

SECURITY IMPLEMENTATION FACETS: CONVICTED WOMEN IMPRISONMENT SENTENCE EXECUTION

Vitolds Zahars¹, Maris Stivrenieks²

^{1,2}*Daugavpils University, Parades st.1. Daugavpils, LV-5401 Latvia*
E-mails: ¹vitolds.zahars@inbox.lv; ²maris.stivrenieks@inbox.lv

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Abstract. In recent years, there has been a considerable increase of total of the total number of female prisoners. Criminal offences committed by women are becoming more aggressive, more brutal and better planned. The offences are closely related to alcohol, psychotropic or narcotic substance abuse or domestic violence. Therefore, when rendering decisions that in any way affect the conditions of incarcerated women, it is important to pay special attention to the women's needs, namely their physical, professional, social and psychological needs. The assessment of risks and needs of the convicted women requires particular care and should be made in a tolerant manner, for it shall significantly affect the choice of the applicable social behaviour correlation tools or social rehabilitation tools and other measures that shall be the part of the convicted person's reintegration plan to prepare the imprisoned woman for productive life in society. This article identifies and analyses of the results of the conducted study on peculiarities of execution of the sentence of imprisonment in respect of convicted women in Latvia. Based on the study there has been developed a series of recommendations for the staff (of places of confinement) working with women prisoners, as well as pointed out the necessity to make amendments to the norms of The Sentence Execution Code of Latvia.

Keywords: Imprisonment, execution of the sentence, women, special needs, reintegration, human rights.

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1. Introduction

Society's security and sustainable development processes depend on many factors (Balkytė, Tvaronavičienė 2011; Bileišis 2012; Balkienė 2013; Borsková *et al.* 2012; Dudzevičiūtė 2012; Makštutis *et al.* 2012; Tunčikienė *et al.* 2013; Teivans-Treinovskis, Jefimovs 2012; Grybaitė 2011; Stańczyk 2011; Tvaronavičienė, Lankauskienė 2011; Lankauskienė, Tvaronavičienė 2012; Mačiulis, Tvaronavičienė 2013). Institutional context play important role in the implementation of sustainable society security and development (Račkauskas, Liesionis 2013; Šileika, Bekerytė 2013; Tvaronavičienė, Grybaitė 2012; Peleckis *et al.* 2012; Lankauskienė, Tvaronavičienė

2012; Radović Marković, 2011). Let us elaborate security implementation facets in Latvia, through lenses of convicted women imprisonment sentence execution. There was a small perennial total amount of the female prisoners in places of confinement of Latvia. This is partly explained by the humanitarian approach during the trial processes against women, who have violated the provisions of the law, especially if these women have children, administering for committed offenses alternative punishments applying the sentence of imprisonment only in extreme cases. Criminal punishment now is not only legal consequences of the criminal offense, but also means by which the state tries to change the person's atti-

tude towards the public values in order to inhibit it from committing new offenses (Judins 2003). When conducting the analysis of the criminal offenses committed by women, it can be concluded that majority of these offenses are criminal property offenses i.e. theft, fraud. However, the number of violent criminal offenses committed by women increases every year, which are directed against human life and health i.e. infliction of serious bodily injuries, murder, etc. The analysis of the components of crime of the criminal offenses committed by women shows that the criminal offenses committed by women are becoming more aggressive, more brutal and better planned, which are often directly or indirectly related to alcohol, psychotropic or narcotic substance abuse or domestic violence. This article identifies and analyses of the results of the conducted study on peculiarities of execution of the sentence of imprisonment in respect of convicted women in Latvia. This study is the first amount of work in Latvia, which examines peculiarities of execution of the sentence of imprisonment in respect of convicted women, identifies certain issues and suggests possible solutions. International standards provide that female prisoners while being in a closed prison environment are defenceless and are at particular risk; therefore, the study obtains the status of vitally important topicality.

The aim of this study is to conduct the analysis of the existing norms of The Sentence Execution Code of Latvia concerning convicted women and their implementation in practice, as well as their compliance with generally accepted human rights, international and the Council of Europe norms and standards. Based on the study there has been developed a series of recommendations for the staff (of places of confinement) working with women prisoners, as well as pointed out the necessity to make amendments to the norms of The Sentence Execution Code of Latvia. The authors suggest that the drawbacks, issues discovered within the framework of this study, as well as proposed solutions will make a significant contribution to development of the penalty execution theory in Latvia. It will be possible to improve the sentence of imprisonment execution legal framework by using new scientific cognitions stated in this study.

