

# International review of women's prisons

*Helen Fair is a Research Associate at the International Centre for Prison Studies, Kings College, London.*

**The publication in March 2007 of the review by Baroness Jean Corston into women in the criminal justice system gave a substantial new impetus to the movement for reforming women's imprisonment in England and Wales. The review called for 'a distinct radically different, visibly-led, strategic, proportionate, holistic, woman-centred, integrated approach.'<sup>1</sup> As part of its plans for implementing the Corston Report the Ministry of Justice commissioned the International Centre for Prison Studies at King's College, London to conduct a review of how women's prisons are organised in other countries.<sup>2</sup> The research showed that arrangements for women in prison vary widely around the world and that some countries have moved much further in the direction of a women-centred approach than others. This article summarises some of the review's findings.**

The countries studied in depth in the review were Australia, Canada, Denmark, Germany, New Zealand, Spain, Sweden and three States in the United States (Arizona, New York State and Washington State).

## Numbers of imprisoned women

The proportion of women in prison in any prison system throughout the world generally varies between 2 per cent and 9 per cent though outside that range Liechtenstein, Monaco, the Maldives and Hong Kong all have more than 20 per cent and Grenada and St Kitts and Nevis in the Caribbean have fewer than one per cent. The review confirmed that women are a small minority of prisoners everywhere but the variations in the figures are still significant. Whereas in England and Wales the proportion of women is 5.2 per cent, in France only 3.7 per cent of prisoners are women. These differences in the proportion of women to men imprisoned in different jurisdictions suggest that countries have different attitudes and policies about the use of imprisonment for women as compared with men. The policies in some countries lead to a more sparing use of imprisonment of women than do those in others.

One consequence of these policies is that in some countries women are being held in overcrowded

conditions, whilst in other countries the issue of overcrowding does not arise or, for example in the case of Denmark<sup>3</sup>, overcrowding is forbidden by law.

The changes over time in the imprisonment of women compared with that of men is very different across the countries surveyed. Some have seen a much more rapid increase than others in the women's prison population. In the United States the women's prison population increased by 2.9 per cent between 2000 and 2005 compared to a 1.8 per cent growth in the men's prison population and in Australia the number of women in prison increased by 90 per cent between 1996 and 2006, compared to an increase of 39 per cent in the male prison population.<sup>4</sup> In other countries such as Finland and Denmark the numbers have remained fairly stable, which could be seen as indicating a different approach to both men's and women's imprisonment. During 1997–1998 a trial with intensive supervision and electronic monitoring was carried out in Sweden. Since 1999 this system has been a permanent alternative to serving a prison sentence. This innovation has markedly changed the prison population. The percentage of those convicted of serious crime and sentenced to one year or more has risen. The number of women prisoners has been reduced by about 250–300 per year.<sup>5</sup>

A major consequence of the small proportion of women within the total prison population is that prisons and prison systems tend to be organised on the basis of the needs and requirements of the male prisoners. This applies to architecture, to security and to all other facilities. In Sweden three of the four prisons now used for women were originally built for men. In most countries any special provision for women prisoners is added on to the normal male provision rather than designed from scratch from a women-centred perspective.

## Characteristics of imprisoned women

There are similarities in the type of women imprisoned in each country. The information collated for the review suggests that in all countries they are a very disadvantaged group even amongst the most disadvantaged in the country, and many come from backgrounds of abuse and violence. A survey of

1. Home Office (2007) *The Corston Report: A Review of Women with Particular Vulnerabilities in the Criminal Justice System*. London: Home Office.

2. International Centre for Prison Studies (2008) *International profile of women's prisons*. London: ICPS.

3. Dunkel et al (2005) *International Study on Women's Imprisonment*. Greifswald: University of Greifswald.

4. <http://www.aic.gov.au/stats/cjs/corrections/females/index.html>

5. Swedish Government (2000) *Principles for the Treatment of Women Sentenced to Imprisonment: A National Report from Sweden*. Stockholm: Swedish Government.

women prisoners carried out in 2005 in Western Australia found that 88 per cent of women reported having experienced some form of abuse as an adult or in their childhood. Half of the women surveyed had experienced abuse in both childhood and as an adult<sup>6</sup>. A significant proportion have problems of addiction, as illustrated by a research study conducted in Canada which showed that 97 per cent of Federally sentenced women prisoners (that is those with a sentence length of two years or over) had been addicted to drugs or alcohol<sup>7</sup>.

