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**Human Rights Committee**

**Consideration of reports submitted by States  
parties under article 40 of the Covenant**

**Georgia**

**Information received from Georgia on the implementation of  
the concluding observations of the Human Rights Committee  
(CCPR/C/GEO/CO/3)\* \*\***

[15 January 2009]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

\*\* The annexes to the present document submitted by the State party are available for consultation at the secretariat.

1. In accordance with paragraph 19 of the concluding observation of the Human Rights Committee (CCPR/C/SR.2500) with regard to the third periodic report submitted by Georgia (CCPR/C/GEO/3) to the Committee at its ninety-first session, the Government of Georgia presents its follow-up information.
2. The Government of Georgia respectfully notes that a certain delay in the presentation of the present information is the result of an unfortunate situation caused by the armed conflict between the Russian Federation and Georgia, and the subsequent occupation of the part of the territory of Georgia by Russian armed forces.
3. With regard to information regarding the fight against domestic violence, in order to implement the Law on Combating Domestic Violence, Prevention of and Support to its Victims adopted in 2006, the following measures have been taken:
  - (a) A working group, established at the Ministry of Labour, Health and Social Protection, worked out the main concept, minimal standards, regulations and calculations for the shelter for the victims and rehabilitation centre for the violators;
  - (b) The order of the Minister of Labour, Health and Social Protection (28/07/2008 #183) provided minimal standards for the shelters of the victims of domestic violence and rehabilitation centres for the violators;
  - (c) With the active involvement of the Ministry of Labour, Health and Social Affairs, the location of the shelter has been identified. The opening of the shelter is planned for the spring of 2009 and the State budget of the upcoming year shall contain the aforementioned funds.
4. The training and public awareness in the field of domestic violence among the law enforcement and the judiciary remains one of the main priorities:
  - (a) Through the initiative of Tbilisi City Court Administrative Board, training on the procedure of issuing the restraint orders was held for judges in September 2006;
  - (b) Spring 2008, with the organization of the Embassy of the Netherlands, trainings concerning domestic violence were held for patrol officers and district inspectors of various regions of Georgia;
  - (c) Through the initiative of the Office of the United Nations High Commissioner for Refugees, trainings on domestic violence themes were held for the policemen from Akhmeta, Duisi and Pankisi regions (eastern part of Georgia populated by ethnic and religious minorities particularly sensitive to women's rights and domestic violence);
  - (d) The Ministry of Internal Affairs of Georgia, with the assistance of the Ministry of Education and Science of Georgia, conducted trainings for the policemen working with under-age children. The trainings were held on such themes as pedagogics and psychology. Along with the other issues, the aforementioned training discussed the problem of domestic violence. The training contained information on how to identify victims of domestic violence based on a visual examination. The training also discussed the tactics of psychological approach to the members of domestic violence.
5. Annex I provides disaggregated data regarding the restraint orders issued by the police.
6. With respect to the investigation and prosecution of crimes of domestic violence, in 2007, 20 people were convicted for crimes of domestic violence, while the sentencing varied based on the gravity of the crimes from a fine and a conditional sentence to imprisonment up to five years.

7. The recent discussion/initiatives in the field of domestic violence are directed towards the following developments:

- (a) The centralization of policy-making process in the field of the fight against domestic violence;
- (b) The drafting of the new action plan for the period 2009-2011 through the participation of governmental authorities, international and national organizations;
- (c) The drafting of a national referral mechanism.

