



# Women in Prison: Georgia

Analysis from the National Preventive Mechanism

| May 2024



association pour la prévention de la torture  
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# Georgia



UNCAT Ratification	OPCAT Ratification
11 November 1993	9 August 2005
National Preventive Mechanism (NPM)	
<a href="#">Public Defender of Georgia</a>	
NPM legal framework	NPM operationalisation
The Constitution of Georgia and the Organic Law of Georgia on the Public Defender of Georgia <sup>1</sup>	From 2009
NPM structure	NPM composition
Specific department within the Public Defender of Georgia	7 staff members (3 women) + 23 experts (19 women)

## I. Facts and Figures

Prison population	Women in prison - Characteristics	Prisons for women
Total prison population	Older Women (60 years or older)	Total number of women's prisons
9,770	33	1
Women in prison (total)	Foreign women	Women-only prisons
354   3.6%	81	1
Women on remand	Pregnant women	Mixed prisons with separate units for women
57	1	0
	Women with children living in prison	
	1	
Source: Criminal Justice Statistics, National Statistics Office of Georgia, 2024 <sup>2</sup>	Sources: Criminal Justice Statistics, National Statistics Office of Georgia, 2024; National Preventive Mechanism, 2023 <sup>3</sup>	Source: National Preventive Mechanism, 2023

## II. Recommendations

<sup>1</sup> Articles 18, 19 19<sup>1</sup>. English translation of the law available at: <https://matsne.gov.ge/en/document/download/33034/14/en/pdf#:~:text=All%20state%20and%20local%20self,to%20exercise%20his%2Fher%20powers>

<sup>2</sup> National Statistics Office of Georgia, Criminal Justice Statistics, February 2024: <https://www.geostat.ge/media/61458/Unified-Report-on-Criminal-Justice-Statistics-%28Feb%2C-2024%29.pdf>

<sup>3</sup> NPM monitoring data for May 2023

### Solitary confinement, isolation

Women prisoners placed in the closed unit of the establishment:

- + Should be given access to fresh air at least 2 hours on a daily basis.
- + Should be given the opportunity to use sport equipment placed in the same building.
- + Should be granted increased access to shower, through amendment to the Order N116 of the Minister of Penitentiary and Probation.

### Body searches

- + Ensure body searches in accordance with the Bangkok Rules and eradicate the degrading practices.
- + The request of full search should be based on security risk assessment for each individual case and must be in accordance with the principles of necessity and proportionality.
- + Take all necessary measures to eradicate the practice of undressing the clothes altogether.
- + Eradicate the practice of crouching.
- + Take all necessary measures to apply body scanners as alternative and not complementary means of body searches.
- + Ensure the monitoring of the procedure by the General Inspection in order to avoid arbitrariness and ensure the compatibility of the procedure with national and international standards.

### Mental health

- + Develop and implement an instrument for periodic mental health screening.

### Mothers with children in prison

- + Review and amend the procedure of separation of children from their mothers and consider the best interest of a child.
- + Reduce the risk of traumatization in the process of separation.

## III. Detention Issues

### Solitary confinement, isolation

The NPM highlighted the problem of women prisoners who are placed in the separated and closed unit of the establishment. Placement in so-called closed unit is different from disciplinary solitary confinement. In closed units, women can be placed in the same cell with other prisoners. The so-called closed unit is primarily used to allocate remand women prisoners and women prisoners who are placed for safety or disciplinary reasons. There are also women who have high risk or who requested to be placed alone, and also placement based on the decisions of the administration for security and disciplinary reasons.

The Penitentiary Code regulates the use of disciplinary sanctions for specific groups of detainees, including women, providing that some types of disciplinary sanctions, namely the transfer to a cell type accommodation for up to three months and the placement in a solitary cell for up to 14 days “shall not apply to pregnant women, a mother of minor children (who has a child under the age of three, or who enjoys the right to the relationship with her child on rest days and holidays in accordance with Article



39(7) of this Code) and to accused persons/convicted persons over 65 years of age”.<sup>4</sup>

The restrictive detention environment poses several problems. Findings from the NPM revealed that women in closed units spend 23 hours a day in a cell and have access to fresh air for only one hour. They have access to shower only 2 times a week and time is limited to 20 minutes. One of the courtyards of the unit is equipped with sports machines. However, only one prisoner was authorized to use the equipment. Women have restricted access to rehabilitation activities and no access to rehabilitation spaces. There is very little contact with the outside world and confidential phone calls are practically unavailable due to the infrastructure.

## Body searches

Body searches are one of the most sensitive issues identified by the NPM of Georgia, which was followed by a number of recommendations with the aim of respecting the dignity and privacy of women prisoners and preventing intimidation and harmful consequences.

The problem was particularly highlighted in the Annual report of 2014 and in the 2015 report of the visit conducted to the women’s establishment N5. The report indicated that during the initial placement and during every transportation to and from the establishment, women were strip searched and required to perform squats. Prisoners stated that the procedure was so humiliating and degrading that they refused to be transferred to hospitals or to a court hearing in order to avoid the procedure.

The annual and special reports of the NPM also emphasized the need for scanner devices as an alternative means of strip search.

In 2016-2017 NPM of Georgia carried out another comprehensive visit in N5 Penitentiary Establishment and highlighted that the practice of strip search continued on a blanket basis, without prior assessment of individual risks. Even though the scanning device was installed on site, it was not used as an alternative measure of body search, and it applied alongside with strip search.

