

GEORGIA

Follow-up - State Reporting

Action by Treaty Bodies, Including Reports on Missions

CCPR A/58/40 vol. I (2003)

CHAPTER VII. FOLLOW-UP TO CONCLUDING OBSERVATIONS

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Overview of the application of the follow-up procedure

265. At its seventy-first session, in March 2001, the Committee began its routine practice of identifying, at the conclusion of each set of concluding observations, a limited number of priority concerns that had arisen in the course of the dialogue with the State party. The Committee has identified such priority concerns in all but one of the reports of States parties examined since the seventy-first session. Accordingly, it requested that State party to provide, within one year, the information sought. At the same time, the Committee provisionally fixed the date for the submission of the next periodic report.

266. As the Committee's mechanism for monitoring follow-up to concluding observations was only set up in July 2002, this chapter describes the results of this procedure from its initiation at the seventy-first session in March 2001 to the close of the seventy-eighth session in August 2003. These are described session by session, but in future reports this overview will limit itself to an annual assessment of the procedure.

<u>State party</u>	<u>Date information due</u>	<u>Date reply received</u>	<u>Further action</u>
...			
<i>Seventy-fourth session (March 2002)</i>			
Georgia	3 April 2003	15 March 2003	At its seventy-eighth session, the Committee decided to take no further action.

VII. FOLLOW UP TO CONCLUDING OBSERVATIONS

237. In chapter VII of its annual report for 2003,²⁰ the Committee described the framework that it has set out for providing for more effective follow up, subsequent to the adoption of the concluding observations in respect of States parties' reports submitted under article 40 of the Covenant. In chapter VII of its last annual report (A/63/40, vol. I), an updated account of the Committee's experience in this regard over the last year was provided. The current chapter again updates the Committee's experience to 1 August 2009.

238. Over the period covered by the present annual report, Sir Nigel Rodley acted as the Committee's Special Rapporteur for follow-up on concluding observations. At the Committee's ninety-fourth, ninety-fifth and ninety-sixth sessions, he presented progress reports to the Committee on inter-sessional developments and made recommendations which prompted the Committee to take appropriate decisions State by State.

239. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table.²¹ Over the reporting period, since 1 August 2008, 16 States parties (Austria, Barbados, Bosnia and Herzegovina, Chile, Costa Rica, Czech Republic, France, Georgia, Honduras, Hong Kong Special Administrative Region (China), Ireland, Libyan Arab Jamahiriya, Madagascar, Tunisia, Ukraine and United States of America), as well as the United Nations Interim Administration Mission in Kosovo (UNMIK), have submitted information to the Committee under the follow up procedure. Since the follow up procedure was instituted in March 2001, 11 States parties (Botswana, Central African Republic, Democratic Republic of the Congo, Equatorial Guinea, Gambia, Namibia, Panama, Sudan, the former Yugoslav Republic of Macedonia, Yemen and Zambia) have failed to supply follow up information that has fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.²²

240. The table below takes account of some of the Working Group's recommendations and details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow up responses provided to it, decided before 1 August 2008 to take no further action prior to the period covered by this report.

241. The Committee emphasizes that certain States parties have failed to cooperate with it in the performance of its functions under Part IV of the Covenant, thereby violating their obligations (Gambia, Equatorial Guinea).

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Ninety-first session (October 2007)

State party: Georgia

Report considered: Third periodic (due since 1 April 2006), submitted on 1 August 2006.

Information requested:

Para. 8: Compilation of statistical data on incidents of domestic violence; investigation of complaints related to domestic violence and institution of criminal proceedings against perpetrators; protection of victims of domestic violence (arts. 3, 23 and 26).

Para. 9: Prompt and impartial investigation of complaints about excessive use of force by law enforcement officers; initiation of criminal investigations against perpetrators; training for law enforcement officers; provision of compensation to victims (art. 6).

Para. 11: Measures to improve the conditions of persons deprived of their liberty, especially measures to put an end to prison overcrowding (art. 10).

Date information due: 1 November 2008

Date information received:

13 January 2009 Partial reply (response incomplete with regard to paragraphs 8, 9, and 11).

Action taken:

16 December 2008 A reminder was sent.

29 May 2009 A letter was sent to request additional information.

Recommended action: If no information is received, a reminder should be sent.

Next report due: 1 November 2011

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21/ The table format was altered at the ninetieth session.

22/ As the next periodic report has become due with respect to the following States parties, the Committee has terminated the follow-up procedure despite deficient information or the absence of a follow-up report: Mali, Sri Lanka, Suriname, Namibia, Paraguay, and the Democratic Republic of the Congo.

CCPR, CCPR/C/SR.2738/Add.1 (2010)

Human Rights Committee
Ninety-ninth session

Summary record of the second part (public) of the 2738th meeting
Held at Palais Wilson, Geneva,
on Wednesday 28 July 2010, at 11:25 am

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Follow-up to concluding observations on State reports and to Views under the Optional Protocol

Report of the Special Rapporteur for Follow-up on Concluding Observations (CCPR/C/99/2/CRP.1)

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2. **Mr. Amor**, Special Rapporteur for Follow-up on Concluding Observations, said that, while he commended the excellent work of the secretariat, it was regrettable that the relevant staff did not have more time to devote to follow-up on concluding observations. At the Committee's request, he had undertaken to supply details of the contents of the letters sent to States parties concerning follow-up in which the Committee asked for further information, urged the State to implement a recommendation or, alternatively, noted that a reply was satisfactory.

...

20. Having analysed the information Georgia had sent in October 2009, he proposed sending a reminder noting the State party's good cooperation, but also requesting more specific details on the following issues: investigations into complaints relating to domestic violence and other acts of violence against women; measures to protect victims of domestic violence, including establishing a sufficient number of appropriate shelters; prompt and impartial investigation of complaints concerning excessive use of force by law enforcement officials; criminal proceedings against alleged perpetrators of those acts; and measures to end prison overcrowding.

...

24. **The Chairperson** said that, if there was no objection, he took it that the Committee wished to adopt the Special Rapporteur's recommendations.

25. *It was so decided.*

...

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Chapter VII: Follow-up to Concluding Observations

203. In chapter VII of its annual report for 2003,¹⁶ the Committee described the framework that it has set out for providing for more effective follow-up, subsequent to the adoption of the concluding observations in respect of States parties' reports submitted under article 40 of the Covenant. In chapter VII of its last annual report,¹⁷ an updated account of the Committee's experience in this regard over the last year was provided. The current chapter again updates the Committee's experience to 1 August 2010.

204. Over the period covered by the present annual report, Mr. Abdelfattah Amor acted as the Committee's Special Rapporteur for follow-up on concluding observations. At the Committee's ninety-seventh, ninety-eighth and ninety-ninth sessions, he presented progress reports to the Committee on intersessional developments and made recommendations which prompted the Committee to take appropriate decisions State by State.

205. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table.¹⁸ Over the reporting period, since 1 August 2009, 17 States parties (Bosnia and Herzegovina, Chile, Costa Rica, Czech Republic, Denmark, France, Georgia, Japan, Monaco, Spain, the former Yugoslav Republic of Macedonia, Sudan, Sweden, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland and Zambia), as well as the United Nations Interim Administration Mission in Kosovo (UNMIK), have submitted information to the Committee under the follow-up procedure. Since the follow-up procedure was instituted in March 2001, 12 States parties (Australia, Botswana, Central African Republic, Democratic Republic of the Congo, Equatorial Guinea, Gambia, Namibia, Nicaragua, Panama, Rwanda, San Marino and Yemen) have failed to supply follow-up information that has fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the preparation of the next periodic report by the State party.¹⁹

206. The table below takes account of some of the Working Group's recommendations and details the experience of the Committee over the last year. Accordingly, the report does not cover those States parties with respect to which the Committee has completed its follow-up activities, including all States parties which were considered from the seventy-first session (March 2001) to the eighty-fifth session (October 2005).

207. The Committee emphasizes that certain States parties have failed to cooperate with it in the performance of its functions under Part IV of the Covenant, thereby violating their obligations (Equatorial Guinea, Gambia).

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Ninety-first session (October 2007)

State party: Georgia

Report considered: Third periodic (due since 1 April 2006), submitted on 1 August 2006.

