



Issues Regarding Prison Population Numbers in Georgia

Input to the Special Rapporteur on Torture's Call for Practical Measures to
Reduce and Prevent Prison Overcrowding

Prepared by:

Georgian Young Lawyers' Association (GYLA)

Tbilisi

September 2026

Contents

Introduction.....	1
Context.....	1
Parole, Commutation and Probation	3
Pre-Trial Detention as a Preventive Measure.....	4
Punitive Criminal Justice Policies.....	5
Conclusion	6
Recommendations.....	6

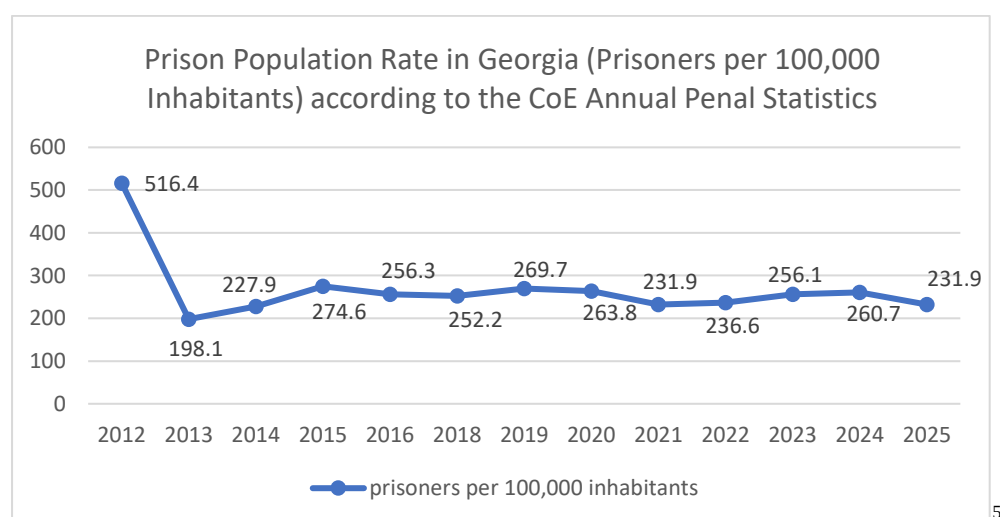
Introduction

Georgia currently has one of the highest prison population rates per capita in Europe.¹ Although the overall prison population is below the assessed prison capacity, localized overcrowding has been observed in several institutions.² These trends have developed amid a broader deterioration in the human rights and civic space environment in Georgia, including increasing restrictions on freedom of expression and peaceful assembly, and concerns regarding the use of criminal justice measures against protesters, political opposition figures and other critics of the government.³

This submission examines some factors relevant to prison population levels and the effectiveness of existing mechanisms for preventing unnecessary imprisonment. It identifies several areas of concern and puts forward recommendations aimed at reducing unnecessary imprisonment and addressing factors associated with the growth of the prison population.

Context

Georgia currently has one of the highest prison population rates per capita among Council of Europe member states. According to the Council of Europe's 2025 report, Georgia's prison population rate stands at approximately 232 prisoners per 100,000 inhabitants, a level classified as "very high," surpassed only by Türkiye, Azerbaijan and Moldova in the region.⁴



The total Number of inmates in Georgia was 11,153 in 2025, according to the National Statistics Office of Georgia (GEOSTAT). Number of prison population has undergone some fluctuations over the years, with a substantial decline around 2012 and noticeable increase since 2024.

