

LAW OF GEORGIA
ON SPECIAL PENITENTIARY SERVICE

Chapter I – General Provisions

Article 1 – The Scope of the Law

This Law shall define the organisation, rules of procedure and powers within the field of the enforcement of imprisonment and deprivation of liberty of the state sub-agency institution within the system of the Ministry of Justice of Georgia (the ‘Ministry’) – the Special Penitentiary Service (the ‘Service’), its recruitment procedure, the status of a servant, the continuing professional training system, and legal, security and social protection guarantees for the servant.

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Article 2 – The Legal basis of the Service activities

1. The Constitution of Georgia, international treaties and agreements, the Imprisonment Code, this Law and other legislative and subordinate normative acts shall be the legal basis of the activities of the Service.
2. The Service shall ensure the enforcement of imprisonment and deprivation of liberty through special and civil divisions.
3. The Law of Georgia on Public Service shall only apply to servants of the special and civil divisions of the Service unless otherwise determined by this Law.
4. The Minister of Justice of Georgia (the ‘Minister’) may, for the purposes of this Law and for the execution thereof, issue appropriate subordinate normative, and individual legal acts.

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Article 3 – Legal status of the Service

1. The special divisions of the Service shall comprise a united system of special, militarised subdivisions, which performs tasks assigned to it under the procedure established by the legislation of Georgia in order to exercise the rights of accused/convicted persons in penitentiary institutions, implement programmes for the re-socialisation of convicts, secure the legal regime, protect safety, ensure the removal/transfer and extradition of accused/convicted persons, maintain the personal files and registers of accused/convicted persons, process and analyse appropriate data about accused/convicted persons, manage crisis situations and implement special measures.

¹. Civil divisions of the Service shall comprise the structural divisions of the Service that, within their scope of competence, provide the integrated logistical, medical, financial, organisational and legal support of the Service, and control of the human rights protection within the scope of administration of the Service, control of the fulfilment of requirements set by the legislation of Georgia, and of official duties by the servants (including by compulsory military servants), control of the quality of medical service at the Service, their verification and provision of systemic monitoring.

2. Officers, privates and other public servants work for the Service.

3. Servants of the special division (the ‘Servant’) of the Service shall be persons whose activities are aimed at ensuring direct enforcement and who ensure the performance of the objectives provided for in Article 5 of this Law (except as provided for in Article 5(j)). A Servant shall be granted a military or a special state rank.



4. (Deleted – 5.7.2018, No 3129).

5. Standards intended for the civil divisions of the Service shall apply to public servants of the social services of the Service. The guarantees provided for by Article 38, Article 39(1)(2),(6-8), and (10) and Article 40 of this Law shall additionally apply to public servants of the social services of the Service.

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Article 4 – Main principles of the Service

1. The main principles of the Service shall be:

- a) the rule of law;
- b) respect for and protection of human rights;
- c) transparency;
- d) political neutrality;
- e) protection of the honour and dignity of a Servant;
- f) proportionality;
- g) protection of rules for discretionary powers.

2. In accordance with the principles of the rule of law, official activities of Servants of the special and civil divisions of the Service shall be directed only towards the achievement of the objectives laid down by law and shall be implemented within the limits of powers and in the manner prescribed by the legislation of Georgia.

3. The forms and methods of the security measures implemented by Servants of the special and civil divisions of the Service when performing official duties must not damage human life or degrade human honour and dignity, shall not be discriminatory, and shall not violate freedom of expression and religion or other basic rights and freedoms.

4. The Service shall, considering the security requirements, to provide appropriate and objective information to the public regarding the situation in a penitentiary facility as quickly as possible. At the same time, the Service shall protect state, commercial and professional secrets and shall ensure the protection of personal data.

5. A Servant may not be a member of any political union. During the performance of official duties, a Servant may not act according to his/her political views. Implementing security measures on accused/convicted persons or punishing them for their political views or party affiliations is prohibited for a Servant and shall entail liability as provided for by the legislation of Georgia.

6. The State shall protect the honour and dignity of Servants of the special and civil divisions of the Service, and shall provide him/her with decent working conditions, and legal and social guarantees. If necessary, the State shall, under the procedure established by the legislation of Georgia, ensure the security of Servants of the special and civil divisions of the Service and/or their families. It is prohibited to degrade the honour and dignity of a Servant and doing so shall entail liability as provided for by the legislation of Georgia.

7. According to the principle of proportionality, the force and means, provided for by the legislation of Georgia, used for the achievement of legitimate objectives, shall be necessary and proportional to the the protection of the interests which the security measures or actions are implemented to protect.

8. For the purposes of this Law, the observance of the rules for exercising discretionary powers shall mean the right of Servants of the special and civil divisions of the Service, for performance of their official functions within the scope of the security measures determined by the respective Law, to select the most appropriate decision out of several decisions provided for by the legislation of Georgia, in order to achieve a legitimate objective in compliance with the principle of proportionality.

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Chapter II – Objectives of the Service

Article 5 – Objectives of the Service

The objectives of the Service are:

- a) to ensure the exercise of the rights of accused/convicted persons in penitentiary facilities;
- b) to maintain a legal regime in penitentiary facilities;
- c) to ensure the security of penitentiary facilities;
- b) to maintain safety in the penitentiary facilities;
- e) to ensure the material and technical safety of the Service;
- f) to provide informational and analytical support for penitentiary facilities, and to process and analyze data;
- g) to produce personal files and registers of accused/convicted persons;
- h) to remove/transfer and extradite accused/convicted persons;
- i) to manage crisis situations, and intervene and implement special measures;
- j) to exercise the rights guaranteed by the legislation of Georgia for accused/convicted persons in penitentiary facilities and support their process of re-socialisation/rehabilitation and reintegration into society;
- k) to fulfil the requirements of the legislation of Georgia (in particular, to develop and supervise the daily routine in a penitentiary facility), within the scope of its authority, in order to observe a legal regime in a penitentiary facility and to respond accordingly where the principles of such regime are violated;
- l) to protect safety and detect, suppress and prevent crime or/and other offences in a penitentiary facility and within the surrounding area;
- m) to protect material assets of the Service (including the entities on the balance sheet of the Service), and to develop and implement plans for technical safety;
- n) to manage crisis situations in order to protect safety and the established regime in a penitentiary facility in accordance with the procedures provided for by the legislation of Georgia;
- o) to implement relevant measures in order to ensure the safety of accused/convicted persons in the event of natural disaster and other emergency situations, and to ensure that employees are enabled to implement such measures;
- p) to develop and implement plans for the transportation of accused/convicted persons, as well as for ongoing and amplified security measures in a penitentiary facility;
- q) to ensure safety of Servants of the special and civil divisions of the Service, and their family members, as established by the legislation of Georgia.

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Chapter III – Organisation, Management and Control of the Service



Article 6 – Organisation of the Service

1. The Service shall comprise structural divisions of the Service.
2. Penitentiary facilities shall be subordinated to the Service.

