

Who are women prisoners?

Survey results from Kazakhstan
and Kyrgyzstan



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Женщины-осужденные: кто они? Результаты исследования в Казахстане и Кыргызстане

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Penal Reform International (PRI) is an independent non-governmental organisation that develops and promotes fair, effective and proportionate responses to criminal justice problems worldwide.

We promote alternatives to prison which support the reintegration of offenders, and promote the right of detainees to fair and humane treatment. We campaign for the prevention of torture and the abolition of the death penalty, and we work to ensure just and appropriate responses to children and women who come into contact with the law.

We currently have programmes in the Middle East and North Africa, Central and Eastern Europe, Central Asia and the South Caucasus, and work with partners in East Africa and South Asia.

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Acronyms

EU	European Union
GSIN	State Service for the Execution of Punishments (Kyrgyzstan)
NGO	Non-governmental Organisation
NPM	National Preventive Mechanism, under OPCAT
OPCAT	Optional Protocol to the Convention against Torture
PMCs	Public Monitoring Commissions (Kazakhstan)
PRI	Penal Reform International
SMR	UN Standard Minimum Rules for the Treatment of Prisoners
TB	Tuberculosis
UNODC	United Nations Office on Drugs and Crime

1. Introduction

Women and girls comprise the minority of prisoners¹ around the world, constituting an estimated two to nine per cent of national prison populations. Given that they are few in number, women offenders find themselves in criminal justice systems that are designed for men and do not address their specific needs.

The little attention dedicated to women prisoners to date also means there is a lack of research and data available on their backgrounds and characteristics. While some research and statistical data on women in prison has been published in a few countries, information is relatively scarce about women who come into contact with the criminal justice system in the large majority of jurisdictions, especially in Asia, the Middle East, Africa and Latin America.

Who are the women held on remand or imprisoned following conviction? What offences have they been charged with or convicted of? What triggered their confrontation with the criminal justice system? What is their background? Do they have dependent children? Were they employed prior to arrest and what is their level of education? Have they experienced violence or do they have a history of drug or alcohol dependency? What are the consequences for them of conviction and imprisonment? And perhaps most importantly: what kind of support do these women feel would help them most in building new, self-supporting lives following release?

Answers to these questions are of more than just academic interest. Increasing the knowledge about the background, characteristics and social reintegration needs of female offenders is an important first step for policy-makers and practitioners to review and adjust legislation and policies in a gender-sensitive way. It is worth emphasising that treating women offenders and prisoners differently from their male counterparts is not unfair or discriminatory. In fact the reverse is true. Women offenders and prisoners have distinctive needs that must be identified and addressed so that they receive equitable treatment.

With financial support from the UK Government, Penal Reform International is undertaking a multi-regional research project which aims to fill some of the gaps in our knowledge about female offenders.² This report focuses on Central Asia (Kazakhstan and Kyrgyzstan) and two other reports look at the South Caucasus (Armenia and Georgia, published in 2013) and the Middle East and North Africa (Jordan and Tunisia, to be published in 2014).

While this research project does not assess how far states have progressed towards implementing the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), its objective is to support the implementation of the international standards set by the Bangkok Rules. By providing facts and figures, the report seeks to illustrate the need for gender-specific policies that respond to the needs of women in prison, and to enable countries to identify the key areas which need to be addressed as a matter of priority. In this way, we hope the research project will be an important step towards ensuring a proportionate and sensitive response to offending by women.

1 The term "prisoner" is used to refer to all persons detained or imprisoned on the basis of, or allegation of, a criminal offence, including pre-trial, under-trial detainees and convicted and sentenced prisoners.

2 The scope of PRI's research project was inspired by Rule 67 of the Bangkok Rules, which explicitly encourages research into the aforementioned topics. For the full text of the Bangkok Rules, see www.penalreform.org/priorities/women-in-the-criminal-justice-system/international-standards/

Other reports in this series are available in multiple languages at www.penalreform.org/priorities/women-in-the-criminal-justice-system/bangkok-rules-2/research/

2. Context

1. Kazakhstan

Rate of imprisonment of women

In 2002, Kazakhstan was third highest in the global league table for rates of detention for men and women. At the time of writing it sits at 33rd in the world rankings which demonstrates that there has been a significant overall decline in the rate of imprisonment in the past decade brought about by ongoing efforts to reform the criminal justice and penal system.³

In August 2013, there were 49,883 people in prison in Kazakhstan – 86 per cent were convicted prisoners and 14 per cent were held in pre-trial detention.⁴ Three thousand and fifty of those in prison were women constituting six per cent of all prisoners.⁵ Five hundred and thirty women were in pre-trial detention which makes up nearly eight per cent of the whole population in pre-trial detention. The overall trend of imprisonment of women in the past three years has been relatively stable.

Table 1: Total number of women prisoners in Kazakhstan from January 2011 to October 2013⁶

	January to December 2011	January to December 2012	January to October 2013
Total number of women prisoners in Kazakhstan	3,462	3,412	3,050

The rate of imprisonment for girls aged under 18 is low, with an average of four or five per year. In September 2013 there was just one girl in prison aged 15 years old. By contrast 100 boys under 18 were imprisoned during 2012. There were also 25 children living with their mothers in prison in September 2013.⁷

Prison system

In 2001, responsibility for the penal system was transferred to the Ministry of Justice. In 2011, this move was reversed and responsibility was transferred back to the Ministry of Internal Affairs. This development has been widely criticised on the basis that there is a benefit for separation of the functions of investigation and prosecution on one side and supervision of criminal sanctions and rehabilitation of prisoners on the other. Currently the Ministry of Internal Affairs also has responsibility for health care within prisons although this is in the process of being transferred to the Ministry of Health. The process should be completed by 2015 but NGOs have commented that so far it has been marked by a lack of transparency. The prison system is under the operational responsibility of the Penal Committee which has an office in each of the country's 14 regions.

Women's prisons

At present there are six prisons in Kazakhstan holding convicted women offenders. Three of these are newly built or re-constructed prisons holding three to four hundred women at a time.⁸ Three are larger dormitory style prisons, some holding over 1,000 women and dating in construction back to the 1930s.⁹ The Penal Committee intends, ultimately, to convert all prisons to cell-style but does not have a fixed timetable for completion of this work.

The Kazakhstani Criminal Executive Code specifies that women should be housed close to their place of living, however this is not always observed contrary to Rule 4 of the Bangkok Rules. The six women's prisons are distributed fairly evenly around the country in geographical terms but this is a limited number given that Kazakhstan is the ninth largest country in the world when measured by area and stretches from 3,000 kilometres from east to west and 1,700 kilometres from north to south. The problem of covering a large geographical area is exacerbated by the fact that different prisons have different security categories. The sentencing court determines the security category for a prisoner and this is taken into account when determining prison allocations. The sheer size of the country, the

³ Figures provided to PRI by International Centre for Prison Studies: Entire world – Prison Population Rates per 100,000 of the national population in December 2013

⁴ Figures given to PRI by the Vice-President's Office in August 2013

⁵ Figures received by PRI from the Penal Committee of Kazakhstan, October 2013

⁶ Figures received by PRI from the Penal Committee of Kazakhstan in an interview, September 2013

⁷ Figures from survey conducted by PRI, September 2013

⁸ These are located in Atyrau, Petropavlovsk and Shymkent.

⁹ These are located in Karaganda (also contains facilities for TB treatment), Almaty (also contains a unit for girls and for women and babies) and Ust Kamenogorsk.

limited number of facilities and differing regimes of security mean that women are often imprisoned far from home, family, friends and their community.

Alternatives to detention

The Criminal Procedure Code contains provisions for alternatives to pre-trial detention such as bail and curfew as well as alternative sanctions to imprisonment including payment of fines. The most common way of avoiding imprisonment is to receive a suspended sentence of imprisonment. As of August 2013, 2,864 women were subject to a non-custodial sentence.¹⁰ A Law on Mediation was passed in 2011 to promote mediation as an alternative mechanism for conflict resolution. In addition, a woman's custodial sentence can be postponed in certain very specific circumstances if she is pregnant or if her children are 14 or under, to ensure that the child or children are properly cared for in the absence of alternative care arrangements.

Probation and early conditional release

A probation service was introduced in Kazakhstan in February 2012 through means of amendments and additions to ten different laws. The new probation service is a part of the Penal Committee and has around 1,100 employees. It has responsibility for designing individual programmes of assistance for offenders who have been given a suspended sentence with conditions. It is not mandatory for offenders to have the support of the probation service.

Eligibility for early conditional release in Kazakhstan¹¹ depends on the category of the offence committed. Offenders who have committed a severe offence must serve two-thirds of their sentence; for less severe, half and for the least severe a third of their sentence. A preliminary decision on parole is taken by a commission that includes prison administration members. Concerns have been raised that this process is not transparent, promotes corruption and results in decisions that are

not in the best interests of the public nor of prisoners.¹² During 2012, 750 women were released from prison early with conditions. Public Monitoring Commissions (PMCs), mandated to monitor prison conditions, report that they receive many complaints from women regarding problems with the parole procedures.¹³

In 2010, local authorities (known as 'akimats') were given the responsibility of supporting former prisoners with the process of reintegration. However, not all local authorities have allocated budgets to fund this work.¹⁴ The local authorities of Shymkent and Pavlodar have rehabilitation centres for both men and women who are former prisoners but beyond this, the only access is through NGO provision which is *ad hoc* throughout the country. Interestingly, local authorities have the power and funding to pay a proportion of the salaries of marginalised people, including former prisoners, who are working in private businesses. However, research conducted by PRI found that in practice prisoners rarely apply for these jobs.¹⁵

Monitoring mechanisms

There are various methods by which the treatment and conditions of women prisoners are monitored even though many of these have been criticised for a lack of independence and resources.¹⁶ Public Monitoring Commissions (PMCs) were established in 2005 with a remit to visit all prisons and provisional detention centres in their region, interview detainees, note their complaints and formulate observations and recommendations for the prison authorities. There are currently 13 regional PMCs in existence composed largely of human rights defenders, journalists, lawyers and academics. They work on a voluntary basis. Access to prisons within their region is granted in the Penal Executive Code, yet the visits are announced and there are concerns about a lack of protection from reprisals for those inmates who meet and talk to them. Representation of women on PMCs is high, with six out of nine female members, for example in Almaty's PMC.