Information requested:

Para. 8: Compilation of statistical data on incidents of domestic violence; investigation of complaints related to domestic violence and institution of criminal proceedings against perpetrators; protection of victims of domestic violence (arts. 3, 23 and 26).

Para. 9: Prompt and impartial investigation of complaints about excessive use of force by law enforcement officers; initiation of criminal investigations against perpetrators; training for law enforcement officers; provision of compensation to victims (art. 6).

Para. 11: Measures to improve the conditions of persons deprived of their liberty, especially measures to put an end to prison overcrowding (art. 10).

Date information due: 1 November 2008

Date information received:

13 January 2009 Partial reply (response incomplete with regard to paras. 8, 9 and 11).

28 October 2009 Additional information submitted (para. 8: replies satisfactory in parts, incomplete in others; para. 9: replies satisfactory in parts, incomplete in others; para. 11: replies satisfactory in parts, incomplete in others).

Action taken:

16 December 2008 A reminder was sent.

29 May 2009 A letter was sent to request additional information.

27 August 2009 A reminder was sent.

Recommended action: While taking note of the cooperativeness of the State party, the Committee should send a letter requesting additional, more specific information on a number of questions: investigations into complaints related to domestic violence and other

acts of violence against women (para. 8); protection of victims of domestic violence, including by establishing a sufficient number of shelters (para. 8); impartial investigations into complaints about the excessive use of force by law enforcement officials (para. 9); prosecution of the perpetrators of such acts (para. 9); and steps to end prison overcrowding (para. 11).

Next report due: 1 November 2011

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¹⁶ *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 40*, vol. I (A/58/40 (vol. I)).

¹⁷ *Ibid.*, *Sixty-Fourth Session, Supplement No. 40*, vol. I (A/64/40 (vol. I)).

¹⁸ The table format was altered at the ninetieth session.

¹⁹ As the next periodic report has become due with respect to the following States parties, the Committee has terminated the follow-up procedure despite deficient information or the absence of a follow-up report: Austria, Brazil, Central African Republic, Democratic Republic of the Congo, Hong Kong (China), Mali, Namibia, Paraguay, Republic of Korea, Sri Lanka, Suriname and Yemen.

**Follow-up - State Reporting
Action by State Party**

CCPR, CCPR/CO/74/GEO/Add.1 (2003)

Comments by the Government of the Republic of Georgia on the concluding observations of the Human Rights Committee

1. The Government of Georgia, having familiarized itself with the observations of the Human Rights Committee contained in document CCPR/CO/74/GEO of 28 March 2002, wishes to express its satisfaction with the largely upbeat assessment of the progress Georgia has made in implementing the provisions of the International Covenant on Civil and Political Rights. As requested in paragraph 22 of the Committee's concluding observations, the Government of Georgia is hereby transmitting information about the issues raised by the Committee in paragraphs 7, 8 and 9 within the deadline indicated.

2. At the same time, the Government of Georgia feels obliged to put the Human Rights Committee right with regard to some points raised in its observations, which inaccurately reflect the true state of affairs, and it also wishes to submit certain new information regarding the Committee's observations as a whole. In this respect, it should be noted that, during the consideration of the report, the Georgian delegation provided explanations on a wide range of subjects of interest to members of the Committee and submitted data to help the Committee gain a clearer insight into the actual situation. It is therefore puzzling to note that, in some instances, the Committee's recommendations take absolutely no account of the supplementary information provided by the delegation during the consideration of the report, thereby giving rise to a number of inaccuracies as listed below.

Paragraph 5

3. In paragraph 5 of the concluding observations it is stated that the Committee welcomes the creation of the "Rapid Reaction Group", the function of which is to visit places of detention and investigate complaints.

4. Here it is once more necessary to note that the "Rapid Reaction Group" is not an autonomous structure. It was established within the office of the Ombudsman as part of a six-month project that ran from December 2001 to June 2002, funded by the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe. The Ombudsman and the donor organization are currently exploring the possibility of resuming funding for this project.

5. According to the Ombudsman's report covering the first six months of 2002, the activities of the "Rapid Reaction Group" have enabled the Ombudsman to submit 54 recommendations to the Procurator-General and the Minister of Internal Affairs on human rights violations that it has identified. As the report notes, the Ombudsman's intervention facilitated the restoration of violated rights in a number of cases.

6. In the light of the foregoing, we think that paragraph 5 of the Committee's concluding observations should not mention the "Rapid Reaction Group" in isolation, but in the context of the work of the Ombudsman.

7. Additional comments may be found below regarding the Ombudsman's status and powers in connection with the views expressed by the Committee in paragraph 15 of its concluding observations.

Paragraph 6

8. In paragraph 6 it is stated that "the Committee expresses satisfaction at the creation of a Constitutional Court but it remains concerned that current procedures impede access to the Court".

9. On 12 February 2002 the Constitutional Act amending the Georgian Constitutional Court (Establishment) Act and the Proceedings Before the Constitutional Court (Establishment) Act was adopted. This Act became law on 5 March 2002. The amendments are designed to eradicate the existing shortcomings in the legislative acts that regulate the work of the Constitutional Court. These legislative innovations bear equally on procedural matters and questions relating to the Court's jurisdiction.

10. The most significant changes and innovations are as follows:

(a) Abolition of the legally sanctioned principle of "continuity", whereby a member of the Court hearing a particular case was barred from hearing others until the first case had been suspended or deferred. This procedure caused problems for the timetabling of cases. Under the amendment, a member of the Court hearing a particular case is allowed to hear other cases before the suspension or deferral of the first case;

(b) Adoption of general and differentiated schedules for the hearing of cases. Under this amendment, a plaintiff will be informed within 10 days of bringing a case before the Court whether the Court intends to consider the merits of the case. A time limit of six months has also been set for the Constitutional Court to reach a decision in a constitutional action or application;

(c) Broadening of the competence of the Constitutional Court, through the introduction of the official institution of judicial review. Pursuant to this amendment, the Constitutional Court has acquired the right not only to verify the constitutionality of a legislative act as regards its content, but also to ascertain whether the constitutionally sanctioned procedure for the adoption of the act has been observed;

(d) Broadening of the range of persons entitled to bring cases before the Constitutional Court. Legal entities are also entitled to bring cases before the Court on questions falling under chapter II of the Georgian Constitution (on fundamental human rights and freedoms).

11. We believe that the amendments described above have significantly broadened the Constitutional Court's powers, enhanced the effectiveness of its work, facilitated access to the Court and strengthened guarantees for the full protection of human rights.

Paragraph 7

12. In paragraph 7 it is stated that the Committee expresses its concern at the still very large number of deaths in police stations and prisons, including suicides and deaths from tuberculosis. The Committee also expressed its concern about the large number of cases of tuberculosis reported in prisons.

13. The Government of Georgia believes that the Committee should be updated on this issue.

14. According to official statistics, 39 prisoners died in penitentiaries administered by the Georgian Ministry of Justice in 2002. Of these, 29 died as a result of illness, while the other 10 died violent deaths (4 suicides, 5 homicides and 1 accident). The causes of death of the prisoners who died through illness were as follows: nine cases of acute cardiovascular insufficiency; six cases of pulmonary tuberculosis; six cases of acute myocardial infarction; two cases of acute ischaemia; and one case each of cirrhosis of the liver, alimentary dystrophy, brain inflammation, arteriosclerotic cardiosclerosis, acute impairment of cerebral circulation and lung cancer.

15. As these figures show, the number of deaths in penitentiary institutions rose slightly in 2002 compared with 2001, when 31 inmates died. It should be recalled, however, that in 2000 a total of 52 prisoners died. The number of deaths from tuberculosis has declined significantly, with 6 cases in 2002 as against 13 in 2001 and 23 in 2000. Four prisoners committed suicide in 2002. In 2001 there were no suicides, but there were six in 2000.

16. Normally, when a prisoner dies, the news is relayed to the duty unit of the Corrections Department at the Ministry of Justice and the relevant procurator's office, which undertakes the necessary procedural actions as prescribed by law.