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Article 7 – Management and control of the Service

1. The Service shall be administered by the General Director of the Service, who is appointed to and discharged from office by the Minister.
2. The Service shall be accountable to the Minister.
3. Control of the human rights protection within the scope of administration of the Service, control of the fulfilment of requirements set by the legislation of Georgia, and of official duties by Servants of the special and civil divisions (including by compulsory military servants), control of the quality of medical service at the Service, their verification and provision of systemic monitoring shall be carried out by the Monitoring Department of the Service.

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Chapter IV – Procedures for Recruiting to the Special Division of the Service and for Serving

Article 8 – Procedure for recruiting to the special division of the Service; certification of a Servant

1. A citizen of Georgia, who has attained the age of 18, has a command of the official language of Georgia and who, based on his/her personal and business qualities, education, physical training and health status, is capable of performing the imposed duties, shall be recruited to the special division of the Service.
2. A candidate to be recruited to work for the special division of the Service shall undergo a competition and a special check-up, and he/she shall be appointed to the position by order of a person having the authority to appoint to the post, under the procedure established by the legislation of Georgia, for not more than 6 months of probationary period.
3. During the probationary period, a servant shall take an appropriate special training course (the ‘training course’) at the legal entity under public law operating under the Ministry – the Training Centre for Servants of the Penitentiary and Probation System (the ‘Training Centre’). During this period, he/she shall carry out official activities under the supervision of a person having the special authority.
4. If the training course is completed successfully, a servant shall be awarded a certificate of an appropriate level. The certificate shall be valid for three years.
5. The training course shall be considered to have been passed successfully by a servant if he/she passes the final examination. He/she may also be assigned to comply with some physical training standards in cases determined by the legislation of Georgia.
6. The training course, along with other theoretical and practical topics, must include studying of human rights and freedoms.
7. If an employee works with a juvenile accused/convicted person, he/she shall receive a speciality-based training in juvenile justice, under the procedure established by the legislation of Georgia.
8. A servant, before the validity of the certificate expires, in order to renew the certificate, shall take an appropriate qualification and professional retraining course, after which he/she shall pass an examination. The certificate shall be renewed on the basis of



the examination results. If the servant fails to renew the certificate on the basis of the examination results and the validity of the certificates expires, he/she shall be dismissed from office.

9. A person with a valid certificate may be appointed to an appropriate position without competition, and without compliance with the requirement provided for by paragraph 3 of this article.

9¹. A person provided for by paragraph 1 of this article may be appointed for temporary acting in a respective position without competition, for not more than 6 months, without compliance with the requirement under paragraph 3 of this article. This person may not be repeatedly appointed for temporary acting in the same position.

10. The following shall be defined by orders of the Minister:

a) the procedure for holding a competition for the recruitment to work for the special division of the Service, selecting a person to be recruited, and for undergoing a special check-up and a probationary period by him/her;

b) additional qualification requirements for candidates to hold vacant posts of the Service;

c) types of the training course, the procedure for taking the training course, certifying a servant and for his/her periodical retraining;

d) the procedure for the career development of a servant;

e) the list of official positions of the special division of the Service to which persons shall be appointed without competition and probationary period, and without compliance with the requirement provided for by paragraph 3 of this article; also the procedure for appointing them to these positions.

Law of Georgia No 4580 of 27 November 2015 – website, 10.12.2015

Law of Georgia No 811 of 4 May 2017 – website, 29.5.2017

Law of Georgia No 3129 of 5 July 2018 – website, 11.7.2018

Article 9 – The oath of a Servant

A new Servant of the Service shall take the oath and confirm it with a signature: “Being aware of the great responsibility imposed on me before Georgia, I swear that I will faithfully serve the State, observe the constitution and laws of Georgia, respect universally recognised human rights and freedoms and fulfil my duties in good faith.”

Article 10 – Restrictions on recruitment to the Service

1. The following persons shall not be recruited to work at the Service:

a) a person with a previous conviction for a deliberate crime;

b) a person who is subject to criminal prosecution;

c) a person who has been declared by a court decision as a beneficiary of support, unless otherwise determined by a court decision;

d) a person who is deprived by the court of the right to occupy a relevant position in the Service;

e) a person whose state of health, based on the conclusion of a medical examination, fails to meet the requirements determined for a position in the Service;

f) a person who, as a result of holding a position in the Service, will directly supervise or be supervised by a parent, spouse, sister, brother, child; or a sister, brother, or parent of a spouse;



g) an applicant for citizenship of a foreign country, except for the cases determined by law or the international agreements of Georgia;

h) a person who received a negative evaluation as a result of special examination.

2. A Servant shall have no right to hold a position in another public institution or private institution, and while performing official duties, to perform any paid work other than scientific, pedagogical or/and creative work.. A Servant may concurrently hold another position only within the system of the Ministry.

Law of Georgia No 4580 of 27 November 2015 – website, 10.12.2015

Law of Georgia No 3129 of 5 July 2018 – website, 11.7.2018

Article 10¹ – Transfer of employee to another position

1. The employee may be transferred:

a) to a higher position: in the case of promotion, under the procedure established by the Minister, upon recommendation of the manager and with the consent of the servant, provided the servant has held his/her current position for at least 6 months;

b) to an equivalent position:

b.a) on the basis of a personal report;

b.b) in order to meet the needs of the Service, with the consent of the employee;

c) to a lower position:

c.a) on the basis of a personal report;

c.b) in order to meet the needs of the Service, with the consent of the employee;

c.c) on the basis of the results of a qualification test;

c.d) if he/she has committed a disciplinary offence.

2. A Servant may be transferred to another position taking into account the appropriate qualification requirements. The appointment of a person to a position of a different speciality shall be preceded with his/her appropriate official retraining.

3. The employee may be transferred to another position by an order of a person authorised to appoint the employee to the respective position.

4. The person authorised to appoint an employee to a respective position may attach the employee to another structural subdivision of the Service, or structural unit or penitentiary facility, without transferring him/her to another position.

5. The person authorised to appoint an employee to a respective position, may determine the workplace for the employee.

6. In the cases determined by paragraphs 4 and 5 of this article, the consent of the employee is required.

7. This article shall also apply to a Servant of civil divisions of the Service, except for the official retraining obligation as provided for under paragraph 2 of this article.

