

COMMISSIONED STUDY

NEEDS AND PRIORITY

ISSUES OF WOMEN

PRISONERS IN GEORGIA



2014, Tbilisi

Prepared by PRI (Penal Reform International)
for UN Women / EU Project Innovative Action
for Gender Equality



Project is funded by the European Union



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The publication was prepared within the framework of the UN Women Project "Innovative Action for Gender Equality," with the financial support of the European Union. *The contents of this publication are the sole responsibility of Penal Reform International (PRI) and can in no way be taken to reflect the views of the European Union.*

Research consultants:

Tsira Chanturia, Irena Gabunia
Penal Reform International

Printed by "Fountain Georgia, Ltd."

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ISBN 978-1-936291-92-2

FOREWORD



Globally more than half a million women and girls are in prison serving a sentence following conviction, or awaiting trial. They represent an estimated two to nine per cent of national prison populations. Criminal justice systems routinely overlook the specific needs of these women and girls, which are different from those of male prisoners.

In 2013 UN Women Georgia with generous support from the European Union Delegation to Georgia and in cooperation with the Penal Reform International South Caucasus Regional Office, conducted a study on *The Needs and Priority Issues of Women Prisoners in Georgia*. The study focused on the compliance of legislation and practice in Georgia with the United Nations Rules for the Treatment of Female Prisoners and Non-custodial Measures for Women Offenders (Resolution A/Res/65/229), also known as the Bangkok Rules. The primary goal of the research was to assess the needs of prisoner, probationer, and

former prisoner women and identify gaps in policies and implementation to provide recommendations to relevant institutions and decision-makers.

The findings of the study, among others, revealed the need of reducing the imprisonment of women taking into consideration their history of victimisation and caretaking responsibilities, designing rehabilitation programmes for women serving long prison terms, including life sentences, and, last but not least, developing long-term rehabilitation programmes for probationer and former prisoner women in cooperation with civil society organisations. We also hope that many of the findings will provide necessary evidence for civil society actors advocating for better fulfillment of the human rights of prisoner, probationer, and former prisoner women and girls in Georgia.

Erika Kvapilova

UN Women Representative in Georgia

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List of abbreviations and acronyms

CHCA – Charity Humanitarian Centre “Abkhazeti”
IAGE – Innovative Action for Gender Equality in Georgia
MOC – Ministry of Corrections
NORLAG – Norwegian Mission of Rule of Law Advisers to Georgia

EXECUTIVE SUMMARY

UN Women in the framework of the EU-funded project “Innovative Action for Gender Equality in Georgia” (IAGE) contracted Penal Reform International’s (PRI) South Caucasus Regional Office to conduct a research of the needs and priorities of women prisoners, former prisoners and probationers. The end goal of the study has been to use its results and recommendations for advocacy purposes with relevant authorities for the improvement of identified policy and service provision gaps and challenges.

The study focused on the compliance of existing law and practice with respect to women offenders to the United Nations Rules for the Treatment of Female Prisoners and Non-custodial Measures for Women Offenders (Resolution A/Res/65/229), also known as the Bangkok Rules. The Bangkok Rules represent a gathering of international best practices that countries may wish to take into consideration as background information and guidance when designing and implementing their own rules concerning the needs and priorities of women and girls in their criminal justice systems. The Bangkok Rules supplement the UN Standard Minimum Rules for the Treatment of Prisoners and the UN Standard Minimum Rules for Non-custodial Measures. These Rules are of critical importance internationally, as well as nationally, since women and girls are in the minority of prisoners around the world and their characteristics and needs as subjects of criminal justice systems have tended to remain unacknowledged or little understood, with their needs insufficiently met¹.

The study was conducted in the period of October-November 2013 through a combination of anonymous and voluntary questionnaire surveys of target group discussions (beneficiaries), focus groups and in-depth interviews. Some 104 women offenders were surveyed (40% of the total at that time) in two penitentiary institutions: Women’s Prison No. 5 in Rustavi and Kutaisi Prison No. 2. Five focus group discussions and seven in-depth interviews were conducted with female inmates. Any woman prisoner willing to partake in the survey, focus groups

or in-depth interviews was welcome, so the method of self-selection was exclusively used. The study of women on probation included only questionnaire surveys and reached out to 86 female probationers (13%). Research methodology with released women included questionnaire surveys and focus group discussions and aimed to identify the most topical issues and needs facing women after release. This part of the research covered 11 women, only those who agreed to participate in the study. Stakeholder interviews were held with respective government officials and non-governmental organisations. In addition, desk review was undertaken to gather baseline information on the existing regulatory legislative framework and any available reports on needs and conditions, as well as other issues, facing women offenders.

The study looked at demographic data, social and economic status, crime statistics and the rate of re-offending, contact with the outside world, healthcare, sanitation and hygienic needs, as well as the rehabilitation and re-socialisation needs of women prisoners, former prisoners and probationers. Just under a quarter of women who participated in the survey had been convicted prior to serving their current sentence. They were asked what problems they had faced on release previously with the most serious problem being stated that a criminal record prevented them from finding employment. Secondary to this was the stigma of having been convicted, as well as having a drug/alcohol dependency. As many as 86% of previously convicted women prisoners had not received any assistance in reintegration. Only 14% had received assistance, mainly from the Social Service Agency, the government health service, and NGOs. As many as 28% of the surveyed women prisoners reported having been a victim of violence in their lifetime and of them only 40% have reported instances of violence to prison authorities, others refrained for various reasons and their majority did so because they did not know relevant legislation and that they had rights that were violated.

1 Source: http://www.penalreform.org/wp-content/uploads/2013/05/PRI-QUNO_English_1-1.pdf

According to the regulations², convicted women prisoners are entitled to three short-term family visits (which last up to two hours and are held with a certain circle of family members as defined by the legislation), and one additional short-term visit as a form of incentive per month. For the time being, women prisoners are not allowed long-term family visits which last for 24 hours in special accommodation; an option currently most male prisoners can enjoy (except for some in closed-type prisons as set out by legislation). At present, there is no relevant infrastructure in place for such long-term family visits. This is a clear instance of discrimination. The Bangkok Rules call for the equal provision of conjugal visits for women and men prisoners to eliminate discrimination in this regard as stipulated by Rule 27.

The study findings revealed the need to incorporate and implement the UN Bangkok Rules in Georgia's relevant policies and legislation that target women offenders, women probationers and former priso-

ner women. Some of the key recommendations stemming from the study findings concern reducing the imprisonment of women taking into consideration their history of victimisation and caretaking responsibilities; improving prison health care services by prioritising gender-specific health care in women's correctional institutions; designing rehabilitation programmes for women serving long prison terms, including life sentences; piloting individual sentence planning for women prisoners; improving the provision of gender-specific and other needs for socially vulnerable prisoners; facilitating improvement of contact with the outside world through simplifying the use of telephone cards and creating infrastructure for long-term family visits; undertaking the responsibility for the inclusion of former prisoners and probationers in the state programmes; developing long-term rehabilitation programmes for probationer and former prisoner women in cooperation with the civil sector.

2 Order No.97 of the Minister of Corrections and Legal Assistance, dated 30 May, 2011 approving internal rules of different types of prison facilities

A. INTRODUCTION, PROBLEM DESCRIPTION AND OBJECTIVE OF THE STUDY

Women represent a very small minority of prisoners in Georgia, constituting just 2.8% of the total prison population. Their needs and priorities often differ from those of the general male population and, thus, they can be neglected. In the frameworks of this study, PRI conducted in-depth research regarding the background, characteristics, treatment, and needs and priorities of a representative sample of current and former prisoner women in Georgia. In total, 40% of all women prisoners and 10% of all women on probation were surveyed and interviewed during the research process in October – November 2013. This research was framed by the United Nations Rules for the Treatment of Women Prisoners and the Bangkok Rules.

The objective of the study is to support the implementation of the Bangkok Rules. Therefore, all the key findings and observations of the study are presented and analysed from the viewpoint of their compliance with the Bangkok Rules. There is also an intention to increase knowledge and understanding of this minority group so that policy-makers and practitioners can develop a criminal justice and penal system for women that is effective, proportionate and gender-sensitive. It is worth emphasising that treating women offenders and prisoners differently from their male counterparts is not unfair or discriminatory. In fact the reverse is true. Women offenders and prisoners have distinctive needs that must be identified and addressed so that they receive equitable treatment.

B. DESCRIPTION OF THE STUDY METHODOLOGY

A variety of quantitative and qualitative research methods were used to gather data and information from both women prisoners and women on probation:

- i. At the time of the research in November 2013, there were 257 women prisoners in Georgia, of whom 39 were in pre-trial detention and 218 were convicted. A total of 104 women prisoners out of the total of 257 completed a **questionnaire**. This represents 40% of the total number of women prisoners. Of those who completed the questionnaire, 77% were convicted prisoners, and the remaining 23% were in pre-trial detention. Most women were surveyed in Women's Prison No. 5 but twelve were also surveyed in Kutaisi Prison No. 2 where a small number of women pre-trial detainees from West Georgia are usually accommodated. The women completed the survey on a voluntary basis and were selected at random³. Any woman prisoner willing to partake in the survey, focus groups or in-depth interviews was welcome, so the method of self-selection was exclusively used. The data gathered in these questionnaires was then entered into a database specifically designed by sociologists in London at PRI's request to collate and analyse this information. This model was then used in various studies⁴.
- ii. Based on the analysis of general statistical data, the total sum of the error rate of the present study amounts to 6.2%.
- iii. The answers to each of the questions in the questionnaires used in the present study were summarised in an electronic format and reflect the reality and information, obtained from the accused/convicted women, preserving their anonymity. In addition, the information used in

the study relies on material provided by various state agencies and NGO representatives.

- iv. Some accused/convicted women surveyed using the questionnaire also took part in focus group discussions and in-depth interviews. It should also be noted that several issues given in the questionnaire were widely discussed in the focus groups and in-depth interviews, the narrative (non-quantitative) information reflecting which is given in various chapters of the present study.
- v. Other women prisoners took part in **focus groups or in-depth interviews**. Among these were 79 convicted women (two of whom are serving life sentences) and 25 pre-trial detainees. The topics covered in focus groups held with the convicted women inmates included meals, health care, early release mechanisms, rehabilitation programmes, complaints, living conditions, restorative justice, contact with the outside world, problems in the relationship with their children, etc. The focus groups with convicted women prisoners comprised of four to seven women and lasted up to an hour. In-depth interviews were held with those women prisoners who preferred privacy and wished to have a tête-à-tête interview on particular concerns and issues. A separate focus group was held with four women who are accommodated in the Mother and Infant Unit at the Women's Prison No. 5 together with their young children (up to the age of three years). This focus group was specifically devoted to issues facing them and their children. Women pre-trial detainees in Kutaisi Prison No. 2 mainly participated in two focus groups (conducted in the cells where they were accommodated), which focused on issues surrounding entitlements, provisions and

3 Source: Questionnaire surveys and focus group meetings with women prisoners were held on 12, 13, 22, 25 and 26 November 2013 at establishments No. 5 and No. 2.

4 Source: <http://www.penalreform.org/resource/women-prisoners-survey-results-armenia-georgia/>
<http://www.penalreform.org/resource/women-prisoners-survey-results-kazakhstan-kyrgyzstan/>

shortcomings encountered by women prisoners in pre-trial detention. All of the data collection methods were applied in the absence of prison staff. Altogether, five focus groups and seven in-depth interviews were held in the period of October-December 2013.

- vi. Stakeholder interviews were held with respective prison directors and deputies, prison social workers, prison authorities from the Ministry of Corrections, the National Probation Agency, the Centre for Crime Prevention and Innovative Programmes, as well as civil society organisations working on the issues of women prisoners: Women in Business Association, Charity Humanitarian Centre “Abkhazeti” (CHCA), Association of Professional Psychologists, Women’s Club PEO-NI and Global Initiative on Psychiatry.
- vii. Research methodology with women on probation included only questionnaire surveys.
- viii. Research methodology with released women included questionnaire surveys and focus group discussions and aimed to identify the most topical issues and needs facing women after release. This comprised of a small group of women beneficiaries of the Centre for Crime Prevention and Innovative Programmes.
- ix. The questionnaires were designed in accordance with standards set out in the Bangkok Rules concerning women prisoners, probationers and ex-convicts. The questionnaires also included information on the standards and legal regulations established by Georgian legislation in the field of corrections and probation.

- x. Desk review was undertaken to gather baseline information on the existing regulatory legislative framework (Code on Imprisonment, bylaws and internal regulations of prisons, the provisions of penitentiary institutions, strategy documents, etc.) and any available reports on needs and conditions, as well as other issues, facing women offenders.

Selected methods were used to obtain the maximum amount of information on the issues of interest. Specifically, a questionnaire survey was used to cover different target beneficiaries of the study and to gather quantitative information. Other methods used, including focus group discussions and in-depth interviews, as well as interviews with key stakeholders, were designed to obtain qualitative information to complement the questionnaire.

Table no. 1:
Number of Women Prisoners Surveyed

Penitentiary establishment	Overall Number of women prisoners	Number of women prisoners in pre-trial detention	Surveyed
Total	257	39	40%
Women’s Prison No. 5	245	30	102
Kutaisi Prison No. 2	12	9	2

C. DATA ANALYSIS AND KEY FINDINGS OF THE STUDY

Survey among Women Prisoners

Key Findings Regarding Background of Women Prisoners

1. Age, nationality, marital status and children

- Over a third of surveyed women prisoners are aged between 41 and 50 years while just 2% are aged between 19 and 21.
- There were no girl prisoners under the age of 18 held in the facility at the time the survey was conducted. The young girls are usually accommodated at the Women's Prison No. 5, in separate cells while being permitted to attend school-equivalent classes in the facility.

Table no. 2:
Age of women prisoners

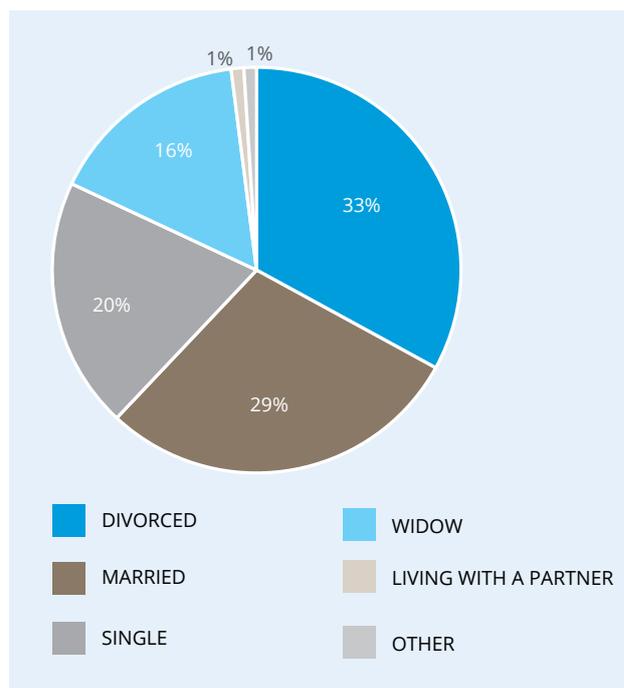
Age of women prisoners	Percentage of surveyed
41 and 50	37%
31 to 40	23%
51 and older	24%
22 to 30	14%
19 to 21	2%

- There were 18 women prisoners of retirement age (above 60) at the Women's Prison No. 5⁵.
- There were 10 foreign national women prisoners detained at the Women's Prison No. 5 coming from Azerbaijan, Russia, Turkey, Uzbekistan, Armenia and Ukraine⁶.
- A third of the women surveyed are married, over a third are divorced and a fifth are single.