17. In 2002 the Medical Department of the Ministry of Justice took a number of steps to improve the standard of medical treatment provided at penitentiaries. Among other things, the Minister of Justice has ratified interim provisions on prison hospitals, as a result of which medical units have finally been made independent from the Corrections Department. Departmental programmes have also been adopted to protect the health of persons at institutions administered by the Corrections Department, as well as programmes to prevent the spread of HIV/AIDS and sexually transmitted diseases in these institutions. An arrangement has been worked out between the Ministry of Justice and the Ministry of Labour, Health and Social Security on transferring responsibility for psychiatric evaluations from prison hospitals to ordinary psychiatric clinics with effect from January 2003.

18. In the light of the Committee's recommendations, some practical measures should be noted:

- A properly equipped medical unit has been opened at the young offenders' institution;

- A properly equipped medical unit has been opened at adult penitentiary No. 7;
- Four wards at the female prisoners' in-patient unit have been renovated with assistance and financial support from the International Committee of the Red Cross (ICRC), and will be opened shortly;
- To implement the so-called "directly observed treatment short course (DOTS)" programme, 10 cell-type wards for prisoners suffering from tuberculosis have been renovated. This programme is already being implemented at Rustavi penitentiary.

19. As to efforts to prevent the spread of tuberculosis in prisons, the Committee should know that, with the assistance of ICRC, a total of 6,142 prisoners were screened for pulmonary tuberculosis in penitentiary institutions in 2002. Of these, 473 were found to be suffering from the disease, compared with 586 in 2001. They were all included in the DOTS programme. In all, 353 prisoners were transferred to a special tuberculosis unit for treatment, while the rest received treatment at the facility where they were serving their sentence.

20. Medical screening and consultations for sick inmates are carried out regularly at penitentiaries by prison doctors, officers of the Medical Department of the Ministry of Justice, and representatives of the Ministry of Labour, Health and Social Security. Thus, in 2002, the Ministry of Justice organized 63 prison visits for commissions from its Medical Department, with the participation of teams of specialist physicians. A total of 2,060 prisoners were screened and received appropriate treatment. In addition, with the assistance of the Georgian national centre to prevent the spread of AIDS, 2,066 convicted and remand prisoners (including those held in the tuberculosis unit and the young offenders' institution) were screened in order to identify prisoners infected with HIV and those who have AIDS. Sixteen persons were found to be infected with HIV and registered accordingly. At the time of writing (January 2003), 11 prisoners with AIDS are under constant observation by staff of the national centre to prevent the spread of AIDS and prison doctors.

21. In January 2003 the total number of patients in prison hospitals was 1,696. A total of 39,415 prisoners had received outpatient treatment.

22. In 2002 specialists from the Medical Department of the Ministry of Justice devoted particular attention to matters of sanitation and hygiene in the penitentiary system. Thus, inspections were carried out at seven penitentiary institutions, four prisons, a hospital unit for remand and convicted prisoners in Tbilisi and a special unit for tuberculosis patients. The inspections focused on sanitation and hygiene at the establishment and the amenities provided to inmates. A number of irregularities came to light in the course of the inspections, and steps were outlined to remedy them.

23. Thus, disinfection and rat control measures were taken at two colonies and one prison. Vehicles used to transport prisoners are regularly disinfected.

24. It should be noted that, owing to the decline in the overall number of prisoners, expenditure on prison food has increased from 23 to 33 lari per prisoner (about US\$ 15). This has made it

possible to enrich the food ration and bring its calorie content within the statutorily prescribed range, namely 2,753-2,964 kilocalories.

Paragraph 8

25. In paragraph 8 of its concluding observations the Committee expressed concern at the widespread and continuing subjection of prisoners to torture and cruel, inhuman or degrading treatment or punishment by law enforcement officials and prison officers.

26. The Committee accordingly addressed a list of recommendations to the Government of Georgia aimed at eliminating human rights violations of this nature.

27. The Government of Georgia understands the concerns expressed by the Committee. At the same time, it does not completely agree with the conclusion that there is “widespread subjection to torture” and other forms of impermissible treatment of persons in custody. It is certainly true that cases of this nature have occurred, but it would be an exaggeration to suggest that they are extremely frequent.

28. In relation to this matter, we would refer back to the information given in our answer to question 6 of the list of issues submitted by the Committee in connection with its consideration of Georgia’s second periodic report under the Covenant. Specifically, presidential decree No. 42 of 18 February 2002 stipulates that the Ministry of Internal Affairs, the Ministry of Justice and the Georgian Procurator’s Office are instructed to plan measures to give effect to the President’s initiative to transform Georgia into a “torture-free zone”. These measures have now been prepared and are in the process of being implemented.

29. Under the plan drawn up by the Georgian Procurator’s Office:

- Local procuratorial bodies shall systematically check the work of the law enforcement agencies to prevent and identify instances of torture and other forms of unlawful conduct and, if necessary, take measures as prescribed by law to prosecute the guilty parties;
- Similar checks (and investigations if warranted) shall be undertaken pursuant to complaints by citizens and their attorneys and also with regard to allegations made in the mass media;
- Procuratorial units supervising the work of bodies conducting initial inquiries and preliminary investigations and of the correctional authorities shall regularly monitor the progress of checks or the investigation of instances of unlawful physical treatment of detainees and remand prisoners;
- The central and local internal affairs agencies shall notify a procurator without delay of any cases of torture or other forms of unlawful conduct that come to light, and shall report on measures taken in this regard;
- When a remand prisoner presents with bodily injuries, senior officers at the Corrections

Department at the Ministry of Justice shall immediately forward the relevant case file to a procurator's office for further action;

- Procuratorial bodies are primed for ongoing cooperation with the parliamentary Committee on Human Rights, the Ombudsman, the Corrections Department at the Ministry of Justice and other relevant departments.

30. In pursuance of its plan of action, the Georgian Ministry of Internal Affairs is taking the following measures:

- Organizing staff training and conferences on the inadmissibility of torture and other forms of unlawful conduct;

- Establishing a special telephone hotline, and informing the general public of this service through the mass media;

- Carrying out unannounced internal departmental inspections of remand prisons to expose cases of torture and other forms of unlawful conduct;

- Conducting preventive operations to identify and take action in cases where detainees are held in remand units in violation of procedural deadlines, or when detainees present with bodily injuries;

- Holding regular hearings at extended council meetings in the Ministry of Internal Affairs of reports by directors of central and local internal affairs agencies and the Ministry's General Inspectorate on efforts to identify cases of torture and other forms of unlawful conduct, and the action taken in such cases;

- Forging close links with non-governmental organizations, with a view to exposing cases of torture and other forms of unlawful conduct and taking prompt action to deal with them.

31. The Ministry of Justice has taken the following steps to implement its plan of action:

- A policy outline for root and branch reform of the penitentiary system is being drawn up with a view to creating more humane conditions in places of detention, in accordance with current international standards in this field;

- A special monitoring system has been put in place for remand prisoners who present with bodily injuries either upon arrival at a penitentiary or during their stay. In such cases, regardless of the detainee's own explanation of how the injury was sustained, the relevant case file shall be sent to a procurator's office for further action;

- The post of specialist physician has been created in the Corrections Department, whose duties include checking the health of any prisoner held in a penitentiary who presents with bodily injuries;

- An independent public monitoring board members may visit any penitentiary without hindrance and talk with prisoners. To facilitate its monitoring duties, the board has been provided with lists of inmates who were held in places of detention in violation of procedural deadlines or who presented with bodily injuries;
- A department to reform and monitor the penitentiary system has been set up in the Ministry, one of whose functions is to draw up recommendations on upholding the rights of convicted prisoners. To this end, departmental officials take regular soundings of the views of the prisoners themselves;
- Standing public commissions have been established in penitentiaries, the function of which is to encourage measures to prevent torture and other cruel and inhuman treatment and assist the prison authorities to resolve issues involving amenities, food, medical treatment, prison industries and the education of prisoners;
- A training programme for prison officers has been developed, with special emphasis on studying the rules for the treatment of persons deprived of their liberty as laid down in existing international standards. The training includes attendance at seminars and courses held at the Ministry's training centre.

