



ევროკავშირი
საქართველოსთვის
The European Union for Georgia



RESEARCH STUDY ON GENDER SPECIFIC NEEDS OF WOMEN VICTIMS OF VIOLENCE, STIGMA AND DISCRIMINATION IN CONFLICT WITH THE LAW

Penal Reform International (PRI)
South Caucasus Regional Office



Tbilisi
2018

Authors:
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This Research study has been prepared by Penal Reform International South Caucasus Regional Office with the financial support from the EU and US Government's INL programme in Georgia.

The aim of the Research study is to identify effective interventions, to provide targeted assistance and to inform the state agencies, which are in the process of developing rehabilitation services for women in conflict with the law who are victims of violence, stigma and discrimination, and their vulnerable children, about the reintegration needs of the identified beneficiaries. Situational and needs analysis of women offenders allows us to identify and help women with their victimisation histories and their needs.

The authors' views presented in the publication may not coincide with the views of the donor organisation.

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INTRODUCTION

Short Historical Discourse of Women's "Gender" Rights within Human Rights

The history of human rights can be divided into two stages of the development of humanity. The first stage was the struggle for recognizing the rights of the human (woman), and the other, on the contrary, the fight for the existing rights.

Human rights are an important step in introducing social justice. If the right is not given the proper meaning, the fight is for its implementation. The process of universal recognition of human rights improves the process of human rights protection and implementation.

The United Nations Charter is the basis for human rights and freedoms. Establishment of the United Nations is a special stage of the development of human consciousness, as it was designed to protect universally recognized rights and freedoms.

The first regular session of the UN Commission on Human Rights was held in February 1947 in order to introduce and supervise the United Nations human rights protection system.

In order to develop the Universal Declaration of Human Rights, the Commission on Human Rights adopted conventions as well as the mechanisms, for their realization, including complaints, monitoring, reporting and other procedures.

The UN General Assembly adopted the Universal Declaration of Human Rights on 10 December 1948.

Thus, the Commission on Human Rights created the first instrument for human rights protection. In order to make the principles of the Declaration legally binding for the States which have ratified it, the General Assembly divided the Declaration into two "Covenants": on Civil and Political Rights and on Economic, Social and Cultural Rights, which along with the Universal Declaration of Human Rights are known as International Bill of Human Rights, which entered into force since 1976.

International Covenants on Human Rights, which are often called "conventions", define the concept of human rights and formulate guidelines for the States. They help the society to create a favourable environment for human rights protection. The ratification of the Covenants imposes a dual obligation on the States: first - to apply its provisions; second - become the object of international control. States that have acceded to the Convention are obliged to present a regular report on the compliance and implementation of these Conventions.¹

After developing the first draft of International Conventions, the UN started using Covenants in specific areas as a guarantee of human rights protection. The first one was the Convention on the "Prevention and Punishment of the Crime of Genocide", which entered into force in 1948. The main convention concerning women, the "Convention on the Elimination of All Forms of Discrimination against Women" (CEDAW), was signed in 1979 and entered into force in 1981. Georgia acceded to this Convention in 1994.

As a result of the development of these two conventions, two main categories of rights were identified within the United Nations Human Rights Protection System: first - civil and political rights, and second - economic, social and cultural rights, the first of which was called "first generation" and the second "second generation" rights².

Public practice in the field of social cooperation has shown that, even under the whole complex of legal rights and freedoms, certain groups of the population do not have equal possibilities of existence and operation, for social or physiological reasons, and therefore they require special legal protection from the state. In this regard, one more direction emerged in international law - so called "third generation of human rights" aimed at expanding vital possibilities for individual social groups.

Women are at the central focus of the "Third Generation of Human Rights". The international community acknowledges that despite some progress made regarding the equality of women and men, the problem of discrimination against women still exists in the community, which is one of the hindering factors of increasing the well-being of the society and harms the process of humane and democratic development of the world civilization.

The United Nations Commission on the Status of Women, established in 1947, prepares evaluations, reports and recommendations on human rights and other issues related to women. The Commission participated in the development of conventions and projects on women's rights, such as the Elimination of all Forms of Discrimination Against Women and the programs on women's issues set forward by the United Nations. The Commission was the organizational body of important international conferences and focused on the improvement of women's political, economic and social status.

1 <http://www.nplg.gov.ge/gsd/cgi-bin/library.exe?e=d-01000-00---off-0samartal--00-1----0-10-0---0---0prompt-10---4-----0-11--11-ka-50---20-about---00-3-1-00-0-0-11-1-OutfZz-8-10&a=d&c=samartal&cl=CL4.3&d=HASHfb846b36a6403d837daa38.2>

2 Women's Human Rights Step-by-Step, 2001.

The announcement of 1975 as the International Women's Year (IWY) by the United Nations has turned into a recognition of the contribution made by women to the universal progression of the world community and the attention to the difficult problems faced by them. Among the events planned around the world, which were aimed at achieving the goals of the IWY, the main focus was on national, regional and international research activities, collecting data on women's situation and subsequent analysis. This context was also envisaged in the work of the program "United Nations Decade for Women", which was carried out under the slogan: "Equality, Development and Peace".³

During the decade, the Convention on the Elimination of All Forms of Discrimination against Women was ratified by 130 States, which was of great importance as the Convention is the most important international treaty specifically directed towards women.

At the World Conference on Human Rights held in Vienna in 1993, representatives of 171 States adopted the Vienna Declaration and Program of Action, which states that: "All human rights are universal, indivisible and interdependent and interrelated". The Conference became means for implementing the vision and practice developed by women. Its initial calling and agenda were not directed either towards women or gender aspects, but after a re-evaluation of the human's historical status was presented at the Conference, the issue of women's rights became the focus of the international community. This very campaign presented a petition that urged the World Conference to take the human rights of women into consideration at all levels and to recognize gender violence as a universal phenomenon that acquires different forms in different cultural, mass and class surroundings, as well as human rights violations that require immediate reaction.

Recognition of women's rights in order to advocate for legal and political changes on international and national levels is crucial. This process is also an important tool in everyday life, as it teaches women about the rights, which the states must recognize and promote.

1. Description of Problems and Subject of the Research Study

Women represent a very small proportion – 2.8% – of the total number of prisoners in Georgia. Their needs and priorities often differ from those of men and may be neglected.

The aim of this Research study is to identify and assess the needs of female prisoners, probationers and former prisoners who are victims of stigma, violence and discrimination, in the context of the existing policies, legislation, available support programmes and challenges in the country.

It should be noted that the treatment of women offenders and prisoners differently from men is not unjust and discriminatory. In fact, on the contrary. Women convicts and prisoners have specific needs that need to be identified and guaranteed to ensure fair approach towards them.

2. Description of the Research Methodology

Within the framework of a complex research, the following activities were planned and implemented:

I. Qualitative and quantitative research – Considering the complexity and comprehensiveness of the research, the interviews with women prisoners, probationers and former prisoners (as of 2017-2018) were conducted on voluntary basis at the first stage, also to identify the victims of stigma/violence/discrimination. On the second stage, the survey (questionnaire), in-depth interviews and focus groups revealed their needs and requirements regarding the improvement and availability of services.

Various special methods were selected to get information about the issues of interest. In particular, questionnaires were used for collecting quantitative information and data on various target beneficiaries; and in order to complement the quantitative research with qualitative research, the discussions within focus groups, interviews and in-depth interviews with stakeholders were held.

II. Analysis of the existing and carried out **research, policy documents and legislation with regard to Bangkok Rules.**

III. Face-to-face interviews: with experts, practitioners, public officials: Tamar Dekanosidze – GYLA; Ida Bakhturidze – Georgian Women's Movement; Goga Khatiasvili – Ministry of Internal Affairs; Eliso Amirejibi – Coordinator at Anti-Violence Network of Georgia; Londa Toloraia – Office of the Prosecutor General of Georgia; Ana Iluridze - Gender Equality Department at the Office of Public Defender of Georgia; Sopo Japaridze – Assistant to the Prime Minister of Georgia

³ <http://www.nplg.gov.ge/gsdll/cgi-bin/library.exe?e=d-00000-00---off-0civil2--00-1----0-10-0---0---0prompt-10---4-----0-11--10-ka-50---20-about---00-3-1-00-0-0-01-1-1-outfZz-8-00&a=d&cl=CL1.8&d=HASH017c4c29ab02a4d620c75af3.5.5>.



on Human Rights and Gender Equality Issues; Ketii Shubashvili – Equality Department at the Office of Public Defender of Georgia; Maia Tsiramua – GCRT; Nana Gogokhia – Association “Consent”; National Probation Agency (Probation Officer and Social Worker); Other stakeholders.

The legal analysis of the rights of women prisoners and their young children as well as analysis of Georgian legislation and sub-legislative acts in relation to international standards was carried out.

- Constitution of Georgia;
- Law of Georgia “On Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence”;
- Law of Georgia “On Gender Equality”;
- Code of Imprisonment of Georgia;
- Criminal Code of Georgia;
- Criminal Procedure Code of Georgia;
- Civil Procedure Code of Georgia;
- Administrative Procedure Code of Georgia;
- Law of Georgia “On Enforcement Proceedings”;
- Order of the Minister of Labour, Health and Social Affairs of Georgia on “The Approval of the List of Those Serious and Incurable Diseases that Represent Grounds for the Release of Convicted Persons from the Sentence”.
- The UN Standard Minimum Rules offering Recommendations: the Bangkok Rules and the Mandela Rules.

Target Group: female prisoners, probationers, former prisoners and their children.

3. Review of Georgian Legislation in Regard to International Conventions

Constitution of Georgia

The Constitution of Georgia is the supreme law of the state, which was adopted by the Parliament of Georgia on 24 August 1995. It entered into force since the day of recognition of the newly elected Parliament of Georgia in 1995.

The Constitution of Georgia strengthens the universally recognized human rights and freedoms. The State recognizes these rights and freedoms as both invincible and supreme values.

Number of amendments have been made to the Constitution of Georgia through the Constitutional Law of Georgia of 23 March 2018. According to the amendments, two new articles were added to the Constitution, directly related to the research target group (women prisoners, probationers, former prisoners and their minor children).

Article 11 of the Constitution of Georgia recognizes the equality of women and men (Article 11.3):

“The State shall provide equal rights and opportunities for men and women. The State shall take special measures to ensure the essential equality of men and women and to eliminate inequality.”

Article 30 of the Constitution of Georgia establishes the rights of mothers and children (Article 30.2):

“The rights of mothers and children shall be protected by law.”

The Constitution of Georgia is the supreme law of the state, which offers a high standard of protection to the target group: women prisoners, probationers, former prisoners and their minor children.

The inclusion of these provisions in the Constitution of Georgia, as already mentioned above, provides a high standard of protection, since the definitions of equality and the rights of mothers and children were not included in the supreme law of the state until 23rd of March 2018. The above legislative amendments are yet another **positive step towards the protection of the equality of women and men and the rights and freedoms of mothers and children.**⁴

Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence

Adoption of the Law of Georgia “On Elimination of Violence against Women and/or Domestic Violence, Protection and Support of Victims of Domestic Violence”

4 <https://matsne.gov.ge/en/document/download/30346/35/en/pdf>.

Georgia joined the Council of Europe Convention of 11 May 2011 on “Preventing and Combating Violence against Women and Domestic Violence”, through the Decree of 5 April 2017 of the Parliament of Georgia.

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence is a legally binding document aimed at the prevention and elimination of violence against women and domestic violence. The Convention is the best instrument to combat violence against women and domestic violence.

The Convention provides the best ways to combat violence and relevant implementation measures. The objective of the Convention is to:

- contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women;
- protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence;
- design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence;

The scope of the Convention is wide, it applies to all forms of violence against women, including domestic violence. The Convention encourages the parties to apply this Convention to all victims of domestic violence with a particular focus on women victims of gender-based violence.

The Convention shall be applied in times of peace and in situations of armed conflict.

For the purposes of the Convention “violence against women” is defined as follows: a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;

The Convention defines the term “gender”. “Gender” shall mean the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men;

As for the “gender-based violence against women”, it shall mean violence that is directed against a woman because she is a woman or that affects women disproportionately; according to the convention “women” also includes girls under the age of 18.

The Convention promotes and protects the right for everyone, particularly women, to live free from violence in both the public and the private spheres. The Convention condemns all forms of discrimination against women.

Number of changes were made to the Law of Georgia on “Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence” after the ratification of the Convention.

The Convention condemns all forms of violence against women and domestic violence. It recognizes that the realization of de jure and de facto equality between women and men is a key element in the prevention of violence against women. It recognises that violence against women is a manifestation of historically unequal power relations between women and men, which have led to domination over, and discrimination against, women by men and to the prevention of the full advancement of women. The structural nature of violence against women as gender-based violence, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.⁵

The ratification of the Council of Europe Convention on “Preventing and Combating Violence against Women and Domestic Violence” is a step forward for the Georgian legislative sphere, as positive changes were reflected in the law in regards to the protection of the principle of gender equality and fight against domestic violence, as the result of the ratification. The positive impacts that have been reflected in the Law of Georgia on “Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence” should be pointed out.

One of the most important achievements is the fact that, after the ratification of the Convention, the mentioned law extended its scope of action and included violence against women. In particular according to the amendments of 4 May 2017, the title of the law was established in the following way: “Elimination of Violence against Women and/or Domestic Violence, Protection and Support of Victims of Domestic Violence”.

Article 3¹ was added to the Law of Georgia on Elimination of Violence against Women and/or Domestic Violence, Protection and Support of Victims of Domestic Violence, which defines the violence against women and for the purposes of the law determines that “women” also includes girls under the age of 18.

After the amendment, the law considers any person, including the family member, as a perpetrator, who is subjecting a woman to gender-based physical, psychological, sexual or economic violence or coercion whether in public or in private life. (Practice: statistics, situational description of cases).⁶

As a result of ratification of the Istanbul Convention, certain provisions were added to the Law of Georgia on “Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence”, based on which, as already pointed

5 <https://www.matsne.gov.ge/ka/document/view/3789678>.

6 <https://matsne.gov.ge/ka/document/view/26422?publication=14>.



out, the **mechanism of further protection of women** was established, one of which is the subparagraph “a” of Article 2. The article talks about ensuring the creation of legislative guarantees for protecting the rights and freedoms of women, their physical, psychological, sexual and economic protection. The mechanism for protection of women against violence and/or domestic violence was created on the basis of this law. The law also includes measures for prevention of violence against women, identification of the risk group of perpetrators by relevant state agencies and promoting solving the existing problems. A particularly detailed provision is the compilation of actions which need to be taken by relevant state agencies for the protection of the victim in the case of identified violence. The formulation of Article 16¹, paragraph 1, concerning the status of the victim, should be noted. The definition is as follows:

“In addition to the state authorities specified by this Law (the relevant service of the Ministry for Internal Affairs of Georgia, investigative bodies, judicial bodies), the Victim Identification Group shall also ensure granting the status of victim, unless the process of issuing a protective order or restraining order is in place to ensure the protection of the victim or the prosecution procedures are underway regarding the violence against women and/or domestic violence.

The victim status granted by the Victim Identification Group shall be valid for 18 months from the date of issuance, and if the victim is provided with the shelter - for the period prescribed by this law regarding placement of the victim in the shelter.”

Article 17 defines the rights and legal guarantees of the victim.

While analysing the changes we should note that one of the most important provisions of this Law is article 20 on the measures targeting the correction of perpetrator’s behaviour and attitude.

The measures targeting the correction of perpetrator’s behaviour and attitude include measures and activities altering the violent behaviour of the perpetrator and providing psycho-social assistance, which aims at preventing the repetition of violence and ensuring victims’ safety, acknowledgment of the responsibility over the violent behaviour and its consequences by a perpetrator, as well as maintaining the positive changes achieved regarding the perpetrator’s behaviour and attitude. In order to achieve these aims, it is important for the perpetrator to take the compulsory course oriented at alternating the violent attitude and behaviour. Measures for the correction of perpetrator’s behaviour and attitude, and the procedures and forms for their implementation are determined by the Decree N761-II of the Government of Georgia.⁷

Naturally, after the ratification of the Convention, the amendments were made to the “Administrative Procedure Code of Georgia” and its scope of action also spread to the cases of violence against women.

After ratification of the Convention on “Preventing and Combating Violence against Women and Domestic Violence”, number of positive changes were reflected in the legislation of Georgia. At the national level, the legislation became more detailed and more guarantees were created for combating and preventing all forms of violence and discrimination against women.

CODE OF IMPRISONMENT

The purpose of the Georgian legislation on the execution of detention and deprivation of liberty is the execution of detention and deprivation of liberty, prevention of crime and re-socialisation of convicts.

Execution of detention and deprivation of liberty in Georgia is based on the principles of lawfulness, humanism, democracy, equality before the law and individualisation of sentences.

The amendments were made to the Code of Imprisonment on 1 June 2017. Paragraphs 2 and 3 of Article 17³, which concern **the right of women convicts to visitations**, shall be pointed out:

Based on a written application of a convicted woman, through the motion of the Director of the establishment and the consent of the Head of the Department, she may be granted the right to a family visit to meet with her child, adopted child, step-child, grandchild, spouse, the person with whom she has a common child, parent (adoptive parent), grandmother, grandfather, sister and brother.

Part 2¹ Through the motion of the Director of the establishment and the consent of the Head of the Department, a convicted woman may be granted the right to a family visit with persons not provided in paragraph 2 of this article.

It should also be noted that the amendment was made to Article 63, which describes the **forms of incentives** for the convicts in the semi-open type establishment for deprivation of liberty.

Sub-paragraph “h” was added to the same article: an additional family visit (for convicted women);

Also, paragraph 3² and 3³ were added to article 72 of the Code of Imprisonment:

A convicted woman, whose child has turned 3 and left women’s special penitentiary establishment, has the right to temporarily leave the establishment on the holidays established by the Georgian legislation, based on the decision of the Director of the establishment, for the purpose of communicating with the child during one year after the child left

⁷ <https://matsne.gov.ge/ka/document/view/3665073?publication=0>.

the establishment. The rule for female convict leaving women's special penitentiary establishment on holidays shall be determined by the order of the Minister.⁸

Paragraph 4 of the same article was formulated as follows:

If in the situation envisaged by paragraph 3 a woman prisoner systematically evades parental duties, performs them improperly, abuses the parental rights, the Director of women's special penitentiary establishment is obliged in accordance with the legislation to immediately notify the relevant agency of guardianship and care for further reaction.

Paragraph 10 was also added to the same article with the following content:

A convicted woman has the right to enjoy 3 long-term visits a year, and 2 additional long-term visits a year, as an incentive;

The title of Article 90 of the Code of Imprisonment and paragraph 3 of the same article have been amended as follows: convicted women who are pregnant or have children under the age of 3 in the women's special penitentiary establishment, as well as convicts over the age of 65 shall not be subjected to disciplinary detention.

The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules) cover all prisoners without any discrimination. Therefore, when using the Rules, special needs and reality of all the prisoners, including women, shall be taken into consideration. The need to discuss the treatment of women prisoners in more specificity has become important and essential in line with the increasing number of women prisoners worldwide. These Rules are directed towards the penitentiary and criminal justice actors and agencies (including politicians, lawmakers, prosecutors, judicial system and the probation service), which participate in the administration of non-custodial sanctions and community-based measures.⁹

The national legislation of Georgia is practically in compliance with the Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (so called Bangkok Rules), but the problem is regarding the extent of their use and implementation in practice. The Bangkok Rules cover the most important issues, which are vital in the everyday lives of women in terms of their healthy development and adequate re-socialisation with the outside world. Based on the discussions above, it is important to focus on what the Georgian legislation (Criminal Code, Criminal Procedure Code, Code of Imprisonment) has in common with international acts.

Admission to Penitentiary Establishments

Proper attention should be paid to the admission procedures of women and children to penitentiary establishments, due to their particular vulnerability in the situation. Newly admitted women prisoners should be provided with appropriate means to have contact with their relatives, have access to legal counselling, get information about prison rules, prison regime and regulations. At the same time, they shall be able to get assistance, if necessary, in the language they understand. In case of foreign citizenship, they should have access to respective consular representatives. Before or at the time of admission to the establishment, women, who have children under the age of 3, should be entitled to deal with the issues concerning their children. At the same time, suspension of the prison sentence should be possible in consideration of the best interests of the child.

Prisoner Registration

The number of the child(ren) of women prisoners and their personal data should be recorded upon admission to the penitentiary establishment. All information related to the child's identification must be confidential. Their disclosure is only permitted if it serves the best interests of the child.

Accommodation to the Penitentiary Establishment

Women prisoners shall be allocated, to the extent possible, to prisons close to their homes or their places of social rehabilitation. This is determined by the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules).

Medical Screening and Hygiene at Places of Deprivation of Liberty

The accommodation of women prisoners shall have facilities and materials required to meet women's specific hygiene needs. The health screening of women prisoners shall include comprehensive screening to determine primary health-care needs, and also shall determine: (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; (b) Mental health-care needs; (c) The reproductive health history of the woman prisoner; (d) Sexual abuse and other forms of violence that may have been suffered prior to admission. If the existence of sexual abuse or other forms of violence before or during detention is identified, the woman prisoner shall be informed of her right to seek recourse from judicial authorities. The woman pris-

⁸ <https://matsne.gov.ge/ka/document/view/3696191>.

⁹ <https://www.penalreform.org/wp-content/uploads/2013/07/PRI-Short-Guide-Bangkok-Rules-2013-Web-Final-Geo.pdf>.



oner 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. Whether or not the woman chooses to take legal action, prison authorities shall endeavour to ensure that she has immediate access to specialized psychological support or counselling and ensure the protection of her medical confidentiality. If the woman prisoner is accompanied by a child, that child shall also undergo health screening, preferably by a child health specialist. Suitable health care, at least equivalent to that in the community, shall be provided to women prisoners and their minors.

Safety and Security at Places of Deprivation of Liberty

Searches at Places of Deprivation of Liberty - Effective measures shall be taken to ensure that women prisoners' dignity and honour are protected during personal searches. Searches shall only be carried out by women staff who have been properly trained in appropriate searching methods and in accordance with established procedures. Alternative screening methods, such as scans, shall be developed to replace strip searches and invasive body searches, in order to avoid the harmful psychological and possible physical impact of invasive body searches. Prison staff shall demonstrate competence, professionalism and sensitivity when searching both children in prison with their mother and children visiting prisoners.

Discipline, Punishment – Punishment by close confinement or disciplinary segregation shall not be applied to pregnant women, women with infants and breastfeeding mothers in prison. Disciplinary sanctions for women prisoners shall not include a prohibition of family contact, especially with children.

Inspection of Complaints - Women prisoners who report abuse shall be provided immediate protection, support and counselling by the prison administration. 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.

Women prisoners who have been subjected to sexual abuse, and especially those who have become pregnant as a result, shall receive appropriate medical advice and counselling. Also, they shall be provided with possibility of mental health care, support and legal aid.

In order to monitor the conditions of detention and treatment of women prisoners, inspectorates, visiting or monitoring boards or supervisory bodies shall include women members.

Contact with the Outside World – 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. The visiting environment shall be conducive to a positive visiting experience, including with regard to staff attitudes, and shall allow open contact between mother and child. Visits involving extended contact with children should be encouraged, where possible.¹⁰

Law of Georgia on Gender Equality

This Law on Gender Equality defines fundamental guarantees for equal rights, freedoms and opportunities provided for in the Constitution of Georgia, and also determines legal mechanisms and conditions for their realisation in relevant aspects of public life.

The purpose of this Law is: to ensure that there is no discrimination in any aspect of public life; create proper conditions for realisation of equal rights, freedoms and opportunities for men and women; prevent and eliminate any discrimination.

The Parliament of Georgia, according to the Constitution of Georgia, international treaties, its Rules of Procedure and the legislation of Georgia, shall determine the main directions of the state policy regarding gender equality, ensure preparation and development of gender-related legislative base and facilitate execution of the Parliament's decisions in this regard, discuss and adopt relevant strategies, as well as monitor the activities of the bodies accountable to the Parliament of Georgia.¹¹

Gender Equality Council

The Parliament of Georgia, according to its Rules of Procedure and the legislation of Georgia, shall set up the Gender Equality Council to ensure systematic and coordinated work regarding gender issues, the composition, status, functions and powers of which shall be determined by this Law, the Rules of Procedure of the Parliament of Georgia and the statute of the Gender Equality Council approved by the Chairperson of the Parliament of Georgia.

¹⁰ https://www.penalreform.org/wp-content/uploads/2016/11/PRI_Nelson_Mandela_Rules_Short_Guide_Geo_final.pdf.

¹¹ . <https://matsne.gov.ge/ka/document/view/91624>.

Gender Equality Council is Authorised to perform analysis of the legislation of Georgia and develop proposals to eliminate existing gender inequality in the legislation;

The Council ensures expert examination in terms of gender equality of draft legislative acts submitted as legislative initiatives, in terms of gender equality, develops and plans certain activities to achieve gender equality and provide equal rights for men and women.

The Gender Equality Council develops and introduces a monitoring and assessment system for activities aimed at ensuring gender equality, and produces appropriate recommendations, requests and receives any information and document related to the study of gender issues, except for documents the confidentiality of which is protected under the legislation of Georgia.

It examines statements, documents and other information on violations of gender equality and respond to them within the scope of its authority and competence, as well as produce appropriate recommendations.

