

State of Women and Juvenile Prisoners in Georgia



Tbilisi

2015

Report was prepared by Human Rights Center

Author: Nino Tsagareishvili

Editor: Aleko Tskitishvili

Translation: Mariam Gigani

Project Lawyers/Monitors: Tamar Avaliani
Tamar Lukava
Nestan Londaridze

Project Journalist: Natia Gogolashvili

Non-governmental organization the Human Rights Centre (HRIDC), formerly Human Rights Information and Documentation Center (HRIDC) was founded on December 10, 1996 in Tbilisi, Georgia. The Human Rights Centre (HRIDC) is dedicated to protection and promotion of human rights, rule of law and peace in Georgia. It is free of any political and religious affiliation. The Human Rights Centre (HRIDC) believes that everyone is entitled to exercise her/his civil, political, social, economic and cultural rights freely and without any discrimination as guaranteed by national and international law. We consider that protection and promotion of these rights and respect for rule of law are the key preconditions for building sustainable peace and democracy in Georgia. The Human Rights Centre (HRIDC) has five priority areas of action: strengthening the rule of law, supporting freedom of expression and media, promoting equality and social inclusion, reinforcing democratic processes and supporting transitional justice.

Address:

M. Kantaria St. 11a, Floor 3rd, 0160 Tbilisi, Georgia.

Tel.: (+995 32) 237 69 50, (+995 32) 245 45 33, (+995 32) 238 46 48

Fax: (+995 32) 238 46 48

E-mail: hridc@hridc.org Web-portal: www.humanrights.ge; www.hridc.org.



**EMBASSY OF THE
REPUBLIC OF BULGARIA
TBILISI**

The Report was prepared by the financial support of Embassy of Bulgaria. The report does not necessarily reflect the views of the donor. Human Rights Center bears sole responsibility for the content of the report.

Contents

Introduction	4
Correctional Facility N5	5
Introduction	5
Treatment of Prisoners	5
Contact with the Outside World	7
Living and Sanitary - Hygienic Conditions	9
Health Care	10
Juvenile Female Prisoners.....	14
Social-Cultural Issues	14
Foreign Prisoners	15
Minorities.....	15
Nursing Mothers and Convicts with Children	16
Other Problems Revealed through Monitoring	16
Juvenile Rehabilitation Facility N11	17
Introduction	17
Living and Sanitary-Hygienic Conditions	17
Treatment	18
Education of the Juvenile Prisoners.....	19
Social-Cultural Issues	20
Health Care	20
Contact with the Outside World	21
Other problems discovered during the monitoring.....	21
Juvenile Defendants	22
Legal Assistance within the Project	24
Recommendations	25
Annex	28

Introduction

This report provides results of the project –“Monitoring State of Women and Juvenile Prisoners in Georgia”. The project covered the period from February 15 to August 15 of 2015. The aim of the project was to discover problems existing in the women and juvenile prisons and contribute to the improvement of the existing conditions.

Within the project, based on the special warrants assigned by the Public Defender of Georgia, with the participation of representatives from National Preventive Mechanism and Child’s Rights Center of the Public Defender’s Office (PDO), the observers of Human Rights Center were conducting planned and unplanned visits to female correctional facility N5 in Rustavi, juvenile rehabilitation facility N11 in Tbilisi and to juvenile department of prison N8 in Gldani. The observers from Human Rights Center paid total 14 visits to female and juvenile correctional facilities, including 9 visits to women’s prison N5, 4 visits to the juvenile rehabilitation facility N11, 1 visit to the juvenile department of prison N8 in Gldani.

The representatives of Human Rights Center were interviewing women and juvenile prisoners using special questionnaires to reveal specific issues and problems interesting for the monitoring. The problems discovered during the monitoring have been evaluated according to the international and domestic legislation.

Within the project, lawyers of Human Rights Center were providing free legal assistance for women and juvenile prisoners regarding various human rights violations¹. A journalist of Human Rights Center was preparing articles about the problems revealed through the monitoring².

As discovered by the monitoring, the significant problems of female correctional facility N5 are: humiliating procedure of full examination, nonexistence of conjugal visits, lack of hygiene products, late/inadequate treatment for women prisoners, problems of communication with foreign women prisoners, lack of information about their rights, malfunctioning of phone booth cards and so on.

Significant problems discovered in the juvenile facility are: privileges among juvenile prisoners, frequent cases of repeated offences, social isolation of some category of juvenile convicts, lack of psychologists, the need of conducting trainings for teachers and nonexistence of distance learning programs.

The significant problems revealed as a result of the monitoring are thoroughly reviewed in the following chapters.

¹ For further reading, see the section “Legal Assistance Provided within the Project”.

² See the Annex “Articles Prepared within the Project”.

As for the positive tendencies, it should be noted that according to the women and juvenile prisoners, there are no facts of beating and torture inside the facilities. However, some of the prisoners mentioned the facts of beating during their detention.

Other positive tendencies are various social-cultural events in women facilities and art/educational programs in juvenile facilities. Also we welcome the fact that women prisoners are employed in the prison N5.

Correctional Facility N5

Introduction

Correctional facility N5 is the only female prison in Georgia³. In February 2015, 272 adult females were placed in the prison N5, including 52 accused and 220 convicted, 6 women with a child and 6 children. Within the monitoring period, from March 2015 to July, at different times, there were two juveniles placed in the facility.

Treatment of Prisoners

One of the most significant problems in prison N5 is a full examination procedure of women prisoners, which takes place while women convicts are entering the prison, leaving the prison temporarily, returning back and in other cases provided for by law⁴. The full examination procedure is provided for by the order N97 issued by the Minister of Corrections and Legal Assistance of Georgia (hereinafter Ministry of Corrections) in May 30, 2011. According to its section 5 of article 34, an examination of a convict may be full or incomplete. According to the section 9 of the article 34, ***“Full examination of a convict includes examination of a body, clothes, shoes and a prosthetic appliance (if such exists). During the full examination, convicts shall take off clothes or denude specific parts of their body as indicated by an authorized person.”***⁵

The prisoners that we have questioned confirm the fact of using the above-mentioned procedure in the prison. According to them, the procedure of denudation is insulting and humiliating; there are cases when they are asked to squat after they take their clothes off, which causes psychological distress.

One of the convicts of prison N5, N.P who is a lawyer, addressed Human Rights and Civil Integration Committee of Georgian Parliament regarding this issue. The prisoner provided the

³ Female prisoners are also placed in Kutaisi N2 and Batumi N3 penitentiary facilities.

⁴ Section 8, article 34 of the order N97 issued by the Minister of Corrections and Legal Assistance of Georgia in May 30, 2011. <file:///C:/Users/B2/Desktop/kanonebi/brdzaneba%2097.pdf>

⁵http://www.mcla.gov.ge/public/files/pdf/text_14182884563.pdf

official response that she received from the committee to the Human Rights Center. In 2014, the committee answered her as follows:

“We inform you regarding the statement N7595 submitted to the Human Rights and Civil Integration Committee that the Parliament adopted a draft law of Georgia “On amendments to the Imprisonment Code,” (07-2/147, 31.12.13), represented as an initiative by the Government of Georgia, which entered into force as soon as it was published. This bill does not include a provision regarding so called “full examination” and especially about humiliating and degrading treatment towards prisoners while leaving/entering the prison/detention facility.

Hereby we also inform that we sent your application with a relevant petition to the Minister of Corrections and Legal Assistance of Georgia Mr. Sozar Subari for examination of the facts mentioned in your statement and proper reaction within the competence of the ministry.”