5 Source: Data from the National Statistics Service, October 2013

6 As above.

Chart no. 1:
Marital status of women prisoners

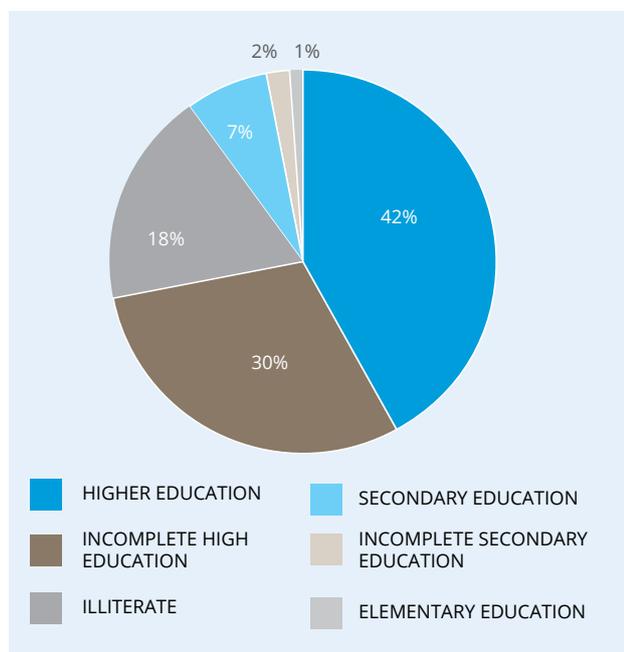


- 80% of the interviewed women have children (a total of 83 women, of whom 37 have minor children).
- 80% of women surveyed have children and 36% have children who are under the age of 18. The majority of these children (61%) are living with the mother's family, 4% are placed in state institutions and 2% live in the prison with their mothers. Other children live with their fathers, a relative or on their own.

2. Education and employment

Chart no. 2:

Education Level of Women Prisoners



- Only 2% of women prisoners surveyed are illiterate whilst 42% have completed higher education (Bachelor's degree and above) and 30% have completed secondary education (full schooling of 11 or 12 grades).
- About 43% of women say that they have an average family income whilst 26% state that they are poor or very poor.
- Some 55% of the women prisoners had a paid job at the time of their arrest. Of those, 41% had their own business, 11% were public officials, 6% were teachers, 6% were shop employees, 1% were doctors and 1% were stylists. Other jobs (27%) included being a nanny (in Georgia or abroad), a translator, cashier at a bank, freelance journalist, a manager, pharmacist, real estate agent and project coordinator at a non-governmental organization.

Table no. 3:

Social and Economic Status of Women Prisoners⁷

Social and economic status as reported by the respondents	Percentage of surveyed women prisoners
With average household income	43%
Homeless	20%
Poor (under 300 GEL income)	18%
Socially vulnerable	11%
IDPs	8%
Very poor (under 100 GEL income)	8%

3. Offences Committed and Charges

Approximately 77% of those who completed the questionnaire and were interviewed were convicted prisoners, and the remaining 23% were in pre-trial detention. Respondents were convicted or charged with the following offences:

- Some 40% were convicted or charged with non-violent crimes against property such as theft, embezzlement, fraud and extortion.
- In total, 27.8% of women prisoners had been convicted of, or charged with, drug-related offences including drug dealing, transit, transportation and possession in large quantities.
- Only 5.7% of women had been charged with, or convicted of, murder-related offences.
- Around 4.8% of women were charged with, or convicted of, crimes such as the illegal deprivation of liberty, hostage-taking, violating property rights and/or violating rights to vote and strike, as well as rules of labour security.

⁷ The total sum of percentage indicators amounts to 110.89%, which in turn is caused by the fact that some respondents selected more than one option while answering the relevant questions

Table no. 4:
Types of Offences Committed by Women Offenders⁸

Offences committed by women offenders and charges	Percentage
Property crimes	40%
Drug-related crimes	27.8%
Unspecified	18%
Murder-related crimes	5.7%
Crimes against the state (espionage, terrorism, etc.)	5.7%
Crimes against rules of governance (fraud against the state)	2.8%
Traffic crimes	0.9%
Disorganising the operation of a prison	0.9%

4. Amnesty, pardon and early conditional release

Rule 61 of the Bangkok Rules stipulates that *When sentencing women offenders, courts shall have the power to consider mitigating factors such as lack of criminal history and relative non-severity and nature of the criminal conduct, in the light of women's caretaking responsibilities and typical backgrounds. In addition, Rule 64 of the Bangkok Rules states that Non-custodial sentences for pregnant women and women with dependent children shall be preferred where possible and appropriate, with custodial sentences being considered when the offence is serious or violent or the woman represents a continuing danger, and after taking into account the best interests of the child or children, while ensuring that appropriate provision has been made for the care of such children.*

According to **Rule 63 of the Bangkok Rules**, decisions regarding early conditional release (parole) shall favourably take into account women prisoners' caretaking responsibilities, as well as their specific social reintegration needs.

Georgian legislation provides for several mechanisms of early release for prisoners (before the full prison term is served) including amnesty, pardon and

early conditional release (parole). An additional and relatively recently activated mechanism is the release of prisoners on the grounds of poor health and old age. Different governmental bodies are responsible for decision-making under these different mechanisms.

Amnesty

According to Article 77 of the Criminal Code of Georgia, an amnesty is declared by the Parliament of Georgia to be applied to individually unspecified persons. The amnesty may discharge a criminal offender from criminal liability, and a convict may be discharged from his/her punishment, or the punishment may be mitigated or replaced with a more lenient sentence. Amnesty may nullify previous criminal record and can be general, encompassing all individuals who are charged with, or convicted of, specified crimes, or it can be partial and include only a certain category of offenders. About ten acts of amnesty have been issued since 1995⁹, which were mainly linked with significant public holidays. The most recent amnesty was the most wide-scale, covering over 17,000 prisoners and several tens of thousands of probationers. It took effect on January 12, 2013 and affected almost all prisoners except for those serving life sentences and those

⁸ The total sum of percentage indicators amounts to 101.8%, which in turn is caused by the fact that some respondents selected more than one option while answering the relevant questions

⁹ Dated June, 1995; 18 September, 1996; 28 December, 2000; 29 November, 2007; 21 November, 2008; 11 July 2009; 20 November 2009; 20 April 2010; 14 June 2011; 28 December 2012.

who committed crimes after October 2, 2012. Some prisoners were released from prison, while others had their sentences reduced. Article 4 of the Act of Amnesty specifically stipulated the reduction by one third of a prison sentence for women offenders who committed grave or particularly grave crimes except for murder or manslaughter. The number of female prisoners released on amnesty from January 2013 to the end of October of the same year was 429 from a total of 8,720 (i.e. almost 5%)¹⁰.

Pardon

According to Article 78 of the Criminal Code of Georgia, the President of Georgia may grant pardon to specified individuals. The Act of Pardon may discharge a convict from serving the remainder of a sentence, or mitigate or replace a punishment with a more lenient one. It may also nullify previous criminal convictions. Rules of the application of pardon are defined by the Presidential Decree No. 277¹¹. Prisoners must have served a certain length of their sentence (depending on the severity of the crime) in order to be eligible for pardon.

Solicitations of pardon are referred to the President by the Pardon Commission whose composition is determined by a Presidential Decree and can include members of the Parliament, the Ombudsman and other public figures.

Parole

According to Article 72 of the Criminal Code of Georgia, prisoners may be released on parole upon the decision of a parole board if a certain length of the prison sentence (depending on the gravity of the crime) has been served and the parole board decides that for the prisoner's reformation, serving the full sentence is not required. The minimum prison sentence served should not be less than six months. Supervision over the parolee is exercised by the National Probation Service. Articles 40, 41 and 42 of the Code on Imprisonment offer further provisions on the operation of the parole system.

Local parole councils (parole boards) were established and began operation on October 1, 2010

as the Code on Imprisonment, which envisions a new parole system, came into force. Currently, there are three parole boards (one of them reviews juvenile cases) that receive applications from convicts accommodated in prisons in West and East Georgia. Rules of operation for the boards are stipulated in the statute approved by Order No. 151 of the Minister of Corrections¹². Criteria for parole decision-making include: conduct of a prisoner during the serving of his or her sentence, previous conviction, character of committed crime, personality of offender, family background, whether the purpose of a punishment has been attained, and other circumstances¹³. Besides reviewing applications, the boards might also interview prisoners in order to obtain additional information about the parole candidate. The boards are also entitled to make a decision about the substitution of the remaining part of the prison sentence (after at least one third of the term has been served) with a more lenient punishment (e.g. restriction of liberty, community service, etc.) in line with Article 73 of the Criminal Code and Article 43 of the Code on Imprisonment.

The legislation (Article 44 of the Code on Imprisonment) also envisions the operation of a Standing Commission which is a supervisory body for parole boards. It can review decisions made by the boards and make a new ruling which can be appealed at an administrative court.

Compassionate release

In accordance with Article 74 of the Criminal Code, as well as Article 37 of the Code on Imprisonment, the joint Standing Commission of the Ministries of Health and Corrections is entitled to make decisions on the early, or compassionate, release of terminally ill or elderly prisoners. The new operational commission was established by a joint Order No. 181/N01-72/n of the two relevant ministers on December 18, 2012, which outlines this body's rules of operation, composition and decision-making. A list of grave and incurable diseases due to which prisoners can be eligible for early release are defined by Order N01-6/n of the Minister of Health (15 February, 2013). In the period of 2006-2012, release from prison or arrest of judgment due to illness were dealt with

10 Data of the Ministry of Corrections, as of the 3rd quarter of 2013

11 Dated 19 July, 2004

12 Dated 28 October, 2010

13 Art. 42.4 of the Code on Imprisonment

ineffectively, as evidenced by official statistics and mortality rates in the prison system. In particular, up to 2,000 applications to the Standing Commission were registered over the given period but only 22 were satisfied: 7 due to illness and 15 due to advanced age¹⁴.

Some 62% of surveyed women prisoners had applied for a pardon or early conditional release from prison on parole whilst 19% had not:

- 57% had applied for pardon;
- 21% had applied to the Temporary State Commission on Miscarriages of Justice¹⁵;
- 16% had applied to parole boards for early conditional release;
- 9% had requested a suspension of sentence (due to pregnancy or health problems)¹⁶.

There were some prisoners at the Women's Prison No. 5 who believed they were victims of a miscarriage of justice. However, no specified number was identified. Many women had been convicted of an offence under Article 180 of the Criminal Code which deals with fraud. Problems had arisen, since women had been convicted for a failure to pay debts, although this is not strictly covered under the Code.

Other prisoners have served lengthy sentences and at the time of the study, were applying for early release. Although many of them were covered under the 2013 amnesty with their sentences shortened by a quarter, a third, or a half, depending on the type and gravity of offences committed, still had many years to serve. The legislative amendments to the Criminal Code, which envisions the repeal of consecutive sentencing, has also considerably affected the prison terms¹⁷.

Three women prisoners are currently serving life sentences. One woman serving a life sentence was released at the end of 2012 by the joint Commission of the Ministry of Health and the Ministry of Corrections on the grounds of suffering from a terminal disease.

There were four women serving their prison sentences in the Mother and Infant Unit held together with their young children (under the age of 3 years). They are all asking for an ad hoc pardon to have their prison terms reduced as they are not yet eligible for parole. All were convicted of manslaughter/murder meaning that Article 4 of the recent amnesty does not affect them.

Since the end of 2012, the parole mechanism has been applied much more frequently than before. This change was brought about by a change of government and changes within the Ministry of Corrections. Throughout 2013, the parole boards and the Standing Parole Commission have held meetings and decision-making sessions on a monthly basis. The criteria for decision-making has also been more streamlined compared to practices in previous years. Starting from May 2013, the decision-making has included actual interviews of the parole board with women prisoners who had lodged applications. When weighing up a candidate's eligibility for early conditional release, the board considers: previous convictions (if any), the severity of the crime, the state of the woman's health, the personality of the offender, behaviour in prison, family background and likelihood of risks of re-offending. To assist the board in their decision-making, reports are provided by psychologists and social workers.

Furthermore, there are significant changes planned regarding the composition and rules of operation of the parole boards, which, it is hoped, will improve the practice of parole decision-making in the future.

Around 190 women prisoners were released on parole between February and November, 2013, including two pregnant women and one woman living in prison with her child. Most were elderly and/or were suffering from grave health problems. In addition, the Joint Standing Commission of the Ministry of Health and the Ministry of Corrections has released over a dozen women prisoners on the grounds of poor health and/or old age (over 65 years).

14 Source: <http://liberali.ge/ge/liberali/news/114936/>

15 The State Commission has not been established by the authorities, therefore, the indication to this commission refers to the fact that women prisoners had addressed their complaints on criminal cases to the Prosecutor's Office pending the establishment of the commission.

16 Some surveyed women prisoners had applied to more than one mechanism.

17 In May 2013 a legislative amendment was introduced to the Criminal Code by the parliament repealing cumulating of sentences for multiple crimes by which sanctions for separate crimes would be added up completely (effective since December 29, 2006) leading to lengthy prison sentences even for multiple petty crimes. The current practice uses concurrent sentencing for multiple crimes by which the longest sanction would encompass smaller ones.

To put this into some context, between October 1, 2010, when parole boards were first established, and September 30, 2012, a mere 40 women were given early conditional release out of a total of 841 parolees (i.e. 4.7 percent of all parolees were women including one girl who was under 18). In total, 250 women prisoners (including 1 juvenile female) of a total of 1967 parolees were released on parole between October 1, 2012 and August 27, 2013 (i.e. 12.7% of all parolees were women)¹⁸.

The number of female prisoners released on amnesty between January 2013 and the end of October of the same year constituted 429, from a total of 8,720 (i.e. almost 5%)¹⁹.

There were 28 women prisoners pardoned between January and October, 2013²⁰.

Table no. 5:
Released Women Prisoners (2013)

	Under amnesty	Under pardon	On parole
Number of women prisoners released in 2013 (until end Oct)	427	28	171

5. Access to Appeal Mechanisms

The data provided below refers both to the complaints against the prison administration and the appeals made against court decisions holding women accountable for crimes.