The Council invites representatives and/or experts of international or local organisations working in the relevant field to discuss gender equality issues;

The Gender Equality Council shall submit a report on gender equality in Georgia to the Parliament of Georgia once a year. The Gender Equality Council shall be authorised to represent the Parliament of Georgia on gender equality issues in international relations, based on the relevant decision of the Chairperson of the Parliament of Georgia. Organisational structure, rules of operation and relationship with state bodies of the Gender Equality Council shall be determined by the Rules of Procedure of the Parliament of Georgia and the Statute of the Gender Equality Council.

To ensure systemic and coordinated work regarding gender-related and other issues envisaged by the Georgian legislation, the Government of Georgia shall set up the Inter-Agency Commission working on the issues of gender equality, violence against women and domestic violence. The composition, status, functions and powers of the Commission shall be determined by the statute of the Commission approved by the Government of Georgia.

In 2016 the following amendment was made to the Law of Georgia on Gender Equality:

The Gender Equality Councils have been created in local municipalities. The composition, status, functions and powers of these Councils are determined by the Rules of Procedure of the Municipality Council and the statute of the Gender Equality Council, approved by the relevant Municipality Council.

To ensure the coordination on gender equality issues, the Governor/Mayor of the relevant municipality appoints a public official responsible for gender equality issues.¹²

Criminal Code

After joining the Council of Europe Convention on Preventing and Combating violence against Women and Domestic Violence, several changes were made to the Criminal Code of Georgia, through which the following actions have become crimes: forced sterilisation (art. 133 of the Code); female genital mutilation (art. 133²); stalking (art. 151¹);

Also, dispositional changes were made to the following articles of the Criminal Code: 11¹ - liability for domestic crime; 126¹ - domestic violence; 138 – other non-consensual act of a sexual nature; 139 - engaging in non-consensual penetration or other acts of a sexual nature; 140 – non-consensual penetration of a sexual nature in the body of the person under the age of 16; Article 141: immoral act; Article 151 - threats;

Prior to the amendment of 4 May 2017, the Criminal Code of Georgia did not criminalise the act of “forced sterilisation” - performing an operation or manipulation on a person without prior consent, which aims at disrupting the reproduction of this person (**Article 133¹**).

Also, it is a novelty for the Criminal Code to have the following article: “female genital mutilation: excising, infibulating or performing any other mutilation to the whole or any part of a woman’s genital organs, coercing or procuring a woman to undergo any of such operation acts, with or without the influence of religious, ritual, ethnic or other traditions.” (**Article 133²**).

Adding the article on “stalking” was also an important change: “1. An illegal surveillance, personally or through a third person, of a person, his/her family member or a close relative, or establishment of an undesirable communication by a telephone, an electronic or other means, or any other intentional action conducted regularly and causing mental torture to a person, and/or a reasonable fear of using coercion against a person and/or his/her family member or a close relative, and/or of destroying property, which makes the person substantially change his/her lifestyle, or creates a real need for changing it” (**Article 151¹**).¹³

Number of articles of the Criminal Code contained substantial changes, in particular: Article 187 – damage or destruction of property – was added to Article 11¹ of the Criminal Code: “Liability for Domestic Crime”.

According to the amendments, the circle of family members was expanded: “a person in an unregistered marriage and his/her family member, guardian, custodian, supporter”.

¹² <https://matsne.gov.ge/ka/document/view/3276687>.

¹³ <https://matsne.gov.ge/ka/document/view/3662356>.



The following changes were made to chapter XXII of the Criminal Code, which covers crimes against sexual freedom and sexual inviolability:

In accordance with the changes of 4 May 2017, Article 137 was formulated as follows: “rape, that is any form of penetration of a sexual nature of the body of a person with any bodily part or object, committed with violence, under the threat of violence or by abusing a helpless condition of a person affected”. According to the changes made to sub-paragraph 3d of the same article: the same act committed knowingly by an offender against a minor, a person with disability or a pregnant woman is considered as an aggravating circumstance.¹⁴

A new paragraph was added to the same article, according to which the same action committed against a person under the care, guardianship or surveillance of an offender, is also considered as an aggravating circumstance.

According to the changes, the Articles 138, 139 and 141 have been substantially amended and the discriminatory terms, such as lesbianism and male homosexuality, were removed from the dispositional norms.

According to the change made to sub-paragraph 3d of Article 138 of the Criminal Code: the same action (other acts of a sexual nature) committed against a person with disability is considered as an aggravating circumstance.¹⁵

Administrative Procedure Code of Georgia

After the ratification of the Council of Europe Convention, changes were made to chapter VII³ the Administrative Procedure Code of Georgia on 4 May 2017, which increased the scope of action and offered more protection mechanisms to women. In particular, the title of the mentioned chapter was changed to: “Administrative Legal Proceedings regarding Elimination of Violence against Women and/or Domestic Violence, Protection and Assistance of Victims of Violence”.¹⁶

Changes made after the Ratification of the Convention:

- Issue of protection or restraining orders shall be possible in all revealed cases of violence against women;
- In order to ensure efficient mechanisms for the protection against violence, the obligation to submit a restraining order to the court for approval has been cancelled;
- A restraining order shall enter into force immediately after being issued by an authorized police officer;
- The right of victims of domestic violence to enjoy free legal assistance and be placed in a shelter, also covers women who are victims of violence outside of the family;
- Foreign citizens or stateless women, who are victims of violence can receive temporary residence. Expulsion of foreign citizens, who are victims of violence, is not allowed until the legal proceedings are over;
- Three months before the release of a perpetrator of violence, the penitentiary establishment shall be obliged to inform the precinct police about the release. The police will be obliged to inform the victim of violence on the release of this person;
- Violence against women is an exception when doctors, lawyers and teachers are obliged to provide law enforcement officers with information on the facts of violence;
- Persons who commit violence shall be prohibited to carry weapons in personal possession. They will be restricted or prohibited to carry service weapons as well. And if the person already possesses a weapon, the weapon will be removed during the validity of the protective and restraining orders.

Legislative acts with no changes

The legislative analysis revealed that those legislative norms that affect the target group and their material and procedural rights, have not been amended, in particular: “Criminal Procedure Code”;¹⁷ “Civil Procedure Code”;¹⁸ “Law on Enforcement Proceedings”;¹⁹ “Code of Administrative Offences”.²⁰ Also, no amendments were made to the Decree²¹ of the Minister of Labour, Health and Social Affairs of Georgia on: “The Approval of the List of Those Serious and Incurable Diseases that Represent Grounds for the Release of Convicted Persons from the Sentence”.²²

14 <https://matsne.gov.ge/ka/document/view/3664456>.

15 <https://matsne.gov.ge/ka/document/view/3664456>.

16 <https://matsne.gov.ge/ka/document/view/3691151>.

17 <https://matsne.gov.ge/ka/document/view/3659958>.

18 <https://matsne.gov.ge/ka/document/view/3662230>.

19 <https://matsne.gov.ge/ka/document/view/18442>.

20 <https://matsne.gov.ge/ka/document/view/4099243>.

21 <https://matsne.gov.ge/ka/document/view/2379630>.

22 <https://matsne.gov.ge/ka/document/view/3665027>.

4. Children's Rights and Current Challenges

The following steps, taken by the state in 2014 to improve child welfare in Georgia, should be mentioned: The Parliament of Georgia announced 2014 as the year for the protection of children's rights; The Government submitted a 4th periodic report to the UN Committee on the Rights of the Child on the implementation of the Convention on the Rights of the Child in Georgia; Georgia joined the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse; The government has approved the National Human Rights Action Plan for 2014-2015, which includes a separate chapter for priorities of protecting children's rights; The draft Juvenile Justice Code was elaborated; Within the framework of the Ministry of Education and Science of Georgia the draft law on early and preschool education and care was elaborated; The Government of Georgia has approved a renewed system of targeted social assistance, which includes an additional financial assistance for families with children.²³

The Child's Rights Center of the Public Defender of Georgia has prepared and issued 9 recommendations and proposals. The legal proceedings began on 419 cases. According to quantitative indicators, the right to education, protection of children from abuse and poverty, right to preschool education and healthcare are inadequately implemented. The mortality rate of children under the age of 5 is high, the process of deinstitutionalization regarding children is still problematic, as is the implementation of state services for underaged children living and working in the street.

The Child's Rights Center checked the children's rights situation in a systemic manner. Monitoring was carried out in pre-school and juvenile penitentiary establishments and small family-type homes. Also, within the sub-program of providing homeless children with shelter, the quality of protection of children's rights was examined in high mountainous regions of Georgia, public schools, boarding schools.²⁴

In accordance with the Convention on the Rights of the Child, States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.²⁵

United Nations Children's Fund (UNICEF) is mandated by the United Nations General Assembly to advocate for the protection of children's rights, to help meet their basic needs and to expand their opportunities to reach their full potential. UNICEF is guided by the Convention on the Rights of the Child and strives to establish children's rights as enduring ethical principles and international standards of behaviour towards children.

UNICEF is committed to ensuring special protection for the most disadvantaged children - victims of war, disasters, extreme poverty, all forms of violence and exploitation and those with disabilities.

UNICEF responds in emergencies to protect the rights of children. In coordination with United Nations partners and humanitarian agencies, UNICEF makes its unique facilities for rapid response available to its partners to relieve the suffering of children and those who provide their care.

In 2016 the United Nations Children's Fund (UNICEF) conducted a research study on the analysis of social norms in relation to violence against children. The following conclusion can be made based on the findings of the mentioned study:

- Significantly decreasing violence against children, society gaining a full understanding of this issue and forming a negative stance against it is impossible without transforming the social norms that lie in the basis of these norms;
- Exposing a child to violence, disregarding extreme cases, parent or the carer is convinced that the forceful influence over the child will yield a positive result in the end, prevent the child's bad behaviour from happening again, and bring the child closer to the "ideal" stage recognized by society;
- Parents and other persons caring for children are not adequately informed of the long-term negative effects from strict upbringing, the short-term effects from punishment, the positive methods of raising children and the efficiency of the latter;
- Acknowledging and recognizing the problem and demonstrating the long-term effects of strict and positive styles of upbringing can serve as a basis for transforming social norms, since the bottom line is that various groups in the society agree what the upbringing process should serve in the end; the child's interests, and being a foundation from which they will develop into fully-fledged, balanced individuals. Revealing the discrepancy between this goal and the employed methods will be one of the starting points for realizing the necessity of an alternate model and towards initiating its formation;

23 <http://www.nplg.gov.ge/gsdll/cgi-bin/library.exe?e=d-01000-00---off-0samartal--00-1----0-10-0---0---0prompt-10---4-----0-1l--11-ka-50---20-about---00-3-1-00-0-0-11-1-OutfZz-8-10&a=d&c=samartal&cl=CL4.3&d=HASHfb846b36a6403d837daa38.12>.

24 <http://www.ombudsman.ge/uploads/other/3/3952.pdf>.

25 <http://www.ombudsman.ge/uploads/other/4/4296.pdf>.

- In order to transform social norms, it is necessary to engage the emotional component and demonstrate the traumatic effect of abused children to society;
- Encouraging abuse witnesses to more actively respond to the instances is an important factor; it's necessary to demonstrate positive examples and establish the care for a child's interests as a priority in family affairs, directing it against the principles of non-interference;
- On the basis of analysing social changes taking place in Georgia during the last period, it becomes clear that changing social norms may represent both a result of directed policies and communication (e.g., attitude towards minorities, where aggression towards them is noticeably declining), as well as an event running in parallel to certain social shifts (e.g., growth of women's financial independence turned into their personal independence, less of a schism between male and female-oriented jobs). In the given moment the state policy and directed communication aimed at changing social norms that lie in the basis of violence towards children needs to influence several directions: identifying the issue and demonstrating the trend in order for the issue to be resolved; initiation of the discussion - ensure informing; instituting sanctions (enforcing the existing ones) and providing arguments in their favour.²⁶

5. Recommendations

- The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence was ratified through the Decree of the Parliament of Georgia of 5 April 2017. According to the second part of the same Decree, Georgia reserves the right not to apply the provisions laid down in Article 30, paragraph 2, of the Convention regarding the victims of violence and domestic violence having the right to claim compensation.

The legal analysis has demonstrated that the state should ensure to take the necessary legislative or other measures to guarantee that victims have the right to claim compensation in order to improve the rights of women and restore the rights of the victims;

- The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence defines the term "gender", which means the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men. However, this term is not included in other national legislative acts (Criminal Procedure Code;²⁷ Civil Procedure Code;²⁸ Law on Enforcement Proceedings;²⁹ Code of Administrative Offences.³⁰ Also, changes have not been made to the Order of the Minister of Labour, Health and Social Affairs of Georgia on the Approval of the List of Those Serious and Incurable Diseases that Represent Grounds for the Release of Convicted Persons from the Sentence³¹). Therefore, the Georgian legislation is not gender sensitive, which has a negative impact on women's equality.
- In addition to criminal sanctions, the national legislation should also include non-criminal sanctions against stalking. The Convention provides the States with the use of protective and restraining orders for the victims of stalking. The criminal mechanism may not be able to stop the offender; therefore, it is important to issue restraining and protective orders on the facts of stalking and the violation of the terms of these orders shall be punishable by criminal sanctions.
- The Convention obliges the Parties to provide specialist support services to any victim of stalking. For this purpose, legislative amendment is required according to which stalking will be covered by the Law of Georgia on Elimination of Violence against Women and/or Domestic Violence, Protection and Support of Victims of Domestic Violence.
- Femicide is a gender-based murder of a woman, when the motive or context of the murder is connected to gender-based violence, discrimination, woman's subordinate role, which is expressed in the desire to have power over the woman, be dominant and superior, have possessive attitude, control her behaviour, or other gender-related reasons, as well as incitement of a woman to suicide or attempted suicide.

Georgian legislation does not contain "femicide" either as a separate article, nor as an aggravating circumstance – gender-based murder is not an aggravating circumstance for the premeditated murder.

Therefore, we deem appropriate that a "femicide" be defined as a criminal offence and an aggravating circumstance in the criminal legislation of Georgia.

26 <https://www.unicef.org/georgia/media/1191/file>.

27 <https://matsne.gov.ge/ka/document/view/3659958>.

28 <https://matsne.gov.ge/ka/document/view/3662230>.

29 <https://matsne.gov.ge/ka/document/view/18442>.

30 <https://matsne.gov.ge/ka/document/view/4099243>.

31 <https://matsne.gov.ge/ka/document/view/2379630>.

6. Analysis of Compliance of Georgian Legislation and International Standards on Re-socialisation/Rehabilitation of Women Convicts who Have Experienced Violence, Discrimination and Stigma

Re-socialisation/rehabilitation of convicted individuals is one of the goals of the punishment and the main priority of the penitentiary system. The main purpose of re-socialisation/rehabilitation is to prepare convicts for release and reintegration into society.

When introducing and implementing re-socialisation/rehabilitation programs, it is important to take into account the gender-specific approach at the normative level and to make effective policy in this regard.

Taking into consideration the gender-based specificities, women convicts are an especially vulnerable group in the penitentiary system, which requires a sensitive approach from the State. A more vulnerable group within this group is represented by women who have suffered discrimination, stigma and violence. Considering their needs for rehabilitation programs is important and essential for their re-socialisation. In this respect, the positive obligations of the State are defined by international acts.

International standards emphasize the following basic principles: all persons deprived of their liberty shall be treated with respect for their human rights, the discrimination shall be prohibited on any ground. Prison conditions shall not infringe prisoners' human rights and dignity and life in prison shall approximate as closely as possible the positive aspects of life in the community. All detention shall be managed so as to facilitate the reintegration into free society of persons who have been deprived of their liberty.³²

According to Rule 42 of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules) "Women prisoners shall have access to a balanced and comprehensive programme of activities which take account of gender-appropriate needs."³³ The same rule determines that "Particular efforts shall be made to provide appropriate services for women prisoners who have psychosocial support needs, especially those who have been subjected to physical, mental or sexual abuse."³⁴ The Bangkok Rules recognise women prisoners, who have been victims of violence, as a vulnerable group. While determining the rehabilitation programmes, the Bangkok Rules sets the individualized approach towards women who have specific needs. According to Rule 12 "Individualized, gender-sensitive, trauma-informed and comprehensive mental health care and rehabilitation programmes shall be made available for women prisoners with mental health-care needs in prison or in noncustodial settings."³⁵

The Bangkok Rules imposes the responsibility to develop rehabilitation programs addressing the individual needs of female victims of violence. Individual sentence planning and implementation for this category of convicts facilitates re-socialisation/rehabilitation process. The individual sentence planning shall be trauma- and violence-informed for the convicts who have been subjected to violence, stigma and discrimination. In this regard, it is important to elaborate a gender sensitive individual plan. The purpose of individual sentence planning is to carry out individual risk and needs assessment, create a healthy environment for the individual in the place of deprivation of liberty, and engage them in appropriate rehabilitation programs.

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)³⁶ imposes positive obligation on State Parties to "design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence". Employing integrated approach to victims of violence is one of the requirements of the Istanbul Convention. Article 20 of the Convention sets a positive obligation of the State to "take the necessary legislative or other measures to ensure that victims have access to services facilitating their recovery from violence. These measures should include, when necessary, services such as legal and psychological counselling, financial assistance, housing, education, training and assistance in finding employment."³⁷

In terms of principles, Georgian legislation is compliant with international standards.

The purpose of the Code of Imprisonment is "to enforce detention and imprisonment, prevent new crimes and re-socialise convicted persons".³⁸ The Code also determines that the enforcement of detention and imprisonment in Georgia is carried out under the principles of legality, humanism, democracy, equality before the law and individualisation of

32 Council of Europe, Recommendation Rec(2006)2 of the Committee of Ministers to Member States on the European Prison Rules, <https://rm.coe.int/european-prison-rules-978-92-871-5982-3/16806ab9ae>.

33 Bangkok Rules, Rule 42, <http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf>.

34 Ibid.

35 Ibid, Article 12.

36 The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, Article 1, sub-paragraph 1c, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008482e>.

37 Ibid, Article 20.

38 Code of Imprisonment, Article 1, <https://matsne.gov.ge/ka/document/view/91612>.



sentences.³⁹ In penal law individualization is acknowledged as a fundamental principle.

The Code of Imprisonment deals with the re-socialisation/rehabilitation issues of convicted individuals.

The Code of Imprisonment considers the following as the main means for the re-socialisation: serving a sentence according to the established procedure; implementation of rehabilitation programmes; employment of convicted persons; provision of general and vocational education; relationship with society.⁴⁰

The Code of Imprisonment lists the factors according to which the relevant programmes shall be selected. “The means of re-socialisation of a convicted person shall be applied based on the type of the sentence, gravity of the committed crime, personality of the convicted person, his/her mental state and conduct”.⁴¹ Also, the rehabilitative work with the offenders is carried out based on the personality and behaviour of the convicted person.

The objectives of rehabilitation programmes for convicted persons are determined by the Code as follows: “develop in a convicted person a sense of respect for the law, other people, labour, and to established rules and standards of human coexistence; create normal psychological environment among the convicted persons at a penitentiary establishment; improve the educational and professional level of convicted persons; prepare a convicted person for release; rehabilitate persons with different addictions.”⁴²

The Code of Imprisonment of Georgia does not envision a gender-specific approach to the re-socialisation/rehabilitation programs and separate provisions for women convicts, including women prisoners who have experienced violence, stigma and discrimination. The Code of Imprisonment mainly addresses the goals and needs of re-socialisation/rehabilitation, which concerns all prisoners.

The Regulation⁴³ of the N5 penitentiary establishment of the Special Penitentiary Service defines the principles of individual approach and specifies the needs of convicted women. The provision defines the purposes of re-socialisation and rehabilitation and the rules for organising rehabilitation programs. This approach is practically the fundamental purpose. However, it should be noted that in the Regulation of the N5 Penitentiary Establishment does not specifically address the needs and rehabilitation programmes of women offenders who have experienced stigma, violence and discrimination.

Employment of Convicted Women with a History of Victimization

Employment of convicts is considered as one of the main means of re-socialisation. Work methods and arrangements should comply with the work outside the establishment to allow prisoners to gradually prepare for reintegration into the society. Also, prisoners should be given the opportunity to choose a job, unless this contradicts the rules of selecting and managing the activities.⁴⁴ When elaborating employment programmes for women offenders, it is important that the State takes into consideration the gender specific needs and the necessity of reintegration, stipulated by international standards.

The issue of employment is especially sensitive to prisoners who have experienced discrimination, violence and stigma. According to Rule 41 of the Bangkok Rules, prisoners of this category belong to a special category of convicts.⁴⁵ According to Rule 41, essential information should be enabled about women’s backgrounds, such as violence they may have experienced.⁴⁶ When selecting the employment programme for a specific prisoner, the needs of the prisoner, psycho-emotional condition and traumatic background should be taken into consideration.

According to Rule 40 of the Bangkok Rules, prison administrators shall develop and implement programmes to ensure the rehabilitation, treatment and reintegration of beneficiaries into the society.⁴⁷ Rule 60 says that appropriate resources shall be made available to devise suitable alternatives for women offenders in order to improve their employment prospects.⁴⁸

The Code of Imprisonment addresses the labour of the convicts based on general principles. Main focus is placed on labour conditions and upkeep/domestic work duties.⁴⁹ The Code of Imprisonment does not sufficiently address the gender-specific needs for the employment of women prisoners. The Code talks about general employment and does not take into consideration specificities associated with employing convicted women, who have experienced violence, stigma or discrimination.

39 Ibid.

40 Code of Imprisonment, Article 116, <https://matsne.gov.ge/ka/document/view/91612>.

41 Ibid, Article 17.

42 Ibid.

43 Order N116 of 27 August 2015 of the Minister of Corrections, Article 1, <https://matsne.gov.ge/ka/document/view/2960356?publication=0>.

44 Mandela Rules, Rules 96-99.

45 Bangkok Rules, Rule 40, <http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf>.

46 Ibid, Rule 41.

47 Ibid, Rule 40, <http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf>.

48 Ibid, Rule 60.

49 Code of Imprisonment, Articles 110-112¹, <https://matsne.gov.ge/ka/document/view/91612>.

The Regulation of N5 penitentiary establishment does not provide the list of employment programmes for convicted women. The Regulations only contain the rules and procedures of employment. The Regulations does not take into consideration gender-specific approach towards women, including the women prisoners who have been subjected to violence, discrimination and stigma. Also, the Regulations does not regulate the issue of those women who live in the penitentiary establishment with their children. These prisoners represent the especially vulnerable group and their treatment shall incorporate sensitive approach.

Based on the changes made to the Code of Imprisonment in 2016,⁵⁰ the rules and procedures for the employment, remuneration and list of jobs on or outside of the territory of the establishment were set by the Order N85 of the Minister of Corrections.⁵¹ The Order determines the rule of remuneration in the penitentiary establishment or outside, the list of possible jobs, including the list of small repair works and the rules of their delivery. The Order regulates the list of jobs for male prisoners, such as: small repair works, arrangement of the yard and adjacent territory, furniture repair, etc. The order does not provide for the list of jobs for female prisoners.

Education of Convicted Women with a History of Victimization

The conditions in the penitentiary establishment shall ensure the re-socialisation and reintegration of prisoners in the society. The convicts should receive or enhance the desired and available education and skills in the course of serving the sentence, participate in sports, art, intellectual or other activities. All of this is necessary in order to return to the public as a full-fledged person after serving a sentence.

According to the Bangkok Rules “Women prisoners shall have access to a balanced and comprehensive programme of activities which take account of gender-appropriate needs.”⁵²

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) imposes a positive obligation on State Parties to take the necessary steps to include teaching material on issues such as equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence against women and the right to personal integrity, adapted to the evolving capacity of learners, in formal curricula and at all levels of education.⁵³

According to the revised United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), the purposes of a sentence of imprisonment or similar measures deprivative of a person’s liberty are primarily to protect society against crime and to reduce recidivism. Those purposes can be achieved only if the period of imprisonment is used to ensure, so far as possible, the reintegration of such persons into society upon release so that they can lead a law-abiding and self-supporting life.⁵⁴

Every penitentiary establishment shall seek to provide all prisoners with access to educational programmes, which are as comprehensive as possible and which meet their individual needs while taking into account their aspirations.⁵⁵ Educational programmes, including skills training, shall be the main part of the penitentiary regime and shall be aimed at enhancing the general education of prisoners and encouraging them to live a law-abiding life.

In 2017 important changes were made to the Code of Imprisonment regarding the access to education. According to Article 115¹ of the Code the “convicted persons placed in a pre-release facility, low risk convicted persons serving their sentence in a low risk penitentiary establishment, and convicted persons placed in a juvenile rehabilitation establishment have the right to receive education at the first stage of the higher education (Bachelor’s degree).”⁵⁶ This change has been positively reflected on the human rights situation of convicted women and has created new opportunities in regards to the availability of the higher education.

Based on the amendments made to the Code of Imprisonment, the Minister of Corrections and the Minister of Education and Science of Georgia adopted a joint Order N72/N30/n of 21 March 2018, which establishes the rules, conditions and list of programmes for receiving undergraduate education by the convicted person.⁵⁷

On 1 September 2016 the Minister of Corrections and the Minister of Education and Science of Georgia adopted a joint Order N110/n/N124 on Receiving the Full General Education by the Accused/Convicted Juveniles and Regulation of

50 Ibid.

51 Order N85 of the Minister of Corrections of 4 July 2016, <https://matsne.gov.ge/ka/document/view/3309312>.

52 Rule 42, <http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf>.

53 The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), Article 14(1). <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008482e>.

