



## **Response**

**of the Georgian Government  
to the report of the European Committee  
for the Prevention of Torture and Inhuman  
or Degrading Treatment or Punishment (CPT)  
on its ad hoc visit to Georgia**

**from 17 to 24 May 2021**

The Government of Georgia has requested the publication of this response. The CPT's report on the ad hoc visit to Georgia is set out in document CPT/Inf (2022) 11.

Strasbourg, 16 June 2022

*Note: In accordance with Article 11, paragraph 3, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, certain names have been deleted.*

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Prepared by the Ministry of Justice of Georgia

February 17, 2022

## Introduction

A delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) carried out ad hoc visit to Georgia in the period of 17-24 May, 2021. The delegation visited N2, N14, N15, N17 Penitentiary Establishments (PEs) and civil sector clinic (VivaMedi).

The CPT submitted its ad hoc visit report to the Ministry of Justice of Georgia (MOJ) on November 17, 2021. The present document represents the submission of the response to the CPT ad hoc report, prepared by the MOJ in cooperation with the Special Penitentiary Service (SPS).

The MOJ is pleased to receive positive observations by the CPT delegation, specifically on the following:

- “The delegation received excellent co-operation from the management and staff of the establishments visited. The delegation had rapid access to all premises it wished to visit, was able to meet in private with persons with whom it wanted to speak and was provided with access to all the information it required. This was indeed positive (particularly in the context of the ongoing Covid -19 pandemic) and demonstrated that information about the Committee’s visit and the CPT’s mandate had been circulated to the establishments concerned”;
- “The Committee also wishes to express its appreciation of the efficient assistance provided to its delegation before and during the visit by the Liaison Officer appointed by the Georgian authorities [...]”;
- “[...] CPT’s delegation heard no allegations of ill-treatment of prisoners by staff at any of the three “zonas” visited. On the contrary, the delegation observed that relations between staff and prisoners were generally positive, even relaxed”;
- “[...] quick and easy access to external consultations and hospitalisations, and the availability of testing and treatment for transmissible diseases including TB and hepatitis. The delegation also gained a generally positive impression of the approach adopted in the prisons visited to tackle the Covid-19 pandemic, including the systematic and frequently repeated testing of both prisoners and staff, placing all newly-arrived prisoners in quarantine and isolating inmates known to have the virus or suspected of having it, provision of personal protective equipment (masks and disinfectant) and ongoing vaccination of inmates and staff”; ○ “[...] despite the ongoing Covid-19 pandemic prisoners continued being allowed to receive short-term visits (albeit exclusively in closed-type visiting facilities, without physical contact between inmates and their visitors) and there was sufficient access to a telephone in the three “zonas” ; as for long-term visits, they were temporarily suspended but compensation was offered to prisoners in the form of video meetings (using the VoIP technology).”

The observations mentioned above clearly reflect the spirit of the MOJ and SPS to fully cooperate with CPT.

Further development of Georgian penitentiary system in accordance with the best European and international standards remains the key priority for the MOJ. Systemic reforms in this regard are continuous and consistent. We do believe that set out goals and planned activities will effectively respond to the remained challenges.

#### MOJ responses to the issues raised in the CPT ad hoc report

Paragraph 10. The three semi-open penitentiary establishments had certain features in common. They were relatively large-capacity establishments and the considerable, exclusively adult male sentenced populations (respectively 1,812 prisoners in Ksani, 1,506 prisoners in Rustavi and 680 prisoners in Geguti) were allowed to move freely inside the accommodation areas and adjoining outdoor territories throughout the day having, for the overwhelming majority of them, virtually no organised activities at their disposal: paid work (general maintenance, cleaning, laundry, bakery, distributing food, etc.) was only offered to a small number of inmates, there was no education or vocational training, no organised sports activities and whatever arts workshops or classes might have existed had been suspended since the start of the Covid-19 pandemic.

Further, there was no clear allocation policy (apart from allowing inmates to be accommodated in the same cells as friends and fellow prisoners from the same towns or regions) and no attempt was made at separating recidivists from first-time offenders (the latter mostly being young prisoners, aged below 25). A question could justifiably be asked whether this was the best approach when at the same time the prison administration's declared objective was to counter the influence of informal prisoner hierarchy (see paragraph 12 below).

Furthermore, under such circumstances young men risked – in the CPT's view – much more being “enrolled” (willingly or not) to the informal “crime academy” rather than being offered any real prospects of social rehabilitation. The Committee would welcome the Georgian authorities' observations on this subject.