This letter reveals that the existence of the full examination procedure provided for by the order N97 issued by the Minister of Corrections in May 30 2011, is unknown for the Human Rights and Civil Integration Committee of the Georgian Parliament. The committee states that there is no this kind of provision in the Imprisonment Code and neglects the existence of this provision in the order N97.

The full examination procedure contradicts the standards set by the UN Rules for the Treatment of Female Prisoners and Non-Custodial Measures for Women Offenders (so called Bangkok Rules)⁶. According to the rule 19 of this document, effective measures shall be taken to ensure that women prisoners’ dignity and respect are protected during personal searches. According to the rule 20, “alternative screening methods, such as scans, shall be developed to replace strip searches and invasive body searches, in order to avoid the harmful psychological and possible physical impact of invasive body searches”⁷.

The Public Defender’s report 2014⁸ indicates the existence of this procedure in prison N5 and notes that it is unacceptable. It is worth mentioning that on July 4, 2015, while talking to TV-journalists, the Minister of Corrections and Legal Assistance of Georgia denied the existence of the full examination procedure in the women’s prison⁹. The Minister’s statement does not reflect the real situation that exists in the women’s prison. 5 non-governmental organizations had a feedback to this statement. They expressed their concern and called on the Minister to show responsibility towards the problems existing in the penitentiary system¹⁰. It is notable that a director of the women’s prison does not deny the practice of conducting full examination procedure. She confirms that the full examination, including denudation is provided for by the order 97 of the Minister¹¹. She also confirmed with the Public Broadcaster that in some cases, women prisoners do squats: “this is one way to check the women in order to avoid further events

⁶http://www.mcla.gov.ge/public/files/pdf/text_14182885782.pdf

⁷P.94 http://www.mcla.gov.ge/public/files/pdf/text_14182885781.pdf

⁸ P. 178 <http://ombudsman.ge/uploads/other/2/2439.pdf>

⁹<http://1tv.ge/ge/news/view/103052.html>

¹⁰<http://humanrights.ge/index.php?a=main&pid=18362&lang=eng>

¹¹<http://1tv.ge/ge/news/view/103069.html>

that might follow their non-examination or improper examination”¹². According to the director of prison, squats are done by women prisoners voluntarily and they are not humiliating¹³.

Statements made by the Department of Corrections and by the director of the prison were also contradictory. An official statement of the Department of Correction reads: “The full examination is provided only for those accused and convicted on whom there is a grounded suspicion that they might be trying to bring prohibited subjects or items into the prison”¹⁴. According to the director of female facility, this information is not true. As stated by her, all convicts who enter the facility are subject to full examination procedure and this is provided for by the law. According to the director, the same rule applies to convicts when they leave or come back to the facility¹⁵.

Human Rights Center calls on:

- ***The Ministry of Corrections and Legal Assistance of Georgia to eradicate the established practice of full examination in the correctional facility N5;***
- ***The Minister – to make amendments to the order 97 and conform it to the international standards for treatment of prisoners.***

On the positive note, it should be mentioned that according to the prisoners interviewed by us, there are no other incidents of inhuman treatment or torture in the prison facility.

Contact with the Outside World

According to the article 124¹ of transitional regulation of the imprisonment code adopted by the Parliament of Georgia on December 13, 2013, “*in order to guarantee right to conjugal visits, the Ministry of Corrections and Legal Assistance has to provide proper conditions and ensure the right of conjugal visits in women’s prisons and closed imprisonment facilities no later than December 31, 2015*”¹⁶.

Women prisoners in Georgia have been in discriminatory conditions for years, because they are not able to exercise the right of conjugal visits like men do. Unofficial reason for this stated by the government officials is that there is a risk of pregnancy and increased birth rate in the prison. For convict mothers and children there is no proper infrastructure for now.

Right to long date is guaranteed for male prisoners by Georgian legislation. It includes no more than 23-hour visits with family members, children, spouses, parents, sisters, brothers etc¹⁷ in the rooms that are specially provided on the territory of a facility. Women prisoners are deprived of this right as their visits with family members last no longer than 3 hours¹⁸. Another problematic

¹²<http://www.hridc.tv/index.php?a=view&id=1082&lang=eng>

¹³<http://www.hridc.tv/index.php?a=view&id=1082&lang=eng>

¹⁴ 6:38 <http://www.hridc.tv/index.php?a=view&id=1082&lang=eng>

¹⁵ *ibid*

¹⁶<https://matsne.gov.ge/ka/document/view/2150237#DOCUMENT:1;>

¹⁷ Article 17²<https://matsne.gov.ge/ka/document/view/91612>

¹⁸ Article 17²³<https://matsne.gov.ge/ka/document/view/91612>

fact during these visits is that confidentiality is not protected. Cabins provided for their visits are so narrow that women prisoners have to meet their family members in the hallway along the cabins, where they have no privacy, as the prison personnel observe the situation.

According to the information of the Ministry of Corrections, the project for setting up an appropriate infrastructure to ensure conjugal visits for women prisoners is ready and construction works will start in nearest future. However, they cannot name the exact date yet¹⁹.

According to the Bangkok rules, were conjugal visits are allowed, women prisoners shall be able to exercise this right on an equal basis with men²⁰. According to the rule 26, women prisoners' contact with their families, including their children, their children's guardians and legal representatives shall be encouraged and facilitated by all reasonable means.

It is unfortunate that until now no effective steps have been made in order to ensure the right to long dates for female prisoners in practice. Human Rights Center calls on the Government of Georgia to accelerate necessary measures to provide right of conjugal visits for women prisoners and create an appropriate infrastructure in penitentiary facilities.

Another serious problem for women prisoners regarding contact with outside world is that, phone booths that they use are placed in the yard of penitentiary facility, in open air. The observers of Human Rights Center have frequently noticed that the women prisoners had to make phone calls in deplorable conditions in bad weather. These kinds of conditions are dangerous for women prisoners' health and they are also deprived of full enjoyment of the right to make phone calls guaranteed by law²¹.

In addition, exercising this right is even complicated by the fact that, according to the majority of prisoners from prison N5, the phone in the facility does not work properly. According to the order N97 by the Minister of Corrections, prisoners have right to make no more than 3 phone calls per month with their own expenses. But because of the flaws and malfunctions of the communication system, frequently phone calls are terminated, and as a result, prisoners are deprived of right to make specific number of calls entitled to them by law.

Head of the Department of Corrections, Gogi Gakharia has confirmed the existence of these problems. In May 2015, he stated at the meeting with the representatives of Human Rights Center that the Ministry of Corrections will announce a new tender and sign an agreement with a new company, which will provide quality phone connection for prisoners. However, this problem has not been solved yet. Human Rights Center will closely monitor the development of the events regarding this problem and provide the society with the news.

¹⁹<http://www.17mai.si/archives/38291>

²⁰ Rule 27 <http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf>

²¹ Article 34 http://www.mcla.gov.ge/public/files/pdf/text_14182884563.pdf

Living and Sanitary - Hygienic Conditions

One of the serious problems for women prisoners is the lack of sanitary towels. According to the information gathered from the interviewed convicts, administration of the facility does not provide them with enough sanitary towels. This problem is dangerous for women prisoners' health.