54 The Nelson Mandela Rules, Rule 4.1., https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf.

55 The European Prison Rules, Rule 28.1., <http://www.ombudsman.ge/uploads/other/1/1225.pdf>.

56 Code of Imprisonment, Article 115¹, <https://matsne.gov.ge/ka/document/view/91612>.

57 A joint Order N72/N30/n of the Minister of Corrections and the Minister of Education and Science of Georgia adopted on 21 March 2018, <https://matsne.gov.ge/ka/document/view/4102319>.



the Learning Process.⁵⁸ The Order sets the rules and conditions for receiving full general education at the penitentiary establishment.

The national legislation of Georgia does not fully comply with the principles of the Istanbul Convention and the Bangkok Rules in relation to the development of gender sensitive educational programmes for convicts. Also, in educational programmes, the law does not provide for the needs of convicts who have experienced violence, stigma and discrimination.

The Georgian Code of Imprisonment regulates the education of convicts on the basis of general principles. The Code talks about the principles of the possibility of general, vocational and higher education.⁵⁹ The Code of Imprisonment does not envisage a gender-specific approach to female convicts, including convicts who have experienced violence, stigma and discrimination.

The regulation of the penitentiary establishment N5⁶⁰ defines the possibility of general and vocational education. This normative act does not envisage the principles of the Istanbul Convention and the Bangkok Rules regulating the right to education of convicts. It is important to implement the principles on the legislative level, such as: the possibility of introduction of balanced and comprehensive education and activities that take into account the gender-based needs; availability of special programmes for prisoners on equality and prevention of violence; etc.

Gender Specific Healthcare of Convicted Women

Based on the essence of the right to health, the person should have access to appropriate healthcare system, prevention, treatment and control of diseases, medication, reproductive healthcare, basic healthcare services (equally and timely), health information and education. The healthcare services should be accessible, acceptable and of high quality. Access to gender-specific healthcare is guaranteed by international acts.

According to the Bangkok Rules the health screening of women prisoners shall include comprehensive screening to determine primary healthcare needs, and also shall determine: sexual abuse and other forms of violence that may have been suffered prior to admission; mental health-care needs, including post-traumatic stress disorder and risk of suicide and self-harm; the reproductive health history of the woman prisoner; the existence of drug dependency; the presence of sexually transmitted diseases or blood-borne diseases”.⁶¹

Rule 6 of the Bangkok Rules imposes a positive obligation on the States during the health screening to determine and identify such an important factor as the violence experienced by the convicted person. Identification of this factor is important for the individual approach towards the convicts, adequate treatment and rehabilitation programmes.

The Bangkok Rules sets that if the woman prisoner is accompanied by a child, that child shall also undergo health screening, preferably by a child health specialist, to determine any treatment and medical needs.⁶² The Bangkok Rules consider children, who are accompanying women prisoners as a separate vulnerable group and sets their specific healthcare requirements.

According to Rule 10 of the Bangkok Rules women prisoners shall be provided with gender-specific healthcare services at least equivalent to those available in the community.⁶³

Rule 12 imposes positive obligation on the States to provide individualized, gender-sensitive, trauma-informed and comprehensive mental healthcare and rehabilitation programmes for women prisoners with mental healthcare needs in prison or in non-custodial settings.⁶⁴

Rule 13 determines that 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.⁶⁵

Rule 15 sets that “prison health services shall provide or facilitate specialized treatment programmes designed for women substance abusers, taking into account prior victimization, the special needs of pregnant women and women with children, as well as their diverse cultural backgrounds.”⁶⁶

Rule 17 sets that women prisoners shall receive education and information about preventive healthcare measures,

58 A joint Order N110/n/N124 on Receiving the Full General Education by the Accused/Convicted Juveniles and Regulation of the Learning Process of 1 September 2016 of the Minister of Corrections and the Minister of Education and Science of Georgia.

59 The Code of Imprisonment of Georgia, Articles 113-115¹, <https://matsne.gov.ge/ka/document/view/91612>.

60 Order N116 of 27 August 2015 of the Minister of Corrections, Article 1, <https://matsne.gov.ge/ka/document/view/2960356?publication=0>.

61 Bangkok Rules, Rule 6, <http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf>.

62 Ibid, Rule 9.

63 Ibid, Rule 10.

64 Bangkok Rules, Rule 12, <http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf>.

65 Ibid, Rule 13.

66 Ibid, Rule 15.

including on HIV, sexually transmitted diseases and other blood-borne diseases, as well as gender-specific health conditions.⁶⁷

Based on Rule 18, preventive healthcare measures are of particular relevance to women, such as Papanicolaou tests and screening for breast and gynaecological cancer. Preventive healthcare services shall be offered to women prisoners on an equal basis with women of the same age in the community.⁶⁸

Bangkok Rules define almost all aspects of women's gender-specific healthcare and emphasize the consideration of such important factors in legislation and policy as violence, stigma and discrimination. Bangkok Rules imposes positive obligation on States to develop programmes which take these factors into account.

Bangkok Rules identifies children of the victims of violence as a separate vulnerable category and determines the development of special services for them.

According to Article 12 of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention),⁶⁹ any legislative and policy measures shall take into account and address the specific needs of persons made vulnerable by particular circumstances, such as victims of violence. Article 20 of the Convention stipulates that Parties shall take the necessary legislative or other measures to ensure that victims have access to services facilitating their recovery from violence.⁷⁰

The Istanbul Convention imposes positive obligation upon the States Parties to take the necessary legislative or other measures to provide for the setting up of appropriate, easily accessible rape crisis or sexual violence referral centres for victims to provide for medical and forensic examination and counselling for victims.⁷¹ The Convention identifies children, who are witnesses or victims of any form of violence, as a separate group and envisages the inclusion of age-appropriate psychosocial counselling for them.⁷²

The penitentiary healthcare is regulated by Articles 119-122 of the Code of Imprisonment of Georgia. The Code covers the issues of access to and delivery of healthcare, provision of mental health services.⁷³

Based on Article 119 of the Code of Imprisonment of Georgia "medical services shall be provided to accused/convicted persons according to medical service requirements established in the country in the field of healthcare".⁷⁴

Article 24 of the Code of Imprisonment of Georgia includes general provisions regarding the prisoner healthcare. In particular, "an accused/convicted person has the right to use necessary medical services. If necessary, an accused/convicted person shall have access to medicinal products allowed in the penitentiary establishment."⁷⁵

The Code of Imprisonment sets general provisions for medical treatment of convicted persons. It does not consider gender-specific treatment or special treatment for those convicts who have experienced violence, stigma and discrimination.

The Regulation of the Penitentiary Establishment N5 regulates the issues of provision of healthcare, sanitary-preventive and mental healthcare services.⁷⁶ The Regulation does not envisage separate regulations for treatment of those convicts who have experienced violence, stigma and discrimination.

Order N31 of 22 April 2015 of the Minister of Corrections of Georgia establishes the standards of healthcare services at penitentiary establishments.⁷⁷ Article 15 of the Order sets an additional standard for women convicts and their minor children.

According to Article 15 of the Order N31 of 22 April 2015 of the Minister of Corrections of Georgia, during the period when women convicts are accommodated in the penitentiary establishment, special attention shall be paid to collecting information, such as: signs of possible violence and facts of previous violence, including the facts of sexual violence; mental health condition, especially post-traumatic stress disorder, suicidal behaviour and substance dependence.⁷⁸ According to the Order, upon arrival/admission the establishment must determine the status of the current pregnancy, the fact of expected delivery or the status of a nursing mother. In the initial examination of the convict, his medical card should reflect the reproductive health history.

The abovementioned Order N31 also determines the standards of care for the minor children of women convicts. In

67 Ibid, Rule 17.

68 Ibid, Rule 18.

69 Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, Article 12, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008482e>.

70 Ibid.

71 Ibid, Article 25.

72 Ibid, Article 26.

73 Code of Imprisonment of Georgia, Articles 119-122, <https://matsne.gov.ge/ka/document/view/91612>.

74 Ibid, Article 119.

75 Ibid, Article 24.

76 Order N116 of 27 August 2015 of the Minister of Corrections, Articles 56-58, <https://matsne.gov.ge/ka/document/view/2960356?publication=0>.

77 Order N31 of 22 April 2015 of the Minister of Corrections of Georgia, <https://matsne.gov.ge/ka/document/view/2787230>.

78 Ibid, Article 15.



particular, children under the age of three, who are in the establishment accompanying their mothers, undergo the initial medical screening/examination in order to identify their medical needs. The family doctor and paediatrician are consulted in the process. Children under the age of three, living with their mothers, are provided with preventive immunization envisaged by the National Immunisation Schedule, screening examinations and relevant treatment, as well as early development services, provided by the national legislation.⁷⁹

Internal normative sub-legislative acts are in principal sensitive to gender needs, including the needs of those convicts who have been subjected to violence, stigma and discrimination.

Prevention of Self-Harm and Suicide

According to Rule 16 of the Bangkok Rules, development and implementation of strategies, in consultation with mental healthcare and social welfare services, to prevent suicide and self-harm among women prisoners and provision of appropriate, gender-specific and specialized support to those at risk shall be part of a comprehensive policy of mental health care in women's prisons.⁸⁰

Prisoners who have been subjected to violence, stigma and discrimination are more prone to self-harm and suicide.

The Bangkok Rules sets specific standards regarding women prisoners – “Developing and implementing strategies, in consultation with mental health-care and social welfare services, to prevent suicide and self-harm among women prisoners and providing appropriate, gender-specific and specialized support to those at risk shall be part of a comprehensive policy of mental health care in women's prisons.”⁸¹ According to Bangkok Rules the prison staff shall be trained to detect mental healthcare needs and risk of self-harm and suicide among women prisoners and to offer assistance by providing support and referring such cases to specialists.⁸²

The Suicide Prevention Program of Accused/Convicted Persons is implemented in the penitentiary system of Georgia in order to identify prisoners who are prone to suicide, to provide them with appropriate assistance and to reduce the mortality caused by suicide.⁸³

The Program envisages the following activities: collection of information on risky circumstances and behaviours, detection of prisoners with suicide risk, work of a multidisciplinary team, suicide risk assessment, elaboration and implementation of an individual assistance plan by this team.⁸⁴

The Order N13 of 11 February 2016 of the Minister of Corrections of Georgia on the Adoption of Suicide Prevention Program of Accused/Convicted Persons does not envisage the identification of the causes of self-harm and suicide and the individual approach to those convicts who have been subjected to violence, stigma and discrimination.

Alcohol/Drug Dependence of Women with Prior Victimization and Their Psycho-Social Rehabilitation

According to Rule 15 of the Bangkok Rules “Prison health services shall provide or facilitate specialized treatment programmes designed for women substance abusers, taking into account prior victimization, the special needs of pregnant women and women with children, as well as their diverse cultural backgrounds”.⁸⁵

The Bangkok Rules define not only specialized programmes for drug-dependent women, but also consideration of a number of prerequisites, such as prior victimization and other needs of women, when designing the programs.

Article 12 of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)⁸⁶ imposes positive obligation upon the States, that all the measures taken shall consider and address the specific needs of persons made vulnerable by particular circumstances. In this regard, the substance dependent convicts represent an especially vulnerable category.

79 Ibid.

80 Bangkok Rules, Rule 16, <http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf>

81 Ibid.

82 Ibid, Rule 35.

83 Order N13 of 11 February 2016 of the Minister of Corrections of Georgia on the Adoption of Suicide Prevention Program of Accused/Convicted Persons, <http://www.moc.gov.ge/images/temp/2017/07/05/3e7816c6d95f48eb4cf03f35978f6008.pdf>.

84 Ibid, Article 2.

85 Bangkok Rules, Rule 15, <http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf>.

86 The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), Article 12, <https://matsne.gov.ge/ka/document/view/3789678>.

In regard to general principles, the national legislation of Georgia is in compliance with international standards.

Article 117 of the Code of Imprisonment defines the rehabilitation of persons with dependence. The legislative provision of Article 117 is of a general nature and provides for a wide variety of interpretations. Article 117 of the Code covers women with substance dependence, as well as with drug/alcohol dependence.

Order N161 of 31 December 2014 of the Minister of Corrections of Georgia adopted the implementation instructions for the psychosocial rehabilitation programme “Atlantis” in penitentiary establishments.⁸⁷ Article 2 of the Instruction establishes that the programme “Atlantis” represents a therapeutic model of rehabilitation of convicts with dependence on alcohol, drugs or other psychoactive substances.⁸⁸ According to the Instructions, a group is created in order to implement the Programme, staffed with programme psychologist and therapy instructor. If necessary, other individuals can be invited to the group.⁸⁹ The programme “Atlantis” consists of different multidisciplinary activities, including lectures, training sessions, group therapies, individual consultancies. The duration of the program is 4 months, which can be extended for two more months, if necessary.

Beneficiaries in the programme “Atlantis” are selected based on general criteria such as alcohol/drug dependence, the convict’s willingness to participate in the programme and if the convict does not pose threat to other persons participating in the programme and the prison staff.⁹⁰ **Criteria for the selection of beneficiaries in the program require specification.**

Important predefined factors, such as previous experience of violence, stigma and discrimination are not part of the criteria for selection of beneficiaries for the program “Atlantis”. Alcohol/drug dependent offenders are one of the most stigmatized and discriminated categories that require specific approach. In addition, the Order N161 of the Minister of Corrections is not gender-sensitive and does not envisage women’s specific needs.

Mental Health Treatment

Rule 12 of the Bangkok Rules establishes that *“Individualized, gender-sensitive, trauma-informed and comprehensive mental health care and rehabilitation programmes shall be made available for women prisoners with mental health-care needs in prison or in non-custodial settings”*.⁹¹

These Rules impose positive obligation on States to consider the trauma and gender-specific needs of convicts while designing mental health rehabilitation programs.

National legislation regulating mental health issues is in line with the principles of international standards, however, it is not gender sensitive and does **not properly address the needs of women.**

According to Article 122 of the Code of Imprisonment, if a convicted person shows signs of mental disorder and a Psychiatric Commission of the Ministry of Corrections considers it appropriate to provide involuntary, inpatient and psychiatric care, the director of the establishment shall, based on the report of the Psychiatric Commission of the Ministry, apply to the competent expert institution to conduct a forensic psychiatric examination.⁹² The same provision is envisaged by the Regulations of Women’s Penitentiary Establishment N5.⁹³

The Regulation of the Psychiatric Commission approved by the Order N157 of the Minister of Corrections of Georgia on 11 November 2010 only regulates the principles and competence of the Commission’s activities.⁹⁴ No other act regulates the issue of mental assistance in the penitentiary system.

87 Order N161 of the Minister of Corrections of Georgia, <https://matsne.gov.ge/ka/document/view/2641522>.

88 Ibid, Article 2.

89 Ibid, Article 4.

90 Ibid, Article 8.

91 Bangkok Rules, Rule 12, <http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf>.

92 Code of Imprisonment, Article 122, <https://matsne.gov.ge/ka/document/view/91612>.

93 Order N116 of 27 August 2015 of the Minister of Corrections, Article 59, <https://matsne.gov.ge/ka/document/view/2960356?publication=0>.

94 Order N157 of 11 November 2010 of the Minister of Corrections of Georgia, <https://matsne.gov.ge/ka/document/view/1092001>.

Early Release and Postponement of the Sentence due to Poor Health Conditions

Rule 61 of the Bangkok Rules envisages 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.⁹⁵ In addition, Rule 64 establishes 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.⁹⁶

Rule 63 of the Bangkok Rules establishes that Decisions regarding early conditional release (parole) shall favourably take into account women prisoners' caretaking responsibilities, as well as their specific social reintegration needs.⁹⁷

The Bangkok Rules obliges the States to take into consideration the gender role of the woman, her individual history and characteristics during the release of a female prisoner.

According to Article 37 of the Code of Imprisonment of Georgia and Article 74 of the Criminal Code, in the case of a sentence of imprisonment, the joint standing commission of the Ministry of Justice and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, may release a person from punishment⁹⁸.

Article 39 of the Code of Imprisonment determines that a prisoner may be released from the sentence due to illness by a joint Commission or a court.⁹⁹ According to this Article, the Court must take into account the appropriateness of the imposed imprisonment, personal characteristics, the facts of crime committed in the past, the nature, grounds, purpose of the crime, and the outcome of the crime, the risk of committing repeated crime, behaviour of the convicted person in the process of serving his/her sentence, and other circumstances, which may affect the decision of the court.

The authority and mandate of the Joint Commission is regulated by the Order N714-241/n of 7 September 2006 of the Ministry of Justice and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia on the Creation of the Joint Commission.¹⁰⁰ According to Article 2 of the Order the function of the Commission is to study the health conditions of convicts suffering from severe and incurable diseases in the penitentiary establishments and prepare the relevant conclusion to submit to the court on the release from the sentence due to illness.¹⁰¹

Order N01-6/n of 15 February 2013 of the Minister of Labour, Health and Social Affairs approved the list of those serious and incurable diseases, which are the grounds to apply for early release of a convict.¹⁰² The diseases determined by this Order are: tuberculosis, malignant tumours, radiation diseases, endocrine system diseases, mental disorders, nervous system diseases, sight impairment and blindness, cardiovascular diseases, respiratory diseases, diseases of the digestive system, kidney diseases, bone, joints and connective tissue diseases, anatomical defects, HIV/AIDS.

Article 283 of the Criminal Procedure Code of Georgia provides for the postponement of the enforcement of judgement due to severe illness of the convict or if the convict is pregnant at the moment of execution of the sentence – up until after 1 year of childbirth.¹⁰³

The national legislation of Georgia is in line with the principles of international standards, but at the legislation level it still does not take into consideration the history and individual characteristics of female prisoners. During the decision-making on early release, Georgian legislation does not show sensitivity towards such important circumstances as violence, stigma and discrimination experienced by women. During the early release, the Georgian legislation mainly focuses on the committed crime and does not take into account the psycho-emotional condition of the convict, the violence suffered and other gender-specific characteristics.

95 Bangkok Rules, Rule 61, <http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf>.

96 Ibid, Rule 64.

97 Ibid, Rule 63.

98 Criminal Code of Georgia, Article 74, <https://matsne.gov.ge/ka/document/view/16426>; Code of Imprisonment of Georgia, Article 37, <https://matsne.gov.ge/ka/document/view/91612>.

99 Code of Imprisonment, Article 39, <https://matsne.gov.ge/ka/document/view/91612>.

100 Order N714-241/n of 7 September 2006 of the Ministry of Justice and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia on the Creation of the Joint Commission, <https://matsne.gov.ge/ka/document/view/1121299>.

101 Ibid, Article 2, <https://matsne.gov.ge/ka/document/view/1121299>.

102 Order N01-6/n of 15 February 2013 of the Minister of Labour, Health and Social Affairs, <https://matsne.gov.ge/ka/document/view/1846491>.

103 Criminal Procedure Code of Georgia, Article 283, <https://matsne.gov.ge/ka/document/view/90034>.

7. Access to Complaint Mechanisms for Victims of Violence

According to Rule 25 of the Bangkok Rules, women prisoners who report abuse shall be provided immediate protection, support and counselling. Their claims shall be investigated by competent and independent authorities, with full respect for the principle of confidentiality.¹⁰⁴

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)¹⁰⁵ imposes positive obligation upon States Parties to take the necessary legislative or other measures to provide victims with adequate complaints and protection mechanisms against the perpetrator.¹⁰⁶ Article 21 of the Convention establishes that Parties shall ensure that victims have information on and access to applicable regional and international individual/collective complaints mechanisms. Parties shall promote the provision of sensitive and knowledgeable assistance to victims in presenting any such complaints.¹⁰⁷

The Istanbul Convention sets the standard that the mechanisms and measures taken for the protection of women from violence shall: be based on a gendered understanding of violence against women and domestic violence; be based on an integrated approach which takes into account the relationship between victims, perpetrators, children and their wider social environment; aim at avoiding secondary victimisation; address the specific needs of vulnerable persons, including child victims, and be made available to them.¹⁰⁸

National legislative regulations for complaints mechanisms and the protection of women convicts from violence is not gender-sensitive and does not provide a comprehensive approach to the effective protection of victims' rights.

The procedures for receiving and reviewing complaints are regulated by chapter 16 of the Code of Imprisonment of Georgia.¹⁰⁹ It defines the general right of submitting the complaint, rules and review procedures, which does not envisage gender awareness of violence against women and domestic violence and is not sensitive to women's gender specific needs. The identical, gender-neutral complaints mechanisms are envisaged in the Regulations of the women's penitentiary establishment N5.¹¹⁰

Explanation of the Rights to Victims of Violence (Victimisation History)

Rule 7 of the Bangkok Rules establishes that if the history of sexual abuse or other forms of violence before or during detention is identified, 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. According to second part of Rule 7, whether or not the woman chooses to take legal action, prison authorities shall endeavour to ensure that she has immediate access to specialized psychological support or counselling. Third part of Rule 7 establishes that specific measures shall be developed to avoid any form of retaliation against those making such reports or taking legal action.¹¹¹

According to Rule 31 of 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 by the States.¹¹²

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) imposes positive obligation upon States to take the necessary legislative or other measures to ensure that victims receive adequate and timely information on available support services and legal measures in a language they understand.¹¹³ Article 20 of the Convention establishes that Parties shall take the necessary legislative or other measures to ensure that victims have access to services facilitating their recovery from violence. These measures should include, when necessary, services such as legal and psychological counselling, etc.¹¹⁴

104 Bangkok Rules, Rule 25, <http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf>.

105 Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, Article 12, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008482e>.

106 Ibid, Articles 18, 29, 45, 49-58.

107 Ibid, Article 21.

108 Ibid, Article 18.

109 Code of Imprisonment, chapter 16, <https://matsne.gov.ge/ka/document/view/91612>.

110 Order N161 of the Minister of Corrections of Georgia, Articles 65-77, <https://matsne.gov.ge/ka/document/view/2641522>.

111 Bangkok Rules, Rule 7, <http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf>.

112 Ibid, Rule 31.

113 The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), Article 19, <https://matsne.gov.ge/ka/document/view/3789678>.

114 Ibid, Article 20.



The issue of informing and explaining rights to the convicts is regulated by Article 97 of the Code of Imprisonment of Georgia, according to which, immediately upon the admission of an accused/convicted person to an establishment, the designated person shall allow him/her to read written information about his/her rights and obligations, including the procedure for filing complaints and appeals provided for by law.¹¹⁵ This rule commonly applies to all penitentiary establishments.

Pregnant Women, Breastfeeding Mothers and Women with Children, Who Have Been Victims of Violence

Pregnant and breastfeeding women, and women with minor children represent the especially vulnerable category in a penitentiary establishment. The Bangkok Rules consider them as a special category of prisoners.¹¹⁶ Upon admission of this category of prisoners, essential information shall be collected about women's backgrounds, such as violence they may have experienced, as well as parental and other caretaking responsibilities.¹¹⁷ The sentence plans for pregnant and breastfeeding women and women with children shall include rehabilitative programmes and services that match their gender-specific needs.¹¹⁸ When implementing state policy in the penitentiary system, special attention shall be given to their vulnerability and the best interests of the child. In particular, pregnant women and women with children, who have been subjected to violence, stigma and discrimination, represent the vulnerable category. They should be provided with special rehabilitation activities.

Nelson Mandela Rules establishes that "In women's prisons, there shall be special accommodation for all necessary prenatal and postnatal care and treatment".¹¹⁹

According Rule 48 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.¹²⁰

Rule 51 of the Bangkok Rules determines that Children living with their mothers in prison shall be provided with ongoing health-care services and their development shall be monitored by specialists, in collaboration with community health services.¹²¹ These regulations are not only about the living conditions, but also the nutrition for children, healthcare, etc.

The Bangkok Rules sets that the decisions as to when a child is to be separated from its mother shall be based on individual assessments and the best interests of the child within the scope of relevant national laws. The removal of the child from prison shall be undertaken with care and sensitivity, only when alternative care arrangements for the child have been identified. After children are separated from their mothers and placed with family or relatives or in other alternative care, women prisoners shall be given the maximum possible opportunity and facilities to meet with their children, when it is in the best interests of the children.¹²²

When the child is separated from the mother, the rules used shall not be only formal, which applies automatically after the appropriate age is reached. The psychological state and development stage of the child should be taken into consideration. Taking into consideration the best interests of the child, women prisoners should be given the possibility to find the appropriate guardian.

The Bangkok Rules obliges the States to protect the best interests of the children in penitentiary establishment with their mothers.

The UN Convention on the Rights of the Child imposes positive obligation upon the States to recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilitate the treatment of illness and rehabilitation of health. Consequently, the States shall: ensure the provision of necessary medical assistance and health care to all children, combat disease and malnutrition, ensure appropriate pre-natal and post-natal health care for mothers.¹²³

The Istanbul Convention obliges the States to take the necessary legislative or other measures to ensure that due account is taken of the rights and needs of children who have experienced or witnessed any forms of violence. Measures taken shall include age-appropriate psychosocial counselling and rehabilitation activities.¹²⁴

115 Code of Imprisonment of Georgia, Article 97, <https://matsne.gov.ge/ka/document/view/91612>.

116 Bangkok Rules, Chapter 2, <http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf>.

117 Ibid, Rule 41.

118 Ibid.

119 Nelson Mandela Rules, Rule 28, https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf

120 Ibid, Rule 48.

121 Ibid, Rule 51.

122 Ibid, Rule 52.

123 Convention on the Rights of the Child, Article 24, <https://www.ohchr.org/documents/professionalinterest/crc.pdf>.

124 The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), Article 26, <https://matsne.gov.ge/ka/document/view/3789678>.

