is arranged in the room, representing a seat with a plastic bucket underneath. The older person satisfies his physiological needs right in the room. The room lacks a piece of furniture to keep his personal items and given that there are two beds in the room, there is actually no free space left to move around. The room does not have an outward window which would have allowed natural ventilation and light. The room does not have an artificial ventilation either. There is a very unpleasant smell in the room and no sanitation. According to a beneficiary female living in the neighboring room, the handicapped beneficiary often falls down to the floor, cannot get up independently and asks for help shouting; the shout wakes the lady up and she often has to help the neighbor without anyone else's help. It is noteworthy that the handicapped beneficiary was transferred to the boarding house from a mental clinic. Even though pursuant to Form №100 it was recommended to continue outpatient psychiatric treatment, the beneficiary has not received adequate psychiatric assistance; he is not under a dynamic supervision of psychiatrist and his treatment is limited to taking antidepressant drug before sleep. The service provider found the solution to the problem by discriminating the beneficiary with grave, psycho-somatic health disorder and placing him in isolated, degraded conditions, explaining this by the desire of the beneficiary.

#### Case 3.

The monitoring revealed that beneficiaries of the non-profit (non-commercial) legal entity Diodora take a bath with the assistance of female caregivers (there are no male caregivers in the institution). The head of the institution does not deem it necessary to take into account gender issue, thereby putting both beneficiaries and caregivers in degrading conditions.

#### Case 4.

Three beneficiaries of boarding house Diodora have symptoms of serious mental disease associated with grave somatic disorder; however, no comprehensive psychiatric assessment has been conducted on them; nor have they received any relevant assistance; this led to such aggravation of the mental health of one of these beneficiaries that he showed behavioral disturbance – was aggressive against other beneficiaries; as a result he was put in a mental hospital for 12 days. The director of the institution did not receive the Forms №100 describing the undertaken treatment and is not aware of either the diagnosis or the need to continue psychiatric help. The beneficiary has been in the boarding house for the second day and has revealed signs and symptoms of psychosis, felt fear; his treatment is limited to taking a drug Donormylm<sup>67</sup> “administered” by the director of the boarding house, before going to sleep and the beneficiary does not receive adequate psychiatric care that aggravates the condition of not only the beneficiary but other beneficiaries too.

Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms prohibits inhumane and degrading treatment. Degrading treatment is that which is said to arouse in its victims feelings of fear, anguish and inferiority, capable of humiliating and debasing them. This has also been described as involving treatment such would lead to breaking down the physical or moral resistance of the victim.”<sup>68</sup>

In the case of *Price v. The United Kingdom*, the European Court of Human Rights held that the restriction of freedom (in this particular case in the specialized residential institution) of a disabled person in conditions where he is unable to go to the toilet or keep clean without the greatest of difficulty, constitutes degrading treatment contrary to Article 3 of the Convention.<sup>69</sup>

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<sup>67</sup> Donormyl - Doxylamine (Doxylamine succinate) antihistamine (anti-allergy) drug of systemic use (over-the-counter drug).

<sup>68</sup> The prohibition of torture - A guide to the implementation of Article 3 of the European Convention on Human Rights; Aisling Reidy; Human rights handbooks, No. 6; [<http://www.echr.coe.int/LibraryDocs/DG2/HRHAND/DG2-EN-HRHAND-06%282003%29.pdf>]; *Ireland v. the United Kingdom*, p. 66, §167.

[[http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-57506#{"itemid":\["001-57506"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-57506#{)]

<sup>69</sup> *Case of Price v. The United Kingdom*, app. No. 33394/96, 10 July 2001, par. 30; [[http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-59565#{"itemid":\["001-59565"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-59565#{)]

In the case of *Vincent v. France* the judge held that even in the absence of direct intention of the administration, the restriction of freedom of a person with disability (in wheelchair) in conditions where he is unable to move independently constitutes degrading treatment.<sup>70</sup>

The state shall protect the health of persons whose freedom is restricted. Consequently, in the case of *Keenan v. The United Kingdom*, the European Court of Human Rights also qualified inadequate reaction to the deterioration of mental health of a detained person as inhumane and degrading treatment.<sup>71</sup>

The monitoring group believes that keeping the above older persons in such conditions constitutes inhumane and degrading treatment and requires immediate reaction on the part of the responsible entities.