The Bangkok rules outlines that it is necessary to provide hygienic towels for prisoners: ***“The accommodation of women prisoners shall have facilities and materials required to meet women’s specific hygiene needs, including sanitary towels provided free of charge and a regular supply of water to be made available for the personal care of children and women, in particular women involved in cooking and those who are pregnant, breastfeeding or menstruating”²².***

Another important issue is the fact that the prisoners are provided with one soap and washing powder per month. According to the official information of prison N5: “when placed in the facility, accused/convicted are provided once with the following items and hygienic products: a hand soap (100g), a tooth brush, tooth paste, toilet paper, a towel, sheets, a pillow, a pillow case, a mattress, a plaid, a spoon, a fork, a soup plate, a bowl and one mug. Monthly they are provided with a washing soap (200g) and washing powder (0.270-0.400g). Also, periodically, according to their needs and requirements they are provided individually with above mentioned items and hygienic products”.

According to the official information of prison N5, since January 2015 until today, accused/convicted were provided with following items every month:

- Washing powder 450g;
- A toothpaste - 1 item;
- Toilet paper -1 item;
- Hand soap (100g) – 1 item;
- Washing soap (200g) – 1 item;
- A toothbrush – 1 item (in January and April).

The administration must provide basic hygienic products for prisoners in a reasonable quantity. One soap and one toilet paper per month is not a reasonable amount and cannot satisfy basic hygienic needs of a person.

Prison N5 also has problems regarding water supply. Women prisoners have right to take showers from 10:00 to 20:00pm. They do not have hot water in their cells. It is necessary to supply cells with warm water, because prisoners often have to wash dishes and clothes in their cells.

²² Rule 5

http://www.penalreform.org/wpcontent/uploads/2013/06/United_Nations_Rules_for_the_Treatment_of_Women_Prisoners_and_Non-custodial_Measures_for_Women_Offenders_the_Bangkok_Rules.pdf

Human Rights Center calls on the Ministry of Corrections to provide appropriate quantity of sanitary towels and other hygienic products for women prisoners, also to ensure regular supply of warm water in cells.

Poor ventilation system in prison N5 is also an issue. Because of this, there is disturbing heat in the living cells during summer. According to the prisoners, in summer, from 20:00pm to 10:00am, the living cells are closed. The convicts suffer from lack of air because of double bars.

There are communal showers in prison N5 cellblock. Bathrooms in blocks A, B and C have problems of malfunctioning sewage system, because of which the flow of the water from bathrooms does not go fully into the sewage system and is dammed in the bathrooms. This is also mentioned in the Public Defender's report 2014.²³ Another problem of the bathrooms is a malfunctioning ventilation system. The walls of bathrooms are rusty and the floors are old.

It is necessary to ensure repair works in the bathrooms of prison N5, to arrange sewage and ventilation systems and repair the walls and floors of the bathrooms.

The observers of the Human Rights Center visited a shop that works on the territory of the prison N5. According to the observation, there are no fruits and vegetables in the shop. Human Rights Center Calls on the Ministry of Corrections to ensure sale of fruits and vegetables in the shop of prison N5.

The prisoners had no complaints regarding the food provided by the facility.

Health Care

A serious issue regarding health care of women prisoners is one electronic queue for planned medical referrals, which is common for women as well as men prisoners. According to the order N55 of the Minister of Corrections and Legal Assistance, a medical department of the Ministry of Corrections with the confirmed solicitation of the facility's doctor takes responsibility for transferring a patient to the health care facility or a rehabilitation center. If the solicitation is upheld, when a patient requires a planned medical service, he/she gets a number in line and a recommendation on transfer to the medical facility/center is sent to a director and chief doctor of the facility in less than one day before the transfer. The medical department defines a number in line by a territorial principle according to the ambulatory and stationary services²⁴. The referral procedure is enacted when there are no signs for providing emergency medical service according to the article 3 of Law of Georgia on Health Care²⁵.

A serious flaw of referral system is the fact that individual needs of patients are not taken into consideration while defining a number in line. The rule of planned referral does not include the cases when a health condition of a patient is worsened. In these cases, patients have to wait for their turn if they have no obvious signs for emergency medical care. Sometimes waiting in line

²³p. 83; <http://ombudsman.ge/uploads/other/2/2439.pdf>

²⁴http://www.mcla.gov.ge/public/files/pdf/text_14188963061.pdf

²⁵ *ibid*

lasts for months. During the monitoring, the representatives of Human Rights Center met many women prisoners whose health state has been worsened because of untimely medical care.

This problem is alarming. It is necessary to take into account individual needs while placing patients in electronic line. Taking into consideration a development of the disease, according to the individual needs of a specific prisoner, medical service shall be provided timely in the penitentiary and civil medical facilities. Maximum individual approach shall be established. If health condition of prisoners is worsened they shall be provided with medical service ahead of schedule.

2014 report of the Public Defender also outlines this problem: “it has to be considered that some of the diseases develop quickly and if there is a threat to life, an emergency medical help might be late. The medical referral procedure does not consider giving preference in queue to those patients who suffer from these kinds of diseases”²⁶.

According to one of the recommendations from the Public Defender’s report 2013, “if the prisoner receives incomplete medical treatment or requires another medical examination in short time after the ambulatory care, he/she must be transferred ahead of schedule”²⁷. This recommendation still has not been reflected in the order N55 of the Minister of Corrections. Because of this, in 2014, the Public Defender called on the Minister again to provide a legal regulation of the issue²⁸.

It is nonexistence of an adequate medical treatment that worsened health condition of a convict I.Ts in prison N5. Human Rights Center represents interests of the convict. The prisoner had a forensic medical examination by her own expenses with an independent expert Maia Nikolaishvili. The examination lasted 14 months (from September 21 2013 to December 25, 2014). According to the findings, her diseases are progressive. If in April 2013 she had only mitral valve failure, after 1,5 years in October 2014 she already has signs of mitral, tricuspid and pulmonary artery valves failure. ***According to the expert, such fast progression of the disease without full diagnosing and treatment, takes away chances of I.Ts for substantial improvement of her health. Accordingly, by being in a penitentiary facility, her life is in danger***²⁹.

The forensic report reads: “Significant failure of valves, pulmonary hypertension, swelling of the lower limbs and lymphostasis have revealed during last year. Main disease of I.Ts is complicated by Raynaud’s disease, which she developed after being placed in the penitentiary system. Raynaud’s syndrome is a disease with spasms of blood vessels. I.Ts also has chronic gastrointestinal diseases, bone-articular diseases, kidney diseases, nerve diseases.”³⁰

In May 2015, Human Rights Center addressed the joint permanent commission of the Ministry of Corrections and Legal Assistance and the Ministry of Labor, Health and Social Affairs of Georgia

²⁶ P. 130; <http://ombudsman.ge/uploads/other/2/2439.pdf>

²⁷ P. 74; <http://ombudsman.ge/uploads/other/1/1563.pdf>

²⁸P. 131; <http://ombudsman.ge/uploads/other/2/2439.pdf>

²⁹<http://www.humanrights.ge/index.php?a=main&pid=18359&lang=eng>

³⁰<http://www.humanrights.ge/index.php?a=main&pid=18359&lang=eng>

to release I.Ts from serving the remaining sentence. The commission has not responded yet. I.Ts addressed the permanent commission in 2013 as well, but was refused to be released.

According to the section 5 of article 74 of Criminal Code of Georgia, the joint permanent commission of the Ministry of Corrections and Legal Assistance and the Ministry of Labor, Health and Social Affairs of Georgia can release from the sentence a person who was inflicted with the illness that hinders the process of serving a sentence before or after committing a crime.

