



**Optional Protocol to the
Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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**Subcommittee on Prevention of Torture and Other Cruel,
Inhuman or Degrading Treatment or Punishment**

**Comments of Georgia on the recommendations
and observations addressed to it in connection
with the Subcommittee visit undertaken from
8 to 14 October 2023^{*, **}**

[Date received: 31 December 2024]

* The present document is being issued without formal editing.
** On 31 December 2024, the State party requested the Subcommittee to publish its comments, in accordance with article 16 (2) of the Optional Protocol.



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I. Introduction

1. The Government of Georgia welcomes the report of the Subcommittee on the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter - SPT) following its country visit back in October 2023 and the findings thereto.
2. The Government of Georgia would like to note that the report of the SPT, as per its recommendation, was distributed to all the relevant national authorities, departments, and institutions, including but not limited to those specified in the report.
3. The Government of Georgia requests the SPT to publish present responses together with the report following article 16 (2) of the Optional Protocol to the Convention Against Torture. The Government of Georgia proposes SPT to agree on the mutually acceptable date for the publication of the report. Moreover, the Government of Georgia does not object sharing information indicated in the report and the present response with the European Committee for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CPT).
4. Noting with satisfaction that no allegations of torture or ill-treatment were received by the SPT, as per paragraphs 45 and 64 of the report, the Government of Georgia reiterates its commitment to ensure the highest protection of human rights and expresses its readiness to cooperate with the SPT on these matters.

II. National preventive mechanism¹

In relation to the recommendations contained in paragraphs 22 and 24 of the report (CAT/OP/GEO/ROSP/1)

5. The Government of Georgia would like to note that the budget assigned to the Public Defender's Office has been growing annually, in particular, the funds allocated to the Office have gradually increased from 7,000,000 GEL in 2020 to 11,500,000 GEL in 2024. With the financial support of the Government, since 30 December, 2024, the Office of Public Defender is provided by a new office in Tbilisi. Furthermore, certain percentage of the annually approved budget has not been utilized in the past, as evident from the table below:

<i>Year</i>	<i>Approved budget (mm GEL)</i>	<i>Utilized budget (mm GEL)</i>
2020	7 000 000	6 373 300 (91.0%)
2021	8 500 000	6 208 700 (73.0%)
2022	8 869 000	7 899 000 (89.1%)
2023	11 775 000	11 525 200 (97.9%)

6. It is important to underline, that the state approves financial resources for the Public Defender's Office as an entire organization and does not allocate funds to the national preventive mechanism specifically – it is the sole discretion of the Office to divide resources between its departments. Likewise, the issues related to the human resources of the Public Defender's Office as well as the recruitment of the relevant professions to the Special Preventive Group are also subject to the exclusive discretion of the organisation. The selection criteria as well as the procedure to recruit the members of Special Preventive Group is determined upon the Order of the Ombudsperson.

¹ In accordance with article 16 (1) of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, which allows the communication of the observations and recommendations to the national preventive mechanism, this section of the report will be shared with the national preventive mechanism, but it will remain confidential until the State party requests to make the whole report public.

7. Additionally, according to the Organic Law of Georgia on the Public Defender's Office, the amount of salary expenses provided for the Public Defender's Office by the state budget may not be reduced compared to the corresponding amount of the previous year without prior consent of the Public Defender.

In relation to the recommendation contained in paragraph 26 of the report

8. The Government of Georgia would like to underline that the members of the National Preventive Mechanism enjoy unhindered access to the penitentiary establishments (hereinafter – the PE(s)) when carrying out their mandate. The statistics of the visits of the National Prevention Mechanism (*hereinafter – the NPM*) are self-telling:

- In 2022 – 426 visits were carried out by the representatives of the NPM and 3 visits were carried out by the Public Defender of Georgia;
- In 2023 – 457 visits were carried out by the NPM and 5 visits were carried out by the Public Defender of Georgia;
- In 2024 (as of December 20) 417 visits were carried out by the NPM and 6 visits by the Public Defender of Georgia.

In relation to the recommendation contained in paragraph 28 of the report

9. According to the Article 163 of the Rules of Procedure of the Parliament of Georgia, the report on the status of the protection of human rights and freedoms in Georgia is submitted by the Public Defender of Georgia annually. Additionally, every year Public Defender submits a report to the Parliament regarding the status of the protection of human rights and freedoms in Georgia, based on the review of which the Parliament adopts a resolution. The resolution of the Parliament contains the evaluation of the report of the Public Defender of Georgia on the status of the protection of human rights and freedoms in the country, as well as the assignments to the relevant state agencies and specific deadlines for the monitoring of their implementation.

10. The annual parliamentary report of the Public Defender of Georgia, among others, reflects the results of monitoring of the NPM, specifically the challenges identified in the monitoring process and recommendations for their solution. Human Rights and Civil Integration Committee of the Parliament of Georgia thoroughly examines and analyzes the human rights issues presented in the report and closely cooperates with the relevant state agencies and respective parliamentary committees.

11. As a result of the analysis of the information reflected in the Public Defender's report and the information presented by relevant agencies, the Committee makes a decision on sharing the recommendations issued by the Public Defender at the public committee sitting. Finally, the committee is preparing a draft resolution of the parliament, which presents the assignments issued on the basis of the public defender's report to the executive authorities. The draft resolution is considered at the plenary session of the Parliament of Georgia, which ensures the involvement of all members of the Parliament in the discussion of the issue. By the adoption of the parliamentary resolution state agencies are instructed to address the recommendations, that in turn ensures their practical implementation within specified deadlines (Article 163 of the Rules of Procedure of the Parliament).

12. The procedure for issuing relevant assignments by the Parliament of Georgia based on the revision of the report submitted by the Public Defender has been in effect since 2013. Since 2013 the annual rate of sharing the recommendations and their implementation has increased. For instance, in 2023, based on the report of the Public Defender of 2022, 277 recommendations out of the total 288 were reflected in the parliamentary resolution as instructions issued to relevant agencies. The tendency of the consideration of Public Defenders recommendations:

- 2012 – 2013 – 10,8% of the recommendations reflected in the parliamentary resolution;
- 2013 – 2014 – 13,5% of the recommendations reflected in the parliamentary resolution;
- 2014 – 2015 – 18,7% of the recommendations reflected in the parliamentary resolution;
- 2015 – 2016 – 29% of the recommendations reflected in the parliamentary resolution;
- 2016 – 2017 – 32,3% of the recommendations reflected in the parliamentary resolution;
- 2017 – 2018 – 75,2% of the recommendations reflected in the parliamentary resolution;
- 2018 – 2019 – 84,1% of the recommendations reflected in the parliamentary resolution;
- 2019 – 2020 – 88,9% of the recommendations reflected in the parliamentary resolution;
- 2020 – 2021 – 91,7% of the recommendations reflected in the parliamentary resolution;
- 2021 – 2022 – 94,1% of the recommendations reflected in the parliamentary resolution;
- 2022 – 2023 – 96,2% of the recommendations reflected in the parliamentary resolution;

13. The information on the consideration of the reports of the Public Defender of Georgia by Human Rights and Civil Integration Committee, including the number of shared recommendations, is reflected in the report of the committee and is published on the web-page of the Parliament.²

14. Moreover, during the policy-planning and law-drafting process the representatives of the Public Defender's Office and the NPM are involved and consulted. Recommendations of the Public Defender's Office and the NPM were also taken into account during the drafting of the new Penitentiary Code of Georgia.

III. Normative and institutional framework for the prevention of torture

A. Normative framework

In relation to the recommendation contained in paragraph 32 of the report

15. The Penitentiary Code was adopted by the Parliament of Georgia on December 15, 2023, and came into force in January 2024. The new Penitentiary Code of Georgia, among others, has introduced the following novelties:

- Remands are granted the right to extended visits;
- All forms of visits became completely free of charge for prisoners;
- All prisoners are eligible for higher education;
- The frequency and duration of telephone conversations are increased;

² <https://www.parliament.ge/parliament/committees/63938/documents>.