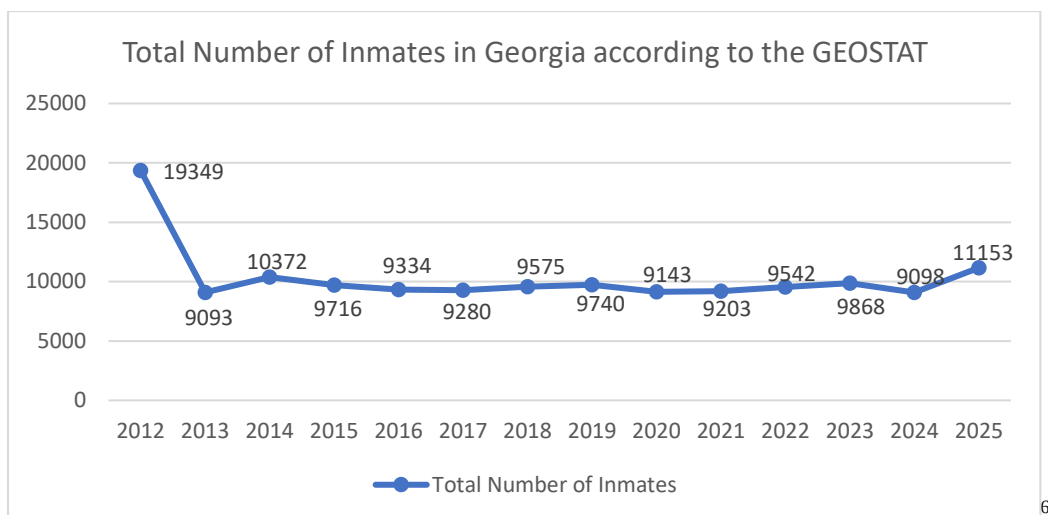
¹ SPACE I 2025, Council of Europe Annual Penal Statistics: Prison populations, 2026, pg. 4, 34. https://wp.unil.ch/space/files/2026/06/260626_rapport-space-i-2025.pdf, [18.09.2026].

² CPT/Inf (2026) 06, par 32-33, <https://rm.coe.int/48802aab80>, [18.09.2026].

³ Human Rights Situation in Georgia 2025: Assessment of the Georgian Young Lawyers' Association, December 10, 2025, https://admin.gyla.ge/uploads_script/publications/pdf/HUMAN%20RIGHTS%20SITUATION%20IN%20GEORGIA%202025.pdf, [18.09.2026].

⁴ SPACE I 2025, Council of Europe Annual Penal Statistics: Prison populations, 2026, pg. 4, 34. https://wp.unil.ch/space/files/2026/06/260626_rapport-space-i-2025.pdf, [18.09.2026].

⁵ See SPACE I reports for 2012-2025 years at <https://wp.unil.ch/space/space-i/annual-reports/>, [18.09.2026].



The sharp reduction following 2012, was driven in large part by the mass amnesty adopted in 2013, which resulted in the release of around 8,000 prisoners.⁷

The recent increase in Georgia's prison population has taken place against the backdrop of a broader deterioration in the human rights and criminal justice environment. Since 2024, the authorities' crackdown on human rights, freedoms of association, assembly and expression, and the shrinking of civic space have been accompanied by growing concerns about the use of the criminal justice system for politically motivated purposes.⁸ This deterioration follows the widespread and systemic torture and ill-treatment of protest participants in 2024, followed by a lack of effective accountability for those responsible.⁹ According to GYLA, **more than 150 criminal cases of high public interest and potential political dimension have been monitored since 2024**. Of these, **at least 69 cases have been assessed as politically motivated**, while monitoring of the remaining cases is ongoing for further assessment.¹⁰

While the total number of prisoners does not exceed the overall capacity of prisons,¹¹ the localized overcrowding at certain penal institutions was noted by the delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) during their visit

⁶ See GEOSTAT prison population statistics at <https://www.geostat.ge/en/modules/categories/132/criminal-justice-statistics>, [18.09.2026]

⁷ Civil Georgia, Over 8 300 Inmates Freed in Mass Amnesty, 13.03.2013, <https://civil.ge/archives/122682>, [18.09.2026].

⁸ Human Rights Situation in Georgia 2025: Assessment of the Georgian Young Lawyers' Association, December 10, 2025, https://admin.gyla.ge/uploads_script/publications/pdf/HUMAN%20RIGHTS%20SITUATION%20IN%20GEORGIA%202025.pdf, [18.09.2026].

⁹ Ibid. see also GYLA et al, Human Rights Crisis in Georgia Following the 2024 Parliamentary Elections November 2024 – 28 February 2025, https://admin.gyla.ge/uploads_script/publications/pdf/HUMAN%20RIGHTS%20CRISIS%20IN%20GEORGIA%20-%20final.pdf, [18.09.2026]; Amnesty International, Georgia: Brutal crackdown on protestors and journalists in Georgia "They may have broken our bones, but they won't break our spirits", 2024, <https://www.amnesty.org/en/documents/eur56/8845/2024/en/>, [18.09.2026].