#### Response of the MOJ:

Promoting resocialization-rehabilitation of inmates and providing them with needs-oriented services is one of the top priorities for the MOJ and SPS. Due to COVID-19 pandemic related preventive measures group activities have been restricted in PEs in 2020-2021, however, since summer 2021, SPS has resumed the process of organizing various activities. In 2021, 118 different types of activities have been organized with participation of 2141 inmates. Among these activities the World Chess Championship should be emphasized whereby the Georgian women convicts' team won the competition. The championship was held online and 43 teams of convicts from 31 states participated in the competition. Besides, 1002 inmates were employed/self-employed in PEs (inmates working for PEs; inmates working for small production work; individual work). Organized activities have been held

in all PEs except of N18 Medical Establishment, where organized activities mostly cover employment area and individual work is carried out with beneficiaries. The relevant statistics are provided herewith:

Activity	Number of participants
General Education	113
Vocational Education	506
Higher Education	47
Psycho-social therapy/trainings	435
Recreation work	135
Cultural events	178
Sport events	515
Other supportive events	222
In total	2151
Employment	1002
In total	3153

Additionally, the Vocational Education and Training Center for Inmates (VETCI) has carried out following activities in semi-open PEs, specifically in N14 and N15 PEs:

#### N14 PE

- Graphic Design Course (15 convicts);
- Driving License Course (9 convicts);
- Vocational Education Course “Small Business Enterprise” (11 convicts);
- Georgian Language Course (9 convicts);
- Online visit to Georgian National Museum (15 convicts).

#### N15 PE

- Computer Graphics (4 convicts);
- English Language Course (10 convicts);
- Professional Orientation Course (for 4 lifetime convicts);
- Vocational Education Course “Small Business Enterprise” (1 convict);

- Exhibition and selling of convicts' artwork (self-employed 8 convicts).

In N14, N15 and N16 PEs Bread Bakery is also functioning and produces thousands of breads daily (N14 PE – 2300 units; N15 PE – 5200 units; N16 PE – 2750 units). In each Bread Bakery at least 10 convicts are employed and their monthly remuneration is 600 GEL. Future plans in terms of employment opportunities are arranging flower hothouse (in N5, N16 and N15 PEs), snail farm in N5 PE, Bakery in N16 PE, production of carton box in N16 PE, agricultural hothouse in N14 PE and opening city shop where the products prepared by the inmates will be sold.

In order to further support healthy lifestyle and organizing sports activities in PEs, in 2021 reconstruction-rehabilitation works of sport stadiums have been carried out in N5, N14, N15 and N17 PEs. MOJ and SPS plan further improving sport management system in PEs. In the near future all PEs will be equipped with all necessary infrastructure and inventory. As the result sport festivals will be organized and access to sport activities will be increased.

Apart from sports activities, MOJ and SPS aim improving the level and quality of access to higher education, inter alia, by introducing digital university in the PEs.

As regards the allocation policy, inmates are allocated according to the Article 50 of the Imprisonment Code of Georgia that envisages separate placement of the following groups: women; juvenile; first time convicts; persons recognized as victims of crimes under the Article 143<sup>1</sup> (Trafficking in Adult) and/or Article 143<sup>2</sup> (Child Trafficking) of the Criminal Code of Georgia; persons whose life and health may be under threat due to past official activities; especially dangerous persons whose personal qualities, criminal influence, motive of crime, consequences of unlawful actions or behavior demonstrated in the detention facility poses a serious threat to the security of the facility and others. Moreover, according to the Article 9 of the Imprisonment Code of Georgia remands are isolated from convicts at least by living spaces separated from one another. Besides, according to the Article 46 of the Imprisonment Code of Georgia, upon the decision of the Director General of SPS, a convicted person may be transferred to PE according to his/her personal behavior, motive of crime, behavior in PE and other criteria corresponding to his/her risk of threat. However, while placing/transferring inmates all necessary criteria, including prevention of possible inter-prisoner violence and influence on one another are taken into account.

As regards the number of inmates, at the time of delegation's visit at N14, N15 and N17 PEs population was:

N14 PE – the capacity of the PE is 1362

- May 14 – 671
- May 15 – 671 • May 16 – 680
- May 17 – 680

N15 PE – the capacity of the PE is 1388

- May 14 – 1785
- May 15 – 1791
- May 16 – 1812
- May 17- 1812

N17 PE – the capacity of the PE is 2000

- May 14 – 1512
- May 15 – 1510
- May 16 – 1507
- May 17- 1507

Paragraph 12. The delegation was also concerned to observe obvious signs of the presence of informal prisoner hierarchy, such as typical symbols (in particular, the “Vorovskoy Mir/Thieves World” eightpointed stars and snarling wolves also known as “Oskals”) visibly placed above cell doors and on cell walls (especially at Prison No. 17).

Further, in all prisons (but again mostly in Rustavi followed by Ksani, the least so in Geguti) there was a clear disparity in conditions between the cells: whilst most of the prisoners had to live in cramped and rather dilapidated accommodation, some of the inmates (presumably those occupying higher ranks in prisoner hierarchy) enjoyed relatively comfortable conditions, with more living space, refurbished cells (with parquet or tiled floors) and a lot of non-standard equipment (large TV sets, DVDs, hi-fi towers, air conditioning units, kitchen corners, etc.).

Last but not least, a number of inmates confirmed to the delegation the existence of the hierarchy and the collection (or rather extortion) of money (from prisoners but more often their families) for the illegal prisoners’ fund (“obshchak”).

Response of the MOJ:

MOJ and SPS prioritize ensuring protection of human rights and dignity of inmates and execution of imposed sentences in a safe and lawful manner.