As defined by Rule 25 (1) of the Bangkok Rules, women prisoners who report abuse shall be provided immediate protection, support and counselling, and their claims shall be investigated by competent and independent authorities, with full respect for the principle of confidentiality. Protection measures shall take into account specifically the risks of retaliation.

Article 96 of the Imprisonment Code of Georgia establishes the relevant basis for filing a complaint. This might include not only the act (action or omis-

sion) of the staff of the penitentiary system, but also the legal act, decision and other violations of rights determined by the Code. Individual and collective appeals can be submitted to relevant authorities through a “complaints box” located in each block of the penitentiary establishment accessible to all convicts (Article 100 (1)). Prisoners are authorised to file a confidential complaint if they wish to do so by using special envelopes (Article 104 (1)). The Imprisonment Code of Georgia ensures the review of a complaint by competent authorities (Article 98) and within a reasonable duration (Article 103), i.e. 5 (Director of the Establishment) or 10 (Chairman of the Department) days, which can be extended for a period of no longer than a month. In practice, complaints boxes are seldom used and the complaints or requests are mostly filed through social workers at the establishment instead.

During 2013, according to official information received from the Administration of the Women’s Penitentiary Establishment No. 5, there were no complaints filed either through the complaints box or other avenues for lodging complaints. Based on discussions in focus groups of women prisoners at the time of conducting the study, their main concerns and complaints involved the review of their criminal cases and the proportionality of sanctions, as well as the length of imprisonment, which were addressed to other government bodies.

Georgian legislation considers complaints on torture, and inhuman and degrading treatment as special cases, which must be reviewed immediately. *The Director or designated person of the establishment and/or Special Preventive Group is informed about such complaints within 24 hours* (Article 105). Results of the review are communicated to the complainant within five days after the decision is made (Article 106 (1)), which can be further appealed in accordance with the law (Article 107). As prescribed by the Imprisonment Code, prisoners are provided with a sufficient amount of items (stationery etc.) to file a complaint, however it fails to indicate any supportive measures (including but not limited to psychological or legal counselling) that might be essential for victims of violence. Article

18 Source: Ministry of Corrections www.mcla.gov.ge (consulted in December 2013)

19 Source: Data of the Ministry of Corrections, as of 3rd quarter of 2013

20 Source: the National Statistics Service www.geostat.ge

99 (2) only ensures the assistance of legal counsel if requested by the applicant in the course of drafting a complaint.

Furthermore, information on rules for filing complaints and the appeals procedure prescribed by the law is provided to the convict in written form immediately upon her admission to the establishment

(Article 97 (1)). In spite of the fact that Article 101 (1) ensures the free service of an interpreter for those convicts who are illiterate or do not understand the language of the proceedings, the lack or insufficiency of information on drafting and filing complaints remains a significant problem within the penitentiary department.

Table no. 6:
Use of Right to Appeal²¹

Use of the right to appeal	Percentage of the surveyed women prisoners
Did not use their right to appeal	55%
Used their right to appeal	41%
Did not know they had a right to appeal	4%
Responses to appeals	Percentage of the surveyed women prisoners
Said that they did not get any response	38%
Said their appeals were rejected	35%
Said that the appeal is under review	20%
Said that their appeals were upheld	8%

Key Findings Regarding Care and Treatment of Women Prisoners

6. Access to Health Care

Pursuant to **Rule 6 of the Bangkok Rules**, the health screening of women prisoners shall include comprehensive screening to determine primary health-care needs, and also:

- (a) *The presence of sexually transmitted diseases or blood-borne diseases; and, depending on risk factors, women prisoners may also be offered testing for HIV, with pre- and post-test counselling;*
- (b) *Mental health-care needs, including post-traumatic stress disorder and risk of suicide and self-harm;*
- (c) *The reproductive health history of the woman prisoner, including current or recent pregnancies, child-birth and any related reproductive health issues;*
- (d) *The existence of drug dependency;*

(e) *Sexual abuse and other forms of violence that may have been suffered prior to admission.*

As prescribed by **Rule 10 (1) of the Bangkok Rules** gender-specific health-care services at least equivalent to those available in the community shall be provided to women prisoners

Rule 12 of the Bangkok Rules ensures the availability of individualised, gender-sensitive, trauma-informed and comprehensive mental health care and rehabilitation programmes for women prisoners with mental health-care needs in prison or in non-custodial settings.

In accordance with **Rule 13 of the Bangkok Rules**, prison staff shall be made aware of times when women may feel particular distress, so as to be sensitive to their situation and ensure that the women are provided appropriate support.

21 The total sum of percentage indicators amounts to 125%, which in turn is caused by the fact that some respondents selected more than one option while answering the relevant questions.

Pursuant to **Rule 15 of the Bangkok Rules**, *prison health services shall provide or facilitate specialised treatment programmes designed for women substance abusers, taking into account prior victimisation, the special needs of pregnant women and women with children, as well as their diverse cultural backgrounds.*

Rule 17 of the Bangkok Rules *determines, that women prisoners shall receive education and information about preventive health-care measures, including on HIV, sexually transmitted diseases and other blood-borne diseases, as well as gender specific health conditions.*

According to **Rule 18 of the Bangkok Rules**, *preventive health-care measures of particular relevance to women, such as Papanicolaou tests and screening for breast and gynaecological cancer, shall be offered to women prisoners on an equal basis with women of the same age in the community.*

Article 24 (1) of the Imprisonment Code of Georgia, ensures the right to health care for prisoners. In particular, *an accused/convicted individual has the right to use necessary medical services. In case of necessity, an accused person/convict has access to medication/medical remedies allowed in the establishment for pre-trial detention/deprivation of liberty. If so requested, an accused individual/convict shall be authorised to purchase at own expense more expensive or similar medication and medical remedies, than those procured by the relevant establishment. In case of a reasonable request, with the permission of the Chair of the Department, an accused person/convict is authorised to request the services of a personal doctor at his/her own expense.*

In accordance with Article 119 of the Imprisonment Code of Georgia, medical service for the accused/convicts shall be provided in accordance with the medical service requirements established in the country in the field of health care. The state of health of an accused person/convict is assessed on an annual basis. Any accused individual/convict in ill health is provided with emergency treatment (Article 120 (2)). The Imprisonment Code of Georgia ensures the possibility of undergoing treatment in doctoral-medical units set up in each establishment (Article 121 (1)). Furthermore, pursuant to Article 121 (2), if it is not feasible to provide treatment for an accused person/convict at the doctoral-medical unit, he/she will be transferred to the medical establishment of the department or to a public hospital.

Psychiatric aid for convicts is guaranteed by Article 122 of the Imprisonment Code of Georgia. In particular, if, based on ambulatory examination, a convict displays signs of a psychiatric disorder, then the MOC's Psychiatric Commission will decide whether or not to impose coercive psychiatric treatment in hospital. After this, the administration of the establishment shall apply to a competent forensic institution to conduct a court psychiatric evaluation. The administration of the custodial establishment is liable to address the court in 48 hours with a request for imposing coercive psychiatric treatment based on the conclusion of the Ministry's Psychiatric Commission, if the latter identifies the necessity of imposing such treatment.

Georgian legislation sets a general standard on the medical treatment of prisoners, which applies to both male and female convicts. Neither the legislation, nor the overall policy papers of the Ministry of Corrections of Georgia provide for gender-specific treatment of women prisoners. Georgian legislation or soft law instruments lack standards which ensure the determination of the primary health care needs of women, the provision of preventive health care measures particularly important for women, and education/information thereof. The present study has identified that a significantly low percentage of women prisoners has been provided with gender-specific medical services or relevant information. Of particular importance is the lack of medical staff in penitentiary establishments. Due to the shortage in human resources and the fact that an insufficient number of doctors are assigned to each block of Establishment No. 5, inmates state that they are unable to obtain adequate medical treatment and emergency services. This situation is further aggravated after official working hours as well as on weekends when only doctors on duty are present²².

22 According to information provided by the Medical Department of the Ministry of Corrections, in 2013, there were eight doctors/physicians and ten nurses at the Women's Prison No. 5. There were 32 doctors/physicians and 40 nurses per 1,000 persons in the entire prison system, with 4.9 doctors per 1,000 persons in the public sector in Georgia. In line with the same information, when compared to indicators in various countries, the statistics per 1,000 persons are as follows: in the Netherlands - 3.1 doctors and 13.4 nurses; in Norway - 3.1 doctors and 10.3 nurses; in Great Britain - 2.2 doctors and 8.8 nurses. In addition, consultants of various profiles make weekday visits to the Women's Prison No. 5 as required.

In terms of health care, gender-based needs of convicted women, as well as medical care provided by the state were highlighted within the framework of the study.

- Approximately 76% of convicts stated that their health had deteriorated in prison. For a fifth of women there has been no change, and 3% said that their health had in fact improved.
- When treatment was required, 76% of women have had this provided by the state, 13% have had it provided by family and 11% have provided it themselves (either through purchase of medications or paying for a private doctor's visit).
- Around 76% of respondents confirmed that they had required treatment whilst in prison.
- 74% of those with such needs said treatment was provided, while 26% indicated that they did not receive adequate assistance.
- As many as 75% of respondents indicated that they undergo regular preventive medical examinations (screening).
- Some 59% said that they receive information about various diseases, while 41% said that such information is not provided. According to the Medical Department of the MOC, local doctors do provide information on various diseases to women prisoners.
- For cases where a woman was pregnant or nursing during the detention period, 82% of respondents said that they did not receive proper medical care, with only 18% responding positively to this question, which was assessed as relevant by 38% of the overall respondent pool.
- In the case of health problems, 57% of respondents believe that they do not have the possibility to request a doctor's visit, while 43% believe that this opportunity exists.
- According to information provided by the Ministry of Corrections, where prisoner distrusts the physicians under the supervision of the Medical Department, she may request the services of a personal physician at her own expense.
- For those who do believe doctors can be requested, costs are covered by the inmate's family in 54% of cases, the prisoner herself – in 21% of cases, non-governmental organisations – in 13%, with 13% of cases unspecified.
- About 60% of the respondents said that transfer to a public health care facility is possible if necessary, while 40% indicated that they are not transferred even in cases of necessity.

- Access to health services, according to the interviewed prisoners is as follows: primary (outpatient) health care services are available for 45%, mental health services – for 12%, preventive health care – for 13%, in-patient services – for 11%, HIV/AIDS prevention and treatment – for 7%, drug addiction treatment – for 4%, reproductive and sexual treatment – for 4%, pre- and post-natal treatment – for 3%, and other services – for 12%.

Here, the authors quote official data provided by the Medical Department regarding health services available to women prisoners. The number of consultations and procedures rendered to women prisoners in 2013 amounted to 3,043. Moreover, in terms of mental health, 326 consultations/treatment procedures were carried out at the Women's Prison No. 5 in 2013 (the number of women prisoners that year constituted 250).

- As many as 87% of respondents believe that the prison administration observes confidentiality on the medical condition of inmates' health problems, while 13% believe that they do not²³.
- When needed, medicine is provided by: administration and the medical department – 62%, the pharmacy of the institution – 21%, families and relatives – 16%, NGOs – 1%. Based on the information provided by the Medical Department, in 2013, the Women's Prison No. 5 received 59,410 GEL worth of medication and 13,121 GEL worth of consumables, of which the cost of medicines per woman prisoner amounted to 237.64 GEL, and expenditure for consumables constituted 52.48 GEL.

23 As stated in the Prison Health care Reform Strategy and Roadmap for its Implementation (2013-2014), cases of violation of confidentiality of prisoner patients by medical personnel in penitentiary establishments are frequent. Medical examination of prisoners should be conducted without the presence of third persons, unless requested by a doctor for security reasons. Frequently, however, medical check-ups of prisoners take place in the presence of other prisoners. In its report to the Government of Georgia in 2012, the European Committee for the Prevention of Torture (CPT) called upon the Georgian authorities to ensure that all medical examinations are conducted out of the hearing and - unless the doctor concerned expressly requests otherwise in a particular case - out of the sight of non-medical staff, and that the confidentiality of medical documentation is strictly observed. (Source: <http://www.cpt.coe.int/documents/geo/2013-18-inf-eng.pdf>)

Reported medical conditions and problems facing women prisoners

When asked about the type of medical care required by women prisoners, the following answers were received:

- *General:* Full medical service, comprehensive examinations, provision of medications, timely response to health problems and complaints, diagnostic examinations and follow-up treatment, doctors' consultation.
- *Diagnostic service requirements:* oncology diagnosis, ultrasound testing, cardiac, X-ray, neurological, abdominal, gastro-intestinal, and endocrinological examinations, spinal and joint tomography, spinal screening, etc.
- *Specialist treatment requirements:* oncology care, inpatient mental health care, primary care, transfer to the Khudadov Tuberculosis Hospital, treatment for urogenital infections, hepatitis C, diabetes, cardiovascular problems, epilepsy, goitre, arthritis, stomach and gallbladder issues, kidney disease, chronic and acute frontitis, anaemia and other illnesses, as well as psychological assistance, joint treatment and surgery, chemotherapy, neurological consultations, throat cancer surgery, allergy specialist's assistance, dental services, etc.
- According to information supplied by the Medical Department, a total of 1,312 diagnostic examinations were carried out for women prisoners in 2013. As per official data of the Medical Department, referrals for accused/convicted women are being implemented (354 referrals were carried out in 2013). The number of dental visits in the same year amounted to 1,417, while there were five voluntary and three involuntary psychiatric treatments carried out for inmates.
- *Need for medical appliances/aids:* eye prosthetics, hearing devices, joint prosthesis, etc.
- *Reported sex-specific health needs/problems:* timely diagnosis via PAP tests, gynaecological services, mammary gland examinations and specialists consultation, pregnancy-related examination, myoma, fibroma, and cyst treatment, caesarean section, and treatment of female reproductive system disorders.
- The Medical Department also provided official information on the number of gynecological consultations carried out for women prisoners, which were undergone by 437 accused/convicted women.