The order N01-6/N of the Minister of Labor, Health and Social Affairs defines list of those severe and incurable diseases that can be a ground for releasing prisoner from a sentence. According to this order, the diagnosis of I.Ts can become a reason for release only if it is resistant to the full treatment. However, in the case of I.Ts, while she is in the jail, it is unable to prove this, because it has been 2 years since she has not received a proper treatment, because of which her health condition has become extremely severe.

Human Rights Center provided legal assistance to a convict G.K, who developed severe diseases while serving a sentence – chronic ischemic heart disease, artery hypertension II GNC7, type 2 diabetes, subcompensation, facial nerve peripheral paresis on the rights, diabetic encephalopathy, I-IV quality bilateral sensorineural hearing loss, herpes. Based on the appeal of Human Rights Center G.K. received a conditional release from the sentence.

Another problem is the release of elderly women prisoners. Human Rights Center provided legal assistance to two elderly women convicts (T.J and V.B) in prison N5, who are 66 and 71 years old. It should be noted that both of them meet the terms established by sections 11 and 12 of the article 4 of the order N/181/N01-72/N issued by the joint commission of the Ministry of Corrections and Legal Assistance and the Ministry of Labor, Health and Social Affairs of Georgia. They have served more than half of their sentences and have reached the age of an elderly person provided for by the law. Health condition of the both prisoners is severe due to their old age. It is worth mentioning that both convicts are characterized positively by the administration and appropriate notices regarding this have been issued. However, despite this, the joint permanent commission of the Ministries of Correction and Health Care refused to release them without pointing out any specific reasons.

Another issue regarding health care is replacement of brand name drugs with the so called generic medications. Majority of prisoners interviewed by Human Rights Center say that instead of the brand name drugs prescribed to them by a doctor they receive generic medications, which are low quality and have no effect.

The patients placed in the correctional facilities of Georgia are provided with medications within the basic list of penitentiary health care³¹. Generic medications are given to prisoners based on this list.

According to the section one of the article 11 of Law of Georgia on Medicines and Pharmaceutical Activities, generic pharmaceutical product (so called generic medication) is an international off-patent reproduced pharmaceutical product. Generic pharmaceutical products are used to

³¹http://www.mcla.gov.ge/public/files/pdf/text_14212141960.pdf

replace patented (original) medications which means that taking these medications should have the same effect. According to the explanation of the World Health Organization, medication is generic when it is used for possible replacement of innovative medical drugs, it is produced without a license of the manufacturers of the innovative medication and is placed in the pharmaceutical market after the expiration date of a patent or any other exclusive rights.

According to the 2013 report of the Public Defender, “Generic pharmaceutical product as well as original pharmaceutical product contains active substances and fillers. The latter is responsible for on how, how many and how fast will an active ingredient be released from a tablet or capsule, which accordingly is reflected on the effectiveness of a medication. A little change in a filler or in the shell of a tablet may significantly change the quality of medication. If a filler of the original pharmaceutical product is one and a filler of a generic pharmaceutical product is another, therapeutic equivalency of these two products will be breached, which means that they will have different therapeutic effects”³². According to the recommendation of the Public Defender, if prisoners have complaints regarding therapeutic effects, it is important to conduct clinical examination of a generic pharmaceutical product to establish its therapeutic equivalency. The Public Defender speaks about same problems in his report published in February 2015 and calls on the Ministry to provide medications prescribed by a doctor for women prisoners³³.

Head of the medical department of the Ministry of Corrections, Tamta Demurishvili told the representatives of Human Rights Center: “All medications that are provided for patients have state registration number, accordingly the state is responsible for the quality and this issue is beyond the competence of the medical department.”

The situation is complicated by the fact that there is no drug store in prison N5, where prisoners could buy brand name drugs prescribed by a doctor. Receiving medications from family members/relatives is not regulated by an appropriate normative act. Accordingly, the prisoners have no other choice but to take those generic medications provided by the medical department, despite the fact that majority of them complain about the quality.

According to the information of a chief doctor of prison N5, when a patient refuses to take a generic medication and asks for brand name drug prescribed by a doctor, the ministry announces a tender, because of which the transfer of drugs to the patients is delayed.

The observers of Human Rights Center made another important observation during the monitoring. By the information of a chief doctor of prison N5, it has been more than a year since the use of internet is prohibited in her cabinet except for the instances when she requests medical referrals. The doctor can use a city phone only in cases when it is necessary to contact the medical department of the Ministry of Corrections and Legal Assistance or the prison administration. According to the chief doctor, this causes a problem to contact with the civil hospitals.

³²P. 69; <http://ombudsman.ge/uploads/other/1/1563.pdf>

³³<http://www.ombudsman.ge/uploads/other/2/2650.pdf>

Another significant issue is that majority of the prisoners interviewed by Human Rights Center were not informed about the fact that they have the right to ask for transfer to civil hospitals by their own expenses.

Juvenile Female Prisoners

There were two juvenile prisoners in prison N5 at different times during the monitoring. They did not make any complaints, but it is worth mentioning that other prisoners paid too much attention and took an excessive care of juvenile convicts. According to our observation, in some instances, this caused irritation of juvenile prisoners.

According to the United Nations Standard Minimum Rules for the Treatment of Prisoners, which is one of the international guidelines regarding treatment of prisoners³⁴, juvenile prisoners must be placed separately from adult prisoners³⁵.

Human Rights Center calls on the Ministry of Corrections to place juvenile female prisoners separately from adult prisoners.

Social-Cultural Issues

It is welcome that various cultural events are held in the prison N5 of Rustavi³⁶, including plays and poetry nights, which are positively evaluated by the prisoners. During the monitoring, there was a rehearsal for a play in the library of the facility. According to the observers of the Human Rights Center, women prisoners were actively involved in the rehearsals and expressed their satisfaction regarding the participation in the play³⁷.

The facility has a highly equipped library, which fully meets the international standards, it is furnished, with appropriate inventory and technology, it has Georgian and foreign literary art, historical and various genres of literature.

Employment opportunity for the prisoners in prison N5 should be positively evaluated. While talking to the observers of Human Rights Center, employed prisoners expressed their satisfaction regarding employment conditions. According to the official information of the Ministry of Corrections and Legal Assistance of Georgia, 17 convicts are employed for agricultural works, including cleaning the territory of the facility and cellblock, washing linen for accused/convicted and distributing/delivering food products for them. Working day of the employed convicts is 8 hours. A break time for the employed prisoners is defined based on the characteristics of work and according to the shift schedule. The convicts who are involved in the agricultural work create a working group. Salary of the head is 250 GEL per month, salary of the deputy head is 225 GEL, and salary of a group member is 200 GEL³⁸.

³⁴<http://www.mcla.gov.ge/ka/InternationalActs>

³⁵Rule 8, section E http://www.mcla.gov.ge/public/files/pdf/text_14182885782.pdf

³⁶<http://humanrights.ge/index.php?a=main&pid=18273&lang=eng>

³⁷<http://humanrights.ge/index.php?a=main&pid=18273&lang=eng>

³⁸<https://matsne.gov.ge/ka/document/view/2591679>

Foreign Prisoners

The observers of Human Rights Center had an individual conversation with many foreign prisoners placed in the prison N5 (including Russian and English speaking prisoners). According to the majority of foreign prisoners, during their arrest they were not informed about the reasons for the arrest and their rights in the language that is understandable for them. Also, according to them, it is particularly serious issue that they are provided with a non-qualified interpreter during the hearings, when they are defended by the lawyer of a state legal aid service. Because of this the most of them are in an informational vacuum regarding the ongoing hearings in their cases.