10 Figures given to PRI by the Vice-President's Office in August 2013

11 The criteria for this is set out in Article 9 of the Normative Deed of the Supreme Court of the Republic of Kazakhstan dated December 25, 2007 10 – On parole from the penalty and replace the un-served part of the punishment with lighter punishment

12 NGO report to the UN Human Rights Committee on implementation of the International Covenant on Civil and Political Rights by the Republic of Kazakhstan, (2011), www2.ohchr.org/english/bodies/hrc/docs/ngos/almaty_report_hrc102.pdf

13 PRI interview with Chairperson of Public Monitoring Committees in Kazakhstan, September 2013

14 Responses to piloting of PRI's *Index of Implementation, United Nations Rules On The Treatment Of Women Prisoners And Non-Custodial Measures For Women Offenders* (The Bangkok Rules), Working Draft, Kazakhstan (2012)

15 PRI Narrative report on programme for rehabilitation of ex-prisoners and protection of their human rights by mutual efforts of civil society and the state (2013)

16 These include the General Prosecutor and the National Commissioner for Human Rights. For a more detailed overview of the mandate and function of monitoring mechanisms in Kazakhstan, please see PRI's *National mechanisms for the prevention of torture in Central Asia: Kazakhstan, Kyrgyzstan and Tajikistan* (2013)

Kazakhstan has ratified the Optional Protocol to the UN Convention against Torture and established in 2013 a National Preventive Mechanism (NPM) based on a partnership of the Office of the Ombudsperson, the National Human Rights Centre and civil society. A budget has been allocated and the work of the NPM will begin in 2014. It is anticipated that the NPM will complement the ongoing monitoring work of the PMCs.

Reforms

The primary legislation governing prison regulations is the Criminal Executive Code. Kazakhstan is in the process of reforming this law along with the Criminal Code and Criminal Procedure Code. Drafts were submitted to Parliament in September 2013 with the process planned to be completed in summer 2014. Furthermore the government has adopted a Programme of Development of the Correctional System for 2012-2015 with a specific focus on alternatives to detention. However, it lacks any specific emphasis on gender-sensitive treatment for women offenders and prisoners.

2. Kyrgyzstan

Rate of imprisonment of women

The overall prison population in Kyrgyzstan has dropped considerably in recent years from 16,934 in 2004 to 9,828 as of 2012 in part as a consequence of an amnesty in 2011 as well as recent reforms of the criminal justice and penal systems. Kyrgyzstan is currently 83rd in the world rankings of rate of imprisonment for all prisoners.¹⁷ Women make up around five per cent of the total prison population.¹⁸ As of September 2013, there were 320 convicted women in prison all of whom are held in Stepnoye prison (also referred to as prison No. 2). In September 2013, there was also just one 17-year-old girl held in Stepnoye and nine children under three years old living with their mothers.

As of September 2013, there were 135 women in pre-trial detention and five girls under 18 held in pre-trial detention facilities located around the country. Contact visits with family and friends are difficult during this period because the prisoner must apply to the

investigator or to the judge for permission for visits and this is not always granted. Women in pre-trial detention are often held in very poor conditions and lack complaints mechanisms. There are also a number of women held in police station custody (temporary isolators) whilst their case is being investigated, which can sometimes take up to three months.

Prison system

The prison system in Kyrgyzstan falls under the jurisdiction of the State Service for the Execution of Punishments (in effect the prison department and known by the acronym GSIN) which is under the oversight of the Ministry of Justice. It has responsibility for 11 correctional prisons, six pre-trial detention facilities and 15 settlement prisons. There are 47 temporary detention facilities under the oversight of the Ministry of the Interior which also has control over one pre-trial detention centre.

According to the UN Office on Drugs and Crime (UNODC), the main challenges confronting the prison service are lack of funding, poor facilities, buildings that have fallen into disrepair and lack of training for prison staff. Prison staff receive low pay and work in hazardous conditions resulting in high staff turnover.¹⁹ The UN Special Rapporteur on Torture visited Kyrgyzstan in December 2011 and found that 'the use of torture and ill-treatment to extract confessions remains widespread' and that 'general conditions in most places of detention visited amount to inhuman and degrading treatment'.²⁰ The UN Committee against Torture has also expressed deep concern about 'the ongoing and widespread practice of torture and ill-treatment of persons deprived of their liberty, in particular while in police custody to extract confessions'.²¹

Stepnoye Prison for Women

Stepnoye prison is the only prison for convicted women in Kyrgyzstan and is located near to the capital city Bishkek. It is a dormitory style prison dating from 1962 and consists of a series of low-rise, dilapidated buildings housing living quarters as well as a TB unit, a separate unit for girls and a mother and baby unit. The area is

¹⁷ Figures provided to PRI by the International Centre for Prison Studies: Entire world – Prison Population Rates per 100,000 of the national population, December 2013

¹⁸ As above

¹⁹ PRI Interview with UNODC, September 2013 and see also *Ownership and coordination key to advancing prison reform – Case Study on the new Strategy for the Development of the Penitentiary System in Kyrgyzstan*, UNODC (2012)

²⁰ Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mission to Kyrgyzstan, A/HRC/19/61/Add.2, 21 February 2012

²¹ UN Committee against Torture, Concluding observations of the Committee against Torture: Kyrgyzstan, December 2013 Advance Unedited Version (CAT/C/SR.1205), para 6

clean and the women do not wear uniforms. About half of the women work in different industries – most of these are in the textile workshop that has been refurbished as part of a European Union/UNODC project. In addition there is a bakery, a soya milk factory and chicken rearing and care. Formal education is not provided for women or girls. There is a lack of medical facilities and of psychological support although women do have access to a drug and alcohol rehabilitation and treatment programme called ‘Atlantis’ which they can participate in on a voluntary basis.

Alternatives to detention

The Criminal Procedure Code contains provisions for alternatives to pre-trial detention such as bail and curfew as well as for non-custodial sanctions such as suspended sentences and fines. Kyrgyzstan also has a provision for women who are pregnant or have children under 14 years to have their sentences deferred until the children reach 14 provided they are first-time offenders and are not convicted of a ‘grave’ offence. In practice this often means that first-time women offenders with children under 14 have their sentences suspended.

Probation and early conditional release

The Criminal Executive Institute (in effect the probation service) is under the oversight of the GSIN. Employees act principally as administrators of a registration system for women who are on probation or released early. They do not provide a great deal of support with social reintegration.

Monitoring mechanisms

The President, deputies of the national parliament, the Prime Minister and the Ombudsman have the right to visit closed establishments without prior notice.²² In 2011, a system of Public Monitoring Councils was developed.²³ These consist of volunteers, usually between five to 12 members in each Public Monitoring Council, who are often NGO employees or academics.

They were set up to monitor different aspects of the work of individual ministries. In 2012, the Public Monitoring Council monitoring the work of the GSIN undertook a comprehensive review of prisons in Kyrgyzstan.²⁴ They continue to struggle with the fact that they are volunteers and have a lack of funding available to them.²⁵ Kyrgyzstan has ratified the Optional Protocol to the UN Convention against Torture and has established a National Preventive Mechanism within the Office of the Ombudsman although at the time of writing it had not yet commenced its work.

Reforms

The UNODC implemented a programme of prison reform funded by the EU and other donor countries from 2009 to 2013. This focused on legal and policy reform, building the management capacity of the Prison Service and its training centre, improving social reintegration particularly through income generation, improving physical conditions in selected prisons and strengthening public support for prison reform. As part of the focus on training, it developed a curriculum for new recruits, for in-service training, for external specialists and specialised staff. Russian translations of the UNODC Handbook for Prison Managers and Policymakers on Women and Imprisonment are now available at the Prison Service Training Centre as a reference for specialised training. The programme also supported the development of the *National Strategy for Prison Reform* for the period of 2012-2016 which was approved in May 2012 with a focus on legislative reform, improving conditions of detention, rehabilitation and alternatives to imprisonment.²⁶

²² For a more detailed overview of the mandate and function of monitoring mechanisms in Kyrgyzstan, please see PRI's *National mechanisms for the prevention of torture in Central Asia: Kazakhstan, Kyrgyzstan and Tajikistan* (2013)

²³ Public monitoring councils were established on the Decree of the President of Kyrgyzstan in March 5, 2011 unitary enterprise PO No. 56.

²⁴ The final report was entitled *Report on Monitoring Human Rights in Remand Prisons and Penitentiaries of Kyrgyzstan and Protection of Persons with Special Needs*. It summarises the results of monitoring facilities of the State Department for Execution of Punishments of the Kyrgyzstan's government by the GSIN Public Oversight Council and representatives of the civil sector under active support of the OSCE (Organization for Security and Co-operation in Europe) Centre in Bishkek, Soros-Kyrgyzstan Foundation, the Humanitarian Association Secours Catholique-Caritas France, Freedom House and USAID (US Agency for International Development).

²⁵ PRI Interview with Head of Public Monitoring Commission for GSIN, September 2013

²⁶ National Strategy for the Development of the Penal Execution (Prison) System of the Kyrgyz Republic for 2012-2016, approved by the Government of the Kyrgyz Republic on 15 May 2012 (Decree No. 297), www.unodc.org/documents/centralasia/PrisonReform/National_Prison_Reform_Strategy_Unofficial_Translation.pdf

3. Research methodology

This research was conducted by way of a survey carried out among women prisoners in both countries during late September 2013.

In Kazakhstan, the survey was carried out in Kukson and Almaty prisons. These prisons were selected in order to obtain information from women prisoners who lived in different parts of the country and who had been allocated to prisons with different security categories. Kukson prison is located in Karaganda region in the centre of Kazakhstan. It is a dormitory style prison with capacity for 1,100 women. At the time of the survey there were 950 women in the prison many of whom were repeat offenders. One hundred and sixty-one women completed a survey questionnaire in Kukson which constituted 17 per cent of the total prison population. Almaty prison is located near to Almaty city in the south-east of the country. This is also a dormitory style prison with capacity for 1,100 women many of whom are first-time offenders. At the time of the survey there were 991 women including one girl prisoner aged 15 and another aged 18 who was still living in the girls unit. One hundred and twenty-seven women completed a survey questionnaire which constituted 13 per cent of all women prisoners in Almaty prison. Overall, 11 per cent of all convicted women prisoners in Kazakhstan completed the survey.