As the environment for children in the penitentiary establishment must be as close as possible to the environment for children outside of the prison, the States should take appropriate measures to protect the best interests of the children in the penitentiary establishment.

The national legislation of Georgia is in compliance with the principles of international standards. The legislation is not sensitive enough in terms of determining the needs of the convicted women victims of violence and their children and providing relevant rehabilitation programs for them.

Under Article 13 of the Regulation of N5 Penitentiary Establishment, the penitentiary establishment provides for the existence of mother and child housing.¹²⁵ According to the Article, the house for mothers and children is arranged for the purpose of providing improved living conditions and nutrition for pregnant and breastfeeding women, where the mothers with children under the age of 3 are allocated based on the application of the mother and the consent of the guardianship and care agencies. The establishment is obliged to care for the children living with the convicted mother, to protect their best interests and to create the best conditions for them. The child leaves the establishment when s/he reaches the age of 3.

The rule for the child leaving the establishment is determined by the joint Order N105 – N01 – 57/n of the Minister of Corrections and the Minister of Labour, Health and Social Affairs of Georgia of 31 August 2017.¹²⁶ According to the Order, when the child reaches the age of 3, the social unit of the penitentiary establishment organizes the procedures of leaving the establishment. The Order envisages the obligation of the penitentiary establishment to remove the child from the establishment and determine where the child will be placed after removal. The order does not envisage the evaluation of the child's psycho-emotional state and the risk assessment before the child's removal from the establishment. The order only provides for psychological assistance to the convicted mother after her child's removal and her involvement in rehabilitation programmes.¹²⁷ The order does not envisage the evaluation of the risks and convenience of separation of the mother and the child prior to the removal of the child from the establishment.

In 2017, the amendment was introduced to the Code of Imprisonment under which a convicted woman, whose child has turned 3 and left women's special penitentiary establishment, has the right to a temporary leave from the establishment on the holidays established by the Georgian legislation, based on the decision of the Director of the establishment, for the purpose of communicating with the child during one year after the child left the establishment. During the review of the matter, the danger which may be posed by a convicted woman to the public, shall be taken into account, as well as the fact of a committed crime, the nature of the committed crime, its motive, aim, and consequence, the risk of repeated crime, behaviour of a convicted woman during serving her sentence, personal characteristics of a convicted woman, etc.¹²⁸ In this regard, the legislation focuses less on the women's needs and more based on the grounds of the public security.

The Order N101 of the Minister of Corrections of Georgia of 31 August 2017 sets the rules for the temporary leaves from penitentiary establishments.¹²⁹ According to Article 8 of the Order, pregnant women and women with children under the age of three have the right to enjoy the temporary leave three times per year.¹³⁰

8. The Implications of Transitional Management for the Rehabilitation of Convicted Women Victims of Violence

The Council of Europe Recommendation Rec(2006)2 of the Committee of Ministers to Member States on the European Prison Rules (European Prison Rules) determines that the rehabilitation process for sentenced prisoners shall be designed based on individual sentence planning and it should include the employment and education of the convicted person and preparation for release.¹³¹

Rule 107 of the same document establishes that the sentenced prisoners shall be assisted in good time prior to release enabling them to make the transition from life in prison to a law-abiding life in the community. Therefore, they need to be assisted to maintain and strengthen communication with those persons and agencies, which are outside of prison and can protect their family interests and support them in a gradual return to life in free society after release.¹³²

125 Order N116 of 27 August 2015 of the Minister of Corrections, Article 13, <https://matsne.gov.ge/ka/document/view/2960356?publication=0>.

126 Joint Order N105 – N01 – 57/n of the Minister of Corrections and the Minister of Labour, Health and Social Affairs of Georgia of 31 August 2017, <https://matsne.gov.ge/ka/document/view/3791137>.

127 Ibid, Article 11.

128 Code of Imprisonment of Georgia, Article 72, <https://matsne.gov.ge/ka/document/view/91612>.

129 Order N101 of the Minister of Corrections of Georgia of 31 August 2017 on the Rules of Temporary Leaves from Penitentiary Establishments, <https://matsne.gov.ge/ka/document/view/3785979>.

130 Ibid, Article 8.

131 Council of Europe, Recommendation Rec(2006)2 of the Committee of Ministers to Member States on the European Prison Rules (European Prison Rules), Rule 103.4, <https://rm.coe.int/european-prison-rules-978-92-871-5982-3/16806ab9ae>.

132 Ibid, Rule 107.



Preparation of the convicted person for release represents an important part of the individual sentence planning. When individually planning the sentence, the vulnerability and gender-specific needs of women shall be taken into consideration. Women who have been subjected to violence, stigma and discrimination represent the especially vulnerable category.

According to the Bangkok Rules, prison administrators shall develop and implement the individualized rehabilitation and reintegration measures for prisoners.¹³³

The Bangkok Rules defines that the individual sentence planning shall take into account the women's backgrounds, such as violence they may have experienced and match their gender-specific needs.¹³⁴

Individual sentence planning and preparation of convicts for release is envisaged by Georgian legislation as well.

According to Article 1 of the Code of Imprisonment of Georgia the execution of detention and deprivation of liberty in Georgia is based on the principles of lawfulness, humanism, democracy, equality before the law and individualisation of sentences.¹³⁵

The instruction on individual sentence planning was approved in line with the Order N33 of the Minister of Corrections.¹³⁶ It determines the process of working with convicts, in the period of serving a sentence, aimed at individual risk and needs assessment of repeated crime, creation of a healthy environment for a convict in a penitentiary establishment and their involvement in relevant rehabilitation programs.¹³⁷

Based on the order of the director of a penitentiary establishment, the multidisciplinary team is created in order to develop the individual sentence plan. The team consists of a social worker, a psychologist, regime staff member and a doctor. The work of the team is led by the social worker.¹³⁸

Order N33 of the Minister of Corrections is mainly oriented on risk assessment of the convicts and does not take account of gender-specific needs, vulnerability and history of victimization of the prisoners.

The Order N68 of 3 July 2015 of the Minister of Corrections of Georgia approved the Rule on the "Coordinated Work on the Preparation of Convicts for Release of the Penitentiary Department and the LEPL National Agency of Execution of Non-Custodial Sentences and Probation of the Ministry of Corrections".¹³⁹ According to the mentioned Rule, the penitentiary establishment is obliged to address the National Probation Agency in writing, 3 months prior to the end of the sentence assigned by law to the convict for early conditional release and/or replacement of the unserved sentence with more lenient sentence, about the risk and needs assessment of the convict's family and social environment outside of the establishment.¹⁴⁰ While assessing the family of the convict, the social worker focuses on the following issues: the readiness of the family's social environment for the convict's return, family members' attitude towards the offense committed by the convict, availability of housing for the convict after release, needs of the persons dependent on the convict, the source of the alleged income of the convict and/or his/her family members, rehabilitation services and their availability after the release.

Order N68 does not envisage the gender-specific needs of women convicts, neither does the Order regulate the obligation for reviewing the possible victimisation history or the violence experienced by them and providing relevant rehabilitation programmes to the victims of violence.

Probationer Women, Who Have been Victims of Violence, Stigma and Discrimination

To study the rights of probationer women, it is important to analyse international standards and national legislation, their relation and the issue of compliance. Also, the sensitivity of the legislation in determining the needs of women probationers, who have experienced violence, stigma and discrimination, should be analysed.

The Bangkok Rules¹⁴¹ complement the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)¹⁴². The Bangkok Rules interpret the Tokyo Rules from a gender perspective.

Analysis of the Bangkok Rules revealed that a considerable proportion of women offenders do not necessarily pose a risk to society and their imprisonment may not help but hinder their social reintegration. Many are in prison as a direct or

133 Bangkok Rules, Rule 40, <http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf>.

134 Ibid, Rule 41.

135 Code of Imprisonment, Article 1, <https://www.matsne.gov.ge/ka/document/view/91612>.

136 Order N33 of 29 April 2015 of the Minister of Correction on approving the Instruction on Individual Sentence Planning, <https://www.matsne.gov.ge/ka/document/view/2819442>.

137 Ibid, Article 3, <https://www.matsne.gov.ge/ka/document/view/2819442>.

138 Ibid.

139 Order N68 of 3 July 2015 of the Minister of Corrections, <https://www.matsne.gov.ge/ka/document/view/2849516>.

140 Ibid, Article 2.

141 Bangkok Rules, Rules 57-58, <http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf>.

142 Tokyo Rules, http://ppts.ge/cms/site_images/pdf/publikaciebi/probation.pdf.

indirect result of the multiple layers of discrimination and deprivation, often experienced at the hands of their husbands or partners, their family and the community. *Accordingly, women offenders should be treated fairly in the criminal justice system, taking into account their backgrounds and reasons that have led to the offence committed, as well as receiving care, assistance and treatment in the community, to help them overcome the underlying factors leading to criminal behaviour. By keeping women out of prison, where imprisonment is not necessary or justified, their children may be saved from the enduring adverse effects of their mothers' imprisonment, including their possible institutionalization and own future incarceration.*¹⁴³

The Bangkok Rules imposes positive obligation upon States to take into account the vulnerability, gender-specific needs, woman's backgrounds, experienced trauma and best interests of the child, when determining the non-custodial sentence. Gender-specific options for diversionary measures and pretrial and sentencing alternatives shall be developed within Member States' legal systems, taking account of the history of victimization of many women offenders and their caretaking responsibilities.¹⁴⁴

The Bangkok Rules obliges the States to make appropriate resources available to devise suitable alternatives for women offenders in order to combine non-custodial measures with interventions to address the most common problems leading to women's contact with the criminal justice system. These may include therapeutic courses and counselling for victims of domestic violence and sexual abuse, suitable treatment for those with 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.

The Bangkok Rules underlines the importance of introducing women-focused services. Services that are adapted to the needs of women give them the opportunity to be in a safe place away from violence from men and receive specific services focused on their needs.

According to 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.

The Bangkok Rules determine that non-custodial sentences for pregnant women and women with dependent children shall be preferred where possible and appropriate.¹⁴⁵

The Recommendation of the Committee of Ministers to member states on the Council of Europe Probation Rules determines the probation rules and the issues of rehabilitation/re-socialisation of probationers.¹⁴⁶ The main principle of the Recommendation is that the probation agencies shall promote successful social inclusion of probationers. When developing the policy, the probation agencies shall take full account of the individual characteristics, circumstances and needs of offenders in order to ensure that each case is dealt with justly and fairly.¹⁴⁷ The Recommendation establishes that the probation agencies shall aim to meet the offenders' resettlement needs such as employment, housing, education and to ensure compliance with the release conditions in order to reduce the risks of reoffending and of causing serious harm.¹⁴⁸ The aftercare support and needs-based services to ex-offenders and use of variety of methods based on an interdisciplinary approach is the fundamental principle of the Council of Europe Recommendation.¹⁴⁹

The Council of Europe Resolution (70)1 on the Practical Organisation of Measures for the Supervision and After-care of Conditionally Sentenced or Conditionally Released Offenders establishes that relevant measures need to be taken in order to ensure the recruitment of a professionally qualified personnel as the essential basis for an effective probation service.¹⁵⁰

Successful social rehabilitation of probationers does not depend only on the effectiveness of the rehabilitation programs in the penitentiary establishment and the society. The rehabilitation process is significantly influenced by the legislative framework that determines the principles on which the rehabilitation process should be based. The analysis of the regulatory legislation of probationers' rehabilitation process provides the possibility of detecting the legal or administrative obstacles in the existing rehabilitation process.

According to the Law on Execution of Non-Custodial Sentences and Probation, the National Probation Agency ensures the implementation of the probation tasks and schemes. Among others, the goals of the Agency are the re-socialisation, social integration and rehabilitation of convicts. The National Probation Agency carries out its goals based on the risk and needs assessment of the convicted persons, individual sentence planning, necessary supervision and control, promotion of their re-socialisation and rehabilitation.¹⁵¹ The grounds for implementation of these goals are the analysis of

143 Bangkok Rules, Rules 57-58, Commentary to the Bangkok Rules, <http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf>.

144 Bangkok Rules, Rule 57, <http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf>.

145 Bangkok Rules, Rule 64, <http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf>.

146 Council of Europe, Recommendation CM/Rec(2010)1 of the Committee of Ministers to member states on the Council of Europe Probation Rules, https://www.pmscr.cz/download/mezdomen_European_Probation_Rules.pdf.

147 Ibid, Basic Principles, Parts 1 and 4.

148 Council of Europe, Recommendation CM/Rec(2010)1 of the Committee of Ministers to member states on the Council of Europe Probation Rules, paragraph 61.

149 Ibid, paragraphs 62, 77.

150 The Council of Europe Resolution (70)1 on the Practical Organisation of Measures for the Supervision and After-care of Conditionally Sentenced or Conditionally Released Offenders, 26 January 1970, <https://rm.coe.int/16804c6809>.

151 Law on Execution of Non-Custodial Sentences and Probation, Article 7, <https://www.matsne.gov.ge/ka/document/>



the risk and needs assessment, elaboration of individual sentence plans, promotion/support of rehabilitation and re-socialisation of beneficiaries.

Based on Order N39 of the Minister of Corrections,¹⁵² the National Probation Agency provides rehabilitation services to conditionally sentenced prisoners since 5 June 2015. This service implies both individual and group activities with beneficiaries. Specialists involved in the rehabilitation process are guided by rehabilitation programme modules, which are targeted to specific problem solving (e.g., improvement of anger management skills, development of assertiveness and conflict management skills, realization of life values, understanding of life skills and finding personal resources to deal with them, dealing with dependence on harmful substances, etc.). Probation Officer or, if necessary, social worker or psychologist determine the probability of risk of harm and repeated crime, as required by social worker and psychologist. After the assessment is carried out, the individual sentence plan is elaborated for the probationer, which also includes rehabilitation programmes. Each part of the plan is assigned with a specific person responsible. The relevant specialist delivers rehabilitation services to the beneficiary, performs monitoring and support. In case of additional need, the specialist can refer the person to various external services. This method applies to all probationers, therefore, the women probationers in the probation system are involved in the rehabilitation process.

The Law of Georgia on Elimination of Violence against Women and/or Domestic Violence, Protection and Support of Victims of Domestic Violence imposes positive obligation upon the State to create conditions for the rehabilitation, provision of free legal aid, provision of information on the rights and protection mechanisms, provision of free primary healthcare and medical services and the psychological assistance for the victims of violence. The Law envisages the provision of social services to the victims of violence, such as: study of the causes of family disputes, relevant analysis and assistance to family members in tackling disputes, supporting victims and carrying out assisting activities, etc. The Law provides for the victims' temporary accommodation in a shelter and a crisis centre, which serves as the psycho-social rehabilitation and social integration of the victim.¹⁵³ Women probationers shall also be provided with this service, while considering their gender-specific needs.

The Georgian legislation is in compliance with the principles of international standards on re-socialisation/rehabilitation of probationer women. However, it is less gender-sensitive and does not take into account the violence experienced by the female offenders, the history of victimization and the criteria for involving domestic violence victims in the rehabilitation programmes.

Former Women Prisoners - Victims of Violence, Stigma and Discrimination

According to the Bangkok Rules, additional support 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.¹⁵⁴ Social integration is especially important for those released female prisoners, who have experienced violence, stigma and discrimination.

Istanbul Convention imposes positive obligation on the States to take the necessary legislative or other measures to ensure that victims have access to services facilitating their recovery from violence. These measures should include, when necessary, services such as legal and psychological counselling, financial assistance, housing, education, training and assistance in finding employment. Also, measures need to be taken to ensure that victims have access to health care and social services.

The rehabilitation process of former prisoners is regulated by the Georgian legislation.

The re-socialisation/rehabilitation process of former prisoners is implemented by the Center for Crime Prevention. Its powers and authority are regulated by the Order N16 of 25 March 2014 of the Minister of Justice of Georgia.¹⁵⁵ The re-socialisation/rehabilitation process of former convicts is carried out by the Center for Crime Prevention through the Division of Rehabilitation and Re-socialisation of Former Prisoners.¹⁵⁶ The functions of the Division are the following: identify the services needed for former prisoners and inform them about existing services; registration/referral of the former prisoners, data processing and analysis, evaluation of beneficiaries and identification of their needs; provision of needs-based services for beneficiaries and their family members, promoting professional growth, active participation in elaboration of the national strategy and action plans for rehabilitation and re-socialisation of former prisoners; creation of social enterprises and facilitation of their efficient functioning for the purpose of employing former prisoners.¹⁵⁷

view/21610.

152 Order N39 of 5 June 2015 of the Minister of Corrections, <https://www.matsne.gov.ge/ka/document/view/2820641>.

153 The Law of Georgia on Elimination of Violence against Women and/or Domestic Violence, Protection and Support of Victims of Domestic Violence, Article 17, <https://www.matsne.gov.ge/ka/document/view/26422>.

154 Bangkok Rules, Rule 47, <http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf>.

155 Order N16 of 25 March 2014 of the Minister of Justice, <https://www.matsne.gov.ge/ka/document/view/2292225>

156 Ibid, Article 11.

157 Ibid.

The director of the Center for Crime Prevention has elaborated the programme of re-socialisation and rehabilitation of former prisoners and the rules of its implementation.¹⁵⁸ This document outlines in detail the needs assessment system with relevant instruments in the process of re-socialisation and rehabilitation of former prisoners. The program envisages providing the following services to former prisoners: psycho-social services, legal services, access to health care, promotion of employment, implementation of sports, recreational and cultural events, vocational training and handicrafts, informal education, support of business initiatives of former prisoners, work with family members of beneficiaries.¹⁵⁹ According to Article 13 of the program, none of the activities implemented within the programme should cause stigmatization of beneficiaries. Any activity, project, other action or decision shall be planned and implemented in such a way as to minimize the risks of stigmatization of the programme beneficiaries.¹⁶⁰

Former prisoners can receive legal assistance through a legal aid lawyer. According to the Law on Legal Aid, former convicted persons are entitled to free legal aid on criminal proceedings as well as administrative and civil cases.¹⁶¹

The Georgian legislation is not sensitive towards the needs of former women prisoners who are victims of violence. The legislation does not envision the rehabilitation programmes, which would help the victims of violence to recover and fully integrate into the society.

Children of Convicted Women Victims of Violence

Children of women convicts are mainly under state care. They are either placed in foster care and/or small family type facilities.

Among the international standards regulating state child care one of the most important ones is the Resolution N64/142 (2010) adopted by the UN General Assembly, which sets the Guidelines for the Alternative Care of Children.¹⁶² It is important for the State to ensure the implementation of the following principles: *maintaining the child as close as possible to his/her habitual place of residence, effectively protecting children from abuse, neglect and all forms of exploitation, keeping the child in alternative care for the shortest possible duration of time, provision of equal access to education and healthcare services, provision of inclusive service and prohibition of unequal treatment.* The Resolution pays particular attention to training potential foster carers¹⁶³ and the importance of frequent inspections to protect the child in foster care.¹⁶⁴ In the field of alternative care, particular attention should be paid to strengthening the foster care and reintegration programmes, which enable these children to grow up in the inclusive, native and family environment. According to the Resolution, states should empower the biological families with childcare skills and develop the social services for parents and children with disabilities. For this purpose, the services and procedural mechanisms based on individual needs of children should be developed at the national level. In addition, the State shall, in the context of positive or negative obligations, provide an effective system of alternative care for children to facilitate the enforcement of fundamental rights of children in alternative care facilities.

According to Article 20 of the Convention on the Rights of the Child, a child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.¹⁶⁵

In accordance with the evaluation of the UN Committee on the Rights of the Child, alternatives to institutional care, such as foster care, should be developed and an appropriate mechanism for the systematic monitoring and review of placement in institutional care should be established, in the light of article 25 of the Convention, which recognizes the right of a child to protection.¹⁶⁶

Based on the Sustainable Development Goals (SDGs) of the UN General Assembly, timely and adequate care and education and early development services shall be provided for children.¹⁶⁷

In relation to the children (of) victims of violence, who represent especially vulnerable category, Article 19 of the UN Convention on the Rights of the Child imposes positive obligation upon the States to take all appropriate legislative,

158 The Program of Re-socialisation and Rehabilitation of Former Prisoners of the Center for Crime Prevention and the Rules of its Implementation, <http://prevention.gov.ge/prevention.gov.ge/uploads/files/aqtebi/programa.pdf>.

159 Ibid, Article 5.

160 Ibid, Article 13.

161 Law of Georgia on Legal Aid, Article 3, <https://matsne.gov.ge/en/document/download/21604/11/en/pdf>.

162 UN General Assembly, Guidelines for the Alternative Care of Children, 24 February 2010, UN Doc. A/ RES/64/142, https://www.unicef.org/protection/alternative_care_Guidelines-English.pdf.

163 Ibid, paragraph 118.

164 Ibid, paragraph 128.

165 The Convention on the Rights of the Child, Article 20, <https://www.ohchr.org/documents/professionalinterest/crc.pdf>.

166 Report of the Committee on the Rights of the Child, United Nations General Assembly, Official Records, Fifty-Fifth Session, Supplement No. 41, Doc. A/55/41, p. 66, <http://www.un.org/documents/ga/docs/55/a5541.pdf>.

167 UN General Assembly, Sustainable Development Goals, Goals 3 and 4, <https://sustainabledevelopment.un.org/?menu=1300>.



administrative, social and educational measures to protect the child from all forms of physical or mental violence. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, for identification, reporting, referral, investigation and other appropriate measures.¹⁶⁸ Article 36 of the same Convention determines that States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim.¹⁶⁹

According to Regional Minimum Standards for Alternative Care Services for Children by UNICEF and the Committee on the Rights of the Child, in order to ensure that children are protected from all forms of abuse, beneficiaries and foster carers should be provided with comprehensive information on the main mechanisms for protecting children against ill-treatment. The guardianship and curatorship bodies should be considered for a positive care policy for children. Agencies/departments concerned with the care and welfare of children shall develop and introduce the policy of positive care.¹⁷⁰

Article 28 of the Convention on the Rights of the Child imposes a positive obligation upon the States to recognize the right to education of the child, including children of the victims of violence and discrimination. In this regard, it is especially important to consider the needs of children of victims of violence. According to the Convention on the Rights of the Child, the child shall be provided with appropriate secondary and vocational education.¹⁷¹

The analysis of Goal 4 of the SDGs shows that inclusive and equitable quality education and lifelong learning opportunities for all children shall be ensured and promoted considering their specific needs.¹⁷²

The provision of access to health and rehabilitation programmes for children of the victims of violence is an international obligation for the states.

The UN Convention on the Rights of the Child states that the States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health.¹⁷³

Due to the normative content of international standards, the State is obliged to provide equal access to health care services and rehabilitation measures, taking into consideration the specific needs of children.

In international standards, the basic requirements supporting the relationship between children in care and their biological families are given in the UN Convention on the Rights of the Child and the UN General Assembly Resolution N64/142 on the Guidelines of Alternative Care of Children.

According to the basic standards of UNICEF and the Committee on the Rights of the Child, the communication between the child and his/her family shall be facilitated regularly demonstrating their best interests.¹⁷⁴ According to international standards, maintaining and strengthening the contact between children in care and their families is one of the priority objectives of the alternative care and rehabilitation of the child, unless this is against their interests and needs. On the one hand, this will facilitate the child's reintegration into his/her family and, on the other hand, support maintaining contact between the child and his/her parents.¹⁷⁵

In Georgia, the issues of foster care are regulated by the Law of Georgia on Adoption and Foster Care.¹⁷⁶ The relevant Agency is authorized to carry out state policy in the area of adoption and foster care, protect the rights of a child and to coordinate the work of local guardianship and custodianship authorities. According to Article 70 of the Law, a child whose parent(s) has/have been restricted, deprived or suspended of parental rights may be subject to foster care.¹⁷⁷ Children of the convicts, probationers or former convicts who have been restricted, deprived or suspended of parental rights may be subject to foster care. A decision on subjecting the child to foster care shall be made by a social worker, based on the best interests and the needs of the child. When the decision about foster care is made the health condition, vulnerability, age and reintegration needs of the child shall be taken into consideration. Also, it is important to draw up an individual development plan of a child, subject to foster care, monitor the implementation of the plan, supervise the living conditions, the process of upbringing, development, education and health status of a foster child, supervise the performance of duties by a foster parent, assess the compatibility of a person intending to provide foster care and a foster child.

Under the Order N01-72/n of 27 December 2017 of the Minister of Labour, Health and Social Affairs of Georgia approv-

168 Convention on the Rights of the Child, Article 19, <https://www.ohchr.org/documents/professionalinterest/crc.pdf>.

169 Ibid, Article 39.

170 UNICEF, Regional Minimum Standards For Alternative Care Services for Children (2012), https://www.unicef.org/easterncaribbean/ECAO_Regional_Minimum_Standards_for_Alternative_Care_Services_for_Children.pdf.

