



CPT/Inf (2013) 19

## **Response**

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

**from 19 to 23 November 2012**

The Georgian Government has requested the publication of this response. The report of the CPT on its November 2012 visit to Georgia is set out in document CPT/Inf (2013) 18.

Strasbourg, 31 July 2013



**The response of the Georgian Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or punishment (CPT) drawn up after its visit to Georgia from 19 to 23 November 2012.**

Georgian Government's response addresses recommendations made by the CPT by giving a full account of actions taken to implement them. At the same time, the response includes the information on the reactions to the comments formulated in the report as well as replies to the requests for information made.

Georgian Government's response is composed of three parts:

Part I concerns the investigation into cases of alleged ill-treatment of prisoners;

Part II concerns the measures affecting Georgia's prison system and the situation observed by the CPT's delegation in the prisons visited;

Part III concerns the penitentiary health care.

**Part I**

**Investigation into cases of alleged ill – treatment of prisoners**

1. The CPT requested the information about the progress of consideration of the complaints referred to in paragraph 11 of the report. The Committee also requested the information about the results of any initiated formal investigations in a timely manner, including criminal and/or disciplinary sanctions applied. (**See para.11 of the report**)
2. Following the publication of the videos concerning the cases involving allegations of beating, torture and inhuman treatment of prisoners and on the basis of the complaints submitted to the Prosecutor's Office of Georgia, the investigation was initiated against some senior officials from the Penitentiary Department.

The investigation into the allegations of prisoners' beating, torture and inhuman treatment in the penitentiary establishments is in progress and is carried out by the following bodies:

- Prosecutor's Office of Adjara (AR);
- Regional Prosecutor's Office of Samegrol-Zemo Svaneti;
- Regional Prosecutor's Office of West Georgia;
- Regional Prosecutor's Office of Shida Kartli and Mtskheta-Mtianeti;
- Regional Prosecutor's Office of Kvemo Kartli;
- Tbilisi Prosecutor's Office, the District Prosecutor's Office of Isani-Samgori and Gldani-Nadzaladevi;
- Investigative Unit of the Main Prosecutor's Office of Georgia;
- Investigative sub-unit of the Ministry of Corrections and Legal Assistance of Georgia.

3. The investigation on so-called "Broom Case" was conducted by the Investigative Unit of the Main Prosecutor's Office of Georgia and on June 14, 16 verdicts have been delivered by the Tbilisi City Court. Due to the cooperation with the investigation and as a result of the decision made by the Chief Prosecutor of Georgia, one of the accused individuals -Vladimer Bedukadze was released from sentence.

The chart below illustrates the charges brought against accused officials and the sentences applied.

V.B.	Torture and ill-treatment	released
O.P. Head of the Legal Regime of Nr.8 establishment	Torture and ill-treatment	Imprisonment for 6 years and 9 months and prohibition of the right to occupy a state position for 1 year and 6 months
V.K. Head of Security Regime of Nr.8 establishment	Ill-treatment	Imprisonment for 3 years and 3 months and prohibition of the right to occupy a state position for 1 year and 6 months 2000 GEL as a fine

L.P. Employee at the Penitentiary Department	Torture	Imprisonment for 5years and prohibitionof the right to occupy a state position for 6 months
K.C. Employee at the Penitentiary Department	III - Treatment	Imprisonment for 2years and 2000 GEL as a fine
M.C. Employee at the Penitentiary Department	Torture and ill-treatment	Imprisonment for 5years and prohibitionof the right to occupy a state position for 6 months
G.T. Employee at the Penitentiary Department	III-Treatment	Imprisonment for 1year and 6 months 2000 GEL as a fine
L.P. Employee at the Penitentiary Department	Torture	Imprisonment for 6 years and 9 months and prohibitionof the rightto occupy a state position for 1 year and 6 months
A.J. Employee at the Penitentiary Department	III-Treatment	Imprisonment for 6 months and 2000 GEL as a fine
B.P. Employee at the Penitentiary Department	Torture and ill-treatment	Imprisonment for 9 months and prohibitionof the rightto occupy a state position for 6 months

G.M. Deputy Head of the Penitentiary Department	III-treatment	Imprisonment for 3 years, 4 months and 15 days /prohibitionof the right to occupy a state position for 1 year and 6 months 3000 GEL as a fine
M.L. Employee at the Penitentiary Department	III-Treatment	Imprisonment for 6 months and 2000 GEL as a fine
G.K. Employee at the Penitentiary Department	III-Treatment	Imprisonment for 3years and 3000 GEL as a fine
T.C. Employee at the Penitentiary Department	III-Treatment and Non- notification	Imprisonment for 1year and 6 months 2000 GEL as well as a fine
D.K. Head of the Penitentiary Department	III-Treatment	Imprisonment for 3 years and 3 months/prohibitionof the rightto occupy a state position for 1 year and 6 months 2000 GEL as a fine
M.E. Employee at the Penitentiary Department	III-Treatment and Non- notification	Imprisonment for 1year and 6 months 2000 GEL as a fine

<p style="text-align: center;">D.M. Employee at the Penitentiary Department</p>	<p style="text-align: center;">Ill-Treatment</p>	<p style="text-align: center;">Imprisonment for 6 months and 2000 GEL as afine</p>
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4. The Investigative Unit of the Main Prosecutor's Office of Georgia has already launched investigation on the case of A and brought charges against the following individuals:

- S.B. - The employee at the Penitentiary Department
- A.M. –Head of #8 Penitentiary Establishment
- V.K. - Head of Security Regime of #8 Penitentiary Establishment
- O.P. –Head of the Legal Regime of #8 Penitentiary Establishment
- M.K. –Deputy Head of the Military Police

5. Investigation was conducted at the Regional Prosecutor's Office of West Georgia and on 25 June 2013, Kutaisi Court delivered guilty verdicts :

- G.L. - Head of the Legal Regime of Kutaisi #2 Penitentiary Establishment, 7 years of imprisonment
- I.A. –Head of the Regime Department of Kutaisi #2 Penitentiary Establishment, 3 years, 4 months and 15 days of imprisonment
- D.N. –Inspector of Kutaisi #2 Penitentiary Establishment, 3 years, 4 months and 15 days of imprisonment
- G.G. - Inspector of Kutaisi #2 Penitentiary Establishment, investigation in progress
- Z.R. –Head of Kutaisi #2 Penitentiary Establishment, 7 years of imprisonment
- N.V. –Inspector of Kutaisi #2 Penitentiary Establishment, 3 years, 4 months and 15 days of imprisonment
- M.K. –Inspector of Kutaisi #2 Penitentiary Establishment, acquitted

6. Investigation is in progress at the Regional Prosecutor's Office of Samegrol-Zemo Svaneti:

- A.J. - Head of Zugdidi #2 Penitentiary Establishment

7. Investigation is in progress at the Regional Prosecutor's Office of Shida Kartli:

- T.S. – Director of Ksani # 15 Penitentiary Establishment
- L.L. - Head of the Regime Department
- F.G. - Head of Security Regime
- C.D. –Head of Imprisonment Department

8. Investigation is in progress at the Regional Prosecutor's Office of Kvemo Kartli:

- V.T. - Head of #16 Penitentiary Establishment
- D.M. –Deputy Head of #16 Penitentiary Establishment
- I.L. - Head of the Regime Department
- T.K. –Officer of the Regime Department
- G.J. - Officer of the Regime Department

9. The CPT requested to be provided with copies of all the eight forensic medical reports. (See para. 13 of the report)

According to the information provided by the Prosecutor's Office of Georgia there are totally six copies of forensic medical reports in total.

10. The CPT requested the observations on the strategy of the investigation. (**See para. 18 of the report**). The Government submits that prosecutorial authorities focus on establishing individual criminal responsibility of alleged perpetrator in relation to particular crime rather than trying to prove "systemic" ill-treatment of prisoners.

11. The CPT requested the observations of Georgian Authorities in regard to various proposals made by the NGOs concerning the involvement in the investigation of alleged facts of ill-treatment of prisoners. (**See para. 19 of the report**)

The only current proposal which is relevant to touch upon with this regard is a project proposal by the Open Society Georgia Foundation (OSGF) which is about producing a report on, *inter alia*, the cases of torture and other forms of ill-treatment. One of the parts of the report will focus on the consequences of what happened, both to the victims and perpetrators, to the penitentiary system itself,



and to society as a whole. The report will also include the recommendations to the Government, NGOs, International Organizations and Governmental Institutions on preventive mechanisms: 1) effective investigation mechanisms 2) reformed penitentiary system which will not allow a systemic nature of torture and ill-treatment 3) existence of public oversight mechanism 4) raising awareness of prison staff as well as society 5) NGOs becoming more alert 6) redress for victims.

## Part II

### The measures affecting Georgia's prison system and the situation observed by the CPT's delegation in the prisons visited

12. With regard to the measures taken to tackle prison overcrowding, the Government submits that as a result of a recently adopted law on Amnesty and efficient work of the revised parole boards, as well as a Joint Permanent Commission of MCLA and the Ministry of Labor, Health and Social Affairs of Georgia, prison population has decreased from 21 420 (in October 2012) to 9349 (3 July 2013).

The Government submits data on early conditional release (**See attachment N 7**), compassionate release (**See attachment N 8**), release as a result of the law on Amnesty (pardoned inmates) (**See attachment N 9**) and finally data on inmates released as a result of amendments made to Article 59 of the Criminal Code of Georgia. (**See attachment N 10**)

The Government also submits the statistics of re-offending by those released as a result of various steps taken after October 2012. (**See attachment N 11**)

The Government fully shares the view of the CPT that strategy for the sustainable reduction of the prison population should include a variety of steps, inter alia, to facilitate the reintegration into society of persons who have been deprived of their liberty.

For this purpose Memorandums were signed between the MCLA and Ministries of Justice, Education, Culture, Sports and Youth Affairs providing concrete steps to improve the situation.

13. The CPT requested more detailed information on the future of Laituri Prison, as well as the plan about Batumi and Zugdidi prisons, etc (**See para. 24 of the report**).

The Laituri project is being revised and will be finalized by the end of July. The construction of the establishment will start in 2013 and will be completed in 2015. The opening of the establishment is planned for the first half of 2015. This facility will be a high security facility and will accommodate about 1100 convicts. Approximately 300 employees will be recruited at the establishment.

The Penitentiary Department is unable to provide the Committee with detailed information at this stage. However, as soon as the project is finalized, the time of its construction will be fixed and the exact number of personnel will be determined.

Batumi N. 3 prison is under reconstruction and Zugdidi Nr. 4 prison was closed as an establishment in June.

As for the plans regarding the open-type prisons, so called “halfway house “, it will accommodate those inmates who were sentenced to limitation of liberty by court; whose sentence of imprisonment was replaced by limitation of liberty, whose conduct needs to be monitored, without being held in isolation from society, etc The aim of the “halfway” house is to promote rehabilitation process, to help inmates with re-socialization/re-integration and prepare them for the release.