As stated by the foreign prisoners, knowledge of Russian and English languages is a problem for social service of prison N5. Because of this they are deprived of opportunity to use assistance from a social worker and address to court, the Prosecutor's Office or the Ministry of Corrections.

Fundamental right of fair trial includes the right of the accused to get immediate and detailed information about the essence and grounds of the charges in the language that is understandable for him/her. This right is enshrined by the European Convention on Human Rights and the Constitution of Georgia. Human Rights Center expresses its concern about the fact that majority of foreign prisoners in prison N5 are in informational vacuum regarding the hearings of their cases because of the non-qualified interpreter. It is also concerning that because of the bad knowledge of foreign languages, the social service of prison N5 cannot provide an appropriate assistance for foreign prisoners.

Human Rights Center calls on the Ministry of Justice to provide qualified interpreter for foreign prisoners in their ongoing trials; the Ministry of Corrections - to hire the employees who speak foreign languages in the social service of prison N5.

Russian speaking prisoners in prison N5 complain about the lack of Russian channels on TV. According to the official information of the Ministry of Corrections, by transferring to a digital broadcasting it is planned to increase number of TV channels in the facility.

Minorities

According to the information of the most prisoners interviewed by the observers of Human Rights Center, there is no sexual, ethnic or religious discrimination against the prisoners in prison N5. However, Human Rights Center has caught individual cases when several prisoners were complaining about the oppression from those inmates who are following Orthodox religious customs. In particular, according to some prisoners, pressure was expressed by their inmates who demanded them to follow their religious customs. By the appeal of Human Rights Center, the applicant prisoners were transferred to other cells by the administration.

It should be noted that in the light of the existing situation in Georgian society, when a topic of discrimination by sexual orientation is a taboo, in order to access the full information regarding this topic in the closed space of prison, it is necessary for the trained specialists with an appropriate qualification to work individually with the convicts. ***According to the recommendation of Human Rights Center, it is necessary to have specialists regarding this***

subject in the prison N5, who will work individually with the prisoners who belong to the minorities to reveal their needs/problems.

Nursing Mothers and Convicts with Children

Prison N5 has a residential division for mothers and children, which has 12 rooms and one common play room for children. In May 2015 there were 6 convicts placed in the division for mothers and children (one of them was pregnant). Children who are with prisoner mothers are aged from 0 to 3.

According to the official information of the Ministry of Correction, „children’s nutrition consists of milk and porridges by Humana according to age categories (PRE, N1, N2, N3). In addition, mother prisoners are provided with groceries such as: chicken meat, fish, forcemeat, apples, vegetables, cereals, sugar, oil, dairy products (per week, 1l milk, 570gcottage cheese, 700g sour cream, 700g sour milk, 300g butter)”.

According to the information of the prisoners who are placed in the division for mothers and children, the products provided by the facility is not enough. They requested provision of necessary groceries for children, including fruits and vegetables in the prison store and asked to increase number of parcels allowed for children.

Other Problems Revealed through Monitoring

In July 2015, the Parliament of Georgia made amendments to the article 260 of Criminal Code of Georgia – “illegal preparing, producing, purchasing, possessing, transferring, sending, selling of narcotics, their analogs, precursors or new psychotropic substances.” Under the old edition of the article 260 of Criminal Code of Georgia, illegal preparing, producing, purchasing, possessing, transferring, sending, selling of narcotics, their analogs, precursors or new psychotropic substances, by homogenous responsibility was punishable with up to 11 years of imprisonment. According to the changes, liabilities for selling drugs and purchasing/possessing were separated. With new edition, preparing, purchasing, producing, possessing, transferring and sending narcotics will be subject to 6 year imprisonment, while selling them will be subject to 6 to 11 years imprisonment³⁹. These changes are step forward to liberalization of narco-politics, however, important issues still remain unsolved.

The changes did not affect the article 262 of the Criminal Code of Georgia –“Illegal Import to or Export from, or International Transit Shipment across Georgia, of Narcotics, Analogy or Precursor”. This article does not separate selling narcotics from purchasing/possessing and imposes the same sanction in both cases. Human Rights Center provides legal assistance to many women prisoners who are sentenced to inadequately long sentences based on the mentioned article in 2006-2012. According to the recommendations issued by EU mission under the action plan for visa liberalization, possession of narcotics for personal purposes shall be separated from illegal selling⁴⁰. Sale of narcotics, the analogy or precursor or new psychotropic substance is more

³⁹<https://matsne.gov.ge/ka/document/view/2909639>

⁴⁰<file:///C:/Users/user/Downloads/file-20042015.pdf>

dangerous action and has higher level of threat for society. The above-mentioned recommendation was the ground for the change of article 260.

Human Rights Center calls on the Georgian Government and Parliament, to make amendments to the article 262 of CC - to separate selling drugs from possessing for personal purposes.

It should be noted that since 2013 an attitude towards drug crimes is more liberal – women prisoners have much shorter sentences for crimes under article 260 and 262 of CC than those who were charged in 2006-2012 for the same crimes. On May 11 2015, Human Rights Center requested from the Supreme Court of Georgia statistic information about number and imprisonment terms of those women prisoners who were convicted under articles 260 and 262 of CC in 2006-2015 in the first instance courts. By analyzing the statistical information it was outlined that in 2006-2012 women prisoners were sentenced to inadequately long sentences under articles 260 and 262 of CC (20-30 years and sometimes even lifetime imprisonment), while from 2013, persons convicted under same articles were sentenced to 2-3 year imprisonment (rarely 5-8 years). Human Rights Center has prepared a legislative proposal and addressed the Parliament regarding the amnesty of those convicts who were sentenced to inadequately long sentences under the article 262 of CC in 2006-2012⁴¹.

Juvenile Rehabilitation Facility N11

Introduction

During the monitoring period, Human Rights Center visited juvenile rehabilitation facility N11 for four times. During this period, there were 44 juvenile prisoners placed in the rehabilitation facility N11.

The observers of Human Rights Center have revealed many cases when juvenile prisoners had an asocial attitude; they found it hard to speak about existing conditions/problems in the prison, and they did not express any interest in social/cultural activities held in the facility. In order to improve psychological condition of juvenile prisoners, more intensive work of psychologists of the administration and engagement of other specialists are required. Only two psychologists work in the juvenile rehabilitation facility at this moment. One of them was on vacation for certain period in summer. Human Rights Center calls on the Ministry of Corrections to increase the number of qualified psychologists working with juvenile prisoners.

Living and Sanitary-Hygienic Conditions

There are 18 dwelling cells in the rehabilitation facility N11. Each cell has its own toilet and shower. Hot water is provided in the cells for juvenile prisoners.

⁴¹<http://www.humanrights.ge/index.php?a=main&pid=18364&lang=geo>

The problem is the concrete flooring of the cells, which might affect negatively on health of juvenile prisoners. Iron beds are also problematic. In most cases there is only one mattress on the bed which is thin and of low quality. It causes discomfort for juvenile prisoners and is dangerous for their health. As observed by Human Rights Center, some of the juvenile prisoners were using several mattresses. According to them, other prisoners left these mattresses for them.

The representatives of Human Rights Center made a reference regarding the lack of mattresses to the administration of rehabilitation center N11. According to the information of the administration, they would provide additional mattresses for juvenile prisoners. However, by the end of the report period there are still unequal conditions. Many juvenile prisoners still have just one mattress on the bed.

Human Rights Center calls on the Ministry of Corrections and Legal Assistance to ensure additional quality mattresses for the juvenile prisoners placed in the rehabilitation facility.