Table no. 7:
Disorders According to Age/Sex Groups²⁴

	Disorders	Men					Women					total		
		Age groups					Age groups							
		Under 18	18-25	25-35	35-45	Above 45	Total	Under 18	18-25	25-35	35-45		Above 45	Total
1	Cardiovascular disorders	1		3	64	45	113				1	2	3	116
2	Respiratory system disorders	6	39	53	44	28	170				1	1	2	172
3	Digestive system disorders	6	54	113	54	102	329				1		1	330
4	Urine/reproductive system disorders		15	42	46	51	154	1	3	1	2	7	161	
5	Nervous system disorders	3	11	29	12	8	63				2	2	65	
6	Mental disorders	17	48	71	45	33	214	2	2	1		5	219	
7	Endocrine disorders			1	1	3	5					0	5	
8	Hematologic disorders						0					0	0	
9	Sense organs disorders	5	5	35	34	28	107		3	2	5	10	117	
10	Infectious disorders						0				1	1	1	
11	TB		2	11	5	6	24				1	1	25	
12	HIV / AIDS			1			1					0	1	
13	New cases of system and connective tissue disorders	1	2	13	7	7	30				1	1	31	
14	Skin and venereal disorders	8		2			10					0	10	
15	Self - injury	11	46	98	41	24	220			1	3	4	224	
16	Dental disorders	45	147	447	353	226	1218	7	9	16	25	57	1275	
17	Acute disorders requiring surgery		1	2	5	3	11			1	2	3	14	
18	Cancer			1		1	2					0	2	
	Total	103	370	922	711	565	2671	0	10	17	25	45	97	2768

24 Source: [http://geostat.ge/cms/site_images/_files/english/crime/Unified%20Report%20on%20Criminal%20Justice%20Statistics%20\(October,%202013\).pdf](http://geostat.ge/cms/site_images/_files/english/crime/Unified%20Report%20on%20Criminal%20Justice%20Statistics%20(October,%202013).pdf)

Despite the fact that the management and administration of the health care system in prisons has become a significant focus for the Ministry of Corrections and while some problems that existed in previous years have begun to be addressed, there are still some concerns and complaints which remain especially with regards to timely provision of inpatient treatment, complex treatment for multiple diseases, specialised treatment, e.g. for drug dependency and care for gender-specific health care needs of women prisoners.

The current Prison Health care Reform Strategy (2013-2014) recognises challenges in ensuring some of the gender-specific aspects of medical care, specifically regarding the need to incorporate inpatient treatment services at the Women’s Penitentiary Establishment No. 5, since there is no specialised medical institution within the prison system dedicated to the in-patient treatment of women, and the need to identify and address the medical needs of breastfeeding mothers and babies.

Other problems in the provision of medical care reported by women prisoners include the following:

- In many cases, women are not transferred to public hospitals for diagnosis on time;
- They do not receive the medicines prescribed on a timely basis.

A lack of appropriate standards, as well as the absence of a medical institution within the prison system which serves only women, aggravates prisoners’

health conditions due to an interrupted, or untimely and incomplete, delivery of services. In many cases, their timely transfer to public hospitals for diagnosis is not possible. Prisoners are often obliged to wait several days or weeks for the referral to take place. A standby system is often necessitated due to a lack of places in public hospitals with which the Ministry of Corrections has signed a service agreements for the provision of different types of medical services to inmates.

Referrals to public hospitals by the Medical Department are implemented in accordance with a unified electronic database, by assigning appropriate numbers. The relocation of an inmate from a penitentiary institution requires relevant resources (guards and vehicles), the lack of which presents a major obstacle. Using existing resources, 10 inmates are transferred to public hospitals on a daily basis, according to numbers registered in the database.

There are problems related to the complex examination and treatment of prisoners with a variety of diseases. Sometimes it is not possible to supply such patients with all the medicines prescribed at once, the waiting period can exceed one month.

In order to solve such problems in the medical field, it is necessary to improve quality control and the referral mechanism in the penal system.

Mental health

- Currently, 70% of the respondents claim to have psychological problems.

Table no. 8:
Reported Psychological Problems among Women Prisoners²⁵

Reported psychological problems	Percentage of women surveyed who complain of psychological problems
Insomnia	72%
Depression	58%
Anxiety	35%
Fears	27%
Aggression	21%
Misuse or overconsumption of psychotropic drugs	21%
Loneliness	21%
Proneness to self-harm	16%
Suicidal thoughts	15%
Other	6 %

25 The total sum of percentage indicators amounts to 292%, due to the fact that some respondents selected more than one option while answering the relevant questions

- The data above suggest that women prisoners have multiple psychological complaints.
- As identified, 76% of respondents indicated that their problems arose in detention, 16% said they existed prior to detention and were exacerbated while in prison, while 7% of them mentioned that problems existed before detention.
- It is noteworthy that 36% of the prisoners claimed that they needed treatment for mental or psychological problems. Half of the respondents indicated that they receive psychological or psychiatric counselling and treatment.
- In cases of mental or psychological problems, the following types of assistance are provided: 49% - consultation by psychologist or psychiatrist, 32% - specialist-administered tranquilisers, 19% - psychotropic substances.
- In this case, the cost of treatment is covered as follows: by the state - 85%, by the prisoner's family - 15%.

Psychological counselling is provided partly by psychologists employed at the social service unit of the penal institution, and more intensively by NGOs who provide rehabilitation services to women prisoners. The impression given by the questionnaire surveys and focus group discussions is that women prisoners are in need of continuous and more extensive psychological or mental health care than is currently provided.

According to information provided by the Medical Department, in 2013, a total of 326 psychological and psychiatric consultations were carried out at Women's Prison No. 5. It is noteworthy that as per international statistics, the prevalence of mental disorders in penal institutions amounts to 70%.

Prisoners with disabilities

In accordance with Article 15 (5) and 23 (4) of the Imprisonment Code of Georgia, persons with obvious and identifiable disabilities shall be ensured with better living conditions compared to other accused persons/convicts, with appropriate food for their state of health also provided.

There are women with disabilities at the facility, but there are no relevant infrastructure and care services that are tailored to the needs of such persons. To this end, the Ministry of Corrections of Georgia should begin working on identifying and addressing the needs of inmates with disabilities.

Drug/alcohol Addiction

Pursuant to **Rule 15, the Bangkok Rules** *Prison health services shall provide or facilitate specialised treatment programmes designed for women substance abusers, taking into account prior victimisation, the special needs of pregnant women and women with children, as well as their diverse cultural backgrounds.*

According to the findings of the survey, 6% of the respondents consider themselves drug dependent. Drug- or alcohol-related medical treatment was provided to the inmates with dependency problems in the following proportion: 8% in prison, while 86% did not receive treatment prior to incarceration. In total, 3% of respondents (60% of those who confirmed they have a dependency problem) consider treatment necessary due to such dependency.

In accordance with Article 117 (1e) of the Imprisonment Code of Georgia, rehabilitation activities also include programmes relating to convicts with different addictions. As the wording of the norm is broad, it leaves room for interpretation. In this respect, it must be deemed that Article 117 covers women substance abusers.

The current Prison Health care Strategy recognises the need for treatment and rehabilitation of prisoners with addiction problems as one of its strategic objectives. The document states the need to sustain this programme and even expand the provision of relevant services at the Women's Prison No. 5. This also includes the restoration of psycho-social rehabilitation programmes and their linkage to the methadone detox programme. One such example was the 12-step Atlantis programme for the psycho-social rehabilitation of prisoners with dependency problems, administered by Women's Club PEONI in previous years and currently out of operation due to a lack of donor/state funding.

Hygiene

Rule 5, the Bangkok Rules

The accommodation of women prisoners shall have facilities and materials required to meet women's specific hygiene needs, including sanitary towels provided free of charge and a regular supply of water to be made available for the personal care of children and women, in particular women involved in cooking and those who are pregnant, breastfeeding or menstruating.

Article 14 (1 a.a.) of the Imprisonment Code of Georgia guarantees the rights of the accused/convicts to be provided with personal hygiene and clothing. Article 21(1) ensures that an accused person/convict shall have an opportunity to satisfy his/her natural physiological needs and exercise his/her personal hygiene without abuse of honour and human dignity. As a rule, an accused individual/convict are provided an opportunity to shower twice a week (Article 21 (2)). Furthermore, the legislation of Georgia ensures that the accused/convicts are provided... with a bed and bed linen for personal use, which must be delivered clean and undamaged. The authority responsible for the cleanness of the linen is the administration of the establishment (Articles 22 (3) and 53 (7) of the Imprisonment Code, Order No. 97 of the Ministry of Corrections and Legal Assistance). In spite of the fact

that the legislation of Georgia ensures the possibility of providing the accused person/convict with bed and linen, it is silent on whether delivery of personal items, such as bedding, shall be carried out on a regular basis. In practice, most of the accused have been provided with bed linen upon their arrival, which is subsequently not replaced for very lengthy periods of time. In such circumstances, maintaining personal hygiene and keeping a bed and living space clean and tidy becomes extremely difficult. Therefore, the legislation shall provide for a systematic delivery of bed linen in order to ensure satisfactory hygienic conditions for women inmates.

Hygiene products (sanitary napkins, soap, washing powder, toothpaste and toothbrush, etc.) are provided to the women prisoners as follows:

Table no. 9:
Provision of Hygiene Products to Women Prisoners²⁶

Provision of hygiene products	Percentage of the surveyed women prisoners
Family members/relatives	50%
Buy in the store at the establishment	22%
Prison administration (specifying this to include 1 cup of washing powder and 1 piece of detergent soap per month)	18%
Prisoners are supplied by their cellmates who share their products	6%
Hygiene products are not supplied	3%
Non-governmental organisations	2%

- As identified, 80% of respondents noted that hygiene products are supplied once a month, 19% - other, 6% - once every three months, 3% - once every two months.
- Sanitary conditions in prison are positively assessed by 44% of the surveyed women, satisfactorily by 40%, and negatively by 15%.

Conditions are difficult in prison for women in terms of access to sanitation and hygiene norms. After entering the facility, inmates are supplied with one pack of bedding, one bar of soap and a cup of washing powder once a month. Family members or friends supply the prisoners with additional hygiene items. This problem was particularly acute for those who

are socially vulnerable, foreign citizens, or those who do not have family or relatives.

Female prisoners should be provided with necessary hygiene items such as toothpaste, toothbrush, soap, shampoo, toilet paper and sanitary napkins, as failure to comply with basic hygiene norms can cause a variety of diseases, the treatment of which requires significant financial resources.

The requirement by the UN Standard Minimum Rules for the Treatment of Prisoners to ensure facilities so that prisoners can observe their personal hygiene²⁷ is further reinforced for women prisoners under **Rule 5 of the Bangkok Rules**. However, there is a clear failure to comply in this regard.

26 The total sum of percentage indicators amounts to 169%, due to the fact that some respondents selected more than one option while answering the relevant questions

27 'Rule 15- Prisoners are required to keep themselves clean. For this reason they must be provided with water and all the toiletries necessary for keeping health and cleanliness', UN Standard Minimum Rules for the Treatment of Prisoners

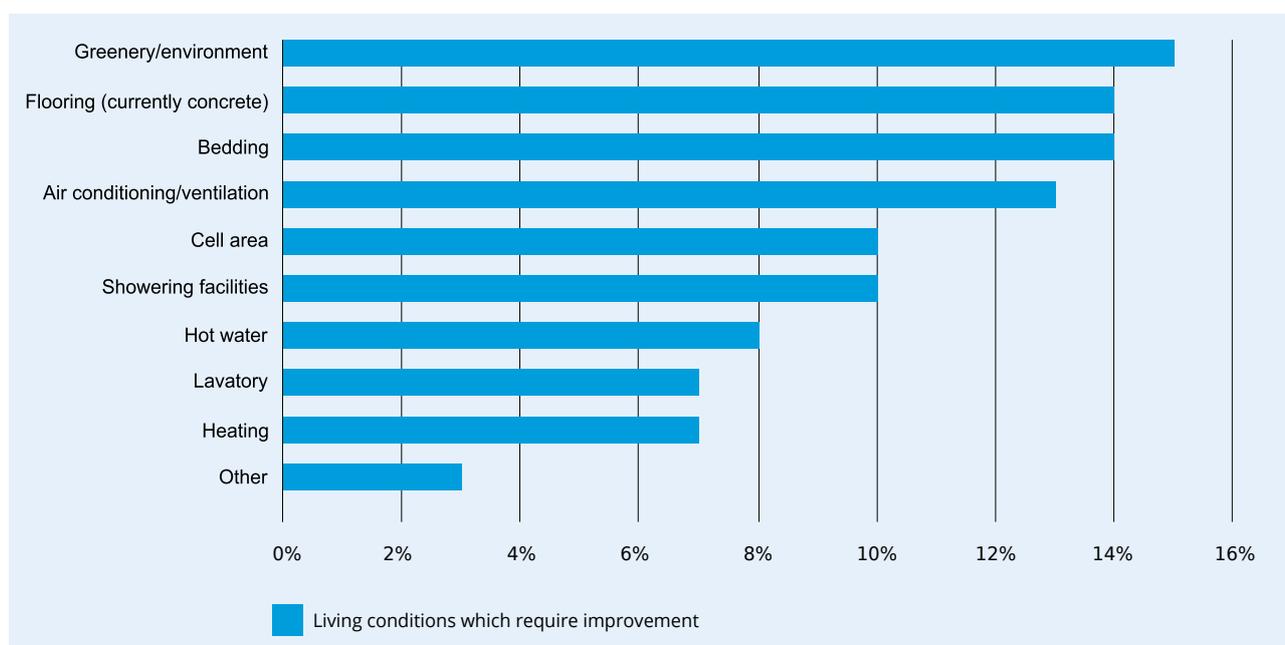
Living Conditions

Inmates seek improvement in the following aspects of their living conditions²⁸:

- About 15% of the surveyed women prisoners indicated the need to improve the physical environment of the facility (tree-planting, increasing the amount of greenery);
- Around 14% said the cold concrete flooring may have a possible negative impact on their reproductive health;
- Improvement of bedding was prioritised by 14% of the surveyed women prisoners. In focus group discussions, they stated that bed linen is provided only upon admission to the establishment without subsequent replacement.
- Air conditioning and ventilation were identified as problematic by about 13% of women prisoners. This seems to be due to the double grated cell windows, which make the proper airing of cells nearly impossible as windows cannot be opened fully.
- Other problems identified by 10% of respondents concerned cell space, showering facilities, lack of hot water and lavatories. Heating seems to be problematic for about 7% of women prisoners.
- Other areas in need of improvement identified concerned sanitary conditions, the frequency of replacement of plastic dishes, clean water and the removal of double bars from the windows.

Chart no. 3:

Living Conditions of Women Prisoners



The current Code on Imprisonment provides for a space limit of 3 sq. m. per prisoner at the Women's Prison No. 5, and for 2.5 sq. m. per prisoner in a closed-type institution²⁹ (remand prison section of Kutaisi Prison No. 2 for instance). Both figures fall short of the European standard of 4 sq. m. per prisoner. Although the current capacity limit of the Women's Prison No. 5 is 1,200, the actual number of prisoners was about 250 during the period in which the survey was conducted, which allowed women prisoners more personal space and privacy. The same was not true of the pre-trial detention units at the two

respective prisons, where there were 5-6 prisoners held per cell with an area of barely 15 sq. m.

There are legislative amendments planned to be introduced to the Code on Imprisonment (currently being discussed at the Parliament of Georgia), which include increasing the space limit per convicted prisoners in all establishments to 4 sq. m. (thus adhering to international standards). The allocated space at the pre-trial prisons would, however, be established at 3 sq. m.