171 Convention on the Rights of the Child, Article 28, <https://www.ohchr.org/documents/professionalinterest/crc.pdf>.

172 UN General Assembly, Sustainable Development Goals, Goal 4, <https://sustainabledevelopment.un.org/?menu=1300>.

173 Convention on the Rights of the Child, Article 24, <https://www.ohchr.org/documents/professionalinterest/crc.pdf>.

174 UN General Assembly, Guidelines for the Alternative Care of Children, 24 February 2010, UN Doc. A/ RES/64/142, https://www.unicef.org/protection/alternative_care_Guidelines-English.pdf.

175 Ibid.

176 Law of Georgia on Adoption and Foster Care, <https://matsne.gov.ge/en/document/download/3665080/0/en/pdf>.

177 Ibid, Article 70.

ing the Rule on Foster Care, considering the age, health and development level, the person subject to foster care has the right to have contact with the members of his/her family, participate in the process of elaboration of the individual plan and express his/her opinion about the issues related to his/her upbringing.¹⁷⁸

The Order N01-75/n of 29 December 2017 of the Minister of Labour, Health and Social Affairs of Georgia approving the Rule on Administering the Training Course for the Person Intending Adoption and Foster Care envisages the training courses on acquiring/strengthening the basic knowledge and skills about child upbringing and development, for those persons who intend to adopt or provide foster care for children.¹⁷⁹

The Decree N601 of 29 December 2017 of the Government of Georgia on the Approval of the 2018 State Programme for Social Rehabilitation and Childcare, provides the following components of the child care program: subprogramme on the assistance of families with children in critical conditions; child's early development subprogramme; subprogramme of the children rehabilitation/habilitation; subprogramme for providing shelter for mothers and children; subprogramme for foster care; subprogramme for small family type houses.¹⁸⁰ The Decree provides for such measures as: support to maintaining children as close as possible to family environment, provision of individual development focused and needs-based care considering the child's age and abilities, provision of psycho-social support for children and support the preparation for an independent life, facilitation of strengthening the contact between children and their biological families.

Provision of Shelter for Convicted Women and Children Victims of Violence, Stigma and Discrimination

According to the Bangkok Rules, non-custodial means of protection, for example in shelters managed by independent bodies, non-governmental organizations or other community services, shall be used to protect women who need such protection, such as convicted women who are victims of violence.¹⁸¹

The Istanbul Convention imposes obligation upon the States to set-up support services for the victims of violence. Article 20 of the Convention establishes that parties shall take the necessary legislative or other measures to ensure that victims have access to services facilitating their recovery from violence. These measures should include, when necessary, services such as legal and psychological counselling, financial assistance, housing, education, training and assistance in finding employment. States shall take the necessary legislative or other measures to ensure that victims have access to health care and social services and that services are adequately resourced, and professionals are trained to assist victims and refer them to the appropriate services.¹⁸²

The issues of provision of victims of violence with shelter is regulated by the Georgian legislation.

According to the Law of Georgia on Elimination of Violence against Women and/or Domestic Violence, Protection and Support of Victims of Domestic Violence, the victim of violence has the right to use the shelter/crisis centre and the available rehabilitation service. At the shelter the victim will be provided with free legal counselling, free primary and emergency medical service and the assistance of a psychologist.¹⁸³

The shelter for victims, registered under the System of IDPs from Occupied Territories, Labour, Health and Social Affairs, shall provide the victims with living conditions and the possibility to have access to primary and emergency medical services and psychological assistance. The victim is placed in a shelter for a period of up to 3 months, however, this term may be extended for a certain period of time.¹⁸⁴ In addition, the law provides for the possibility of a victim to use the crisis centre. The Crisis Centre is a place of temporary accommodation for alleged victims and victims and serves their needs for psychological and social rehabilitation, primary health care and emergency medical services and legal assistance.¹⁸⁵ Unlike the shelter, the alleged victim, who has not officially been granted the status of a victim, can be placed in the Crisis Centre.

The issues of placing victims of violence in the shelter and their rehabilitation are supervised by the State Fund for Protection and Assistance of (Statutory) Victims of Human Trafficking. Its authority is set by the Decree N146 of 13 February 2014 of the Government of Georgia on Approving the Statute of the Fund.¹⁸⁶ One of the objectives of the Fund is to protect the victims of violence against gender-based and domestic violence, assist and provide them with shelter, promote

178 The Order N01-72/n of 27 December 2017 of the Minister of Labour, Health and Social Affairs of Georgia approving the Rule on Foster Care, <https://www.matsne.gov.ge/ka/document/view/3959823>.

179 The Order N01-75/n of 29 December 2017 of the Minister of Labour, Health and Social Affairs of Georgia approving the Rule on Administering the Training Course for the Person Intending Adoption and Foster Care, <https://www.matsne.gov.ge/ka/document/view/3962723>.

180 The Decree N601 of 29 December 2017 of the Government of Georgia on the Approval of the 2018 State Program for Social Rehabilitation and Childcare 2018, <https://www.matsne.gov.ge/ka/document/view/3976984>.

181 Bangkok Rules, Rule 59, <http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf>.

182 The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), Article 20, <https://matsne.gov.ge/ka/document/view/3789678>.

183 The Law of Georgia on Elimination of Violence against Women and/or Domestic Violence, Protection and Support of Victims of Domestic Violence, <https://www.matsne.gov.ge/ka/document/view/26422>.

184 Ibid, Article 18.

185 Ibid, Article 18¹.

186 Decree N146 of 13 February 2014 of the Government of Georgia on Approving the Statute of the Fund, <https://www.matsne.gov.ge/ka/document/view/2246470>.

the rehabilitation and social reintegration of the victims.¹⁸⁷

The Order N437 of 12 September 2016 of the Government of Georgia Approved the Child Referral Procedures for Victims of Domestic Violence.¹⁸⁸ The child referral system includes: identification of child victim of domestic violence; assessment of the child's condition; informing relevant organs in case of violence against children; separation of the child and placement in the specialized establishment/shelter/foster care, which promotes his/her rehabilitation.¹⁸⁹

Georgian legislation is in line with international standards on the rehabilitation/reintegration of victims of violence. At the legislative level the protection and rehabilitation/abilitation measures of victims are set out.

9. Analysis of State Policy Documents Concerning Women's Gender Specific Needs in the Justice System

National Human Rights Strategy (2014-2020)

The state policy is reflected in various strategies and action plans dealing with women's gender specific needs in the field of justice.

The National Human Rights Strategy is the main strategic document of the country. It was approved on 30 April 2014 by the Parliament of Georgia.¹⁹⁰ The main principles of the strategy are: inviolability of human rights by the state; protection against human rights violations by other persons; creation of a system that will allow people to realize their rights; adequate provision of information to the population about their human rights. One of the objectives of the National Strategy is to establish a high-class penitentiary and probation system and develop mechanisms for dealing with former prisoners in compliance with international standards.¹⁹¹ In order to achieve this goal, the state needs to carry out the following tasks: ensure access to adequate healthcare for prisoners in penitentiary and probation establishments; implement re-socialisation and rehabilitation programmes for convicts and former prisoners; introduce greater consideration of gender-sensitive approaches within the penitentiary and probation system. In addition, one of the objectives of the Strategy is to ensure legal protection, psycho-social rehabilitation and access to shelters for victims of violence.

The National Strategy for the Protection of Human Rights, as the main policy document, provides a gender-sensitive approach to the needs of women prisoners and probationers. According to the National Strategy, gender-specific needs of convicts should be taken into consideration when elaborating the re-socialisation/rehabilitation programmes for convicts and former prisoners.¹⁹²

National Human Rights Action Plan (2018-2020)

One of the main tasks of the Governmental Action Plan on Human Rights¹⁹³ is to implement rehabilitation and employment programmes for women convicts, former convicts and probationers and promote their social reintegration. For this purpose, the Action Plan considers the following activities important: further improvement of gender specific psycho-social rehabilitation approaches and creation/implementation of relevant programmes; social worker individually works with each beneficiary and evaluates them with the special form, plan and implements rehabilitation and re-socialisation process; psychological counselling; offer an art therapy module; involve former convicts in vocational training courses; promote employment process of former prisoner, etc. The Action Plan does not address separately the rehabilitation of those convicts and former convicts, who have experienced violence and discrimination. The issues of women and domestic violence have a separate segment in the Governmental Action Plan, where it addresses, in general, the rehabilitation and legal assistance of women and victims of domestic violence.

Criminal Justice Reform Strategy (2017)

Re-socialisation/rehabilitation of convicts is one of the priorities of the Criminal Justice Reform Strategy. According to the Strategy, the goal of the Ministry of Corrections is to engage maximum number of convicts in educational, rehabilitation and employment programmes. Moreover, the Ministry focuses on certified vocational training programs that are provided by vocational colleges.¹⁹⁴

¹⁸⁷ Ibid, Articles 2 and 3.

¹⁸⁸ Order N437 of 12 September 2016 of the Government of Georgia, <https://www.matsne.gov.ge/ka/document/view/3394478>.

¹⁸⁹ Ibid, Article 4.

¹⁹⁰ Decree of 30 April 2014 of the Parliament of Georgia, <http://myrights.gov.ge/uploads/file-manager/Strategy2014-2020.pdf>.

¹⁹¹ National Strategy for the Protection of Human Rights (2014-2020), Objective 5, http://myrights.gov.ge/uploads/file-manager/HR_STRATEGYENG.pdf.

¹⁹² Ibid, Objectives 5 and 14.

¹⁹³ Governmental Action Plan on Human Rights (2018-2020), <http://myrights.gov.ge/en/plan/Human%20Rights%20Action%20Plan%20for%202018-2020>.

¹⁹⁴ Criminal Justice Reform Strategy (2017), <http://www.justice.gov.ge/AboutUs/Council/237>.

The Criminal Justice Reform Strategy also talks about the probation system reform. The reform priorities are: Administrative Capacity development of the National Probation Agency; legislation development; supervision system development; rehabilitation programs and community involvement development; ensuring interagency coordination and improving public awareness of the National Probation Agency.

The Criminal Justice Reform Strategy does not include a separate segment for gender-specific needs of women prisoners and former prisoners, including the re-socialisation/rehabilitation issues of female prisoners who have been subjected to violence, stigma and discrimination.

Probation Reform Action Plan (2017)

The objective of the Probation Reform Action Plan is re-socialisation and rehabilitation of probationers and the creation and improvement of the prevention oriented individual approach. In this regard, the activities in the Action Plan are focused on the creation of the Rehabilitation Programmes Division and its effective functioning.

The Action Plan envisages the development and piloting of at least one rehabilitation programme for a selected group of probationers in collaboration with the non-governmental sector, also, initiation of training courses for probation officers for rehabilitation activities.

The Action Plan envisions the implementation of mandatory and voluntary rehabilitation programmes. The Action Plan also envisages the activities on the pre-sentence and conditional release stages with the involvement of the National Probation Agency. The Action Plan sets out the activities in regard to the work of probation officers with sentenced offenders on the basis of risk and needs assessment and individual sentence planning.

The Probation Reform Action Plan is quite general. The main focus is on institutional and personnel issues of the probation system, staff capacity building and proper functioning of the system. The Action Plan focuses less directly on the rehabilitation programmes, including in terms of gender-specific approaches.

Penitentiary System Reform Action Plan (2017)

The goal of the Penitentiary System Reform is to ensure protection of the rights of prisoners, to reduce the risk of reoffending through effective rehabilitation and reintegration efforts.

The Action Plan sets out the rehabilitation/re-socialisation programmes for the convicts, which envisage the sub-programmes, such as:

- Creation of enterprise and mini employment zones on the territory of penitentiary establishments in an effort to enhance employment opportunities for convicted inmates;
- Opportunity to receive education at the penitentiary establishments by means of introducing professional/vocational and training/educational programmes;
- Development of individual approaches with regard to convicted prisoners;
- Providing convicted prisoners with psycho-social rehabilitation programmes;
- Providing convicted prisoners with libraries, contact with the outside world, sports and cultural activities.

The Penitentiary Reform Action Plan envisages the programme for strengthening legal guarantees of prisoners, which shall be evaluated positively. The programme contains the following sub-programmes:

- Raising the awareness of prisoners concerning their rights with reference to complaints, disciplinary and administrative procedures;
- Availability of complaint procedures guaranteed by the Code of Imprisonment.

The Action Plan is of a general nature. It does not include a separate segment for gender-specific needs of women prisoners and former prisoners, including the re-socialisation/rehabilitation issues of female prisoners who have been subjected to violence, stigma and discrimination.

10. Recommendations

Action Plan on Rehabilitation/Re-socialisation in the Criminal Justice System (2017)

The purpose of the Action Plan is the re-socialisation/rehabilitation and social integration of the convicts and former convicts.

The Action Plan sets out the following activities:

- Finding and adopting of the needs-oriented services based on local and international experience;
- Introduction of frequently requested services on the bases of the organization;
- Ensure the coordinated generation and provision of basic services;
- Quality control of the services;
- Planning of the research to measure the efficiency of the rehabilitation programmes;

- Promotion of the social entrepreneurship idea and the concept development;
- Reflecting the priorities and activities envisaged under strategy and action plan of the agencies involved in the re-socialisation/rehabilitation process in their own strategies and action plans;
- Creation of infrastructure in relevant agencies needed for the effective management of the re-socialisation/rehabilitation process;
- Involvement of personnel with relevant qualification in the process of serving the sentence and taking post release care;
- Training of the personnel to provide rehabilitation programmes inside the organization;
- Joint implementation of the rehabilitation measures together with partner states and private organizations;

The Action Plan is of a general nature. It does not include a separate segment for gender-specific needs of women prisoners and former prisoners, including the re-socialisation/rehabilitation issues of female prisoners who have been subjected to violence, stigma and discrimination.

Recommendations for Improving the Legislation

1. Rehabilitation/Re-socialisation of Convicts

Regulation of the N5 Penitentiary Establishment does not specify the needs and rehabilitation programmes of women convicts who have experienced stigma, violence and discrimination.

Recommendation:

To the Minister of Justice of Georgia:

- The Regulation of the N5 Penitentiary Establishment to be brought in accordance with the Bangkok Rules and specific needs and rehabilitation programmes for women convicts, who have experienced stigma, violence and discrimination, to be defined.

2. Employment of Convicts

The Regulation of the N5 Penitentiary Establishment does not list the employment programmes for women convicts. The Regulation only specifies the rule for work distribution. The Regulation does not envisage the gender-specific approach to women prisoners, including those who have experienced violence, discrimination and stigma. Also, the Regulation does not provide for the employment of those prisoners who live together with young children in a penitentiary establishment. These convicts are particularly vulnerable, and it is important to have a sensitive approach towards them.

Recommendation:

To the Minister of Justice of Georgia:

- The Regulation of the N5 Penitentiary Establishment to be brought in accordance with the Bangkok Rules and the issue of employment of women convicts, who have been subjected to violence, stigma and discrimination, to be specifically addressed.

3. Healthcare Service

The Regulation of the N5 Penitentiary Establishment regulates the problems of health care service provision and the issues of sanitary-preventive measures and psychiatric care. The Regulation is not sensitive towards the treatment of gender-specific diseases. Also, it does not provide regulations for treatment of convicts who have suffered violence, stigma and discrimination.

Recommendation:

To the Minister of Justice of Georgia:

- The Regulation of the N5 Penitentiary Establishment to be brought in compliance with the Bangkok Rules and the instructions to be outlined for treatment of women convicts, who have experienced violence, stigma and discrimination..

4. Prevention of Suicide and Self-Harm

The Order N13 of 11 February 2016 of the Minister of Corrections of Georgia on Adoption of the Suicide Prevention Programme does not envisage the identification of the causes of self-harm and suicide and the individual approach to those convicts who have been subjected to violence, stigma and discrimination.

**Recommendation:**

To the Minister of Justice of Georgia:

- The Order N13 of 11 February 2016 of the Minister of Corrections of Georgia to be brought in compliance with the Bangkok Rules and the identification of the causes of self-harm and suicide and the individual approach to those convicts who have been subjected to violence, stigma and discrimination, to be envisaged.

5. Drug/Alcohol Dependence of Women Convicts Who Have Experienced Violence, Discrimination and Stigma and Their Psycho-Social Rehabilitation

Order N161 of 31 December 2014 of the Minister of Corrections of Georgia adopted the implementation instructions for the psychosocial rehabilitation programme “Atlantis” in penitentiary establishments. Beneficiaries in the programme “Atlantis” are selected based on general criteria such as alcohol/drug dependence, the convict’s willingness to participate in the programme and if the convict does not impose threat to other persons participating in the programme and the prison staff. Criteria for the selection of beneficiaries in the programme require specification. Important predefined factors, such as previous experience of violence, stigma and discrimination are not part of the criteria for selection of beneficiaries for the programme “Atlantis”. Alcohol/drug dependents are one of the most stigmatized and discriminated categories that require specific approach. In addition, the Order N161 of the Minister of Corrections is not gender-sensitive and does not envisage women’s specific needs.

Recommendation:

To the Minister of Justice:

- The Order N161 of 31 December 2014 of the Minister of Corrections of Georgia to be brought in compliance with the Bangkok Rules, and the criteria for the selection of beneficiaries in the programme to be set in a way to take into account the previous history and experience of violence, stigma and discrimination.

6. Early Conditional Release and Postponement of the Sentence due to Poor Health Conditions

The Georgian legislation is in compliance with the principles of international standards. However, the legislation does not quite consider the history and individual specifications of women when considering their early release. The Georgian legislation does not show sensitivity while considering the parole, when determining important circumstances, such as violence, stigma and discrimination experienced by the woman, her caretaking responsibilities, etc. During parole the Georgian legislation mainly focuses around the crime committed by the convict and does not consider the psycho-emotional state, experienced violence and other gender-specific circumstances.

Recommendation:

To the Minister of Georgian and the Parliament of Georgia:

- Amendments to be made to the Georgian penitentiary system legislation (Code of Imprisonment and other acts) and individual characteristics and experienced violence by women convicts to be considered during parole.

7. Explanation of Rights to the Victims of Violence (Victimization History)

Based on the Code of Imprisonment of Georgia, investigation of the crime committed in a penitentiary establishment is conducted through the provisions set by the Criminal Procedure Code of Georgia. The Code of Imprisonment does not have provisions for investigating sexual or other forms of violence against women, as well as procedures of informing women prisoners, including those who have experienced violence, stigma or discrimination, about their rights. The legislation does not contain provisions for the specialized psychological or legal assistance for women victims, or the prevention of the risk of revenge. There is a gap in the legislation, which requires for the previous history of violence to be studied during the individual planning procedures.

Recommendation:

To the Minister of Justice and the Parliament of Georgia:

- The amendments to be made to the Code of Imprisonment and the procedures to be set for investigating sexual or other forms of violence against women, as well as procedures of informing women prisoners, including those who have experienced violence, stigma or discrimination, about their rights.
- The amendments to be made to the Code of Imprisonment and the provisions to be provided for the specialized psychological or legal assistance for women victims and the prevention of the risk of revenge.



8. Pregnant Women, Breastfeeding Mothers and Mothers with Children, Who Are Victims of Violence

The legislation is not sensitive enough in determining the needs of women convicts and children who are victims of violence and offering relevant rehabilitation programmes to them. According to the joint Order N105-N01-57/n of 31 August 2017 of the Minister of Corrections and the Minister of Labour, Health and Social Affairs of Georgia, the organization of the removal of children from penitentiary establishments due to them reaching the age of 3 is carried out by the social division of the establishment.

The Order envisages the obligation of the penitentiary establishment to remove the child from the establishment and determine the location after removal. The order only provides for psychological assistance to the convicted mother after her child's removal.

Recommendation:

To the Minister of Justice and the Minister of Labour, Health and Social Affairs:

- The amendments to be made to the joint Order N105-N01-57/n of 31 August 2017 of the Minister of Corrections and the Minister of Labour, Health and Social Affairs of Georgia and to envisage the evaluation of the child's psycho-emotional state and the risk assessment before the child's removal from the establishment.
- The joint Order N105-N01-57/n of 31 August 2017 of the Minister of Corrections and the Minister of Labour, Health and Social Affairs of Georgia to provide for psychological assistance to the convicted mother and her involvement in rehabilitation programmes before her child's removal.

Recommendation:

To the Minister of Justice and the Parliament:

- The amendments to be made to the Code of Imprisonment of Georgia and the criteria for admission to the penitentiary establishment for preparing prisoners for release to be specified. When developing the criteria, the gender-specific needs and history of violence and victimization of women to be considered.

11. Budgetary Funding and Program Priorities of the Ministry of Corrections of Georgia (Data from 2017-2018)

General Information about Budget Allocations

In 2018 the budgetary funding of the Ministry of Corrections increased by 11 million GEL compared to 2017, which should be considered as a positive step.

According to the Law of Georgia on the State Budget (2018), the budget of the Ministry of Corrections of Georgia amounted to 150 million GEL, which is more than in 2017 by 11 million GEL.¹⁹⁵ In 2017, funding of the Ministry of Corrections of Georgia amounted to 139,100 million GEL.¹⁹⁶

Funding of the Penitentiary System and Program Priorities

The state budget of 2018 allocated 143,600 million GEL for the establishing the penitentiary system in compliance with international standards. In 2017, this was about 4 million GEL less and amounted to 131,100 million GEL. Out of this, 114,600 million GEL was allocated for the development, management and improvement of the conditions of the penitentiary system. In 2017, the amount allocated was 112,670 million GEL, which is 2 million GEL less.

In 2018 5 million GEL was allocated in order to ensure the healthcare services for the accused/convicted persons. In 2017 the allocation was almost half a million less from the State budget and amounted to 4,5 million GEL.

One of the program priorities of the 2018 State Budget is re-socialisation/rehabilitation of the accused/convicted persons and providing them with healthcare services. The 2018 State Budget defines the following program priorities:

- Elaboration of relevant legislative amendments and implementation of appropriate measures, based on the legislative analysis and recommendations from international organizations, independent experts and the Public Defender of Georgia, in order to develop the penitentiary system in line with international standards;
- Improvement of penitentiary system administration;
- Providing necessary food services for the penitentiary system;

¹⁹⁵ Law of Georgia on the State Budget (2018), <https://www.matsne.gov.ge/ka/document/view/3938064?publication=1>.

¹⁹⁶ Law of Georgia on the State Budget (2017), <https://www.matsne.gov.ge/document/view/3495562?publication=2>.



- Provision of relevant uniforms, soft inventory and the means necessary for personal hygiene to the penitentiary system;
- Rehabilitation/re-socialisation of accused/convicted persons (increasing the opportunity for the convicts to engage in the employment possibilities and professional/vocational, training/educational programs);
- Strengthening the legal guarantees of the accused/convicted persons;
- Provision of medicines for treatment and delivery of specialized medical services to the accused/convicted persons within and outside the penitentiary system;
- Implementation of preventive measures in accordance with the penitentiary healthcare standards for keeping the hygiene, controlling the contagious diseases and providing mental health care.

Funding and Program Priorities of the Probation System

In 2018, the probation system was allocated with 5,4 million GEL. In 2017, the allocated amount was more by one million – over 6 million GEL was allocated for improvement of the probation system.

Provision of rehabilitation services to probationers is one of the program priorities of the budget.

Program priorities are:

- Development of administrative capabilities of the LEPL National Agency of Execution of Non-Custodial Sentences and Probation;
- Implementation of rehabilitation programs and involvement of probationers in them;
- Proper execution of house arrest by means of electronic monitoring system.

In 2018, 1,285,000.0 GEL was allocated towards the **prevention of crime and re-socialisation of former prisoners**. The same amount was allocated in 2017.

Program priorities are:

- Improvement of the psycho-social state of the beneficiaries in order to reduce the risk factors of crime, solving the problems of their physical and mental health by considering the individual needs of former prisoners;
- Offering professional/vocational training courses, adequate to the labour market requirements, to former convicts and giving recommendations with potential employers;

When analysing the programmes, it should be noted that the re-socialisation/rehabilitation of convicts, probationers and former convicts and providing them with healthcare services is the priority for the State Budget, which should be assessed positively.

As for the funding, the increase in penitentiary system funding is indicated in 2018 compared to 2017. Costs related to crime prevention and re-socialisation/rehabilitation of former prisoners are identical in 2017 and 2018. In 2018, the probation system funding has decreased compared to 2017, which indicates a negative tendency.

The gap in the State Budget is that it is not gender-sensitive and does not reflect specific needs of women convicts, former convicts and probationers in the budget. Within the State Budget format, the needs of women in conflict with the law is not a separate programme priority, which should be assessed negatively.

12. Results of Sociological Survey – Research on the Needs of Prisoner, Probationer and Former Prisoner Women Victims of Violence, Stigma and Discrimination

Introduction, Description of Problems and Subject of the Survey

Women represent a very small part – 2.8% – of the total number of prisoners in Georgia. Their needs and priorities often differ from those of men and may be neglected.

The aim of this Research Study is to identify and assess the needs of female prisoners, probationers and former prisoners who are victims of stigma, violence and discrimination, in the context of the existing policies, legislation, existing support programs and challenges in the country.

It should be noted that the treatment of women offenders and prisoners differently from men is not unjust and discriminatory. In fact, on the contrary. Women convicts and prisoners have specific needs that need to be identified and guaranteed to ensure fair approach towards them.