One of the main strategic goals of the SPS is supporting crime prevention through rehabilitation and reintegration oriented approaches. In this regard SPS works on further elaboration of evidence and best practice based rehabilitation psychosocial methods, improving management of inmates, reducing violent behavior, protecting rights of inmates (with particular focus on vulnerable groups), establishing and implementing high standards of imprisonment.



Administrations of PEs disapprove using symbols of any kind that encourage criminal behavior and/or unhealthy lifestyle. While identifying such cases PEs take immediate response measures

Protection of sanitary and hygienic standards in PEs are fully ensured and the conditions in all PEs are adequate. Each cell of the PEs is equipped with natural ventilation tool (windows), showers, stairs and each custodial block are cleaned daily, remands/convicts are provided with the linen (bedsheets) and hygienic objects. These objects are being washed/cleaned and can also be received via parcel.

Regarding living conditions there are equal approach in each PE that correspond with the Imprisonment Code of Georgia and statutes of PEs. Each inmate has equal right to purchase products, objects and groceries in the PEs' shops within their money limit. Noteworthy, since December 2021, the limits of the money that can be spent in PEs' shops has been increased from 700 GEL to 1000 GEL.

Hence, inmates purchase the objects upon their will and finances. Regarding the parquet, mentioned in the CPT report, SPS would note that, supposedly, the mentioned refers to so called linoleum, that can also be purchased in PEs' shops and inmates have access to buy it. Each inmate has possibility to arrange his/her cell (including kitchen) upon their will if it does not violate requirements of the Imprisonment Code of Georgian and/or statutes of PE. As regards the alleged inequality between the accommodation spaces of the inmates, SPS would note that each inmate is treated equally and based on their needs. There are no bigger cells assigned for any category of inmates.

Paragraph 13. Several prisoners with whom the delegation spoke referred to verbal insults and threats (of physical violence and/or death vis-à-vis themselves and their families) from fellow inmates in the three prisons visited, usually in the context of the prisoner's incapacity (for lack of money or any relatives capable of paying instead of him) or – rarely – unwillingness to contribute to the “obshchak”.

It is also noteworthy that many prisoners appeared clearly afraid to speak with the delegation. In this context, it is hardly surprising that only one express allegation of physical interprisoner violence (consisting of punches on his face – reportedly resulting in a damaged tooth – and on his left ear) was received from an inmate interviewed at Prison No. 2 (to where he had been transferred from Geguti Prison).

Response of the MOJ:

MOJ and SPS pay particular attention to prevent inter-prisoner violence and prisoners' attempts to impact one another. Upon the Order N395 of the Justice Minister the Rules on Inmates' Type of Risks, Criteria for Risks Assessment, Assessment and Re-assessment of Risks, Transfer of Inmate in the Same of Other Type of PE and the Work and Competences of Risk Assessment Group was adopted on May, 8, 2019. Introduction of risk assessment system and regulating video-surveillance issues had positive impact on preventing inter-prisoner violence. Those inmates who violate the order of PEs, possess

threat to other inmates and/or there is a risk that they will impact other inmates, are transferred to higher risk PE. Risk of threat is periodically re-assessed and based on their behavior, implementation of individual sentence plan and other instruments they have possibility to be transferred to the lower risk PE. Moreover, as a security measure, in number of cases prisoner may be placed in de-escalation room or in solitary confinement for 24 hours.

With regards to the so called “Obschak”, SPS would clarify that inmates in Georgian PEs are provided with the special individual cards that can be used while purchasing hygienic or other products in the PEs’ shops. Paper currency is not circulated within the PEs, moreover it is prohibited according to the national legislation. Hence, collecting of so called “Obschak” money does not take place in PEs.

SPS promptly identifies any attempts of influence by convicts and takes all the necessary measures prescribed by domestic legislation to minimize possible impacts of inmates on one another in order to further guarantee safety and security of each inmate. As for the statistics, within the period of 2021 – January 2022, 82 convicts who attempted to influence other inmates were transferred from semi-open PEs to closed PEs.

Paragraph 14. While visiting Prison No. 17 in Rustavi on 20 May 2021, the delegation witnessed the outcome of a fight between inmates, resulting in hospitalisation of a prisoner (██████████) with polytrauma.

The CPT requests to be provided with information on the outcome of the investigation into this case, in particular as regards the investigative steps taken (including the forensic medical examination) and any criminal and/or disciplinary sanctions imposed as a result.

Response of the MOJ:

On May 20, 2021, the General Inspection of the MOJ started investigation on the case of intentional serious damage to health (Article 117 of the Criminal Code of Georgia) of convict V. placed in N17 PE.

Investigative and procedural activities have been carried out on the mentioned case (video materials have been examined, relevant persons have been interviewed (2 convicts placed in the cell with mentioned convict V., 34 other convicts, staff of PE, doctor), cloths of 36 convicts have been examined, forensic examination have been carried out for the convict V. and convicts allegedly participating in the accident, trasological, microparticle and biological examinations are scheduled, place of incident has been inspected.

Investigation on the given case is pending.