2. Women in places of confinement of Latvia

A woman being in prison is an anomaly, but it is well known fact that the amount of female pris-

oners around the world is increasing. According to data provided by the administration of places of confinement, there are 345 women in places of confinement of Latvia, 106 of which are detainees; one of them has the status of the juvenile convict (the data of the administration of places of confinement 12.09.2013). According to data of the public report 2012 provided by the administration of places of confinement, in 2012 the 6.8% of all prisoners were women. UN and other international organizations express deep concern regarding the increase in number of offenses committed by women in a globalized world and the increasing number of women entering prisons. On March 16, 2011 the United Nations General Assembly (2011) has adopted the Provisions on Treatment of Convicted Women and on Types of Punishment of Non-Custodial Nature Regarding Female Offenders, which define valuable recommendations for criminal justice system and criminal punishment enforcement institutions in respect of choosing the criminal policy in treatment of convicted women and application of special norms and standards for convicted female representatives. The paragraph 2, second part of the section 4 of Law On Sentence Execution Code of Latvia provides that discrimination of convicts based on race, ethnicity, language, gender, social and financial status, political views, religious beliefs and other criteria is unacceptable, but the paragraph 3, second part of the section 4 provides that the law applies to all convicts without discrimination. The paragraph 25.4 of Recommendations of Committee of Ministers Rec (2006) for member states on European Prison Rules stress that particular attention should be paid to the needs of imprisoned women who have been victims of physical, psychological or sexual abuse. Humankind consists of two genders, which justifies idea that woman and man together form a whole person. However, the two parts of whole, that are taken separately, are not mathematically equal parts, but rather asymmetrical qualities. They complement each other (Vilks 1998). The paragraph 34.1 of the European Prison Rules provide that making decisions that in any way affect the conditions of incarcerated women, it is important to pay special attention to the women's needs, namely their physical, professional, social and psychological needs.

3. Placement of the imprisoned women in places of confinement

The places of confinement have separate living premises for men and women, as well as for juveniles and adults. There are also separate living premises for convicts whose personal characteristics and criminal experience has a negative impact on other convicts, or convicts who oppress and exploit others. The persons to which has been applied such security measure as the arrest are held separately from other convicts, unless they agree to shared placement or involvement in joint activities with the consent of the investigating authority, prosecutor's office or court at which disposal is the convicted person. In Latvia, convicted women begin to serve the sentence of imprisonment in semi-closed prisons, and only a small percentage of convicted women begin to serve their sentence in open prisons. International standards recommend to place convicted women in small open-type prisons, as close to place of residence as possible, but unfortunately, this recommendation is not followed (Zahars 2011). The convicted women are being placed either in semi-closed type prison of Ilguciems in Riga, or in open section of Olaine prison or in open type prison of Vecumnieki. According to present location of places of confinement on territory of Latvia, the placement of the confined women closer to a *particular place of confinement is decided by the Head of Administration of Places of Confinement taking into account medical, security and crime prevention criteria*. The paragraph 17.3. of the European Prison Rules provides that *the initial location place and subsequent transfer from one place of confinement to another should be discussed as much as possible with prisoners themselves*, but the paragraph 17.1. of these provisions provides that, *as far as possible, the prisoners have to be placed in places of confinement close to their homes or rehabilitation institutions*. In practice, the convicts are placed according to free places in specific place of confinement, complying with requirements stipulated by Section 13¹ of Code. In view of this, the authors suggest to read the Section 13¹ of Law On Sentence Execution Code of Latvia as follows: *the placement of the confined women in a particular place of confinement is decided by the Head of Administration of Places taking into account medical, security and crime prevention criteria, as well as the prisoner's opinion*.

By placing the convicted women far from their place of residence it is more difficult to provide these people the opportunity to contact the outside world,

help them to strengthen family relationships, meet with their families and children, etc. For many family members due to distance, financial situation or preoccupation do not visit convicts at the place of their confinement, therefore it causes the convicted women additional stress and suffering. Scientific evidence shows that emotional stress leads to psychological disorders. There may be grave and serious consequences. Emotional stress causes anxiety, depression, mental illnesses and suicidal thoughts (Cooke, Baldwin 1998). If a woman is in custody, this has consequences for her whole family, as majority of confined women are mothers who have children who are at liberty, who in most of the cases are minors. A woman plays a leading role, for she takes care not only of her children, but of the whole family as well. A good prison management is at prisons with culture, organized internal order and respect, and where each and every one receives humane treatment (Coyle 2009). Incarceration affects emotionally woman herself and her whole family as well. In some countries, the conducted research shows that during sentence of imprisonment the family of every second woman breaks up, therefore negatively affecting the former convict's reintegration to society. In comparison, the number of broken families in case of male convicts is smaller, namely, every third convicted man loses family connections during sentence of imprisonment. The goal of sentence of imprisonment is to promote convicted person's legal behavior, to give this person an opportunity to acquire social skills, general knowledge and abilities, preparing this person for law-abiding life in society, instead of isolating, degrading and causing this person unnecessary suffering (Stivrenieks 2013).

