

PERMANENT MISSION OF GEORGIA
TO THE UNITED NATIONS OFFICE AND OTHER
INTERNATIONAL ORGANIZATIONS AT GENEVA

NPM

No. 8/250-02

The Permanent Mission of Georgia to the United Nations and Other International Organizations at Geneva presents its compliments to the Subcommittee on the Prevention of Torture and the Secretariat and has the honor to present the information regarding the National Preventive Mechanism and implementation of OPCAT by Georgia.

The Permanent Mission of Georgia to the United Nations and Other International Organizations at Geneva avails itself of this opportunity to renew to the Subcommittee on the Prevention of Torture and the Secretariat the assurances of its highest consideration. T.B.



GENEVA, 24 October 2008

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Subcommittee on the Prevention of Torture

Enclosed: 14 pages

Received
24-10-08

Information on the Implementation of the Provisions of OPCAT

Georgia ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (OPCAT) in August 2005. Since that time the Government of Georgia took specific steps in order to fulfill the requirements under the OPCAT. At the same time, the Government of Georgia on its own initiative established monitoring institution in order to facilitate inter-agency cooperation among relevant governmental structures and society, to accelerate creation of the National Preventive Mechanism under OPCAT in a transparent manner, as well as to provide a proper forum for strategic and structural planning of anti-torture activities in Georgia.

In particular, based on the Decree of the President of Georgia in June 30, 2007 an Interagency Coordinating Council against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (hereinafter Interagency Council) has been established. Notably, apart from the governmental authorities, the representatives of international organizations, local NGOs as well as independent experts also participate in the Interagency Council.

The main objectives of the Interagency Council are as follows:

1. Monitoring activities in the field of torture, inhumane, cruel or degrading treatment or punishment.
2. Coordination and support of state organs in their activities against elimination of all types of ~~torture, inhumane, cruel or degrading treatment or punishment and protection, aid and~~ rehabilitation of the victims of torture, inhumane, cruel or degrading treatment or punishment.
3. Working out proposals for the President of Georgia concerning effective means for combating all types of torture, inhumane, cruel or degrading treatment or punishment.

4. Collaborating with Georgia's state organs, nongovernmental sectors, international and local organizations regarding the issues connected with torture, inhumane, cruel or degrading treatment or punishment.
5. *Support of the National Preventive Mechanism, which was established based on the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.*

On June 12, 2008 the Interagency Council elaborated Action Plan to combat torture and other cruel, inhuman or degrading treatment or punishment (See Attachment). The Action Plan was adopted by Presidential decree and is considered for 2008-2009 years.

As noted above, the Interagency Council represents a responsible institution monitoring implementation of the Action Plan. The Council shall present report concerning the implementation of the Action Plan.

Notably, with respect to monitoring of the penitentiary institutions, the Georgian Law on Imprisonment (namely article 93), provides for establishment of the Permanent Commission conducting public control on penitentiary system, placement of condemneds, education, working, nutrition, medical service and other areas of execution of penalty. Establishment of the Commission, plan of its activities, and plenary powers are defined by the Statute which is affirmed by the Minister of Justice. According to the Statute, Commission is established in order to set up an effective and just system of public control on Penitentiary Institution's activities, to ensure transparency of their activities, assist the effective functioning of the institution, display the violation of rights of inmates by the staff of penitentiary institution, and protect the lawfulness and discipline in penitentiary institution¹.

¹ Local Monitoring Commissions are authorized to enter the penitentiary institution at any time without prior notification of the prison administration and conduct the monitoring with the aim of revealing any violation and prepare respective recommendations as with regard to the elimination of any facts of violations in penitentiary institutions that will be presented to the Minister of Justice, so with regard to education, better feeding and health care of prisoners; accept and discuss applications/complaints; receive any necessary documentation, except classified ones; and monitor the process of implementation of its recommendations. The Commission is authorize to transfer the materials to the General Inspection of Ministry of Justice and to the General Prosecutor's Office of Georgia.

As regards the National Preventive Mechanism (NPM), the Government of Georgia is fully committed to the obligation stemming from the OPCAT and relevant preparatory work has been carried out: the Interagency Council held several working meeting over this issue². The decision/consensus had been reached among relevant stakeholders, organizations and experts that the Office of the Public Defender should be designated as National Preventive Mechanism. For that end, the relevant legislative amendments to the Organic Law on Public Defender are being elaborated. Particularly, the Ministry of Justice has been working on the necessary draft amendments to the Organic Law on Public Defender. This process had been temporarily hindered in summer/autumn of 2008 in course of an international armed conflict following Russia's invasion and partial occupation of the Georgian territories. As of today, the Ministry of Justice has resumed its work. The final version of the abovementioned draft amendments to the Organic Law on Public Defender will be discussed by the Interagency Coordinating Council in the forthcoming weeks and then submitted to the Parliament for adoption.

The Government of Georgia remains fully committed to the objectives set forth in OPCAT and would update the Sub-Committee against Torture and the Secretariat on the forthcoming developments.

Enclosed: Action Plan

² The information regarding the meeting held in year 2007 are available in Written Replies of the Government of Georgia to the Human Rights Committee at 91st Session. One of the last meeting of the Interagency Council was held in June 2008; Furthermore, the information regarding the discussion can be found in Information prepared by the Government of Georgia in 2007 in Response To the Follow-up to the Recommendations made by the Special Rapporteur on Torture Manfred Nowak in the Report of his visit to Georgia.

Adopted by the Presidential Order N301

On June 12, 2008

Action Plan against torture and other cruel, inhuman or degrading treatment or punishment

2008-2009

Objective	Activity	Implementing Partner	Date	Expected results Indicators
1. Eradication of impunity syndrome and development of a zero tolerance policy against torture and other cruel, inhuman or degrading treatment or punishment	1.1. A policy of zero tolerance against torture and other cruel, inhuman or degrading treatment or punishment is publicly supported by top state officials	Government of Georgia	Continuous	Frequency of public appearances and statements made by top officials in that respect, contents of the mentioned statements.
	1.2. Effective investigation of facts on use of torture or excessive force, submission of criminals to justice and execution of judgment in accordance with the requirements of fair trial	Ministry of Interior, Ministry of Justice, General Prosecutor's Office, Judiciary, Ministry of Healthcare and Social Issues	Continuous	Statistical indicators of facts of torture and other cruel, inhuman or degrading treatment or punishment and usage of excessive force. Criminals, who commit the aforementioned crimes should be sent to trial and victims should be given appropriate compensation.
	1.3. Provision of Effective and transparent activity by the	Ministry of Internal Affairs, General Prosecutor's Office	Continuous	Transparency and effective work of the following