According to the prisoners, they receive enough hygienic products timely. They had no complaints regarding food.

Treatment

According to the information of juveniles, there are no facts of improper treatment from the administration or between the convicts in the prison.

However, Human Rights Center's observers have noticed cases when specific prisoners talked with the authoritative tone with others who obeyed them. These kinds of leader prisoners are those who have some privileges (for example, they have the most mattresses). The administration of the facility has to take measures to eliminate such attitudes and privileges among juveniles.

During the period of the monitoring, there was a case in the facility N11, when several prisoners were temporarily transferred to the closed prison N2 of Kutaisi. According to the information gathered from the prisoners, their transfer was related to the conflict with other prisoners in the facility N11.

Article 71¹ of the Imprisonment Code of Georgia which determines the types of disciplinary sanctions for juvenile prisoners does not include transfer of juvenile prisoners to the closed facility as a punishment or other disciplinary measure. Accordingly, transfer of juvenile prisoners to the prison N2 of Kutaisi had no legal grounds.

According to the information of the rehabilitation facility N11, 4 cells (3 seven-place and 1- triple bed) have been reconstructed in the facility, where, for the safety measures, the prisoners will be transferred individually in future.

It has to be evaluated positively that the administration frequently uses encouragement opportunities of juvenile prisoners (for example, announcing gratefulness, permitting more

number of short or long dates) for different cultural and educational activities. This was told by the juvenile prisoners to the Human Rights Center.

Education of the Juvenile Prisoners

The problem regarding the education of the juvenile prisoners is the fact that there are no distance learning programs which could give the prisoners opportunity for getting higher education while serving sentence. There are cases when the juvenile prisoners passed university entrance exams but were not able to continue learning because they had become adults and continued to serve their sentences in the prison for adults where it is not possible to get higher education.

There is a school on the territory of juvenile rehabilitation facility N11, which is located in a separate building and connected to the public school N123 of Tbilisi. The representatives of Human Rights Center visited the school and talked to the juvenile prisoners and their teachers.

It is a positive tendency that the school has a well-furnished library equipped with various kinds of literature which is frequently used by the prisoners. According to the official data, 305 books were issued to the juvenile prisoners in March of 2015. During the monitoring, juvenile prisoners have frequently visited the library and expressed their satisfaction regarding the service. The problem is that there are few books in foreign language in the library. For example, there are no books in Azerbaijani language, which takes away the possibility for ethnic Azerbaijanis to read literature in their own language.

An important issue regarding the education of the juvenile prisoners is the fact that the teachers lack special trainings on relationships with the prisoners, educational methods, attitudes etc. As the teachers mentioned to us, these kinds of trainings were conducted once, 4 or 5 years ago. Taking into account the fact that education of juvenile prisoners is very important for their full integration in the society, it is necessary to provide appropriate trainings for the teachers.

According to the teachers, the prisoners have motivation to have good grades, because they believe that good academic performance will help them to get an early release or amnesty. The observers of Human Rights Center have also noticed active engagement of some students in the educational process.

The problem is that there is no individual program in the school for ethnic Azerbaijani prisoners who do not speak Georgian or Russian.

Human Rights Center calls on the Ministries of Education and Corrections to provide trainings regarding relationship issues, educational methods, attitudes etc. for teachers of juvenile prisoners.

Human Rights Center calls on the Ministries of Education and Corrections to develop an individual educational program for ethnic Azerbaijani prisoners, who do not speak Georgian and Russian languages.

Human Rights Center calls on the Ministries of Education and Corrections to supply the library of the rehabilitation facility N11 with books in Azerbaijani language.

Social-Cultural Issues

There are various art and sports programs in the juvenile rehabilitation facility N11. The facility has a playground where juvenile prisoners play rugby and football. The prisoners practice in football and rugby twice a week.

Three times a week the prisoners have lessons of wood cutting/curving. The prisoners make crosses and models of churches. According to the information of the administration, it is planned to open a group for working on enamel during the school vacation. The facility also has musical instruments and periodically they invite musicians who teach the prisoners how to play.

Also there is a room for computer teaching, where the juvenile prisoners learn computer programs. The juvenile prisoners also have right to play computer games.

It is worth mentioning that the Orthodox Church, which is located in the yard of the facility, does not have a priest yet. According to the information of the administration, they have negotiations with the Georgian Patriarchate to allocate a priest for the church.

A part of the prisoners interviewed by the observers of Human Rights Center is engaged in the above mentioned various activities.

Health Care

According to the information of the medical personnel of juvenile rehabilitation facility N11 and the prisoners, there are no severely diseased convicts in the prison. According to them, mostly prisoners have health problems because of traumas that they get during the sports activities and when they burn off their tattoos.

According to the administration, if required, the juvenile prisoners are transferred to the N18 medical facility for the accused and convicted or to the civil hospitals.

Referral base for the medical service of juvenile prisoners is separate from the base of adults. Accordingly, juvenile prisoners do not have to wait in line for medical service.

According to the medical personnel of the facility, during the reporting period there was no convict with psychiatric needs in the prison. As the medical personnel said, they do not use so called anti-depressants and psychotropic medications for the prisoners. According to their information, if required, usually, they use herbal sedative medications.

It should be noted that the observers of Human Rights Center have revealed many cases when the juvenile prisoners had an asocial attitude; they found it hard to speak about existing conditions/problems in the prison, and they did not express any interest in the social/cultural activities held in the facility. In order to improve psychological condition of juvenile prisoners, more intensive work of psychologists of the administration and engagement of other specialists

are required. Only two psychologists work in the juvenile rehabilitation facility at this moment. One of them was on vacation for the certain period in summer. Human Rights Center calls on the Ministry of Corrections to increase the number of qualified psychologists working with juvenile prisoners.

As the psychologist of the facility explained to the observers of Human Rights Center, psychologists conduct individual interviews with children to establish in which educational/art program should they be engaged in according to their needs. ***According to the psychologist, the facility requires more psychologists to properly fulfill their obligations.***

Contact with the Outside World

According to the law, the convicts of juvenile rehabilitation facility N11 have rights for short and long dates, video dates and phone calls. There are two furnished rooms in the facility for long dates.

According to the administration, juvenile prisoners meet their family member rarely because of their severe social conditions, which has a negative effect on the psychological condition of the prisoners. According to the information of the administration, majority of the prisoners are from the regions and their family members often cannot afford transportation fees to visit them. This situation is further complicated by the fact that there is a fee for long dates⁴².

Human Rights Center calls on the Government of Georgia and the Ministry of Corrections to revoke the payment for long and video dates of juvenile prisoners.

Other problems discovered during the monitoring

According to the observation of Human Rights Center, juvenile prisoners who are serving their sentences for sex crimes are socially isolated from other prisoners who do not wish to have contact/friendship with them. The director of the facility confirmed the existence of this problem.

As a result of the survey among the juvenile prisoners, it was revealed that often they serve sentence for repeated crimes. This outlines lack of effectiveness of the state programs for re-socialization and crime prevention.

Within the scope of the monitoring, the representatives of Human Rights Center held a meeting with the representatives of the Rehabilitation and Re-socialization Department for Former Prisoners at the Crime Prevention Center. According to them, there are issues regarding engagement of juvenile beneficiaries into the re-socialization process. Because of their age, they need an agreement from their parents to participate in the program, however, parents often refuse to give consent for various reasons⁴³.