Based on the amendments made to the by-law regulating the procedure of body search of the N5 penitentiary establishment<sup>5</sup>, a prisoner has an opportunity to choose between body scanner and full body search. Based on the regulations, invasive body searches can be carried out in exceptional circumstances and by authorized health professionals. The search procedure must be carried out by women staff and out of sight of the men staff. The latest monitoring visit to the establishment was conducted in 2023 and no problem regarding these issues was not identified.

## Mental health

Mental health has always been one of the key issues for NPM monitoring visits. The women’s prison is no exception from other penitentiary institutions of the country where mental health screening is only carried out during the initial admission.<sup>6</sup> In its report, the NPM emphasizes that initial screening is not sufficient to identify mental health needs, as deprivation of liberty entails a massive psychological trauma that may lead to the aggravation of mental health conditions. For that reason, it is crucial to take preventive measures and identify mental health conditions at an early stage.

Mental healthcare needs and gender-specific perspectives are not identified by the institution. The collaborative qualitative and quantitative research carried out by the NPM and an NGO in 2016-2017

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<sup>4</sup> Law of Georgia Penitentiary Code, issued on 15 December 2023, Art. 72 (5): <https://matsne.gov.ge/en/document/view/6009420?publication=0>

<sup>5</sup> Article 22 of the order N116 of Penitentiary and Probation minister. Amendments were made on 3 march 2017. The order is available in Georgian language at: <https://matsne.gov.ge/document/view/2960356?publication=14>

<sup>6</sup> Visit report of the N5 Penitentiary Establishment 2023. P. 13 Available in Georgian at: <https://www.ombudsman.ge/res/docs/2023073114585058376.pdf>

demonstrated that the need of psychiatric consultations is relatively higher in women prisoners and particularly in women remand prisoners. Thus, the research draws a conclusion that the adaptation period is more difficult for women who may have also been victims of domestic and sexual violence before imprisonment and separation with children may be more stressful. The research underlines that women under 35 years require more attention as they seem more vulnerable to mental health conditions.<sup>7</sup>

Another research was conducted in 2021 to assess the “Impact of Covid 19 on Health and Other Rights of Prisoners and Staff of Penitentiary System”. The need for psychiatric consultations remained higher in women. The results of the study showed that restrictions were overused during the pandemic period and no appropriate efforts were made to find possible alternative solutions. Restrictions to the contact with the outside world negatively impacted the psycho-emotional conditions of mothers. Meetings with children were conducted through glass windows. However, in some cases children managed to reach and touch their mothers which resulted in two weeks isolation of mothers to prevent the possible spread of the virus.<sup>8</sup>

### Contact with the outside world

Since the Covid restrictions have been lifted, women deprived of liberty are able to meet their family members without glass barriers and use their right of meeting guaranteed under legislation. However, restriction to the contact with the outside world is still applied as disciplinary measure. This is an issue in the penitentiary system as whole, not only in women’s prisons.

## IV. Women in special situations of vulnerability

### Mothers with children in prison

In Georgia, children can be placed with their mothers in prison for up to 3 years.

The NPM monitoring visits demonstrated that the separation period is very stressful for both – mothers and children. They require specialized psychological support and adaptation periods that may require weekend release from prison. The law was amended to that effect in June 2017 as a result of the NPM’s recommendation and this new right of weekend release was introduced in imprisonment code. In 2023, a new Penitentiary Code was adopted which also incorporated this provision, under Article 39 (7):<sup>9</sup>

“A convicted woman, whose child under the age of three has left a special facility for women, may, by a decision of the General Director of the Service, for the purposes of relations with the child, during one year after the child has left the facility, leave the facility on rest days and public holidays provided for by the legislation of Georgia. The procedure for leaving a special facility for women by a convicted woman on rest days and public holidays shall be defined by an order of the Minister. 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 committing the crime, the nature of the committed crime, its motive, aim, and consequences, the risk of a repeated crime, the behaviour of a convicted woman while serving her sentence, the personal characteristics of the convicted woman, and other circumstances which may affect the decision of the General Director of the Service.”

<sup>7</sup> The impact of Prison Conditions on Prisoners’ Health, p. 57. Available in English at: <https://www.ombudsman.ge/res/docs/2019060318003373268.pdf>

<sup>8</sup> NPM, Impact of Covid 19 on Health and Other Rights of Prisoners and Staff of Penitentiary System, p. 32. Available in Georgian at: <https://www.ombudsman.ge/res/docs/2022052012055638041.pdf>

<sup>9</sup> Law of Georgia Penitentiary Code, issued on 15 December 2023, Art. 39 (7): <https://matsne.gov.ge/en/document/view/6009420?publication=0>

## V. Other Relevant NPM Information on Women in Prison

- + [Visit report of the N5 women's Special establishment \(February 2015\)](#)
- + [Visit report of the N5 Penitentiary Establishment \(April 2017\)](#)
- + [Visit report of the N5 Penitentiary Establishment \(March-May 2023\)](#)
- + [NPM Annual Reports](#)
- + [NPM thematic reports](#)

This report is part of the Global NPM report on Women in Prison.  
Access the full report here: [www.apr.ch/global-report/](http://www.apr.ch/global-report/)