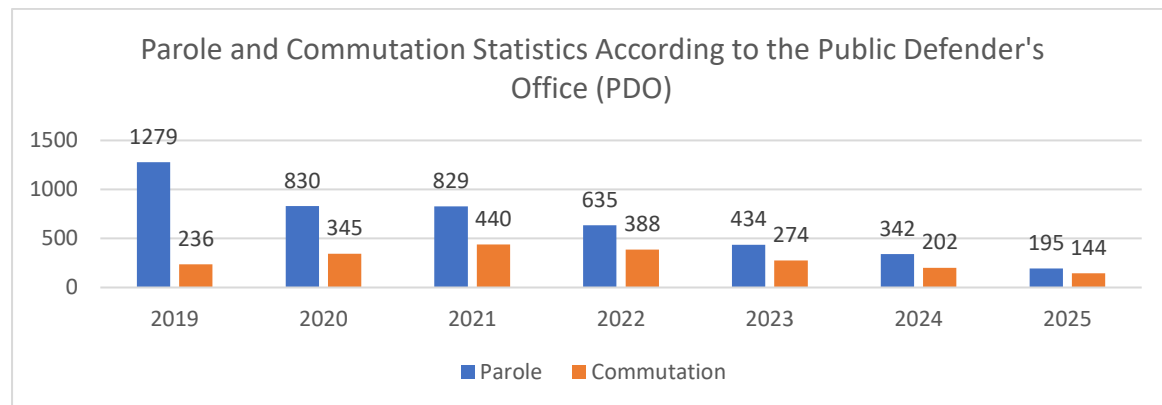
¹⁰ GYLA, Criminal Cases of High Public Interest That Give Rise to a Risk of the Presence of a Political Dimension, 30.06.2026, [https://admin.gyla.ge/uploads_script/publications/pdf/CRIMINAL%20CASES%20OF%20HIGH%20PUBLIC%20INTEREST%20\(2\).pdf](https://admin.gyla.ge/uploads_script/publications/pdf/CRIMINAL%20CASES%20OF%20HIGH%20PUBLIC%20INTEREST%20(2).pdf), [18.09.2026]; See also GYLA, The Results of Monitoring Politically Motivated Cases Related to Detainees During Protests in 2024-2025 at First Instance Courts, 2025, https://admin.gyla.ge/uploads_script/publications/pdf/2024-2025%20webSi%20politikurad%20motivirebuli%20saqmeebi_eng.pdf, [18.09.2026].

¹¹ According to the SPACE I 2025 statistics, the total number of inmates in Georgia is 8 592, while total capacity of penal institutions is 12 332. Prison density per 100 places is 69.7. Average number of inmates per one cell is 2.9. see SPACE I 2025, Council of Europe Annual Penal Statistics: Prison populations, 2026, table 16, https://wp.unil.ch/space/files/2026/06/260626_rapport-space-i-2025.pdf, [18.09.2026].

in 2025-2025.¹² According to the GEOSTAT, in 4 out of 14 institutions, number of inmates exceeds the prescribed limit.¹³

Parole, Commutation and Probation

The decrease in both the conditional release of convicts and the commutation of the unserved part of the sentence has been observed over the recent years. The public defender of Georgia has called on the Special Penitentiary Service to analyze the causes of this trend.¹⁴



The Order of the Minister of Justice defines five criteria for assessing a convict: nature of the offence; conduct during the serving of the sentence; previous criminal conduct and convictions; family circumstances; personality of the convict.¹⁵ The PDO has noted inconsistencies between positive and negative decisions, including radically different reasoning despite similar factual circumstances.¹⁶ In several cases, convicts denied parole or commutation demonstrated stronger positive behavioral dynamics and resocialization prospects than those granted relief.¹⁷ When assessing convicts' participation in social and educational activities, councils consistently overlooked circumstances that may hinder convicts' participation in social activities, such as language barriers and health conditions, even when such information is documented in their personal files.¹⁸

The PDO has consistently highlighted the need to expand the assessment criteria to include the convict's future plans, prospects, and opportunities.¹⁹ It has noted that the assessment process is dominated by mainly formal circumstances, while factors that are directly related to the real possibilities of the convict's resocialization are less appreciated.²⁰

¹² CPT/Inf (2026) 06, par 32-33, <https://rm.coe.int/48802aab80>, [18.09.2026].