4. The assessment of risk and needs of the convicted women and needs of re-socialization

The first part of Section 61⁵ of Law *On The Sentence Execution Code* of Latvia provides that within two months after placing the convict in the place of confinement to serve the sentence the head of authority shall provide the assessment of risk and needs of convicted person. When carrying out the assessment of risk and needs of the convicted women, it is necessary to identify the convict's reintegration needs, as well the level of risk of repeated anti-social behavior and criminal offense at the place of confinement. The assessment of risk and needs of convicted women should be made with particular care and tolerance, for it shall significantly affect the choice of the applicable

social behavior correlation tools or social rehabilitation tools, which are included in convicted woman's re-socialization plan. The second part of Section 61⁵ of Law *On The Sentence Execution Code* of Latvia provides that *repeated assessment of risk and needs of convicted person is conducted at least once a year during entire period of time served in place of confinement.*

The authors, by conducting assessment of re-socialization plan for convicted women and assessing the risk and needs factors, have come to the conclusion that up to this moment the re-socialization plans and assessment of risk and needs are not prepared or are just a formality. The officials of places of confinement explain this situation with great workload or lack of staff, as well as with the fact that the staff of places of confinement in some cases lack the understanding of importance of the risk and needs assessment when preparing convicted women for life in society.

5. Involvement of convicts in education programs

The paragraph 1 of the first part of Section 61³ of Law *On The Sentence Execution Code* of Latvia provides that one of the means of the rehabilitation of the convicts shall be involvement of convicts in general, professional and educational programs, according to the prisoners' interests. European Prison Provisions provide that the administration of the places of confinement tries to provide all convicts the opportunity to acquire the widest possible range of educational programs according to the individual needs and efforts of each convict, prioritizing the education of convicts who lack literacy, the ability to write and calculate, as well as those convicts who do not have the basic education or vocational training. According to the data of the places of confinement in 2012/2013, 55% of all convicts were involved in educational process. Unfortunately, it must be noted that the Ilguciems prison does not provide the opportunity to acquire the initial training program for women convicts who lack literacy, the ability to write and calculate. This basic training is very important and essential in preparing female convicts for law-abiding life in society and for them to be competitive at labor market. The lack of initial education hinders the acquisition of professional or general educational program. Fulfilment of obligations of convicts and realization of rights and lawful interests forms a legal regime of criminal punishment execution, which is

the basis for implementation of penalty goals, namely, for correction of convicts and their adaptation for life in society (Zahars 1999).

The first part of Section 62 of Law *On The Sentence Execution Code* of Latvia provides that *the place of confinement, within the integration of the convict into society, shall provide the juvenile convicts the opportunity to acquire general education.* This existing norm of Law *On The Sentence Execution Code* of Latvia by providing that general education should be provided only for juvenile convicts is contrary to European standards and recommendations, which provide that the administration of places of confinement provides *all convicts the opportunity to acquire the widest possible range of education programs.* In view of this, the authors suggest to read the first part of Section 62 of Law *On Sentence Execution Code* of Latvia as follows: *the administration of places of confinement promotes the acquisition of education, so that the convicts would be able to acquire general education.*

European standards recommend that education in prison regime is just as important as work, so the convicts should not come financially or otherwise disadvantaged just because they are studying. Unfortunately, it must be noted that in Latvian prisons the convicts who have been involved in the process of education (and they do not receive scholarship), find themselves in financially disadvantaged situation in comparison to those convicts who are working. Due to non-compliance with these standards, the administration of places of confinement experiences problems with assembling of education program study groups as prisoners prefers to work.

