

ADVANCE UNEDITED VERSION

Follow Up Information to the United Nations Human Rights Committee By the Government of Georgia in accordance with the Rule 71(5) of the Committee Rules and Procedure

1. In accordance with Paragraph 19 of the Concluding Observation of the Human Rights Committee (CCPR/C/SR.2500), with respect to the third periodic report submitted by Georgia (CCPR/C/GEO/3) to the Committee at 91st Session, the Government of Georgia presents follow-up information.
2. The Government of Georgia respectfully notes, that certain delay in the presentation of this information is a result of the unfortunate situation caused by the armed conflict between Russian Federation and Georgia, and subsequent occupation of the part of the territory of Georgia by the Russian armed forces;
3. With respect 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 (*hereinafter* the Law) 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 up-coming 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 UN 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 for 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 underage 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 the victim of domestic violence based on a visual examination. The training also discussed the tactics of psychological approach to the members of domestic violence;
5. The Annex I provides desegregated data regarding the restraint orders issued by the police;
6. With respect to investigation and prosecution of the crimes of domestic violence, in 2007, 20 persons had been convicted in crime of domestic violence, while the sentencing varied based on gravity of the crimes from fine and conditional sentence to imprisonment up to 5 years;
7. The recent discussion/initiatives in the field of domestic violence, are directed towards following developments:
 - a. Centralization of policy-making process in the field of fight against domestic violence body;

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- b. Drafting of the new action plan for years 2009-2011 through participation of the governmental authorities, international and national organizations;
 - c. Drafting of the national referral mechanism;
8. The Government of Georgia and particularly, the law enforcement authorities pay particular attention to training in human rights sphere and principles of use of force/fire arms. In particular, the Police Academy of the Ministry of Internal Affairs (*hereinafter* MoIA) devotes special attention to the teaching of legal basis for the use of coercive force and acquisition of relevant practical skills by future policemen. Curriculum of the Police Academy of the MoIA contains extensive tactical training course, local legislation as well as the course on international human rights law. These courses deal in detail with the issues of the use of force by police:
 - 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 resort to 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 course puts special emphasis on the right to life, especially in conjunction with the right to use firearms by the policeman.
 - b. *Tactical training* involves 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 last resort.
 - c. *Use of special means and firearms* – practical training for prospective policemen for legitimate and effective use of special means. At the end of the course practical exam is held, where unsuccessful students are unable to graduate from the academy. The course is conducted in the form of trainings and role plays where students carry out moot police operations of search and apprehension of suspects by inflicting minimum necessary harm.
9. Apart from 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, having sufficient expertise in this field, with a view of organizing *ad hoc* topic oriented courses in specific aspects of police activities:
 - a. January 22-24, 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. April 1-11, 2008 - Training organized by the Embassy of France on Use of professional Technical Gestures during Arrest had held at the MoIA Academy;
 - c. June 2-6, 2008 - Training on Traffic Control and Crash Investigation organized by the US Embassy was held at the MoIA Academy. The course covered theoretical and practical issues of traffic control.
10. Georgian authorities note the importance of the continued reforms within the penitentiary. As the very least, the following penitentiary institutions have been constructed and renovated during the 6 months in 2008:
 - a. In March, 2008 renovation works of 4 buildings were completed in Geguti #8 institution. Resulting from this number of places increased from 917 up to 2000.
 - b. Construction of a new, four-floor building (regime institution) for 1000 inmates was completed in Geguti #8, in August, 2008.
 - c. In October, 2008 the construction of new penitentiary building in Rustavi #2 for 1000 inmates was completed.