Law of Georgia No 4580 of 27 November 2015 – website, 10.12.2015

Law of Georgia No 811 of 4 May 2017 – website, 29.5.2017

Law of Georgia No 3129 of 5 July 2018 – website, 11.7.2018



Article 10² - Execution of duties of an employee who is absent from the Service

1. During emergency situations, when the absence of an employee poses a threat to the normal functioning of the Service, in order to replace the absent employee or occupy the vacant position, the person authorised to appoint an employee to a position is entitled to the following:
 - a) to distribute the duties of the absent employee among other employees without freeing them from their official duties;
 - b) to impose the duties of the absent employee on another employee and release that other employee from performing his/her official duties.
2. An employee may refuse the temporary performance of the duties as provided for by paragraph 1 of this article if the performance thereof is contraindicated for the state of his/her health or requires higher qualification or other professional training.
3. Based on paragraph 1 of this article, an employee may perform the duties of another employee who is absent from the Service in the same facility, for not more than 1 month in the calendar year. The duties of an absent Servant may be performed for more than 1 month in the calendar year with the consent of the acting Servant.
4. A Servant who, on the basis of paragraph 1(a) of this article, performs the duties of a Servant absent from the Service, shall be given, in addition to his/her official remuneration, a salary increment within the limited amount provided for by the Law of Georgia on Remuneration of Labour in Public Institution.
5. A Servant who, on the basis of paragraph 1(b) of this article, performs the duties of a Servant absent from the Service, shall be given the official remuneration of the absent Servant if it exceeds his/her own official remuneration. If the official remuneration of the absent Servant is less than the official remuneration of his/her substituting Servant, the substituting Servant shall keep his/her own official remuneration.
6. This article shall also apply to a Servant of civil divisions of the Service.

Law of Georgia No4580 of 27 November 2015 – website, 10.12.2015

Law of Georgia No 3129 of 5 July 2018 – website, 11.7.2018

Article 11 – Incentives for employees

1. The following incentives shall be determined for an employee for his/her exemplary performance of official duties, and long and faithful service, and for the performance of extremely difficult or significant assignments:
 - a) commendations;
 - b) a pecuniary reward;
 - c) a valuable gift;
 - d) the award of a diploma of the Ministry;
 - e) the award of badges;
 - f) the award of a medallion of the Ministry;
 - g) the award of a medal of the Ministry;
 - h) early promotion to a higher special state rank;
 - i) early release from a disciplinary punishment;
 - j) the award of civilian or service guns.



2. Several forms of incentives may be applied to an employee at the same time.
3. For bravery and courage shown during the performance of duties, the employee may be nominated for the State award.
4. Procedures for the application of incentives to employees shall be determined by the Minister.
5. This article shall also apply to a Servant of civil divisions of the Service.

Law of Georgia No 1937 of 23 December 2017 – website, 29.12.2017

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Article 12 – Misconduct of a Servant and disciplinary sanctions

1. A disciplinary sanction may be imposed on a Servant for committing a minor or gross disciplinary misconduct.
2. Disciplinary misconducts of a Servant shall be as follows:
 - a) deliberate or negligent non-fulfilment or improper fulfilment of an official duty;
 - b) infliction of property damage to the Service, or culpable or negligent creation of a risk of causing such damage;
 - c) commission of indecent behaviour (a culpable act) against ethical standards, or intended to discredit a Servant and the Service, irrespective of whether it is committed within or outside the Service;
 - d) failure to carry out instructions of an immediate superior officer, and/or a requirement set by the legislation of Georgia;
 - e) breach of ethical standards established for Servants of special and civil divisions of the Service.
3. A disciplinary misconduct shall be gross if:
 - a) the disciplinary misconduct has resulted in defamation of a person who committed the disciplinary misconduct, thereby excluding proper fulfilment of official duties by this person in the future;
 - b) the disciplinary misconduct has resulted in harm to the reputation of the Service or to a Servant working in the special division/civil division of the Service, to a third person or public interest;
 - c) the disciplinary misconduct has resulted in significant material damage to the Service;
 - d) a Servant with disciplinary liability has committed another disciplinary misconduct;
 - e) it is a fact of illicit use of a narcotic drug, its analogue or precursor without prescription of a doctor if this act does not entail criminal liability.
4. The following disciplinary sanctions may be imposed on a Servant for committing a disciplinary misconduct:
 - a) a rebuke;
 - b) a warning;
 - c) a reprimand;
 - d) deprivation of a badge;
 - e) demotion from a special state rank by one level;
 - f) withholding of official salary (wages) for not more than 10 working days;



g) withholding of official salary (wages) of 10% to 50%;

h) demotion;

i) dismissal/discharge from the Service, for committing a gross disciplinary misconduct.

5. Two or more than two disciplinary sanctions may not be imposed on a Servant for a disciplinary misconduct committed.

6. The ethical code and disciplinary regulations for Servants shall be approved by the Minister.

7. This article shall also apply to a Servant of civil divisions, considering the respective specificities.

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Chapter IV¹ – Recruitment to the Civil Division of the Service

Law of Georgia No 3129 of 5 July 2018 – website, 11.7.2018

Article 12¹ – Procedure for the recruitment to the civil division of the Service

1. A person shall be recruited to the civil division of the Service on competition basis, except as provided for by Article 12² of this Law. The competition shall be announced through the webpage defined by the General Director of the Service.

2. A legally competent citizen of Georgia, who meets the following requirements, may be recruited to the civil division of the Service:

a) he/she must have a command of the official language of Georgia;

b) he/she must have attained the age of 18;

c) he/she must meet the requirements set by appropriate legal acts, and who can fulfil the duties imposed on him/her based on his/her personal and business qualities, education and health status.

3. An applicant for recruitment to the civil division of the Service, when participating in the competition announced for holding a vacant position, shall not be required to have a public officer's certificate, as a rule.

4. The procedure for holding a competition for the recruitment to the civil division of the Service, and for selecting a candidate, the list of members and the authority of the competition commission shall be defined by the General Director of the Service.

5. Additional qualification requirements for a specific position may be defined by a legal act of the Minister.

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Article 12² – Appointment within the civil division of the Service without competition

1. The following persons shall be appointed within the civil division of the Service without competition:

a) a person substituting a Servant of the civil division of the Service who is temporarily absent from office;

b) a temporary acting person may be appointed to a vacant position to be held on competition basis;

c) a Servant of the civil division of the Service, in the case of promotion;



d) a Servant of the civil division of the Service, when transferred to the same or another structural division/unit of the Service if the qualification requirements defined for the position he/she has held on the basis of competition/promotion and for the position to be held are the same.

2. A person may be appointed for temporary acting in a vacant position provided for by Article 2 of the Law of Georgia on Conflicts of Interest and Corruption in Public Institutions, which must be held on competition basis, for not more than one year; and he/she may be appointed to another position to be held on competition basis for not more than 6 months. A person may not be repeatedly appointed for temporary acting in the same position.

3. The right to nominate a Servant of the civil division of the Service, with his/her written consent, to a position to be held in the case provided for paragraph 1(d) of this article shall belong to the head of the structural subdivision/unit/penitentiary institution within which this Servant is transferred.

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Article 12³ – The period of serving in the civil division of the Service

1. A Servant of the civil division of the Service shall be recruited to/appointed in the Service for an indefinite term, except as provided for by paragraph 2 of this article.