Paragraph 15. It is also noteworthy that, after the visit (in July 2021), the Committee learned of a case where – during a mass brawl between prisoners at Prison No. 17 in Rustavi (reportedly sparked by disagreements about the collection and use of the “obshchak” money) – a prisoner had lost his

life. An investigation into this case was initiated by the SIS. The CPT would like to be informed about the outcome of this case too.

Response of the MOJ:

On July 26, 2021, the State Inspector Service (SIS) started investigation on criminal case concerning violation by SPS employee of the internal regulations of the SPS that led to the death of the convict Sh. The criminal offence is envisaged in the Article 342<sup>1</sup> of the Criminal Code of Georgia. Moreover, having signs of criminal acts as prescribed under the Article 108 and 117 of the Criminal Code of Georgia, investigation has also started on the facts of murder of convict Sh. and intentional infliction of grave injury to convicts I. and B.

SIS has conducted necessary investigative activities. To date, the medical - criminalistic, microparticle and trasological examinations are pending. After receiving the decisions on mentioned examinations the investigation will have comprehensive and detailed information on circumstances of the case. Hence, currently the investigation is pending and the final decision is not yet made.

Paragraph 17. Furthermore, two death cases recorded in the relevant medical documentation at Prison No. 15 in 2018 as "suicides" rose certain doubts of the delegation's forensic medical expert: in one case, there were lacerated wounds (injuries) in the throat area and in the other, there was a deep wound in the neck area which would have been an unusual way in which to commit suicide. The Committee would like to receive more detailed information about these two death cases (including the respective autopsy reports).

Response of the MOJ:

In 2018, 2 suicide cases were recorded in N15 PE. Specifically, on July 31, 2018 convict A. wounded himself in throat area. Convict A. received first aid from doctor on duty and was immediately transferred to civil sector clinic. The administration of PE sent communication and telephonograph to the General Inspection of the MOJ and security division of SPS so that video materials could be archived.

On October 18, 2018, convict M. wounded himself in the neck area. Convict M. also received first aid from the doctor on duty, reviving and other emergency measures, however the convict died. As procedures require, the administration of PE sent communication and telephonograph to the General Inspection of the MOJ and security division of SPS so that video materials could be archived.

On both cases the administration of PE informed family members. Hence, on both suicide cases, administration of N15 PE has taken all necessary immediate measures.

As for the investigative measures: 1) On July 31, 2018 General Inspection of the MOJ started investigation on incitement to suicide (Article 115 of the Criminal Code of Georgia) of convict A. After interviewing witnesses, examining place of incident, carried out examinations, including materials of video surveillance, obtained evidence and analyses of the facts, the fact of suicide was established. Noteworthy, there was no circumstance of unlawful acts of any kind from the staff, convicts or other

persons and convict A. was not incited to suicide. According to the forensic examination the cause of death of convict A. is anaemia due to wounded throat area. On December 22, 2019 the investigation on the given case has been terminated; 2) On October 18, 2018, General Inspection of the MOJ started investigation on incitement to suicide (Article 115 of the Criminal Code of Georgia) of convict M. Investigative and procedural activities have been carried out on the mentioned case (examination of video materials, interviewing convicts (convicts placed in the cell with M. and others), staff, doctor, forensic examination has been carried out, place of incident and other relevant places has been examined. Investigation on the given case is pending. For requested autopsy reports, please, refer to annex 1 and annex 2.

As regards the recording of the relevant medical documentation, on October 26, 2016 the order N131 of the Minister of Corrections on Recording of the injuries of inmates due to alleged torture and other cruel, inhuman or degrading treatment became effective. The rules and framework of recording injuries were elaborated with the experts of the Council of Europe (CoE) in line with the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment (Istanbul Protocol). Shortly after adoption of the respective rules the training program was developed for the medical staff according to which 145 medical personnel were trained in 2016-2017. On November 30, 2020, new order N663 on Recording of the injuries of inmates due to alleged torture and other cruel, inhuman or degrading treatment was adopted by the Minister of Justice. Thematic training program has also been revised and in May-June 2021 relevant medical staff (52 employees) of PEs was trained. Among priority topics the program covered international standards for interviewing, medical examination and interpretation of results for effective documentation of injuries.

Paragraph 18. The delegation interviewed a number of the inmates whose injuries had been recorded by prison doctors and was struck by how extremely reluctant they were to speak about the origin of their injuries. In some cases, prisoners repeated explanations 20 already provided by them to the prison doctors which were, in the opinion of the delegation's forensic medical expert, implausible from a medical point of view.

However, neither the prison doctors nor any other staff concerned (e.g. operational officers) had apparently made any attempts to address this inconsistency and to investigate further.

Paragraph 26. The Committee reiterates its recommendation that the existing procedure be amended so as to require using the "body charts" and taking photographs – and reporting this information – whenever prison doctors believe there are grounds to suspect ill-treatment or inter-prisoner violence, irrespective of whether the prisoner concerned made any allegations and agreed to such recording and reporting.

Paragraph 27. The CPT recommends that the relevant provisions be amended so as to require prison doctors to directly report to the State Inspection Service any injuries observed on prisoners which, in their opinion, might have been inflicted by other prisoners.