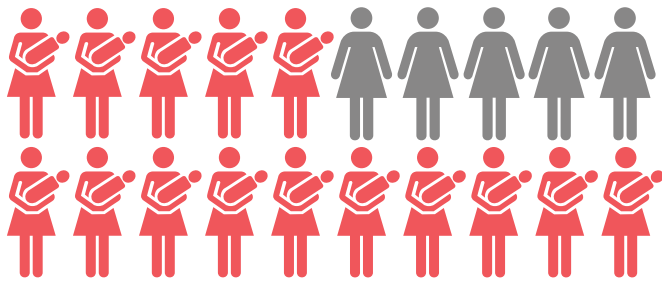
In Kyrgyzstan, the survey was carried out in Stepnoye prison which held 320 convicted women prisoners. One hundred and thirty-eight women in Stepnoye prison completed the survey which represents 43 per cent of all convicted women prisoners in Kyrgyzstan.

It was not possible to conduct surveys amongst women held in pre-trial detention centres in either country. In Kazakhstan, permission was not granted because it would have required requesting consent for each individual woman prisoner to complete the survey from the investigators/prosecutors concerned with their case. In Kyrgyzstan, delays in obtaining permission made it impossible to conduct a survey in pre-trial detention centres as well as in Stepnoye prison.

Table 2: Participation by women prisoners in the survey

Convicted women prisoners	Total number (September 2013)	Number who participated in survey	Proportion who participated in survey
Kazakhstan	2,520	288	11%
Kyrgyzstan	320	138	43%

4. Survey results



15 in **20**

women prisoners surveyed
in Kazakhstan and Kyrgyzstan
are mothers

1. Age, marital status and children

In both countries, the proportion of women under 30 years old is 20 per cent and just three per cent are between 18 and 21 years old. The vast majority of women are between 30 and 50 years old – 59 per cent in Kazakhstan and 57 per cent in Kyrgyzstan. Significantly, around a fifth of women in both countries are over 50 years old. These age ranges are quite unusual compared with other regions and it would be interesting to understand further if this is because women in these countries commit offences at an older age and/or whether they are undergoing particularly long sentences.

The vast majority of women prisoners in both countries are either single, divorced, separated or widowed – 75 per cent in Kyrgyzstan and 70 per cent in Kazakhstan. The biggest proportion of women – around a third – define themselves as single. Just over a fifth of women in both countries are still married, and seven per cent were living with their partners.

As in many countries, most women surveyed in Kazakhstan and Kyrgyzstan have children (76 and 77 per cent respectively) – 45 per cent of these children are under 18. A third of children are living with their mother's family and a smaller proportion with their father or father's family. Six per cent of women in Kyrgyzstan said that they did not know where their children were living.

2. Levels of education

Half of the women prisoners surveyed in Kazakhstan had attended secondary school and 41 per cent had been educated beyond secondary school at either high school or technical training college; a further two per cent had completed a university degree. Only two per cent of women had only been to primary school. Just one per

between them, they have

689
children

45%

of these children are under 18



cent said that they were illiterate and had not been to school which is compatible with official literacy rates.²⁷ In Kyrgyzstan, 62 per cent of women prisoners had attended secondary school and nearly a third had been educated beyond secondary school. However, the rates of illiteracy were higher at four per cent. Just one per cent of women in Kyrgyzstan had a university degree.

It is worth noting that in Kazakhstan it is mandatory for women prisoners to receive formal education up to the completion of secondary education if they are under 30 years of age,²⁸ although there is no provision for higher education beyond this. At the time of the survey, nearly 10 per cent of women in both Koksun and Almaty prisons were receiving free formal education up to secondary level. There is no provision at all for formal education for women prisoners in Kyrgyzstan. It is interesting that just seven per cent of women in Kyrgyzstan and just four per cent of women in Kazakhstan identified formal education during imprisonment as something they would need to build a new life upon release (see section 12 in this chapter).

²⁷ According to data from the United Nations Educational, Scientific and Cultural Organization (UNESCO) (2012), Kazakhstan ranks seventh out of 120 countries worldwide on the Education for All Development Index. <http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/ED/pdf/gmr2012-report-edi.pdf> p 308

²⁸ Article 108 of the Criminal Executive Code of Kazakhstan (December 13, 1997 of No. 208-I as amended)

3. Economic status and employment

The vast majority of women in Kazakhstan responded that they were of average income (73 per cent) with a further 13 per cent identifying themselves as being of above average income. Some 73 per cent of women in Kazakhstan were in paid employment at the time of their arrest and, of these, 17 per cent owned their own business. The relatively high rate of employment and of income is noteworthy and perhaps not surprising given that the country is categorised by the World Bank as upper middle income and has just 5.3 per cent of people living below the national poverty line.²⁹ A third of women prisoners in Kazakhstan have been convicted of fraud-related offences and these women tend to have a higher level of income and employment than women convicted of other offences. This correlation is explored further in the next section below.

In Kyrgyzstan, 30 per cent of women said they were poor or very poor and 57 per cent said they were of average income. Sixty-two per cent of women were in paid employment at the time of their arrest. A fifth of these women defined their work as in the category of 'various or casual.' In contrast with Kazakhstan, the country is categorised by the World Bank as a low income country where 38 per cent of the population are living below the national poverty line.³⁰ Households where women are the head have higher levels of extreme poverty than those headed by men, and women are more likely than men to be registered unemployed.³¹

Table 3: Economic status of women prisoners

	Kazakhstan	Kyrgyzstan
Very poor	2%	9%
Poor	10%	21%
Average income	73%	57%
Above average income	13%	7%

Table 4: The jobs women were employed in at the time of their arrest

	Kazakhstan	Kyrgyzstan
Cleaner	2%	8%
Factory worker	3%	5%
Shop / sales assistant	7%	5%
Hairdresser	0%	1%
Seamstress	0%	7%
Teacher	3%	1%
Nurse	1%	1%
Doctor	1%	1%
Market stall / kiosk	2%	4%
Office worker	9%	3%
Own business	17%	7%
Various / casual worker	16%	20%
Other	15%	14%

4. Offences and charges

In Kazakhstan, 23 per cent of women surveyed had committed violent offences (including murder, manslaughter and assault) whilst in Kyrgyzstan this was a third of women. The rest of the women prisoners – the vast majority – had committed offences which are presumed to be predominantly non-violent (although the information provided by the survey is not sufficient to classify these offences as non-violent per se.)

In both countries, around a third of women were convicted for **drug-related offences**. This echoes the findings of a recent Harm Reduction International survey which estimated that 25 per cent of women prisoners in Kazakhstan and a third of women prisoners in Kyrgyzstan are serving sentences for drug-related offences.³²

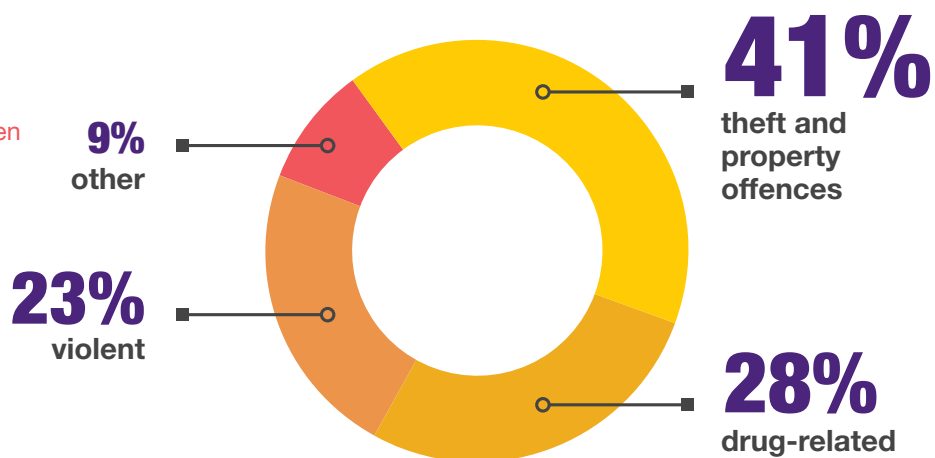
²⁹ World Bank, Data on Kazakhstan (2013) <http://data.worldbank.org/country/kazakhstan>

³⁰ World Bank, Data on Kyrgyzstan (2013) <http://data.worldbank.org/country/kyrgyz-republic>

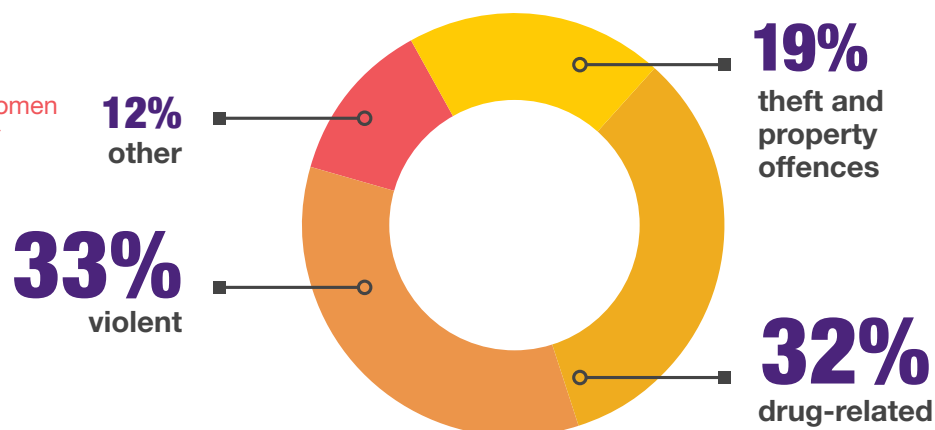
³¹ *Women and men in the Kyrgyz Republic, 2006-2010. Collection of statistics broken down by gender*. Bishkek, 2011, p. 56 cited in *Women and Addiction in the Kyrgyz Republic*, Central Asian Drug Addiction Programme (2013), <http://66.147.244.77/~leahnorg/wp-content/uploads/2013/05/Women-and-Addiction-in-the-Kyrgyz-Republic-FES-CADAP-2013.pdf>

³² Elakobishvili, Harm Reduction International, *Cause for Alarm: The Incarceration of Women for Drug Offences in Europe and Central Asia, and the need for Legislative and Sentencing Reform*, UK, 2012, p10

Type of offences committed by women prisoners surveyed in Kazakhstan*



Type of offences committed by women prisoners surveyed in Kyrgyzstan*



Both countries are located on a major drug trafficking route from Afghanistan, resulting in the availability of opium and heroin. Marijuana is also grown illegally in both countries.

