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საქართველოსთვის
The European Union for Georgia



ინიციატივა მონწყვლადი ჯგუფების
რეაბილიტაციისათვის
Rehabilitation initiative for
vulnerable groups



LIVING CONDITIONS IN PRISONS

Desk Research





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წინამდებარე სამაგიდო კვლევა მოამზადა ორგანიზაციამ „ინიციატივა მონწყვლადი ჯგუფების რეაბილიტაციისათვის“ (ავტორი: ბაქარ მეტრეველი). კვლევა ჩატარდა ევროკავშირის ფინანსური მხარდაჭერით, „ციხის საერთაშორისო რეფორმის სამხრეთ კავკასიის ოფისის პროექტის – „სასჯელსრულებისა და პრობაციის რეფორმების ხელშეწყობა და მონიტორინგი სამოქალაქო საზოგადოების ჩართულობით“ ფარგლებში. დოკუმენტის შინაარსზე სრულად პასუხისმგებელია ავტორი და ტექსტში გადმოცემული მოსაზრებები არცერთ ვითარებაში არ შეიძლება ჩაითვალოს დონორის, „ციხის საერთაშორისო რეფორმის“ ან მისი პარტნიორი ორგანიზაციების პოზიციის გამომხატველად.

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Introduction

It should be noted that the infrastructure and living conditions of penitentiary establishments are of great importance not only in regards to international standards or the protection of the rights of the accused/convicted persons, but is directly connected to very important issues, such as the possibility of rehabilitation of convicts, observance of establishments' regime, handling of the criminal subculture, etc. Therefore, it is important to briefly review the challenges that the penitentiary system faces in terms of infrastructure.

In addition to international and national legislative standards, the Public Defender's reports are the main source of information regarding living conditions, based on which the existing situation will be evaluated. In order to fill this part, it is important to monitor penitentiary establishments, and in order to get information about future infrastructural plans – conduct interviews with high ranking officials of the penitentiary system through a qualitative research.

Main Findings

Public Defender's reports of 2014-2017 talk about a range of infrastructural problems, some of which have been resolved or improved from year to year, however, most of the challenges are still relevant and despite repeated recommendations, they still need to be resolved.

The following problems and issues are still relevant: problems related to proper protection of sanitary and hygienic conditions in cells, relevant ventilation and sufficient lighting; the peculiarities of the practice of allocating prisoners (so-called barrack type dwellings where smokers and non-smokers live in one area); minimum living space; planning, design and arrangement of walking areas; problem of using video conferencing for the convicts placed in special risk penitentiary establishment; determining the obligation of providing minimum of 4 sq.m. living space for the accused persons under the Code of Imprisonment; considering the existing conditions and infrastructural resources, developing a strategy to divide the system into comparatively smaller establishments and create a more balanced infrastructure; in order to solve the problem of overcrowding in №15 establishment, transferring the convicts to another semi-open establishment, while taking into account the place of residence of the convicts' family; providing each prisoner placed in establishments №2, №8, №12, №14, №15, №17 with minimum 4 sq.m. living space; eradicating barrack type dwellings in establishments №14 and №17; conducting short-term visits in establishments №2, №3, №6, №7, №8, №9, №12, №14, №15, №16, №17, №18, №19 without glass barrier; providing long-term visits to convicts in the establishment №18 through creating infrastructure for long-term visits or transferring of convicts to another establishment; arranging necessary infrastructure for video conferencing in establishments №2, №3, №6, №7, №9, №12, №14, №18 and №19; placing the phones in closed type establishments in a place where the prisoner is able to make a phone call without the staff eavesdropping on them; the necessity of creating a safe environment in the de-escalation rooms, including by covering the walls and the floor with soft materials; providing of proper sanitary and hygienic conditions, lighting and ventilation in penitentiary establishments, for the purpose of creating minimum living conditions for prisoners.¹

Recommendations:

- Transition to smaller penitentiary establishments;
- Provision of the accused/convicted persons with minimum living space in all penitentiary establishments;
- Determination of equal minimum living space for the accused/convicted persons at the legislative level in line with international standards;
- Arrangement of walking area infrastructure in all penitentiary establishments;
- Provision of the right to use video conferencing for convicts placed in a special risk establishment;
- Implementation of short-term visits in establishments №2, №3, №6, №7, №8, №9, №12, №14, №15, №16, №17, №18, №19 without glass barriers;
- Providing long-term visits to convicts in the establishment №18 through creating infrastructure for long-term visits or transferring of convicts to another establishment
- Arrangement of necessary infrastructure for video conferencing in establishments №2, №3, №6, №7, №9, №12, №14, №18 and №19;
- Placement of the phones in closed type establishments in a place where the prisoner will have the opportunity to make a phone call without the staff eavesdropping on them;
- Provision of proper sanitary and hygienic conditions, solving the lighting and ventilation issues in penitentiary establishments.²

It should be noted that information received from the Ministry partly differed from the information presented in Public Defender's reports (supplying hygienic means, providing minimum space, arranging walking areas), which is important to be checked through monitoring.

1 2017 Report of the National Preventive Mechanism, pp. 22-23.

2 Ibid, pp 22-23.

