

Declaration

Adopted during the NGOs' workshop on October 27, 2006

We, the representatives of the Civil Society,

Gathering for discussing the implementation of the UNCAT recommendations (CAT/C/GEO/CO/3).

Considering the important role of aforementioned recommendations in the prevention of torture and the obligation of the government to observe the commitments undertaken under international agreements,

Welcome the recent attempt of the government to address the problem of torture, in particular the initiative of the legislative body to announce the prohibition of torture as an absolute provision by the Constitution. We mean the Constitutional law of Georgia on the amendments to the Georgian Constitution (Article 18(4)), as well elaboration of the draft Code of Ethics within the Ministry of Internal Affairs, the attempt of the Ministry of Justice to improve the living conditions of prisoners within the penitentiary establishments by closing down the old jails and transferring inmates into the new ones built in accordance with international standards. We also welcome the progressive practice of applying bails as a preventive measure by the Prosecutors' Office of Georgia.

While appreciating the government's effort to observe the UNCAT recommendations, there still are the issues which require systematic approach, legislative improvement and practical implementation.

- It is necessary that respective bodies elaborate the action plan against torture and ensure active civil participation within the process.
- The rules and instances for use of force by police officers should be regulated by corresponding legal acts (preferably by a separate law) and intensive trainings on international standards of conducting special operations should be delivered for law enforcement officers. The wearing of masks and identification badges should strictly be regulated. The state should ensure active civil involvement both during the draft elaboration process and during its consideration.
- The Human Rights Department within the General Prosecutor's Office should be authorized to investigate the cases of torture, inhuman and degrading treatment and be obliged to keep the society informed on the results of investigation.
- The minimum sum for the bail should be diminished by half. Alternative non-custodial preventive measures should be introduced. The pretrial detention as a preventive measure should be applied as a last resort, especially in regard to minors.

- Ensure that Article 33(4) of the Criminal Procedure Code comes into force by 2007 and its permanent delay does not take place any more.
- Hasten the transfer of Medical Facility of Penitentiary Department for prisoners and convicts as well as Medical Facility for prisoners and convicts with tuberculosis from the Ministry of Justice to the Ministry of Labor, Health and Social Affairs of Georgia. Guarantee timely medical aid to prisoners. .
- Judges and the staff of the penitentiary department, as well as the law enforcement agencies should be trained in women and children rights for developing specific skills needed for dealing with them.

We welcome the adoption of the law on “Combating trafficking in human beings” and the law on “Prevention of Domestic Violence, Protection of and support to its Victims”. We want to be sure that the state considers the outcomes of the abovementioned crimes as amounting to inhuman or degrading treatment. Herewith, we would like to ask the government to take into consideration the CEDAW recommendations (CEDAW/C/GEO/CO/3) and carry out the following measures:

- Approve Activity Plan to Combat and Prevent Domestic Violence 2006-2008 within the terms prescribed.
- For the prevention of domestic violence define a coordinating body ensuring interdepartmental coordination among various units, implementation of the law, monitoring and supervision over the activities envisaged by the activity plan and active civil participation within the processes. The body should serve as source of information for the interested individuals and international organizations.
- Ensure close interstate cooperation while investigating trafficking cases and improve measures to prevent trafficking.
- Guarantee the accessibility of various programs for the protection of the victims of trafficking and ensure their effective implementation in practice.
- Make sure that the state takes effective measures to eradicate the causes and reasons of trafficking. Namely, initiate women employment and professional skills development programs and promote the improvement of the socio-economical situation within the country in general.
- Ensure that only the judges specialized in juveniles’ rights hear the concerned cases. Observe the requirement of the law to place the minor detainees and convicts in apart from the adult detainees and convicts both in pre trial detention facilities and penitentiary establishments.

- Keep in mind the UNCAT and civil society recommendations while considering the draft on “Child’s rights protection “. Ensure the timely adoption of the law.
- Establish respective mechanisms for the prevention of any forms of child abuse, trafficking and sexual exploitation. Open rehabilitation centers for juvenile victims of all forms of violence.

We, the Civil Society, hope that the mentioned recommendations will serve as a basis for the new initiatives and will play a crucial role in combating torture. We are ready for intensive cooperation and have the same expectations with respect to the agencies mentioned in the recommendations.

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Georgian Young Lawyers Association (Ana Dolidze)

Human Rights information and Documentation Centre (Ucha Nanuashvili)

Public Health and Medicine Development Fund (Lia Saralidze)

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