



**RECOMMENDATIONS OF HUMAN RIGHTS CENTER TO
PREVENT THE SPREAD OF THE CORONAVIRUS IN
PENITENTIARY FACILITIES**

2021



HUMAN RIGHTS CENTER



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Imprisoned individuals: inmates and persons placed in similar facilities are especially vulnerable towards being infected by the Coronavirus (COVID-19). Apart other relevant factors, the vulnerability is due to the fact that such facilities are not suitable for fighting the large-scale epidemics. Moreover, the application of the basic methods to fight the coronavirus, such as social distancing and observing special hygienic rules is much more difficult inside the facilities than outside them placing the prisoners under higher risks for health.

One has to take into account also that like in other countries of the Eastern Europe, lower standards of the Council of Europe are applicable in Georgia with regard to the prison facilities. However, in spite of the clearly improved conditions in this regard during the last decade, Georgian prisons are still overcrowded¹. The vulnerability of the inmates is increased because of the existing conditions in the facilities like the small and collective cells and unsatisfactory healthcare services². Moreover, it is noteworthy that the population of the penitentiary facilities has a high rate of chronic diseases which on the background of the spread of the coronavirus increases the need for hospitalization, and puts the life and health of persons under particular risks.

On the initial stage of the pandemic, due to the timely implemented measures by the Government of Georgia³, it was possible to avoid the outbreak of the epidemic in the penitentiary facilities as also positively noted in the reports prepared by the Council of Europe⁴. At the same time, we have to consider that the special measures adopted by the authorities significantly worsened the standards of life for the prisoners which were already unsatisfactory in the prisons. In the frames of fighting the spread of the virus in prisons, visiting the prisoners was suspended for an indefinite period significantly deteriorating the contact with the external world. The special measures taken to prevent the spread of the pandemic made it virtually impossible to implement a number of programs or measures aimed at the rehabilitation and resocialization of prisoners. From the early stages of the spread of the virus, the services of social workers and psychologists have been suspended in the facilities, the contact with the external world has been deteriorated, the process of sending and receiving parcels has been interrupted etc⁵.

These and other special measures aimed at preventing the spread of the virus⁶ had a very negative impact on the rights of prisoners. Taking into account the similar factors, according to the recommendations of the WHO Regional Office for Europe, the Council of Europe Commissioner

¹ National Preventive Mechanism; the Follow-up Report on Monitoring Visits to Penitentiary Facilities nos. 2, 8, 14 and 15, P. 17.

²See the Special Report of Public Defender of Georgia, National Preventive Mechanism, The Follow-up Report on Monitoring Visits to Penitentiary Facilities N2, N8, N14 and N15. 2019. <https://bit.ly/3hfK0lA>

³On March 30, 2020, by the decision of Minister of Justice Tea Tsulukiani, 780 employees of the penitentiary system selected on a voluntary basis moved to reside in prison facilities.

⁴"Prisons and Prisoners in Europe in Pandemic Times: An evaluation of the short-term impact of the COVID-19 on prison populations", Council of Europe, 2020;

⁵See the Monitoring Report of Penitentiary Facility N8, Human Rights Center, 2020. Pp. 8-10, 16-21 and 26 <http://hrc.ge/files/reports/28PENITENCIURI-GEO,202.pdf>

⁶See The Report on the Measures Taken by the Government of Georgia against Covid-19, Chapter 2.4.2: Adaptation of Penitentiary Facilities, the Government of Georgia, p. 42. http://gov.ge/files/76338_76338_444796_COVID-19angarishi...pdf

for Human Rights, the Committee against Torture and the UN Office on Drugs and Crime⁷, the reduction of the population in the penitentiary facilities should have been one of the necessary and over and beyond the inevitable steps on the way of preventing the spread of COVID-19.

Afterwards, on January 11, 2021, the Parliament of Georgia adopted the draft law on amnesty under the third hearing initiated in December 2021⁸. According to the Law of Georgia on Amnesty, an amnesty was applied to a wide range of crimes releasing from punishment some of the persons accused and convicted for particular crimes, further, reducing the terms of the sentences or replacing them with lighter sentences for the persons convicted for particular crimes.

The process of vaccination among the prison population began on May 18, 2021 after the first dose of the vaccine was imported to the country⁹. According to the available data, the first case of coronavirus was registered in the penitentiary system on August 26, 2020, in Geguti penitentiary facility N14.

HRC has been actively working for years to protect the rights of prisoners. Recently, the number of applications from the penitentiary facilities has increased related to the spread of the Coronavirus. Some of the prisoners refer to a large number of infected individuals in the prisons, as well as to a lack of proper attention from the administration or medical staff of the facilities. Lawyers of HRC have received notifications from several penitentiary facilities allowing us to assume that the number of infected individuals in the penitentiary system is much higher than this is actually confirmed by the official data.

According to the latest information, following the statement by the Minister of Justice from August 31, 2021, there are currently 96 active cases of coronavirus in the penitentiary system amounting to 1% of the total population of prisoners. According to the Minister, more than 70% of the inmates and more than 80% of the prison staff have already been vaccinated. The official statement issued by the Special Penitentiary Service on the same day provides a relatively different number¹⁰: it mentions 105 convicts being infected. It should be noted that none of the above statements specifies what percentage of vaccinated prisoners (70%) and prison staff (80%) are fully vaccinated.

On August 31, 2021, the Public Defender of Georgia released a statement once again calling on Georgian authorities to take into account the Public Defender's recommendation regarding the overcrowding in the penitentiary system¹¹.

⁷WHO Regional Office for Europe, Preparedness, Prevention and Control of COVID-19 in Prisons and Other Places of Detention, 15 March 2020 Interim Guidance.

⁸See The Law of Georgia on Amnesty: <https://info.parliament.ge/file/1/BillReviewContent/266851>

⁹See more in detail: <https://agenda.ge/en/news/2021/1324>

¹⁰See The Statement of Special Penitentiary Service from August 30, 2021: <https://bit.ly/3BVoZeo>

¹¹See The Statement of the Public Defender of Georgia from August 31, 2021 regarding the spread of the coronavirus in the penitentiary system <https://bit.ly/3zXm83U>

Taking into account the general problems existing in the prisons, the severe consequences of the pandemic and the spread of the virus among the prison population, and in order to avoid the potential massive spread of the virus and further severe consequences, HRC calls on:

The Parliament of Georgia

- To provide the prisoners who are the most vulnerable to Covid-19, including those with chronic illnesses, disabilities and mental health problems with effective mechanisms for release on parole and non-custodial measures, as well as with effective mechanisms for release from the prison sentence and for deferral of the enforcement of the prison sentence due to the health condition and old age;
- In order to unload the prisons, to release on parole those convicts who have more to serve less than 1/3 of their full sentence;
- To ensure the deferral of the prison sentence, or early release of those who are serving sentences for less serious crimes and whose release would pose fewer risks to the society;
- To ensure that juvenile convicts and those aged between 18 to 21 are freed or released on parole so they could receive support from their families in times of health crisis;
- To allow for more straightforward application of the non-custodial measures against the accused juveniles and those aged between 18 to 21 who pose fewer risks to the public, and, who are not yet held as convicts.

The President of Georgia

- Given the current difficult epidemiological situation and the general negative impact of the pandemic on the rights of the prisoners, to exercise the power to pardon convicts which is the exclusive prerogative of the President vis-a-vis the inmates posing fewer risks to the public.