2. The following persons shall be recruited to the civil division of the Service for an indefinite term:

a) a person substituting a Servant of the civil division of the Service who is temporarily absent from his/her position, until the Servant of the civil division of the Service returns to the Service, or until his/her discharge from office;

b) an acting Servant of the civil division of the Service, who is to be appointed to the position on competition basis, until the Servant of the civil division of the Service is appointed to the position based on the competition results;

c) a person employed under a labour agreement, for the period defined by the agreement.

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Article 12⁴ – Probationary period

1. A person with the authority to appoint can appoint a person for a probationary period of not more than 6 months.

2. During the probationary period, compliance of the qualification, business skills, abilities and personal qualities of a person shall be verified with the requirements defined for the position held.

3. If, after expiry of the probationary period, a person has unsatisfactory results, he/she shall be dismissed from the Service under an appropriate legal act.

4. The probationary period shall not be applied when a person is appointed to substitute, or as acting temporarily absent Servant of the civil division of the Service.

5. No person appointed for a probationary period may be transferred to another position or promoted, nor may he/she be obliged to act in one's position.

6. The time during which a person was absent due to temporary disability or for another valid reason shall be included in the probationary period. The probationary period shall be included in the total length of service of a person.

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Article 12⁵ – Documents to be submitted upon recruitment to the Service



1. A person applying for a job in the Service shall submit the following documents to a person with the right to appoint to the position:

- a) the application;
- b) Curriculum Vitae (CV);
- c) a certificate evidencing education or appropriate qualification;
- d) the personal identification document;
- e) a certificate of medical and drug test results; and a person provided for by Article 2 of the Law of Georgia on Conflicts of Interest and Corruption in Public Institutions shall submit a certificate issued by a drug testing service provider institution or by an institution with an appropriate authority to prove that there are no signs of dependence on substances included in the I and II lists of substances subject to special control in Georgia and no facts of consumption of these substances without prescription of a doctor;
- f) other documents provided for by the legislation of Georgia.

2. The failure to submit the documents under paragraph 1 of this article shall be the ground for refusing a person to recruit to the Service. Furthermore, an applicant for a job in the Service may be required, as predefined by the Service, to submit a certificate of health from an appropriate medical institution, and a diploma certified or recognised by the Legal Entity under Public Law within the Ministry of Education, Science, Culture and Sport of Georgia – the National Centre for Educational Quality Enhancement.

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Article 12⁶ – The oath of a Servant of the civil division of the Service

A Servant of the civil division of the Service shall take the oath in accordance with the Law of Georgia on Public Service.

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Chapter V – Special State Ranks

Article 13 – Highest special ranks for positions that attract special state ranks

The highest special ranks for positions that attract special state ranks shall be determined by the Minister.

Article 14 – Special State Ranks

- 1. An employee shall be awarded a special state rank in accordance with the procedure provided for by the legislation of Georgia;
- 2. Issues related to special state ranks are regulated by the Law of Georgia on Special State Ranks and by an order of the Minister.

Chapter VI – Rights and Obligations of a Servant of the Special and Civil Divisions of the Service; Conditions of Service

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Article 15 – Rights and obligations of a Servant of the special and civil divisions of the Service

1. A Servant of the special and civil divisions of the Service shall represent the Service when exercising his/her official powers.
2. A Servant of the special and civil divisions of the Service shall have the right to:
 - a) make relevant decisions, within his/her authority, in order to fulfil the duties imposed on him/her;
 - b) request and receive information required for the exercise of official powers in the prescribed manner;
 - c) be provided by organisational-technical equipment and conditions required for the fulfilment of official functions;
 - d) submit proposals regarding the improvement of his/her official activities to a directly senior officer and receive consultations necessary for work;
 - e) use physical force, special equipment and firearms, within his/her competence, in order to fulfil obligations in accordance with the procedures provided for by the legislation of Georgia;
 - f) exercise other powers granted by the legislation of Georgia and official instructions.
3. A Servant of the special and civil divisions of the Service shall have the obligation to:
 - a) protect the rights of accused/convicted and other persons while performing official duties;
 - b) properly perform the duties imposed on him/her by official instructions;
 - c) follow the rules of professional ethics;
 - d) observe the legal acts related to his/her official activity, without special indication;
 - e) perform the legal orders, regulations and indications issued by the senior officer;
 - f) observe the requirements of the internal regulations;
 - g) take care of the State property and protect material assets;
 - f) when exercising official powers, and after dismissal from the Service, not to disseminate state and commercial secrets, personal data of other persons and other information (considering Article 50(4) of the Criminal Procedure Code of Georgia) that became known to his/her in relation to the fulfilment of official duties;
 - g) by way of economic use and spending of resources, efficiently and correctly manage organisational process within the Service; when fulfilling official duties, comply with the principle of economy and efficiency, not to abuse and embezzle official resources;
 - h) when exercising official powers, be impartial and be guided solely by the public interest;
 - i) observe labour discipline; reasonably use labour hours; not to allow the act that impedes the operation of the Service and discredit its reputation;
 - j) keep safe the official ID and the service weapon; use them in good faith, solely for official purposes and not for obtaining advantage; if the service weapon is lost, immediately inform the Monitoring Department of the Service, the Weapon Service and an appropriate agency of the Ministry of Internal Affairs of Georgia. The loss of the official ID and the service weapon may serve as a basis for the imposition of disciplinary liability on a Servant of the special and civil divisions of the Service;
 - k) fulfil other duties imposed on him/her by the legislation of Georgia and official instructions.
4. A Servant of the special and civil divisions of the Service shall be prohibited from:
 - a) drinking an alcoholic beverage or arriving under the influence of alcohol at the Service;



- b) entering a casino, a gambling facility or a gaming device club with the intention of playing;
 - c) driving the official car in a state of drug and/or alcoholic intoxication. Such an act shall be considered a disciplinary misconduct (commission of indecent behaviour (a culpable act) against ethical standards, or intended to discredit a public servant and an institution, irrespective of whether it is committed within or outside the Service);
 - d) establishing such relations (entering into a transaction, etc.) with an accused/convicted person in a penitentiary facility of the Service, or knowingly with persons under Article 17(2) of the Imprisonment Code, that are not included in the official rights and obligations; handing to an accused/convicted person of such an item and/or substance, or accepting from him/her of such an item and/or substance (including for storage) that is not related to the official activity.
5. Other rights and obligations of a Servant of the special and civil divisions of the Service, in accordance with his/her official functions, shall be defined by the official instructions of the Servant to be approved by the General Director of the Service.
6. The procedure for using physical force, special means and a firearm by a Servant shall be defined by the legislation of Georgia and official instructions of a Servant of the special and civil divisions of the Service.