32. On 17 May 2002, the President of Georgia issued decree No. 240 on measures to strengthen the protection of human rights in Georgia. The promulgation of this decree is a direct consequence of the concluding observations of the Human Rights Committee. With reference to this specific topic, we think it important to draw the Committee's attention to the following instructions set out in this instrument:

"1. Requests the Office of the Procurator of Georgia ... and instructs the Georgian Ministry of Internal Affairs:

"...

"(b) To institute criminal proceedings and conduct appropriate investigations when bodily injury is found to have been inflicted on a person whose liberty has been restricted;

"(c) To institute special monitoring at places of detention and deprivation of liberty with a view to identifying and eradicating cases of torture and degrading treatment and punishment, and prosecute persons found to have performed such acts;

"...

"(e) To raise the standard of vocational training for procuratorial officials, police and prison officers with a view to preventing torture and other unlawful conduct; to organize special training for experts and medical personnel with a view to identifying and documenting cases of torture;

“ ...

“3. The Georgian Ministry of Justice shall take the following action:

“(a) Submit proposals regarding the compatibility of the concept of ‘torture’ as defined in the Georgian Criminal Code with the provisions of the Convention against Torture ... and prepare a bill to make any necessary changes to the Georgian Criminal Code ...”.

33. The Government of Georgia notes that a number of steps have already been taken to implement the presidential directives described above.

34. The Ministry of Justice has prepared a bill to amend the Georgian Criminal Code, which stipulates, among other things, that the concept of “torture” under Georgian law should be brought into line with the provisions of the Convention against Torture. This bill is currently at the discussion stage, a process in which national non-governmental organizations are involved together with the relevant official bodies. The bill will then be put before Parliament for ratification. By November 2003, Georgia is scheduled to submit its third periodic report to the relevant United Nations committee on the implementation at the national level of the Convention against Torture. In that report we shall include a fuller review of developments in this field.

35. The Georgian Procurator’s Office has instituted a hotline whereby anyone may contact a procurator at any time and report a violation of his or her rights. The Procurator’s Office pays special attention to cases involving the unlawful physical assault of detainees and remand prisoners by police officers, with a view to conducting a proper investigation and prosecuting the guilty parties.

36. The Georgian Procurator’s Office reports that, in the first nine months of 2002, procuratorial bodies brought criminal proceedings in 54 cases involving the commission of various kinds of unlawful actions. Seventeen of these cases involved official misconduct - overstepping or abuse of authority, unlawful detention, or unacceptable treatment of detainees. Nine police officers were placed in pre-trial detention as a preventive measure. In three cases the investigation has already been completed and the relevant case files forwarded to the courts.

37. The Georgian Ministry of Internal Affairs reports that in 2002 a total of 287 case files involving internal investigations of unauthorized actions and human rights violations committed by police officers were sent to the Procurator’s Office. This figure is approximately 25 per cent higher than the comparable indicator for 2001. In addition to criminal proceedings instituted in these cases (as described above), 92 police officers were dismissed from the force (including 12 senior officers at various levels). Seventy-four officers were relieved of their duties (including 33 senior officers at various levels). In all, 382 officers were disciplined (177 received reprimands and 198 severe reprimands). All these figures are significantly higher than the corresponding figures for 2001.

38. The Georgian Ministry of Justice reports that, in the period from January to December 2002, criminal proceedings were brought against eight prison officers. Of these, four were prosecuted for dereliction of official duty (article 342, paragraph 1, of the Criminal Code); two for

exceeding their authority (art. 333, para. 1); and two for abuse of authority (art. 332, para. 1). In addition, over the same period, disciplinary measures were taken against another 390 officers. Of these, 160 were relieved of their duties for conduct unbecoming and 84 were summarily dismissed. The rest were subject to disciplinary sanctions of varying degrees of severity.

39. At the same time, according to the Ministry of Justice, the human rights protection unit of the Corrections Department received no complaints of ill-treatment at the hands of prison officers from remand or convicted prisoners in 2002. It should be noted that the Enforcement of Penalties Act and the Ombudsman Act make it possible to submit such communications without impediment.

40. It is the view of the Government of Georgia that the information cited above fully demonstrates that efforts to tackle the human rights violations mentioned in paragraph 8 of the Committee's concluding observations are ongoing and of an increasingly energetic nature.

41. Pursuant to the Committee's recommendation that "all statements obtained by force from detained persons should be investigated and may never be used as evidence", we must stress that article 42, paragraph 7, of the Georgian Constitution stipulates that evidence obtained illegally has no legal force.

42. The provisions of the general constitutional requirement cited above have also been incorporated into the Code of Criminal Procedure. Specifically, article 7 of the Code states that "evidence obtained illegally has no legal force". Article 10 on the presumption of innocence fully reflects this universally recognized principle, the first time it has been provided for as such in Georgian procedural law. Judicial supervision has been introduced for any procedural actions undertaken by persons conducting initial inquiries, investigators or procurators which involve limitation of the constitutional rights and liberties of citizens; suspects, accused persons and other parties to proceedings are entitled to appeal to a court if their complaint or application is dismissed by a person conducting an initial inquiry, an investigator or a procurator (art. 15).

43. The Code of Criminal Procedure further states that the confessions of accused persons, if not supported by other evidence, are insufficient to conclude that they actually committed the offences. No testimony may be obtained under duress. The use of physical or mental compulsion to obtain testimony is prohibited, as is blackmail; testimony obtained in this way shall not be admitted (arts. 19 and 119). Any evidence obtained in breach of the statutorily defined procedure, and specifically through the use of violence, threats, blackmail or harassment, is deemed inadmissible and shall be excluded from the criminal case. Prosecution evidence that has been ruled invalid may, however, be admitted at the application of the defence (art. 111).

44. The adversarial nature of trial proceedings and the equality of the parties ensure that evidence and confessions obtained by unlawful means are detected, that they are recognized as such and are excluded from consideration (article 475 of the Code of Criminal Procedure).

45. The Government of Georgia considers that the aforementioned procedural safeguards are sufficient and has always taken great pains to ensure that they are unswervingly applied in practice.

46. Pursuant to the Committee's recommendation "to provide training in human rights, particularly on the prohibition of torture, to police and prison officers", the Committee might be interested to hear about the following practical steps which have already been taken in this regard.

47. Specifically, in the second half of 2002, representatives of the Ministry of Internal Affairs took part in a series of training exercises. These included:

- Further training courses from 14 to 24 May on the legislative underpinning of human rights and fundamental freedoms organized by the United Nations Development Programme, the embassy of the Netherlands in Georgia, the Ombudsman and the Georgian Ministry of Internal Affairs;
- A seminar on the protection of human rights in police work, held at the Ministry of Internal Affairs in June, with the involvement of officials from the office of the Ombudsman, the Georgian Procurator's Office and officials from the internal affairs agencies responsible for activities in the field of human rights;
- A seminar on the organization of police work and a police code of ethics, organized in October with the involvement of experts from the Council of Europe;
- A seminar in November organized by the office of the Ombudsman, with the assistance of the Council of Europe, devoted to ways and means of preventing unlawful treatment of detainees by police officers;
- A seminar on the human rights situation in Georgia and European human rights standards was held in November at the Ministry of Internal Affairs Academy;
- A project entitled "Seminars at police stations and monitoring of pre-trial detention facilities", organized jointly by the department in the Georgian National Security Council responsible for the protection of human rights, intellectual and humanitarian security and the non-governmental organization Former Political Prisoners for Human Rights, was launched in November. The project includes human rights training sessions for police officers at 23 police stations throughout Georgia. By the end of June 2003 - the project completion date - similar training sessions are planned at a further 22 police stations around the country.

Paragraph 9

48. In paragraph 9 of its concluding observations, the Committee expressed its concern at the length of the period (up to 72 hours) that persons can be kept in police detention before they are informed of the charges against them. The Committee is also concerned at the fact that, until the trial takes place, the accused cannot make a complaint before a judge regarding abuse or ill-treatment during the period of pre-trial detention.