6. Employment of convicts

In order to ensure the attainment of reintegration objectives, according to requirements of Section 56¹ of Law *On Sentence Execution Code* of Latvia *the convicts who serve their sentence at remand prison, at place of confinement or at correctional institution for juvenile delinquents are employed for payment or without payment.* According to the data of the annual public report of administration of the places of confinement in 2012, there were only 29% of employed convicts who received payment. In Ilguciems prison 65% of convicted women have been employed and received payment. The convicted women are involved in employment for a fee only in limited cases. In order to prepare the convicted women for normal living

and working conditions, employment is one of the most important social rehabilitation means in order to achieve the objectives of re-socialization. In the country, there has to be a system that would ensure a full life for women and that would contribute to social and economic security of the families. Women in the current period of time are less employed. Among women, there is a larger proportion of unemployment. Social programs should include measures to promote the employment of women (Vilks 1998). The convicts are being employed without payment to perform the work of maintenance, cleaning and improvement of the places of confinement and the surrounding territory, as well as to perform the work to improve culture of convicts and their living conditions according to the schedule, but no longer than four hours. The paragraph 26.10 of European Prison Provision provides that *in any case the convicts have to receive equitable remuneration*. When conducting the analysis of the existing *Law On Sentence Execution Code* of Latvia and European Prison Provision norms the authors have come to the following conclusion: the employment of the convict without compensation is contrary to the international standards and the Constitution of the Republic of Latvia.

7. Addiction issue solving

A large proportion of convicted women had somehow encountered with drug or alcohol problem. Drug use among women is increasing and the increases drug use means that the majority of these women will end up in prison. Experience has shown that it is extremely difficult to eradicate drug abuse only by force; there have to be alternative methods. Worsening of the problem and limited resources require new solutions (Kuks 1994). Currently at places of confinement, the addiction problem is being solved by National Probation Service and NGOs implementing programs for different profiles. The construction of the new rehabilitation center (with capacity for 200 convicts) for drug addicts in Olaine, which will implement both the drug and alcohol addiction reduction programs has brought new positive features to system of places of confinement. The rehabilitation center will be situated at the Olaine prison territory, it is important because it will be adjacent to Latvian Prison Hospital. It is no secret that convicts who use drugs usually have a whole bunch of different types of diseases. The establishment of this type of rehabilitation center for addicts is clearly a positive change, because only ad-

diction free persons can be rehabilitated.

8. Work with convicted women who have been victims of physical or sexual abuse

Women in prison are particularly vulnerable, especially those who before the imprisonment have been victims of physical or sexual abuse. They may have experienced this kind of abuse in childhood or from a partner, because historically women have been targets of gender discrimination and stigmatization. Modern society is still not ready to assess adequately crimes committed by women and to focus on it as a specific crime branch, examining the personality of criminals and explaining individual causes of the criminal behavior. It is necessary to conduct systematic study regarding criminal offense influencing factors, as well as the study of repetition of offenses (Zavackis *et al.* 2013). Society criticizes and condemns women for any-social behavior more than men. The experienced abuse and the resulting trauma are closely associated with the woman's choice of criminal path or criminal activity. In view of this, the staff of the places of confinement has to identify the victims of abuse and hold additional activities with these women providing them with medical care and physiological support, and in some cases a legal advice as well. According to the assessment of risk and needs of the convicted women, the means of re-socialization should be applied individually. Ilguciems prison does not implement such kind of program; it only provides individual psychological counselling.

9. Christian education and training program Miriam

Ilguciems prison has a perennial and successfully implemented Christian Education and Training Program Miriam, which helps to bring into prison subculture spiritual and cultural values. Useful activities of the convicted persons are the values that should be protected always and everywhere. It is the best indicator for civilized punishment execution and the wish to integrate the ex-convicts back into society (Zahars 2011). Christian Education and Training Program Miriam helps the convicted women to get to know the power of the word in its spirituality, the music in its classical form and the performing arts in their multifunctionality. Christian Education and Training Program provide convicts the opportunity to learn history of arts and to get acquainted with impression-

ism by using colours and brushes. Within the program Miriam, the women are given the opportunity to enjoy freedom by singing gospels and learning to play various musical instruments. The long-running program, which is implemented at places of confinement, has a positive impact on the overall prison environment. According to international criminal justice, expert opinion the program Miriam that is implemented at Ilguciems prison is justly rated as one of the best programs in the world of similar type.