- The living conditions of the remands and convicts are equalised;
- All units of the penitentiary service are given a special status, which will equalize and improve the conditions of the staff;
- The number of persons with special rank are expanded;
- In addition to the official and rank salary, employees receive an allowance for years of service.

B. Institutional framework

In relation to paragraphs 33 and 34 of the report

16. The Special Investigation Service of Georgia (*hereinafter – SIS*) is an independent investigation body with the mission to carry out effective, prompt, and independent investigation of the violent crimes and facts of ill-treatment committed by the public servants.

17. To achieve this goal on the 1st of March 2022, an investigative service independent from all the other public bodies was established replacing the State Inspectorate Service, an agency with a combined mandate of investigating crimes related to ill-treatment and the oversight of the lawfulness of the personal data processing.

18. Following its establishment, the mandate of the SIS has expanded covering not only cases of ill-treatment committed in the course of official duties, but also violent crimes committed by law enforcement officers that are not related to the performance of official duties, as well as crimes related to the freedom and inviolability of private life, interference in journalistic activities, persecution and restriction of freedom of speech and etc.

19. To further strengthen the implementation of its mandate, the 3rd Specialized Division was formed under the Investigation Department of the Service in March 2023. The goal of the new Division is to take the necessary measures to ensure prompt and effective investigation following the broadening of the investigative jurisdiction of the Service. The creation of the new Division allows the Investigation Department to have specialized investigators, focused on the investigation of the disclosure of secrets of private life and crimes related to discrimination and allows the Service to fully use available resources for the investigation of the facts of ill-treatment and other crimes committed by the law enforcement officials, preventing the risk of getting diverted from the central goal of the Service – fighting against ill-treatment.

20. Apart from that, on January 23, 2023, the Special Council for the Prevention of Certain Official Misconduct Crimes (*hereinafter – the Council*) was established under the SIS. The mission of the Council is to ensure that the fight against ill-treatment is carried out in accordance to the unified policy and is supported by close cooperation between the relevant agencies. To achieve this goal, the SIS has concluded the Memorandum of Cooperation with the Prosecutor's Office of Georgia (*hereinafter – POG*), Ministry of Justice of Georgia (*hereinafter – MoJ*), Ministry of Internal Affairs of Georgia (*hereinafter – MIA*), and State Security Service (*hereinafter – SSS*).

21. The SIS has also developed a guideline on the qualification of the facts of torture and ill-treatment. The presentation and the discussion of the instrument was carried out in an inclusive manner with the participation of the representatives of the Public Defender's Office, nongovernmental organizations, and academia. This instrument ensures the establishment of the uniform practice and reduces the risk of misqualifying torture and ill-treatment cases.

22. It is also worth mentioning that SIS has approved the guiding instrument on the provision of access to the criminal case materials and the provision of information to the victims of ill-treatment, which allows each potential victim, without the legal status of the victim, to have access to criminal case materials and to familiarize themselves with the case. This approach ensures trust into and transparency of the investigation process.

In relation to paragraphs 35, 36, 37 and 38 of the report

23. The Administrative Offences Code of Georgia has undergone numerous amendments to align with the Article 6 of the European Convention on Human Rights and, ensure fair legal proceedings.

24. The European Court of Human Rights (ECtHR) has assessed the measures undertaken by the Government of Georgia within the framework of Administrative Offences Code of Georgia in various cases. In particular, in the following cases the Court concluded that imposition of fine or application of administrative detention was in compliance with the European Convention.

25. In *Makarashvili v. Georgia* the applicants, among others, criticized the administrative procedural law. The European Court did not consider that the absence of a prosecutor in the administrative-offence proceedings against the applicants, in and of itself, undermined the objective impartiality requirement under Article 6 of the Convention. Consequently, the European Court did not adopt the applicants' position concerning the alleged legislative deficiency. Furthermore, within the administrative proceedings the Court did not find a violation of Articles 6 and 11 in respect of the first and third applicants:

- In *Japaridze v. Georgia* the applicant complained that he had not been informed in detail of the nature and cause of the accusation against him on account of the fact that the administrative-offence report had been couched in general terms and did not, in any event, refer to the events at the police station. He also complained that his right to have adequate time and facilities for the preparation of his defence had been breached because he had not been given access to the case file before the trial and the trial had been carried out by means of expedited proceedings;
- The European Court stated that the imposition of a fine on the applicant for violating public order, disobeying the instructions of police officers, and insulting them, and the subsequent court proceedings, were in full compliance with the standards established by the European Convention which overall demonstrates compliance of practice with ECHR.

26. Furthermore, Ministry of Justice will elaborate the new Administrative Offence Code, which will be in the top of the pipeline in 2025.

27. Notably, administrative detention by the police is employed only in extreme cases, such as gross violations of public order, disobedience to a police officer, or offensive actions toward law enforcement representatives. The purpose of detention is to maintain public order during gatherings and to remove individuals who commit violent acts from the area.

28. A person detained under administrative detention must be brought before the court as soon as possible, but no later than 24 hours after detention. This period may be extended once, by no more than 24 hours, for the purpose of obtaining evidence.

29. It should be noted that, according to the regulation valid until 2021, the maximum period of administrative detention for committing an administrative offense was set at 12 hours (Article 247 (1) of the Administrative Offences Code of Georgia). Additionally, if the period of administrative detention coincided with non-working hours, the total period of detention was set at 48 hours (Article 247(2) of the Administrative Offences Code of Georgia). According to the decision N2/4/1412 of the Constitutional Court of Georgia dated December 29, 2020, ("*Irakli Jugheli v. Parliament of Georgia*"), Article 247 (2) of the Administrative Offences Code of Georgia was declared unconstitutional in relation to Article 11 (1) (right to equality) of the Constitution of Georgia. The Court reasoned that such a regulation unlawfully restricted the right to equality for persons who were essentially in the same situation. Following this decision of the Constitutional Court, the term of administrative detention was set at 24 hours. This period may be extended once, for no more than an additional 24 hours, in order to obtain evidence. The competent authority may place the arrested individual in a temporary detention isolator before their court appearance.

30. During administrative detention, the arresting officer is obliged to explain to the detainee, in an understandable manner, the administrative offense they have committed and

the grounds for their detention. The officer must also provide information regarding the right to legal representation and, if the detainee wishes, notify the relative they have named of their arrest and location, as well as inform the administration of the detainee's place of work or study. Any statements made by the detainee prior to receiving this explanation are considered inadmissible as evidence. In the case of a minor's administrative detention, the minor's parent or legal guardian must be notified as soon as possible.

31. The legality of the detention is examined in an open court session attended by the detainee and their chosen representatives. The burden of proof lies with the police officer, who is required to present all necessary evidence to the court. The police provide witness statements, including from neutral witnesses, and video recordings from various sources such as media outlets, street surveillance systems, and body cameras. Therefore, the court's decision is based on the analysis of presented evidence. Additionally, if a person is acquitted after the case is reviewed or if the detention is found to be unlawful, they may be entitled to compensation for moral damages.

32. It is noteworthy that the European Court of Human Rights has addressed the practice of administrative detention in the case *Makarashvili and others. v. Georgia*, where the Court found compliance with international standards. Specifically, the applicants in this Case challenged the government's restrictions on the right to assemble during a demonstration near the Parliament building and their subsequent detention. The Court examined the case in the context of freedom of assembly and the right to a fair trial. The Court highlighted that certain forms of protest, such as blocking the entrances to the Parliament building, sitting in the path of the Parliament, and obstructing police activities, constituted serious public order violations that exceeded minor infractions and disregarded the importance of the Parliament's effective functioning in a democratic society. The Court found that the Georgian authorities demonstrated sufficient tolerance towards the demonstrators. Furthermore, in reviewing the procedures related to the administrative offence, the Court noted that the applicants' recognition as offenders was based not only on police testimony but also on video evidence presented. Consequently, the Court concluded that the right to a fair trial was not violated during the administrative proceedings.

33. Furthermore, in the past two years, Georgia has seen a decline in the number of offences under Articles 166 (Disorderly conduct) and 173 (Non-compliance with a lawful order) of the Administrative Offences Code. Specifically, in 2022, the MIA identified 6,414 incidents under these Articles, resulting in the following court outcomes:

- Fines in 3,945 cases (61.5%);
- Verbal warnings in 1,793 cases (28%);
- Imprisonment in 412 cases (6.5%);
- Acquittals in 264 cases (4%).