49. The Government of Georgia has the following statement to make on this matter: the claim that detainees are not informed of the charges against them for 72 hours is untrue. Article 73 of

the Georgian Code of Criminal Procedure stipulates that detainees must be handed a copy of the decision to institute criminal proceedings against them no later than 12 hours after their arrest. This decision must indicate the offence which they are suspected of having committed. As to the 72-hour period mentioned in the Committee's observations, reference should be made to paragraph 161 of the periodic report, which states that, under article 18 of the Constitution, "detainees or persons whose liberty has otherwise been restricted must be brought before an appropriate court within a maximum of 48 hours. If the court does not decide within the next 24 hours that the person should be remanded in custody or otherwise restrained, he or she must be released without delay (para. 3). Persons suspected of having committed a crime may not be held in short-term detention for more than 72 hours".

50. Moreover, we should like to quote more extensively from the report (paras. 164 and 165): "The bringing of a detainee to a police post or before the competent person in a body conducting an initial inquiry shall be followed immediately by the making of a formal record of the detention and its witnessing, by the appending of their signatures, by the record-writer, the detainer and the detainee. The lawfulness of, and justification for, a detention must be verified within 12 hours of the detainee's being thus brought in, and the competent official of the organ making the initial inquiry shall then issue a reasoned order for the opening of criminal proceedings and the charging and remand in custody of the suspect or for the dropping of the matter and the detainee's release. The procurator must be immediately informed of the content of the order. If the order is for the opening of proceedings and the remand in custody of suspects, their rights must be explained to them in writing. Persons detained on suspicion must be formally questioned within 24 hours of being brought in No one may be held in short-term detention for more than 48 hours without being charged. If no decision is issued within the next 24 hours to remand persons in custody or to subject them to some other preventive measure, they must be released without delay."

51. On 29 January 2003, the Georgian Constitutional Court examined and allowed in part the constitutional action brought by the Ombudsman and several non-governmental organizations to have a number of the above-mentioned provisions of the Code of Criminal Procedure declared unconstitutional. Specifically, these were the norms regulating detention and the exercise of the detainee's right to a defence. The most important decisions of the Court in relation to the issue under discussion are reproduced below.

52. The Constitutional Court put considerable weight on the definition of the precise moment of arrest, noting: "A person is deemed to have been detained from the moment when, in cases and on grounds stipulated by law, a person specially empowered to carry out an arrest restricts that person's constitutionally guaranteed rights."

53. The Court ruled unconstitutional and struck down the following grounds for detention that previously existed under procedural law:

- Need to present a person to the police;
- Having no fixed abode;

- Failure to establish a person's identity;
- Where there is "other evidence".

54. The Court also indicated that only persons officially recognized as suspects may be detained.

55. In its decision, the Constitutional Court emphasized: "Immediately upon being detained, persons must have their rights explained to them and be given the opportunity to exercise the following rights:

"- The right to remain silent;

"- The right not to incriminate themselves;

"- The right to be assisted by counsel."

56. With reference to the last-mentioned provision, the Court thought it necessary to explain that "detained suspects may request the assistance of counsel not only prior to their (initial) interrogation, but as soon as they are arrested, in order to safeguard their legitimate interests and provide them with competent legal assistance".

57. The Committee should also be aware of a number of changes incorporated into Georgian law as a result of the Constitutional Court's ruling. Thus, the Court noted: "The statutory defined limit on the duration of unsupervised meetings between (detainees) and their counsel (namely one hour a day) is unconstitutional ... because the duration of the meeting should vary with the complexity of the criminal case. Moreover, this restriction should not be used for the deliberate obstruction of either of the parties to the proceedings who enjoy equal rights." Finally, the Court ruled that a body administering a case must postpone an investigative action or a court hearing if counsel is unable to attend for good reasons.

58. At the same time, it should be noted that, in practice, violations of the constitutionally and statutorily defined 72-hour period of short-term detention do occur. Accordingly, the General Inspectorate of the Ministry of Internal Affairs is taking a number of practical steps, for example scheduled and unannounced checks of duty units and police lock-ups. In 2002 there were 65 checks of this kind, as a result of which disciplinary sanctions were taken against those guilty of the offences listed above; 26 officers were relieved of their duties. According to statistics supplied by the Corrections Department of the Ministry of Justice, in 2001 a total of 238 remand prisoners were transferred to prisons in breach of the statutory deadlines; in the first 10 months of 2002 this trend slackened off, with 136 prisoners in this category.

59. Unfortunately, since the consideration of the periodic report, no amendments have been made to existing legislation relating to the right of accused persons to make complaints to judges regarding ill-treatment during the pre-trial investigation. Article 416, paragraph 4, of the Code of Criminal Procedure states that no petitions or complaints may be submitted directly to the court until the case has been remitted for trial.

Paragraph 10

60. In paragraph 10 of its concluding observations, the Committee expressed concern that a person may be detained and imprisoned or prevented from leaving his or her residence because of non-fulfilment of contractual obligations.

61. It should be noted that the Bankruptcy Proceedings Act, reviewed in the periodic report, was amended in April 2001. Specifically, the provisions regarding the application to insolvent debtors of measures such as arrest and custody or detention for the purposes of securing a written power of attorney have been taken off the books.

62. At the same time, the same law contains a provision stating that insolvent debtors may be arrested and brought before a court in order to “present such information which they are under an obligation to provide pursuant to this Act” (art. 14, para. 1 (a)).

63. Thus, a number of changes have already been made to the law (although not enough) in order to bring it into line with the Covenant.

Paragraph 12

64. In paragraph 12 of its concluding observations the Committee expressed its concern at the existence of factors which have an adverse effect on the independence of the judiciary, such as delays in the payment of salaries and the lack of adequate security for judges.

65. Additionally, the Committee recommended that the State should ensure that documented complaints of judicial corruption are investigated by an independent agency and that, where necessary, the appropriate disciplinary or penal measures are taken.

66. According to information supplied by the Georgian Council of Justice, in 2002 actual budget appropriations for the ordinary courts totalled more than 97 per cent of the projected amount for ring-fenced items and 79 per cent for other items. In 2002 the backlog in judges’ salaries was cleared. Judges are now paid on time.

67. As for guaranteeing the security of judges, the Committee should be aware that district courts are guarded by the police when the court is in session, although this is not a permanent arrangement. Tbilisi and Kutaisi district courts contract out their court security, and the Georgian Supreme Court has a special guard service. The institution of court officers has been established; their remit includes keeping order during trials.

68. Also with reference to the security of trial proceedings, it should be noted that threats of any kind are dealt with immediately. The following may serve as an example. The trial at a Tbilisi district court in late January 2003 of three Chechens detained in August 2002 for illegally crossing the State border was interrupted when a telephone caller warned that a bomb had been planted in the courthouse. The building was immediately evacuated. Officers of the Georgian Ministry of State Security - engineers and a sniffer dog team - arrived at the scene within minutes. Fortunately, the warning turned out to be a hoax and no explosive device was found in the building.

69. In 2002 there were no recorded instances of attacks or criminal assaults on judges. Unfortunately, there has been one such incident this year, when a judge from Kutaisi district court was manhandled. He was hospitalized as a result of his injuries. A criminal case has been opened in connection with this incident and a preliminary investigation is now under way.

70. The following points should be noted with regard to the problem of judicial corruption. Article 87 of the Constitution stipulates that the consent of the Chief Justice of Georgia is needed to prosecute a judge for a criminal offence (including corruption), and that the matter must be referred to the Chief Justice by the appropriate official. According to the Georgian Council of Justice, there were no such cases in 2002. Disciplinary prosecutions of judges, which may be brought against district or city court judges, are handled by the Council of Justice. Such cases might involve less serious offences not entailing criminal liability, for example a judge's abuse of his position to secure material or other gain prohibited by law. In 2002 two judges were disciplined for precisely this kind of corruption.

71. The Committee might also like to know that, at the end of 2002, on the initiative of the American Association of Jurists, the organizations Central European and Eurasian Law Initiative and the Association of Georgian Judges inaugurated a series of training courses for the judiciary focusing on questions of judicial ethics. A total of 85 Georgian judges have undergone the initial phase of training. The training sessions, which will be attended by all Georgian judges, are led by American experts. We believe that this initiative and other similar projects will help to ensure that the Georgian judiciary functions more effectively.

Paragraph 15

72. In paragraph 15 of its concluding observations the Committee expressed its concern about instances of trafficking of women and called upon the State party to take measures to prevent and combat this practice.