Joint Response of the MOJ:

As noted in response to paragraph 17, the doctors of SPS are guided with the order N663 on Recording of the injuries of inmates due to alleged torture and other cruel, inhuman or degrading treatment was adopted by the Minister of Justice on November 30, 2020. The injuries are documented in accordance with the elaborated forms which include the obligation of using so called body charts and photographing injuries in case of such need.

According to this order, if the injuries are identified on the patient's body and he/she informs the doctor about 1) being subject to torture or other cruel, inhuman or degrading treatment or other kind of violence (including that of sexual manner) from the representative of law enforcement body, officer or person equal to them, or 2) patient is not informing (or cannot objectively inform) the doctor but the doctor suspects of such act during his/her medical examination, the doctor immediately informs State Inspector Service. Regarding the communication with the State Inspector Service the patient and MOJ's General Inspection is also informed.

If the above-mentioned circumstances are not identified during identifying injuries, the doctor still has the obligation to inform MOJ's General Inspection. About this communication patient and the director of PE is also informed.

According to the Article 2 of the order N663, while examining the patient the doctor shall receive informed consent of the patient, if such consent does not exist, patient cannot be examined according to the mentioned rules. Moreover, under the Article 4 of the order N663, upon the consent of the patient, the medical personnel is obliged to photograph injuries immediately with specially assigned color cameras.

To date, medical personnel is guided with the procedures described above, however, MOJ and SPS stand ready to further review the process according to the present recommendation.

Paragraph 20. As yet another possible indication of the power of informal prisoner hierarchy (especially given the other factors described in paragraphs 13, 16 and 18 to 20 above), there was a very low number of formal disciplinary sanctions in the "zonas" visited. It seemed clear that there was a tacit understanding from both the management and members of the prisoner hierarchy that any "misbehaviour" and any internal conflicts between inmates should first of all be dealt with informally, between prisoners (and without formally involving the administration).

Likewise, there were virtually no formal complaints recorded, and the very few that were recorded concerned exclusively inmates' criminal cases (and were thus addressed at the criminal justice system – Prosecutor's Office and courts – and not the prisons and their management) or, in rare cases, issues such as the refusal of transfer to a different establishment or the refusal to grant early (conditional) release.

Response of the MOJ:

Regarding the so called "prisoner hierarchy", please refer to the response to the paragraph 13.

Upon the entry at PE, each remand/convict is informed on their rights verbally and in written manner, inter alia, rights to send request/complaint and/or confidential complaints. Remands/convicts receive the record on their rights and obligations in the written form and its receipt is confirmed with their signature. Regarding the right to send request/complaint, selecting addressees and other procedural issues inmates are consulted by PEs' social workers. Inmates are provided with pens, papers, other necessary objects and telephone service (hotlines are free of charge).

Inmates in each PE enjoy their right to freely communicate with addressees and send requests/complaints and/or confidential complaints upon their will. Statistically, within the period of 2021-January 2022, 1169 request/complaints have been sent from N14 PE, 312 from N15 PE, 61 from N17 PE.

At the initiative of the Justice Minister, in all wings of all PEs stands with information on inmates' rights will be set up. Information will be available at Georgian, English, Russian, Azerbaijani, Armenian, Turkish and Arabic.

Paragraph 21. Given the Georgian authorities' declared plans concerning the future of the three "zonas" (see paragraph 23 below), the CPT will not dwell in detail on the subject of material conditions. At this stage, what merits a mention is that Prison No. 15 remained overcrowded (even as compared with its official capacity: capacity 1,388, population 1,812) and that conditions were particularly poor in the older blocks (Blocks 1 – 3, dating back to the 1970s) at Prison No. 17 in Rustavi: damaged walls, floors and ceilings, water infiltration, beds tightly crammed together (sometimes touching) with makeshift separations made of bedsheets and blankets.

The CPT would like to receive confirmation that – pending the closure of the establishment (see paragraph 23 below) – Block 2 at Prison No. 14 in Geguti will be repaired and prisoners moved back there from Block 4 at the earliest opportunity. The Committee also recommends that Block 4 be taken out of service as prisoner accommodation as soon as Block 2 has been recommissioned

Response of the MOJ:

In order to ensure further improvements in inmates' accommodation conditions, SPS ensures conducting different kinds of repairs and renovation.

Specific attention is paid to the sanitary-hygienic conditions, hence, the overall environment is satisfactory. As mentioned above, each cell of the PEs is equipped with natural ventilation tool (windows), showers, stairs and each custodial block are cleaned daily, inmates are provided with the linen (bedsheets) and hygienic objects. These objects are being washed/cleaned and can also be received via parcel as well.

Regarding the N15 PE, SPS would note that sometimes N15 PE might be overcrowded, however, after building of new small scale PEs MOJ and SPS will have opportunity to better allocate the inmates, including those in N15 PE, in accordance with the best European and international standards.

To date Block 4 of the N14 PE is taken out from exploitation and is no more operational. The inmates who were placed there at the time of delegation's visit are transferred to newly rehabilitated Block 1.