There are severe penalties for the sale of drugs in both countries – in Kyrgyzstan this offence is punishable with a term of between four to eight years' imprisonment.³³ The European Monitoring Centre for Drugs and Drug Addiction describes Kazakhstan's national drug laws as 'the most rigid criminal legislation on the territory of post-Soviet countries'³⁴ and reports sentences imposed for the sale of drugs ranging from five to 12 years. In some countries, enforcement of anti-drug laws focuses

on lower-level, non-violent drug related offences in which women are the main participants whereas the main drug networks remain untouched.³⁵ The large numbers of women convicted of drug-related offences in Kazakhstan and Kyrgyzstan merits further attention particularly in terms of length of sentence received and assessing whether this is proportionate to the role that women actually played in the offences committed, e.g. whether as big or small players such as couriers or drug mules. See section 7 for findings on drug dependency.

In Kazakhstan, nearly a third of women were in prison for **fraud** or **fraud-related** offences.³⁶ This group of offenders reported higher levels of education and

³³ Article 247 of the Kyrgyz Criminal Code

³⁴ European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) Country Overview Kazakhstan (undated), <http://www.emcdda.europa.eu/publications/country-overviews/kz>

³⁵ *Women in Prison in Argentina: Causes, Conditions, and Consequences* (2013), Cornell Law School's Avon Global Center for Women and Justice and International Human Rights Clinic, Ministry of Defence of Argentina and the University of Chicago Law School International Human Rights Clinic, p15 http://www.lawschool.cornell.edu/womenandjustice/upload/Argentina_report_final_web.pdf

³⁶ This includes offences such as extortion, embezzlement, tax evasion and blackmail (for example, Articles 177 and 181 of the Criminal Code in Kazakhstan and Article 166 of the Criminal Code in Kyrgyzstan)

*Based on information from PRI's surveys in September 2013. Offences have been grouped in the following way: **Violent**: murder, manslaughter and assault; **Drug-related**: drug trafficking and drug possession/use; **Theft and property offences**: including fraud; **Other**: including violation of immigrant laws, sex offences, crimes against religion/morality and adultery.

income than the norm. Sixty-two per cent of the women who were convicted of fraud had completed high school compared to 27 per cent of all women prisoners. Eleven per cent had a Bachelor degree or above compared to just three per cent of all women prisoners. Furthermore, 93 per cent of women convicted of fraud identified themselves as being of average or above average income compared to 86 per cent of all the women prisoners surveyed in Kazakhstan. In Kyrgyzstan by contrast very few women were convicted of fraud – just seven per cent – and there was no strong correlation with higher levels of education or income.

Both countries have high rates of convictions for **murder** or **manslaughter**. In Kazakhstan, 12 per cent of women surveyed had been convicted of the murder or manslaughter of a male family member and nine per cent of the murder or manslaughter of someone other than a male family member. In Kyrgyzstan these figures were strikingly high compared to other countries – as many as 20 per cent of women offenders were convicted of the murder or manslaughter of a male family member and a further 12 per cent of murder of someone who was not a male family member.

This raises a number of areas for future research not least because statistics from other countries suggest that there is a high correlation between women who commit such offences and women with previous experience of domestic violence or abuse, sometimes on a systematic basis.³⁷

It would be interesting to know the extent to which experience of domestic violence is taken into account as a mitigating factor at the point of sentencing since this is permitted in the Kyrgyz Criminal Code and provided for in the Bangkok Rules.³⁸ It would also be interesting to know the extent to which self-defence can be raised in the context of systematic domestic violence.

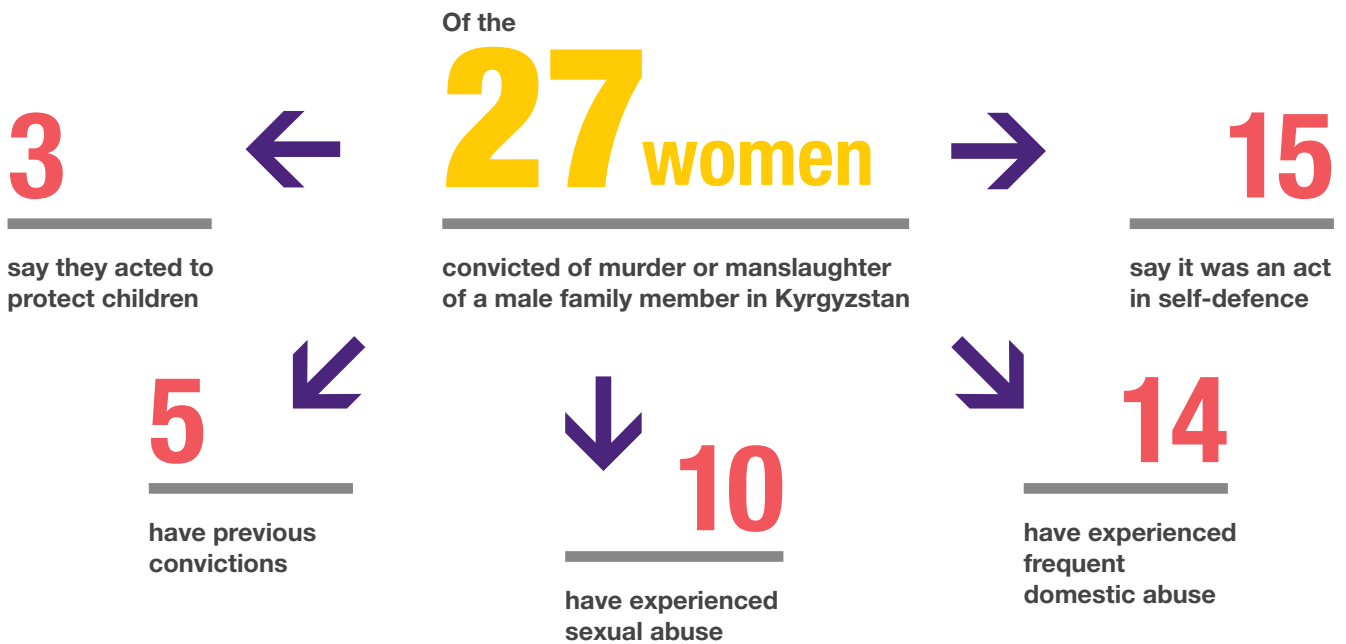
Table 5: Offences women surveyed were convicted of

	Kazakhstan	Kyrgyzstan
Murder / manslaughter of male family member	12%	20%
Murder/manslaughter of someone other than husband/partner/male family member	9%	12%
Assault	2%	2%
Drug possession / use	17%	21%
Drug trafficking	11%	11%
Theft	9%	12%
Property offence (fraud)	32%	7%
Sex offence	1%	1%
Adultery	1%	2%
Other	7%	9%

Although it is a very small sample of just 27 women, there are strong indications that at least half of the women surveyed in Kyrgyzstan who murdered a male family member have experienced abuse by their partners or spouses. Of the 27 women convicted of murder of a male family member, just five, or 18 per cent, had previous convictions (it is not known what these were for). This suggests that the large majority had no prior history of offending or of violence. Fifteen of these women (56 per cent) said that they acted out of self-defence or self-protection with three of these women also adding that they acted to protect their children. Over half of these women said that they had experienced domestic abuse and described it as a frequent occurrence. Thirty-seven per cent of these women reported that they had experienced sexual abuse and just under a half of these had experienced this abuse at the hands of their spouse or partner. Over half of these women have either self-harmed or attempted suicide.

³⁷ For example, research conducted in the US found that more than 9 out of 10 women convicted of killing an intimate partner in New York State were abused by an intimate partner in the past – Kraft-Stolar, Tamar, Brundige, Elizabeth, Kalantry, Sital and Getgen, Jocelyn E., *From Protection to Punishment: Post-Conviction Barriers to Justice for Domestic Violence Survivor-Defendants in New York State*, Cornell Legal Studies Research Paper No. 11-21, 7 June 2011, p3

³⁸ See Bangkok Rules, Rules 57, 58, 60, 61, 62, 64 and 65



5. Reasons for committing the offence

In Kazakhstan and Kyrgyzstan, nearly a fifth of women stated that they were not guilty of the offence(s) they were convicted of.

Nearly 20 per cent of women in both countries identified **financial motives** as the main reason for their offending. Furthermore, in Kyrgyzstan, 14 per cent of women said that they offended in order to support their families whilst in Kazakhstan this was lower at 10 per cent.

The UN Special Rapporteur on violence against women visited Kyrgyzstan in 2009 and concluded that the transition to democracy and a market economy had had a disproportionate impact on women 'visible in the rising levels of poverty among women, growing prevalence rates and new manifestations of violence against women, a widening rural/urban divide, rising unemployment, a resurgence of patriarchy and tradition and a deterioration in women's access to public

services, including social welfare and health services.'³⁹ The UN Committee on the Elimination of All Forms of Discrimination against Women identified the economic consequences of divorce and the lack of specific regulations safeguarding the property rights of women in informal marriages as a matter of concern in Kyrgyzstan in 2008.⁴⁰ All of these factors could contribute to an increase in crimes committed for financial reasons and to support and sustain families.