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Article 16 – Working hours of employees

1. Employees shall work a 48-hour week, and irregular working hours, as duly determined by the Service.
2. Working on holidays and weekends shall be voluntary for employees, excluding employees working in shifts, in which case they shall be paid according to the procedure provided for by the legislation of Georgia.
3. Working hours for employees who work in shifts shall not exceed 24 hours, except in special cases determined by the director of a penitentiary facility.
4. Equal duration shifts shall be established for employees who work in shifts.
5. Employees may be switched to a special regime by the order of the Minister.
6. The labour hours for a Servant of the civil divisions of the Service shall be defined in accordance with the Law of Georgia on Public Service.

Law of Georgia No 3129 of 5 July 2018 – website, 11.7.2018

Article 17 – Vacation of a Servant of the special and civil divisions of the Service

1. The following types of vacation shall be determined for a Servant of the special and civil divisions of the Service:
 - a) an annual paid vacation;
 - b) an extra short-term vacation;
 - c) an unpaid vacation;
 - d) a study leave;
 - e) a maternity and parental leave, and a leave due to adoption of a newborn.
2. If necessary for official purposes, a vacation of a Servant of the special and civil divisions of the Service may be terminated and he/she may be called back to resume working, except when a Servant of the special and civil divisions of the Service is on vacation in the case provided for in the paragraph 1(e) of this article.



3. A Servant of the special and civil divisions of the Service shall be granted a vacation by an order of a person with the authority to appoint to the position.

Law of Georgia No 3129 of 5 July 2018 – website, 11.7.2018

Article 18 – Annual paid vacation of a Servant of the special and civil divisions of the Service

1. A Servant of the special and civil divisions of the Service shall be granted an annual paid vacation for a period of 24 business days.

2. The period of temporary disability of a Servant of the special and civil divisions of the Service during his/her annual paid vacation shall not be included in the period of this vacation and shall be paid under the procedure established by the legislation of Georgia.

3. An annual paid vacation shall be granted to a Servant of the special and civil divisions of the Service within a calendar year, according to the schedule of vacations. An unused paid vacation from the previous year may be granted to a Servant of the special and civil divisions of the Service in the first quarter of the following year. The duration of an annual paid vacation for a newly appointed Servant shall be calculated in proportion to the number of days served: two and a half days for each full month from the first day of recruitment.

Law of Georgia No 3129 of 5 July 2018 – website, 11.7.2018

Article 19 – Extra short-term vacation of a Servant of the special and civil divisions of the Service

1. A Servant of the special and civil divisions of the Service, who has used his/her annual paid vacation, due to a special situation, may be granted an extra short-term vacation within one year for not more than 10 days.

2. An extra short-term vacation of a Servant of the special and civil divisions of the Service shall be paid and shall not be included in the period of an annual paid vacation.

Law of Georgia No 3129 of 5 July 2018 – website, 11.7.2018

Article 20 – Unpaid vacation of a Servant of the special and civil divisions of the Service

A Servant of the special and civil divisions of the Service shall have the right to use an unpaid vacation during the period of employment in the Service for not more than one year, unless it contradicts the interests of the Service.

Law of Georgia No 3129 of 5 July 2018 – website, 11.7.2018

Article 21 – Study leave of a Servant of the special and civil divisions of the Service

1. A Servant of the special and civil divisions of the Service may be, once in two years, with the official salary maintained, granted a study leave for professional development for not more than 3 months.

2. If a Servant of the special and civil divisions of the Service is granted a study leave at the initiative of the Service, his/her expenses related to the study leave shall be fully compensated.

Law of Georgia No 3129 of 5 July 2018 – website, 11.7.2018

Article 22 – Maternity and parental leave, and a leave due to adoption of a newborn for a Servant of the special and civil divisions



of the Service

1. A Servant of the special and civil divisions of the Service, upon request, shall be granted a maternity and parental leave in the amount of 730 calendar days.
2. Out of the 730 calendar days of the maternity and parental leave, 183 calendar days shall be paid, while in the case of childbirth complications or giving birth to twins, 200 calendar days shall be paid. The payment shall be made from the budget of the Service, in the amount of the remuneration of labour of a Servant of the special and civil divisions of the Service.
3. A Servant of the special and civil divisions of the Service shall have the right to divide the leave provided for by paragraph 1 of this article and use it for the periods of her pregnancy and after childbirth.
4. A Servant of the special and civil divisions of the Service shall have the right, until her child attains the age of 12 months, to request to be granted the whole remaining unpaid vacation for maternity and parental purposes.
5. A Servant of the special and civil divisions of the Service, who has adopted a child under the age of 12 months, upon his/her request, shall be granted a leave due to adoption of a newborn in the amount of 550 calendar days from the birthday of the child. Out of the 550 calendar days of the leave, 90 calendar days shall be paid. The payment shall be made from the budget of the Service, in the amount of the remuneration of labour of a Servant of the special and civil divisions of the Service.
6. The labour hours during which a Servant of the special and civil divisions of the Service did not work due to medical examinations she underwent during the period of her pregnancy shall be considered excusable in case of presentation of the documentation evidencing the examinations undergone, and the remuneration of labour shall be maintained.
7. A parental leave provided for by paragraphs 1 and 5 of this article may be used by a parent who in fact takes care of the child. In such a case, a Servant of the special and civil divisions of the Service shall be granted the leave in the amount of 550 calendar days from the birthday of the child, out of which 90 calendar days shall be paid, only in the case when the mother of the newborn did not use the leave provided for by this article.

Law of Georgia No 3129 of 5 July 2018 – website, 11.7.2018

Article 23 – Special clothes (uniforms) for employees

1. As a rule, an employee shall perform his/her official duties while wearing special clothes (uniforms).
2. The Minister shall approve samples of special clothes (uniforms), and their distinctive signs and emblems.

Article 24 – Professional day of the Service

The professional day of the Service shall be celebrated each year on 8 September.

Law of Georgia No 3129 of 5 July 2018 – website, 11.7.2018

Article 25 – Strike actions

A Servant of the special and civil divisions of the Service shall be prohibited from going on strike and taking part in it.

Law of Georgia No 3129 of 5 July 2018 – website, 11.7.2018

Article 25¹ – Right to assembly and manifestation

A Servant shall be prohibited from organising and/or conducting an assembly or a manifestation, and from participating in it.



Chapter VII – Suspension of Official Relations of a Servant of the Special and Civil Divisions of the Service, Termination of his/her Official Powers, and his/her Dismissal/Discharge from the Service

Law of Georgia No 3129 of 5 July 2018 – website, 11.7.2018

Article 26 – Suspension of official relationship with employees

1. The suspension of the official relations of a Servant of the special and civil divisions of the Service shall mean his/her temporary discharge from fulfilling official duties and the release of the Service from the obligation to provide a job for the Servant of the special and civil divisions of the Service.
2. During the period of suspension of the official relations, a Servant of the special and civil divisions of the Service shall, in cases (except as provided for in Article 28 of this Law) and under the procedure determined by law, maintain the official salary and salary increments and/or shall be granted another compensation.