Paragraph 22. The delegation observed at Prison No. 17 in Rustavi that accommodation in the older blocks (Blocks 1 to 3) was still based on large-capacity dormitories. The Committee has stressed many times in the past that the risk of intimidation and violence is higher in large-capacity dormitories and that such accommodation arrangements are prone to foster the development of offender subcultures and to facilitate the maintenance of the cohesion of criminal organisations. They can also render proper staff control extremely difficult, if not impossible; more specifically, in case of prison disturbances, outside interventions involving the use of considerable force are difficult to avoid. With such accommodation, the appropriate allocation of individual prisoners, based on a case-by-case risk and needs assessment, also becomes an almost impossible exercise. In the context of the Georgian authorities' plans (see paragraph 23 below), the CPT recommends that steps be taken to gradually eliminate this type of prisoner accommodation from the Georgian prison system.

Response of the MOJ:

One of the top priorities for the MOJ and SPS is developing penitentiary infrastructure in accordance with the best European and international standards. In this regard, MOJ and SPS aim at building small scale, European type PEs and eliminating so called "barrack like" accommodation. Relevant reconstruction works have already been undertaken in N17 PE. After new small scale PEs are built, this recommendation mentioned in the CPT report will be fully responded to.

Paragraph 23. As already mentioned in paragraph 5 above, the ad hoc visit was followed by the delegation's high-level talks with the Minister of Justice and his Deputy in charge of the Special Penitentiary Service. The delegation was pleased to note that the Minister did not disagree with its findings regarding the influence of informal prisoner hierarchy and the phenomenon of inter-prisoner violence in semi-open prisons. Indeed, he referred to the Georgian Government's Strategy and Action Plan of prison reform which envisaged inter alia the closure of the three "zonas" and replacing them with smaller prisons, each of them with a layout (smaller modular units) permitting better regime diversification and allocation, with more organised and individualised activities (with an increased focus on rehabilitation and resocialisation) and with more staff of appropriate categories. The Action Plan also envisaged additional steps to segregate the leaders of the informal prisoner hierarchy from the rest of the prisoner population, in order to eliminate their influence on fellow prisoners.

Response of the MOJ:

MOJ would like to note that the Deputy Minister, mentioned in the Paragraph 23 above, whom the delegation met during the visit is in charge of international relations of the Ministry of Justice of Georgia and not the Special Penitentiary Service.

Regarding the phenomenon of “prisoner hierarchy” and inter-prisoner violence, MOJ would like to clarify that, at the meeting with the CPT delegation the Minister did not disagree that there are attempts of influence from certain inmates over others (but not the existence of informal prison hierarchy), though as noted above, SPS promptly identifies any attempts of influence by convicts and takes all the necessary measures prescribed by domestic legislation to minimize possible impacts of inmates on one another. These measures include separation of inmates from each other or a transfer to another PE.

In this regard, Georgian authorities are open to carefully examine all the concerns of the monitoring bodies, including national monitoring bodies, and are committed to address issues such as “informal hierarchy” in a transparent way.

Notably, on June 18, 2021, the Parliament of Georgia held a hearing of the annual report for 2020 on human rights and freedoms, introduced by the Public Defender. Despite all the allegations addressed in the annual report, the only recommendation issued by the Parliament was to further intensify measures to prevent so called “criminal subculture” in the penitentiary system.<sup>1</sup>

MOJ and SPS constantly urge monitoring bodies to name individuals allegedly involved in “informal hierarchy” or incidents for investigation to start immediately. However, no specific incidents have been reported so far. MOJ and SPS are open to fully cooperate in this regard.

Paragraph 24. The Committee welcomes the Georgian authorities’ stated determination to implement the aforementioned measures as a matter of priority. The CPT requests to be provided, in the response to this report, with a detailed update on the steps already taken, those being taken and those still envisaged (with precise deadlines) in the framework of the Strategy and Action Plan on the Development of the Penitentiary and Crime Prevention Systems, in particular as regards semi-open penitentiary establishments (“zonas”). The Committee would also like to be informed of budget allocations made to secure the implementation of the Action Plan.

Paragraph 25. In this context, the CPT reiterates its recommendations made in the report on the 2018 periodic visit regarding inter-prisoner violence, material conditions, regime and activities (as well as individual risk and needs assessment and individual sentence planning) and prison staff. All these recommendations remain fully valid in the light of the delegation’s observations made in the course of the 2021 ad hoc visit.

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<sup>1</sup> Resolution of the Parliament of Georgia on the report of the Public Defender of Georgia on the situation of protection of human rights and freedoms in Georgia in 2020, July 13, 2021; available at: <https://matsne.gov.ge/ka/document/view/5201789>



Joint Response of the MOJ:

On 22<sup>th</sup> of February, 2019 the Strategy and 2019-2020 Action Plan on Development of Penitentiary and Crime Prevention Systems (Strategy and Action Plan) was adopted. Strategic documents were fully in line with the European and International standards, reflected the CPT recommendations in advance before CPT report was published itself in May 2019. MOJ is pleased to note that within ongoing reform and in the short period of time SPS has achieved tangible results in following areas:

- Organizational development of Georgian penitentiary system;
- Improvement of the working conditions for the SPS staff;
- Major infrastructural developments;
- Strengthening of the rehabilitation-resocialization approach;
- Establishment of Vocational Training Center for Inmates;
- Improvement of employment opportunities and library services;
- Reinforcing of transitional management from penitentiary to probation;
- Introduction of mandatory training courses for the newcomer staff of SPS; conducting various needs oriented trainings.

