

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



The Statement of the Human Rights Organizations on Setting up Public Monitoring Mechanisms in Prisons

Georgian Human Rights Organizations voice their position on the ongoing reforms in penitentiary system and the developments in prisons for the past months.

We consider that prison conditions and protection of prisoners' rights has increased considerably as a result of activities implemented in penitentiary system for the past year. Though, in view of torture and inhuman treatment that was inherited by the new

government from its predecessor, important challenges still remain, including the negative stereotype and mistrust of public. These problems may be resolved only by restoring trust through implementing concrete activities and by establishing human rights protection culture in the system.

With a view to attain the goal, one of the key amendments will be to grant prison monitoring authority to NGOs. [The facts of physical abuse of prisoners](#) for the past months, information released on [prisoners' deaths and suicides](#), conflicting data on prisoners who went on hunger strike, [their number and the form of applied treatment](#) against them justify the need for independent monitoring in prisons.

It should be welcomed that, compared to previous years the Ministry and the Penitentiary department are more open to public in terms of disclosing public information and are ready to examine the concrete facts and to respond adequately, which was the serious problem for the past years. However, it is decisive for the democratic society to give opportunity to public to receive comprehensive and impartial information from the independent source on functioning of the state authority, including the penitentiary system and its positive and negative sides. It is presumed that monitoring implemented by politically neutral public organizations manned with professionals is the most effective tool for exercise of the right.

Although the national preventive mechanism has been functioning in Georgia since 2009 it appeared insufficient for prevention of torture in previous years. Moreover, as it was confirmed by number of video footages and witness testimonies, notwithstanding the National Preventive Mechanism, torture was the systemic problem of the past years.

Torture and inhuman treatment is the specific offence and permanent and determined activities should be carried out with a view to deal with it. The developed condition in penitentiary system cannot leave us calm and cannot guarantee that such serious offence and circumstances supporting it are eliminated.

We consider that the monitoring implemented by the civil society organizations based on ethical and professional code of conduct, will only support effective functioning of the national preventive mechanism, it will reinforce the progress attained in penitentiary system by turning protection of prisoners rights into tradition and by **restoring public trust to penitentiary system. We opine that the government needs to**

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be interested in NGOs having opportunity to inspect information from penitentiaries with a view to avoid on the one hand dissemination of incorrect information and facts that prejudice credibility of the system and on the other hand not to leave the problems without adequate attention and response. Furthermore, the monitoring will assist the government to determine complexities, legislative and practical gaps of the system at the early stage and to respond timely for their elimination with a view to avoid transformation of individual incidents into the systemic problem.

The undersigned organizations express readiness to have a dialogue with the Ministries and other interested individuals on the format of the monitoring and the mandate of the monitors, as well as on creation of the Code of Ethics that will be observed by monitors in implementation of their activities. We opine that prevention of torture can be achieved only through joint effort of the government and civil society organizations.

Georgian Young Lawyers' Association

Penal Reform International (PRI)

Article 42 of the Constitution

The Georgian Center for Psychological and Medical Rehabilitation of Victims of Torture (GCRT)

The Centre for Rehabilitation of the Victims of Torture "Empathy"

Youth for Justice

Public Defender's Office