¹³ In prison N 17 the total number of inmates (2 030) exceeds the limit (2 000) by 1.50%; in prison N2 the total number of inmates (1 384) exceeds the limit (1 068) by 29.59%; in prison N8 the total number of inmates (3 203) exceeds the limit (2 426) by 32.03%; in prison N15 the total number of inmates (2 177) exceeds the limit (1 604) by 35.72%. see the Unified Report on Criminal Justice statistics, GEOSTAT, pg. 59-60, https://www.geostat.ge/media/82981/Report_ivlisi_2026.pdf, [18.09.2026].

¹⁴ 2025 Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia, 2026, pg. 87-89, <https://ombudsman.ge/res/docs/2026050415574972553.pdf>, [18.09.2026].

¹⁵ Order N 320 of Minister of Georgia "On the Approval of the Procedure for the Review and Decision-Making by the Local Council of the Special Penitentiary Service on Conditional Early Release from Serving a Sentence and Replacement of the Unserved Portion of a Sentence with a Lighter Form of Punishment", Date of issuing 07.08.2018, art. 13. <https://matsne.gov.ge/ka/document/view/4289728?publication=7>, [18.09.2026].

¹⁶ 2025 Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia, 2026, pg. 89-91, <https://ombudsman.ge/res/docs/2026050415574972553.pdf>, [18.09.2026].

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid, pg. 86-87; see also 2024 Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia, 2025, pg. 100-101, <https://ombudsman.ge/res/docs/2025091211433999093.pdf>, [18.09.2026].

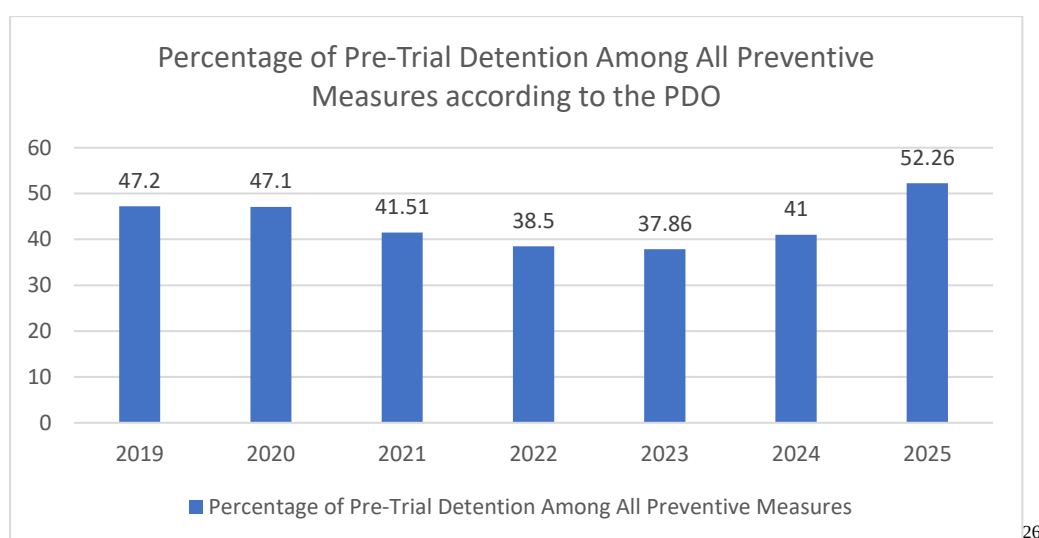
²⁰ 2025 Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia, 2026, pg. 89, <https://ombudsman.ge/res/docs/2026050415574972553.pdf>, [18.09.2026].