Main blocks of “halfway” house are built, staff is selected, trained and the establishment will become operational in September 2013.

14. As for the recommendation concerning the legal standard of living space per prisoner in multi-occupancy cells (**See para. 25 of the report**), the Government submits that the package of legislative amendments to the Code of Imprisonment has been prepared according to which the minimum standard of living space is determined as follows:

“The standard living space in semi-open type establishment per inmate should not be less than 3 square meters; For the closed type establishment not less than 3.5 square meters; For the high security establishment not less than 3,5 square meters; For the special establishment for women, not less than 4,5 square meters; For the special establishment for juveniles not less than 4 square meters; For the medical establishment of pre-trial and convicted inmates should not be less than 4 square meters”.

15. The CPT called upon the Georgian authorities to take decisive steps to develop the programs of activities for both sentenced and remand prisoners. (**See para. 26 of the report**)

The Government submits that the development of various activities for prisoners is crucial for their successful re-socialization and reintegration into society. The MCLA already developed various programs, and made them more affordable for prisoners. Nowadays, inmates are enrolled in numerous rehabilitations programs.

It should be noted that education is one of the areas where significant results have been achieved.

In particular, a special working group was created according to the agreement between the Ministry of Justice and the Ministry of Education and Science in order to support educational programs within the penitentiary system. Reform group took the decision to provide secondary and vocational education in penitentiary establishments.

In parallel, the Ministry of Education and Science has made particular amendments to the various by-laws in order to ensure that prisoners are provided with basic as well as professional education.

As for the working opportunities for prisoners, the MCLA is creating employment programs in penitentiary establishments. For example over 20 former inmates were trained as taxi and tractor drivers in 2013 and are employed already.

As a result of the Agreement between the MCLA and the Ministry of Justice, several former prisoners are working on the building constructions of both Ministries.

In the nearest future the Penitentiary Department intends to build small factories on the territory of establishments, to occupy the inmates.

At this stage, the survey of needs of pre-trial and convicted inmates has been launched in every penitentiary establishment.

Based on the survey, the educational and professional courses will be proposed and implemented and employment and rehabilitation programs that will fit the needs and interests of prisoners will be launched.

The Ministry of Corrections and Legal Assistance has already signed the Memorandum with the Ministry of Education, the Ministry of Sport and Youth Affairs, Ministry of Justice and Ministry of Culture for cooperation in the penitentiary system. Furthermore several agreements were signed with different Universities and Vocational Schools.

The Government submits the list of various rehabilitation programs carried out in cooperation with different local and international organizations. **(See attachment N 12)**

16. The CPT expressed the hope that Georgian authorities achieve a full separation between remand and sentenced prisoners (in the two establishments visited by the Committee and, as appropriate, in other penitentiary establishments) **(See para. 27 of the report)**
17. The Government submits that the recommendation concerning the complete separation of pre-trial and convicted inmates in #2 and #8 establishments will be complied with until the end of August 2013.

18. In response to the request of the CPT to receive the information on the number of complaints of torture or other forms of ill-treatment lodged against prison staff, etc (**See para. 29 of the report**), the Government submits the following data :

**On the work of General Inspection during January 1, 2013-April 30, 2013**

Month	Total Number of Applications/Complaints	Applications/Complaints on Beating, Torture and Inhuman Treatment	Discharging from system	Case files for further consideration sent to the Prosecutor's Office	Case files for further consideration sent to the Medical Department
Jan.	93	37	0	29	15
Feb.	79	32	8	29	11
Mar.	136	42	0	20	13
Apr.	130	39	7	6	12

19. As to the CPT's recommendation that a clear message be delivered at regular intervals to management and staff of all penitentiary establishments that all forms of ill-treatment of prisoners are unacceptable and will be punished accordingly, the Government submits that the Penitentiary Department holds meetings with the directors of establishments and with heads of regime and social services every month. It is clearly underlined at the meetings that the system will not tolerate any forms of ill-treatment to prisoners. In addition, the penitentiary system regularly trains/retrains prison staff via Penitentiary and Probation Training Centre (PPTC).

In 2012, PPTC retrained 306 employees of the penitentiary system regarding the prohibition of ill-treatment. In 2013, PPTC conducts trainings as part of the basic training curriculum covering the following topics: Prohibition of Torture (two sessions) and International and local monitoring (one session). The same issues are covered by the specialized training curricula for the employees and psychologists of the regime, and social and security services. The trainings are planned for the upper-level staff of the penitentiary system, which will cover Prohibition of Torture (two sessions) and International and local monitoring (one session).

The Government submits the list of trainings carried out on the topic of prohibition of torture or any other forms of ill-treatment. **(See attachment N 13)**

20. As for the concerns of the CPT regarding No. 2 Kutaisi prison **(See para. 30 of the report)**, the Government would like to inform the Committee that since 18 September 2012, three employees have been fired and the service has been suspended to 3 employees (they are now in custody).

21. The Committee recommends that the management and staff of all the penitentiary establishments in Georgia be instructed to exercise constant vigilance and use all appropriate means at their disposal to prevent and combat inter-prisoner violence and intimidation. This should include ongoing monitoring of prisoner behaviour (including the identification of likely perpetrators and victims), proper reporting of confirmed and suspected cases of inter-prisoner intimidation/violence and thorough investigation of all incidents. **(See para. 31 of the report)**

The Government submits that the Human Rights Monitoring Unit of the Penitentiary Department permanently controls the penitentiary staff on ill-treatment against prisoners, as well as on the cases inter-prisoners violence and intimidation.