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- d. 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 to meet international standards. This development will greatly contribute to the improvement of health care system in the penitentiary.
11. The total budget of the Prison Department had been increasing in recent years in order to meet the requirements related to the treatment of the prisoners as well as the level of professionalism of the prison staff. For example, the total budget of the Prison Department in 2007 amounted to more than 82 million GEL, while this year (2008) it amounts to 96 million GEL;
12. As noted above, in order to improve the leaving conditions of the prisoners in accordance with the international standards following steps had been taken:
 - a. *Nutrition* – Monthly food expenditure for prisoners has increased within the recent years in successive steps, namely: in 2006 monthly expenditure for prisoner’s nutrition made 23,5 GEL, throughout 2007 this amount increased by 213% and amounted 50 GEL. Since 2008 analogical nutrition ration (80 GEL, approx 37 EUR) has been established in all penitentiary institutions without any exceptions. From October 2008 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 special diet due to the health condition;
 - b. *Healthcare* - In October 2007 Penitentiary Department of the Ministry of Justice of Georgia concluded a contract with “Aldagi - BCI” insurance company that has been providing medical services to the prisoners since November 2007. Transition to the insurance system has entailed increase of the both service standard and trust towards the treatment quality from the prisoners’ and their relatives’ sides. The Ministry of Justice pays particular attention to improving the system of release of prisoners or postponing the sentence due to the health conditions. The court, based on the motion of the Prison Department and defense lawyer, in year 2008, released on parole 1071 prisoners and postponed the sentence of 40 prisoners.
 - c. *Education* - Throughout the recent period various employment and education programs have been gradually activated within the penitentiary system (computer learning courses, shoes micro production facility, icon-painting learning courses, sports activities and etc). With the purpose of prisoners’ education, the libraries of almost all penitentiary institutions have been refurbished and supplied with around 10 000 books of modern literature in the last 6 months of 2008. The Ministry of Justice of Georgia in association with the Ministry of Education and Science of Georgia and with the assistance of the reform group has elaborated the concept of medium, professional and higher education for prisoners.
13. It shall be noted further that the Government of Georgia, namely the Ministry of Justice has several joint programmes/initiatives with international/donor organizations respect to probation and juvenile justice systems. In particular:
 - a. the European Commission run Project “Penitentiary and Probation Reform in Georgia” aimed at preparation of the national development strategy for the Probation Service of Georgia. The working document had been drafted with the participation of the international experts in line with the COE Recommendations containing the European Rules on Community Sanctions and Measures and the Recommendations of Conditional Release from Prison.
 - b. The UNICEF will launch Project “Reform Options for the Penitentiary System and Probation System for Convicted Child Offenders in Georgia” aimed at the improvement of penitentiary system and probation system for convicted child offenders, as well as to realize a reintegration-focused penitentiary system and probation system. The working document (main directives) is being drafted by UNICEF on juvenile justice system in Georgia. Furthermore, Ministry of Justice and

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UNICEF signed memorandum of understanding on “Establishment of Rehabilitative Schemes for Juvenile Probationers in Rustavi and Batumi”. The project is run by PRI since summer 2008 and due to its successful implementation, Ministry of Justice of Georgia expressed its willingness to extend the project and include the capital of Georgia – Tbilisi.

14. The Government of Georgia would like to inform the Human Rights Committee that on December 13, 2008, the President of Georgia signed Decree No. 591 creating the Criminal Justice Reform Inter-Agency Coordinating Council (hereinafter the Council). The mandate of the Council is defined in its Statute (adopted by the Presidential Decree No. 591). The members of the Council are high level governmental representatives (deputy ministers and heads of respectful services) and of the Judiciary, as well as the Public Defender of Georgia. The invited membership had been open to the representatives of the international (including donor community) and non-governmental organizations, as well as to the experts specializing in specific criminal justice system components. The Council is headed by the Minister of Justice. This initiative is part of the European Commission Support Programme 2009-2010 (of 16 million Euros) to promote Criminal Justice Reforms in Georgia.
15. The Objectives of the Council are the following:
 - To elaborate relevant recommendations regarding the Criminal Justice Reform in line with the principles of the rule of law and human rights protection in Georgia;
 - To review and periodical revise Criminal Justice Reform Strategy;
 - To coordinate intergovernmental activities in course of the elaboration of the Criminal Justice Reform Strategy;
 - 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 following Authority:
 - Request information relevant from the realization of the set objectives from State organs and Governmental Agencies in accordance with the rules provided by law;
 - Elaborate and prepare recommendations regarding the revision of Criminal Justice Reform Strategy;
 - Establish working groups¹ and invite independent experts for the preparation of the researches/analyzes and the recommendation within the limits of their competence/mandate.
17. The first Session of the Council took place on 18 December 2008 and the Chairman proposed following areas to be addressed by the Council in its work: juvenile justice, promotion, penal reforms ad free legal aid. The importance of implementation of the OPCAT obligations by Georgia was also considered as a priority for the Council.
18. Please further note that the Government of Georgia would like to bring to the attention of the Human Rights Committee following two non-papers:
 - a. Merging of the Ministry of Justice of Georgia and the Prosecution Service of Georgia;
 - b. Ethnic Cleansing of Georgians and the facts of human rights violations in the territories occupied/falling under control of the Russian armed forces.

¹ 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, academicians and experts.