### **Recommendations**

#### **To the Ministry of Labor, health and Social Affairs:**

- Ensure identification of and adequate reaction to the facts of inhuman and degrading treatment of beneficiaries in specialized residential institutions for older persons;
- Ensure the communication of information about legal regulations against improper treatment, violence and discrimination to specialized residential institutions for older persons and the establishment of effective system of supervision on their protection;
- Assess risk factors of violence and improper treatment in the institutions to prevent similar facts.

#### **To administrations of specialized residential institutions for older persons:**

- Ensure the delivery of service tailored to individual needs and capacities of beneficiaries;
- When delivering service ensure the protection of beneficiaries against discrimination as well as biased or negative treatment or action;
- Ensure the implementation of appropriate measures to support psycho-social assistance to beneficiaries;

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<sup>70</sup> *Case of Vincent v. France*, app no. [6253/03](#), 24/10/2006;

<sup>71</sup> *Case of Keenan v. The United Kingdom*, App. no. [27229/95](#), 3 April 2001, par. 111  
[<http://hudoc.echr.coe.int/eng?i=001-59365>]

- To register in writing all facts of violence and measures undertaken in response thereof in a special registry.

## Requirements to Personnel (Standard №11)

*The service in specialized residential institutions must be rendered by a sufficient number of employees with adequate qualification. At least one caregiver shall take care of seven beneficiaries incapable of self-attending themselves and 15 beneficiaries of capable beneficiaries. This requirement shall be binding on Tbilisi and Kutaisi boarding houses for older persons starting on 1 January 2017, whilst it is binding on community organization from 1 September 2015.*

*Administration of institution shall ensure regular supervision of employees and opportunities for their professional development.*

The assessment of documentation of residential institutions for older persons as well as interviews with service providers and beneficiaries reveal that boarding houses for older persons (save Young teachers' Union) does not have sufficient number of employees with adequate qualification. Although a certain number of the requirements to personnel envisaged in Article 3 of the Decree №01-54/n of the Minister of Labor, Health and Social Affairs, dated 23 July 2014, become binding on service providers registered within the state program, who fall short of the standards, from 1 September 2015 and for Tbilisi and Kutaisi boarding houses for older persons starting on 1 January 2017, the monitoring group believes that the number of personnel must be proportionate to the needs of beneficiaries. The shortage of employees leads to improper service to older persons and this issue requires immediate resolution.

It should also be noted that the standard does not apply a uniform approach to regulating the obligation of hiring the personnel of concrete profession. Internal regulations of the branches of State Fund for Protection of and Assistance to Victims of Trafficking in Persons (Tbilisi and Kutaisi boarding houses) established that the institutions must have: head of a branch; deputy head of a branch; administrator; accountant; doctor; senior nurse; psychologist; caregiver; housekeeper; cook; Assistant to cook; cleaner; guard; driver. However, there are instances when in community organizations one person combines functions of several employees (for example, in My Family, Diodora, Tbilisi boarding house for older persons, Untroubled Old Age, et cetera) which makes us think that one person responsible for radically different functions cannot ensure proper fulfillment of his/her duties. Even more, some institutions do not have even a

single employee with medical background and a psychologist; this gives rise to problems in the process of serving older persons.

Heads of institutions and other employees have not undertaken a professional training in care and human rights. Entrusting the care of older persons to community organizations by the state is not conditional on professional training whilst the guardianship and custody body has not demanded from service providers that they undertake professional training in the issues of older people and has not taken care to organize their training either. Social workers rarely visit houses for older persons. Consequently, they do not participate in assessing individual needs of beneficiaries, drawing up plans of individual development of older persons and individual psycho-social rehabilitation programs. They do not participate in the supervision of the service either.

According to the information of the Ministry of Labor, Health and Social Affairs,<sup>72</sup> measures designed for the retraining and upgrade of qualifications of personnel employed in community organizations are implemented by service providers themselves under the supervision of the Ministry. However the personnel of the institutions do not confirm any fact of them being provided with training of any type (the exception is non-profit (non-commercial) legal entity Young Teacher's Union), though almost all of them are willing to engage in such activity and request assistance in organizing it. For example, according to heads of Diodora and Untroubled Old Age, the professional development of employees of the institutions are impeded due to lack of corresponding information. They request training from relevant bodies, at which detailed information about obligations of community organizations will be communicated.

According to the official staff quota, Tbilisi boarding houses for older persons must have 20 caregivers though in reality there are only 16 caregivers working in four shifts. Based on the information collected during the monitoring we may assume that the remaining four employees actually perform other functions (laundry, assistant in hygiene, nurse and hairdresser). According to the administration, five caregivers have the qualification of nurse and the schedule envisages the presence of one of them at night.