73. Pursuant to this recommendation, the Government of Georgia thinks the Committee should know that on 17 January 2003 the President signed decree No. 15 ratifying the plan of action to combat trafficking in the period 2003-2005. A close study of the text of the decree will enable the Committee to judge the extent to which the measures envisaged under the plan of action conform to its recommendations.

74. Some of the instructions set out in this decree are already being implemented. Thus, at the end of January 2003, a special anti-trafficking department was established in the Georgian Ministry of Internal Affairs.

75. The Government of Georgia wishes to assure the Committee that it is fully aware of the danger of the transnational crime of trafficking. It stands ready to combat this phenomenon by every means at its disposal - obviously, acting within the law - and intends to inform the Committee of progress in this regard when it submits its third periodic report under the Covenant.

Paragraph 16

76. In paragraph 16 of its concluding observations the Committee expressed concern that the Ombudsman's functions were not clearly defined and her power to implement recommendations was limited.

77. The Government of Georgia cannot agree with the Committee's opinion, for the reasons set out below.

78. The Georgian Ombudsman is a constitutional institution. First of all, this arrangement provides a solid foundation for the Ombudsman's activities and, second, it guarantees the office-holder's independence.

79. The Ombudsman Act of May 1996 defines the Ombudsman's functions as follows:

1. The Georgian Ombudsman sees to it that human rights and freedoms are observed in Georgian territory, identifies violations and contributes to the restoration of violated rights. The Ombudsman watches over the work of official bodies, local government, officials and legal entities, issues recommendations and makes proposals (art. 3);

2. In exercising his or her powers, the Ombudsman acts independently and is subordinate to the Constitution and the law alone. Any pressure on the Ombudsman or interference in his or her work is prohibited and punishable by law (art. 4);

3. The Georgian Ombudsman shall of his or her own authority verify the situation with regard to observance of human rights and freedoms and violations thereof, and examine applications and complaints received from Georgian citizens, foreigners present in Georgia and stateless persons, non-governmental organizations ... (arts. 12 and 13);

4. In carrying out checks the Ombudsman is entitled:

- To enter without hindrance any government body, enterprise, organization or institution, including military units, places of detention, remand centres and other custodial facilities;

- To demand and obtain from government bodies, enterprises, organizations, institutions, officials and legal entities any information, documents and other materials required to carry out a check;

- To seek explanations on any question under investigation from officials of any rank;

- To take cognizance of criminal, civil and administrative cases in which rulings have become enforceable (art. 18).

80. The Government of Georgia believes that the provisions cited above outline the Ombudsman's functions with sufficient clarity and transparency, and exclude all ambiguity and

unwarranted restrictions.

81. Regarding the implementation of the Ombudsman's recommendations, it should be noted that in Georgia, as in other countries, the Ombudsman does not have the power to issue directives. This is a well-known and typical feature of this quasi-judicial institution throughout the world, keeping in mind the generally acknowledged fact that the central instrument for protecting human rights and issuing binding decisions is an independent, fair and impartial court, in relation to which the Ombudsman performs a merely ancillary role. Nevertheless, the Ombudsman Act confers upon the Ombudsman fairly wide-ranging powers to implement his or her recommendations. Thus, the Ombudsman is entitled:

- To submit proposals to Parliament on the improvement of legislation to uphold human rights and freedoms;
- To forward recommendations on restoring violated rights to the government body, official or legal entity whose actions occasioned the violation;
- Where there is evidence that an offence has been committed, to transmit the relevant case file to the appropriate bodies with a recommendation that criminal proceedings be instituted;
- To write to the President of Georgia or to Parliament in the event of gross or mass violations of human rights, if the means at the Ombudsman's disposal are insufficient to deal with the problem;
- To bring actions before the Constitutional Court;
- In special cases involving human rights violations, to request Parliament to establish an interim parliamentary investigative commission (art. 21).

82. In addition, articles 22-25 of the Act oblige the relevant structures and officials to react to the Ombudsman's recommendations in an appropriate and timely fashion, and provide for sanctions to be taken against those who create obstacles or avoid carrying out the legitimate requirements of the Ombudsman.

83. The Act requires the Ombudsman to report to Parliament twice a year on the human rights situation in Georgia. Discussion of the most recent reports has prompted the President to issue a decree and an order, instructing the relevant bodies of the executive branch to take steps to resolve the issues raised by the Ombudsman. We believe that these presidential regulatory acts have done much to enhance the Ombudsman's authority and give effect to many of the Ombudsman's most important recommendations.

84. At the time of writing, budgetary underfunding remains the most serious difficulty facing the Ombudsman. We note with regret that the accomplishments of the Ombudsman's office are heavily dependent on assistance from foreign donors (as was the case with the "Rapid Reaction Group" referred to above).

Paragraph 18

85. In paragraph 18 of its concluding observations the Committee expressed concern at the discrimination suffered by conscientious objectors owing to the fact that non-military alternative service lasts for 36 months compared with 18 months for military service. The Committee also regretted the lack of information on the existing rules regarding the admissibility of applications to avoid military service on grounds of conscientious objection.

86. The Government of Georgia is pleased to note that, in line with the Committee's recommendation, the Non-Military Alternative Service Act was amended in May 2002 to bring the length of alternative service into line with that of normal military service (from 18 months for soldiers to 24 months for reserve officers).

87. In compliance with the Committee's wishes, some additional information is supplied below regarding the procedures for performing non-military alternative service.

88. The State Commission for Non-Military Alternative Service, the establishment of which was referred to in the reply to question 17 of the list of issues to be taken up in connection with the consideration of the second periodic report of Georgia under the International Covenant on Civil and Political Rights, set to work during the spring and autumn military call-ups in 2002.

89. According to figures from the Department for Non-Military Alternative Service at the Ministry of Labour, Health and Social Security, approximately 140 persons have made known their wish to perform non-military alternative service, most of whom are Jehovah's Witnesses. During the spring call-up, 29 applications to perform alternative service were granted, and another 47 in the autumn (76 overall). In two cases, conscientious objectors invoked the provisions of the Compulsory Military Service (Payment for Deferral) Act and, having paid the fee specified in the Act, deferred their military service for one year. Subsequently, by paying this fee, these persons (or any other young people liable to national military service) may obtain additional deferrals or avoid military service altogether.

90. Persons performing non-military alternative service were found work in a psychiatric hospital in the capital, Tbilisi, and in the sanitation services. According to recent figures, there are approximately 100 jobs for persons in this category in Tbilisi alone.

Paragraph 19

91. In paragraph 19 of its concluding observations, the Committee expressed concern with respect to obstacles facing minorities in the enjoyment of their cultural, religious or political rights. The Committee called upon the State party to ensure that all members of minorities enjoy effective protection from discrimination and the opportunity to use their own language and culture.

92. The Government of Georgia wishes to register the fact that it does not fully share the Committee's concern about the situation of minorities in Georgia.

93. The Government is clearly aware of the problems that must be faced in combating manifestations of religious intolerance, to which the Committee has quite rightly made reference (paragraph 17 of the concluding observations). The Government is concerned by the inadequate representation of minorities at the decision-making level in the legislative and executive branches of government.

94. At the same time, the assertion that minorities encounter obstacles to the use of their language and culture, or that they suffer discrimination, is untrue. Neither the Constitution and the laws, nor the de facto situation in the country, lend any real substance to claims such as those made by the Committee.

95. In our view, it would be more accurate to emphasize the heightened degree of civil integration in Georgia and the adoption of positive measures designed to achieve genuine equality between all sectors of the Georgian population. Accordingly, we wish to draw the Committee's attention to presidential decree No. 68 of 4 March 2003 ratifying the plan of action to strengthen the protection of the rights and freedoms of all sectors of the Georgian population in the period from 2003 to 2005. The Government of Georgia considers that the range of measures provided for in the decree will encourage Georgia's minorities to exercise their rights more effectively.

96. The Georgian Parliament's Committee for Civil Integration is currently putting the finishing touches to an outline plan for the integration of ethnic minorities in Georgia, which will serve as a basis for the development and consolidation of integration processes in the multi-ethnic Georgian society. When this task is complete, the outline plan is scheduled to be approved by the Georgian Parliament.