⁴²<https://matsne.gov.ge/ka/document/view/91612>

⁴³<http://humanrights.ge/index.php?a=main&pid=18260&lang=eng>

“Practically we can say that we do not have a juvenile beneficiary. We had two cases when we started to work with beneficiaries and they committed another crime in two weeks and returned to the correctional facility. We had three cases when parents did not think it was necessary to have contact with us. So, I think that we need to engage with juveniles at the earlier stage,” - says the head of the Rehabilitation and Re-socialization Department for Former Prisoners at the Crime Prevention Center, Nino Biseisvhili⁴⁴.

Social workers of the crime prevention center start to work with the prisoners in the correctional facilities 1-3 months before the release. At this stage they are provided with the information about programs and services that the Crime Prevention Center offers. A social worker, by using the assessment form, evaluates a bio psychosocial behavior of prisoners and according to their needs, involves them into the rehabilitation program.

According to the recommendation of Human Rights Center, it is desirable to provide information regarding re-socialization programs and services for juvenile prisoners much earlier before their release. It is desirable to provide information about re-socialization programs and services for juvenile prisoners from the moment they are placed in the prison. Early provided information will give the prisoners an opportunity to plan their future better and think about the ways of rehabilitation. Also, it is preferable to have periodic meetings within the correctional facility between the representatives of the Crime Prevention Center and the juvenile prisoners about those possible future activities that are interesting for juvenile prisoners.

Juvenile Defendants

Juvenile defendants, whose criminal proceedings have not finished yet in the first instance court, are placed in the juvenile division of prison N8 of Gldani. There are also those juveniles whose verdicts have already been issued by the court but have not received this verdict as an official document yet. On July 14, 2015, during the visits of Human Rights Center’s observers, there were 11 convicts in the juvenile facility.

Division for juvenile defendants is located on the second floor of the building on the territory of prison N8 of Gldani. Despite the fact that juvenile prisoners placed in this division are separated from the adult prisoners, they still have to meet adult defendants while escorted to the trials, because in these cases only one car and one escort serve the prison N8. For the juvenile defendants, there is a small space allocated in the car, which is isolated from the rest of the space where adult defendants are sitting. This way, transportation of the juveniles is conducted in worse conditions than for adult defendants. Defendants have ability to talk to each other, which is not recommended because of the different risks of criminal world (threat, influence etc.).

Human Rights Center calls on the Ministry of Corrections to ensure escort of juvenile defendants in a separate car while transporting them from the prison N8.

⁴⁴ *ibid*

According to the observation, the cells in the division of juvenile defendants in prison N8 are clean.

The observers of Human Rights Center visited and interviewed a juvenile defendant who was isolated from the others. He was under the observation of the administration. The observation was conducted through video surveillance. According to the administration, decision for isolation and observation of the defendant was made based on the psychological condition of the juvenile, because the defendant had a tendency of self-damaging and was irritated because of the charges that were imposed against him during previous days. According to the administration, the juvenile was informed about the surveillance, had a consultation with the psychiatrist and used a help of the department's psychologist. The specialists issued a recommendation that it was necessary to have complete psychiatric expertise, in order to have proper diagnosis for psychiatric condition of the defendant. The problem was that the juvenile was in need of psychotherapy as well. However, the psychologist of the department was on vacation at that time.

According to the information of the administration, the department has no other psychologist. Because of this, when the psychologist is on vacation, the department uses common psychologist of the prison N8 of Gldani. The social worker has the same problem. According to her, she has not used a vacation for several years because there is no replacement.

Human Rights Center calls on the Government of Georgia and the Ministry of Corrections to allocate additional psychologist and social worker for the prison N8 of Gldani.

According to the administration as well as the defendants, the criminal influence is eradicated among juvenile prisoners. However, the defendants have tattoos on their bodies, including criminal symbols. One of the juvenile defendants said that he burned off his tattoo by using a fork and a needle, because of this he was imposed to an administrative penalty.

According to the observation of the observers of Human Rights center there is still influence and fear of the so-called "thieves world" among the defendants, which is revealed while they are telling the motives for crime or stories about imprisonment. Here the problem is acutely revealed, when the Government on the one side cannot free the teenagers from harmful influence and on the other side - cannot ensure the crime prevention. There was a 17-year-old prisoner who was dealing with judiciary for the fifth time.

It is important to actively involve the defendants into the educational process and other activities. According to the social worker, education is the main priority of the division. A teacher, who was selected through a competition, comes at 12 pm. and gives lessons until the end of the day. The juvenile defendants can use computers and sometimes they can watch movies. They also have painting classes.

At this stage it is unable to teach some kind of craftsmanship in parallel with education in the prison. Despite the fact that juveniles are here only for few months, it is preferable to teach them various crafts with short programs (woodcarving, working on clay etc.), which would have a function of work and art therapy.

Human Rights Center calls on Ministries of Education and Corrections to implant various art/educational programs in the juvenile division of prison N8 of Gldani.

The juvenile defendants do not complain about conditions, treatment and food. They say that they have no problems regarding this. Some of them mentioned power abuse from police officers during the arrest.

Legal Assistance within the Project

A serious problem for women and juvenile prisoners is the fact that there is no lawyer in the facilities, who will provide legal assistance on preparing various documents, complaints and statements, on early release and other important issues. This function is combined in the work of social workers of the facility who have no legal education⁴⁵.

Human Rights Center calls on the Government of Georgia and the Ministry of Corrections to add a position of a lawyer in the women and juvenile facilities who will provide legal assistance/consultation for preparing various complaints/appeals.

Women's prison especially requires this kind of legal assistance. Within the project, by a legal assistance of Human Rights Center, the following successful results have been made:

- Based on the solicitation of Human Rights Center, a convict L.R was released earlier as a result of appeal to the local council of the Ministry of Correction and Legal Assistance;
- Based on the solicitation of Human Rights Center to the pardoning commission and the President, a convict L.K was pardoned and the sentence was halved;
- Based on the address of Human rights Center, a prisoner I.A who had acute health problems, was transferred to the civil hospital, where she got important examinations and was prescribed to an appropriate treatment;
- As a result of legal assistance and court representation of Human Rights Center, the prosecutor's request to increase the sentence of Kh.L was not satisfied;
- As a result of Human Rights Center's appeal, the investigation has started regarding the alleged fact of improper treatment towards a prisoner I.N;
- Human Rights Center addressed the European Court of Human Rights on the case of a prisoner Kh.B regarding the violation of the articles 6 (right to fair trial) and 13 (right to an effective remedy) of the convention;
- Human Rights Center addressed the European Court of Human Rights on the case of a prisoner Ts.M regarding the violation of the article 6 and 13 of the convention.
- Human Rights Center is preparing complaint to be submitted to the European Court of Human Rights on the case of a prisoner N.A regarding the violation of the article 6 and 13 of the convention.

⁴⁵Annex 2 (regulation of the correctional facility) article 9, the order N97 of the Minister of Corrections;
http://www.mcla.gov.ge/public/files/pdf/text_14182884563.pdf

In addition to this, Human Rights Center runs 25 cases on various facts of human rights violations on which it awaits for results.

Within the monitoring, Human Rights Center has revealed number of cases which include violation of right to fair trial and raises a grounded doubt on illegal/ungrounded verdict. The most of these cases are from the period of 2006-2012. Unfortunately, nowadays the state has no mechanism which would revise the cases and propose an effective way of restoration of rights for victims.

Human Rights Center calls on the Government to develop an effective mechanism for elimination of miscarriages of justice and revision of unlawful verdicts.