Results of the Sociological Survey

All prisoner women at the N5 penitentiary establishment were offered to participate in the social survey. As of 31 August 2018, there were 304 accused and convicted women in the establishment.¹⁹⁷ Among them 46 accused and 258 convicted women. Also, the probationers registered in Tbilisi, Gori, Rustavi, Kakheti and Zugdidi probation bureaus (2017 - 2018) and former prisoners (as of 2017 - 2018) were approached regarding the survey.

Considering the aim of the survey the questionnaires were used in two stages. At the first stage of the survey, all women prisoners, probationers and former prisoners were interviewed, on voluntary basis, using specifically designed questionnaires. The primary purpose of the survey was to identify those prisoners, probationers and former prisoners who considered themselves to be victims of stigma, discrimination and/or violence.

At the second stage, only this particular group was surveyed through the questionnaires (see Annex 2), through in-depth interviews and focus groups, to determine specific needs and requirements for each of them.¹⁹⁸

As mentioned above, any woman could take part in the survey, focus groups or in-depth interviews. Accordingly, selection method was voluntarybased. The information obtained through the questionnaires was entered and processed through a specially created database. Some of the prisoners interviewed via the questionnaire also took part in focus groups and in-depth interviews.

Total Number of Prisoners	Total Number of Surveyed Individuals	Total Number of Prisoners Who Have Been Victims of Violence/Discrimination/Stigma	Total Number of Probationers Tbilisi, Kvemo Kartli, Shida Kartli, Kakheti, Samegrelo	Total Number of Probationers Surveyed	Number of Victims of Stigma/Violence/Discrimination	Total Number of Former Prisoners As of 2018	Number of Surveyed Former Prisoners	Number of Victims of Stigma/Violence/Discrimination
304	58	23	300	122	59	50	13	13

1. Results of the Survey among Women Prisoners

Based on the primary survey conducted with 58 prisoners on voluntary basis - 23 prisoners consider themselves to be victims of violence, stigma and/or discrimination. Among them:

Number of Prisoner Women Victims of Violence	Number of Prisoner Women Victims of Discrimination	Number of Prisoner Women Victims of Stigma
23	0	9

- Among 23 women, current imprisonment is not the first conviction for 6.
- Only 4 out of 23 respondents consider themselves to be victims of discrimination, but answers to the specific questions show that none of them knows what discrimination means precisely and the latter is equated with domestic violence.
- 9 women prisoners say that they are victims of stigma. 6 women (who have committed repeated crimes) have experienced stigma of being convicted and declare that the previous conviction served as a hindering factor to employment. 3 women made a declaration that their family was split as a result.
- 21 out of 23 women say that they are victims of physical violence, among them 19 from the side of their husband/partner, 1 - father and 1 - brother. 2 convicted women are victims of psychological violence from the side of their mothers-in-law. 8 beneficiaries out of interviewed 23, have been exposed to sexual abuse, including 2 convicted women, who were raped in the presence of others.

Number of Surveyed Individuals	Victims of Physical Violence	From Husband/Partner	From Father	From Brother	Victims of Psychological Violence	Victims of Sexual Violence out of 23
23	21	19	1	1	2	8

¹⁹⁷ Among them 48 foreign and stateless prisoners; Statistics on the number of accused/convicted persons at penitentiary establishments.

¹⁹⁸ The content of the questionnaire mainly focused on: what types of violence were the convicted women/their children victims of; measures taken by the state; what services did they receive from the state and/or NGOs? evaluation of existing services; identification of additional needs.

13. Main Findings of the Survey Conducted with Women Prisoners

1. Age, Nationality, Marital Status and Children

Out of 15 interviewed women prisoners, over 1/3 of them are from 31 to 50 years of age, 4 are from 19 to 31 and 4 are over 50 years of age.

In the course of the study, there were no prisoners under the age of 18 in prison. In the course of the study, the juvenile of the underage age of 18 was not in prison. As a rule, they are placed in specially separated cells in women's prison and they have the opportunity to attend lessons in the establishment.

Number of Surveyed Individuals	Age of Women Prisoners
8	41-50
7	31-40
4	51 and older
3	22-30
1	19-21

- There were 2 foreign prisoners from the following countries: South Africa and Brazil.
- Most of the interviewed women - more than half - are divorced.

Marital Status

Number of Surveyed Individuals	Marital Status of Women Prisoners
2	Married
12	Divorced
6	Widowed
3	Lives with a Partner

20 out of surveyed women have a child or children, including 12 women who have minor children. Among them 2 women have their children in childcare facilities. Most of the children of women prisoners live in the mother's families, 2 children live at N5 penitentiary establishment with their mother. Other children live with their father, relatives or independently.

Number of Surveyed Individuals	Children
20	Have children
2	Do not have children
17	Live with their mothers
12	Have minor children
0	In foster care
3	With the father
0	In childcare facility

Education and Employment

Number of Surveyed Individuals	Level of Education
6	Higher Education
13	Secondary Education
4	Incomplete Higher Education
0	Incomplete Secondary Education
0	Illiterate
0	Primary Education

- a) Among the interviewed women prisoners, none of them are illiterate, 6 have full higher education (Bachelor's degree or higher), 4 incomplete higher education and 13 full secondary education (11 or 12 grades).
- b) 8 women say that they are from middle class income families, 15 consider themselves poor or very poor.

Committed offences and sentences

All 23 surveyed women are convicts. They have been convicted for the following offences:

- 40% were charged with non-violent crimes against property such as theft, embezzlement, fraud and extortion.
- 27.8% were accused of drug-related crimes, including sale, transfer, transportation and storage in large quantities.
- Only 5.7% of convicted women were accused of murder-related crimes.
- 4.8% of convicted women were accused of crimes such as illegal deprivation of liberty, taking hostage, violation of inviolability of ownership, hindering the exercise of the right to vote, encroachment upon the right to strike, and breach of workplace safety rules.

Quantity	Offences committed by women prisoners and imposed sentences
9	Against property
10	Drug offences
2	Unspecified
2	Related to murder

Amnesty, Pardon and Early Conditional Release

15 out of surveyed women have applied for pardon or early conditional release and 10 have not.

2017 - 2018	Amnesty	Pardon	Parole (Early Conditional Release)
	0	13	2

Access to Complaints Mechanisms

The following data includes complaints against prison authorities, as well as appeals of court decisions, which declared women guilty.

In practice the complaints box is rarely used. The initial means of sending complaints and requests are mainly through the social workers of the establishment.

According to the results of the focus groups, the main concerns and complaints of women prisoners were related to reviewing the criminal cases and the proportionality of sanctions, as well as the duration of imprisonment and were directed towards other governmental bodies.

Number of Surveyed Women Prisoners	Application of the Right to Complain/Appeal
0	Have not applied the right to complain/appeal
23	Applied the right to complain/appeal
0	Did not have information about this right
	Responses to Complaints
3	No response to the complaint/appeal
12	Complaint was not satisfied
5	Complaint is in the process of review
3	Complaint was satisfied

14. Main Findings Regarding Treatment and Care of Women Prisoners

Access to Health

76% of interviewed prisoners noted that their health conditions in the prison deteriorated. The health condition of 1/5 of the women did not change, and 3% noted that their condition improved.

In case of need for treatment, 76% of respondents said that the state provided necessary assistance, 13% - received treatment through family assistance, and 11% - at their own expense (purchasing medicine or cost for private doctor's service).

76% of respondents confirm that they need treatment in prison, and 24% said they do not have such need.

74% of those who have such needs noted that treatment is provided, and 26% have indicated that they cannot receive adequate assistance.

75% of interviewed women indicate that they regularly receive preventive examinations (screening), 25% have responded negatively to this question.

59% said that they are receiving information about various diseases, and 41% said that such information is not provided.

In case of pregnancy or breastfeeding during imprisonment, 82% of respondents noted that they did not receive appropriate medical assistance, only 18% responded positively to this question. This question was relevant for 38% of respondents.

In case of health deterioration, 57% of respondents believe that they do not have the opportunity to invite a doctor, while 43% think that this is possible.

In case of positive response, the expenses are covered by the family of the convict – 54%, the convict herself – 21%, NGOs – 13% and other – 13%.

In case of need, 60% of respondents say that they are transferred to civilian healthcare facilities, and 40% indicate that they are not transferred.

According to interviewed prisoners, the available healthcare services are: a) Primary health care services (outpatient), which is available to 46% of respondents; b) Mental healthcare service – 12%; c) Prophylactic healthcare – 13%; d) hospital service (inpatient) – 11%; e) HIV/AIDS - Prevention and treatment – 7%; f) Drug dependence treatment – 4%; g) reproductive and sexual healthcare – 4%; h) Pre- and post-natal treatment – 3%; i) Other medical services – 2%.

87% of respondents believe that in case of health problems, the prison administration ensures confidentiality of information about medical conditions, while 13% think that this is not the case.

In case of necessity the medicine is provided by the administration and the medical department – 62%, purchased by the prisoner in the pharmacy of the establishment – 21%, provided by the family and relatives – 16%, provided by NGOs – 1%.

Within the scope of the research study we tried to identify the medical complaints and problems of female convicts. When asked what kind of medical care women need in the penitentiary establishment, the received answers were general, in particular, they require complete medical services, complex examinations, provision of medicines, timely response to medical complaints and problems, provision of diagnostic tests and subsequent treatment, doctor's consultations.

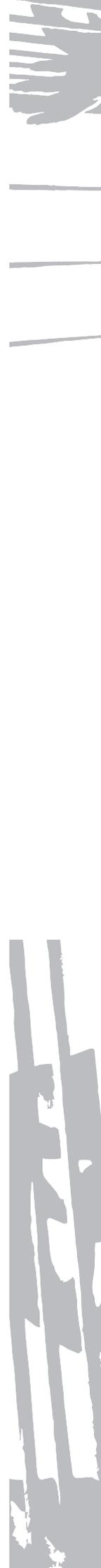
The need for diagnostic services were revealed through interviews: cancer diagnosis test, ultrasound, cardiology examination, X-ray, neurological examination, abdominal examination, gastrointestinal examination, spine and joint tomography, endocrinologic examination, radiography of the spine, etc.

In terms of need for specialized treatment: oncology and in-patient service, provision of primary healthcare, transfer to Khudadovi TB Dispensary, treatment of urogenital infections, treatment of hepatitis C, treatment of diabetes and cardiovascular diseases, kidney treatment, diabetes treatment, psychological counselling, treatment of joint arthritis, treatment and surgery of gallstones diseases, chemotherapy, treatment of epilepsy, consultation with neurologist, treatment of chronic and acute sinusitis, neck tumour surgery, dental services, mental inpatient care, assistance of an allergologist, etc.

In terms of need for auxiliary medical care: eye prosthetics, hearing aids, prosthetic joints, etc.

Requirements/needs revealed regarding gender-specific medical complaints or problems: timely diagnosis of PAP test, gynaecological services, mammogram examination, pregnancy-related examinations, gynaecological examinations, full study of myoma, fibroma and cyst, caesarean section and treatment of female diseases.

Despite the fact that management and administration of the health care system in prisons is one of the most important issues of criminal justice reform and attention was focused on the problems that existed in previous years, some issues still remain as problematic, such as hospital treatment, complex treatment of various diseases, specialized treatment, e.g., persons dependant on drugs and gender-specific health care needs for women in prison.



Two problematic issues were identified from “other” medical problems by the interviewed convicts. Namely:

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

Lack of appropriate standards in the penitentiary system and non-existence of medical facilities, which would serve only women, deteriorates the health conditions of prisoners due to delays or failure to provide full service. In many cases, it is impossible to timely transfer them to civilian hospitals. Prisoners have to wait for few days or weeks. The waiting mode is often caused by lack of available spots at hospitals with which the Ministry of Corrections has an agreement/contract on the provision of various medical services.

Problems exist regarding complex examination and treatment of prisoners with various diseases. Sometimes it is not possible to deliver all of the prescribed medicines to them at once. In many cases, complex treatment is delayed due to delay in simultaneous delivery of all medicines. Prisoners have to wait for the purchase and delivery of medicines, which may last for more than a month.

In order to ultimately solve the problems in healthcare field, it is necessary to improve quality control and referral mechanisms in the penitentiary system, taking into consideration gender-specific issues.

Mental Health

Currently, among the interviewed beneficiaries, 19 women prisoners have psychological problems and 5 – do not.

Interviewed Women Prisoners with Psychological Problems	Revealed Psychological/Mental Problems
3	Insomnia
8	Depression
18	Anxiety
5	Persistent fears
0	Aggression
3	Use of psychotropic drugs
12	Feeling lonely
0	Prone to self-harm
2	Suicidal thoughts
7	Other

According to this data, prisoner women suffer from different psychological complaints.

Among the respondents, 15 women indicate that these problems appeared during the imprisonment, 4 had the problems before the imprisonment, but their condition deteriorated during the imprisonment.

50% of respondents believe that they are provided with proper consultations and treatment of psychologist and psychiatrist, and 50% claim that they do not receive this assistance.

In case of mental or psychological problems, the assistance includes: consultation with a psychologist or psychiatrist – 49%, prescription of relaxation remedies appointed by a specialist – 32%, psychotropic drugs – 19%.

In such cases the state provides for the treatment – 85%, the expenses are covered by the prisoner’s family – 15%. Psychological consultations are partially provided by psychologists employed by the Social Service of the penitentiary establishment, but more intensively, those NGOs working on providing rehabilitation services for women prisoners. The questionnaires and group discussions show that women need continuous and more intensive, engaging psychological and mental support than they are currently receiving.

Hygiene

Hygienic means (sanitary products, soap, detergent, toothpaste and toothbrush, etc.) are offered to women prisoners:

Number of Surveyed Women Prisoners	Provision of Hygiene Products
19	Family member/relative
4	Purchases in prison shop
8	Prison administration
3	Cellmates
0	Are not provided with hygienic products
9	NGOs

16 surveyed respondents mentioned that hygienic products are provided once a month, 4 women said – once in three months, and 3 said – once in two months.

The sanitary situation in the prison is positively described by 14 interviewed women. Maintaining sanitary and hygienic norms is difficult for women in prison settings. The prisoner gets one set of beddings upon arrival to prison, and once a month - one laundry soap and one glass of detergent. Prisoners are provided with hygienic means by family members or friends. This problem is particularly acute for those who are socially vulnerable, foreign nationals or have no family members or relatives.

Living Conditions

In respect to living conditions, women prisoners want to improve the following aspects:¹⁹⁹

- ✓ 15% of interviewed women have stated that they want to improve the general physical environment of the establishment (meaning greening and vegetation);
- ✓ 14% indicates that the concrete floor is problematic (there is no wooden floor), which is particularly negatively affecting reproductive health of prisoners;
- ✓ Improvement of the quality of the linen was a priority for 14% of respondents. In the focus groups, they said that the linens were supplied only upon arrival to the establishment.
- ✓ Air conditioning and ventilation is considered to be problematic by about 13% of female prisoners. Apparently, this problem is caused by double bars, which makes it impossible to fully open the windows and, accordingly, properly ventilate the cells.
- ✓ Other problems indicated by 10% of respondents were related to cell spaces, showers, hot water problems and toilets. Heating is a problem for 7% of interviewed prisoners.
- ✓ The need for improvement of sanitation, replacement of plastic dishes, which is supplied only once, improvement of the quality of (clean) water, removal of double bars from windows, were also noted.

Food

The quality of food in the establishment is evaluated in the following way by interviewed women:

64% – Average

21% – Good

15% – Bad

In terms of food, convicted women demand the improvement of quality, as well as the menu. In particular:

37% - to add fruits to the food ration

29% - to improve the quality

12% - to enrich the diet with dairy products

10% - to add vegetables

8% - to add fish and meat

3% - other.

Overall quality of food has improved, especially since the beginning of 2013, when the Minister of Corrections and the Minister of Health issued a joint order, which determines the food quality and variety, but the prisoners still complain about the lack of food and its quality (especially those who fully depend on prison food and have no financial means to buy additional food at the prison shop or with the help of family members). More attention should be paid to the nutrition of children under the age of three. Mothers complain about the lack of food for their children. They often have to provide their own food, which in most cases does not correspond to the needs of the infants. Fortunately, the planned amendments to the Code of Imprisonment provides for the responsibility of the administration in resolving this problem. In addition, it is important to change the Georgian legislation or relevant provisions so that it is ensured that women prisoners are encouraged to breastfeed their children, unless there is an impediment to their health condition. Control must be stricter, and monitoring should be conducted about the practice and whether the reality corresponds to the standards set out by the order of the Ministers regarding the food provided to prisoners. Other issues that need further development include special dietary regimes and quality of products for women with chronic diseases such as diabetes, gastritis, etc. The right of the accused/convicted prisoner to unlimited amounts of clean drinking water is also very important. Prisoners in pre-trial detention reported the low quality of the drinking water, because of which they have to buy water at the prison shop or receive it from families through parcels.

¹⁹⁹ It was possible to select multiple answers.



Contact with the Outside World

20 respondents have a possibility to have contact with their children, 3 respondents do not have such possibility.

As for the frequency of contact with family members and close relatives:

38% of convicted women contact their family members once a year, 31% of interviewed women prisoners – daily, 20% - once a week, 9% – once a month and 2% – once every three months.

As for the frequency of meeting with family members, 28% of convicted women meet with their family members at their will, 22% - once a month, 21% - few times per month, 18% - rarely and 11 % - never see their family members or close relatives.

The reasons for the latter have been identified as the following factors, namely: the mother does not want her children to visit/see her in prison, the family has financial problems, parents do not live in Georgia and old grandparents do not have the opportunity to visit, a child is in a crisis centre and it is hard to visit the mother in prison, due to the geographic location, the father does not allow the child to visit the mother. Women prisoners believe that the following will improve their contact with family members and close relatives:

53% - improvement of the use of telephone cards

24% - introduction of long visits

17% - increase the number of family visits

7% - Other (access to videos calls, etc.)

When asked about the impact of the imprisonment on family relationships, 52% of beneficiaries indicate that family members provide moral and financial support, 29% of women convicts say imprisonment did not change their relationship with the family, 10% indicated that it worsened the relationship and 7% chose to answer an open question, for them their relationship with family members improved, the circle of people to receive visits from increased, children remained sheltered, the situation initially deteriorated, but the problem was soon solved. In case of 1% of the interviewed beneficiaries - the family has terminated the connection with them and they also cannot afford to engage in planning their children's life:

77% of interviewed women have the opportunity to be involved in planning their children's life through personal meetings, telephone conversations with children or children's teachers.

23% indicates that they cannot take part in planning life for their children and family, mainly due to economic reasons, they cannot afford buying enough telephone cards to make it possible to keep up with the children. Contact with the families of convicted women is also complicated due to the geographical location of the women's penitentiary establishment, as the families live away from prison and cannot afford the travel expenses. There are cases when the son/daughter is in prison and the mother cannot have contact with him/her.

Forms of relationship of women convicts with family members are:

53% – Phone calls

38% – Short Visits

5% – Family Visits

4% – Other

Female convicts evaluate the condition of the infrastructure for the visits as:

51% – Average

21 % – Good

6% – Very Good

6% – Bad

5% – Very Bad

96% of interviewed women prisoners report that the prison administration does not restrict visitations with family members as a disciplinary punishment, but 4% indicates that they have been restricted of this right.

Only 8% of respondents have requested a short-term leave outside the penitentiary establishment from the administration. Positive response was followed in case of 3% of respondents, negative – 3% and 5% did not receive relevant response. As for access to information, a third of interviewed prisoners stated that they had been informed about the services available after their release. However, half of the interviewed beneficiaries said they did not receive such information.

The beneficiaries who responded positively to the above question selected various programs in accordance with the percentage given below.

20% – Employment

20% – Free Legal Aid

19% – Education and Vocational Training

12% – Healthcare

9% – Social Rehabilitation Programs

6% – Information about Continuation of Psycho-Social and Psychiatric Consultations

As for the sources of information, the beneficiaries indicated:

2 % – Other Source of Information

28% – Social Worker

23% – NGOs working on prison issues

13% – Governmental Structures (Center for Crime Prevention and Innovation Programs – Ministry of Justice)

12% – Lawyer

10% – Prison Administration

10 % – Office of the Public Defender of Georgia

3% – Other

Based on the above, it was revealed that social workers and NGOs are the main suppliers of information about the services available for women convicts after release. Additional measures are needed to raise awareness of female prisoners in this regard.

The following information is provided: verbally – 44%, through brochures – 31%, through informational meetings and seminars – 15%, and by other means – 10%.

3% of respondents do not have an opportunity to contact the administration of the N5 penitentiary establishment in the language they understand. These are foreign prisoners who do not speak Russian or English languages - two main foreign languages through which the prison administration can establish communication.

45% of foreign prisoners say that the administration communicates in a language that they understand, 35% communicates through an interpreter, 15% - with the help of other prisoners, 5% - through other means (gestures).

Rehabilitation/Re-socialisation

According to the surveyed women prisoners, the following rehabilitation/re-socialisation services are available for them:

27% – Healthcare Services

23% – Medical/Doctor Consultation

15% – Consultations with Psychologist/Psychiatrist

14% – Vocational Trainings

10% – Legal Aid

7% – Other Services Available in Prison

4% – Employment²⁰⁰

When asked what kind of services would help them in the targeted use of time and to re-socialize during their detention, the beneficiaries identified key issues in accordance with priorities.

Percentage Shown by Surveyed Women	Services Needed at the Penitentiary Establishment
15%	Medical Treatment
13%	Vocational training
12%	Education
11%	Access to Legal Assistance
11%	Access to sports and health programs
8%	Granting of socially vulnerable status
7%	Programs to improve self-confidence and life skills
7%	Consultancy and therapy on problems related to mental health
5%	Transfer to a prison close to home
2%	Assistance in obtaining/renewing ID cards and documents
2%	Consultancy and therapy to treat drug/alcohol dependency
2%	Protection from violence
1%	Granting IDP status
1%	Other types of assistance
1%	Post domestic violence/trauma consultancy and therapy

²⁰⁰ Note: it was possible to select multiple answers, therefore, the total result exceeds 100%.

The percentage regarding the services needed for the beneficiaries after release is the following:

Percentage Shown by Surveyed Women	Services Needed after Release
24%	Employment
17%	Healthcare
14%	Accommodation/Shelter
10%	Granting of socially vulnerable status
8%	Access to Legal Assistance
7%	Financial assistance for education or vocational training courses
5%	Consultancy and therapy: assistance in mental healthcare
3%	Other types of assistance
2%	Assistance in childcare
2%	Re-establishment of contact with the family or husband
1%	Granting IDP status
1%	Assistance in repatriation
1%	Consultancy and therapy for victims of domestic violence
1%	Protection from violence

In addition, data showed that convicts in penitentiary establishments are provided with vocational training programs. Nevertheless, the perspective of employment is still very low for most of the former convicts.

15. Repeated Crime and Hindering Factors for Reintegration

About a quarter of women participating in the survey have been previously convicted. They were asked about the most serious problem they came across after the release. Majority named the employment problem due to their conviction. Stigmatization and alcohol/drug dependence because of the imprisonment were also named.

24% of interviewed women have been convicted in the past. When asked what the most serious problem was they came across after being released and when starting the new life, the beneficiaries identified few hindering factors.

Number of Prisoners with Previous Conviction(s)	Problem
6	The employment was hindered with previous conviction
6	Negative attitude from the society (stigma)
0	Drug/alcohol dependence
4	Health problems, but treatment was not accessible
5	Severe psychological condition
3	Abandoned by the family
1	Could not find shelter

Four of the previously convicted women did not receive any assistance to start a new life. Only 2 received assistance from the Social Service Agency, the healthcare service and non-governmental organizations.

Types of assistance are the following: educational programmes, health care assistance, counselling and treatment of mental health or drug dependence, assistance in employment, legal assistance/consultation.

In addition, women probationers and former female prisoners talk about the unfriendly attitude of the schoolteachers and their worsened relationship with their neighbours. Also, about the absence of money for transportation to return home after serving the sentence or being released from the penitentiary establishment. It became clear from the in-depth interviews that in practice there is no preparation work done for release (one of the reasons is the spontaneous notification about release).

16. Results of the Survey Conducted with Probationer Women

In total, 122 probationers from Tbilisi, Rustavi, Gori, Kakheti and Zugdidi bureaus were interviewed, including:

Tbilisi Probation Bureau	Rustavi Probation Bureau	Gori Probation Bureau	Kakheti Probation Bureau	Zugdidi Probation Bureau
64	17	9	10	22

Based on the primary survey conducted with 122 women probationers on voluntary basis - 59 probationer women consider themselves to be victims of stigma, violence and/or discrimination. Among them:

Number of Probationer Women Victims of Violence	Number of Probationer Women Victims of Discrimination	Number of Probationer Women Victims of Stigma
31	0	50

- 8 respondents consider themselves to be victims of discrimination, but answers to the specific questions show that none of them knows what discrimination means precisely and the latter is equated with domestic violence.
- 50 interviewed women probationers state that they are victims of stigma.

In the first phase, the research methodology envisaged carrying out the survey through questionnaires to reveal the victims of violence/stigma/discrimination. At the second stage, the needs and problems were studied through in-depth interviews and focus groups.

Age, Nationality, Marital Status and Children of Women Probationers

Out of interviewed probationers 20 are from 22 to 30 years of age, 16 beneficiaries are from 22 to 30, 16 beneficiaries are from 41 to 50, 16 – from 30 to 40, 7 beneficiaries are above 50 years of age and 1 beneficiary is 18.