805 applications/complaints have been submitted to the Human Rights Monitoring Unit throughout the last 6 months. The applications / complaints have been sent to the Prosecutor's Office of Georgia, to the General Inspection Unit of the Ministry of Corrections and Legal Assistance of Georgia, to the Medical Department and to various relevant institutions for further consideration.

General Inspection Unit	Medical Department	Prosecutor's Office	Investigation Department	Ombudsman	Committee of Early Conditional Release	Special Accounting Department of the Penitentiary Department	Sent to the Penitentiary Establishments	Human Resources Division	Already Responded	Reports for Familiarization
169	97	95	29	11	3	16	39	27	273	46

Human Rights Monitoring Unit has conducted 687 ad hoc visits to various penitentiary establishments.

The material conditions of detention at prisons No 8 in Tbilisi and No 2 in Kutaisi had been changed after the visit. The equipment consists bunk or single beds (with bedding), tables, benches and lockers, and fully partitioned in- cell sanitary annexe.

22. As regards the recommendations made by the CPT on more even allocation of prisoners in Gldani N 8 and Kutaisi No 2 prisons (**See para. 33 of the report**), the Government submits that the recommendation has already been complied with. 4 square meters are now available in multi –occupancy cells. According to the order of the Minister of Correction and Legal Assistance of Georgia, the limit of Gldani N 8 establishment is 3672 remand prisoners/convicts. By 30 September 2012, 3309 inmates were accommodated in Gldani #8 establishment and as of 5 June 2013 there are 2113 inmates. The limit of Kutaisi #2 establishment is 1840 remand prisoners/convicts. On 30 September 2012 there were 1376 inmates in Kutaisi #2 establishment and as of 5 June 2012 there are 943 remand prisoners/convicts.

23. The CPT recommended addressing the shortcomings regarding the lack of sanitary materials at Prison No2 in Kutaisi. **(See para. 34 of the report)**

It is with great regret that the Government informs the Committee that sanitary problems still remain in Kutaisi #2 establishment. However, the Penitentiary Department is working on the solution.

24. The CPT called upon the Georgian authorities to take out of service small cubicles in #2 and #8 penitentiary establishments. **(See para. 36 of the report)**

The Penitentiary Department will enlarge the small cells in #2 and #8 establishments up to 4 square meters in the nearest future.

25. The CPT recommended that measures be taken at Gldani and Kutaisi No. 2 prisons (as well as in all the other penitentiary establishments in Georgia, as applicable) to ensure that all prisoners are offered the possibility to take outdoor exercise for at least one hour every day. **(See para. 37 of the report)**

26. The Government submits that currently all inmates in all establishments are offered the possibility to outdoor exercise for at least one hour every day.

27. As for the CPT's recommendation to equip all newly built (or renovated) prisons with sports facilities, the Government reassures the Committee that its recommendation will be taken into account.

28. The CPT raised its concern about the adequacy of the skills, profile and experience of prison staff **(See para. 51 of the report)**. The Government submits that currently, job descriptions and qualification requirements for prison staff are being developed by the Penitentiary Department. Accordingly, new staff will be recruited on the basis of these requirements.



29. The CPT requested some clarifications about custodial staff not wearing uniforms. **(See para. 52 of the report)** The Government submits that according to the decree No 812 (13 September 2012) of the President, work uniforms are determined for the prison staff. A tender was announced and the winning company will sew the uniforms. The recommendation will be implemented by the end of 2013.

30. The CPT recommended that the confidential character of complaints must be respected by the prison administration. **( See para. 57 of the report)** The Government submits that the right to confidential complaints is fully respected in all establishments. The latter is well demonstrated by the statistics below :

<b>statistics on confidential letters</b>		
<b>2012</b>	18-30 September	117
	October	344
	November	497
	December	440
<b>2013</b>	January	476
	February	458
	March	485
	April	585
	May	479
	1-4 June	50

31. As regards the concern of the CPT regarding the lack of outdoor activities and work opportunities as well as limited access to education and vocational training, the Government would like to inform the Committee that at the moment, survey is being conducted about inmates' needs and interests. This will offer an opportunity to plan sports/cultural/rehabilitation/employment programs in a way to meet prisoners' needs and interests. It is also planned to create industrial zones on the territory of prison facility. This will give prisoners an opportunity to work and receive appropriate salary.

32. Due the Rule No 188 from December 27. 2012 the General Inspection of MCLA, which was just a formal organ under the former Government, the rights of control and monitoring on whole internal staff of the Ministry was advanced.

Also the Division of Internal Monitoring of the Penitentiary Department was functionally strengthened and became its true significance and meaning.

As for the external monitoring by the Public Defender's Office, the NPM was also strengthened and advanced. In April 2013 a contest was held. From 206 contestants, 39 persons were selected, while 27 people were recorded in the reserve list.

The novelty of the contest lies in its diversification of professions. There were selected high qualified doctors, psychologists, psychiatrists and social workers.