A higher proportion of physical and mental health problems is noted amongst women prisoners. A survey carried out in New South Wales in 2001<sup>8</sup> showed that 30 per cent of women prisoners suffered from major depression, 44 per cent had asthma, 43 per cent had abnormal PAP smears compared to 12 per cent — 23 per cent in the general community, 66 per cent were hepatitis C positive and 6 per cent of women were currently infected with hepatitis B.

Minorities are over-represented among women in prison in a number of countries. The imprisonment rate of aboriginal people is disproportionately high throughout Australia. The 2005 survey in Western Australia showed that 32 per cent of women prisoners are Aboriginal and/or Torres Strait Islander, compared with 2 per cent of the general community in New South Wales. The latest data from the United States suggests that:

- ❑ of all women resident in the US aged 35-39, one out of 265 is imprisoned.
- ❑ of all white women resident in the US aged 35-39, one out of 355 is imprisoned.
- ❑ of all Hispanic women in the US aged 35-39, one in 297 is imprisoned.
- ❑ of all black women resident in the US aged 35-39 one in 100 is imprisoned.<sup>9</sup>

The average age of women in prison in the countries studied is around or above 30 years old. There are similarities in the crimes for which women have been imprisoned. Offences connected with illicit drugs are a major cause of women's imprisonment. In January 2008, there were 2,821 women (4.7 per cent) in New York State prisons. Nearly one third (905) of these

women were imprisoned for a drug offence. In 2007 about 84 per cent of women sent to New York's prisons in 2007 were convicted of non-violent offences, mainly drug and property crimes. Countries such as Finland where the numbers imprisoned are very low and imprisonment is used very sparingly have a higher number of prisoners convicted of very serious crimes of violence.

### **Arrangements for dealing with women prisoners**

Countries have adopted different approaches to the question of how to provide for a group that is a small minority in a system designed for the majority male population. Some countries, such as New Zealand and the USA, have regarded women as men in all but gender and have reproduced the system used for men with only slight adaptations, although the consequences for women in terms of distance from home are very different. Others have a hybrid system. They have some prisons specifically for women but also small units attached to men's prisons so that the women can be nearer their home area. This system is followed in Spain and France. In

Spain this policy seems to lead to the outcome often predicted for small dispersed women units, that women get fewer resources and are an afterthought when the policy for the wider prison system is being decided. In Andalucía for instance a number of prisons offer drug therapeutic facilities but these are generally not available to women because there is only one such programme and it is in the male section of the prison. The provision for young adult women is also limited. Of the nine prisons in Andalucía which hold women prisoners, six hold young adult women. The number of young women held in each unit is between one and seven, which means that there are unlikely to be any programmes specific to their needs.<sup>10</sup>

The small proportion of women in prison compared to men means that women are often held a long way from home. In New York State in the US for example almost 41 per cent of women are held in Albion Correctional Facility, more than 370 miles, about

A higher proportion of physical and mental health problems is noted amongst women prisoners.

6. Government of Western Australia Department of Corrective Services (2006) *Profile of Women in Prison 2005*. Perth: DCS.

7. Correctional Service Canada (2007) *Ten-Year Status Report on Women's Corrections 1996-2006*. Ottawa: CSC.

8. Butler, T. and Milner, L. (2003) *The 2001 New South Wales Inmate Health Survey*. Sydney: Corrections Health Service.

9. The Pew Center on the States (2008) *One in 100: Behind Bars in America 2008*. Washington: The Pew Charitable Trusts.

10. Almeda, E. (2005) 'Women's Imprisonment in Spain' in *Punishment and Society* vol.7, no.2. pp183-199. London: Sage Publications.

8 hours away, from New York City where the majority are from and where their children still live.<sup>11</sup>

The size of the units holding women differs widely across the countries studied in detail in the review. The average size of unit in Western European countries has space for 60 women prisoners. The largest unit was found in the US with capacity for 2,302 prisoners, closely followed by a unit in Russia with space for 2,000 women. The smallest units tend to be found in the Scandinavian countries where some units hold between four and ten women.