An NGO working with women offenders in Kazakhstan also held the view that poverty arising from the breakdown of both formal and informal marriages⁴¹ was a common cause of offending. This is because it results in women raising children with no financial support from their partners or husbands. It is estimated that 30 per cent of children are born into informal marriages.⁴² A typical pattern is for women to fall into debt following the breakdown of a marriage and to turn to fraud, drug dealing or theft to raise funds in order to make repayments on the debt.⁴³

39 Report of the Special Rapporteur on Violence against Women, Mission to Kyrgyzstan, A/HRC/14/22/Add.2, 28 May 2010, Summary

40 UN Committee on the Elimination of Discrimination Against Women (CEDAW) Concluding observations of the Committee on the Elimination of Discrimination against women: Kyrgyzstan, 14 November 2008, CEDAW/C/KGZ/CO/3, para 39

41 Informal marriages are not legally registered.

42 Kyrgyz Country Case Study, World Development Report World Bank (2011) p27, http://siteresources.worldbank.org/INTWDR2012/Resources/7778105-1299699968583/7786210-1322671773271/lbraeva_Kyrgyz_case_study_final_Sept2011.pdf

43 PRI interview with Director of the NGO Korgau, September 2013

Chart 1: Reasons for committing the offence

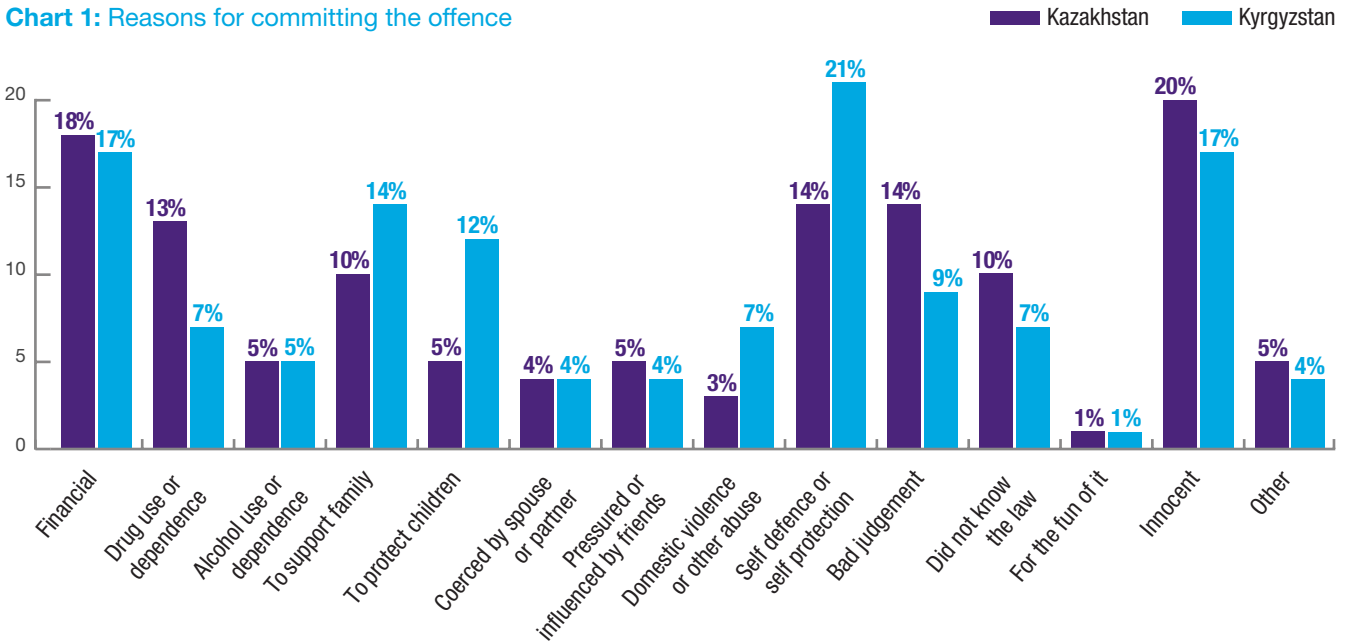
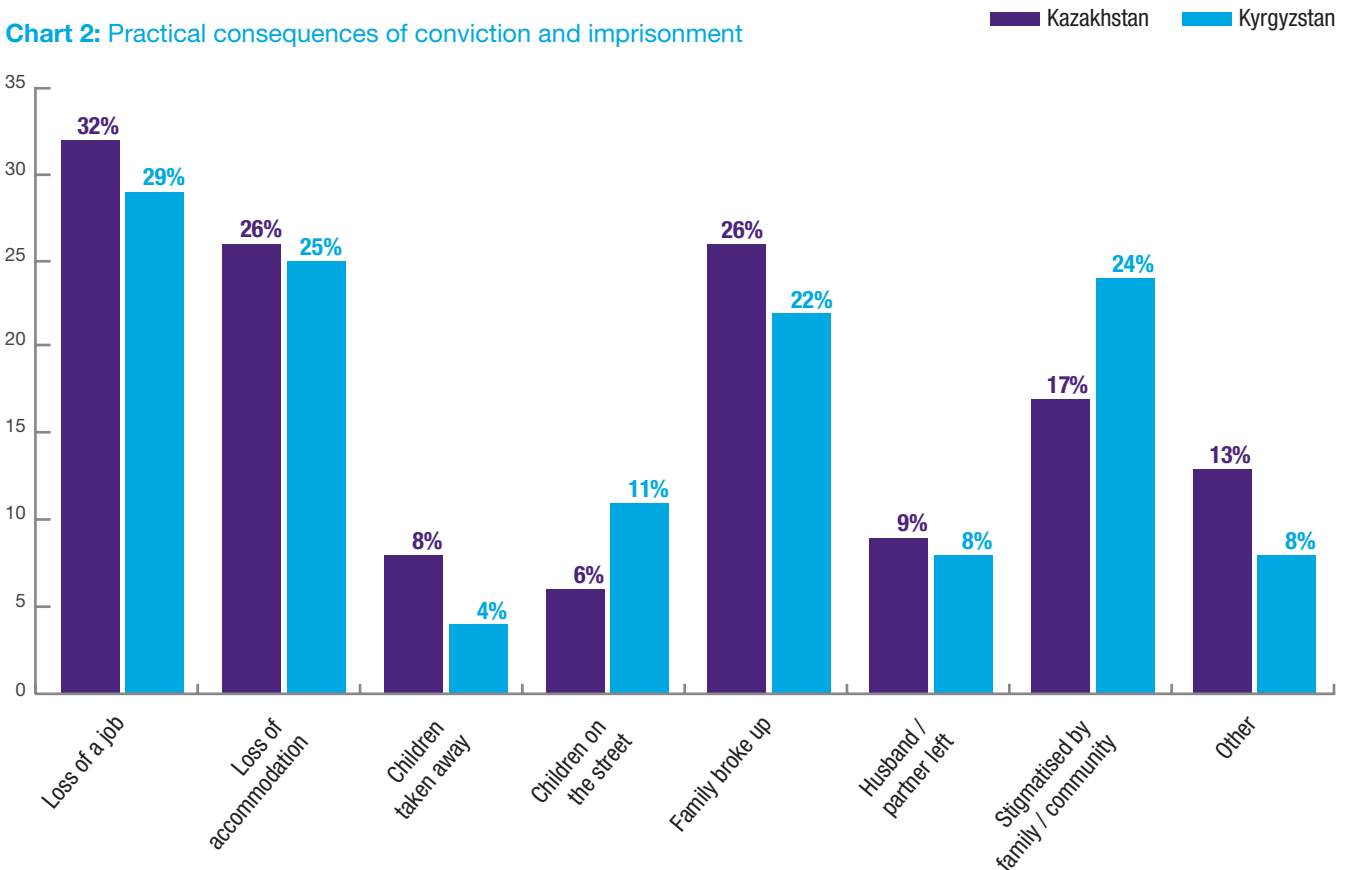


Chart 2: Practical consequences of conviction and imprisonment



Thirteen per cent of women in Kazakhstan cited **drug use or dependence** as the main reason for their offending while this percentage was significantly lower in Kyrgyzstan at just seven per cent. In both countries, five per cent cited alcohol use or dependence.

In Kazakhstan, 14 per cent of women cited **self-defence or self-protection** as the main reason for offending whilst in Kyrgyzstan this number was as high as 20 per cent. In both countries this may be connected to the high proportion of women who have been convicted of the murder or manslaughter of male relatives and who were acting to protect themselves or their children. By contrast not many women stated that domestic violence was a reason for committing their offence – seven per cent in Kyrgyzstan and just three per cent in Kazakhstan. Stakeholders, including NGOs working closely with women who have experienced abusive personal relationships, stated that women are often so habituated to domestic violence that they may not even identify it as a trigger to offending since it is normalised and perceived as part of their obligations or duties as a wife or girlfriend.

6. Practical consequences of conviction and imprisonment

In both countries, around a third of women surveyed lost their job because of imprisonment and a quarter lost their accommodation. The impact on women's families was significant and nearly a quarter of women surveyed endured family breakdown. In Kyrgyzstan four per cent of women responded that they had children taken away as a result of imprisonment, whilst this was a consequence for eight per cent in Kazakhstan. As many as 11 per cent of women said that their children were living on the street in Kyrgyzstan whilst this was lower in Kazakhstan at six per cent. In Kyrgyzstan a quarter of women said that they experienced stigmatisation by family and community, whilst this was noted by 17 per cent of women in Kazakhstan.

7. Drug and alcohol dependency

In Kazakhstan, ten per cent of women said that they were dependent on drugs and in Kyrgyzstan this number was nine per cent. Just two per cent of women in Kazakhstan said they were dependent on alcohol whilst in Kyrgyzstan it was ten per cent. The levels of drug and alcohol dependency are likely to be under-reported given information from other sources. For example, PRI conducted research on women's prisons in Kazakhstan in 2011 and estimated that over 40 per cent of the female prison population had been dependent on drugs prior to imprisonment (the rate of drug use increased from 32 per cent in 2005 to 46.8 per cent in 2010).⁴⁴

In Kyrgyzstan, a number of interviewees reported that approximately a third of prisoners had drug dependency issues related primarily to heroin and marijuana use prior to imprisonment. Official figures for the population as a whole show that the number of drug users is increasing year on year (although this can of course have many causes other than an absolute increase in drug use).⁴⁵ While motivations for under-reporting are difficult to understand, they are likely to include shame and stigma associated with drug and alcohol dependence.