28 To this question, multiple answers were possible

29 Article 15 – Living Conditions, Code on Imprisonment

Food/Nutrition

Pursuant to **Rule 48 (1) of the Bangkok Rules**, *pregnant or breastfeeding women prisoners shall receive advice on their health and diet under a programme to be drawn up and monitored by a qualified health practitioner. Adequate and timely food, a healthy environment and regular exercise opportunities shall be provided free of charge for pregnant women, babies, children and breastfeeding mothers. According to paragraph 2, women prisoners shall not be discouraged from breastfeeding their children, unless there are specific health reasons to do so. Paragraph 3 states that the medical and nutritional needs of women prisoners who have recently given birth, but whose babies are not with them in prison, shall be included in treatment programmes.*

General standards on nutrition of the accused/convicts are provided by Article 23 of the Imprisonment Code of Georgia. In particular, food shall contain all necessary components of a healthy diet. Reduction of caloric value for punishment purposes of an accused person/convict shall not be allowed. The administration provides an accused individual/convict with meals three times per day. Pregnant and nursing women, juveniles, the ill, persons with an obvious and identifiable disability and aged persons (females from the age of 60 onwards) have the right to be provided with appropriate food for their condition/circumstances. Prisoners are also entitled to buy additional food items and other products in the prison shop using their bank cards within the established amount limits (as fixed by the Order of the Minister of Corrections). Inmates can also receive additional food products in a parcel with the permission of prison authorities. Clean drinking water should be provided in unlimited quantities.

Food norms of prisoners have been more specifically defined and updated by a joint Order No. 20/No. 01-2 N of the Ministers of Corrections and of Health, Labour and Social Affairs on February 1, 2013. The nutritional values are defined separately for different categories of prisoners including women inmates and pregnant/nursing women prisoners. The order outlines a list of products with quantities/volume and energy values to be provided per prisoner and includes items such as bread, flour, legumes, cereal, pasta, meat and dairy products, fish, fats, vegetables, fruits, and others (tea, cocoa, sugar, etc.).

The quality of food is evaluated by women prisoners as follows:

- 64% – Average
- 21% – Good
- 15% – Bad

According to the inmates, the following needs to improve³⁰:

- 79% – Fruit to be added
- 63% – Quality to be improved
- 27% – Dairy products to be added
- 21% – Vegetables to be added
- 18% – Meat and fish to be added
- 6% – Other

Food quality has generally improved, especially after the updated joint decree of the Ministers of Corrections and Health, which determines the standards and variety of food, was approved at the beginning of 2013. However, prisoners still complain about the lack of food, and its quality (especially those who are fully dependent on prison food, and do not have the financial means to buy additional provisions at the facility's store or fail to get in touch with family members).

More attention should be paid to the nutrition of children (up to the age of 3 years) living at the facility. Mothers complained of a lack of food for their children and claimed they often have to share their own food portion with them, which, in the majority of cases, does not comply with the requirements for toddler nutrition. It is expected that the planned amendments to the Code on Imprisonment rendering the administration responsible for this issue, will resolve the problem. Furthermore, it is of particular importance to amend Georgian legislation or relevant regulations in a manner which ensures that women prisoners are not discouraged from breastfeeding their children, unless there are specific health reasons for not doing so.

Stricter control and monitoring should be established by respective government bodies over what actually happens in practice and how the standards established by the Ministry are met and delivered to prisoners. Moreover, food is provided to the prisons by a contracted private company.

30 The total sum of percentage indicators amounts to 214%, which in turn is caused by the fact that some respondents selected more than one option while answering the relevant questions

Other issues requiring further development include, but are not limited to, special dietary regimens and food quality for women with chronic diseases, such as diabetes and gastric problems.

The right of an accused person/convict to be provided with clean drinking water in unlimited amounts requires particular attention as well. Interviewed prisoners in pre-trial detention facilities have cited the poor quality of drinking water as the reason why they have to purchase bottled water in prison shops or why they receive water through parcels from their families.

Victimisation History

Rule 25.1 (The Bangkok Rules). *Women prisoners who report abuse shall be provided immediate protection, support and counselling, and their claims shall be investigated by competent and independent authorities, with full respect for the principle of confidentiality. Protection measures shall take into account specifically the risks of retaliation.*

Rule 7(The Bangkok Rules)

1. *If the existence of sexual abuse or other forms of violence before or during detention is diagnosed, the woman prisoner shall be informed of her right to seek recourse from judicial authorities. The woman prisoner should be fully informed of the procedures and steps involved. If the woman prisoner agrees to take legal action, appropriate staff shall be informed and immediately refer the case to the competent authority for investigation. Prison authorities shall help such women to access legal assistance.*

2. *Whether or not the woman chooses to take legal action, prison authorities shall endeavour to ensure that she has immediate access to specialised psychological support or counselling.*

3. *Specific measures shall be developed to avoid any form of retaliation against those making such reports or taking legal action.*

Rule 31 (The Bangkok Rules)

Clear policies and regulations on the conduct of prison staff aimed at providing maximum protection for women prisoners from any gender-based physical or verbal violence, abuse and sexual harassment shall be developed and implemented.

According to **Rule 41 of the Bangkok Rules**, individual sentence planning should consider the background of violence in the allocation and sentence planning process.

- As many as 28% of the surveyed women prisoners report having been a victim of violence in their lives. These women identified the following as culprits:

41% – Other

26% – Prison staff

19% – Family members

11% – Other prisoners

7% – Other members of society

- A significant proportion (62%) of those who identified themselves as victims of violence said they required post-traumatic assistance. This includes legal aid, psycho-social and post-traumatic rehabilitation, and other aid.
- In cases of violence in prison, 77% of respondents mentioned that the violence was perpetrated by prison staff, while 22% indicated that it was carried out by other inmates, and 1% reported violence from both sides.
- Only 40% of the surveyed prisoners with a history of experiencing violence have reported violence to the prison authorities.
- A total of 60% indicated that they had not reported a violent incident for the following reasons: over one third – did not know the law, 16% were afraid, 16% had no interest, 16% solved the problem themselves, and 16% claimed the administration had threatened them³¹.
- As for the responses to a report of violence, 2% said that an investigation had been launched while 1% received a response and follow-up from the National Preventive Mechanism (NPM).

Pursuant to Article 55 (1) of the Imprisonment Code of Georgia, crimes committed in a pre-trial detention/custodial establishment shall be investigated in accordance with the procedure envisaged by the Criminal Procedural Code of

31 The total sum of percentage indicators amounts to 120%, due to the fact that some respondents selected more than one option while answering the relevant questions

Georgia. Hence, the Imprisonment Code lacks provisions on the investigation of sexual abuse or other forms of violence against women, as well as the rights of female inmates to be informed on relevant procedures. It also fails to provide regulations on specialised psychological or legal support for victimised women, or any measures to avoid risks of retaliation. Of particular importance is the lack of relevant standards which require the study of background information on violence in individual sentence planning procedures.

Incidents of sexual abuse or other types of violence constitute the majority of cases identified by NGOs which provide psychological and legal support to victims. Nevertheless, the assistance rendered by NGOs is deemed inadequate due to their lack of resources and limitations in the legislation.

Contact with the outside world

Rule 26, The Bangkok Rules – *Women prisoners' contact with their families, including their children, and their children's guardians and legal representatives shall be encouraged and facilitated by all reasonable means. Where possible, measures shall be taken to counterbalance disadvantages faced by women detained in institutions located far from their homes.*

Rule 27, The Bangkok Rules *Where conjugal visits are allowed, women prisoners shall be able to exercise this right on an equal basis with men.*

Rule 45, The Bangkok Rules, *state that Prison authorities shall utilize options such as home leave, open prisons, halfway houses and community-based programmes and services to the maximum possible extent for women prisoners, to ease their transition from prison to liberty, to reduce stigma and to re-establish their contact with their families at the earliest possible stage.*

According to the regulations³², convicted women prisoners are entitled to three short-term family visits (which last up to two hours and are held with a certain circle of family members as defined by the legislation), and one additional short-term visit as a form of incentive per month.

Since 2006 and until the end of 2015, women prisoners are not allowed long-term family visits which last for 24 hours in special accommodation, an option most male prisoners can currently enjoy (except for some in closed-type prisons as set out by legislation). At present, there is no relevant infrastructure in place for such accommodation. This remains a clear instance of discrimination until such conjugal visits are put in place. The Bangkok Rules call for the equal provision of conjugal visits for women and men prisoners to eliminate discrimination in this regard as stipulated by **Rule 27 (The Bangkok Rules)**.

'The reason why long-term family visits were not reinstated at the women's prison was because the administration did not want us to get pregnant' – women prisoners

The same regulations provide for the possibility of five phone calls per month with a duration of 15 minutes each, and, as a form of incentive for good behaviour, a limitless number of 15-minute phone calls at the prisoner's own expense. In practice, convicted women prisoners can have an unlimited number of phone calls providing they pay for them. The telephone service for prisoners is provided by a private company. As indicated below, many of them (70% of the surveyed women prisoners) have noted, both in questionnaires and during focus group discussions, that they would like to have easier access to phone cards. As they explain, each phone card available at a prison shop costs 5 GEL and allows for only three calls with a duration of 15 minutes each per month. After this limit is reached, the card is blocked until the following month, thus, the inmates have to purchase several cards in order to maintain proper contact with their families. This, however, is not affordable for many women prisoners.

Convicted women prisoners are also entitled to one 'domestic' family visit with a duration of three hours per month at the prison establishment, and to an additional domestic visit as an incentive. This is allowed in the absence of long-term family visits until relevant infrastructure is put in place, and women prisoners can enjoy physical contact with their family members and children.

32 Order No.97 of the Minister of Corrections and Legal Assistance, dated 30 May, 2011 approving internal rules of different types of prison facilities

Since January 23, 2012 women prisoners can also use a paid video-conferencing service every ten days, and one additional video-conference session per month as an incentive. This service can allow prisoners to have contact with a wider circle of individuals than short-term visits with the cost being 15 GEL per session with a maximum duration of 15 minute each. Persons wanting to contact a prisoner this way must visit a probation bureau in order to obtain initial permission. However, as the table below depicts, few women prisoners have had the possibility to use video-conferencing, although the opportunity to employ this method of communication only became available in August 2013.

Proposed draft amendments to the Code on Imprisonment envision increasing the number of short-term family visits, phone calls, and video-conferencing for convicted prisoners.

The rules surrounding the use of phone cards create a heavy financial burden for the families of the prisoners (as most women inmates rely on their families and relatives for financial support during imprisonment, these families transfer funds to special bank cards). This can have a negative impact on the re-socialisation of prisoners.

One of the best means of contact with the outside world³³ for prisoners is phone conversations. Therefore, the system should encourage inmates to maintain contact with their families.

Taking into account the factors mentioned above, it is reasonable to conclude that the limit of only three available calls should be lifted from the phone cards, while call rates should become closer to the telecommunications' and mobile operators' rates in the public domain.

Table no. 10:

Possibilities for contact with the outside world for women prisoners in 2013³⁴

	January 2013	February	March	April	May	June	July	August	September	October
# of family visits held at the women's prison facility	389	300	317	304	294	226	200	190	141	134
video-conferencing								1	2	3

Note: the dramatic reduction in the number of visits is due to the fact that the women's prison population significantly decreased due to amnesty throughout 2013.

- 77% of the surveyed women prisoners have contact with their children.

The frequency of contact with family and relatives is as follows:

Some 43% of respondents said that they have contact with family once a year, 34% – on a daily basis, 22% – once a week, 10% – once a month, 2% – once every three months³⁵.

- Frequency of meetings with family members: 30%

said they can meet at will, 24% - once a month, 23% - several times a month, 20% said they rarely see their family members and 13% do not see them at all³⁶.

- Reasons cited for inmates not seeing family members at all are as follows: mothers do not wish to be seen by their children in prison, financial problems, parents do not live in Georgia and elderly grandparents are unable to visit; a minor child is in a crisis centre and is unable to visit their mother; health problems; geographical remoteness of the prison; father does not let the children see their mother, etc.

33 The Bangkok Rules, Rule 26 - "Female prisoners contact with their families, including their children, their children's guardians and legal representatives should be encourage and promote by all possible means."

34 Source: data of the National Statistics Service, 2013

35 The total sum of percentage indicators amounts to 111%, due to the fact that respondents selected more than one option while answering the relevant questions.

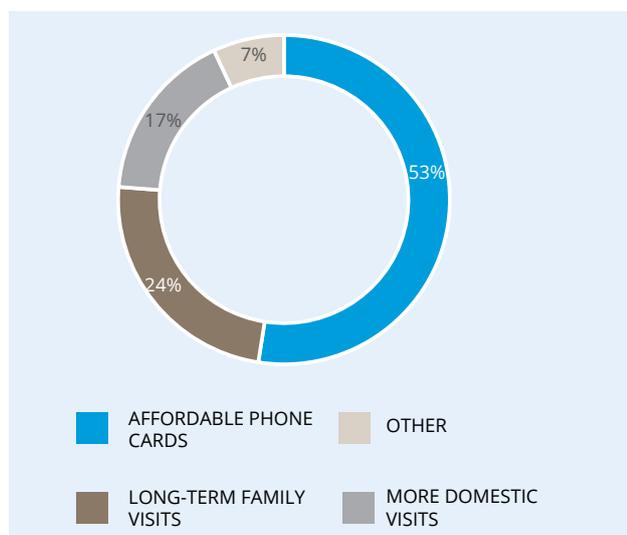
36 The total sum of percentage indicators amounts to 109%, which in turn is caused by the fact that some respondents selected more than one option while answering the relevant questions

The following would help improve the level of contact according to the women prisoners:

- 86% – facilitating regulations for the use of phone cards
- 39% – introduction of long-term family visits
- 27% – increasing the number of family visits
- 12% – other (affordability, access to video conferencing, etc.)³⁷

Chart no. 4:

Contacts with Outside World for Women Prisoners



How the imprisonment of women has affected their relationships with their families:

- 63% of the surveyed women prisoners noted that family members provide moral and financial support to them
- 35% said nothing has changed since their imprisonment in terms of family contacts
- 12% noted that relationships have deteriorated
- 9% – other (relationships eventually improved, circle of family members who can visit has widened, children have found themselves without shelter)
- 1% – family ties have been severed³⁸.

Women prisoners' ability to participate in family matters/planning:

37 The total sum of percentage indicators amounts to 164%, due to the fact that some respondents selected more than one option while answering the relevant questions.

- 77% of the surveyed women prisoners noted that they have the possibility to remain involved in planning family matters, provide support regarding their children’s decision-making, etc. This has been done mainly through phone calls or short-term family visits, by providing advice and discussing issues. The women inmates also consult the teachers of their school-age children.
- 23% reported that they lack such a possibility either due to financial reasons, as they cannot afford to purchase a sufficient number of phone cards to maintain proper contact with their families, or due to the remote geographic location of the prisoners’ family members who cannot afford regular travel. One other reason cited was that a woman inmate’s son was in prison and she could not communicate with him.