For detailed information, including on infrastructural works, please, refer to annex 3.

Regarding the budget allocations, the total budget for infrastructural related activities was 28 007 930 GEL. As of other activities within the Strategy and Action Plan, MOJ and SPS closely cooperated with EU funded Penitentiary and Probation Support Project, EU funded project – Enabling the Prison System to Prevent Re-offending, Council of Europe (CoE) project – Improving Mental Health Care of Persons Detained in Georgia, CoE project – Enhancement of Human Rights and Health Care Support to Penitentiary System, the U.S. State Department’s Bureau of International Narcotics and Law Enforcement Affairs (INL).

Reform of the penitentiary system is one of the top priorities of the MOJ and is ongoing and consistent process. The MOJ has developed 10 years Strategy and Action Plan. Regarding the penitentiary and crime prevention systems following priorities are set:

Crime Prevention and Sentence Execution:

- Juvenile Referral Center in each region of Georgia;
- Flexible reporting system for probationers – introducing innovative device Probbbox;
- Mediators in each municipality;
- Digital university in penitentiary system;
- Increased number of employed inmates;

- Family type prisons for juveniles;
- Prisoners and staff oriented penitentiary infrastructure;
- Sport management system.

Paragraph 28. That said, persistent problems were observed in the three establishments visited as regards the provision of mental health care (psychiatric care and psychological assistance). Further, following a recent (2020) reorganisation of prison health-care services, it was reported to the delegation that some doctors and nurses had left their posts, as a result of which staff complements had been reduced considerably.

In general, the CPT maintains its view that a transfer of responsibility for prison health-care services to the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs is needed to improve the quality of health care through its better integration with the public health system, and also to strengthen the professional independence of health-care staff working in prisons. The Committee remains convinced that time has come to start concrete preparations for such a transfer, comprising precise deadlines.

Response of the MOJ:

Further improvement of the mental healthcare standards in penitentiary system is one of the top priorities for the MOJ and SPS.

Upon the entry in the PE or while identifying such need during imprisonment, each inmate is subject to mental healthcare screening. With the support of CoE and EU joint project Human Rights and Healthcare in Prisons and other Closed Institutions in Georgia, mental healthcare screening instrument has been developed that enables medical staff to carry out comprehensive screening at the medical reception upon entry of the remand/convict. The screening document is integrated into ambulatory medical file of the patient. Currently, MOJ and SPS closely cooperate with CoE project - Enhancement of Human Rights and Health Care Support to Penitentiary System. Within the framework of the project working on mental healthcare standards and respective action plan is being prepared.

Each PE is provided with the doctor-psychiatrist who closely cooperates with primary healthcare staff. As mentioned above, initial examination of the patient is carried out upon his/her entry in the PE, the need of psychiatric services is also identified, continuation of treatment started in civil sector clinic is ensured and all necessary services are accessible according to the newly identified needs. If the health condition of the patient cannot be managed locally in PE, he/she is transferred to N18 Medical Establishment where psychiatric ward is functioning. At N18 Medical Establishment voluntary stationary psychiatric care is provided. The patient can also be transferred to relevant civil sector clinic in case of such need.

In penitentiary system, psychiatric commission is operating that decides on the necessity of forensic expertise. Upon the decision of the commission and existing medical needs, the patient may be subject

to forensic examination in order to identify the need of involuntary stationary psychiatric treatment. If involuntary stationary psychiatric treatment is needed, the court decides on transferring the patient in specialized psychiatric establishment.

Regarding the staffing of medical department, since June 2021, number of medical staff has been increased. Attracting qualified medical personnel represents one of the top priorities for the SPS. In order to fill vacant positions of medical staff, open contests have been announced several times that resulted in increasing the number of medical personnel. However, it should be noted that the vacant positions are not completely filled due to the fact that no applications were received for some vacant positions. Hence, SPS is planning to further take relevant measures for attracting those medical personnel. Noteworthy, since reorganization of medical department in 2020, the number of medical staff has been increased (number of doctors in 2020 – 101, nurses – 186, number of doctors in 2021 – 156, nurses – 224) and the recruiting process is pending.

Notably, penitentiary healthcare is a part of the Public Health system and the provision of medical services to the accused/convicts is carried out in full compliance with the health care legislation of the country. Infrastructure and material-technical equipment of the medical unit operating in each penitentiary institution, as well as the N18 prison hospital (has official permit from the Ministry of Healthcare) is functioning in accordance with the healthcare requirements. Medical care in PEs is conducted based on national recommendations (guidelines) and state standards (protocols) for clinical management by doctors holding state certificates for independent medical activity and certified nurses with proper medical education. All medical services are provided free of charge and if necessary, inmates are transferred to the relevant civil sector clinic. It is noteworthy that over the years the penitentiary system has been successfully implementing state programs for tuberculosis management, HIV/AIDS, hepatitis C elimination, methadone replacement (detoxification), diabetes, dialysis and prosthetic and orthopedic devices.