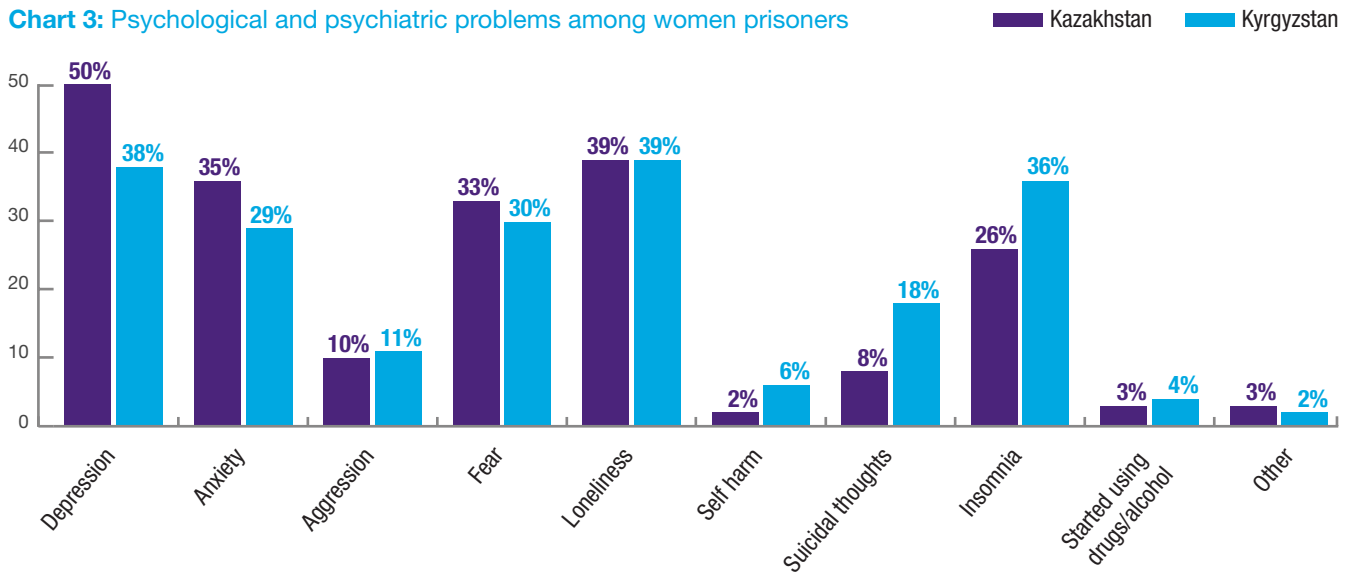
Currently there are no drug treatment programmes available to prisoners in Kazakhstan even though international evidence suggests that drug treatment in prison settings can be at least as beneficial as it is in community settings.⁴⁶ In Kyrgyzstan the rehabilitation programme 'Atlantis' was established in Stepnoye prison in 2009, providing a six month long treatment for up to 12 women at a time on a voluntary basis. In eight men's prisons, this programme is available with the advantage that the programme is administered in a separate 'clean' zone whereas in Stepnoye prison the women undergoing treatment mix freely with the other prisoners.

44 PRI *Report on Women's Health in Kazakhstan* (2011) www.penalreform.org/wp-content/uploads/2013/05/Womens-Health-in-Kazakhstan-1.pdf

45 Central Asian Drug Addiction Programme *Women and Addiction in the Kyrgyz Republic*, (2013), <http://66.147.244.77/~leahnorg/wp-content/uploads/2013/05/Women-and-Addiction-in-the-Kyrgyz-Republic-FES-CADAP-2013.pdf>

46 UNODC, *Drug Dependence Treatment: Interventions for Drug Users in Prison*, Vienna, Austria, 2012, www.unodc.org/docs/treatment/111_PRISON.pdf

Chart 3: Psychological and psychiatric problems among women prisoners



8. Psychological or psychiatric consequences of imprisonment

Half of the women surveyed in Kazakhstan experienced depression as a consequence of their imprisonment. In Kyrgyzstan, depression was experienced by 38 per cent of women but the most common consequence was loneliness affecting 39 per cent. In both countries around a third of women said they experienced fear, loneliness and anxiety and in Kyrgyzstan there was a high rate of women experiencing insomnia – 36 per cent. Just three per cent of women had ever received treatment for psychological or psychiatric problems in Kazakhstan. In Kyrgyzstan this figure was still low at nine per cent.

Mental health problems can be both the cause and the result of imprisonment. Eleven per cent of women in Kyrgyzstan who had received treatment for psychological and psychiatric problems said that they had these problems before entering prison but 20 per cent of women developed these problems whilst in prison and 13 per cent indicated that their condition worsened whilst in prison.

Over a quarter of women prisoners in Kyrgyzstan have attempted suicide and 29 per cent have harmed themselves at some point in their life. A quarter of these women did this before imprisonment but 15 per cent attempted suicide and/ or harmed themselves whilst in prison. Seven per cent of women who had harmed themselves or attempted suicide did this both before and during imprisonment.

Table 6: Psychological and psychiatric problems among women prisoners and treatment in Kyrgyzstan

Treatment for psychological / psychiatric problem?	Yes	9%
If yes, did you have this problem prior to imprisonment?	Had it before	11%
	Started here	20%
	Got worse here	13%
Have you harmed yourself or attempted suicide?	Yes, I harmed myself	29%
	Yes, I attempted suicide	26%
If yes, was this in prison or prior to imprisonment?	Before imprisonment	24%
	In prison	15%
	Both, before and during	7%

The Kazakhstani authorities requested that PRI exclude four questions from the questionnaire provided to women prisoners for the survey. These questions asked women prisoners if they had received psychological or psychiatric treatment prior to or during imprisonment and whether they had self-harmed or attempted suicide prior to or during imprisonment (the fourth question concerned identifying the perpetrator of sexual abuse). As a result, an analysis of these issues is not possible for Kazakhstan.

In both countries, many NGOs commented that there is insufficient psychological and psychiatric support for women prisoners. It is also noteworthy that all of the prisons where women were surveyed are dormitory-style which means that up to 100 women sleep on bunk beds in one large room and share communal living spaces. Interviewees highlighted that women find it very stressful to live in these conditions and recommended converting prisons to cell-style in order to provide more privacy and dignity.⁴⁷ A prison psychologist interviewed in Kyrgyzstan noted that a large number of women needed support but capacity was lacking to provide it. The Prison Service as a whole only has 16 qualified psychologists for an average prison population of 9,800 men and women.⁴⁸ Furthermore, there is no clear separation of different categories of prisoners within Stepnoye prison. This means that women who have been classified as having different levels of risk and who require different levels of security are held together. In Kazakhstan a member of the prison administration and several interviewees from NGOs commented that a common response to imprisonment is to become passive and suppress emotions.

9. Experience of domestic violence

Nearly 20 per cent of women in Kazakhstan reported that they have experienced domestic violence and 10 per cent indicated systematic abuse. These figures are low compared to some other countries in the west – for example in the United Kingdom where the proportion was found to be 50 per cent⁴⁹ and 43 per cent in the United States according to one study and a higher proportion according to another.⁵⁰

This figure is also higher in Kyrgyzstan where 38 per cent of women said that they had experienced domestic violence and a third specified this violence was a frequent occurrence. Again it is possible that the rate of domestic violence was under-reported and is in fact higher than this. The UN conducted a survey of women in Kyrgyzstan in 2008 and 80 per cent of respondents said that they had experienced domestic violence which

strongly suggests it is accepted and pervasive.⁵¹ The prevalence of early marriage and of the kidnapping of young women for marriage is also of notable concern.⁵² The UN Special Rapporteur on violence against women conducted a mission to Kyrgyzstan in 2010 and concluded that '[v]arious forms of violence against women such as domestic violence, bride-kidnapping, trafficking, custodial violence, sexual violence and harassment and violence against lesbians, bisexuals and transgender persons remain unreported and unpunished.'⁵³ This view was echoed by the UN Committee against Torture in 2013 who regretted that 'existing law prohibiting domestic violence and bride-kidnapping is not implemented in practice mainly due to the lack of a political commitment and appropriate training for law enforcement officials and the judiciary (arts. 2, 12, 13, 14 and 16).'⁵⁴ A prison psychologist interviewed in Kyrgyzstan said that a very large proportion of women she worked with had experienced domestic violence but that they may not necessarily understand or perceive this as abuse. This view was echoed in interviews with NGOs working with released women in Kazakhstan.

10. Experience of sexual abuse

In Kazakhstan, eight per cent of women said that they had been sexually abused one or two times and four per cent many times. In Kyrgyzstan the figures were much higher with 19 per cent of women reporting that they had been sexually abused one or two times and four per cent many times. The Kazakhstani authorities did not permit us to include a specific question in the survey on the perpetrators of any sexual abuse (whether spouse, partner or other family member, etc.) so we could not collect this information. However, in Kyrgyzstan the survey revealed that nine per cent of women were abused by someone they did not know, eight per cent by someone they knew and seven per cent by their spouse or partner. As with reports of domestic violence, these figures may be under-reported due to stigma and other factors. Additional research should be conducted to collect data on this very sensitive subject that includes personal interviews, review of clinical files and other methodologies.

47 PRI interview with Deputy Director, CREDO, September 2013

48 Support to Prison Reform in the Kyrgyz Republic – Final Project Conference May 2013, UNODC, http://www.unodc.org/documents/centralasia/PrisonReform/Final_Conference_Report_ENG_FINAL.pdf p14

49 UNODC Handbook for Prison Managers and Policymakers on Women and Imprisonment (2007), p9

50 As above, p8

51 Modosheva, A. *Violence Against Women in Kyrgyzstan – Baseline Assessment*, UNFPA (2008)

52 Report of the Special Rapporteur on Violence against Women, Mission to Kyrgyzstan, A/HRC/14/22/Add.2, 28 May 2010 and Committee on the Elimination of Discrimination against Women, Concluding Observations on Kyrgyzstan, 2008

53 Report of the Special Rapporteur on Violence against Women, Mission to Kyrgyzstan, A/HRC/14/22/Add.2, 28 May 2010 para 23

54 UN Committee against Torture, Concluding observations of the Committee against Torture: Kyrgyzstan, December 2013 Advance Unedited Version (CAT/C/SR.1205), para 19

11. Links between experience of domestic violence, sexual abuse, mental healthcare needs and substance dependencies

Research indicates that substance dependence and mental ill-health among women can often be the consequence of victimisation. This research therefore sought to examine such links.

In Kazakhstan, of the 24 women who received treatment for drug or alcohol dependence, three women (12 per cent) had experienced domestic violence, three women (12 per cent) had been subject to sexual abuse once or twice and three (12 per cent) had been sexually abused systematically. Of the ten women who had received treatment for psychiatric or psychological problems, 40 per cent reported that they were dependent on drugs and alcohol, 40 per cent had experienced domestic violence, ten per cent had suffered sexual abuse once or twice and 20 per cent had experienced sexual abuse on more than one or two occasions.