Forms of contact with family members:

- 90% - phone calls
- 64% - short-term visits
- 9% - family visits
- 7% - other³⁹

The conditions of rooms for family visits have been evaluated by women prisoners as:

- 57.9% - average
- 23.7% - good
- 6.6% - very good
- 6.6% - poor
- 5.3% - very poor

- The majority (96%) of the surveyed women prisoners noted that the prison administration did not prohibit family contact as a disciplinary punishment. However, 4% noted that this had been used as a punitive measure.

- Only 8% of the surveyed women prisoners have applied to the administration for short-term leave. A total of 43% noted that there was a positive response; a further 43% noted that the response was negative, while 14% said there was no response at all.

38 The total sum of percentage indicators amounts to 120%, due to the fact that some respondents selected more than one option while answering the relevant questions

39 The total sum of percentage indicators amounts to 170%, due to the fact that some respondents selected more than one option while answering the relevant questions

Access to information

A third of women prisoners surveyed stated that they had received information about services available after release. However, half of the women surveyed said that this information was not available.

In cases where a positive answer was given, respondents indicated that they receive information about the following existing services:

- 47% - Employment
- 47% - Free legal aid
- 44% - Education and vocational trainings
- 28% - Health care
- 22% - Social rehabilitation programmes
- 19% - Provision of shelter
- 16% - Information on the possibility to continue psycho-social and psychiatric counselling
- 6% - Other⁴⁰

The following sources of information were identified:

- 50% – Prison social worker
- 41% – NGOs working on prison issues
- 24% – Government bodies (Centre for Crime Prevention and Innovative Programmes of the Ministry of Justice)
- 21% – Private defence lawyer
- 18% – Prison administration
- 18% – Public Defender’s Office
- 6% – Other⁴¹

It appears that prison social workers and NGO representatives are the two main providers of information about services available after release. Some improvements need to be made in this regard in order to increase awareness of women prisoners before their release concerning the services available to them post-release.

- The available information is delivered: verbally - 53%, via brochures - 44%, through workshops - 21%, other - 6%⁴².

- About 3% of respondents are unable to communicate with the administration in their language. These are foreign national women prisoners who are unable to speak either Russian or English, the two main foreign languages which the prison administration utilises.
- Some 45% of non-Georgian speakers said the administration speaks a language they understand, 35% establish contact through an interpreter, 15% do so with the help of other prisoners while 5% communicate through other means⁴³.

7. Rehabilitation/socialisation

Rule 42, The Bangkok Rules – 1. *Women prisoners shall have access to a balanced and comprehensive programme of activities which take account of gender-appropriate needs.*

Around 85% of women prisoners are involved in various rehabilitation programmes.

The high rate of involvement is explained by several cultural events organised by the Ministry of Corrections and the Penitentiary Department. Other activities include professional and vocational training courses, and psycho-social rehabilitation provided by civil society organisations.

The Imprisonment Code of Georgia, in particular Article 118 (1), ensures the provision of rehabilitation programmes which must be organised by the prison administration. In order to arrange such programs, the MOC cooperates with government agencies and other organisations (Article 118 (2)). Rehabilitation work is carried out taking into consideration a convict’s personal characteristics, and the nature of the committed offence (Article 118 (5)).

Pursuant to Article 117 (1) of the Imprisonment Code of Georgia, objectives of the rehabilitation programmes include:

40 The total sum of percentage indicators amounts to 228%, due to the fact that some respondents selected more than one option while answering the relevant questions

41 The total sum of percentage indicators amounts to 176%, due to the fact that some respondents selected more than one option while answering the relevant questions.

42 The total sum of percentage indicators amounts to 124%, due to the fact that some respondents selected more than one option while answering the relevant questions.

43 The total sum of percentage indicators amounts to 105%, which in turn is caused by the fact that some respondents selected more than one option while answering the relevant questions

- a) Instilling in a convict a sense of respect towards the law, other people, work, conventional rules and standards of coexistence;
- b) Creating an appropriate psychological atmosphere among convicts at the custodial establishment;
- c) Raising the educational and professional level of convicts;
- d) Preparing convicts for release;
- e) Rehabilitating persons with various addictions.

The Imprisonment Code of Georgia establishes several means for the re-socialisation of the convict (Article 116 (2)) as listed below:

- a) Serving a sentence in accordance with the prescribed procedure;
- b) Implementation of rehabilitation programs;
- c) Pedagogical activities with juveniles;
- d) Employment of convicts;
- e) Acquisition of general and vocational education;
- f) Relations with the public.

At the outset, it shall be underlined that legislative guarantees on rehabilitation and re-socialisation programmes are important steps towards integrating convicts into society. Nevertheless, internal regulations lack clear and precise requirements for gender-specific needs of women in such programs, which results in the nonconformity of rules with international standards, possibly increasing the risk of re-offending.

Services available in prison according to the surveyed women prisoners:

- 81% – Medical care
- 70% – Doctor's consultation
- 45% – Mental health/psychological counselling
- 43% – Vocational training
- 31% – Legal aid
- 21% – Other prison services
- 12% – Employment⁴⁴

Some facilities providing improved infrastructure and living conditions, as well as possibilities for purposeful leisure at the women's prisons include:

- A mother and child unit, constructed with the financial and technical support of the Norwegian Ministry of Justice and the Police in 2009. It provides proper living conditions for women prisoners with children under the age of 3 who live with their mothers in separate rooms, furnished to accommodate their needs, with a kitchen and a shared living room/playroom for mothers and children.
- Library with a spacious compartmentalised hall for reading and other activities (film screenings, rehabilitation courses, classes) and a meeting room, featuring classic and modern Georgian and foreign books of different genres in several languages, as well as electronic (audio/video) materials and computers. This facility and resources were provided under the generous support of the Oslo Library Service based on the Agreement of 2011⁴⁵. Two librarians were recruited by NORLAG and trained in Norway to provide relevant support to the facility. They also provide basic English language courses to women inmates.
- Prisoners also had the opportunity to participate in the "Preparation for Release" programme carried out by the two professional social workers employed by NORLAG. The project was innovative and very much welcomed both by the administration and the inmates.

While several different NGOs have been providing various rehabilitation services to women prisoners for years (Women's Club PEONI, Anti-violence Network of Georgia, Global Initiative on Psychiatry (GIP), Association Tanadgoma, Women in Business Association, etc.), at the time of conducting the study, there was a limited number of NGOs engaged in the delivery of services to prisoners. Under an EU-funded project, three partner NGOs were providing different services to women inmates for the purpose of preparing them for release: the Women in Business Association was conducting vocational training courses, the Association of Professional Psychologists engaged social workers to help women inmates resume ties with their families and children, and Women's Club PEONI was providing psychological counselling and also rendering

44 Multiple responses were accepted, hence, the overall figure exceeds 100%.

45 Source: <http://www.gela.org.ge/en/node/223>

assistance to prisoners with legal applications for parole, amnesty, and pardon, as well as in terms of obtaining/restoring identity documentation.

In November 2013, women prisoners had the opportunity to become involved in a variety of vocational training courses provided by two NGOs.

Association “Women in Business”, provided the following courses under its EU-funded project aimed at supporting the re-socialisation of women prisoners, and also as a grantee of the tender announced by the MOC:

- Hotel management
- Small business
- Hairstyling
- Massage/Therapy
- Felt and quilting
- Accounting
- Computer programming
- Labour rights

- Psychological assistance
- Legal assistance

The organisation provided these services to around 190 women prisoners between late November and the end of December, 2013.

Meanwhile, CHCA were providing new courses delivered through an MOC tender. The courses were as follows:

- Dancing classes
- Glass designing
- Embroidery
- Wood carving
- Clay work
- Painting religious icons

CHCA provided courses to 110 women prisoners in late November – December 2013.

Overall, an estimated number of over 300 women prisoners benefitted from the courses offered.

Table no. 11:
Services requested by inmates in women prisons⁴⁶

Services needed in prison	Percentage as identified by surveyed women prisoners
Treatment of health problems	47%
Vocational training	40%
Education courses	38%
Accessibility of legal aid	35%
Sports-recreational activities	33%
Receiving social vulnerability status	26%
Self-esteem raising, life-skills training	23%
Psychological counselling	22%
Transfer to a prison closer to home	15%
Assistance with receiving/restoring ID cards	14%
Counselling/therapy for addiction/dependency problems	8%
Protection from violence	5%
Granting of IDP status	4%
Other assistance	4%
Transfer to home country	1%
Post-traumatic/domestic violence counselling and therapy	1%

46 Multiple responses were accepted hence the overall figure exceeds 100%.

Table no. 12:
Post-release Services Requested by Women Prisoners⁴⁷

Post-release services needed	Percentage as identified by surveyed women prisoners
Employment	86%
Treatment of health problems	59%
Shelter	49%
Granting of social vulnerability status	37%
Accessibility of legal aid	30%
Financial assistance for education and vocational courses	24%
Counselling and therapy for mental health/psychological problems	18%
Other assistance	11%
Childcare assistance	8%
Assistance in resuming ties with husband/family	6%
Assistance in resuming ties with children	6%
Granting of IDP status	4%
Assistance with returning to home country	4%
Counselling/therapy for victims of domestic violence	4%
Counselling and therapy: treatment for drug and alcohol dependency	3%
Protection from violence	3%

Pursuant to the **Rule 46 (The Bangkok Rules)**, *Prison authorities, in cooperation with probation and/or social welfare services, local community groups and non-governmental organisations, shall design and implement comprehensive pre- and post-release reintegration programmes which take into account the gender-specific needs of women. Along with other services, such reintegration programmes also include employment and professional development of the convicts in prisons.*

In accordance with Article 116 (2.d.) of the Imprisonment Code of Georgia, *employment of convicts is perceived as one of the main means of their re-socialisation.* In spite of the fact that the Code, as well as Order No. 97 of the Minister of Corrections dated 30 May 2011 on approving internal rules of different types of prison facilities, provide guarantees of employment and the organisation of vocational trainings, convicts may exercise their right to employment, only if such an opportunity exists in the penitentiary establishment (Article

110 (2) of the Code). In accordance with the same Article, paragraph 1, *an accused person/convict shall not be forced to perform work breaching human dignity and honour.* Furthermore, an accused individual/convict may be employed by a governmental or non-governmental institution, as well as an enterprise established within the premises of the custodial establishment (Articles 110 (3) and 111 (1)). *The list of jobs and positions that convicts are not eligible for are stipulated by the internal rules of the custodial establishment (Article 110 (4)).* The Imprisonment Code of Georgia also ensures remuneration for the work performed by the convicts (Article 110(5)), which can be transferred to close relatives of the inmate or other individuals (Article 110 (6)). Even though it is a welcoming move that domestic laws ensure the right to employment of convicts/accused persons within the penitentiary system, the legal propositions lack clarity on designing and implementing employment programmes that comply with gender-specific needs of women.

⁴⁷ Multiple responses were accepted, hence the overall figure exceeds 100%.

In addition, data has revealed that convicts are provided with vocational training programmes within the penitentiary establishment. However, employment opportunities are still not accessible to the majority of the prison population.

- 73% of the interviewees would like to have a paid job during detention. According to the inmates, engagement in prison could include intellectual work, handwork, sewing, cooking and bakery, cleaning work, distribution of food and parcels, medical work, anything related to the arts, horticultural activities, educational work, library work, etc.
- The interviewees expressed a wish to be employed in the following fields after their release: 31% - small/medium business, 24% - independent activity (stylist, tailor, etc.), 14% - agriculture, 12% - private sector, 9% - public service, 9% - other.

8. Re-offending and obstacles to reintegration

Just under a quarter of women who participated in the survey had been convicted prior to serving their current sentence. They were asked what problems they had faced on release previously with the most serious problem being that a criminal record prevented them from finding employment. Secondary to this was the stigma of having been in prison as well as having a drug/alcohol dependency.

- About a quarter (24%) of the surveyed were repeat offenders

Table no. 13:
Obstacles to re-integration⁴⁸

Obstacles to re-integration	Percentage of re-convicted women prisoners
Criminal record prevented them from finding employment	58%
Society's negative attitudes (stigma) named as a preventing factor	25%
Drug/alcohol dependency	25%
Health problems, with unavailable treatment	21%
Severe psychological condition	17%
Husband/partner left and the respondent had to earn her own living	8%
Abandoned by family	8%
Could not find shelter	8%
Other	8%

- As many as 86% of previously convicted women prisoners had not received any assistance in reintegration. Only 14% had received help in this regard, mainly from the Social Service Agency, the government health service, and NGOs.
- Types of assistance provided: educational, health care, mental health or drug dependence counselling and therapy, employment assistance, legal assistance and consultation.

There should be improved coordination between prison and probation authorities, as well as other criminal justice agencies (including the Centre for Crime Prevention and Innovative Programmes) and

other government bodies, such as the Social Service Agency, other agencies under the Ministry of Health, etc. in order to provide for the smooth re-integration of women prisoners into the community upon their release.

*According to **Rule 46 of the Bangkok Rules**, Prison authorities, in cooperation with probation and/or social welfare services, local community groups and non-governmental organisations, shall design and implement comprehensive pre- and post-release reintegration programmes which take into account the gender-specific needs of women.*

⁴⁸ Multiple responses were accepted hence the overall figure exceeds 100%.

Also, according to **Rule 47 of the Bangkok Rules**, *Additional support following release shall be provided to released women prisoners who need psychological, medical, legal and practical help to ensure their successful social reintegration, in cooperation with services in the community.*

9. Prisoners in pre-trial detention

In Kutaisi Prison No. 2, an establishment predominantly occupied by male prisoners and a closed institution with a strict regime, there is a separate section for pre-trial women detainees where the suspects are held for up to nine months before the final court verdict is issued. Usually, this prison is used to detain women who are from the regions of West Georgia or have been arrested there. After being convicted, the women are transferred and held at Women's Prison No. 5, which is located in Rustavi. Imprisonment conditions for pre-trial women inmates held in the Kutaisi Prison No. 2 are quite similar to those in the custodial unit of Prison No. 5. Accessibility of women prisoners to basic gender-specific needs is not fully ensured in this institution either. Strict restrictions on phone calls and short-term visits with family members constitute significant problems for women in their first months of imprisonment. It is almost impossible to obtain permission from executive and judiciary bodies – judge, prosecutor, and investigator - in order to maintain contact with family members.

The study revealed that accessibility to clothing and hygienic means was particularly problematic and acute for many foreign pre-trial women prisoners, as they were completely isolated from the outside world due to limitations of contact with their families. Being in pre-trial detention, they were not entitled to receive parcels from their relatives abroad to provide for their basic needs for clothing and shoes. On the other hand, the prison administration in the pre-trial units of both Kutaisi Prison No. 2 and Women's Prison No. 5 was not in a position to provide such assistance due to a lack of financial resources.