Law of Georgia No 3129 of 5 July 2018 – website, 11.7.2018

Article 27 – Grounds for suspending official relations of a Servant of the special and civil divisions of the Service

The grounds for suspending official relations of a Servant of the special and civil divisions of the Service shall be as follows:

- a) the written application/report, if a person with the authority to appoint the Servant of the special and civil divisions of the Service to the position is not against suspending the official relations (for not more than 5 days in a year);
- b) the vacation of a Servant of the special and civil divisions of the Service;
- c) the temporary disability of a Servant of the special and civil divisions of the Service;
- d) the nomination of a Servant of the special and civil divisions of the Service for presidential or representative body elections, unless otherwise determined by Law;
- e) the suspension of a Servant of the special and civil divisions of the Service from the Service in the cases provided for by Articles 28(1) and 29(1) of this Law, and on another legal ground;
- f) the professional development or retraining of a Servant of the special and civil divisions of the Service;
- g) another case of temporary discharge of a Servant of the special and civil divisions of the Service in accordance with the law;
- h) the placement of a Servant of the special and civil divisions of the Service under the command of the Human Resources Department;
- i) the case provided for by Article 30(1) of this Law.

Law of Georgia No 3129 of 5 July 2018 – website, 11.7.2018

Article 28 – Suspension of a Servant of the special and civil divisions of the Service, who is under the influence of alcohol from service

1. If an immediate or a superior officer becomes aware that a Servant of the special and civil divisions of the Service is under the



influence of alcohol, he/she shall, for the duration of the given working day, suspend the Servant of the special and civil divisions of the Service from service.

2. A person suspended from service on the basis of paragraph 1 of this article shall not receive salary for the period of the suspension from service.

Law of Georgia No 3129 of 5 July 2018 – website, 11.7.2018

Article 29 – Suspension of a Servant of the special and civil divisions of the Service from service during disciplinary proceedings

1. A person, who has the right to impose a disciplinary sanction on a Servant of the special and civil divisions of the Service, can suspend the Servant of the special and civil divisions of the Service from service during disciplinary proceedings.

2. A person suspended from service on the basis of paragraph 1 of this article shall maintain the official salary and salary increments.

Law of Georgia No 3129 of 5 July 2018 – website, 11.7.2018

Article 30 – Temporary removal of a Servant of the special and civil divisions of the Service from the position

1. A person with the authority to appoint a Servant of the special and civil divisions of the Service to the position may temporarily remove the Servant of the special and civil divisions of the Service from the post due criminal prosecution initiated against him/her, until the final judgement is delivered on this criminal case.

2. If the Servant of the special and civil divisions of the Service temporarily removed from the post is acquitted, he/she must be restored to the position he/she last held, but if this is not possible, he/she must be restored to an equivalent position. The person acquitted shall be paid the official salary he/she did not receive during the whole period of his/her involuntary absence from the position.

Law of Georgia No 3129 of 5 July 2018 – website, 11.7.2018

Article 31 – Grounds for terminating official powers of a Servant of the special and civil divisions of the Service

The grounds for terminating official powers of a Servant of the special and civil divisions of the Service shall be as follows:

- a) the dismissal/discharge from the Service;
- b) the termination of citizenship of Georgia;
- c) the declaration as missing or the pronouncement of death under the procedure established by the law;
- d) the expiration of the period of placement under the command of the Human Resources Department;
- e) death.

Law of Georgia No 3129 of 5 July 2018 – website, 11.7.2018

Article 32 – Dismissal/discharge of a Servant of the special and civil divisions of the Service from the Service

1. A Servant of the special and civil divisions of the Service may be dismissed/ discharged from the Service due to the following reasons:



- a) joining another Service;
- b) the breach of the requirements established upon the recruitment;
- c) the lack of a document required in order to hold the respective position;
- d) the liquidation of the Service, the structural subdivision/unit of the Service, or the penitentiary facility, or due to staff reduction;
- e) when another Servant of the special and civil divisions of the Service, who was wrongfully dismissed, is restored to the Service;
- f) the reaching of the age limit for working in the Service;
- g) the commission of a gross disciplinary misconduct;
- h) without disciplinary liability in force, if he/she, a single time, intentionally or by negligence, has grossly violated the official and/or imposed duties;
- i) the long-term disability;
- j) on the basis of a legally effective judgement of conviction on the criminal case;
- k) the state of health preventing him/her from properly fulfilling his/her official duty;
- l) the unsatisfactory professional skills;
- m) on the basis of a personal report;
- n) the expiration of the period of placement under the command of the Human Resources Department;
- o) the failure to renew a certificate, where a renewal of the certificate is required;
- p) the refusal to take a training course;
- q) the unsatisfactory passing of the training course or a professional re-training course;
- r) if the consumption of substances included in Lists I and II of the substances subject to special control in Georgia is confirmed, except where these substances are consumed by him/her for treatment purposes;
- s) the refusal to undergo examination, based on a periodic and random selection principle, for testing for the consumption of substances subject to special control in Georgia;
- t) the incompatibility of offices;
- u) on another ground directly provided for by the legislation of Georgia.

2. A Servant, who voluntarily abandons the Service for more than 5 days, shall be considered discharged from the second day after the voluntary abandonment of the Service.

3. A person dismissed/discharged from the Service shall return the material assets officially assigned to him/her.

Law of Georgia No 811 of 4 May 2017 – website, 29.5.2017

Law of Georgia No 3129 of 5 July 2018 – website, 11.7.2018

Article 33 – Assignment of an employee to the Human Resources Department

1. Based on an order issued by an authorised person, an employee who has been discharged from his/her position may be assigned



to the Human Resources Department for no more than 4 months in the following circumstances:

- a) during a lay off or reorganisation that results in staff reduction;
- b) during the liquidation of a facility or its structural unit;
- c) based on a personal report.

2. An employee placed in temporary assignment to the Human Resources Department may be assigned to temporarily perform his/her duties relating to his/her position.

3. An employee of the Service placed in temporary assignment to the Human Resources Department shall be deemed notified about possible dismissal from office from the moment of his/her placement in temporary assignment to the Human Resources Department.

Article 34 – Dismissal of employees having middle, higher and highest special ranks

A Servant having a medium, higher or a highest special rank may be dismissed from the Service:

- a) to the reserve of the defence forces of Georgia, if the Servant has not attained the age limit for military service established by the legislation of Georgia;
- b) due to age – attaining the age limit of the Service while being in the reserve;
- c) due to illness – by removing the employee from the military registration for being recognised as unfit for military service by the medical commission.