97. In its third periodic report under the Covenant, the Government will furnish the Committee with detailed information about subsequent measures at the domestic level to protect and promote more effectively the rights of persons belonging to ethnic, religious or linguistic minorities.

Paragraph 20

98. In paragraph 20 of its concluding observations, the Committee expressed its concern at the harassment of members of non-governmental organizations in Georgia and called upon the State party to ensure that these organizations can freely perform their democratic functions.

99. The Government of Georgia shares the concern expressed by the Committee, but does not think it entirely correct to state that human rights non-governmental organizations are unable to perform their activities safely. On the contrary, the right of association is on the whole accorded widespread respect in Georgia and is seen as a cornerstone of the functioning of civil society.

100. Unfortunately, there have been isolated incidents that have formed the basis for the Committee's comments on this issue. But in such cases the Government always takes whatever measures are prescribed by law. For example, in one incident in July 2002, certain members of

the well-known Georgian human rights organization Freedom Institute were criminally assaulted. Almost immediately afterwards, the President issued a special order instructing the Ministry of Internal Affairs and the Procurator's Office to take whatever steps were necessary to identify and punish the criminals responsible. The President also instructed the said departments to keep the public properly informed of progress in their work. The investigation of this case yielded results: one of the assailants was rapidly identified and arrested. His accomplices are still being sought.

101. In conclusion, the Government of Georgia wishes to inform the Human Rights Committee that its concluding observations have been translated into Georgian and published in the official gazette *Sakartvelos respublika* (Republic of Georgia). The Committee's observations have been discussed at a meeting of the Georgian National Security Council, a consultative body reporting to the President. Following this discussion, the aforementioned decree No. 240 on measures to strengthen the protection of human rights in Georgia was issued by the head of State. The Government of Georgia is thus complying in a timely manner with the Committee's request made in paragraph 22 of the concluding observations.

102. Pursuant to article 40, paragraph 5, of the Covenant and rule 71, paragraph 2, of the rules of procedure of the Human Rights Committee, the Government of Georgia requests that these comments be included in the Committee's report for submission to the Economic and Social Council and the Third Committee of the General Assembly.

CCPR, CCPR/C/GEO/CO/3/Add.1 (2009)

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

[15 January 2009]

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 groups¹ and invite independent experts for the preparation of research and analyses, and the recommendation within the limits of their competence/mandate.

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.

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, academics and experts.

CCPR, CCPR/C/GEO/CO/3/Add.2 (2009)

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

[28 October 2009]

With respect to excessive use of force, the Government of Georgia would like to provide additional (follow-up) information on action that has been taken in this field

1. With respect to investigation in relation to the incident at Tbilisi Prison No. 5 (2006), the investigation is ongoing. Thus, no charges have been brought against any person.
2. 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 to the acquisition of relevant practical skills by future policemen. The Curriculum of the Police Academy of the MoIA contains an extensive tactical training course, and local legislation as well as a course on international human rights law. These courses deal in detail with the issues of the use of force by police. The said training programme also foresees practical courses on mastering professional gestures, interrogation skills and courses on psychology of underage offenders.
3. Furthermore it should be noted that the Police Academy of the Ministry of Internal Affairs of Georgia has produced a manual on use of force and developed training modules for the students enrolled at the Police Academy. The Academy draws upon recommendations of national and international organizations in its training modules. The Manual on Use of Force is a product of professional cooperation, and is being taught as a part of a mandatory basic course, and constitutes an important addition to the topic of human rights. This subject comprises 15 per cent of the whole course.
4. In relation to the accessibility to compensation for victims who were subjected to the use of excessive force, it should be noted that in 2009 compensation for torture victims has been granted in one case; in 2007 Tbilisi Court of Appeals Chamber of Criminal Law Cases sentenced two former employees of the Ministry of Internal Affairs to seven and eight years imprisonment for the crime committed in 2003. In 2008, the victim initiated a case at Tbilisi City Court, Chamber of Administrative Cases to receive compensation. In 2009, following the decision of the Court, the Ministry and perpetrators were obliged to pay compensation in sum of 9000 GEL to the victim.¹

With respect to domestic violence, the Government of Georgia would like to provide additional (follow-up) information about following measures that have been taken in this field

5. The Committee has particularly stressed the importance of establishing a mechanism for compiling disaggregated data on incidents of domestic violence. The development of the

comprehensive statistic system represents one of the major challenges and objectives set forth by the Government in criminal justice reform². In line with these reforms, in February 2009, the Office of the Chief Prosecutor of Georgia (the Analytical Unit) adopted the new samples for gathering disaggregated data on crime statistics. The sample of the data-sheet depicts information from the commencement of the investigation, including the hearing of the case at the first instance and courts of appeals (with the specific parameters of the crime enclosed). Particularly specific information is provided with respect to the perpetrator³ and the victim⁴. The data-sheet includes a detailed list of crimes with particular emphasis on the motives of domestic violence. The attached sample of the data-sheet includes information in relation to crimes including domestic violence motives (See annex).

6. In relation to the measures aimed at promoting effectiveness of the investigation of the cases of violence against women, the Human Rights Unit⁵ of the Chief Prosecution Service of Georgia is entrusted with the monitoring of criminal cases including incidents of the domestic violence⁶, identifying the challenges and taking appropriate measures as an internal monitoring system. In addition, the Office of the Chief Prosecution is under the institutional subordination of the Ministry of Justice, which is actively engaged in the work of the Inter-Agency Council of Fight against Domestic Violence (the Council). Thus, the information regarding the criminal cases as well as respective developments are channelled and coordinated through the Council

7. In relation to the other developments in the fight against Domestic Violence, since the beginning of 2009, the Council has been actively engaged in a process of elaboration of the Action Plan 2009-2010 on a *Fight Against Domestic Violence and Protection of Victims of Domestic Violence* (Action Plan). Based on its cooperation with governmental and non-governmental sectors, the Council has identified the main goals and tasks of the Action Plan that require special attention in a field of prevention of domestic violence and protection of and assistance to its victims. For that reason, numerous meetings were held for the elaboration of a draft action plan and its refinement. The discussion process also involved the participation of the Public Defender of Georgia whose comments/remarks have been taken into consideration during the drafting of the Action Plan. And finally, on 23 April 2009 by the Presidential Order No. 304, the Action Plan was approved by the President of Georgia.

8. The Action Plan 2009-2010 reflects three main aspects:

- (a) The improvement of the legal framework and State policy in relation to the prevention of domestic violence, protection and assistance of victims of domestic violence;
- (b) Protection, assistance and rehabilitation of victims of domestic violence;
- (c) Prevention of domestic violence and growth of public awareness on domestic violence issues.

9. With respect to legislative developments aimed at the enhancement of the protective measures, from January to June 2009, the Council has been working on updating and refining the Georgian legislation in order to reflect new challenges. Therefore, relevant amendments and additions to the Law of Georgia on “Combating Domestic Violence, Prevention of and Support

to its Victims” adopted on 25 May 2006 are planned. The Law will provide a broader definition of a family member, including family members of an unregistered marriage and persons stipulated by article 1336 of the Civil Code of Georgia (Legal Heirs). Moreover, the minimum age (sixteen years) of a perpetrator who carries out physical, psychological, economic, sexual violence or coercion against a family member, has been defined. The mentioned Law will incorporate a new provision with respect to a crisis centre which aims to provide psycho-social rehabilitation, emergency medical service and legal assistance to victims of domestic violence. Next, an amendment will be made to the duration of issuing a protective order by the Court, from three months to a six months period. In cases where there is potential threat to a victim of domestic violence or any other family member, the Court may extend the term of a protective order up to three months. The process of isolating a minor from his/her perpetrator parent will be defined in details taking into consideration the interests of a minor, his/her development etc.

10. Apart from this, relevant additions and amendments will be made to corresponding legislative acts such as the Administrative Procedure Code of Georgia, Code on Administrative Offences of Georgia, Criminal Code of Georgia, Labour Code of Georgia, etc. The package of amendments has been discussed and adopted at the Council Session on 13 July 2009. The Parliament of Georgia has commenced a discussion process of these amendments this fall session (2009).

11. In parallel to the elaboration of the Action Plan and legislative developments, the National Referral Mechanism regarding the fight against domestic violence has been drafted. This process involved active participation of the governmental, non-governmental and international organizations.