### Security

Most of the countries use very traditional security measures on the same basis as in men's prisons and it is clear that in most of the countries studied many of the imprisoned women are being held in security greater than needed. Anti-discrimination studies in Australia assert that women are discriminated against by being held in prisons with a security level higher than justified because the security classification tool being used was designed for male prisoners. The same problem was found in Canada. Moving to a women-centred approach involves designing new tools for classification specific to women. Routine strip-searching as a security measure is also heavily criticised in the reports produced by anti-discrimination bodies in Australia

### Prisoners as parents

Many imprisoned women are mothers. In Western Australia 47 per cent of the women surveyed in 2005 reported being carers of dependent children, other family members, or other non-family dependents and almost half of all women with children were single mothers.<sup>12</sup> The perennial dilemma of how to deal with women prisoners' young children is resolved in different ways. Those countries that allow children to stay with their mothers, which is all the countries surveyed in detail in the review but only in New York State out of the three US States studied, have very different ages at which it is felt desirable to

take the child away. This ranges from six years in one state in Germany to three years in Spain, four years in one prison in Western Australia, and 12 months in Sweden. In Denmark the decision about whether to have children living in prison with their mother is not made by the prison; if the local authorities say that the mother is fit to look after her child then it is the mother's decision whether to have her child with her or not. All efforts are made to ensure mother and children are not separated when the child reaches her/his third birthday. There is a halfway house in Copenhagen and if possible, depending on the length of sentence, a mother and her child can be transferred there.

There are also different ideas about how the imprisoned mother and child should be treated, varying from the arrangement that allows the child and the mother to stay together all day, to the system where the child goes to an outside nursery so that the mother can work, as can be seen in Germany. The most child-centred system found in the course of the review is that in the German prison at Frondenberg where 16 mothers live with their children up to the age of six in self contained flats with balconies. They do not have the appearance of cells but look more like well-equipped family houses. The building also does not look like a prison but more like a student flat from the outside and the staff do not

The most child-centred system found in the course of the review is that in the German prison at Frondenberg where 16 mothers live with their children up to the age of six in self contained flats with balconies.

wear prison uniforms. The majority of women are there for theft or fraud.

The Centro Penitenciario, in Aranjuez in Spain, which was opened in 1998, has a unit for couples with children where both partners are sentenced prisoners. Children are able to stay with their mother until the age of three.

### Visiting arrangements

Visiting arrangements reflect the cultural differences found in prisons all around the world about attitudes to family life. In some countries such as Denmark private family visits (including conjugal visits) are accepted as normal and a right that cannot be taken away. Women in this respect are treated in the same way as men.

11. Women in Prison Project (2008) *Imprisonment and Families Fact Sheet*. New York: WiPP.

12. Government of Western Australia Department of Corrective Services (2006) *Profile of Women in Prison 2005*. Perth: DCS.

In other respects some countries make special arrangements for visits for imprisoned women who have children outside the prison. These can be whole day family visits at weekends. In New South Wales in Australia Sundays are family visiting days and the family stays all day though with a break for lunch. At Hinseberg women's prison in Sweden there is a special flat with a small garden where children can have overnight visits. In Canada most of the Federal institutions have private family visit units where families can stay in private with their imprisoned family member for up to 72 hours. In some states in Germany women have twenty one days of leave per year and extra leave may be granted for special reasons including family occasions. In Sweden the opportunity for prisoners to go 'on leave' is considered very important for the maintenance of family ties, and for other specific purposes (work interviews, arranging accommodation, etc.). Swedish penal legislation provides for leaves of this kind and considerable use of these prison leaves is made.<sup>13</sup>

In the United States the arrangements are very different. Many visiting rooms in New York State's prisons have limited space and little opportunity for parents and children to meaningfully interact with each other. Mothers in prison can only make collect telephone calls for short periods of time during certain limited hours each day. They also have little or no ability to participate in foster care planning meetings and have difficulty accessing their lawyers and participating meaningfully in Family Court proceedings.<sup>14</sup>

### Healthcare

Health care features in all the countries studied as a priority issue for women prisoners. The health needs of most women prisoners are significant and in the reforming countries a change in the provision of health care is seen as a basic necessity for a woman-centred approach. The New South Wales system of a separate health trust devoted to the justice system but part of the National Public Health Service and operating a public health preventive approach is an interesting model. An issue in most of the countries

studied is what to do with a small group of highly disturbed and sometimes very disruptive women. Canada is approaching this by moving back from their dispersed near-to-home model and having two national units for women with very severe mental health problems. They will be found a place in one of the two national units, regardless of where they come from. In Australia special health-based units are being built for this group — one in New South Wales which will hold men and women and one in Victoria which will provide specialist care to women prisoners only. In Spain mixed prisons often have only one hospital unit which will usually mean that women prisoners will be nursed in their own cell rather than in a hospital bed unless their condition is so acute as to require transfer to an outside hospital.