### **Part III**

#### **Penitentiary Healthcare**

In addition to the information provided below, the Government submits the Strategy for the period of 2013 – 2014 ½ - 18 months and Action Plan for Penitentiary Healthcare Reform for the Committee's consideration. **(See attachments No 14 and 15)**

#### **Penitentiary Healthcare Reform**

- a. Prison healthcare budget has been increased by 60% for Y2013. Health expenditure per capita (PPP) has been increased from 168 to 760 USD in 2013 (cumulative effect of 60% budget increase and amnesty release of 10 000 inmates). PPP=680 USD in the penitentiary exceeds and is competitive to PPP=500 USD in the civilian healthcare (WHO).
- b. Salaries for prison medical personnel have been increased by 40% and became competitive with the salaries available in the civilian healthcare (e.g. salary of the GP has increased from 750 GEL to 1200 GEL (750-900 GEL in the civilian sector) and salary of the general nurse increased from 350 to 600 GEL (150-500 in the civilian sector));

- c. In December, 2012 MCLA conducted needs assessment and developed Prison Healthcare Reform Strategy and Action Plan which covers 13 priority areas to reform. The strategy was discussed and agreed with stakeholders and civil society and is publicly available on MCLA website.
- d. MCLA implemented reorganization and reform of the medical department responsible for prison healthcare overall administration. The department consisted of 2 divisions – 1. Medical supplies and 2. Division of doctors in profile. The department has been modified according to the modern management practices and consists of 4 divisions – 1. Primary Health Care Division managing primary health care layer 2. Division for Specialized Care managing prison hospitals and service outsourcing from civilian providers 3. Division of health standards and regulation 4. Division of Health Economics and Logistics. Particular vice-minister has been appointed to supervise and provide guidance to the implementation of the healthcare functions in the system.
- e. Reform of the medical department, increase in prison healthcare budget and appointment of the responsible vice-minister improved level of independence of medical service and health professionals in the penitentiary significantly – medical decisions are taken by health professionals.
- f. MCLA launched blanked competition in order to re-select medical staff for penitentiary system. Ministry of Health and medical associations are involved in the selection process. Right after selection MCLA medical department will start intensive training and professional development of selected medical staff, to equip them with skills and knowledge needed to perform in the penitentiary system. Human rights and reporting on possible facts of inhuman treatment and torture will be part of the trainings.
- g. Access to the adequate medical care has been improved significantly. Considering the problems with delayed transfers to the prison hospital and limited access for many inmates to the specialized care, MCLA medical department made several decisions: a) to reorganize and upgrade central prison hospital which is in process now b) to close down old “TB zone” and open new TB hospital for inmates which has been completed c) to establish contractual agreements with civilian hospitals for outsourcing the services – 6200 inmates have been transferred to the civilian hospitals for in depth diagnostics, specialized ambulatory care and surgical interventions since December, 2012 until now (1200/per year was the highest limit during previous years).

- h. Access to medication has been increased significantly – pharmaceutical expenditure per inmate has been increased by 2.5; Basic list of medicines for penitentiary system has been adopted and access to medicines (prescription, procurement and supply) became transparent for medical staff, inmates and outside monitors. The list has been developed following the WHO guidelines on access to medicines.
- i. New hospital for TB infected inmates has been open and put into operation. Three main conditions are met in the hospital which remained to be a challenge during the previous years: 1. separation of different forms of TB infection (MDR, XDR, Sensitive) and independent regulation of airflows between the cells and departments 2. Equal standard of treatment between the civilian and prison tuberculosis 3. proper food standard for inmates.
- j. National program for Prevention, Diagnostics and Treatment of Hepatitis C in prisons have been elaborated, adopted and will be initiated in 2013. The program will cover over 12 000 inmates with prevention interventions, 5000 inmates with HVB vaccination and 3000 inmates with in depth diagnostics and 500/per year with treatment.
- k. MCLA launched active campaign against misuse and dependency on legal psychotropic drugs in the penitentiary. All former drug users and victims of the violence in the penitentiary became dependent on legal psychotropic drugs since 2007 as medical evidence proves. MCLA together with invited medical professionals developed guideline for reduction of dependence and started providing the dependent patients with specialized care. Utilization of psychotropic drugs demonstrate an decreasing trend nowadays.
- l. Ministry of Corrections and Ministry of Health reformed compassionate release mechanism in cooperation. New joint commission for compassionate release has been set as results. The statute of the commission has been discussed with civil society, human rights defenders and lawyers and adopted considering their recommendations. The medical criteria has also been revised and changed as a next step. The criteria became compatible with ICD10 and have been adjusted to the principles set by the ECHR case law on release of inmates due to health condition. 79 inmates have been released since December, 2012 as a result (no terminally ill inmates have been released by the commission during last 4 year for your comparison). Patients with palliative diagnosis, no light perception (NLP) and elderly are among those released by the commission since Dec, 2012.

- m. MCLA signed a trilateral agreement between Ministry of Health, ICRC and MCLA to extend primary healthcare model to the whole penitentiary system. PHC model will ensure all inmates with regular medical check-ups, normal ratio between inmates and medical personnel and better prevention of complications of diseases. Medical facilities in Kutaisi, Geguti and Rustavi prisons will be renovated and equipped within this reform. Also number of medical staff and duties will be revised and addressed in Kutaisi and Gldani prisons.
- n. MCLA opened doors to NGOs for cooperation in terms of harm reduction services. Condoms have been supplied to the prisons since January, 2013 and there is an ongoing discussion to establish special center for treatment and rehabilitation of drug addicts and inmates having problem drug use experience in the past.
- o. Prison Electronic Health Record (PEHR) has been developed and is being tested to be introduced. PEHR will solve problems of access to the medical information, secure storage and data exchange. PEHR has been developed by the IT unit of MCLA.
- p. New food standard has been developed, adopted and implemented in the penitentiary system. The standard addresses needs and requirements of different groups: juveniles, female prisoners, patients on diet, female juveniles who serve sentence with babies in the special facility, prisoners remaining in the closed regimens and in the open regimens. The calorie and ingredients for food is complementary to the national and international food standards.
- q. MCLA medical department reacted on influenza epidemics in an efficient manner: 1. H1N1 – active prevention and control campaign with zero cases of infection and mortality in the penitentiary while having massive spread and high mortality in the civilian sector 2. Measles – massive vaccination and prevention activities for inmates and prison staff has been completed.
- r. Mortality rate has been decreased significantly: since 2005 it varied between 65-72 deaths / per 10 000 inmates / per year while after first 6-7 months of implementation of prison healthcare reform strategy the mortality decreased to 27 deaths / per 10 000 inmates / per year. Mortality rate in Georgian penitentiary became comparable to US and European indicators.