In Kyrgyzstan, of the 26 women who had received treatment for drug or alcohol dependence, seven (27 per cent) had experienced domestic violence, three (11 per cent) had experienced sexual abuse once or twice and one many times. In Kyrgyzstan, of the 12 women who had received treatment for psychiatric or psychological problems, a third had experienced domestic violence, one had been sexually abused once or twice and two had been sexually abused many times.

These findings indicate that there is a correlation between experience of domestic violence and sexual abuse, substance dependence and mental ill-health. Although it should be noted that the figures for domestic violence and sexual abuse themselves need to be interpreted with caution as already mentioned, thus these findings may under-report the correlation.

12. Support requirements to build a new life

The most commonly identified support requirement needed during imprisonment for women to build a new life was **treatment for health problems** – around 40 per cent of women in both countries reported that this would be the most important support they could receive whilst in prison to help them with their rehabilitation.

This reflects the lack of adequate health care available. A third of women in Kyrgyzstan identified that they need counselling for a variety of different issues including domestic violence, mental health and substance abuse. In Kazakhstan, 16 per cent of women indicated they needed counselling. A fifth of women in Kyrgyzstan and a third of women in Kazakhstan also highlighted a need for programmes to build confidence and life skills.

A quarter of women in Kyrgyzstan and 17 per cent in Kazakhstan identified **vocational training** as a much needed support requirement. Vocational training is available in prisons but it is not accessible to all women, is limited in scope and the opportunities offered to women prisoners conform to traditional female occupations whilst male prisoners have a wider variety of choice. In Koksun prison just 30 per cent of women work in a textile factory and a handful more in other occupations making a total of 38 per cent engaged in productive work that involves a degree of training. In Almaty prison it is estimated that 65 per cent of the inmates are engaged in employment, training or education.

In Stepnoye prison, the EU/UNODC reform project has created a profit-making sewing workshop where clothes are made for sale within the Prison Service but also to local private customers. One hundred and forty-two women were employed in this workshop at the time of writing representing 44.5 per cent of the population of Stepnoye. They are acquiring skills that they are likely to use upon release and a large number have completed a ten month course to be certified as a seamstress which is recognised by the Ministry of Education. They receive an average monthly salary of 1,400 KGS (approx. US\$28.00). Eight women are also employed on a slightly increased salary in producing soya milk (distributed amongst other men's prisons in the area) and have completed a training course to be soya milk operators.

The survey findings highlight the level of social isolation experienced by women prisoners. It is striking that 27 per cent of women prisoners in Kazakhstan expressed a desire to be transferred to a prison closer to home whilst in Kyrgyzstan this was just nine per cent. This reflects the fact that in Kazakhstan women are often imprisoned very far from home, journeys to visit prisoners by family and friends are long and expensive and families are not provided with any financial assistance for making visits.

Chart 4: Support requirements during imprisonment to build a new life

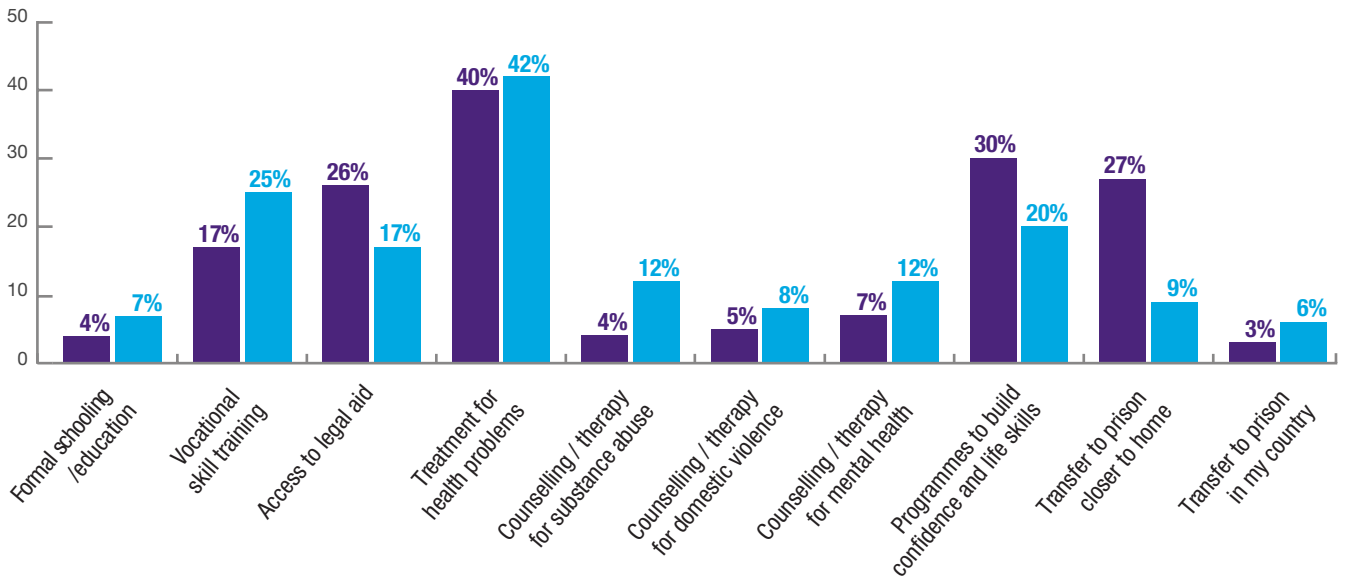
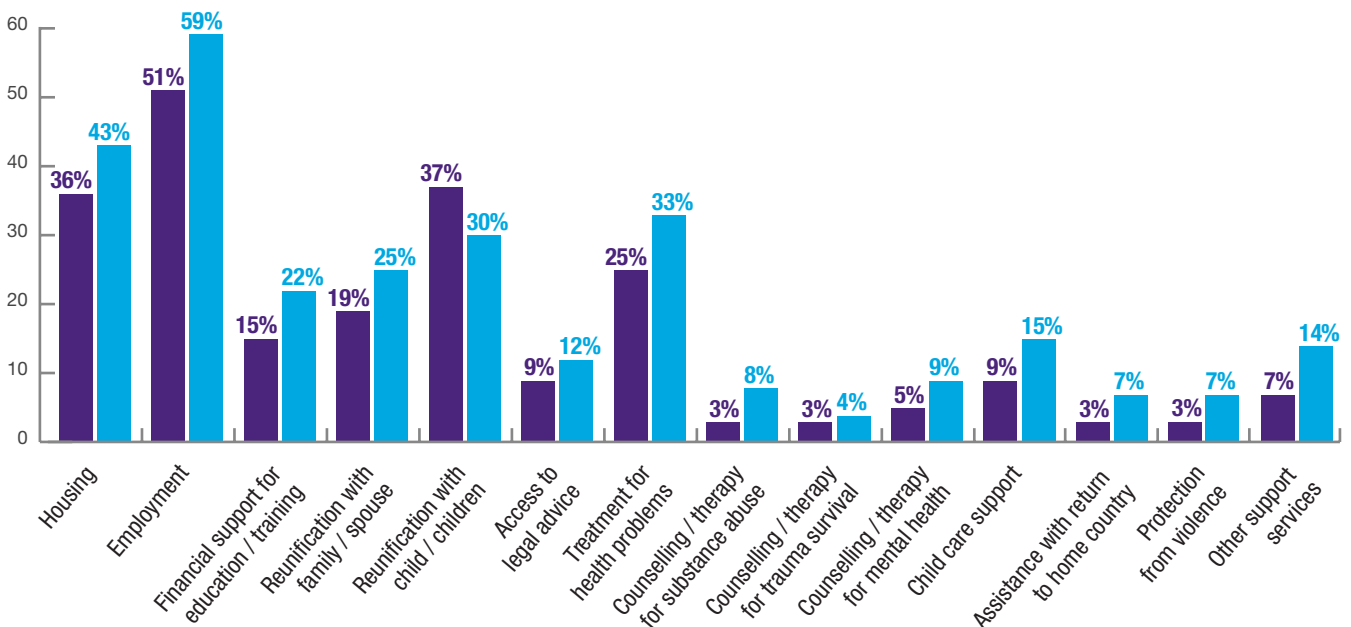


Chart 5: Support requirements to build a new life following release



Koksun prison in Karaganda for example is in a very isolated position about an hour and a half drive from the nearest city and with inadequate public transport links. This also impacts on the health of women prisoners since many of them rely on visitors to bring medicine, food, warm clothes and toiletries. PRI research found that only 20 per cent of women held in Koksun prison have regular visits from relatives whilst 45 per cent communicate via telephone and post.⁵⁵ Contact visits can also be restricted for disciplinary reasons contrary to Rule 23 of the Bangkok Rules.⁵⁶

Women identified a number of ways in which they would need support on their release from prison. The most common support they expressed was for help with finding employment – nearly 60 per cent of women in Kyrgyzstan and half of women in Kazakhstan highlighted this as a priority. Around 40 per cent of women required support with housing and a third in Kyrgyzstan and a quarter in Kazakhstan stated they needed support with treatment for health problems. Several of the identified needs reflect the social isolation endured by women prisoners – a quarter of women in Kyrgyzstan and nearly a fifth in Kazakhstan indicated that support to reunite with their family and spouse would help them rebuild their lives; 30 per cent in Kyrgyzstan and 37 per cent in Kazakhstan wanted support to reunify with their child or children.

13. Previous offences and obstacles to reintegration

The vast majority of women who participated in the survey were first-time offenders. However, in Kyrgyzstan, a third of women surveyed had been imprisoned before (official estimates put the recidivism rate on release from prison for both men and women at 40 per cent).⁵⁷ In Kazakhstan, 18 per cent of women surveyed had been imprisoned before.

In both countries a large proportion of the women who had been imprisoned before said that the most serious obstacle hindering building a new life on release was that their criminal record prevented employment; in Kazakhstan this was the case for 45 out of the 51 previously imprisoned women (88 per cent) and in Kyrgyzstan, this was the case for 20 out of 43 women

who had been imprisoned before (46 per cent). In both countries, having a poor psychological state on release from prison was cited by around a third of women as a significant obstacle to their reintegration. See table 7 for other obstacles following release identified by previously imprisoned women.