Law of Georgia No 3601 of 31 October 2018 – website, 21.11.2018

Article 35 – Age limit for employees

- 1. An employee having lower special rank may serve at the Service until the age of 60.
- 2. An employee having middle or higher special rank may serve at the Service until attaining the following ages:
 - a) Junior Lieutenant of Justice and Captain of Justice: up to the age of 55 (being in the reserve); up to age of 60 (with resignation);
 - b) Major of Justice and Colonel of Justice: up to the age of 60 (being in the reserve); up to the age of 65 (with resignation).
- 3. An employee having attained the age limit for being in the Service shall be subject to dismissal, except in the cases provided for by this Law.
- 4. Based on the interests of the Service, and taking into account medical opinion, the service term of an employee who has the rank of Colonel of Justice and has attained the age limit, may be prolonged for up to 5 years on the basis of his/her own request, by an order of the Minister.
- 5. A decision to prolong the service term shall not exclude the possibility of the dismissal of the employee based on the respective grounds provided for by this Law.

Chapter VIII – Restoration of a Servant of the Special and Civil Divisions of the Service to the Service

Law of Georgia No 3129 of 5 July 2018 – website, 11.7.2018



Article 36 – Grounds for restoring a Servant of the Special and Civil Divisions of the Service to the Service

1. A Servant of the Special and Civil Divisions of the Service, who has been wrongfully dismissed/discharged from the Service, shall be subject to restoration to the Service.
2. In the case provided for in paragraph 1 of this article, the ground for restoring a Servant of the Special and Civil Divisions of the Service to the respective position shall be the official monitoring report or a legally effective court judgement, and the application of a person acquitted on the restoration to the Service.

Law of Georgia No 3129 of 5 July 2018 – website, 11.7.2018

Article 37 – Restoration of a Servant of the Special and Civil Divisions of the Service to the Service

1. A wrongfully dismissed/discharged Servant of the special and civil divisions of the Service shall have the right to claim a declaration of the dismissal/discharge as wrongful, a change of the ground for the dismissal/discharge, and the official salary. The Servant of the special and civil divisions of the Service shall receive the lost official salary for the period of the involuntary absence, and the increment for the years of service as defined under the legislation of Georgia, and the rank salary (if any).
2. If an order, decree or decision on dismissing/discharging or transferring a Servant of the special and civil divisions of the Service from the Service is declared as illegal by court, the Servant of the special and civil divisions of the Service shall be subject to immediate restoration to the Service, except where he/she refuses to be restored to the Service.
3. The declaration of an order, decree or decision on dismissing/discharging or transferring a Servant of the special and civil divisions of the Service from the Service as invalid by court shall not lead to the immediate restoration of the Servant of the special and civil divisions of the Service to the Service if, under the court decision, the institution has the obligation to issue a new order, decree or decision after the examination and evaluation of the circumstances related to the dismissal/discharge or transfer of the Servant of the special and civil divisions of the Service from the Service. The Servant of the special and civil divisions of the Service shall receive the lost salary he/she has claimed in the amount determined by paragraph 1 of this article only if the Servant is restored to the Service. In another instance, the lost salary shall not be paid.
4. A Servant of the special and civil divisions of the Service discharged from the position under this Law shall be subject to restoration on the basis of a personal application, provided that there is a court judgement of acquittal.
5. A Servant of the special and civil divisions of the Service shall be restored to the Service on the position last held, or on an equivalent position, with his/her consent.

Judgement of the Constitutional Court of Georgia No 2/16/1218 of 16 November 2017 – website, 28.11.2017

Law of Georgia No 3129 of 5 July 2018 – website, 11.7.2018

Chapter IX – Legal, Safety and Social Protection Guarantees of a Servant of the Special and Civil Divisions of the Service

Law of Georgia No 3129 of 5 July 2018 – website, 11.7.2018

Article 38 – Legal and safety protection guarantees for employees

1. While performing official duties, a Servant of the special and civil divisions of the Service shall represent the state authority and shall be protected by the State. Everyone shall be obligated to obey his/her orders that are compliant with the powers under the legislation of Georgia.
2. No interference in the official activities of a Servant of the special and civil divisions of the Service may be allowed.
3. Hindering a Servant of the special and civil divisions of the Service while his/her performance of the official duty, discrediting his/her honour and dignity, resisting and threatening him/her, or demonstrating violence against him/her, or infringing upon



his/her life, health or property shall result in liability determined by the legislation of Georgia.

4. A Servant of the special and civil divisions of the Service, is aware or may be aware of a clearly unlawful order/instruction, must refuse to follow it and must notify the Monitoring Department of the Service and an appropriate investigation body.

5. A Servant of the special and civil divisions of the Service shall have the right to apply to court to defend his/her rights and freedoms.

6. If a Servant of the special and civil divisions of the Service and/or his/her family member is placed under a threat in connection to his/her official activities, the safety of the Servant of the special and civil divisions of the Service and/or his/her family member shall be provided by the state under the procedure determined by an order of the Minister.

Law of Georgia No 3129 of 5 July 2018 – website, 11.7.2018

Article 39 – Social protection of a Servant of the special and civil divisions of the Service

1. The social protection of a Servant of the special and civil divisions of the Service shall be provided by the state.

2. A Servant of the special and civil divisions of the Service shall be subject to the compulsory state life and health insurance. Furthermore, it shall be possible to insure his/her spouse and minor children through resources of the state budget of Georgia. The state compulsory life and health insurance shall also be granted to a medical servant who performs his/her official activity within a penitentiary facility.

3. A person shall be recruited on the basis of a labour agreement if he/she, based on the personal and business qualities, education and health status, is capable of performing functions and duties defined under the labour agreement.

4. A person shall be recruited to the Service on the basis of a labour agreement under the procedure established by the Organic Law of Georgia the Labour Code of Georgia.

5. During the period of being under the command of the Human Resources Department, a Servant shall, for two months, maintain the salary commensurate with his/her last position held.

6. A Servant who, for performing official duties, uses a state-owned transport vehicle or a personal transport vehicle shall be provided with fuel by the State.

7. For performing official activities, a Servant of the special and civil divisions of the Service:

a) shall be paid salary, which includes the official salary and an increment determined for a special state rank (the increment shall be awarded to only a Servant with a special state rank);

b) may be granted a monthly salary increment for the years of service (the years of service will include the years of service with a military and/or a special state rank, including the service at other state institutions of Georgia, except for the compulsory military service);

c) may be paid, considering the overtime work and/or the extremely responsible functions imposed, within the limits of savings made annually in the labour remuneration fund, other increments during the financial year, under the established procedure;

d) may be paid other increments and compensation provided for by the legislation of Georgia.

8. A Servant of the special and civil divisions of the Service shall be paid a monthly increment during the reporting month, based on the quality, volume and difficulty of the work performed, under an individual administrative and legal act of the General Director of the Service. The limited amount of the increment provided for in this paragraph shall be determined by the Minister.

9. The source for forming the labour remuneration fund of Servants shall be the appropriate budget. The reduction in budget allocations may not be a basis for reducing the labour remuneration of a Servant.