Number of Surveyed Persons	Age of Women Probationers
16	41-50
16	31-40
7	51 and older
20	22-30
1	18-21

Marital Status

About the same number of female probationers are married and divorced. Very little difference is in the number of widowed and single probationers.

Number of Surveyed Persons	Marital Status of Probationer Women
17	Married
23	Divorced
9	Single
5	Widow
1	Lives with the partner
1	Other

17 of surveyed women live with husbands/family/partners, 20 women rent housing, because they experienced financial problems in connection to court expenses and lost their own housing.

10 probationer women live with relatives, and 8 live alone in their own home.

Number of Surveyed Persons	Place of Residence
17	Lives with the family/husband/partner
20	Rents accommodation
10	Lives with relatives
8	Lives alone in own house

45 respondents have children (35 have two or more), 11 - do not. In 38 cases children live with their mother. 29 probationers have minor children. In 1 case, children live in foster care.

Number of Surveyed Persons	Children
45	Have children
11	Do not have children
38	Live with the mother
29	Have minor children
1	In foster care
4	With the father
0	Childcare Facility

8 surveyed probationers have higher education, 7 – incomplete higher education. 37 probationers have secondary education, 7 - incomplete secondary education. Only 1 has primary education and 1 is illiterate.

Number of Surveyed Persons	Level of Education
8	Higher Education
37	Secondary Education
7	Incomplete Higher Education
5	Incomplete Secondary Education
1	Illiterate
1	Primary Education

20 respondents have an average income, while 39 consider themselves poor or very poor.

Number of surveyed women prisoners	Social-Economic Status
20	Middle class income family
14	Homeless
19	Poor
18	Socially vulnerable
3	Internally Displaced Person
20	Very poor

The Impact of the Probation Period on the Family Relationships of Probationer Women

To the question about the impact of the probation period on family relationships of probationer women, 38 said that there was no impact, but 81 probationers said that it had a negative impact. 3 evaluated the relationship with their family positively.

Number of Person Surveyed	Impact on Family Relationships
38	No impact
81	Negative impact
3	Positive impact

The Impact of the Probation Period on the Relationships of Probationer Women with Other Members of the Society (Stigma, Discrimination)

Most probationer women think that being a probationer had an impact on their relationships with other members of the society, and 49 believes that this served as a hindering factor for employment.

Number of Probationers	Problem
49	The employment was hindered
35	Negative attitude from the society (stigma)
41	Severe psychological condition
12	Abandoned by the family
9	Could not find shelter

Employment

Probationers' employment rate is quite low compared to the unemployment rate. Currently, only 22 women have a paid job, and the rest does not.

The high rate of unemployment can be caused by the fact that the majority of probationers are employed in private sector, such as private companies. Some of them are sole traders, work at a market, are cleaners, lawyers, work in a restaurant, are education managers, work at a leather factory, are in sales, work on craftsmanship, accounting, work in a cafe, sell items in a booth, work as a waitress in a bar, is an assistant in a clinical centre, are small entrepreneurs, are sales persons, cashiers, are employed at food units.

The previous conviction is the main obstacle to employment for the majority of them. In the public sector it is impossible to get employed without submitting the note about having no previous conviction. Lack of self-confidence is also one of the main obstacles in terms of finding a job. As for the private sector, there is an obstacle to the employment of former prisoners and probationers, due to the lack of trust and reliability.

Distance to the Place of Reporting

52% say that the probation bureau (where they should report regularly) is on an average distance from their place of residence. The bureau is close to the place of residence for 27% of respondents and far for 21%.

What are the reasons, if any, for the delays at the place of reporting (several answers could be selected).

58% do not face any delays, 24% face problems due to economic problems (cannot afford travel costs or can barely afford to pay), 17% - due to health conditions, 12% - for family conditions, 7% - due to improper transport communication, 1% - for other reasons. The focus groups were also asked about the delays regarding reporting at the probation bureaus. The majority - 58% - of interviewed women claim that they do not face any delays, but 24% have such delays due to economic problems (cannot afford travel costs). As already mentioned, most women probationers are unemployed. 17% indicated health conditions as a reason, 12% indicated the family situation, for 7% the obstacle is an improper transport communication, and 1% mentioned other reasons.

Number of Probationers	Obstacles
58%	Does not have obstacles
24%	Economic problems (transportation costs)
17%	Health condition
7%	Improper transport communication system
12%	Family situation
1%	Other

Statement about the Border Crossing

90% of interviewed probationers have never made a statement about traveling abroad. The statement of 4% was positively decided, the same number of probationers were denied the permission and 1% of the respondents are in the process of discussions.

Number of Surveyed Individuals	Going Abroad
90%	Never applied
4%	Request was granted
4%	Request was not granted
1%	The application is currently under consideration

The rights of some of the interviewed probationers have been restricted due to their status of a probationer. 20% of interviewed women gave a positive reply to a question whether their rights were restricted. For instance, 4 convicts were not allowed to leave the country, and 4 women were restricted of their labour rights (deprivation of the right to hold an official position or carry out a particular activity).

Whether or not the respondents have applied for the removal of the conditional sentence or the removal of the conviction to the Permanent Commission?

40% of respondents have applied for the removal of the conditional sentence, and 37% have applied for the removal of conviction, 41% of respondents have not applied.

According to the Law of Georgia on Execution of Non-Custodial Sentences and Probation (Article 12), the probation officers are the main contact persons for probationers during the probation period. 56% of the probationers interviewed evaluate the performance of the probation officer as very good, 36% evaluate as good and 8% - as average.



Number of Surveyed Individuals	Evaluation of Probation Officers
53	Attentive
53	Polite
53	Empathetic
53	Hard-working
53	With the ability to help
6	Indifferent to problem-solving

Women probationers who participated in the study had access to various programmes and services offered by the National Probation Agency and civil society organizations. One factor that should be noted is that most of the programmes and services offered by the Probation Agency are short-term and not regular. It is necessary to strengthen different programmes and support services for re-socialisation. It is important to note the needs and priorities of socially vulnerable groups, such as women, juveniles, etc., in accordance to a needs assessment and individual sentence planning.

Only 39 out of the surveyed probationers reported that some services were available for them during the probation period.

Number of Surveyed Individuals	Available Services
5	Employment
39	Assistance by social worker
12	Access to healthcare services
7	Psychological
39	Legal
18	Educational
3	Psycho-social rehabilitation
0	Other

Some interviewed probationers expressed their desire to participate in various rehabilitation programs. The most desirable is the improvement of labour skills, which is followed by various priorities of this kind (see the table below).

Number of Surveyed Individuals	Desired Rehabilitation Programs
46	Improvement of labour skills
14	Vocational training courses
12	Supportive conversations
9	Development of social skills
11	Training in emotion management
3	Psychoeducation
8	Anger and aggression management
17	Development of communication skills
2	Understanding of crime genesis and the caused harm

Women probationers require different types of assistance.

Number of Surveyed Individuals	Type of Assistance
49	Assistance in employment
12	Shelter
3	Acquirement of status of socially vulnerable
9	Treatment of health problems
4	Access to legal assistance
24	Financial assistance for educational or vocational training courses
12	Assistance in child care
2	Assistance for strengthening parent-child bond
3	Protection from violence
6	Dealing with mental health issues
1	Acquiring IDP status or documentation



At the beginning of the questionnaire we asked probationers to list about 10 priorities and needs, which would speed up their re-socialisation and reintegration during probation period. The following priorities and needs were named:

- Assistance in employing children, due to being a single mother
- Accommodation
- Employment
- Healthcare
- Timely removal of the probation period
- Missing the job due to reporting to the bureau
- Pardon
- Alleviation of the reporting regime
- Removal of conviction
- The timely review of the case
- Business Financing, completion of revision
- Improvement of employment conditions
- Traveling abroad
- Legal assistance
- Removal of the conditional sentence due to pregnancy
- Solving social issues (including expenses for courses of a minor child, payment of communal taxes during the winter, and paying costs for the child's higher education)
- Economic problems, renewal of a socially vulnerable status, healthcare, issuance of the ID card, change of the last name after divorce (is not affordable)
- Child's education
- Financial assistance, family needs.

17. Main Findings of the Survey Conducted with Former Prisoners

The method of focus groups was used to analyse the needs and problems of former prisoners. Out of 50 former prisoners registered at the Center for Crime Prevention - 13 former prisoners were interviewed.

Among them, 5 former prisoners used the following services after release: education, shelter, legal assistance; received a tailor's courses at the custodial establishment; housing was supported by the NGO "Women in Business".

2 former prisoners have filled up the application for supporting business, but have not yet received a response. All the beneficiaries were provided with legal support from NGOs.

7 out of 13 former prisoners consider it as a general systemic problem that released prisoners do not have pocket money upon release to pay for the transportation to get home.

All thirteen former prisoners confirm that they have to hide their previous conviction in order to be employed in the private sector (one received a polite refusal from the owner of a bakery, after learning that she was convicted).

Former prisoners refer to two main stigmas: the negative attitude from the society and conviction preventing employment.

To the question - what kind of rehabilitation programs would you like? – the answers were:

- 5 former women prisoners ask to be involved in educational and vocational training programs.
- 4 former women prisoners ask to for the improvement of their labour skills.
- 2 former women prisoners asked to study emotions management.

To the question – what kind of assistance do you require? – the answers were:

- 3 requested assistance in housing.
- Financial assistance in education/vocational training programs – 3.
- Treatment of health problems/insurance – 3.
- Receiving status of a socially vulnerable – 1.
- Ability to go abroad – 2.
- Support/assistance in employment – 2.
- Financial assistance in covering the higher education costs of the child – 1.
- Treatment of alcohol dependence – 1.
- Financial assistance to get rid of her former husband's surname after divorce and remain only on her own surname – 1.



18. Issues identified through interviews conducted with the representatives of NGOs, State authorities, experts, practitioners.

Tamar Dekanosidze – GYLA

She pointed out the problem of re-socialisation/rehabilitation of former prisoners and probationers, who have experienced sexual violence in the past. Re-socialisation and rehabilitation of this category of individuals practically does not take place. There are no services for victims of sexual violence in shelters or in crisis centres. Also, the rate of their identification is quite low. The work of the multidisciplinary team is necessary with the members of this category. They should receive psychological assistance immediately after release from the penitentiary establishment. Also, the expert considers that training of the staff of the Probation Service, Center for Crime Prevention and the Penitentiary Establishment in the field of gender-specific approach is necessary.

The expert considers the rehabilitation of former convicts, who have been serving their sentences for drug-related crimes and are drug dependents after the release, as problematic. Most of them are involved in the methadone programme. They are included in methadone line along with men, from whom they often experience discrimination and harassment. Therefore, the expert thinks that the Ministry of Health should create a separate line of methadone for women. It is important to conduct the rehabilitation activities and treatment of women with drug dependence in accordance with gender-sensitive policies. Also, the problem is the protection of confidentiality for women. They are much more stigmatized in this regard than men. The expert believes that the provided service for persons with drug dependence should be gender-sensitive. Women with drug dependence are not provided with replacement therapy services in shelters and crisis centres, as drugs are prohibited there. Also, in crisis centres and shelters there are no therapy services for women with drug dependency.

The expert considers it important to address the economic empowerment of former women prisoners and their training in accordance with the demands on the labour market.

The expert considers it necessary to ensure the timely provision of psychologists to the former prisoners' children as soon as the mothers as they leave the penitentiary establishment. The children are already stigmatized that their mother is a former prisoner. Therefore, the child needs a psychologist to help in overcoming this stress and making the relationship with the mother easier for him/her.

It is necessary that the state supports the employment of former prisoner women, including those with drug dependency. In this regard, it is important to introduce a job-coacher institute (as it is in case of employment of persons with disabilities), which will help individuals in this category to find a job.

Ida Bakhturidze – Women's Movement

The expert believes that former female prisoners who have been subjected to violence, stigma and discrimination are not identified and neither are their needs. The expert has not worked with this group directly. However, she believes that psychosocial services are crucial for this category. Individuals in this category are victims of double discrimination. According to the opinion of the expert, it is necessary to implement gender-specific re-socialisation programmes, because the imprisoned women have specific needs compared to other women who are victims of violence. The expert believes that it is important to equip the women victims of violence with the skills demanded on the labour market and support their professional education. Also, social workers and psychologists should always be working with this group of people. As for the children of women prisoners and former prisoners, it is necessary to provide psychological support to them even starting when their mother is still serving a prison sentence. This is important for children to overcome stigma and to be able to live with their mother after they are reunited.

Goga Khatishvili – MIA

The MIA representative said that they do not have direct contact with former convicts who have experienced violence, stigma and discrimination, but are generally working with victims of violence and are cooperating with various state agencies on the issue of rehabilitation of women victims. According to the representative of the MIA, the Human Rights Department of the Ministry of Internal Affairs cooperates with the shelters where women victims of violence and their children are provided with services round the clock. Victims are provided with primary care (including meals), health-care, psychologist and legal counselling. The representative believes that the shelter is less focused on employment, rehabilitation and education, and there are fewer state services, which is considered as a gap. The shelters are mainly focused on providing primary and necessary assistance to beneficiaries.

Crisis centres provide short-term assistance to beneficiaries, mostly with day care services. As a rule, the night services are not provided by the crisis centres to beneficiaries, except for exceptional cases. Crisis centres provide beneficiaries with distant legal and medical services and consultation. Crisis centres are mainly focused on day services.



The representative of the Ministry of Internal Affairs (MIA) has provided information on private organizations (could not name exact organizations) offering various services to the beneficiaries. Victims of violence can receive day and night services (with the permission to live there for 3 to 6 months) in the centres of these organizations. In these organizations they receive psychological and medical services, and are provided with meals and basic necessities.

The main advantage of their services is that they are oriented on rehabilitation/re-socialisation of women victims and their economic independence – professional education and employment. According to the MIA representative, the above-mentioned organizations have provided the beneficiaries with the courses of a stylist and make-up artist, as well as employment opportunities, one of the beneficiaries was sent to work in Italy. These organizations are especially concerned about the children of the victims of violence and their needs. For instance, a teacher of Georgian language was hired for the child of one of the beneficiaries, and s/he was supported to complete the general education, etc.

According to the MIA representative, the state agencies lack rehabilitation services, which is essential for beneficiaries (psychosocial rehabilitation and care for economic empowerment).

According to the representative of the Ministry of Internal Affairs, local self-governments (e.g., Zugdidi) pay the rent for the victims of domestic violence and provide them with one-time financial assistance. But these services are fragmented and inconsistent. According to the MIA representative, the role of self-governments should be as follows:

- Local self-governments are well aware of the situation in their area of action. Gender Equality Councils of local self-governments shall hold meetings with beneficiaries to identify their needs;
- They should provide economic support to the beneficiaries and their budgets should determine gender-specific needs, set certain amount in the budget for the rehabilitation and economic support for victims of domestic violence and their children.

As for the Ministry of Health, they suffer from the lack of psychologists, as for social workers, they need two things: to increase competence and increase in number of specialists.

Eliso Amirejibi – Coordinator at Anti-Violence Network of Georgia

According to the expert, the Anti-Violence Network of Georgia (AVNG) developed a questionnaire, a screening instrument, based on which the victims of violence against women and domestic violence shall be identified. At the same time, in cooperation with other organizations, the same organization established a rehabilitation programme for the female victims of violence and domestic violence, which will be implemented starting in the beginning of 2019. The programme includes psychosocial rehabilitation, increase of self-esteem, mobilization of resources and more. The expert also spoke about the shelter for the victims of violence, which operates within the framework of AVNG. The shelter is in line with international standards. The shelter developed internal regulations for the admission to the shelter. The shelter offers day and night services. The shelter is designed to accommodate 20 people, but there were cases when 24 people were also admitted. The expert said that they receive the state voucher. Within the shelter they have a social enterprise, where the victims of violence are employed. Within the enterprise they receive orders and sell the service. The expert said that there is a great demand in this regard. Now they are building a greenhouse, where the victims of violence will be employed.

Londa Bichikashvili – Office of the Prosecutor General of Georgia

The employee of the Prosecutor's Office said that they do not have information on providing rehabilitation and other services for victims of violence against women and domestic violence. They work on individual cases where they take measures to protect victims of violence. They are limited only to specific cases of victims' protection component.

Ana Iluridze – Gender Equality Department at the Office of Public Defender of Georgia

According to the representative of the Public Defender, they haven't had cases of a convicted woman, a probationer woman or a former prisoner woman, subjected to violence, stigma and discrimination. However, she provided information regarding shelters. There are 5 shelters in Georgia, where victims of domestic violence and their dependents (children) are provided with psychosocial rehabilitation, health care, professional education and employment component, and victims are provided with free legal assistance. According to the representative of the Public Defender, there is also an economic rehabilitation component in the shelters. We also received information about the crisis centres. There are 3 crisis centres operating in Georgia. 2 crisis centres provide beneficiaries with day care and one crisis centre provides beneficiaries with day and night services. The representative of the Public Defender positively evaluates certain aspects of the situation in the shelters. She believes that shelters alone cannot guarantee the rehabilitation of victims of gender-based violence and domestic violence. In this regard, it is important for the Ministry of Health to help and envisage special programmes (psychological rehabilitation, health care, mental services, special, gender-specific package for victims of domestic violence, reproductive healthcare, etc.).



According to the representative of the Public Defender, involvement of local self-government bodies is important for the rehabilitation of the victims of domestic violence. It is important that their budgets become more gender-sensitive and include health care services (gynecological screening, free abortion), free housing, economic support.

As for vocational education and employment, it is important to simplify access for businesses and relevant NGOs to the penitentiary system as well as in the Center for Crime Prevention and probation bureaus.

Sopo Japaridze - Assistant to the Prime Minister of Georgia on Human Rights and Gender Equality Issues

The Assistant to the Prime Minister said that she has no information on our subject and no experience within the conducted work.

Keti Shubashvili – Equality Department at the Public Defender’s Office

An interview was conducted with Keti Shubashvili, who said that she did not have experience with those convicts, former convicts and probationers who experienced violence, stigma and discrimination. Therefore, she is not aware about their needs.

Maia Tsiramua – GCRT

According to the expert (psychologist), psychosocial rehabilitation of victims of violence is very important. Prisoners and former prisoners who are victims of violence represent a category, which is twice as much vulnerable, for which the state should develop special rehabilitation programmes. However, prior to their psychosocial rehabilitation, their legal rehabilitation is very important - restoration of justice. First of all, the justice shall be restored for the victims of violence and then their rehabilitation shall be accomplished. It is important that victims have a sense of fairness and justice, otherwise any psychosocial rehabilitation will be hindered.

According to the expert, psychosocial rehabilitation also implies the work with the victim’s family. GCRT provides such assistance to victims of violence. It is also important to work with parents as well as children. So, the first step is to restore justice, and the second step is to work with the victim and her family and their rehabilitation. In terms of rehabilitation of the victim it is important to solve their social problems, equip the beneficiaries with the skills to integrate into the society, provide professional training and find employment. This is important in order to make a person social, restore the status quo, and not to become a victim of new stigma, discrimination and violence.

According to the expert, it is very important to start rehabilitation activities, both with prisoners and their families, 6 months before the sentence is served. Upon release, the rehabilitation of the former convict should start with the involvement of the community and family and through working with them. According to international studies, if the rehabilitation measures are not carried out in combination (former prisoner, community and family) the person commits a repeat crime within about 7 months. If the victim of violence (former prisoner) fails to perform her functions in the society, she herself becomes the abuser, develops revenge attitudes towards the society, the state and the family.

In the process of rehabilitation, the role of local self-governments is important. The local community can involve former convicts in various activities, including the volunteer-based activities, to support their employment.

In the process of rehabilitation, the Ministry of Health and Social Services has a significant role. The victims of violence often have mental problems. The work of this Ministry is decisive in providing the mental care assistance. The mental health segment is an issue over which the Ministry has responsibility. Additionally, victims of violence have somatic complaints: cardiovascular diseases, endocrinological problems and others. It is necessary to create separate rehabilitation and treatment packages for this category of people, and it is also important to monitor their state of health.

Expert sees the role of the Ministry of Education in providing professional education.

Particular attention must be paid to the children of those former and current prisoners who have been subjected to violence. It is important to realize that not only the person who suffered violence is a victim, but also a child who witnessed the violence. Children of this category have emotional-behavioural problems. In order to provide various rehabilitation programmes, it is necessary for the psychologist, social worker and probation officer to work with the child.

Nana Gogokhia – IDP Women Association “Consent”

The organization “Consent” provides the following services to the beneficiaries: short-term professional training, psychological support, social services, legal counselling and providing vital skills (communication skills, teamwork), issuance of grants, etc.

According to the expert, they have not dealt with those former convicts who were subjected to violence, stigma and discrimination. However, they had a contact with probationer women and their families. In 2018, they provided services

to 12 probationer women and their family members, who had the following problems: the problem of social integration, the problem of family relationships (the family did not want to reconcile with them) and the problem of employment. After passing vocational programmes offered by the organization "Consent", their beneficiaries have been employed at such jobs as: washing dishes at a restaurant, stylist and kitchen-maid. There was a case when the kindergarten promised to employ their beneficiary, and when the kindergarten administration learned that the beneficiary was a probationer, they refused to employ her. As a rule, Consent does not work with children of probationer women, but there was one case when they provided this category of child with hygienic means.

The expert noted that women's involvement in rehabilitation process is low. There are occasions when women express their desire to join in women's rehabilitation programmes, and then refuse or quit the course. Also, the problem is that women do not speak about their problems and needs, they have low self-esteem, stigma and hence the very low involvement of women.

Probation Bureau (Probation Officer)

Currently, following vocational training programmes are carried out at the bureau:

- Pastry chef;
- Chef;
- Restaurant Manager;
- Carpenter;
- Electrician;
- Stylist (female);
- Tiler;
- Computer Network and System Technician;
- Car Parts Technician;
- Carpenter;
- Welder;
- Electrician;
- Locksmith;
- Nurse;
- Textile Products Specialist;
- Hotel Management Specialist;
- Woman's Stylist;
- Men's Stylist;

At this stage, there are 650 women probationers registered at the probation bureau. Each probation officer is responsible for up to 120 beneficiaries. However, there is a decline in this regard, because new employees have been recruited and workload has decreased subsequently.

Functions of the probation officer include the following: registering a probationer, referring the probationer to a social worker and/or a psychologist. In this case, the issue of risk of harm shall be determined. High and medium risk probationers will be referred to a psychologist and low risk probationers – to a social worker. However, in certain cases the probationers receive services from social worker and psychologist simultaneously. After determining the risk, the action plan is designed for each of the probationers, where the obligations and specific rehabilitation programmes are prescribed.

The Probation Bureau is approached by women who have been subjected to violence, stigma and discrimination. They have been subjected to such treatment either before committing the crime, during serving the sentence or are currently suffering violence. Some women report that they have been subjected to violence in their childhood by their brother or father. According to the probation officer, often women beneficiaries are accompanied by their spouses during their visits to the probation bureau, who show interest in rehabilitation programmes. The probation bureau is addressed by women with drug and alcohol dependency, who need psycho-social rehabilitation, since they cannot deal with the dependence on their own. Sex workers, as well as women who have been subjected to sexual violence (rape), also address the probation bureau. These women were left behind by their families.

The probation officer told us about one of the beneficiaries, who was raped at the age of 14, and as a result her parents kicked her out. After that, the girl became a sex worker. The probation officer had a beneficiary who was raped as a child by 17 men. The above-mentioned girl became a commercial sex worker as well. This girl has a problem in a relationship with her child. Women who have children placed in children's homes address the probation bureau. They either find it difficult to establish relationships with their children or are not able to feed them, because of the economic hardship.



The probation bureau is addressed by women who have mental problems and need psychosocial support programmes. Relationship with children is especially difficult for women with dependencies (gambling, drug and alcohol dependence). According to the Probation Officer, they do not have a maternal instinct, the baby is growing up on its own and there is a lack of emotional connection between a parent and a child. Some women leave children with their ex-spouses and they grow up in fathers' families.

According to the probation officer, women do not have separate rehabilitation programmes, which would consider women's needs. Women victims of violence often have contact with a psychologist. However, the probation officer noted that they have employment programs and there have been cases when women have been employed.

Social Worker of the Probation Agency

According to the social worker, currently his/her workload is 56 cases. Of these cases 4 are about women beneficiaries. At the Probation Agency the programme of psychosocial rehabilitation of addiction is functioning. Also, the module "realization of the crime" is functioning. This module is used when a woman finds it difficult to understand the moral and legal side of the offense committed. Another one functioning is the "Tolerance and Human Rights" module. In terms of psychosocial rehabilitation, the probation bureau uses external resources, including the resources of relevant NGOs. The treatment of reproductive, chronic and acute diseases is provided to women by the organization "Hera 21". The organization "Consent" provides services to women who are drug and alcohol dependent. Organization ASB provides services for employment. The organization "Consent" has a social enterprise, where the beneficiaries of the probation bureau are employed. The Center for Crime Prevention has a small grants program and tattoos removal program. Organization "Women in Business" offers the following programmes: stylist, chef, tailor.

According to the social worker, they also work with the beneficiary's family members in the rehabilitation process in case of their consent.

19. Analysis of Rehabilitation Programs

Within the framework of this study, our goal was to research and analyse the programmes offered and implemented by the state for women prisoners, probationers and former prisoners. It should be noted that it was especially difficult to find information in terms of the state programmes and their implementation budget.