8. The Government of Georgia and particularly the law enforcement authorities pay particular attention to training in human rights and the principles of use of force and firearms. In particular, the Police Academy of the Ministry of Internal Affairs devotes special attention to the teaching of the legal basis for the use of coercive force and the acquisition of relevant practical skills by future policemen. The curriculum of the Police Academy contains an extensive tactical training course, local legislation and a course on international human rights law. These courses deal in detail with the issues of the use of force by police:

(a) A legal framework for the use of physical force, special means and firearms, sequence and escalation of force, precautions to be taken, as well as types of penalties, including criminal sanctions for improper use of coercion. Students of the police academy study law on police, which regulates in detail modalities of the use of coercive force by police, as well as relevant criminal and administrative legislation. Human rights law courses put special emphasis on the right to life, especially in conjunction with the right to use firearms by policemen;

(b) Tactical training involves the development of skills for action in critical circumstances, assessment of risk and danger in particular situation, and methods and modalities of the response in accordance with the legislation regulating use of force. During this course, students also acquire necessary negotiation skills for managing critical situations and for ensuring that coercive force is used as a last resort;

(c) Use of special means and firearms: practical training for prospective policemen on the legitimate and effective use of special means. At the end of the course, a practical exam is held; only successful students graduate from the academy. The course is conducted in the form of trainings and role-playing, where students carry out moot police operations of search and apprehension of suspects by inflicting minimum necessary harm.

9. Apart from the regular preparatory courses at the Police Academy involving familiarization with legal framework on the use of coercive force, tactical training and training in the use of special means, including use of firearms, the Academy cooperates with international partners with sufficient expertise in this field, with a view to organizing ad hoc topic-oriented courses in specific aspects of police activities:

(a) 22–24 January 2008: the second round of the training on investigative interviewing organized by the Council of Europe was held at the Academy of the Ministry of Internal Affairs of Georgia;

(b) 1–11 April 2008: training organized by the Embassy of France on the use of professional technical gestures during arrest had been held at the above-mentioned Police Academy;

(c) 2–6 June 2008: training on traffic control and crash investigation, organized by the United States embassy, was held at the above-mentioned Police Academy. The course covered theoretical and practical issues of traffic control.

10. The Georgian authorities note the importance of continued reforms within the penitentiary. At the very least, the following penitentiary institutions have been constructed and renovated over six months in 2008:

(a) In March 2008, renovation works of four buildings were completed in Geguti #8 institution. The number of places increased from 917 to 2,000;

(b) Construction of a new, four-floor building (regime institution) for 1,000 inmates was completed in Geguti #8 in August 2008;

(c) In October 2008 the construction of a new penitentiary building in Rustavi #2 for 1,000 inmates was completed;

(d) A new modern prison hospital was built and equipped in November 2008. The hospital is designed for 400 patients and will replace the old prison hospital that fell short of international standards. This development will greatly contribute to the improvement of the health-care system in the penitentiary.

11. The total budget of the Prison Department had been increasing in recent years to meet the requirements related to the treatment of the prisoners as well as the level of professionalism of prison staff. For example, the total budget of the Prison Department in 2007 amounted to more than 82 million GEL; in 2008, it amounted to 96 million GEL.

12. As noted above, in order to improve the living conditions of the prisoners in accordance with the international standards, the following steps were taken:

(a) Nutrition: monthly food expenditure for prisoners has increased in the recent years; in 2006, monthly expenditure for prisoner's nutrition was 23.5 GEL; throughout 2007, this amount increased by 213 per cent and amounted to 50 GEL. Since 2008, the analogical nutrition ration (80 GEL, approx. 37 EUR) has been established in all penitentiary institutions, without exception. Since October 2008, the monthly expenditure for prisoner's nutrition has been increased to 90 GEL. Outsourcing of nutrition has already produced tangible results. Moreover, it allows the penitentiary department to provide adequate nutrition to those prisoners who need a special diet due to a health condition;

(b) Health care: in October 2007, the Penitentiary Department of the Ministry of Justice of Georgia concluded a contract with Aldagi - BCI, an insurance company that has been providing medical services to the prisoners since November 2007. The transition to the insurance system has entailed an increase of both the service standard and trust in the treatment quality by prisoners and their relatives alike. The Ministry of Justice pays particular attention to improving the system of release of prisoners or postponing sentences owing to health conditions. The court, based on a motion of the Prison Department and defence lawyer, in 2008, released on parole 1,071 prisoners and postponed the sentence of 40 prisoners;