10. The staff of the places of confinement and effective prison management

The staff of the places of confinement and internal procedures plays a very important role in execution of the sentence of imprisonment. Good order in places of confinement can be achieved not only by providing security and by the performance of functions that are related to re-socialization of convicts, but also by ensuring certain regimen and internal procedure. As a result, successful interaction of all these functions can provide the maximum achievement of targets of sentence execution at the places of confinement (Stivrenieks 2013a, b). Section 72.1 of the European Prison Rules provide that the places of confinement are managed in accordance with the code of ethics, which recognizes an obligation to treat all convicts in a humanely, without insulting person's dignity, it is especially important when working with female convicts. International standards provide that female convicts in closed environment of places of confinement are particularly vulnerable and therefore supervision at the places of confinement for female convicts should be performed by female employees, in order to exclude the possibility of violation of sexual immunity, or other forms of unacceptable behavior of male staff. When choosing new employees for work with female convicts, it should be emphasized that work with female convicts is particularly difficult, which requires such personal qualities like integrity, humanity and humanism, as well as it is important to ensure that all staff, during the professional activity, would preserve and improve its' knowledge and professional capacity by attending training and development courses. Paragraph 81.3. of the European Prison Rules provide *that those employees of the places of confinement who work with special convict groups, namely, foreigners, women, minors or mentally ill, etc. are provided with specific training corresponding to the nature of their work.* Unfortunately, in recent years

this type of qualification development courses for work with female convicts have not be organized.

Conclusions

In summary, the authors come to the following conclusions:

By placing the convicted women far from their place of residence it is more difficult to provide these people the opportunity to contact the outside world, help them to strengthen family relationships, meet with their families and children, etc.; it causes the convicted women additional stress and suffering. Incarceration has an emotional impact both on the woman herself and on her whole family.

The authors, by conducting the analysis of assessment of re-socialization plan for convicted women and assessing the risk and needs factors, have come to the conclusion that up to this moment the re-socialization plans and assessment of risk and needs are not prepared or are just a formality.

The places of confinement do not provide uneducated convicted women, the opportunity to acquire reading, writing and calculation skills or the opportunity to acquire early education programs. This fact seriously hinders the access of convicted women to the further education programs and contributes to the risk of their social exclusion. Such approach is inconsistent with ***Council of Europe's standards and recommendations.***

The norms of the Law *On The Sentence Execution Code* of Latvia state that general education should be provided only to young people. This is inconsistent with ***Council of Europe's standards and recommendations, which provide that administration of the places of confinement, should provide all convicts the opportunity to acquire the widest possible range of education programs.***

European standards recommend that education in prison regime is just as important as work, so the convicts should not come financially or otherwise disadvantaged just because they are studying. Unfortunately, it must be noted that in Latvian prisons the convicts who have been involved in the process of education, find themselves in financially disadvantaged situation in comparison to those convicts who are working.

The employment of the convict without compensation is violation of the international standards and

Council of Europe's norms and standards. The places of confinement do not have rehabilitation programs for women who have been the victims of physical or sexual abuse.

Council of Europe's standards provide that staff of places of confinement who work with special convict groups, namely, women are provided with specific training corresponding to the nature of their work. Unfortunately, in recent years this type of qualification development courses for work with female convicts have not been organized.

In view of this, the authors suggest the following possible solutions:

- to read the Section 13¹ of Law On Sentence Execution Code of Latvia as follows: *the placement of the confined women in a particular place of confinement is decided by the Head of Administration of Places taking into account medical, security and crime prevention criteria, as well as the prisoner's opinion;*
- to read the first part of the Section 56¹⁰ of Law On Sentence Execution Code of Latvia as follows: the convicts shall be employed without remuneration solely for cleaning residential premises of place of confinement and activities related to cultural improvement;
- to read the first part of Section 62 of Law On Sentence Execution Code of Latvia as follows: *the administration of places of confinement promotes the acquisition of education, so that the convicts would be able to acquire general education;*
- to make amendments to the Section 62 of Law On Sentence Execution Code of Latvia by adding to this section the third part. To read the third part as follows: *convicts who are involved in education programs are paid scholarship. The amount of scholarship and the procedure of payment shall be determined by the Cabinet of Ministers;*
- to provide the convicted women at places of confinement uneducated convicted women, the opportunity to acquire reading, writing and calculation skills or the opportunity to acquire early education programs;
- to provide the rehabilitation programs for convicted women who have been the victims of

physical or sexual abuse;

- to organize qualification improvement courses for the staff of the places of confinement in order to draw plans and make assessment of risk and needs of the convicts, by explaining its necessity, topicality and investment in security of institution;
- to organize qualification improvement courses (to work with convicted women) for the staff of the places of confinement, with the assistance of professionals of various kinds if necessary, paying particular attention to the women's needs, namely their physical, professional, social and psychological needs.

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