'I was arrested in Batumi and deprived of all my personal belongings there. Why don't they return those to me? I have been held here in Kutaisi for a month, and, as you can see, I'm wearing slippers and clothes which are not fit for the impending cold season. I don't know whether I'll even be able to attend my court hearing as I don't have proper clothes and there is nobody to provide them' – An Uzbek woman prisoner.

Key Findings Regarding Women on Probation

In November 2013, the total number of women probationers country-wide constituted 650. The survey covered 86 women on probation in Tbilisi and Kutaisi, about 13% of the total.

The main methodology employed by the research team included individual interviews and questionnaire surveys.

Rule 60, The Bangkok Rules

Appropriate resources shall be made available to devise suitable alternatives for women offenders in order to combine non-custodial measures with interventions to address the most common problems, which lead women to enter the criminal justice system. These may include therapeutic courses and counselling for victims of domestic violence and sexual abuse; suitable treatment for those with a mental disability; and educational and training programmes to improve employment prospects. Such programmes shall take account of the need to provide care for children and women-only services.

Georgian Legislation

In general, the key aims of the probation system in Georgia are the supervision/execution of non-custodial sanctions, as well as rendering assistance to probationers in social adaptation, elimination of the absence of legal awareness and establishment of a healthy lifestyle. Moreover, the impact on preconditions for illegal activity, which, on the other hand, has a special significance for the prevention of repeat offenses, is also a significant objective.

According to the Law on the Execution of Non-custodial Sanctions and Probation⁴⁹, there are several types of penalties/adjudications executed and supervised by the probation bureaus and offices throughout the country:

For alternative, conditional sentences:

- a) Disqualification from holding office or pursuing certain activities;
- b) Deprivation of legal entities of the right to conduct business;

⁴⁹ Law on Execution of Non-custodial Sanctions and Probation, June 19, 2007. N 4956.

- c) Imposition of a sentence of community service;
- d) Imposition of a sentence of correctional work;
- e) A sentence in the form of restrictions on freedom.

For probation:

- a) Appointment of a conditional sentence;
- b) Serving a sentence of parole;
- c) Suspension of sentences (for pregnant women - up to one year after delivery).

The National Probation Agency's Strategy 2013-2017, which was approved by the Interagency Coordinating Council of the Ministry of Justice of Georgia, lays down in detail the main priorities of the Agency's activities.

Administrative capacity building represents one of the main priorities of the Agency. Permanent trainings for employees will be carried out in different fields. The National Probation Agency will introduce a new type of criminal sanction - restriction of liberty - in a new institution, the construction of which has recently been concluded. The main area of this new institution will be used for male prisoners who have had the remaining part of their sentences changed to a restriction of liberty, which is not of such a degree or intensity as to amount to a deprivation of liberty⁵⁰. The decision to replace the remaining part of a prison sentence with a more lenient one will be made by parole boards. However, since the establishment will be a pilot institution with a limited number of spaces, it will operate only for male offenders. Hence, women prisoners will not yet have the possibility to apply to the parole boards for a substitution of their prison sentence with a restriction of liberty and to spend their transitional period in the relevant establishment before their successful return into mainstream society.

The restriction of liberty mechanism became operational in Georgia in February 2014. Future expansion of the project is planned, which will give women the opportunity to spend their transitional periods at the facility for the restriction of liberty.

Improvement of the legislative base is the main issue of concern under the Strategy and Action Plan of Probation System Development. The National Probation Agency launched an initiative on draft legislative amendments in order to render the legislation significantly more liberal towards probationers. In particular, the upper limit of the probation period shall be reduced to a maximum of six years. According to the bill, existing advantage fees shall be revoked and privileges will be set according to risk assessment and individual sentence planning.

Community service as an alternative sanction is also supervised by the National Probation Agency. New jobs are searchable using a continuously updated database, allowing persons sentenced to community work to choose suitable activities according to their skills, education, qualifications, and physical abilities.

Improvement of the monitoring system represents one of the priorities of the National Probation Agency. Methods of risk and needs assessments and individual sentence planning are carried out in each probation bureau. Probation officers work alongside social workers and psychologists to deal with cases of juvenile probationers.

According to Article 7 (1) of the Law on the Execution of Non-custodial Sanctions and Probation, the National Probation Agency holds responsibility for the re-socialisation of probationers through the implementation of rehabilitation programmes and the encouragement of the involvement of the community in the latter. In order to strengthen rehabilitation/re-socialisation work with probationers, the National Probation Agency ran tenders and selected different civil society projects for funding focused on supporting the reintegration of probationers into society and their psycho-social rehabilitation. Financing such projects is one of the future priorities of the Agency. These partnerships with civil society organisations in the field of offender support and rehabilitation should be further strengthened and developed.

50 Source: <http://www.wales.nhs.uk/sites3/page.cfm?orgid=744&pid=36236>

Table no. 14:
Grounds for Probation⁵¹

Grounds for being probationer	Percentage of surveyed
Conditional sentence	58%
Early release from prison	35%
Suspended sentence	2%

Age, nationality, marital status and children

- Most of the surveyed probationers are aged between 41 and 50 years, while only three percent are aged between 14-18 and 19-21 years.
- About 6 percent of the surveyed women were over the age of retirement.

Table no. 15:
Age of Women Probationers

Age of women probationers	Percentage of surveyed
41 to 50	30%
31 to 40	23%
22 to 30	17%
51 to 60	16%
19 to 21	3%
14 to 18	3%
60 and older	6%

Table no. 17:
Children of Probationer Women and their Residence⁵²

Children	Percentage of surveyed
Have children	76%
Do not have children	23%
Children's residence	Percentage of surveyed
With the mother	74%
With mother's family	9%
With the father	2%
Foster care	6%
Childcare facility	2%
Indicated other (independently, in another country, 1 – in prison)	18%

51 One beneficiary selected more than one option, due to which the total percentage amounts to 101%.

Marital Status

- Of the women on probation, an almost even number are married and divorced.
- There is a similarly slight difference between the percentages of widowed and single surveyed probationers.

Table no. 16:
Marital Status of Women Probationers

Marital Status	Percentage of surveyed
Divorced	36%
Married	34%
Widowed	16%
Single	14%

- Some 44% of surveyed women live with their husbands/ families, while 28% of women on probation rent an apartment, having earlier lost their properties due to financial problems resulting from their criminal charges.
- 15% of women probationers live with their relatives and 7% live alone.
- 76% of the interviewed women on probation have children (32% have children, who are under 18 years old and 24% have three or more children). The majority of these children (74%) are living with their mothers. Overall, 9% of children live with their mother's family, 6% are living in foster care, while 2% are placed in childcare institutions.

52 Of the surveyed women, 65 are mothers with a total of 72 children, accordingly, the total percentage amounts to 111%.

- Among the surveyed 7 non-Georgian speaking probationers, three women were foreign nationals (Israeli, Armenian, Russian).
- About 33% of surveyed women have a higher education, and the same percentage have an incomplete higher education. About 23% have a high school level education. A relatively low percentage have an incomplete secondary education (8.5%) and roughly 1% are illiterate.
- The majority of surveyed women have an average income, while 24 percent consider themselves poor and 12% – very poor.

Table no. 18:
Socio-Economic Status of Women Probationers

Socio-Economic Status	Percentage of surveyed
Average income	57%
Consider themselves poor	24%
Very poor	12%
Did not specify	5%
Higher than average income	2%

- 24% of the surveyed women prisoners are serving a probation period of three years, followed by 4-year (21%) and 2-year terms (18.5%). As of October 4, 2013, legislative amendments to Article 64 of the Criminal Code took effect with the reduction of the maximum period of probation to six years.

Impact of probation period on family relationships

Responding to the question as to the impact of the probation period on family relationships of women probationers, 56% of probationers answered that they have not experienced any impact, while 27% stated that their family members expressed negative attitudes towards their criminal case. Indeed, 10% underlined a positive impact of their sentences on their relationships with family members.

The impact of probation period on the relations of other members of society with women probationers (stigma, discrimination)

- 70% of surveyed women consider that their probation period had no influence on their relationships

with other members of society, while 25% stated there was a negative impact on such relationships. Hence, almost one quarter of the surveyed women probationers have experienced some kind of stigma or discrimination from society. Overall, 5% of probationers experienced positive effects.

Employment

The employment rate of probationers is rather low. Of the respondents, only 26% (22 women) have paid jobs.

The high unemployment rate might be partly due to the fact that many surveyed women probationers are employed in the private sector, by private companies, for example. Women exiting probation who do find employment, do so in the following wide range of jobs and occupational spheres: individual entrepreneurs, independent manual workers and workers in a market, leather factory workers, lawyers, cleaners, restaurant employees, educational managers, accountants, cafe employees, traders, booth vendors, snack bar waitresses, assistants at medical centres, sales staff, cashiers, food vendor employees, etc.

Having a criminal record is the main obstacle for the employment of ex-convicts. In the public sector, staff cannot be recruited without a criminal record certificate and, frequently, being an ex-convict will preclude a candidate from obtaining a particular job. As for the private sector, restrictions in trust and reliability are common at different levels when recruiting former prisoners or probationers.

Article 79 of the Criminal Code of Georgia sets rules for the removal of convictions and clearance of criminal records.

“2. A person released from prison is considered to have a cleared criminal record”

“3. Criminal records can be expunged: for a probationer - after the probationary period”

“4. As prescribed by the law, if a convicted person has been released on parole or if an unserved part of the sentence has been replaced with a lighter sentence, the terms of clearing the criminal record will be accordingly calculated in accordance with the terms of the sentence actually served or from the moment of having served the (initial and additional) lighter sentence.”

The Law on the Execution of Non-custodial Sanctions and Probation also creates possibilities for probationers to apply for pre-term remittals from conditional sentences and for the clearance of criminal records:

“After the expiration of at least half of the probation period or in case of ill health, also prior to the expiration of half of the probation period as per the conditions of the Civil Agreement envisaged by Article 67 of the Criminal Code of Georgia, the decision on the preterm revocation of a conditional sentence and the clearance of criminal records is rendered by the Standing Commission on the basis of a relevant motion filed by the Agency responsible for the control of and assistance to the convicts.”

The Standing Commission was established by, and currently operates under, the Ministry of Corrections, and is within the jurisdiction of the National Probation Agency.

Table no. 19:
Statistics on Application of Women Probationers to the Standing Commission⁵³

Applications to the Standing Commission	Percent of surveyed
Have not applied	47%
Applied for the cancellation of the conditional sentence	46%
Clearing the criminal record	43%

Positive political measures were implemented by the President of Georgia in October-November, 2013. The former President issued orders for individual pardons of women probationers for conditional sentences and for the clearing of their criminal records. As the process has not been completed officially, no accurate data on the number of final beneficiaries were available to enclose in the present report.

Imposing non-custodial sentences

Of those surveyed, 5% have been deprived of the right to hold office or pursue a certain activity (vocation) as part of their sentence, whilst 3% have been sentenced to correctional work.

Distance to probation bureau

In total, 52% of respondents say that the probation service (to which they report) is at an average distance from their residence. For 27% of the surveyed women, their probation bureau is considered close to home while 21% stated it was far away.

Reasons why probationers encounter obstacles (if any) in attending the probation bureau (multiple answers were allowed)

The focus group was also asked about delays encountered in attending the probation bureau. The majority of surveyed women on probation (58%) outlined that they did not suffer any delays in this respect, but 24% cited economic reasons as the main cause for delays (e.g. they cannot afford travel fees). As underlined above, most of the surveyed women probationers are unemployed. In addition, health conditions were stated by 17% of interviewees as a cause of difficulty in attending probation bureaus in a timely manner. A total of 12% referred to family circumstances, and 7% - to a lack of transport communication, while 1% noted other reasons.

Whether the imposed regime of reporting to the probation bureau has been alleviated (for various reasons)

Of the surveyed probationers, 80% have noted that the current system of reporting to the probation bureau has not been eased for them, while for 20%, the frequency of reporting to the probation bureau has been reduced.

Table no. 20:
Frequency of Visits to the Probation Bureau

Frequency of attendance	Percent of surveyed
Once a week	82%
Once every two weeks	9%
Once a month	9%

53 The question was answered by 74 probationers, most of whom gave multiple answers

Seventy-eight percent of the surveyed women have never violated the reporting regime, while 22% reported having violated the regime at least once. About 65% of women probationers who indicated they had violated the regime received punitive measures for the violations, while others did not receive sanctions due to excusable reasons.

For 6% of the respondents, the cause for the tightening of the reporting regime was a delayed visit to the probation bureau, while 2% noted obscure reasons, while for 1% of surveyed women, the reason remains unknown.

The Law on Execution of Non-custodial Sanctions and Probation also enables probationers to travel abroad for personal reasons prescribed by the law. According to Article 14, the decision on the individual application of a probationer to obtain permission to travel abroad is made by the head of the probation bureau. In cases where a positive decision of the authority is rendered, the probationer is obliged to pay a preliminarily determined budgetary fee depending on the duration of her absence.

Among surveyed probationers, 90% have never applied to travel abroad. Meanwhile, 4% of applications made were successful. The same percentage of probationers had submitted applications and had been rejected. In the survey period, 1% of the beneficiaries' cases were under consideration.

When asked whether they used the right of benefits given for frequent visits to the bureau, 7% of the surveyed women answered that they had used them, with 93% replying that they had not.

Some of the surveyed probationers have experienced restrictions of their rights due to their status of probationers. Of the women interviewed, 20% said that their rights had been curtailed. For instance, four women probationers were not permitted to leave the country as a form of restriction and the right to labour was restricted for four convicted women (as per to the sanction of the deprivation of the right to hold a position or pursue a certain activity/vocation).

Have the respondents ever applied to the Standing Commission about removing their conditional sentence or criminal record⁵⁴?

- 40% - applied for the cancellation of their conditional sentence
- 37% - applied to clear their criminal record
- 41% - have not applied

According to the Law on Non-custodial Sanctions and Probation (Article 12) the key contact persons for probationers when serving their sentences are probation officers. Among the surveyed probationers, 56% give probation officers a very positive evaluation regarding the accomplishment of their professional duties, 36% assess the performance of the officers as positive, while 8% feel it is average.

Table no. 21:
Women Probationers' Perceptions on Probation Officers⁵⁵

Description of probation officer	Percent of surveyed
Attentive	63%
Polite	59%
Responsive	50%
Business-like	41%
Supportive	37%
Other	5%
Indifferent to the problem	1%

The re-socialisation of probationers is one of the main priorities of the National Probation Agency through the implementation of rehabilitation programmes and the encouragement of the involvement of the community in the programmes. The National Probation Agency has contributed its own funds to the projects that are oriented towards the reintegration of probationers into society and their psycho-social rehabilitation.