34. In 2023, the number of incidents under these Articles decreased to 5,307, a reduction of 1,107 cases (17.25%) from the previous year. The court imposed the following sanctions:

- Fines in 2,773 cases (52.3%);
- Verbal warnings in 1,782 cases (33.6%);
- Imprisonment in 460 cases (8.7%);
- Acquittals in 266 cases (5%);
- Ongoing cases in 26 cases (0.4%).

In relation to paragraphs 39 and 40 of the report

35. The Local Council of the Special Penitentiary Service (hereinafter – the SPS) is a body that reviews issues related to the release of convicts on parole and commutation of sentences. The number of the Councils and territorial jurisdiction are determined by an Order of the Minister of Justice and are as follows:

- (a) The First Local Council of East Georgia;
- (b) The Second Local Council of East Georgia;
- (c) The Local Council of West Georgia;
- (d) The Local Council for Juvenile Cases;
- (e) The Local Council Reviewing the Cases of Convicted Women.

36. Multidisciplinary approach guides the work of the Local Council, to that end the Local Council consists of five members: one employee of a structural subdivision within the civil division of the SPS; one employee of the National Agency for Crime Prevention, Execution of Non-Custodial Sentences and Probation (hereinafter – Agency); one representative from the High Council of Justice of Georgia; one representative from non-governmental organisations; one representative from general and higher educational institutions.

37. When discussing the substitution of the remaining part of the sentence with a less severe penalty and the release of convicts on parole, the Local Councils guide with Articles 72 and 73 of the *Criminal Code of Georgia*, as well as Articles 90-92 of the *Penitentiary Code*, and the criteria provided by the Order №320 of August 7, 2018, issued by the Minister of Justice of Georgia „*On approving the rules of assessment and decision-making regarding the release on parole by the Local Councils of the Special Penitentiary Service – a state sub-agency within the system of the Ministry of Justice of Georgia*”, in particular:

(a) The character of the crime – when assessing this criterion, attention should be paid to the gravity of the crime, under the circumstances it has been committed, and whether it was during the period of conditional sentence;

(b) The behavior of the convicted person during his/her service of sentence– when assessing this criterion, attention should be paid to the number and types of disciplinary, administrative and incentive measures applied to the convicts, as well as the action which prompted such decisions; At the same time, it should be taken into account whether the convict has adhered to the regulations and the daily schedule of the penitentiary institution, to the duties set out in Georgian legislation and the legal regime of the institution;

(c) The fact of committing a crime by him/her in the past, his/her criminal record – when assessing this criterion, attention should be paid to the fact, the number of times and the gravity of a crime committed by the convict in the past; In addition, the number of times the person has been convicted before and the type and gravity of those crimes;

(d) Family circumstances– when assessing this criterion, attention should be paid to the attitude of the convict towards the members of his/her family, whether he/she has children who are minors, a family member that is disabled, as well as the financial situation of close relatives, etc.;

(e) Personality of the convicted person– when assessing this criterion, attention should be paid to the attitude of the convict towards the crime committed, towards the workers at the facility and other inmates, as well as the information regarding the participation in social activities during the sentence, his/her requirement of special supervision by the administration of the facility and other significant matters that allow for the assessment of the person.

38. There have been numerous instances of taking into account the position of the victim by the members of the Council, since the relations between the offender and the victim is of great importance, primarily so that it does not facilitate the commission of a new crime based on revenge. Accordingly, analysis of the tense relationship between the offender and the

victim is used as a mechanism of prevention. However, it must be noted that the position of the victim is not included in the list of criteria as a guiding standard for making a decision on parole or replacing the remaining sentence with a less severe one.

39. In addition, attention is paid to the facts of the compensation for damages by the person convicted for financial offences, his/her attempts during the service of sentence at compensating in some form for the property damage or whether he/she is willing to do so after the release.

40. It should also be taken into consideration what kind of attitude the convict has towards the committed offence and whether he/she feels remorseful. There are often cases, when the convict does not admit to the crime committed and/or deliberately avoids providing correct information to the members of the Council about the factual circumstances of the case. It also draws attention to whether the crime has been committed during the period of conditional sentence, or whether the benefits provided by the law have been used in the past, which would prove that the incentive measures could not change his/her behavior and resulted in a new offence; In addition, it focuses on the return of the convict into custody as a result of not fulfilling the duties imposed on him/her by the Agency, the number of times and the reason he/she has failed to fulfil them.

41. Participation in social activities is another matter taken into account - if the convict has not taken part in social activities, the members of the Council have trouble discussing the positive changes in his/her behavior or the efficacy of the resocialization after his/her release, given that participation in rehabilitation programs ensures the positive change, the decrease of the risk of repeated commission of the crime, and the achievement of the goals of the sentence. However, this criterion is never considered the primary and sole reason for rejection.

C. Overarching issues

In relation to paragraphs 41, 42, 43 and 44 of the report

Infrastructure Projects

42. The development of the penitentiary and crime prevention systems in accordance with the highest European and International Standards has become the key priority for the Government of Georgia and the MoJ, in particular. The vision of forming the penitentiary system aims at ensuring existence of the well-functioning and transparent systems that are predicated on the concepts of effective implementation of penalties, protection of rights and dignity of prisoners and promotion of their re-entrance into society.

43. While the issue of overcrowding does not represent a widespread problem in the Georgian penitentiary establishments (the overall capacity of Georgian penal system is 12332, while as of December 20, there are 9193 remands/convicts), the Government of Georgia acknowledges that this represents a challenge in a number of the cells in several of the institutions. The improvement and modernization of the prison infrastructure, as well as, the prevention of the future reoffending, by way of supporting inmates' resocialization-rehabilitation, is viewed by the MoJ as a key to overcome shortcomings. To that end, the following infrastructure projects have been implemented and are currently in progress:

44. In November 2023, the new prison in Laituri was opened. This is a mixed-type prison facility for 700 inmates. Laituri infrastructure takes into account the specific and individual needs of inmates and creates a venue for advanced rehabilitation and resocialization approaches. Notably, the infrastructure of the Laituri Penitentiary Institution is divided into as many wings as possible to effectively manage a smaller number of prisoners and facilitate the resocialization and rehabilitation process. Specifically, the institution has the following isolated wings for the placement of prisoners:

- (1) De-escalation and solitary confinement wing;
- (2) Resocialization and rehabilitation programs wing;
- (3) Medical wing (including medical wards);

- (4) Residential wing for persons with disabilities;
- (5) Residential isolated wings for convicts/accused persons, a total of 12 wings (with no more than 68 prisoners in each wing);
- (6) Four wings designated for sports activities.

45. No more than two prisoners are placed in each cell. The area of the cell is 18 m², including 4 m² for the bathroom, which is equipped with a shower. Each wing has individual walking areas. The size of these areas and the division of the space into wings allow, on the one hand, for the effective management of the institution, and on the other hand, for the creation of separate, isolated living conditions for the accused/convicted:

- The construction of the new small-scaled prison in Rustavi is underway, which will be designed for 150 inmates and will be opened in 2025;
- The prison N9 was closed;
- Old prison facilities were renewed and refurbished, including:
 - Sports fields and other sports spaces were constructed/renovated and equipped with relevant infrastructure for staff and inmates;
 - Medical rooms were renovated and equipped with necessary infrastructure;
 - Opened cafeterias for the staff;
 - Renovated recreational spaces/rooms for staff;
 - Constructed receptions in PEs;
 - Specially designed living spaces were constructed for minors in PE N5;
 - Spaces for libraries were also renovated;
 - De-escalation cells were constructed/renovated;
 - The vast majority of the cells were renovated/painted;
 - Long-term visitation spaces were projected in PE N10 and equipped.
- In 2025:
 - PE N14 and the Regime Block of the PE N8 will be renovated;
 - The new canteen in PE N17 will be opened;
 - The administrative block of PE N15 will be renovated;
 - Renovation of the 1st block of PE N14 will be finalized.