Another important issue is ungrounded rejection of the amnesty of those women prisoners who meet the requirements established for the amnesty, which means that they have served an appropriate amount of sentence according to the law, are characterized positively by the prison administration, the victims are not against of the amnesty and so on.

Human Rights Center calls on the President of Georgia and the pardoning commission to use an exclusive right to apply amnesty when the prisoners meet the criteria established by the law.

Recommendations

Human Rights Center calls on Ministry of Corrections:

- *To eradicate the established practice of full examination procedure in the correctional facility N5;*
- *The Minister – to make amendments to the order 97 and conform it to the international standards for treatment of prisoners.*

Human Rights Center calls on Government of Georgia and Ministry of Corrections:

- *To accelerate necessary measures to provide right of conjugal visits for women prisoners and create relevant infrastructure in penitentiary facilities;*
- *To place phone booths inside the prison N5; to ensure proper working of phone booths and cards;*
- *To provide reasonable amount of hygienic products to women prisoners;*
- *To implement necessary reparation works in the bathrooms of prison N5, arrange sewage and ventilation systems, repair the walls and floors of the bathrooms; provide warm water supply in the cells of women prisoners;*
- *It is necessary to take into account individual needs of patients while placing them in electronic line. Taking into consideration a development of the disease, according to the individual needs of a specific prisoner, medical service shall be provided timely in the penitentiary and civil medical facilities. Maximum individual approach shall be established. If health conditions of prisoners worsen they shall be provided with medical service ahead of schedule;*

- *To place juvenile female prisoners separately from the adult prisoners;*
- *To provide foreign prisoners with a qualified interpreter for their trials; to hire the employees in the social service of prison N5 who speak foreign languages;*
- *To hire the specialists in the prison N5, who will work individually with prisoners who are representatives of minorities to reveal their needs/problems;*
- *To increase a food supply for the children who are placed in the mothers and children's residential division of prison N5;*
- *In order to improve psychological condition of juvenile prisoners, provide more intensive work of psychologists of the administration and engage other specialists; to increase the number of qualified psychologists working with juvenile prisoners;*
- *The administration of juvenile rehabilitation facility to take appropriate measures in order to eliminate authoritative attitudes and privileges among juvenile prisoners;*
- *To allocate additional mattresses for the prisoners of juvenile rehabilitation facility;*
- *To add Azerbaijani books to the library of juvenile rehabilitation facility, which will give an opportunity to Azerbaijan prisoners to read literature in their own language;*
- *To develop an individual educational program for Azerbaijani juvenile prisoners who do not speak Georgian and Russian;*
- *To conduct trainings for teachers of juvenile prisoners about methods of working with prisoners;*
- *To provide juvenile prisoners with the information about the re-socialization programs and services from the moment of imprisonment; to arrange meetings between the representatives of the Crime Prevention Center and the juvenile prisoners regarding the possible future activities in which they are interested in;*
- *Human Rights Center calls on the Government of Georgia and the Ministry of Corrections to revoke the payment for long visits and video dates of juvenile prisoners. To decrease the payments on video dates for women and men prisoners;*
- *To ensure escort of juvenile defendants in a separate car while transporting them from the prison N8;*
- *To allocate additional psychologist and social worker for the juvenile division of prison N8 of Gldani;*
- *To start various art/educational activities in the juvenile division of prison N8 of Gldani (for example, woodcarving, working on clay etc.).*

Human Rights Center calls on the Government and Parliament of Georgia

- *To make amendments to the article 262 of CC - to separate illicit sale from possession for personal purposes.*

Human Rights Center calls on the Parliament of Georgia:

- *A person who was convicted for the first time in 2006-2012, for the drug crime under the article 262 of the Criminal Code of Georgia, shall be released from the criminal liability, if their crime is not qualified as sale of narcotics, their analogs, precursors, psychotropic substances, their analogs or potent drugs.*

- *Sentence of persons who were convicted for second or third time under the article 260-262 in 2006-2012, shall be reduced with ¼.*

Human Rights Center calls on the Ministries of Education and Corrections:

- *To provide trainings regarding relationship issues, educational methods, attitudes etc. for teachers of juvenile prisoners;*
- *To develop an individual educational program for ethnic Azerbaijani prisoners, who do not speak Georgian and Russian languages;*
- *To supply the library of the rehabilitation facility N11 with books in Azerbaijani language;*
- *To implant various art/educational programs in the juvenile division of prison N8 of Gldani.*

Annex

Media Advocacy/Articles Prepared within the Project

In order to timely inform the society and advocate various current issues journalist of Human Rights Center was preparing articles within the project which are published on the website of the organization: www.humanrights.ge. 14 articles were published during the project:

1. Conditions of female convicts in Georgia⁴⁶
<http://humanrights.ge/index.php?a=main&pid=18194&lang=eng>
2. Juveniles in jails
<http://humanrights.ge/index.php?a=main&pid=18199&lang=eng>
3. Education problems of juvenile prisoners
<http://humanrights.ge/index.php?a=main&pid=18237&lang=eng>
4. Ongoing rehabilitation and re-socialization programs for former prisoners
<http://humanrights.ge/index.php?a=main&pid=18260&lang=eng>
5. The children in conflict with the law who live and work in streets
<http://humanrights.ge/index.php?a=main&pid=18271&lang=eng>
6. “My Angels” in penitentiary establishment N5 for female convicts
<http://humanrights.ge/index.php?a=main&pid=18273&lang=eng>
7. Community service as a punishment
<http://humanrights.ge/index.php?a=main&pid=18312&lang=eng>
8. Health care problems of women prisoners
<http://humanrights.ge/index.php?a=main&pid=18310&lang=eng>
9. Women prisoners complain about humiliation while they are searched and ask for conjugal visits
<http://humanrights.ge/index.php?a=main&pid=18339&lang=eng>
10. The commission does not release seriously ill convicts
<http://humanrights.ge/index.php?a=main&pid=18359&lang=eng>
11. Pardoning of juvenile prisoners and programs for re-socialization
<http://humanrights.ge/index.php?a=main&pid=18384&lang=eng>
12. Convict Irma Nadiradze talks about improper treatment by police officers
<http://www.humanrights.ge/index.php?a=main&pid=18386&lang=eng>
13. Human Rights Center Addresses the Parliament with a Legislative Proposal
<http://www.humanrights.ge/index.php?a=main&pid=18394&lang=eng>
14. Convict Released Early through Legal Assistance of Human Rights Center
<http://www.humanrights.ge/index.php?a=main&pid=18416&lang=eng>

⁴⁶ This article received top prize within the contest announced by the regional office of international non-governmental organization Penal Reform International (PRI) for the best TV, radio, internet and newspaper reportages/articles regarding the issues of judiciary and penitentiary. The contest was announced under the framework of the project Promoting Reform of Criminal Justice through Involvement of Georgian Civil Society.

<http://humanrights.ge/index.php?a=main&pid=18409&lang=eng>

The following appeals were prepared during the project:

- Address of Human Rights Center about discriminatory conditions of one part of women prisoners <http://humanrights.ge/index.php?a=main&pid=18352&lang=eng>
- Appeal of NGOs regarding the statement of the Minister of Corrections and Legal Assistance of Georgia
<http://humanrights.ge/index.php?a=main&pid=18362&lang=eng>
- Legislative proposal of Human Rights Center on the amnesty of prisoners under article 262 of CC
<http://www.humanrights.ge/index.php?a=main&pid=18364&lang=eng>
- Discrimination of women prisoners
<http://hridc.tv/index.php?a=view&id=1078&lang=eng>