The institution has a psychologist who is responsible also for the functions of librarian, which makes us conclude that a person responsible for radically different functions cannot ensure proper fulfillment of none of his/her duties.

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<sup>72</sup> A letter N01/26994 of the head of social protection department of the Ministry of Labor, Health and Social Affairs, dated 20 April 2015.

The majority of interviewed beneficiaries are happy with the staff, however the exception is people with disabilities who require additional care. For their part, caregivers are dissatisfied with difficult working conditions and inadequate labor reimbursement.

The activity of the personnel is supervised by the director of the institution; at the same time, according to the administration, a commission (from the Fund) carries out a planned inspection of the performance of the institution once a three months and also unplanned ones. It is worth mentioning that the personnel of the institution does not have information about such inspections. Training for the professional development of employees is not conducted.

**Beteli** has one doctor who works part time and six caregivers who are nurses by profession and at the same time, perform the function of cleaners too. The institution counts 16 beneficiaries. According to the manager, six of them require special care. Two caregivers work in shifts as required by the standard. It should be however taken into account that caregivers perform functions of nurse and cleaner and when need be, of hairdresser too. Training for the professional development of employees is not conducted.

**Untroubled Old Age** has eight employees including the managing director, cook, doctor, driver and three caregivers, which is not sufficient taking into account beneficiaries' incapability to take care of themselves. Personnel is not qualified and they are not engaged in activities oriented on the upgrade of qualification (training, working meetings) which would ensure the improvement of the quality of service to beneficiaries.

Five beneficiaries in the institution are mainly bedridden with a caregiver assisting them in taking meals. Bedridden beneficiaries of Untroubled Old Age require additional service staff and the shortage of the latter is especially obvious where palliative care is necessary. Consultation of specialists is absolutely unavailable for bedridden beneficiaries.

The boarding house Diodora has six employees (director, accountant, guard, three caregivers). According to the administration, the professional development of employees is impeded by the lack of relevant information. They request that relevant bodies organize training and provide training participants with concrete information about obligations of such type of organizations. The administration regularly conducts the supervision of the personnel. Employees cannot recall a fact when a remark was followed by the improvement of situation.

It is noteworthy that the father of the director of Diodora lives in the institution (is bedridden) although he is not a beneficiary. This is because Diodora operates in a building owned by him. The monitoring group observed the instances when caregivers of the institution attended him just like the beneficiaries of the institution although caregivers were not obliged to do so.

Therefore, we believe that in the conditions of shortage of staff, caregivers spend their working hours on something which is not their official duty thereby depriving beneficiaries of community organization of a portion of care.

The boarding house for older person, **My Family**, employs only one person who is the head of the institution and at the same time, performs the functions of a caregiver, cook, nurse and other needed personnel without a relevant qualification. Given that at the time of monitoring this institution counted six beneficiaries, timely delivery of relevant service was associated with certain difficulties. According to the administration, the boarding house is served by a psychologist who does not have an official labor contract.

**Young Teachers' Union** is served with a multidisciplinary team comprising a social worker, a psychologist, an occupational therapist and a doctor. The service of multidisciplinary team envisages the assessment of needs of older persons and their families and consultations to them. Caregivers are always present in the institution (six caregivers; two caregivers work in shifts from 8:30 a.m. to 11:00 p.m.) and they are responsible for working with older persons in accordance with individual plans drawn up by a team of specialists and the improvement of their social environment.

The majority of employees of the institution are nurses by qualification. The personnel undertakes systematic trainings to improve their qualifications and participates in working meetings which are conducted by invited psychologists and therapists.

### **Recommendations**

#### **To the Ministry of Labor, health and Social Affairs:**

- Ensure the compliance of degree of training of professional personnel with international human rights standards and requirements of standards defined by the state legislation;
- Ensure the regular planning and conduct of events for the improvement of qualification of the personnel of residential institutions for older persons;
- Ensure the development of educational-methodological training programs for the service personnel of institutions for older persons in the issues of human rights, maintenance of documentation, delivery of service and monitoring of health as well as protection against violence and discrimination;



- Support the increase in the number of personnel, including the availability of the service of doctor, psychiatrist, social worker, psychologist in every institution.

**To administrations of specialized residential institutions:**

- Ensure the employment of sufficient number of staff (doctor, psychologist, person responsible for organizing cultural, sport and labor activities, et cetera) necessary for the delivery of quality service;
- Ensure the compliance of the number of caregivers with the standard.