Rehabilitation and Resocialization

46. In addition to the improvement of the material conditions in the penitentiary system, special attention is paid to the diversity and quality of the rehabilitation programs for inmates. For that aim, back in 2018 the Department of Rehabilitation and Resocialization was established.

47. The involvement of the convicts in rehabilitation services and activities within a penitentiary institution is carried out using two main approaches:

- Demand and need-oriented model: Convicts are informed about the planned activities. This information is provided in segments, taking into account the institution's regime, infrastructure, and human resources. Upon request, convicts are involved in various rehabilitation programs and activities;
- Incident management, risk, need, and response-oriented model: A multidisciplinary approach is used in the case management process to assess the convict, determine the level of recidivism risk, and evaluate potential harm. Based on this assessment, an individual plan for serving a sentence is created, considering the convict's identified needs, and the convict is involved in targeted rehabilitation activities. Participation in case management is voluntary.

48. Currently, case management has been implemented in all penitentiary institutions, regulated by Order No. 502 of the Minister of Justice of Georgia “On the Approval of the Procedure for the Assessment of Risks and Needs, as well as the Preparation, Implementation, and Monitoring of Individual Plans for the Resocialization and Rehabilitation of Adult Convicts and Former Prisoners (Case Management Procedure)”.

49. In terms of resocialization and rehabilitation of convicts, 21 psychosocial rehabilitation programs, as well as psychosocial trainings have been implemented in the penitentiary system. The system constantly updates programs and creates new programs based on the identified needs of convicts. Each program is implemented by social workers and psychologists of the Resocialization and Rehabilitation Department in both individual and group formats. At this stage, the implementation of the Positive Parenting Program is underway, and work has begun on the following programs: Rehabilitation Program for Alcohol Dependent Persons, Behavior Correction Program for Persons Convicted of Sexual Offenses, Occupational Therapy, and DBT (Dialectical Behavioral Therapy).

50. The MoJ and the SPS continue to promote vocational education and employment opportunities within penitentiary system. The SPS, in collaboration with the Vocational Education and Training Center for Convicts (*hereinafter – the VETCI*), runs employment and education programs tailored to the interests and needs of the prisoners. In close cooperation with the Ministry of Education and its affiliated colleges, the VETCI and the SPS offer convicts a variety of training courses, like culinary arts, agriculture, IT courses, graphic design courses, driving license courses, foreign language studies and etc. Employment opportunities are provided in areas such as agriculture, beauty salon, bakeries, sewing enterprises, canteens, individual activities (making handicrafts), recreation, sanitation, vegetable growing, greenhouses, digitalization and etc. Within the penitentiary system, convicts acquire new professions and undergo retraining in various fields, which helps them reintegrate into society and secure financial independence after leaving the institution. Moreover, VETCI opened a store „RE-MARKET” that sells products produced by the convicted persons. The number of the inmates’ involvement in various rehabilitation activities is increasing annually.

Type of activity	2019	2020	2021	2022	2023	30.11.2024
Phsyco-social rehabilitation programs	408	146	203	748	1 390	1 124
Phsyco-social trainings	830	23	232	1 076	1 022	1 447
General Education	109	135	113	128	172	205
Higher Education	57	82	73	75	78	109
Professional Education	1 092	97	506	616	746	739
Cultural events	863	420	178	1509	1 850	1 608
Sport Activities	358	143	530	682	735	806
Other type of rehab activities	289	374	222	255	808	508
Employment/recreation	952	1 207	1 137	1 373	1 653	1 712
In total	4 958	2 627	3 194	6 462	8 454	8 258

51. Supporting events are also systematically organized in the system. Meetings are held with famous people from various fields, public figures, musical groups, sports representatives, and writers. Moreover, sports competitions, intellectual games, theatrical performances, concerts, and other cognitive or supporting activities are held.

52. Apart from that, in 2022 the Minister of Justice of Georgia approved Sports Management Strategy, which aims to involve remands/convicts into sports activities and support their physical recovery and healthy lifestyle. The strategy facilitates their reintegration-resocialization during imprisonment and after release, ensures the prevention from addictive behavior, and creates employment possibility. The strategy focuses on the development of sports infrastructure and equipment, the establishment of sports clubs, and

the organization of sports festivals, which increase the interest and participation of accused/convicts in sports activities. The sports management strategy is being gradually implemented in all penitentiary institutions. Regular training and retraining of convicts as coaches (which will facilitate their employment during their stay in the institution and after their release) in various sports are being carried out in Penitentiary institutions No. 5, 11, 12, 15, 16, 17.

53. Aimed at facilitation of the rehabilitation of the prisoners, the following innovations are in progress or have already been introduced in the penitentiary system:

(a) Development of a Concept for Release Preparation - The SPS has begun working on developing a concept for preparing prisoners for release. The primary goal of this concept is to equip prisoners with the skills required for future employment and to identify vocational, employment, and rehabilitation programs available both before and after their release from prison;

(b) Education – “The Digital University” has been operating in penitentiary institutions since 2022. Education at the “Digital University” is fully funded by the state. The project ensures access to education for inmates, offering them the opportunity to participate in university courses remotely. They can attend lectures online and engage in direct and interactive communication with lecturers. The goal of the Digital University is to provide quality higher education to incarcerated students to aid in their rehabilitation and resocialization. Digital education has currently been implemented in PEs N1, N2, N4, N11, and N16. The Digital University will be gradually introduced into all of the prisons. It is worth noting that the Georgian innovation “Digital University” was recognized as one of the top three projects out of 27 at the 2024 “Prison Achievement Awards” by the European Organization for Prison and Correctional Systems (EuroPris);

(c) Public Service Halls in Penitentiary Institutions - On June 12, 2023, the MoJ of Georgia introduced a new international innovation for prisoners: Public Service Halls in Penitentiary Institutions. The main idea behind this innovation is to further expand the opportunities for the rehabilitation and resocialization of prisoners and to create a unique platform for an efficient and simplified service delivery mechanism. Currently, this innovative project operates in the following penitentiary institutions: N5, N10, N16, N8, N1, and N2. Penitentiary staff have access to all services of the House of Justice, while convicts have access to more than 50 services.

Elimination of the so-called “Informal Hierarchy”

54. Since 2012, the Government of Georgia has taken a number of steps to combat organized crime. The most significant of these steps are the legislative changes that criminalize not only the membership in the “criminal underworld”, but also supporting or appealing to it.

55. SPS manages each penitentiary institution in accordance with legal requirements, and there is no informal management of any institution by prisoners. SPS responds promptly and strictly to every illegal action or even the attempt, isolating individuals in similar categories from the rest of the contingent.

56. In accordance with the Order of the Minister of Justice of Georgia “On the types of risk of a convicted person, risk assessment criteria, the rules for risk assessment and reassessment, the rules and conditions for transferring a convicted person to the same or another type of prison facilities, as well as the rule for determining the activities and powers of the risk assessment team for convicted persons”, the risk assessment team determines the high risk of danger for those convicts who have any connection with the so-called “criminal subculture”. Based on these risks, they are placed in a special risk prison, where the convict is placed in a cell, and visual and/or electronic surveillance and control are carried out. In a special-risk prisons, a convict is usually placed in a single or double cell.

57. Furthermore, the risks posed by the convict to the safety of others, society, the state, and/or law enforcement agencies are determined by factors such as their personal qualities, motive for committing the crime, the resulting illegal consequences, behavior demonstrated within the institution, attitude towards institutional staff and other inmates, compliance with

the institution's regulations and daily schedule, addiction to alcohol, narcotics, and psychotropic substances, prior criminal history, category of the committed crime, remaining duration of the sentence, instances of escape or attempted escape, previous time served in the institution, age, affiliation with terrorism, participation in rehabilitation or resocialization programs, and assessment of self-harm or attempts that may threaten the normal functioning of the institution. This evaluation also considers the use of incentives, disciplinary punishment, or administrative detention.

58. The MoJ and the Penitentiary Service are continuously working on infrastructure renovation, with the goal of eventually closing down outdated "zones" and replacing them with new, smaller penitentiary institutions.