In view of all the mentioned, the inmates are provided with equivalent civilian medical services, which clearly confirms the close integration of the penitentiary health care with the national health care system.

Paragraph 29. In the months preceding the 2021 ad hoc visit, the Public Defender repeatedly, officially and openly denounced the de facto impossibility to carry out proper monitoring work inside the “zonas” due to threats and intimidation by members of the prisoner hierarchy and the reportedly inexistent response by prison management and staff.

In this context, the Committee welcomes the new Minister of Justice’s declaration of willingness to positively engage with the Public Defender and to allow the NPM to perform its role fully and without impediments in all penitentiary establishments.

The CPT further notes with satisfaction the fact that, while the ad hoc visit was ongoing, a meeting took place between the Minister and the Deputy Public Defenders and also the fact that

the Minister had decided to invite the Deputy Public Defender, Mr Giorgi Burjanadze, to the high-level talks with the Committee on 24 May 2021.

Response of the MOJ:

As correctly noted by the CPT, the MOJ and SPS have demonstrated the will to engage in active cooperation with the Public Defender's Office (PDO). Public Defender and representatives of her office have an unimpeded access to all PEs. They do conduct monitoring visits, communicate with prisoners, both individually and in groups, as well as have an access to necessary documentation/information. Special Penitentiary Service and administrations of penitentiary establishments provide office of the Public Defender with the assistance required for effective exercising of their powers. Noteworthy, despite the restrictions imposed in the penitentiary system due to COVID-19 pandemic, the Public Defender and representatives of the office had unimpeded access to PEs.

At the policy level, MOJ pays particular attention to the findings of PDO/NPM and takes all relevant recommendations into account. PDO/NPM are actively involved in the work of Anti-Torture interagency council chaired by the MOJ.

Paragraph 30. As regards contact with the outside world, the CPT noted as a positive point that despite the ongoing Covid-19 pandemic prisoners continued being allowed to receive short-term visits (albeit exclusively in closed-type visiting facilities, without physical contact between inmates and their visitors) and there was sufficient access to a telephone in the three "zonas"; as for long-term visits, they were temporarily suspended but compensation was offered to prisoners in the form of video meetings (using the VoIP technology).

That said, due to the requirement for inmates' relatives to use computers located in regional Probation Service offices, access to video meetings was de facto impossible for foreign prisoners (and Georgian prisoners whose relatives lived abroad). The Committee invites the Georgian authorities to seek ways to eliminate this discriminatory practice. More generally, the CPT recommends that prisoners be again given access to short-term visits under reasonably open conditions ("over the table") and to long-term visits as soon as the epidemiological situation in Georgia improves.

Response of the MOJ:

Due to COVID-19 related restrictions imposed, short-term and long-term visits have been temporarily suspended (short-term visits have been restricted from March 5, 2020 till May 25, 2020 and October 27, 2020 till February 1, 2021; long-term visits have been restricted from March 5, 2020 until September 29, 2021) in PEs, however, since May 25, 2020 short-term visits have been renewed and since September 29, 2021 – long-term visits. To date, remands/convicts enjoy their right to short-term and

long-term visits. Visitors enter disinfection barrier, are equipped with personal protection equipment (gowns, masks, hat, etc.). Visitors for long-term visits should have vaccination document, if due to health issues they are not vaccinated, special form from the doctor confirming their health conditions and inability of vaccination shall be presented. Additionally, they have to present PCR test results. Visitors below the age of 16 should present PCR test result. Following the short-term and long-term visits, visitation areas/rooms are being disinfected.

The respective decision on renewing visitations was made considering positive dynamic in the management of COVID-19 pandemic. Noteworthy, COVID-19 PCR testing among staff has started since May 13, 2020, among inmates since December 31, 2020. Remands/Convicts are subject to planned PCR testing once in two weeks, in case the quarantine regime is announced in PE, the testing period is once in every week. If the symptoms are identified, each remand/convict is subject to unplanned rapid tests. Each employee of the PEs is subject to planned PCR testing once in a week and to rapid testing in between. Visitors are subject to rapid test prior their visit to the PE or they are obliged to present document with the negative COVID-19 PCR test taken in last 72 hours.

COVID-19 vaccination process is pending effectively and unimpededly. Since May 2021, SPS started voluntary immunization process of inmates with support of the National Center for Disease Control and Public Health (NCDC). Since December 2021, vaccination with booster doses has begun. To date, 7 972 - 85% is vaccinated, 7 487 - 80% is revaccinated, so called booster dose has been given to 2 290 inmates. Among employees 3 170 - 93% is fully vaccinated, 2 925 - 86% is revaccinated, with so called booster dose 180 employees are vaccinated. To date, the ongoing process creates opportunity to ensure exercising of inmates' right to visits without any COVID-19 restrictions.