Our goal was to search and analyse state programmes in the context of providing services, such as the existing/accessible programmes and services in the detention facility: preparation of the convicts for release, healthcare, education (professional), psycho-social, legal.

Outside support services: rehabilitation/re-socialisation: arrival to the place of residence, shelter, health care, education (professional), employment, psycho-social, legal.

The analysis of the reviewed programs below are mainly based on the internet, in particular, the information obtained on the websites of the Center for Crime Prevention (www.prevent.gov.ge/page/1329/geo) and the Social Service Agency (http://ssa.gov.ge/index.php?lang_id=GEO&sec_id=1215) (1), accordingly, the programmes offered by the state are partially intended for probationer and former prisoner women, and partially after their release they are subject to the state's social/employment/health programs (2), which are designed for the citizens, for example, universal insurance, utility benefits, support with employment, social welfare, mountain law and so on.

It was impossible to obtain the information about services available to prisoners in the penitentiary establishment in 2017- 2018 through internet. In response to the letters sent by us, we received information on the programs from the Ministry of Justice and the needs of probationer women from the Probation Agency (3).

20. Services offered by the state (public information obtained through web-pages)²⁰¹

Rehabilitation and Re-socialisation Programme for Former Prisoners:

Psycho-Social Services

The social worker of the Center, which is the case manager, begins to work with the former convict in the process of re-socialisation and rehabilitation. Work is done individually. After identifying the needs of the beneficiary, the social worker shall design an action plan, in co-operation with the convict, which meets the identified needs. During the imple-

²⁰¹ <http://prevention.gov.ge/news/516/eng>.



mentation of the action plan, the social worker is socially accompanying the beneficiary.

The psychologist may be involved in the case management, based on the beneficiary's personal or family needs, provide the psychological consultation to the beneficiary and, if necessary, refer and accompany her to a relevant institution.

Solving Health Problems

The care of former prisoners is mainly carried out through state programmes. The social worker helps the former convict with the universal (or other type of) health insurance, as well as referral services to meet various medical needs. Additionally, the referral network is quite effective in various NGOs, which also provide various medical interventions.

Acquiring Professional Skills and Facilitating Employment

Within the framework of promotion of employment, former convicts undergo professional training at different state vocational colleges. In case of successful completion of courses, they are awarded with certificates. The English language course is developed for former convicts and their children, on the basis of the Center for Crime Prevention.

Informal Education/Training Courses

For the purpose of socialisation, education and personal empowerment of former prisoners, they are actively involved in training courses on various topics. These training courses are being conducted using the resources of the Center for Crime Prevention, as well as of various grant projects and other partner organizations.

Working with a Former Convict's Family Member

While working with former prisoners, the social worker actively works with his/her environment, especially with family members. During the work, s/he visits a family, speaks to family members, identifies the family needs and provides help with the existing services.

Legal Aid

The former prisoners/relevant beneficiaries are provided with legal counselling and assistance by the Center's lawyer regarding various legal issues, according to their needs. In some cases, they are referred to the Center's partner NGOs and governmental organizations.

House of Leaders:

The programme "House of Leaders" of the LEPL Center for Crime Prevention is implemented for young people aged 14-18. Within the program citizens can receive the following services in several directions:

- Educational programmes
- Organized sports events
- Art and culture
- Informal education
- Training courses in business entrepreneurship
- Civil activism

The above-mentioned activities are carried out every Friday, Saturday and Sunday in Justice Houses both in Tbilisi and in the regions. Registration is carried out every Wednesday. Events are held in 13 cities throughout Georgia.

Youth Club:

The mission of the program "Youth Club" is crime prevention and the promotion of formation of a healthy society. The program creates a child/adolescent friendly space, which helps beneficiaries to use their free time productively and interestingly. The goal is for the "Youth Club" to replace the street and direct the young energy and potential towards useful activities. The target group of the program are the juveniles who are distinguished with delinquent, anti-social behaviour. There are various cultural and sports activities, trainings and educational seminars carried out at the Club based on the needs of the target group.



Youth Club Services

The Youth Club is working with young people aged from 12 to 21, and offers them the following activities for free:

- Sports and cultural activities;
- Educational and cognitive activities;
- Informal education – training courses;

At this stage, events are held only in Tbilisi, but in the future, it is planned to create regional resource centres.

Standards are developed for the providers of psycho-social, rehabilitation services, who work with the children with deviant behaviours or in conflict with the law.

Professional Training of Job Seekers – State Program for Retraining and Capacity Building²⁰²

The programme provides for professional training and re-training of job seekers in the professions demanded on the labour market, as well as increasing their competitiveness by further internships in the workplace and promoting employment.

Within the program, funding is provided for one of the short-term courses in the demanded profession (from 2 to 4 months) in a vocational education institution. One voucher is awarded for the tuition fee, the maximum value of which is 1000 GEL.

For the purpose of increasing the availability of short-term programs to the persons with disabilities or special educational needs, the maximum value of one voucher does not exceed 1,500 GEL.

In case of internship, the state scholarship will be given to the interns. The amount of state scholarships per beneficiary is defined at 200 GEL per month and the maximum duration of the internship is 3 months.

The citizens of Georgia who are 16 years of age and have a working capacity, persons having stateless status in Georgia, persons with refugee or humanitarian status have the right to use the program. Persons interested to engage in the program should be registered as job seekers in the labour market management information system www.worknet.gov.ge.

In case of other equal conditions, the priority to benefit from the program is given to:

- Persons involved in rehabilitation and re-socialisation programs of former prisoners released from penitentiary establishments;
- Probationers.

Receiving the Service Set by the Program

In order to get the study voucher, the job seeker should personally come to the territorial unit of the Agency and register for the program. The job seeker must have:

- Identity document
- A document certifying the completion of general education;
- A document confirming the attributability to the relevant target group to benefit from the priority of the program (except for the exceptions established by law).²⁰³

Rehabilitation and Re-socialisation²⁰⁴

By the initiative of the Minister of Justice of Georgia, the rehabilitation and re-socialisation programme of former convicts started at the end of 2012. This is the first state programme to assist former convicts. Its purpose is to support the rehabilitation of persons released from penitentiary establishments, their return as full-fledged members of the society and prevention of repeated offense.

From 1 to 3 months before the release of convicts the social work specialists/chief specialists of the Center for Crime Prevention meet them in penitentiary establishments and provide information about the programs and services.

Involvement of former prisoners in the rehabilitation and re-socialisation programme of former prisoners is voluntary.

²⁰² http://ssa.gov.ge/index.php?lang_id=GEO&sec_id=1215.

²⁰³ Note: Job seeker is exempt from the obligation to present a document asserting the completion of general education if it is a person with disabilities or special educational needs or is released from the penitentiary establishment and is involved in the rehabilitation and re-socialisation program of the LEPL Center for Crime Prevention or is a woman, who has failed to complete the general education due to early marriage.

²⁰⁴ <http://prevention.gov.ge/page/287/geo>.

The Center's services can be used by programme beneficiaries as well as their family members. Within the programme, social work specialists/chief specialists work with former convicts for 2 years.

The target group of the programme is the persons who served the sentence in the past or were in pre-trial detention in the penitentiary establishment of Georgia or another country.

The social work specialists/chief specialists identify the needs of the beneficiaries on the basis of the bio-psycho-social assessment and engage them in the rehabilitation programs based on the identified needs.

In order to establish an efficient system of rehabilitation and re-socialisation process, services are being gradually searched/renewed in Tbilisi and different regions of Georgia and collected in the unified electronic system of services.

In order to develop the services, there is a grant competition in which winner organizations offer a variety of services to the beneficiaries of the program.

The involvement of various governmental and non-governmental organizations is important for effective rehabilitation and re-socialisation process, for which a joint working group of re-socialisation and rehabilitation reform is set up at the Ministry of Justice. The group is periodically holding work meetings. Within the framework of the group's work the unified national strategy on rehabilitation/re-socialisation will be elaborated.

The hot line operates 24 hours in the Center. Any person has the opportunity to make a free phonecall and get information on important issues. The hotline of former prisoners' rehabilitation and re-socialisation program is: 2 145 145.

Free Legal Aid for Former Prisoners

The Memorandum of Cooperation was signed between Legal Entity of Public Law (LEPL) Center for Crime Prevention and LEPL Legal Aid Service. Based on the Memorandum the former prisoners involved in the Rehabilitation and Re-socialisation Program for Former Prisoners will have access to free legal services throughout the country.

According to the Memorandum, LEPL Center for Crime Prevention will provide information about free legal aid to beneficiaries and redirect them to the Legal Aid Service. In turn, the Legal Aid Service will provide free consultation and free legal aid to former prisoners.

21. Overview of State Social Security Programs

The social security system of Georgia consists mainly of two components – targeted social benefits and age pensions. Different types of programmes in the country are directed towards communal subsidization.

The communal subsidization²⁰⁵ of Tbilisi City Hall is only for the population of Tbilisi. The programme includes the subsidy on electricity, cleaning and water taxes in January, February, March, November and December, for socially vulnerable families registered in Tbilisi.

A large-scale monetary social assistance (living allowance), which operates throughout the country.²⁰⁶

The Law of Georgia on the Development of High Mountainous Regions²⁰⁷ envisages establishment of social benefits in high mountainous settlements.²⁰⁸

Information Received in Writing about State Programs and Services Provided to the Women Prisoners and Probationers

According to the letter²⁰⁹ received from LEPL Center for Crime Prevention of the Ministry of Justice, the following types of programs are implemented in the N5 Women's Penitentiary Establishment: formal vocational education, educational training programs, psychosocial trainings, psycho-social programs/therapies, general and higher education and employment.

²⁰⁵ For the socially vulnerable families whose rating score is not greater than 70,000, the total amount of subsidy is defined by a total of 106 GEL per month and for socially vulnerable families whose rating score is more than 70,000 and not more than 200,000, the total amount of subsidies is defined by total of not more than 20 GEL per month, according to the taxes accrued in the previous month of the month of issue of subsidy, through the following calculation methods and priorities:

b) 3,15 GEL on water taxes;

²⁰⁶ Upon completion of the application form, the Family Declaration will be filled on the socio-economic situation of the family based on the information provided by the authorized representative of the family during the visit of the Agency's authorized representative (social agent). The declared information is confirmed by the signature of the authorized representative of the family. After entering the information presented in the Declaration in the unified database and its processing by the established methodology, the family will be awarded a rating score, which determines the right of the family to any kind of benefits (monetary social assistance, etc.).

²⁰⁷ <https://matsne.gov.ge/ka/document/view/2924386>.

²⁰⁸ Social benefits in high mountainous settlements (Article 4).

²⁰⁹ 26 November 2018.



According to the letter it becomes clear that the required funds for rehabilitation and re-socialisation are part of the budget and are not disaggregated based on the sex of the convicts. Accordingly, it is not represented in the gender context.

As for the National Probation Agency, it is carrying out the psycho-social, pro-social and dependency-oriented rehabilitation services through specialists employed by the same agency (probation officer, social worker and psychologist). The budget of the National Probation Agency is not divided according to individual rehabilitation programs or the gender-specific needs of the probationers.

In 2017 and 2018 the following types of programs were implemented by specialists - psychologists and social workers employed at the National Probation Agency:

1. Training programme on human rights and developing tolerance towards vulnerable groups;
2. Prevention of addiction and relapse;
3. Effective communication;
4. Training module to support the development of self-esteem and new abilities;
5. Program on social integration;
6. Informative training;
7. Program on adaptation in social environment;
8. Trafficking;
9. Supporting healthy lifestyle;
10. Life values (for adult convicted prisoners);
11. Life risks and personal resources;
12. Planning the future;
13. Realization of the crime;
14. Realization of the crime (for adults);
15. Training module on managing penitentiary stress;
16. Conflict management and assertive behaviour;
17. Anger management;
18. Positive thinking programme;
19. Dependence on gambling;
20. Programme "How to Assist Adolescents";
21. Rehabilitation programme on managing violent behaviour.

Employment of Women Probationers

Employment of probationers, including women, does not represent the legal obligation of the National Probation Agency. Accordingly, the budget of the National Probation Agency does not envisage the funding in this direction. Nevertheless, the employees of the National Probation Agency (probation officer, social worker and psychologist) provide support for re-socialisation and rehabilitation of conditionally convicted persons in the employment process (providing information about jobs and grants programmes, strengthening skills, giving recommendations, increasing motivation).

According to the information provided in writing by the National Probation Agency, the budget of the mentioned agency is not divided according to individual rehabilitation programmes or the gender specific needs of the convicts.

Employment of probationers, including women, does not represent the legal obligation of the National Probation Agency. Accordingly, the Agency does not carry out employment programs and procedures for formal application by the convicts are not specified.

The necessary preconditions defined for the probationers, including women probationers, to participate in rehabilitation programmes, is the risk of harm and the likelihood of reoffending. This assessment is carried out by a multidisciplinary team (probation officer, social worker and psychologist). Accordingly, in 2017 there were 90 probationer women involved in the following rehabilitation programmes:

- Legislative protection mechanisms of violence management;
- Life values;
- Prevention of addiction and relapse;
- Effective communication;
- Training module for supporting the development of new opportunities and self-esteem;
- Social integration programme;
- Training module on managing penitentiary stress;



- Conflict management and assertive behaviour;
- Training module on anger management;
- Programme on positive thinking skills;
- Training program on human rights and developing tolerance towards vulnerable groups;
- Realization of the crime;
- Life risks and personal resources;
- Planning the future;
- Adaptation in social environment;
- Informative training (rights and obligations of the convict).

In 2018 there were 40 probationer women involved in the following rehabilitation programmes:

- Raising awareness on legislative protection mechanisms of violence management;
- Life values;
- Prevention of addiction and relapse;
- Training module for supporting the development of new opportunities and self-esteem;
- Social integration programme;
- Conflict management and assertive behaviour;
- Training module on anger management;
- Program on positive thinking skills;
- Realization of the crime;
- Life risks and personal resources;
- Adaptation in social environment;
- Intervention program for probationers with dependence on gambling.

The rehabilitation programmes are aimed at meeting the needs of the prevention of repeat crime/re-offending and re-socialisation and rehabilitation. Therefore, the aims of the rehabilitation programmes are:

Program	Aim
Training programme on human rights and developing tolerance towards vulnerable groups;	Increase awareness on human rights, increase tolerance towards vulnerable groups.
Prevention of addiction and relapse	Preservation of the remission period for persons with drug and alcohol dependency and prevention of relapse.
Effective communication	Development of communication skills for the re-socialisation of the convict.
Training module for supporting the development of new opportunities and self-esteem	Support of beneficiaries in personal growth, self-confidence, self-reliance, acceptance of self and own qualities and development of adequate self-esteem.
Social integration programme	Development of social and practical skills to make it easier for the beneficiaries to adapt to the environment and manage to achieve goals without aggressive or antisocial behaviour.
Informative training	Informing beneficiaries about their rights and obligations, as well as available external resources (social, medical, psychological, employment).
Adaptation in social environment	To ease the condition of probationers with post-stress and adaptive difficulties, to prepare them for post-release life, and equip them with the skills that can help their re-socialisation process.
Trafficking	Awareness raising and understanding of the risks associated with trafficking.
Supporting healthy lifestyle	Promoting the healthy and safe behaviour of adolescents with anti-social and/or criminal behaviours by providing them with relevant knowledge and equipping them with protective social skills.
Life values	Identifying the values of participants, understanding the ratio between life values and success in life.

Life values (for adult convicted prisoners)	The beneficiaries to realize what values they possess and formulate priorities. Also, to understand the responsibility over the consequences of their own behaviour and their strengths that will help them plan the appropriate behaviour in line with values and abilities.
Life risks and personal resources	Understanding risky behaviour and identifying personal resources to address these risks.
Planning the future	Identify future goals by the beneficiary, understanding of the importance of their existence and the ways of achieving them. Establish a positive perception of the future, raise motivation, set alternative ways of life.
Realization of the crime	Complex understanding of criminal acts, analysis from different perspectives, as well as raising awareness about criminal actions, consequences, and possible punishment.
Realization of the crime (for adults)	To understand the harm caused to others, to take responsibility for one's actions, complex understanding of criminal acts, raising awareness on criminal action, its consequences, and possible punishment.
Training module for managing penitentiary stress	Relieve a critical or stressful condition for newly released beneficiaries from penitentiary establishments, training on stress handling mechanisms.
Conflict management and assertive behaviour	Understanding the reasons for the origin of conflicts and the ways of avoiding it, encouraging the use of assertive skills in the communication process.
Anger Management	Developing skills to manage one's own emotions in a critical situation, think about the causes and predict the results, discover the stimulants of anger in the environment, as well as in oneself.
Positive thinking programme	The module is oriented on decreasing the risks of crime through developing positive thinking skills.
Dependence on gambling	Awareness raising and informing the persons with gambling issues. Alleviate the current situation, decrease/remove dependence.
Program "How to Assist Adolescents"	Informing the parents about the peculiarities and challenges of adolescence, to understand the inefficient strategies and the results for managing and communicating their behaviour, to establish a positive, supportive relationship with the adolescent, to establish and protect the rules and restrictions.
Rehabilitation program on managing violent behaviour	Decrease/eliminate the risks of gender-based domestic violence, prevention of repeated offence.

22. Conclusions and Recommendations

We believe that this study is unprecedented and represents the first attempt to identify women in conflict with the law with specific characteristics, which is the previous experience of violence, discrimination and stigma.

The study showed that interviewed women prisoners, probationers and former prisoners who were victims of stigma, violence and discrimination were largely ignorant of the need for psychological rehabilitation. On the question, if the crimes committed by them were related to the stigma or violence experienced in the past, only half of them responded positively. The study showed that none of the women (including those who claimed to be victims of discrimination, but when explaining disclosed that discrimination was considered as domestic violence) knew the meaning of discrimination as the crime committed against them.

When asked to list 10 priorities and needs, which would speed up their re-socialisation and reintegration after release from penitentiary establishment or serving the conditional sentence, psychological rehabilitation did not make the list. Priorities of the respondents are the following, in respective order:

1. Accommodation
2. Employment
3. Healthcare
4. Social Assistance

- 
5. Missing the job due to reporting to the bureau
 6. Financial assistance in covering the higher education costs of the child
 7. Alleviation presence regime on probation
 8. Removal of conviction
 9. Business Financing
 10. Traveling abroad

Prisoner, probationer and former convicted women who have been subjected to violence, stigma and discrimination are not an identified group and their needs have not been researched before this study. The study shows that psychosocial services are crucial for this category. Persons of this category are victims of double discrimination. It is convenient to implement gender-specific re-socialisation programmes, as the imprisoned women have specific needs compared to other women who are victims of violence.

Re-socialisation/rehabilitation of women prisoners, former prisoners, and probationers who have been subjected to sexual violence, need to be planned with a particularly professional approach. Re-socialisation and rehabilitation of these categories of women is not carried out in practice. There are no services for victims of sexual violence in shelters or crisis centres. The work of the multidisciplinary team is necessary with the persons of this category. They should be provided with psychological assistance at the penitentiary establishment as well as immediately after release.

As the study showed the absolute majority of women prisoners, probationers and former prisoners have an underage child or children. For children it is necessary to receive psychological support during the period when their mother is serving a sentence. This is important for children to overcome stigma and live with their mothers.

We consider it appropriate to train the staff of the Probation Service, Center for Crime Prevention and the Penitentiary Establishment on improving skills in the field of gender-specific approach.

Rehabilitation of former female convicts who were serving sentences for drug-related crimes and still have drug dependency after being released from penitentiary establishments. Majority of them are involved in the methadone programme. They are included in methadone line with men, from whom they often experience discrimination and harassment. It is convenient for the Ministry of Health to create a separate methadone line for women.

It is important to conduct the rehabilitation activities and treatment of women with drug dependence in accordance with gender-sensitive policies.

Due to the fact that women are more stigmatized than men, we believe that the service for persons with drug dependence should be gender-sensitive. The confidentiality should be strictly observed with respect to women. Women with drug dependence are not provided with replacement therapy services in shelters and crisis centres, as drugs are prohibited there. Also, in crisis centres and shelters there are no therapy services for women with drug dependency.

We consider it expedient to care for the economic empowerment of former convicted women and to train them in accordance with the demands on the labour market.

It is necessary that the state supports the employment of former prisoner women, including those with drug dependency. In this regard, it is important to introduce a job-coacher institute (as it is in case of employment of persons with disabilities), which will help individuals in this category to find a job.

We believe that the state agencies lack rehabilitation services, for probationers and former prisoners who are victims of domestic violence, which is essential for beneficiaries (psychosocial rehabilitation and care for economic empowerment).

We believe that the role of local self-governments should increase to ensure the rehabilitation and re-socialisation of beneficiaries and former prisoners who are victims of violence and stigma. In particular, local self-governments are well aware of the situation in their area of action. Gender Equality Councils of local self-governments shall hold meetings with beneficiaries to identify their needs, provide economic support to the beneficiaries and their budgets should determine gender-specific needs, set certain amount in the budget for the rehabilitation and economic support for victims of domestic violence and their children.

We consider that the number and qualification of social workers is not enough to provide proper rehabilitation and re-socialisation of probationers and former prisoners.

As the results of the survey show, women prisoners who are victims of violence/stigma cannot receive gender sensitive services at a detention facility.

As a rule, victims of violence often have mental problems. There are no special, effective programmes that are directly relevant to the psychological assistance and rehabilitation of women who have been subjected to stigma/violence/discrimination.

Particular attention must be paid to the children of those former and current prisoners who have been subjected to violence. It is important to realize that only the person who suffered violence is not the victim, but also the child who witnessed violence. Children of this category have emotional-behavioural problems. In order to provide various rehabilitation programmes, it is necessary for the psychologist, social worker and probation officer to work with the child.

The health care services for women in prison are more or less satisfying. Improvement of the prison health system



remains an important challenge. Considering women's gender specific needs remains one of the major challenges in providing healthcare services.

At the same time, it is important to note that victims of violence have somatic complaints: cardiovascular diseases, endocrinological problems and others. It is necessary to create separate rehabilitation and treatment packages for people of this category, and it is also important to monitor their state of health.

There are no programmes preparing convicts for release, which would be complex and well-planned and should be implemented up to 6 months before release.

Upon release of women prisoners, the probability should be considered that she might not be able to afford getting home (transportation expenses). This factor triggers traumatic experience for a person immediately after being released and is considered as a hindering factor to re-socialisation.

It is important to ensure close and effective co-operation of the penitentiary establishments and local self-government bodies, including with timely notification and undertaking appropriate measures for release.

23. General Recommendations

It is obvious that ensuring the gender sensitive penitentiary system in accordance with the Bangkok Rules is crucial for women prisoners, probationers and former prisoners.

As a result of the research study, the following aspects can be emphasized, which need the further follow-up steps:

It is necessary to introduce a special mechanism, which will identify victims of violence and especially domestic violence among women in conflict with the law, especially in the penitentiary establishment, in order to select and offer needs-based services (including psychological/medical/educational/employment) during their imprisonment and probation period.

The study has shown that domestic violence, which has been carried out in the past (e.g., before arrest) is often a continued process and often causes barriers to returning home after release or represents a ten-fold reason for further violence, discrimination and stigma.

As the research has shown, shelter, psycho-social, legal, educational and employment services for prisoner, probationer and former prisoner women are largely provided by NGOs. We believe that the State should take effective steps to develop systemic and consistent programmes and flexible budgeting for effective implementation of the programmes.

Even those services that the state offers to prisoner, probationer and former women prisoners, as well as information on the social, health and utility subsidising programmes of the state are not systematically available in the unified space. It is recommended to have a state portal on which the relevant information will be available and easily accessible.

It is necessary to reduce the use of custodial sentences against women offenders, taking account of their victimisation history and caring responsibility for children. There is a need for a mechanism, which would review such cases, and a process that allows to activate early release mechanisms in order to reduce the sentence term.

There are significant shortcomings in terms of provision of gender-specific and other needs for socially vulnerable women prisoners, as well as other vulnerable groups of women, such as foreign prisoners, women in pre-trial detention. This problem requires to be solved and improved.

Provision of rehabilitation services for women's penitentiary establishment is mainly funded by civil society organizations through funding drawn from external donors. The contribution made by the state is very small. Nevertheless, the state does not have any plans for institutionalization of these services. Current initiatives are short-term programmes aimed at preparing women prisoners for release. There are no rehabilitation programmes for long-term, including life-term women prisoners, which would prepare them for their ultimate release, and would also take measures to maintain their mental health.

In the absence of the National Strategy and Action Plan on Rehabilitation and Re-socialisation of Convicts, there are gaps in the inter-agency coordination, as well as in the cooperation between the civil society and other sectors.

There is no dialogue or cooperation with the business/private sector, despite the fact that one of the most important factors in the process of re-socialisation of women prisoners is to find employment and housing for them.

It is still necessary to develop long-term rehabilitation programmes for probationers and former prisoner women in cooperation with civil society sector. The most pressing and important issues for former prisoners and probationers are accommodation/housing and employment. Most of the crimes committed by women are economic crimes.

In particular, many of them are serving a sentence in line with Article 180 of the Criminal Code of Georgia, which, in addition to deprivation of liberty, also envisages confiscation of their property and sale at the auction, which left them totally impoverished. Most women are sheltered by their relatives after release, some rent an apartment, or face a problem of not having any shelter.

There are also gaps in notifying and raising awareness of former prisoner and probationer women on getting registered in the state insurance programme.