59. As for symbols within institutions or on the infrastructure, their removal is continuously carried out by the service during infrastructure renovations. Regarding so-called "thieves' tattoos", the service is not able to control the tattoos on any individual's body. Furthermore, under Georgian legislation, wearing any kind of tattoo does not carry legal consequences, and therefore, a person cannot be transferred to a closed or special-risk institution solely due to having a tattoo. It is also worth noting that the service periodically offers prisoners the option to have unwanted tattoos removed, which is voluntary.

Expanding and Strengthening the Staff of the SPS

60. Increasing the number of personnel, improving the working conditions, and enhancing their qualifications is an important priority for the MoJ and the SPS. To achieve this, measures to develop the working environment are taken constantly, including but not limited to the following.

61. Labor remuneration increases on an annual basis:

- 2021: 13%;
- 2022: 15%;
- 2023: 21%;
- 2024: 28% (This includes a 10% salary increase and a long-service bonus, effective from January 1st, 2024, resulting in a total increase of 28% compared to 2023. An additional 10% salary increase is planned for 2025).

62. Provision of transportation, meals, and health insurance:

- The Penitentiary Service also provides transportation for all of the employees free of charge;
- The new food provision program has been in effect since 2023. Special dining areas and kitchens have been established for employees in all penitentiary institutions. Employees working an 8-hour shifts are provided with one meal, while those on a 24-hour shift receive three meals;
- The state provides health insurance for employees of the penitentiary system. The MoJ of Georgia initiated a rule on providing financial assistance to employees of the Ministry's system in case of a serious illness (up to 25,000 GEL in total during the year). It has been in effect since November 7, 2023. The rule applies if the treatment is not/partially financed by private/state insurance.

63. Additional and regularly updated social benefits - Since May 9, 2024, additional social security guarantees for employees came into effect, including one-time financial assistance in the event of marriage, childbirth/adoption, or the death of a family member.

64. Continuous professional development – Aimed at improving the capacity of the employees of the SPS the new Saakadze Training Base was established in 2023. The Saakadze Training Base is equipped with all the necessary means for the universal and specific trainings of the SPS staff, including a shooting and driving range, auditoriums, sports fields, conference spaces, co-working rooms, a gym, running tracks, a simulation training center, a training courtroom, training prison cells, a medical station, hotel rooms, a canteen and other required spaces.

65. The SPS actively implements continuous trainings and qualification improvement programs for the staff to ensure the provision of various services aimed at protecting human rights in the penitentiary system. Newly hired employees undergo universal training developed (which is mandatory course for all new comers) in accordance with the recommendations of the Council of Europe. This training covers topics such as state governance, public security, monitoring and protection of personal data, resocialization and rehabilitation of convicts, case management within the penitentiary system, special categories of prisoners, juvenile justice, human rights, medical services in the penitentiary system, basic first aid, and etc.

66. Since 2019, trainings have been periodically conducted covering dynamic security issues, and representatives of the managerial positions of all penitentiary institutions have been trained. In total, 164 employees of the SPS have been trained since 2019.

67. Intensive training of employees is underway through various training programs focusing on gender, juveniles, and other vulnerable groups. All employees who are in contact with juvenile accused/convicts have been trained in juvenile justice.

68. Professional trainings are also conducted for the employees of various units. The number of employees trained under various training programs since 2019 is as follows:

- 2019: 866 employees;
- 2020: 312 employees;
- 2021: 983 employees;
- 2022: 993 employees;
- 2023: 1,701 employees;
- As of December 20, 2024 - 1,319 employees.

69. An updated working environment and sports infrastructure - New modern sports facilities, including basketball and football courts and a gym, have been built to encourage employee participation in various sports events. Training areas and modern infrastructure, including recreational areas, have been organized in penitentiary institutions for employees. The Service provides employees with different seasonal uniforms.

70. On January 1, 2024, a new Penitentiary Code came into force, further improving the conditions for employees.

71. All of the units of the Penitentiary Service were granted special status, which equalizes and improves the working conditions of every employee.

72. The group of individuals with special ranks was expanded.

73. To facilitate the recruitment of new employees, the SPS systematically announces public competitions to fill vacant positions. These competitions are posted on the official website of the LEPL "Public Service Bureau" (www.hr.gov.ge). The job postings include detailed information about the salary, main duties and responsibilities, qualification requirements, and other necessary details. Moreover, to ensure further accessibility to the information, a career page has been added to the official website of the SPS, where individuals can apply for job vacancies.

74. All of the above mentioned measures are converted into the positive tendency of gradual rise in the number of the employees in the SPS, in particular from 2019 until September 2024, the total number of employees in the SPS has increased from 3341 to 4054:

- 2019 – 3341 employees;
- 2020 – 3155 employees;
- 2021 – 3431 employees;
- 2022 – 3508 employees;
- 2023 – 3756 employees;
- December 20, 2024 – 4054 employees.

Alternative Punishments

75. On September 17, 2024, the Parliament of Georgia adopted a new law “On Amnesty” (published on September 27, 2024). Since the adoption of the law, 933 convicts (as of December 20, 2024) have already been released. In total, the amnesty will apply to about 5,500 convicts.

76. Apart from that, a growing trend in the imposition of alternative punishments for convicted individuals is observed by the Courts, specifically:

- In 2020, out of a total of 12 980 convicted individuals, alternative punishment was imposed on 9 644 individuals, constituting 74% of the convicted individuals;
- In 2021, out of a total of 15 412 convicted individuals, alternative punishment was imposed on 11 910 individuals, constituting 77% of the convicted individuals;
- In 2022, out of a total of 18 850 convicted individuals, alternative punishment was imposed on 14 722 individuals, constituting 78% of the convicted individuals;
- In 2023, out of a total of 18 547 convicted individuals, alternative punishment was imposed on 14 420 individuals, constituting 78% of the convicted individuals;
- Within the initial 11 months of 2024, out of 15 524 convicted individuals, alternative punishment was imposed on 11 838 individuals.

77. The percentage of the Prosecutors’ requests to the Courts for the imposition of the imprisonment as a preventive measure has shown decreasing trend in the recent years, specifically:

- In 2020 the imprisonment was requested for 44,9% of the accused persons;
- In 2021 the imprisonment was requested for 38,0% of the accused persons;
- In 2022 the imprisonment was requested for 32,6% of the accused persons;
- In 2023 the imprisonment was requested for 32,6% of the accused persons.

78. It should also be emphasized that in recent years, the Prosecutor’s Office of Georgia has been actively implementing alternative means of prosecution - diversion, both for adults and juveniles. In 2022, guidelines were developed for the employees of the Prosecutor’s Office, and as a result, the number of diversions significantly increased. In 2022, diversion was applied to 3031 adults, and in 2023 to 3550 (over 21 years of age). These individuals had committed less serious crimes, including negligent and non-violent offenses, for whom a non-custodial preventive measure would have been imposed if a decision to prosecute had been made. Similarly, the use of alternative prosecution mechanisms for individuals aged 14 to 21 has also increased.

79. To provide a comprehensive view of the criminal justice implemented by the Prosecutor’s Office, it is essential to include cases of alternative prosecution methods in the total number of non-custodial preventive measures. This will allow for a clearer comparison of the percentage of custodial and non-custodial preventive measures, reflecting the increasing use of diversions alongside non-custodial measures. This approach better illustrates the Prosecutor’s Office’s liberal policy toward individuals committing less serious, non-violent, and negligent crimes.

80. As for the approach to juveniles, the prosecutor’s Office policy has been even more liberal regarding the request for preventive measures. Statistical data shows that since 2014, the lowest rate of requesting a preventive measure was recorded in 2023, which is 25.3% (the rate of requesting a preventive measure in 2021 was 37.8%, in 2022 – 30.8%). When calculated from the total number of accused minors (for whom the prosecutor requested any type of preventive measure) and diverted minors, the rate of requesting imprisonment in 2023 did not exceed 8%. This rate was 12.3% in 2021, and 7.9% in 2022.