It is evident that there are significant unmet needs for post-release support. This is confirmed by PRI data gathered through the Shymkent rehabilitation centre in Kazakhstan where 40 per cent of former prisoners – both men and women – do not have permanent residence upon release; 60 per cent need assistance in obtaining documents and employment; and nearly 20 per cent of former prisoners have medical needs. At the same time neither Kazakhstan nor Kyrgyzstan have established effective probation services that can provide this support.

Table 7: Obstacles to social reintegration encountered following release

	Kazakhstan	Kyrgyzstan
If you have been in prison before, what were the most serious obstacles you encountered following release when trying to build your life again?		
Stigmatisation	6%	12%
Criminal record prevented employment	88%	46%
Partner / spouse left	20%	23%
Family abandoned	6%	16%
Could not find housing	27%	35%
Poor health and no money for treatment	22%	35%
Poor psychological state	29%	32%
Untreated substance addiction	20%	12%
Other	6%	9%

55 PRI background research for the Model programme of preventing the spread of HIV/AIDS and tuberculosis in women's prisons (2010), p19

56 Disciplinary sanctions for women prisoners shall not include a prohibition of family contact, especially with children. Rule 23 Bangkok Rules

57 National Strategy for the Development of the Penal Execution (Prison) System of the Kyrgyz Republic for 2012-2016 Approved by the Government of the Kyrgyz Republic on 15 May 2012 (Decree No. 297), p13 http://www.unodc.org/documents/centralasia/PrisonReform/National_Prison_Reform_Strategy_Unofficial_Translation.pdf

14. Assistance from governmental or non-governmental agencies following release

Only one in ten women surveyed in Kyrgyzstan and one in five women in Kazakhstan who had previously been in prison received assistance following release – either from NGOs or from governmental social services. The most common assistance in Kazakhstan was legal advice, healthcare and assistance with finding employment. In Kyrgyzstan the most common assistance was healthcare, assistance with employment and skills training. These findings demonstrate that much more support is needed to help women prisoners build a new life and to prevent reoffending.

5. RECOMMENDATIONS

This research does not provide an assessment of the extent to which states have implemented the Bangkok Rules nor an appraisal of the conditions in the women's prisons in either country. So the recommendations set out below do not include measures to improve physical prison conditions. Instead they highlight the key areas which should be addressed as a matter of priority in order to address the most urgent needs of women prisoners that have been raised in this research.

In other countries where comparable research was undertaken it was also possible to make specific recommendations regarding the treatment of women in pre-trial detention. Unfortunately, in Kazakhstan and Kyrgyzstan it was not possible to survey women in pre-trial detention. Consequently, recommendations focus on the urgent needs of convicted women prisoners.

1. Kazakhstan

Kazakhstan has an ongoing reform programme of its penal and criminal justice system, including revision of key legislation such as the Criminal Executive Code, Criminal Code and Criminal Procedure Code. The following recommendations should inform current and future policies and programmes for women prisoners:

- The majority of women in prison are first-time offenders and are convicted of non-violent offences. Steps should be taken to reduce the imprisonment of women taking into account women's history of victimisation and care-taking responsibilities by:
 - Using non-custodial measures instead of pre-trial detention wherever possible (Bangkok Rules, Rule 57)
 - Giving courts the authority to consider mitigating and gender-specific factors when sentencing women offenders (Bangkok Rules, Rules 57 to 61).
- Prison authorities, rather than courts, should be given the authority to determine security levels following a professional assessment of women offenders. The assessment of the appropriate classification should take into account the generally lower risk posed by women prisoners to others, as well as the particularly harmful effects of high-security measures and increased levels of isolation on women prisoners (Bangkok Rules, Rules 40 and 41).
- Evidence based drug and alcohol treatment programmes which take into account women's gender specific needs should be established in prisons in Kazakhstan (Bangkok Rules, Rule 15).
- Much more effort must be made to allocate women to prisons near to their homes and to facilitate contact between women prisoners and their families including through regular access to the telephone and postal system and by providing a child-friendly environment for contact visits. Reduction or prohibition of family contact should not be used as a disciplinary punishment. Prisons located in isolated areas should be moved to be near or in city or town centres to reduce the effects of social isolation and to improve access to services such as healthcare (Bangkok Rules, Rules 26-28, 44-47).
- There is a very high level of mental healthcare needs amongst women prisoners in Kazakhstan – 50 per cent of women surveyed reported that they experienced depression and 36 per cent reported anxiety. Only three per cent of women have ever received treatment for psychological or psychiatric problems. Access to psychologists or psychiatrists is limited and there is an urgent need to improve psycho-social services which have a multi-disciplinary approach that maintains confidentiality and does not rely on medication alone (Bangkok Rules, Rules 6, 12, 13 and 16).
- The most commonly identified support requirement needed during imprisonment was treatment for health problems – 40 per cent of women in Kazakhstan reported that this would be the most important support they could receive to help them with their rehabilitation whilst in prison. It is imperative that gender-specific healthcare services in women's prisons are addressed as a priority during the current period of transition in which responsibility for healthcare is transferred from the Ministry of Internal Affairs to the Ministry of Health (Bangkok Rules, 6 to 18 and 48).
- A strategy should be developed to improve the rehabilitation programmes provided to women prisoners. Such programmes can be conducted in partnership with civil society organisations. Demand for programmes to build confidence and life skills and vocational skills training was particularly high amongst the support requirements listed by women who participated in the survey in Kazakhstan (Bangkok Rules, Rule 42).
- Very few women who had been imprisoned before had received any support on release. Building on plans laid out in the Programme of Development of the Correctional System for 2012-2015, it is essential that municipal councils ('akimats') as well as the Ministry of Internal Affairs, the Ministry of Labour and Social Protection and civil society organisations develop and implement pre- and post-release reintegration strategies that focus on employment and take into account the gender-specific needs of women to enable them to build a new life following release. These should take into account the Bangkok Rules.' (Bangkok Rules, Rules 43-47).

- Nearly 20 per cent of women who participated in the survey in Kazakhstan reported that they have experienced domestic violence and 10 per cent indicated systematic abuse. It is possible that the real proportions are in fact higher. When developing post-release reintegration strategies, it is important that provision is made for those women who are in need of protection on release. They should have the option of being voluntarily placed in appropriate safe accommodation following release while support is provided to find suitable accommodation.

2. Kyrgyzstan

Kyrgyzstan is committed to ongoing reform of its penal system through implementation of the *National Strategy for Prison Reform* for the period of 2012-2016 which was approved by the government in May 2012. It has a focus on legislative reform, improving conditions of detention, rehabilitation and on alternatives to imprisonment but lacks a gender-specific component.⁵⁸ The following recommendations should inform current and future policies and programmes for women prisoners:

- The majority of women in prison in Kyrgyzstan are first-time offenders and are convicted of non-violent offences. They also have high rates of self-harm and of prior victimisation. Steps should be taken to reduce the imprisonment of women taking into account women's history of victimisation and care-taking responsibilities by:
 - Using non-custodial measures instead of pre-trial detention wherever possible (Bangkok Rules, Rule 57)
 - Giving courts the authority to consider mitigating and gender-specific factors when sentencing women offenders (Bangkok Rules, Rules 57 to 59 and 61)
 - Developing alternative sentences to imprisonment that address the most common problems leading to women's contact with the criminal justice system including the provision of counselling for survivors of domestic and sexual abuse (Bangkok Rules, Rule 60).
- There is a high level of mental healthcare needs amongst women prisoners in Kyrgyzstan – 38 per cent of women surveyed reported that they experienced depression, 39 per cent experienced loneliness and 36 per cent suffered from insomnia. Only nine per cent of women have ever received treatment for psychological or psychiatric problems. Access to psychologists or psychiatrists in prison is limited and there is an urgent need to improve psycho-social services which have a multi-disciplinary approach and do not rely on medication alone (Bangkok Rules, Rules 6, 12, 13 and 16).
- The most commonly identified support requirement needed during imprisonment was treatment for health problems – 42 per cent of women in Kyrgyzstan reported that this would be the most important support they could receive to help them with their rehabilitation whilst in prison. Gender-specific healthcare services in the women's prison should be addressed as an urgent priority (Bangkok Rules, 6 to 18 and 48).
- While the 'Atlantis rehabilitation programme', providing treatment for drug and alcohol dependency, is available for women in Stepnoye, it is not administered separately from other prisoners and this hinders the women's progress. In male prisons the programme is administered in a 'clean' zone and it is recommended that steps are taken to do the same in Stepnoye prison (Bangkok Rules, Rule 15).
- A strategy should be developed to improve the rehabilitation programmes provided to women prisoners. Such programmes can be conducted in partnership with civil society organisations. Programmes to provide counselling, build confidence and life skills and vocational skills training were particularly high amongst the support requirements listed by women who participated in the survey in Kyrgyzstan (Bangkok Rules, Rule 42).
- Very few women in Kyrgyzstan who had been imprisoned before had received any support on release. Women identified employment and housing as the key priorities for helping them to re-build their lives. There are existing plans to improve social rehabilitation within the National Strategy for Prison Reform for the period of 2012-2016. It is recommended that pre- and post-release reintegration strategies are developed and implemented that take into account the gender-specific needs of women to enable them to build a new life following release. These should include provision for documentation needed to access essential services and also take into account the Bangkok Rules.' (Bangkok Rules, Rules 43-47).
- In Kyrgyzstan, 38 per cent of women who participated in the survey said that they had experienced domestic violence and a third specified this violence was a frequent occurrence. It is possible that the real proportions are in fact higher. When developing post-release reintegration strategies, it is important that provision is made for those women who are in need of protection on release. They should have the option of being voluntarily placed in appropriate safe accommodation following release while support is provided to find suitable accommodation.

⁵⁸ National Strategy for the Development of the Penal Execution (Prison) System of the Kyrgyz Republic for 2012-2016 Approved by the Government of the Kyrgyz Republic on 15 May 2012 (Decree No. 297), http://www.unodc.org/documents/centralasia//PrisonReform/National_Prison_Reform_Strategy_Unofficial_Translation.pdf

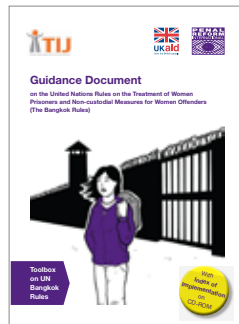
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Toolbox on the UN Bangkok Rules

PRI has developed a range of practical resources to assist in putting the UN Bangkok Rules on women offenders and prisoners into practice.

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