For the comparative table of medical services covered by the state in the civilian and penitentiary healthcare systems see attachment No 16.

For the data on medical screening see attachment No 17.



ATTACHMENT No. 7





**Statistics on early conditional release by Standing Commission and Local Councils of MCLA covering the period from January 1, 2012 to June 11, 2013  
(Attachment N 7)**

Name		2012	2013
<b>Standing Commission</b>		<b>321</b>	<b>155</b>
including	Women	60	7
	Men	261	148
<b>Local Council of Eastern Georgia</b>		<b>786</b>	<b>288</b>
including	Women	63	47
	Men	723	241
<b>Local Council of Western Georgia</b>		<b>186</b>	<b>96</b>
including	Women	0	0
	Men	186	96
<b>Local Council of Juvenile cases</b>		<b>5</b>	<b>15</b>
including	Women	0	0
	Men	5	15
<b>Total of Local Councils</b>		<b>977</b>	<b>399</b>
including	Women	63	47
	Men	914	352
<b>Total of Staning Commission and Local Councils</b>		<b>1298</b>	<b>554</b>
including	Women	123	54
	Men	1175	500



ATTACHMENTS Nos 8.1 and 8.2



Statistics on compassionate release ( 2012 )

(Attachment N 8.1)

Nº	Month	Men					Women					Sum Total
		Involuntary Mental Treatment	Released because of Illness	Released because of Elderly	Postponing because of Illness	Total	Involuntary Mental Treatment	Released because of Illness	Released because of Elderly	Postponing because of Illness	Total	
1	January					0					0	0
2	February					0					0	0
3	March					0					0	0
4	April					0					0	0
5	May					0					0	0
6	June					0					0	0
7	July					0					0	0
8	August					0					0	0
9	September					0					0	0
10	October			3		3					0	3
11	November					0					0	0
12	December		3			3		1	5		6	9
<b>Total</b>		<b>0</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>1</b>	<b>5</b>	<b>0</b>	<b>6</b>	<b>12</b>

Statistics on compassionate release ( 2013 )

(Attachment N 8.2)

№	Month	Men					Women					Sum Total
		Involuntary Mental Treatment	Released because of Illness	Released because of Elderly	Postponing because of Illness	Total	Involuntary Mental Treatment	Released because of Illness	Released because of Elderly	Postponing because of Illness	Total	
1	January		16			16					0	16
2	February		9			9			1		1	10
3	March		9	13		22			1		1	23
4	April		7	3		10					0	10
5	May			2		2			5		5	7
6	June			1		1					0	1
7	July					0					0	0
8	August					0					0	0
9	September					0					0	0
10	October					0					0	0
11	November					0					0	0
12	December					0					0	0
<b>Total</b>		<b>0</b>	<b>41</b>	<b>19</b>	<b>0</b>	<b>60</b>	<b>0</b>	<b>0</b>	<b>7</b>	<b>0</b>	<b>7</b>	<b>67</b>

*Remark: In May, 2013, 2 female inmates benefited from early conditional release because of elderly.*

ATTACHMENT No. 9





Statistics on Amnesty and Pardon covering the period from January 1. 2012 to June 30. 2013

(Attachment N 9)

<b>Pardon</b>		
Men	Women	Juvenile
617	30	5
<b>Total</b>		<b>652</b>

<b>Amnesty</b>		
Men	Women	Juvenile
16818	822	66
<b>Total</b>		<b>17 706</b>



ATTACHMENT No. 10



**Statistics on the number of inmates released as a result of the amendments made to Article 59 of the Criminal Code of Georgia ( 2013 )**

(Attachment N 10)

№	Establishments	Months												Total
		January	February	March	April	May	June	July	August	September	October	November	December	
1	№1 establishment					0	0	0						<b>0</b>
2	№2 establishment					8	27	1						<b>36</b>
3	№3 establishment					0	1	0						<b>1</b>
4	№4 establishment					0	5	0						<b>5</b>
5	№5 establishment	K				7	20	0						<b>27</b>
		G				0	0	0						<b>0</b>
6	№6 establishment					8	34	0						<b>42</b>
7	№7 establishment					0	1	0						<b>1</b>
8	№8 establishment					2	15	2						<b>19</b>
9	№9 establishment					0	0	0						<b>0</b>
10	№11 establishment					2	1	0						<b>3</b>
11	№12 establishment					14	12	0						<b>26</b>
12	№14 establishment					9	88	5						<b>102</b>
13	№15 establishment					28	115	2						<b>145</b>

14	№16 establishment					0	0	0							<b>0</b>
15	№17 establishment					71	70	3							<b>144</b>
16	№18 establishment					4	2	0							<b>6</b>
17	№19 establishment					4	10	0							<b>14</b>
<b>Total</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>157</b>	<b>401</b>	<b>13</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>571</b>

ATTACHMENT No. 11





**The statistics of re – offending covering the period from October 1.2012 to  
June 30. 2013  
(Attachment N 11)**

	01.10 – 31.12.2012	01.01 – 30.06.2013	Total
By Pardon	2	45	47
By Amnesty	0	203	203
By Early Conditional Release	4	35	39



ATTACHMENT No. 12



**The list of rehabilitation programs carried out in cooperation with various local and international organizations**

**Attachment N 12**

#2 penitentiary establishment : a psycho-social program “methadone” for prisoners suffering from drug addiction;

In addition another psycho – social program financed by the GCRT is running for juveniles.