IV. The situation of persons deprived of their liberty

A. Police

1. Allegations of torture or ill-treatment

In relation to paragraphs 45 and 46 of the report

81. It is noteworthy, that every individual detained in the Temporary Detention Isolator (hereinafter – the TDI) has a right to file complaints on any issue, including illegal detention, as well as physical and verbal abuse by police officers. Each such complaint is forwarded to the appropriate agencies for further action (complaints regarding physical abuse are sent to the Special Investigation Service, while those concerning verbal abuse and illegal detention are directed to the Prosecutor’s Office).

82. Besides, in accordance with the Order №1/312 of the Minister of Internal Affairs of Georgia “On the approval of the rules of operation of duty units in the system of the MIA of Georgia” information about detained persons submitted to the police unit is recorded in the “Registry of Detained Persons” journal. Recorded information in journal includes the date/time of entry/exit of the detained person, to/from police units.

83. Besides, protocol for placement of a person to the temporary detention isolators, also protocol for removal from, return to and the release from temporary detention isolator contain information about the date and time of entry/exit of the detained person, to/from the isolator.

84. Placement and the duration of the period required for the placement of detained person in the isolator depends on the availability of the isolators.

2. Fundamental legal safeguards

In relation to paragraphs 47, 48 and 49 of the report

85. In accordance with the legislation of Georgia, legal proceedings are carried out in the Georgian language. Participants of the proceedings who do not have command of the Georgian language are assigned an interpreter. An interpreter is obliged to appear upon a summons of the body (official), and provide full and accurate interpretation. Thus assigned interpreters, ensure that all detainees are duly informed of what they sign.

In relation to paragraphs 52 and 53 of the report

86. Enhancement of the technological capabilities within the MIA is an important priority. The use of body-worn cameras is regulated by Article 14 (1) (e) of the Normative Order No. 1310 of the Minister of Internal Affairs of December 15, 2005, “On the Rules for Carrying Out Patrols by the Patrol Police of the MIA of Georgia.” According to this regulation, patrol officers are permitted to use technical means for recording video and audio to maintain public order, address law violations, protect the rights of citizens and officers, and ensure a thorough and objective investigation. Article 121 of this Order stipulates that footage recorded by patrol officers using body-worn cameras is stored on a special server managed by the officer responsible for the body-worn camera. The data is retained for 30 days and processed in accordance with Georgian legislation.

87. Taking into consideration that wearing a body-worn camera can be beneficial but also impose risks of interference with the areas protected by the human rights and freedoms the MIA has conducted a research on international practices in this regard. Analysis of the international practice confirmed that there is no uniform global standard and no legislation mandates the recording of every interaction with a citizen, the practice varies based on specific circumstances. The practice of using body-worn cameras in Georgia aligns with the practice implemented by other states.

88. As for the installation of the video cameras in the police vehicles, since these vehicles are considered workplace of the employees of the MIA, the legal framework governing workplace video surveillance in Georgia, as outlined in Article 10 (3) of the Law of Georgia „On the Personal Data Protection“, permits such surveillance only in an exceptional circumstance. The legislation imposes strict limits on monitoring employees' workplace, making it challenging to balance the goals of surveillance with privacy considerations.

3. Registers

In relation to the recommendation contained in paragraph 55 of the report

89. The data on the persons placed at the TIDs is provided to Monitoring Department every 24 hour. This data includes information on injuries, self-harm, deaths, suicides, and suicide attempts. All such data is promptly recorded in a specialized electronic database, allowing the identification of specific detainees associated with particular incidents.

90. It should be noted that any person placed in the isolator undergoes medical examination before being placed in a cell. The inspection of individuals to be placed/placed in isolators is conducted using a special form developed in accordance with the Istanbul Protocol.

91. Additionally, individuals held in isolators have the right to file complaints on any issue, including illegal detention, as well as physical and verbal abuse by police officers. Each such complaint is forwarded to the relevant agency for further action (complaints regarding physical abuse are sent to the Special Investigation Service, while those concerning verbal abuse and illegal detention are directed to the Prosecutor's Office).

B. Penitentiary institutions

1. General remarks

In relation to paragraphs 58 and 59 of the report

92. Information concerning infrastructure projects, rehabilitation programmes, capacity-building of the prison staff and alternatives to detention is provided under paragraphs 41-50 and 57-75 of the present report.

In relation to paragraphs 60 and 61 of the report

93. In a mixed-type penitentiary institution the accommodation of remands and convicts is carried out in accordance with Article 33 of the Penitentiary Code, according to which in a mixed-type penitentiary institutions remands should be isolated from convicts, at least by a separate living areas.

In relation to paragraphs 62 and 63 of the report

94. According to the statutes of the PEs, upon the admission to a penitentiary institution, the accused/convict, after passing the relevant procedures, taking into account his/her individual characteristics, is placed in an internal classification cell, where he/she is observed and studied for the purpose of allocation to the appropriate cell, as well as, from an epidemiological point of view – for the isolation of persons suspected of various communicable diseases (prior to diagnosis).

95. The decision on the allocation of the remand/convict to a special cell is made by the director of the institution, taking into account the personal qualities of the accused/convict, the facts of his/her past crimes, the nature of the crime charged/the nature of the crime

committed, the motive, the purpose, the expected result, the risk of re-committing the crime and other circumstances that may influence the decision of the director of the institution.

2. Allegations of torture and ill-treatment

In relation to paragraphs 66 and 67 of the report

96. In the vast majority of the cases the convicts request to be transferred from a closed-type penitentiary institution to a semi-open penitentiary institution and not vice versa. However, for the security reasons, transfers from a semi-open-type penitentiary institution to a closed-type penitentiary institution are made on the basis of a motivated letter of the director of the penitentiary institution.

97. In 2024 (as of December 20) under Article 52(4)(c) a total of 198 convicts have been transferred from a semi-open institution to a closed institution for the security reasons.

98. Apart from the trainings addressed above, multidisciplinary teams involved in the risk assessment issues are actively being retrained under the training on “case management and multidisciplinary work”, which also includes the topic of risk and needs assessment. Since 2022 74 employees were trained specifically on the abovementioned issues, while 493 employees of the SPS have been trained on the risk and needs assessment under Universal Training carried out in the SPS.

99. In 2024 (as of December 20) 567 employees of the SPS were retrained on the matters related to the case management and multidisciplinary work.

In relation to the recommendation contained in paragraph 68 of the report

100. According to Article 139 (6) of the new Penitentiary Code if the physical injuries to an accused/convict are observed while providing medical services in a penitentiary institution, the medical personnel is obliged to immediately notify relevant investigative body. If while providing medical services to an accused/convict, the medical personnel notices any physical injuries or/and other circumstances that would raise suspicions of possible torture or other cruel, inhuman, or degrading treatment of the patient, the medical examination of the accused/convict shall be carried out even without his/her consent.

101. The procedure for recording injuries to the accused/convict as a result of possible torture or other cruel, inhuman, or degrading treatment in a penitentiary institution is defined by the Order of the Minister of Justice of Georgia of November 30, 2020 “On the Approval of the Procedure for Recording Injuries of Accused/Convicted Persons as a Result of Possible Torture and Other Cruel, Inhuman or Degrading Treatment in Penitentiary Institutions”.

102. The training program on the “Documentation (Photography) of Injuries of Accused/Convicted Persons as a Result of Possible Torture and Other Cruel, Inhuman or Degrading Treatment in Penitentiary Institutions” was updated in accordance with the abovementioned ministerial Order and since 2021 medical personnel employed in various penitentiary institutions have been retrained.

103. The cases of the alleged ill-treatment from the penitentiary staff are referred to the SIS, while reports on incidents occurring in a penitentiary institution related to the inter-prisoner violence are sent to the General Inspection of the MoJ. For the security purposes visual and/or electronic surveillance or other security measures prescribed under Article 62 of the Penitentiary Code are implemented.

104. The number of incidents transmitted by the SPS to the General Inspection of the MoJ are as follows:

- 2022 - 2225;
- 2023 - 1939;
- 2024 (as of December 20) - 2070.

- The number of incidents transmitted by the SPS to the Special Investigation Service are as follows:
 - 2022 - 60;
 - 2023 - 71;
 - 2024 (as of December 20) - 71.

