

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



**ON THE BASIS OF GYLA`S CLAIM THE
CONSTITUTIONAL COURT HAS
RECOGNIZED THE RIGHT OF
UNDRESSING A PRISONER TO BE
UNCONSTITUTIONAL**

On July 26 2018, the Constitutional Court announced a decision on Nana Parchukashvili`s case. GYLA advocated for the interests of the claimant. The constitutional Court recognized the norm of the Order #200 of the Minister of Corrections, Probation and Legal Assistance, issued on August 1, 2013 to be unconstitutional, the norm envisaged the possibility of undressing the prisoner. In this

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case, GYLA asserted that the illicit subjects (knife, narcotic drugs etc.) in the body of the prisoner can be detected without undressing the prisoner through the scanner. Besides, the applicable norm did not define the number of times the measure of undressing should be used a day.

The order did not specify the cases in which the director had the right to use the undressing measure. The Constitutional Court considered that the applicable norm violated Article 17, paragraph 2 of the Constitution, which prohibits inhuman and degrading treatment, as well as the right of private life recognized by the Article 20 of the Constitution in the part of director`s right to strip the prisoner unrestrictedly.

It is noteworthy that the Minister of Corrections and Probation had recognized the applicable norms to be void before the decision was made by the Constitutional Court, in particular, by the order of the Minister issued on April 30, 2017 (the cancellation of the norm took in effect on September 1, 2017). It should be noted that GYLA addressed the Constitutional Court on August 25, 2015, when the norms recognized to be unconstitutional were still in force.