#5 penitentiary establishment: the “Global Initiative on Psychiatry” is conducting a training on “Social skills and effective communication”;The “Civic Education Training” is supported and funded by the NORLAG;

#6 penitentiary establishment: a psycho-social program “Atlantis” for prisoners suffering from drug addiction;

#8 penitentiary establishment: a “methadone” program for prisoners suffering from drug addiction;

#11 penitentiary establishment: As part of the Georgia - Swiss Project “Nergi” a psychological group work in “mitodrama”;

In addition, the social workers and the psychologists provide their work in the scope of individual sentence plan;

#17 penitentiary establishment: Non-governmental organization “Human, Law, Freedom (HLF)” is implementing the project “preparation for release” funded by NORLAG;

As for the educational programs, professional and vocational trainings :

Educational trainings are implemented in #5 establishment, where the association “Women and Business” provides business training “start your own business”, computer and English language courses are also provided;

#11 establishment, drawing courses are conducted under the auspices of the college of Church of the “Holy Ekvtime Man of God “.

The Ministry of Corrections and Legal Assistance of Georgia and Tbilisi State University are implementing a joint project that gives an opportunity to inmates to learn English language, office and marketing skills.

Vocational trainings are provided in #5 and #11 establishments.

In particular, the association "Women and Business" provides felt-making courses, also the Ministry of Sport and Youth Affairs of Georgia provides quilt making courses;

Under the auspices of the same ministry, wood art, wood carving and design trainings are provided.

Besides the professional and vocational trainings, the juvenile and pre-trial inmates are provided with general education in №2, №5, №8 and №11 establishments.

ATTACHMENT No. 13





**The list of trainings carried out on the topic of prohibition of torture or any other forms of ill-treatment**

**(Attachment N 13)**

**a. Initial Basic Training Curriculum of Penitentiary System Personnel**

Prohibition of Torture – two sessions

International standards and national legislation related to the prohibition of torture - Session;

The European Court Practice regarding the Article 3 of the European Convention - Session;

**b. International and local monitoring – One session**

**Local monitoring:**

Ombudsman and the Special Preventive Group.

Internal Monitoring - General Inspection Unit of the Ministry, the Penitentiary Department headquarters.

**International monitoring:**

European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT);

International Committee of the Red Cross (ICRC);

Subcommittee on Prevention of Torture (SPT);

Committee against Torture (CAT);

United Nations High Commissioner for Human Rights;

The United Nations Special Rapporteur on human rights issues.

**c. Long term Training Curriculum - “Universal Officer”**

Prohibition of Torture – 4 sessions

International standards and national legislation related to the prohibition of torture;

The European Court Practice regarding the Article 3 of the European Convention.

**International and local monitoring - 1 Session**

**Local monitoring:**

Ombudsman and the Special Preventive Group, Chairman of the persons authorized for this purpose;  
Internal Monitoring - General Inspection Unit of the Ministry, the Penitentiary Department headquarters.

**International monitoring:**

European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT);  
International Committee of the Red Cross (ICRC);  
Subcommittee on Prevention of Torture (SPT);  
Committee against Torture (CAT);  
United Nations High Commissioner for Human Rights;  
The United Nations Special Rapporteur on human rights issues.

**d. Public Reception staff training curriculum**

Prohibition of Torture – 2 sessions  
International standards and national legislation related to the prohibition of torture;  
The European Court Practice regarding the Article 3 of the European Convention.

**e. The CPT standards – 8 sessions****International Standards for the Treatment of juvenile**

Prohibition of Torture – 2 sessions  
International standards and national legislation related to the prohibition of torture;  
The European Court Practice regarding the Article 3 of the European Convention

**f. The UN Rules on the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (The Bangkok Rules)****g. Human Rights Monitoring in penitentiary establishments for staff of the Penitentiary Department's Monitoring Division – 2 sessions**

The European Court's decisions with respect to the Article 3 of the European Convention – 1 sessions;  
Istanbul Protocol - 1 sessions

**h. The training curriculum for the employees and psychologists from the regime department of the juvenile establishment**