54 In the question, several beneficiaries selected more than one option, due to which the total percentage amounts to 118%

55 The majority of the respondents selected multiple answers

Women on probation who took part in the survey had access to different programmes and services organised by the National Probation Agency in cooperation with civil society organisations.

One factor that should be underlined is that most programs and services offered by the National Probation Agency are sporadic and short-term. It is expedient to strengthen programmes and support services for probationers, especially considering the needs and priorities of vulnerable groups, such as women and juveniles, based on their needs assessments and individual sentence planning. In January 2014, the Department for Rehabilitation Programmes was established at the National Probation Agency, aiming to develop long-term rehabilitation programmes tailored to the needs of probationers which is currently underway. The aforementioned department is an innovation in the probation system.

- Only about 33% of the surveyed women probationers indicated that some services are accessible to them under probation.

Table no. 22:
Access to Services for Women Probationers⁵⁶

Accessible services	Percent of surveyed
Employment	38%
Social worker assistance	34%
Availability of health services	24%
Psychological services	21%
Legal services	17%
Educational services	10%
Psycho-social rehabilitation	3%
Other	3%

Some of the interviewed probationers expressed their willingness to participate in different rehabilitation programmes. Most desirable for them are programmes improving labour skills followed by other types of priorities as listed in the table below.

Table no. 23:
Desired Rehabilitation Programmes of Women Probationers⁵⁷

Desired rehabilitation programmes	Percent of surveyed
Improving labour skills	35%
Training - vocational programmes	27%
Supportive conversations	27%
Social skills development	19%
Emotion management techniques	16%
Psycho-education	16%
Aggression and anger management	14%
Communications skills	14%
Understanding of the crime genesis and damage	5%

56 The majority of the respondents selected multiple answers

57 The majority of the respondents selected multiple answers

Different types of assistance required for women on probation

Table no. 24:
Types of Assistance Needed for Women Probationers⁵⁸

Needed aid	Percent of surveyed
Support in employment	59%
Shelter, accommodation	40%
Granting of social vulnerability status	32%
Treatment of health problems	30%
Access to legal aid	24 %
Childcare assistance	17 %
Financial assistance for education or vocational training	14 %
Restoration of contacts with children	10%
Restoration of contacts with spouse	3%
Other	8%
Access to mental health care services	6%
Protection from domestic violence	3%
Granting of IDP status or other documents	2%

At the beginning of the questionnaire, interviewees were asked to answer a question about 10 urgent priorities and needs which will foster their re-socialisation and rehabilitation while under probation supervision. The following needs and priority issues were identified by the interviewees:

- Due to being a single mother, assistance in finding employment for adult children;
- Accommodation
- Finding work
- Healthcare assistance
- Timely cessation of the probation period
- Day off from work to accommodate visits to the bureau
- Pardon
- Facilitation of reporting to the probation bureau
- Clearance of the criminal record
- Timely review of the case
- Support in small business start-ups
- Improving employment conditions
- Travelling abroad
- Legal aid
- Removal of the conditional sentence due to pregnancy

- Assistance with social issues
- Economic problems, recovery of social vulnerability status, health care, ID
- Children's education
- Financial aid
- Domestic needs

KEY FINDINGS REGARDING FORMER PRISONERS

Rule 47, The Bangkok Rules

Additional support following release shall be provided to those women prisoners who need psychological, medical, legal and practical help to ensure their successful social reintegration, in cooperation with services in the community.

After the Act of Amnesty of 2012, the number of women prisoners and probationers decreased significantly⁵⁹. It was the first initiative under the general amnesty programme through which the state offered assistance in the psycho-social rehabilitation of persons released from jail, thus giving them a chance to feel like valuable members of society. The programme is being implemented by the Ministry of Justice and the Centre on Crime Prevention and Inno-

58 The majority of the respondents selected multiple answers

59 http://www.mcla.gov.ge/index.php?action=page&p_id=1114&lang=geo

vative Programmes. The Centre is implementing different programmes in cooperation with government agencies, educational institutions and NGOs. The initiative has benefited 800 former inmates. Beneficiaries are involved in educational activities, as well as 18 other courses of different types; over 60 individuals are employed. The programme has helped the beneficiaries with addressing health-related problems and finding shelter.

Unfortunately, women's engagement in these programmes is low with only 101⁶⁰ women taking part, of which only 42 engage in different activities offered by the centre.

In the framework of the study, 11 former prisoner women were surveyed. With the assistance of the Ministry of Justice of Georgia and the Centre for Crime Prevention and Innovative Programmes PRI conducted a focus group meeting with beneficiaries of the Centre in order to identify the main priorities and needs of former prisoners to restart their lives following release.

According to official information provided by the Centre for Crime Prevention and Innovative Programmes, their beneficiaries had been serving sentences for:

- Fraud
- Theft
- Drug-related crimes

Under the Act of Amnesty, the beneficiaries' long-term sentences decreased substantially with most of them having been imprisoned for no longer than 4-5 years⁶¹.

Georgian authorities had expressed their political will to elaborate upon their former prisoners' rehabilitation and re-socialisation strategy and to make it part of the Criminal Justice Reform policy. Currently, multiagency work is in progress to identify issues of concern and responsible state bodies for its implementation. Key goals of this strategy and an action plan will increase former prisoners' access to the state's social, legal and health care services for their successful re-integration into society.

In the focus group discussion with former prisoner women, the following issues and problems affecting them in their daily life were identified:

60 Official Letter No. 357, 08/11/2013 – Center for Crime Prevention and Innovative Programmes

61 Official Letter No. 401, 19/12/2013 – Centre for Crime Prevention and Innovative Programmes

Being on the edge of poverty creates severe conditions for the respondents and their families. A zero tolerance policy towards criminal sanctions had impacted their properties as well. The respondents had lost all of their financial means and many of them are dependent on their parents' pensions and donations of close relatives. Assisting the former prisoner women in finding appropriate accommodation/shelter is urgent for some of them as well.

One main obstacle encountered by former prisoners is limited chances for employment due to their criminal records. Some of them had been refused a job on these grounds. The stigma and distrust towards former prisoners exists in both the public and private sectors.

Most of the surveyed ex-prisoner women consider their sentences to be unlawful and disproportionate with respect to the offences committed. Many of them are victims of violence during prosecution and investigation. The establishment of a Temporary Commission on the Miscarriages of Justice is their ultimate hope in the restoration of their legal rights. Unfortunately, the Georgian government has suspended the ongoing process for the establishment of this new mechanism due to financial issues.

Today, state benefits on medical assistance are available only for socially vulnerable families, children aged 0-5, people of retirement age and over, and persons with disabilities⁶². Former prisoners sometimes do not qualify for the number of points needed to obtain the social vulnerability status, despite having no financial means to conduct laboratory analyses and purchase necessary medicine. It is well known that many released women have chronic diseases, acquired or exacerbated during imprisonment and require long-term treatment.

62 Decree No. 165 of the Government of Georgia dated 7 May, 2012 Tbilisi-On defining the measures to be taken and conditions of the insurance voucher for the State Programme insurance for 0-5 year old children, females aged 60 years and older, and males aged 65 years and older (Retirement age population), students, children with disabilities and persons with severe disabilities (5.06.2012 N 200).

Decree No. 279 of the Government of Georgia dated 23 July, 2012 Tbilisi -On Defining the Social Package.

Decree No. 36 of the Government of Georgia dated 21 February, 2013 Tbilisi -On Some Measures to be carried out in order to move to the universal health care.

CONCLUSIONS

This study has attempted to identify the needs and priorities of prisoner and former prisoner women in order to provide recommendations to relevant government agencies to address these needs and support the successful re-socialisation of the beneficiaries in question. As the aforementioned findings show, many challenges still remain for the criminal justice system of Georgia, particularly with regard to the operation of the penitentiary system.

More specifically, incorporation and implementation of the UN Bangkok Rules in respective national policies and legislation that target women offenders, women probationers, and former prisoner has considerable significance in order to develop responses within the criminal justice and penal systems for women that are effective, proportionate, and gender-sensitive.

The following points can be drawn from the study, which require further follow-up from relevant decision-makers:

- It is necessary to take into consideration the history of women's victimisation and caretaking responsibilities and reduce the use of imprisonment as a punishment towards women offenders;
- There is a considerable number of women prisoners, even after the large-scale amnesty implemented in 2013, who consider themselves victims of unfair trial and subject to disproportionately lengthy prison sentences as a long-term effect of formerly excessive punitive sentencing policies. There needs to be a review framework and processing of such cases with subsequent reduction in length of prison sentences by activating release mechanisms;
- Prison health care improvement remains a challenge to be addressed, and prioritising gender-specific health care in women's prisons would be one particular step towards reducing this challenge;
- Rehabilitation services in women's prisons are still largely provided by civil society organisations under external donor funding while state contribution is rather meagre. There are still no targeted government plans for the institutionalisation of these services. The current initiatives are short-term projects aiming at preparing women prisoners for release. There are no designed rehabilitation programs for women serving long prison sentences, including life sentences, which would prepare them for eventual release but would also provide meaningful activities to protect their mental health;
- Despite the sharp decrease in the number of convicted women prisoners, there are still no risk and needs assessments, and individual sentence planning piloted in relation to women prisoners;
- In the absence of a national strategy and action plan for the rehabilitation and re-socialisation of offenders, there is a lack of interagency coordination of relevant government bodies in this regard, as well as cooperation with the civil society and other sectors;
- There is no dialogue or cooperation established with the business/private sector on the most important factors in the female prisoners' socialisation process, particularly with regard to finding employment and shelter;
- There is still a need to develop long-term rehabilitation programmes for probationer and former prisoner women in cooperation with the civil sector. The most topical and important issue for former prisoner and probationer women is assistance in finding post-release accommodation and employment. The largest proportion of crimes committed by women are of an economic nature. In particular, many of the perpetrators are charged under Article 180 of the Criminal Code of Georgia, which, in addition to arrest, results in the confiscation and auction sale of their property, leaving them without any resources. A large number of the released women are sheltered by relatives, or face housing problems;
- There is a lack of arrangements and awareness-raising initiatives to include former prisoner and probationer women in the universal state health insurance programme to facilitate access to medical assistance.

Thus, the report has highlighted legal, administrative and policy aspects concerning women in Georgia's criminal justice system that call for attention. To meet gender-specific needs, it is essential to elaborate effective organisational and structural procedures, as well as budget allocation. Inter-institutional cooperation plays a major role in the reformation process of the criminal justice system to include gender-specific needs, especially those of women.

The readiness and commitment of the Ministry of Corrections, Ministry of Justice, and NGOs which have begun to address the problems facing women in the penal system raises hopes that the issues emphasised here will be positively addressed and improved.

D. RECOMMENDATIONS

Recommendations for addressing the needs and priorities facing women prisoners

- Develop a strategy and ensure coordination of the rehabilitation programs by encouraging interagency systematisation of relevant governmental bodies in this regard, as well as the development of cooperation with civil society and other sectors; Lay the ground for the institutionalisation of existing rehabilitation initiatives in partnership with civil society organisations (Rule 46, The Bangkok Rules)
- Individual approaches to the classification, rehabilitation, and re-socialisation of women convicts should be introduced using gender-sensitive risk assessment methods (Rules 40-41, 42, The Bangkok Rules); Individual risk and needs assessments and individual sentence planning methods and approaches at the women's prisons in consideration of gender-specific aspects should be piloted;
- Steps should be taken to reduce the use of imprisonment as a punishment for women taking into consideration their history of victimisation and caretaking responsibilities, by using non-custodial measures instead of pre-trial detention and prison sentences (Rule 57, The Bangkok Rules), and granting courts the authority to consider mitigating and gender-specific factors when sentencing women prisoners (Rules 57 to 61, The Bangkok Rules).
- The criminal cases of those women prisoners who consider themselves victims of unfair trial should be reviewed, and their prison sentences should be reduced by engaging release mechanisms;
- Subsequent improvement of medical care at the Women's Prison No. 5, prioritising gender-specific aspects (Rule 6 through 18, Rule 48, Rule 51.1, The Bangkok Rules should take place). Enhancement of infrastructure and caretaking arrangements for women prisoners with disabilities, and improvement of decision-making on compassionate release of such prisoners should be implemented;
- Rehabilitation treatment programs and relevant infrastructure for women serving long sentences, including life sentences, not only to prepare them for eventual release but also to protect their mental health should be introduced (Rule 42, The Bangkok Rules);

- The provision for gender-specific and other needs of socially vulnerable prisoners and those from other vulnerable categories, including foreign women prisoners, pre-trial prisoners, etc. (provisions, arrangements for contact with the outside world, hygiene means, medication, clothing) should be improved;
- Arrangements should be made, in cooperation with state social services (the Social Service Agency in particular), to improve contact of imprisoned mothers with their children, who are placed in foster care or specialised institutions;
- Procedures for using phone cards to allow women prisoners to have improved and increased contact with their families should be undertaken; the right to one free phone call a month should be granted to socially vulnerable women prisoners (Rule 26, The Bangkok Rules);
- Infrastructure for long-term conjugal visits should be provided;
- Gender-specific aspects and caretaking responsibilities of women prisoners should be incorporated during decision-making on parole, as well as pardon and other early release mechanisms (e.g. mothers with many children, accused/convicted mothers with children placed in foster care and small family-type homes) (Rule 45, The Bangkok Rules);
- A curriculum for training of staff at the Women's Prison No. 5 should be developed based on the Bangkok Rules and gender-specific aspects of women's imprisonment (Rules 32, 33, The Bangkok Rules).

Recommendations on addressing the needs and priorities facing women on probation and former prisoner women

- A post-release support scheme for former prisoner women in terms of rehabilitation, access to affordable accommodation and employment should be installed;
- The right to health must be secured for those persons who have had to deal with the criminal justice system (Rules 6, 12, 13, 16, The Bangkok Rules). It would be encouraging if the state undertakes responsibility to simplify the

procedures of access to universal health insurance for former prisoners;

- Long-term rehabilitation programmes for probationers and former prisoner women in cooperation with the civil sector should be developed (Rules 46, 47, The Bangkok Rules);
- A country-wide database of available social and health care services should be created, including gender-specific services, and arrangements should be made to raise awareness about them among probationer and former prisoner women (through notice boards, leaflets/booklets posted and distributed in prisons, probation bureaus, courts, etc.)
- Partnerships with civil society organisations to support the re-integration of former prisoner

women by increasing funding and the length of projects should be strengthened;

- PRI considers interagency involvement and cooperation with the business/private sectors as the most significant factors in the female probationers and former prisoners' re-socialisation process. The government, particularly the Ministry of Justice, has to develop a strategy that will ensure the employment of former prisoner women. Arranging temporary shelter is also essential, especially for those prisoners who have nowhere to go after release; thus, it is significant to introduce a post-release support scheme for former prisoner women addressing their needs for housing assistance, rehabilitation and employment (Rules 46-47, The Bangkok Rules).