3. Safeguards

In relation to paragraphs 69 and 70 of the report

105. The right of the detainees to file complaints, either individually or collectively is protected by the national legislation. Realization of this right, including by the way of submitting confidential complaints is ensured in all of the penitentiary institutions – complaint boxes are located in all of the establishments and are not visible under video surveillance, all the necessary equipment, including pen, paper and envelope is also provided.

106. Apart from that, every prisoner has the right to contact relevant authority via hotlines. In particular, accused/convicted persons have a free of charge access to the hotlines of the Special Investigation Service, General Inspection of the MoJ and Public Defender's Office, including on holidays and weekends. Neither disciplinary sanctions of the prisoner nor the restriction imposed by the investigator or prosecutor can somehow affect the realization of this right. Information about the hotline numbers is published on information boards in all penitentiary institutions in Georgian and 6 other languages (Armenian, Azerbaijani, English, Turkish, Persian, Russian).

107. Under Article 115 (6) of the Penitentiary Code of Georgia, the correspondence of the prisoner is inspected visually, without the familiarization with its content. In cases of extreme necessity, when there is a well-grounded belief that the dissemination of the information contained in the correspondence will pose a threat to public order, public security or the rights and freedoms of other persons, the relevant employee of a penitentiary institution may read the correspondence and, if necessary, not send it to the addressee. The sender shall be immediately notified of this action, and the correspondence shall be sent to a relevant investigative body.

108. Apart from that, the rights of the accused/convicted persons are posted on information boards in Georgian and the following brochures are also available in 7 languages (Georgian, Armenian, Azerbaijani, English, Turkish, Persian, Russian):

- Rights and Responsibilities of the Remands;
- Rights and Responsibilities of Juvenile Convicts;
- Rights and Responsibilities of Adult Female Convicts;
- Rights and Responsibilities of Adult Convicts;
- Information group meetings on “The Rights of the Accused/Convicted” are held.

4. Conditions of detention

In relation to paragraphs 71 and 72 of the report

109. Under Article 110 (2) of the new Penitentiary Code of Georgia, living space standard per person in medical and prison facilities has been defined to be not be less than 4 square meters. This standard has already been implemented in the newly built penitentiary institution and those under-constructions. For the measures to address the issue of overcrowding please refer to the paragraphs 41-50 and 70-75 of the present report.

In relation to paragraphs 73 and 74 of the report

110. Supervision of the compliance with sanitary and hygienic norms in penitentiary institutions is provided by a non-staff employee - a disinfectant employed in the SPS, who, in accordance with applicable norms, carries out disinfection, disinsection, and deratization of the living spaces of the accused/convicts and other premises in penitentiary institutions, on a monthly basis and additionally, if requested by the institution. Furthermore, an agreement has been signed between the SPS and the relevant service company, under which disinfection for infectious viruses is done in all of the penitentiary institutions twice a year.

In relation to paragraph 75 of the report

111. Information concerning rehabilitation programmes is provided under paragraphs 43-50 of the present report.

In relation to paragraphs 76 and 77 of the report

112. Information concerning rehabilitation programmes is provided under paragraphs 43-50 of the present report.

113. Annually 760 convicts are employed in maintenance duties such as cleaning, serving food and etc. All of the convicted persons that perform maintenance duties are remunerated and provided with the safe working environment. From the first half of 2024 the remuneration for the convicted persons performing general maintenance duties has increased:

- For the performance of the maintenance duties in the penitentiary institution with 1000 or more convicted persons, the remuneration is 450, 425, and 400 Lari (on average 90% increase);
- For the performance of the maintenance duties in the penitentiary institution with less than 1000 convicted persons, remuneration is 350, 325, and 300 Lari (on average 45% increase).

114. Employment opportunities are also provided in various spheres such as beauty salons, repair work, gardening, workshops and etc.

In relation to paragraphs 78 and 79 of the report

115. Creation of diverse activities, including outdoor activities, aimed at rehabilitation of the inmates is an important priority for the SPS. As mentioned above, Sports Management Strategy has been approved by the Minister of Justice, addressing infrastructural development, rehabilitation and employment opportunities for the prisoners. In the past years the following sports infrastructure was developed:

- N5 PE - 2 sports grounds, 2 gyms;
- N11 PE - 2 sports grounds, 1 gym;
- N12/N16 PEs - 3 sports grounds, 1 closed gym, 1 gym;
- N17 PE - 3 sports grounds and 3 gym areas;
- N15 PE - 2 sports grounds;
- N14 PE - 1 sports ground.

116. Equipment of all of the PEs with sports infrastructure (adjustable weight bench, indoor cycling bike, treadmill, complex multifunctional training machine, wall-mounted pull up bar, workout hammer, basketball backboard, table football, multifunctional squat weight training “smith” machine, core and ab machine and etc.) will be completed in the nearest future.

117. The walking areas of Kutaisi N2 and Ksani N15 (quarantine building) penitentiary institutions are arranged with an area no less than the area of a cell, accordingly, some

walking areas are equipped with minimal exercise equipment, which is replaced and updated systematically. As for the gym, taking into account the regime of the penitentiary institution, appropriate infrastructure for sports activities is arranged everywhere.

5. Health

In relation to paragraphs 87 and 88 of the report

118. According to the new Penitentiary Code of Georgia, the transfer of a remand/convict to a de-escalation room is considered as one of the security measures, the grounds and conditions of which are defined under the statutes of particular penitentiary establishment, while the grounds and conditions for placing the remand/convict in solitary confinement are set out in both the penitentiary code and the statute of the relevant penitentiary institution.

119. In 2023, aimed at the approximation with the best international standards, upon the Order of Minister of Justice the statutes of the penitentiary institutions were amended clarifying the rules for the placement of the remand/convict in the de-escalation rooms. According to the current regulation the placement of remand/convict in a de-escalation room should be carried out in all cases on account of the recommendation of medical personnel and an order of the director of the PE, issued on the basis of a report from an authorized employee of the PE.

120. The condition of the remand/convict transferred to the de-escalation room is assessed no later than 24 hours after transfer by a multidisciplinary team, which is combined of the medical personnel trained under a special program, as well as employees of the security and legal regime departments of the institution. Based on the recommendation of the medical personnel included in the multidisciplinary team, and by decision of the same team, no later than the next 24 hours, the remand/convict may, if necessary, be additionally assessed by a specialist in the relevant field. The director of the institution, based on the conclusion of the multidisciplinary group and the recommendation of a specialist in the relevant field (if any), decides on the issue of returning the accused/convict to the cell/internal classification cell no later than 24 hours after the submission of this documentation to him/her, and if the conclusion/recommendation provides for the transfer of the remand/convict to a medical institution or a civil sector hospital, the relevant decision is made by the Director General of the Special Penitentiary Service within the same period, based on the application of the director of the institution.

121. Accordingly, a person is placed in a de-escalation room under conditions of continuous access to medical personnel and 24-hour visual surveillance by a person responsible for ensuring security in the institution. The maximum period of placement in a de-escalation room - 72 hours - was established as a result of a study of existing practice and this period represents the reasonable period of time within which it is possible to calm the remand/convict so that he does not pose a threat to his own or others' life and/or health. The implemented changes ensure the prevention of the accused/convict being placed in a de-escalation room for no purpose.

122. SPS arranges de-escalation rooms in accordance with the European and International practice, where the existing space provides the safest environment for convicts/remands. It is equipped with a ventilation and air exchange system (heating-cooling), which is operating properly in all penitentiary institutions, and in the event of damage to any inventory or system, the SPS immediately repairs the damaged inventory/system.

123. The placement in a de-escalation room is a type of security measure and is used in cases where the remand/convict poses a threat to his/her own life and/or health or that of others. The prisoner is placed in a de-escalation room until the threat that led to his/her placement in the de-escalation room is eliminated, but not more than 72 hours. It is not permissible to remove the accused/convict from the de-escalation room until the grounds for his/her placement in the de-escalation room are eliminated, except for cases of providing emergency medical services and meeting with a defense attorney/lawyer.