(c) Education: recently, various employment and education programmes have been gradually activated in the penitentiary system (computer learning courses, shoes micro-production facility, icon painting courses, sports activities and so on). With the purpose of prisoners' education, the libraries of almost all penitentiary institutions were refurbished and supplied with around 10,000 books of modern literature in the last six months of 2008. The Ministry of Justice, in association with the Ministry of Education and Science and with the assistance of the reform group, has elaborated the concept of medium, professional and higher education for prisoners.

13. The Government of Georgia, and in particular the Ministry of Justice, has several joint programmes and initiatives with international donor organizations in probation and juvenile justice systems. They include:

(a) A European Commission project on penitentiary and probation reform in Georgia, aimed at the preparation of a national development strategy for the Probation Service of Georgia. A working document had been drafted with the participation of international experts in line with Council of Europe recommendations containing the European rules on community sanctions and measures and recommendations of conditional release from prison;

(b) UNICEF will launch a project on reform options for the penitentiary system and the probation system for convicted child offenders, also aimed at realizing a reintegration-focused penitentiary system and probation system. The working document (main directives) is being drafted by UNICEF on the juvenile justice system in Georgia. Furthermore, the Ministry of Justice and UNICEF have signed a memorandum of understanding on the establishment of rehabilitative schemes for juvenile probationers in Rustavi and Batumi. The project has been run by PRI since mid-2008; because of its successful implementation, the Ministry of Justice has expressed its willingness to extend the project to include Tbilisi.

14. The Government of Georgia would like to inform the Human Rights Committee that, on 13 December 2008, the President of Georgia signed decree No. 591 creating the Criminal Justice Reform Inter-Agency Coordinating Council. The mandate of the Council is defined in its statute (adopted by Presidential Decree No. 591). The members of the Council are high-level governmental representatives (deputy ministers and heads of respectful services) and from the judiciary, as well as the Public Defender of Georgia. The invited membership had been open to representatives of the international (including donor) community and non-governmental organizations, as well as to experts specializing in specific criminal justice system components. The Council is headed by the Minister of Justice. The initiative is part of the European Commission support programme 2009–2010 (valued at 16 million euros) to promote criminal justice reforms in Georgia.

15. The objectives of the Council are:

(a) To elaborate relevant recommendations regarding criminal justice reform in line with the principles of the rule of law and human rights protection in Georgia;

(b) To review and periodically revise criminal justice reform strategy;

(c) To coordinate intergovernmental activities during the elaboration of the criminal justice reform strategy;

(d) To elaborate proposals and recommendations regarding the issues related to penal reform, probation, juvenile justice and legal aid.

16. The Council is entrusted with the authority:

(a) To request information relevant to the realization of the set objectives from State organs and governmental agencies in accordance with the rules provided by law;

(b) To elaborate and prepare recommendations regarding the revision of the criminal justice reform strategy;

(c) To establish working groups<sup>1</sup> and invite independent experts for the preparation of research and analyses, and the recommendation within the limits of their competence/mandate.

<sup>1</sup> As noted above, the Council has the authority to establish working groups and designate independent experts in order to provide an effective forum for the activities noted in the mandate of the Council. The working groups are composed of relevant governmental and non-governmental representatives, academics and experts.

17. The first session of the Council was held on 18 December 2008. The Chairman proposed the following areas to be addressed by the Council in its work: juvenile justice, the promotion of penal reforms, and free legal aid. The importance of implementation of the obligations of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by Georgia was also considered a priority for the Council.

18. The Government of Georgia would like to bring to the attention of the Human Rights Committee the two following non-papers:

- (a) The merging of the Ministry of Justice and the Prosecution Service;
  - (b) Ethnic cleansing of Georgians and the human rights violations in the territories occupied or falling under the control of the Russian armed forces.
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