Prohibition of Torture

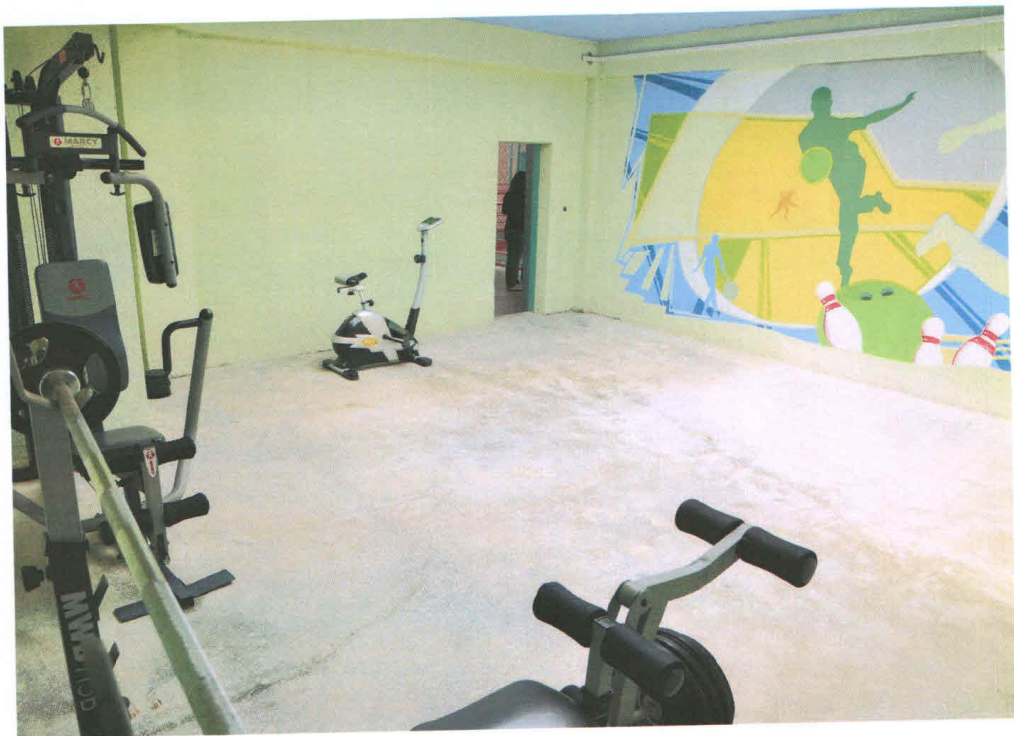
International standards and national legislation related to the prohibition of torture;

The European Court Practice regarding the Article 3 of the European Convention



ATTACHMENT No. 14.1









ATTACHMENT No. 14.2







ATTACHMENT No. 14.3









ATTACHMENT No. 15.1







ATTACHMENT No. 15.2









ATTACHMENT No. 16



**Comparative table of medical services covered by the state in the civilian and penitentiary healthcare systems**

<b>System parameters<sup>1</sup></b>	<b>Civilian sector</b>	<b>Penitentiary</b>
Ratio between the family doctor and population	1/2000-3000	1/500-600
Average salary of the family doctor in the PHC system	500-950 GEL	1200 GEL
Total Expenditure on Health Per Capita	About 570 \$	About 675 \$
Licensed following the legislation	Yes	Yes
<b>Services available<sup>2</sup></b>	<b>Civilian sector</b>	<b>Penitentiary</b>
Vaccination following the national vaccination calendar	Yes	Yes
Lab express tests: Urine, blood glucose	Yes	Yes
Electrocardigraphy	Yes	Yes
Medical certificate and prescriptions	Yes	Yes
Provision of care in the living area (if falls under the competence of a family doctor)	Yes	Yes
Clinical and lab tests indicated by the doctor: blood general test and urine general test	Yes	Yes
Emergency ambulatory care without hospitalization	Yes/unlimited	Yes/unlimited
Emergency hospitalization	Yes/ within the limit of 15000 GEL	Yes/unlimited
Managed ambulatory care	No	Yes/unlimited
Managed hospitalization	No	Yes/unlimited
Oncology (surgery and therapy)	Yes/limited	Yes/unlimited

<sup>1</sup>Validated by the official information available from national health programs and national state budget ([www.moh.gov.ge](http://www.moh.gov.ge) [www.mcla.gov.ge](http://www.mcla.gov.ge) [www.parliament.ge](http://www.parliament.ge) )

<sup>2</sup> Validated by the official information available from national health programs and national state budget ([www.moh.gov.ge](http://www.moh.gov.ge) [www.mcla.gov.ge](http://www.mcla.gov.ge) [www.parliament.ge](http://www.parliament.ge)), also from the data representing provision of medical services to the inmates;

Cardiovascular surgery	Yes/age limited	Yes/unlimited
Ambulance	Yes/limited	Yes/unlimited
Medication	No	Yes/within the basic list
Dental care	No	Yes
Psychiatric care	Yes	Yes
TB testing and treatment	Yes	Yes
HIV/AIDS testing and treatment	Yes	Yes
Hepatitis C testing and treatment	Yes/only co-infected with HIV	Yes/ Co-infected with HIV
Reproductive health	Yes/limited	Yes/limited

ATTACHMENT No. 17



## Medical Screening

Performance Indicators of the Penitentiary Healthcare System		Y2012	
		6 months	1 Year
Total Number of Inmates		22 682	
Medical Screening for every newcomer (*turnover of the inmates in/out counted)		7952	17468
Registered cases of self-harm		504	996
Yearly recorded medical examinations in Tbilisi N8, Tbilisi N12 and Juvenile establishment N11		N8 - 11637 cases N12 - 3188 cases N11 - 71 cases	
Treatment courses conducted	Ambulatory service utilization	38071	88812
	Hospital care utilization	1477	3263
Diagnostics and treatment in the hospitals	CPH #18	917	1833
	TB Centre #19	628	1194
	Civilian Hospitals	1261	2995
Dental care provided to		9220	18658
N of TB screening conducted		64304	117323
TB treatment provided to	DOTS	518	801
	DOTS +	91	171
Medical examination and consultations made by psychiatrists		2148	8348
Surgical interventions provided to		557	1200
HIV/AIDS treatment provided to		87	39
Methadone detoxification course provided to		50	116