124. Furthermore, on December 27, 2024 the Constitutional Court of Georgia ruled that the placement of remand/convict in de-escalation room is the very last resort, limited in time and legitimately ensures the safety and security of that person and other remands/inmates. The Constitutional Court also highlighted that the decision of placing the remand/convict in de-escalation room is based on the comprehensive criteria, assessment of individual circumstances and written argumentation of the Director of PE, which also includes the recommendation of medical staff. According to the recent decision, placement of remand/convict is permanently monitored by multidisciplinary team and he/she is having unlimited access to medical personnel.

125. According to the Penitentiary Code, placing a remand/convict in a solitary confinement cell for no more than 24 hours is a security measure and aims to prevent the remand/convict from self-harming, harming of others, and property; Prevention of crime and other violations of the law in a penitentiary institution; prevention of disobedience by the remand/convict to the lawful request of a special penitentiary service employee, repelling an attack, group disobedience and/or mass disorder. In addition, placing the accused/convict in solitary confinement for no more than 14 days is a form of disciplinary punishment and is used only in exceptional cases.

126. In the case of voluntary psychiatric (inpatient) treatment, the patient is transferred to a specialized clinic/department based on the recommendation of a psychiatrist of a specific institution (where the remand/convict is being held). If the involuntary psychiatric treatment is required, the need for an examination is considered by the Psychiatric Commission of the Medical Department of the Special Penitentiary Service based on the recommendation/referral of a psychiatrist of a specific institution (where the convicted person is being held). In case of a positive decision, the patient undergoes an outpatient psychiatric examination and, based on the aforementioned conclusion, is referred to the court, and by its decision, the convict is transferred to the National Center for Mental Health LLC for involuntary psychiatric treatment.

In relation to the recommendation contained in paragraph 89 of the report

127. Under Articles 140 and 141 of the new Penitentiary Code after the verification of the diagnosis and in accordance with the medical status, inmates are placed in a relevant medical institution - either medical part of the particular PE, N18 Medical Institution or the civil sector clinic.

128. The same mechanism applies to those patients with psychiatric diagnoses, who are transferred to the psychiatric department of the N18 Medical Penitentiary Institution or the civil sector clinic. In 2022, 96 remands/convicts were transferred to the civil sector psychiatric institution, and 153 to the N18 Medical Institution. In 2023, 142 remands/convicts were transferred to the civil sector psychiatric institution, and 160 to the N18 Medical Institution. As of December 20, 2024, 149 remands/convicts were transferred to the civil sector psychiatric institution, and 164 to the N18 Medical Institution.

129. As for the placement of persons with disabilities in the existing penitentiary institutions, in most of the cases, the infrastructure (cells, bathrooms, ramps, etc.) is arranged in a way that meets their needs. In the newly opened penitentiary institutions and those under-construction, all of the needs of the persons with disabilities are fully on board from the very beginning of projecting the facilities.

130. Moreover, the WHO Disability Assessment Schedule (WHODAS) is being implemented in the penitentiary system. This schedule will allow a thorough assessment of the needs of inmates with disabilities and, as a result, the implementation of measures to adapt to the environment and improve the quality of their lives. 3 groups of psychologists and social workers were trained on the matter and 13 employees were selected from the trained specialists and underwent the second stage of training. In 2024, a pilot of the tool was launched in 6 penitentiary institutions, supervised by experts from the Council of Europe. The results of the pilot are being analyzed.

6. Contact with the outside world

In relation to the recommendation contained in paragraph 92 the report

131. As mentioned above, rehabilitation of the inmates represents a cornerstone of the development of the Georgian penitentiary system, within which the contact with the outside world and the families plays a crucial role. To that end, infrastructural projects, policies and legislative changes carried out by the MoJ and the SPS are oriented on ensuring full realization of these rights, with the due consideration of the individual risks and security purposes.

132. Since the adoption of the new Penitentiary Code the following benefits were introduced:

- Remands have been granted the right to extended visits;
- Every type of the visit has become free of charge, including the long-term visits;
- Convicts have been given an opportunity to choose the form the relation with the outside world, meaning they can replace their dates with any other form of communication provided by the law (video call, phone call, short-term visit, long-term visit, family visit);
- The frequency and duration of telephone conversations are increased.

133. The SPS would like to clarify that short-term visits are usually carried out in special rooms, with a glass dividing barrier. In relation to high-risk penitentiary institutions, taking into account their specifics, in order to protect the safety of convicts and visitors and ensure the normal functioning of the institution, it is advisable to carry out short-term visits through a glass barrier. However, short-term visits with a direct contact of the inmate and the visitor are already carried out in N5, N11, and N16 penitentiary institutions and it is planned to remodel the infrastructure to allow each facility to have both type of spaces for short-term visits, with separating glass barriers and without them.

7. Prison personnel and their training

In relation to the recommendation contained in paragraph 95 of the report

134. Information about measures for strengthening human resources of the SPS is provided under paragraphs 57-69 of the present report.

8. Situation of vulnerable groups

In relation to paragraphs 96, 97, 98 and 99 of the report

135. In 2015, aimed at the strengthening child-friendly justice system the Juvenile Justice Code has been adopted introducing the principle of the best interests of the child and promoting restorative justice principles in relation to juveniles. One of the core principles of the Juvenile Justice Code is that a minor should be imprisoned only as a last resort, and priority must be given to the most lenient way of achieving justice. During the past years the number of juvenile inmates has been low, in particular:

- In 2021 – 48 remands/convicts (15 remands, 33 convicts);
- In 2022 – 45 remands/convicts (11 remands, 34 convicts);
- In 2023 – 55 remands/convicts (20 remands, 35 convicts);
- In 2024 (as of December 20) – 79 remands/convicts (21 remands, 58 convicts).

136. The assessment of the needs of a minor placed in the penitentiary establishment is regulated by the joint order of the Minister of Justice of Georgia, the Minister of Internal Affairs of Georgia and the Minister of Penitentiary and Probation of Georgia No.132/No.95/No.23, “On the determination of the methodology, rules and standards for the preparation of the individual assessment report”. It should be highlighted that the spaces for juveniles in penal system are separated and having no contact with adults. The vast majority of juvenile convicts are placed in PE N11, while small portion of juvenile remands/convicts might be accommodated in PE N2, PE N5 and PE N8. For instance, in PE N8 they are placed in separate block to ensure no contact with adult convicts. Each juvenile is approached by the multidisciplinary group coordinated by a social worker. The group also comprises a psychologist, a representative of the regime, and a visiting specialist, depending on certain needs. Assessment and personalized plans are drawn up for each juvenile inmate and based on the assessment, juveniles are provided with targeted rehabilitation services tailored to individual needs, namely: psycho-social, educational, and informational trainings. Moreover, cultural and cognitive meetings and sports activities are held regularly.

137. Remand/Convicted juveniles have the right to general education. The educational process is in full compliance with the standards and national strategy of the Education System of Georgia. If desired, juveniles also have the right pass the external and national exams. They also enjoy the right to study at the first level of academic higher education.

138. Under the Sports Management Strategy of Juveniles, sports festivals are held in table tennis, football and basketball. Juveniles are also participating in the intercontinental online chess tournament for the third straight year.

139. Taking into account their interests, juveniles participate in different programs, such as: painting, wood carving, guitar lessons etc. The free time that of juveniles is organized in a positive manner by holding intellectual/board games, different cultural events, film exhibitions, etc. To recede the social alienation, informative and cognitive meetings with public figures, sportspersons, musicians, actors, and other interesting guests are held.

140. Due regard is paid to the retention of contact with their families. Juveniles are entitled to phone calls, video dates, short-term and long-term dates. Considering their best interests, to improve contact with the outside world, juveniles are financed to make phone calls for a total duration of 60 minutes per month, upon the initiative of the SPS. The time can be used on domestic, as well as international calls.

In relation to paragraphs 100 and 101 of the report

141. During the stay at the institution, the health condition, physical and mental development of the child is constantly monitored. The child is provided with age-appropriate developmental toys. If the mother and family wish, the child is temporarily taken out of the institution by other family member(s). Specialists provide the mother with information about the child’s age-appropriate development, if necessary, taking into account the health status, LEPL State Care Agency (under the Ministry of Healthcare) is informed and the child is included in the early development program, which involves providing the services of an early development specialist and working with both the child and the mother.