Additionally, the legislation does not specify when or under what circumstances local councils should request additional information from a convict through an oral hearing.²¹ This may result in decisions being made without the convict ever having an opportunity, even once during their entire sentence, to appear before the council, present their case orally, and defend their interests.²²

According to the Council of Europe's statistics, Georgia's probation population rate (699 probationers per 100,000 inhabitants) is among the highest in the Council of Europe, surpassed only by Türkiye (954) and Poland (842).²³ At the same time, as noted above, Georgia's prison population rate remains among the highest in Europe and continues to increase. It suggests that community sanctions are used not as alternatives to imprisonment, but rather as supplementary sanctions.²⁴

Pre-Trial Detention as a Preventive Measure

Pre-Trial Detention is one of the most frequently used preventive measures by courts in Georgia. While the share of pre-trial detention among all preventive measures declined slightly for a period, the statistics indicate a noticeable increase in the use of pre-trial detention in recent years.²⁵



Despite the high standard of reasoning required by law for the imposition of pre-trial detention, in practice, the decision to detain a person is often based on abstract and general reasoning.²⁷

GYLA's criminal case monitoring over the years has also identified trend of pre-trial detention being imposed without adequate justification or on the basis of insufficient reasoning.²⁸ GYLA has repeatedly recommended legislative amendments to Article 199(1) of the Criminal Procedure Code of Georgia to expand the range of available preventive measures.²⁹ It has also highlighted the need to take into account

²¹ Ibid, pg. 86-87.

²² Ibid.

²³ Probation and Prisons in Europe, 2025: Key Findings of the SPACE reports, Council of Europe, https://wp.unil.ch/space/files/2026/07/260708_key-findings-space-ii_probation-europe-2025-1.pdf, [18.09.2026]

²⁴ Ibid.

²⁵ 2025 Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia, 2026, pg. 80, <https://ombudsman.ge/res/docs/2026050415574972553.pdf>, [18.09.2026].

²⁶ Ibid.

²⁷ Special Report of the Public Defender of Georgia, Legislative and Practical Analysis of the Application of Preventive Measures, 2026, pg. 19, <https://ombudsman.ge/res/docs/2026031816020638379.pdf>, [18.09.2026].

²⁸ GYLA, Monitoring of Criminal Trials, Report N 17 (November 2022 - July 2023), 2024, https://admin.gyla.ge/uploads_script/publications/pdf/Court%20Monitoring%2017.pdf, [18.09.2026]; GYLA, Monitoring of Criminal Trials, Report N 18 (August 2023 - February 2024), 2024, [https://admin.gyla.ge/uploads_script/publications/pdf/18_eng%20\(1\).pdf](https://admin.gyla.ge/uploads_script/publications/pdf/18_eng%20(1).pdf), [18.09.2026].

²⁹ Ibid.

the individual characteristics of the accused in order to assess the risks allegedly posed by them more effectively.³⁰ The frequent and insufficiently substantiated use of pre-trial detention has been particularly concerning in the context of politically motivated criminal cases. GYLA's 2025 report on the monitoring of politically motivated protest-related cases found that, courts consistently granted the prosecution's requests for pre-trial detention without adequately considering the individual circumstances of the defendants, including their personal characteristics, age, health and other relevant circumstances.³¹

It is noteworthy that, considering the socio-economic conditions in the country, many individuals cannot afford to pay even the minimum bail amount. The courts are unable to set bail at amounts less than 1000 GEL.³² Securing bail with immovable property also presents a significant challenge, especially for those without a lawyer or a relative to handle the legal procedures associated with securing property while they are detained.³³ In some cases, the prosecutor's office submits a motion for a large amount of bail without assessing the financial situation of the accused.³⁴

Punitive Criminal Justice Policies

Tightening of legislation and the adoption of increasingly punitive criminal justice policies may lead to the introduction of repressive measures in the name of crime prevention, while the underlying social factors contributing to criminality may remain unaddressed. The tightening of drug policy in Georgia in 2025 is one example of this approach. As CPT noted in 2025, that legislative amendments introducing harsher punishments for drug offences, including the mandatory and longer-term imprisonment for drug dealing were likely to contribute to an increase of prisoner population.³⁵

As is typical, the justification for a punitive and strict policy is based on claims of worsening drug-related conditions and growing harm caused by drug use.³⁶ However, none of the draft laws were accompanied by research or specific evidence demonstrating a real need for these changes.³⁷ Human rights groups have assessed the broader context as being characterised by the absence of an effective prevention system, insufficient and inaccessible healthcare services, and the high cost of rehabilitation programmes.³⁸

Gaps in crime prevention is also evident in relation to crimes against property. Despite the high proportion of property crimes, Georgia lacks a coherent and effective social crime-prevention policy that systematically links crime prevention to reducing unemployment.³⁹ While crime is frequently rooted in social vulnerability rather than individual criminal behaviour alone, the state pays insufficient attention to social crime prevention and makes limited use of measures addressing poverty, unemployment, social isolation, and drug dependence.⁴⁰

³⁰ Ibid.