12. Since January 2009 the *State Fund for Protection and Support of Victims of Trafficking* has been empowered with the task of providing shelter to victims of domestic violence⁷. For that reason an area of 328 square meters was transferred to the State Fund for a ten-year term based on the usufruct (without charge) and the Fund is in the process of preparation of the Shelter for Victims of Domestic Violence. Therefore, the Fund is employing the existing Fund Shelter for trafficking victims, on a temporary basis, to accommodate the needs of the victims of domestic violence (currently, six victims of domestic violence are in the shelter).

Information provided by the Ministry of Corrections and Legal Assistance of Georgia as requested by the Human Rights Committee

Prison conditions and infrastructure

13. The Georgian authorities are constantly taking measures to further improve prison conditions in every penitentiary establishment. In this regard, a lot of work has been done since 2004: budget of the Department of Prisons was increased from 10 million GEL to 110 million GEL (in 2009); prisoners’ nutrition was improved, food allowance per prisoner was increased; administrative control was established within the system.

14. To respond to the emerging needs and to improve the prison conditions, the Government has begun to considerably invest in the building of new penitentiary establishments as well as in

the reconstructing and renovating existing ones. In 2004-2009 new prison facilities and a hospital were built in full conformity with international standards:

- Eight Penitentiary Establishments of General and Strict Regime in Geguti, Western Georgia;
- Two Penitentiary Establishments of General, Strict and Prison Regime in Rustavi, Eastern Georgia;
- Six Penitentiary Establishments of General, Strict and Prison Regime in Gardabani, Eastern Georgia;
- Eight Prisons in Tbilisi;
- Two Penitentiary Establishments of Prison and Strict Regime in Kutaisi, Western Georgia;
- Medical Establishment for Prisoners and Convicted was built and equipped with modern technologies.

15. At the same time some old and obsolete prisons have been demolished. Prison No. 5 in Tbilisi, which was quite an often a subject of criticism by local and international organizations because of overcrowding and poor living conditions was closed in 2008 Nos. 3 and 4 Penitentiary Establishments in Sagarejo District, Eastern Georgia, and No.6 Penitentiary Establishment of Strict Regime in Avchala, Eastern Georgia, were closed in 2005-2006. Prison No. 2 in Kutaisi, Western Georgia, was abolished in 2006.

16. By summer 2010, construction of the new modern facilities will be finished which will allow the Ministry of Corrections and Legal Assistance of Georgia (MCLA) to close three old amortized penitentiary establishments:

- Seven Penitentiary Establishments of General, Strict and Prison Regime in Ksani, Eastern Georgia;
- One Penitentiary Establishment of General and Strict Regime in Rustavi;
- Five Penitentiary Establishments of General and Prison Regime for Women and Juveniles.

17. At present one more prison facility in Laituri, Western Georgia, is under construction. This is an establishment with a capacity of 3,000 prisoners. Once finished this establishment will permit the closing of three old establishments, Prison No. 3 in Batumi, Prison No. 4 in Zugdidi and No. 9 Penitentiary Establishment of General and Strict Regime in Khoni, Western Georgia.

18. As a result of putting into operation new penitentiary establishments, the number of places has been considerably increased. The number of prisoners (19,801 prisoners in total) lags far behind the total prison capacity (21,496 places). At present, every prisoner has his own bed and linen and is provided with a space of 2 square meters in penitentiary establishments, 2.5 square meters - in prisons (pretrial establishments), 3 square meters - in women's penitentiary

establishment and 3.5 square meters - in Juveniles Correctional Establishments.

19. Prisoners held in custody in the establishments of prison regime are entitled to take a two-hour walk per day. Those who serve their sentences in strict regime prison facilities are provided with a possibility of one-hour daily walk. Juvenile prisoners enjoy two-hour daily walk. As provided by international standards, each cell in the prison facilities has a window that ensures access to natural light and ventilation.

20. In every penitentiary establishment, prisoners are provided with linen and hairdresser's service at least once a week. The contracted private companies provide the Department of Prisons with cloths for winter and summer seasons for prisoners; mattresses, blankets, pillow blankets, tooth brushes, shampoo, soaps, washing agents and other hygienic items.

Nutrition

21. In parallel with the budget increase and the infrastructural improvement discussed above, monthly food expenditure for prisoners has been considerably increased: in 2003 monthly expenditure for prisoner's nutrition amounted to 23.5 GEL. From October 2008, it amounts to 90 GEL. After outsourcing food supply in the penitentiary establishments, quality of nutrition has been significantly improved in the whole system; service of private company that provides food for prisoners allows the Department of Prisons to provide adequate nutrition to those prisoners who need special diet due to the health conditions and/or religious beliefs.

22. At the same time, shops have been opened in all penitentiary establishments that provide a possibility for prisoners to buy additional food and hygienic items through their credit cards. It should be also emphasized that since February 2009 when the Ministry of Corrections and Legal Assistance (MCLA) was created, prisoners are also provided with meals when they are transferred to other establishments or are brought before the court.

Number of deaths

23. The number of deaths has been significantly reduced in comparison with 2008, due to the successful implementation of ongoing prison health-care reform. In each case of death, the Investigation Department of the MCLA initiates and conducts investigation.

24. As one part of this reform, a new structural entity under the MCLA, a Medical Department was created, which from 2010 will be fully in charge of administering and monitoring health-care systems in penitentiary establishments, investing human and physical resources, providing health-care services, managing finances. In the course of the reform, a well-functioning prison health-care system will be in place and will be transferred to the Ministry of Labor, Health and Social Affairs (MoLHSA) by 2013.

25. The reform is focused on the improvement of healthcare service within the prison system. Primary healthcare units have already been set up and furnished with modern equipment including dentist cabinets in all 16 penitentiary establishments. Additionally, 2 hospitals, within the penitentiary system, are providing proper medical treatment to convicts by qualified nurses,

pharmacists, general practitioners and visiting health specialists. Medical staff receives special qualification training course accredited by MoLHSA.

26. Adequate medical care of every person held in custody and equal health-care opportunities for them is a special concern for the MCLA. If a case occurs when a prisoner has to be treated beyond the capabilities of the prison medical establishment, the MCLA transfers him/her to a hospital under the civil healthcare system. All related costs are covered by the MCLA.

27. A tripartite annual cooperation agreement was signed between the MCLA, the MoLHSA and the International Committee of the Red Cross (ICRC) as continuation of previous agreements, which sets out the main responsibilities of the parties and aims to achieve objectives based on the World Health Organization's "Stop Tuberculosis" (TB) Strategy. The agreement will be appended by detailed technical protocols concerning the future handover of TB control in prisons from the ICRC to the MCLA.

28. In accordance with international standards, the MCLA, in close cooperation with the MoLHSA, developed a list of medications that shall be used when providing medical treatment to prisoners. Additionally, a new strategy and action plan were developed to prevent and control hepatitis C among the prison population. Together with these activities, individual Methadone programmes for treatment of drug-addicted prisoners are implemented successfully and special facilities are provided for detainees with mental disorders.

¹ Case # 3/2304-08, Tbilisi City Court, 30 April 2009.

² The Information regarding Criminal Justice Reform is available at www.justice.gov.ge

³ Number of crimes committed by the public official, minor, female/male or foreign national.

⁴ Whether the victim of a crime was a female/male, minor or foreign national.

⁵ The merger of the Ministry of Justice and Chief Prosecutor's Office (former General Prosecutor's Office) was followed by creation of the Human Rights Protection Unit. Before the merger of the Ministry of Justice and Office of the General Prosecutor, the Human Rights Protection Unit was functioning at the General Prosecutor's Office. The said Unit was created on the basis of the Legal Department at the Office of Chief Prosecutor. The aforementioned Unit was created based on the Presidential Decree No. 68 of 31 March 2009.

⁶ Domestic violence, under article 9 of the Law of Georgia on Elimination of Domestic Violence, must be treated as a crime when it "contains the elements of a criminal offence." Thus, if the act of the domestic violence contains the elements of the crime subject to punishment under the Criminal Code of Georgia, then the criminal proceedings will be initiated.

⁷ Relevant amendments entered into the Statute of the Fund.