10. An increment provided for by this article shall not be paid to a Servant, or it may be reduced during the period of disciplinary liability imposed on him/her.



11. The salary, an increment or a monetary reward provided for by this article shall be paid to a Servant in the form of non-cash settlement.

12. Any damage a Servant of the special and civil divisions of the Service has incurred when performing the official duty shall be fully compensated for from the state budget of Georgia.

13. The amount of labour remuneration in the Service (official and rank salaries, an increment and a monetary reward) shall be defined by an order of the General Director of the Service.

14. If a Servant of the special and civil divisions of the Service dies while performing the official duty, a lump sum financial allowance of not more than GEL 15 000 (fifteen thousand) shall be paid to his/her family (inheritor). In the case provided for in this paragraph, the burial expenses of the Servant shall be paid by the State.

15. If a Servant of the special and civil divisions of the Service injures his/her health while performing the official duty, a lump sum allowance shall be paid to him/her, under a legal act of the General Director of the Service, in the following amounts:

a) for serious injury to health – GEL 7 000 (seven thousand);

b) for less serious injury to health – GEL 4 000 (four thousand);

c) for slight injury to health – GEL 2 000 (two thousand).

16. The amount of a monthly salary increment for the years of service of a Servant of the special and civil divisions of the Service, the amount of an increment for special state rank, and the procedure for awarding another increment and for its payment to a Servant shall be determined by the Minister.

17. The amounts of increments for Servants of the social services of the Service, and the procedure for payment thereof shall be determined by the Minister.

Law of Georgia No 3129 of 5 July 2018 – website, 11.7.2018

Article 40 – The state compensation, extra social guarantees and privileges

1. The state compensation shall be granted to a Servant and his/her family member under the procedure and in the amount determined by the Law of Georgia on State Compensation and State Academic Stipends.

2. In accordance with the legislation of Georgia, within the limits of the state budget allocations, by order of the Minister and based on an appropriate justification, extra social guarantees and privileges not provided for by this Law may be defined for a Servant of the special and civil divisions of the Service.

Law of Georgia No 3129 of 5 July 2018 – website, 11.7.2018

Chapter X – Transitional and Final Provisions

Article 41 – Measures related to the entry into force of this Law

1. Before 1 September 2015, the Minister shall issue the subordinate normative acts provided for by this Law.

2. Before 1 September 2015, the Training Centre shall develop programmes required for certification and submit them to the Minister, and shall put such programmes into effect within the time limits set by the Minister.

3. A person who is an employee of the system of the agencies of enforcement of detention and imprisonment as of 1 June 2015, and who works in the Special-Purpose Office, the Head Office of the Security, the Special Registration Office or in the Head Office of the Exterior Guard and Escort Team of the Corrections Department, a state subordinate agency operating within the Ministry of Corrections and Legal Assistance of Georgia, may, at the time of a reorganisation/liquidation, and with his/her consent,



be transferred, without competition, to another position, under an order of the person authorised to appoint the employee to a position, in accordance with the terms provided for by Article 42(1) of this Law. The said employee shall retain military or special state rank. Issues related to awarding him/her a further special state rank are regulated by the Law of Georgia on Special State Ranks.

4. A person who is an employee of the system of the agencies of enforcement of detention and imprisonment as of 1 June 2015, and who works in the Safety Department, the Legal Regime Department, the Special Registration Department or the Duty Office of a facility of enforcement of detention and imprisonment, may, at the time of a reorganisation/liquidation, and with his/her consent, be transferred, without competition, to another position, under an order of the person authorised to appoint the employee to a position, in accordance with the terms provided for by the Article 42(1) of this Law. The said employee shall retain military or special state rank. Issues related to awarding him/her a further special state rank are regulated by the Law of Georgia on Special State Ranks and the Law of Georgia on Military Duty and Military Service.

5. If an employee refuses transfer to the proposed position, the person authorised to appoint the employee to a position may discharge the employee from the Service because of liquidation. An employee who is discharged from the Service because of liquidation shall receive compensation as determined by Article 109 of the Law of Georgia on Public Service.

6. The employees defined in paragraphs 3 and 4 of this article (except the officials defined in Article 8(9) of this Law), after being appointed, shall continue to work until receiving the certificate provided for by Article 8 of this Law, but no later than 1 January 2017. Refusal to take certification or not to receive the certificate shall be the basis for the termination of the official duties of an employee.

7. The Ministry shall ensure the implementation of the respective measures related to the enforcement of this Law.

Article 42 – Issues related to the certification and retraining of an employee

1. The Servants of the system of the agencies of enforcement of detention and imprisonment who continue to work in the Service after the liquidation of the Corrections Department, a state subordinate agency operating within the system of the Ministry, shall take certification at the Training Centre, before 1 April 2017, if, under Article 8 of this Law, a certificate is required for their position.

2. The Ministry shall create appropriate conditions in order to train the persons defined in paragraph 1 of this article for the certification within the set time limit.

3. The Minister shall develop and approve the schedule for the retraining and certification of Servants.

Law of Georgia No 188 of 22 December 2016 – website, 29.12.2016

Article 43 – Temporary procedure for appointment of an employee to a position

1. Until 1 October 2015, in a special case, where the absence of an employee poses a threat to the department and/or the fulfilment of the objectives imposed on a penitentiary facility, the Minister and the director of the Department shall appoint a respective employee to the position without competition as provided for by the legislation of Georgia.

2. The employees defined in paragraph 1 of this article (except the officials defined in Article 8(9) of this Law), after being appointed, shall continue to work until receiving the certificate provided for by Article 8 of this Law, but no later than 1 January 2017. Refusal to take certification or not to receive the certificate shall be the basis for the termination of the official duties of an employee.

3. Until 1 March 2017, the Minister and the director of the Department are authorised to appoint a person to a position without competition for no longer than 6 months of probationary period.

4. An employee appointed to a position for probationary period based on paragraph 3 of this article (except the officials defined in Article 8(9) of this Law), shall immediately take the primary training course in the Training Centre. After successfully taking this training course during the probationary period he/she also shall take the mandatory special professional training course as provided for by Article 8(3) of this Law.

5. An employee appointed to a position for a probationary period based on paragraph 3 of this article may be discharged from the



position if he/she:

- a) refuses to take the primary training course;
- b) receives unsatisfactory results after taking the primary training course;
- c) refuses to take the mandatory special professional training course;
- d) fails to obtain a certificate after passing the examinations of the mandatory special professional training course.

Law of Georgia No 4580 of 27 November 2015 – website, 10.12.2015

Article 44 – Entry into force

1. This Law, except for Article 8 of this Law, shall enter into force from 1 July 2015.
2. Article 8 of this Law shall enter into force from 1 September 2015.

President of Georgia

Giorgi Margvelashvili

Kutaisi,

1 May 2015

No 3524-III