³¹ GYLA, The Results of Monitoring Politically Motivated Cases Related to Detainees During Protests in 2024–2025 at First Instance Courts, 2025, https://admin.gyla.ge/uploads_script/publications/pdf/2024-2025%20wlebSi%20politikurad%20motivirebuli%20saqmeebi_eng.pdf, [18.09.2026].

³² GYLA, Monitoring of Criminal Trials, Report N 18 (August 2023 - February 2024), 2024, pg. 23, [https://admin.gyla.ge/uploads_script/publications/pdf/18_eng%20\(1\).pdf](https://admin.gyla.ge/uploads_script/publications/pdf/18_eng%20(1).pdf), [18.09.2026],

³³ Ibid.

³⁴ Ibid.

³⁵ CPT/Inf (2026) 06, par 33, <https://rm.coe.int/48802aab80>, [18.09.2026].

³⁶ SJC, Drug Policy and the New Wave of Criminalization: Populism Over Addressing Actual Needs, 21.07.2025, <https://socialjustice.org.ge/en/products/narkopolitika-da-kriminalizatsiis-akhali-talgha-populizmi-namdvili-sachiroebabis-gadachris-natsvldad>, [18.09.2026].

³⁷ Ibid.

³⁸ Ibid.

³⁹ SJC, Criminal Justice Policy in Georgia: Statistical Analysis and Systemic Assessment, 14.09.2026, <https://socialjustice.org.ge/ka/products/siskhlis-samartlis-politika-sakartveloshi-statistikuri-analizi-da-sistemuri-shefaseba>, [18.09.2026].

⁴⁰ Ibid.

Rather than preventing crime, such an approach risks shifting people from insufficiently supported treatment and social services into the criminal justice system, potentially contributing to higher levels of incarceration.

Conclusion

Georgia's experience demonstrates that reductions in the prison population are not sustained unless they are accompanied by effective and consistently applied mechanisms for preventing unnecessary imprisonment. Several factors identified in this submission are relevant to the Georgia's high prison population numbers. The decreasing use of parole and commutation, inconsistencies in their application, and the limited consideration of individual resocialization prospects reduce the effectiveness of mechanisms intended to facilitate release. At the same time, the high use of pre-trial detention increases the number of people entering and remaining in the prison system. The continued use of community sanctions alongside a high prison population also illustrates that alternatives to imprisonment do not necessarily reduce incarceration when they are not used as genuine substitutes for imprisonment. The Georgian experience further demonstrates the importance of considering criminal justice policy as a whole when addressing prison overcrowding. At the same time, insufficient investment in prevention, treatment, rehabilitation and social support may leave the factors associated with offending unaddressed and increase reliance on punitive responses.

Recommendations

1. Decisions regarding parole and commutation should be based on transparent, individualized and consistently applied criteria. Prisoners should have a meaningful opportunity to present their circumstances and challenge adverse decisions, including through an oral hearing where appropriate
2. The expansion of probation or other community sanctions should not be treated, by itself, as evidence of reduced reliance on imprisonment. States should monitor whether such measures replace custodial sanctions or are imposed in addition to measures that would otherwise not have resulted in imprisonment.
3. Pre-trial detention should be used as an exceptional measure. Courts should provide individualized reasoning demonstrating why less restrictive measures are insufficient. When setting bail amount, individual's financial circumstances should be considered.
4. Evidence-based prison-population impact assessments should be conducted before adopting legislation that increases criminal penalties or expands the use of imprisonment.
5. Crime prevention policies should include focus on accessible rehabilitation, social protection, employment and other support measures, particularly where the absence of such services may increase reliance on punitive interventions.
6. Prison population may remain below the overall capacity of the prison system while particular institutions experience overcrowding. Capacity assessments should therefore identify and respond to localized overcrowding.