### Prison design

The countries studied in the review demonstrated a wide range of approaches to prison design; in New Zealand the 'standard' prison segregation unit design is used even for its at-risk unit for suicidal women whereas in Canada there are a range of shared houses. In Germany, Halle prison in Schleswig Holstein has a pay-laundry, a piano room and a large garden. In Western Australia at Boronia Pre-Release Centre there are 'pleasant gardens and well maintained houses that more closely resembled a well-kept suburban landscape than institutional setting.'<sup>15</sup> The women there are responsible for making their own cooking arrangements, and are given Aus \$5 a day to spend on food which they buy in a small supermarket within the prison.

At the high security prison in Ringe, Denmark, men and women live together in units of around ten people, where they share a communal kitchen and bathroom. The philosophy behind this is for the prison to approximate life outside as closely as possible.

### Costs

Information about costs is hard to find and, where available, difficult to interpret. It is not

The health needs of most women prisoners are significant and in the reforming countries a change in the provision of health care is seen as a basic necessity for a woman-centred approach.

13. Swedish Government (2000) *Principles for the Treatment of Women Sentenced to Imprisonment: A National Report from Sweden*. Stockholm: Swedish Government.  
14. Correctional Association of New York (2006) *Report on Conditions of Confinement at Albion Correctional Facility*. New York: CANY.  
15. HL Hansard 14 January 2009 col 1286.



unreasonable to assume that small special units for women are more expensive in immediate revenue terms but that this could be offset against potential longer term benefits in better social reintegration and a more stable family life for prisoners' children.

### Reforming women's imprisonment

A number of countries have embarked on reforms of imprisonment for women. The impetus for change has come from various sources. Equality law has been a major influence. For example, following reports about sexual harassment and abuse of women in prison in the US, a case was brought in Arizona (*United States v. State of Arizona, et al*) by the US Department of Justice charging the Arizona Department of Corrections with violating the Civil Rights of Institutionalised Persons Act by demonstrating indifference to allegations by female prisoners that they were not adequately protected from correctional staff. An agreement was reached that the charges against the State would be dismissed following enforcement of improved procedures by the Department.<sup>16</sup> Some of the key points to which the ADC agreed included stringent pre-employment screening for all staff likely to come into contact with women prisoners and a new policy whereby male staff will notify their supervisors when they will be alone with a female prisoner.

In Australia in particular, anti-discrimination bodies have been active. The Anti-Discrimination Commission in Queensland began a review of the treatment of women prisoners in 2004. The main findings of the review were that:

- ❑ The security classification tools result in over-classification.
- ❑ Legislative and sentencing reform is needed to reflect the priority to the best interests of the child.
- ❑ Mental health issues are often ignored.
- ❑ Indigenous women are especially at risk of discrimination.<sup>17</sup>

In Western Australia following pressure from the Inspector of Custodial Services the Department of

Custodial Services went through a process to achieve change which involved the setting up of a Directorate of Women's Custodial Services to implement a woman-centred approach to custody. A woman-centred approach was one which emphasised women's roles as mothers and carers, their backgrounds of abuse, their chronic health needs and the crucial importance of building self-esteem through giving them skills and education.<sup>18</sup>

Based on the countries surveyed, those that have moved to reform have moved to de-institutionalise and restore responsibility. The 'self-care' approach where women live in small groups, budget, shop, cook, clean and live together as a small community is the outcome of wholesale reforms in Canada for instance, where women stay in one of the regional Federal facilities (spread out from coast to coast) which are multi security level institutions built as campus style cottages which allow the women some freedom of movement and require them to live and work co-operatively with other prisoners. In Boronia Pre-Release Centre in Western Australia women are offered the opportunity to make choices relating to their education, employment, health, family and personal development.

### Some conclusions

The characteristics of women in prison are very similar in the countries studied for the review. Most are from amongst the most disadvantaged in society, many are from backgrounds of abuse and the majority have problems of drug or alcohol addiction and untreated mental health conditions. They are also often carers of children or other dependents. Their crimes are usually related to their position in life and few present a danger to society. Yet the review showed that most countries have either failed to deal with imprisoned women in a way which takes these factors into account or are just beginning to rethink their approach.

The review was not able to evaluate the success of these attempts to provide a form of imprisonment that was responsive to 'women prisoners', rather than 'prisoners who happen to be women' as the

Most are from amongst the most disadvantaged in society, many are from backgrounds of abuse and the majority have problems of drug or alcohol addiction and untreated mental health conditions.

16. See Arizona Department of Corrections website [www.azcorrections.gov/adcd/divisions/women/cripa.asp](http://www.azcorrections.gov/adcd/divisions/women/cripa.asp)

17. Anti-Discrimination Commission Queensland (2006) *Women in Prison: A report by the Anti-Discrimination Commission*. Queensland. Brisbane: ADCQ.

18. Office of the Inspector of Custodial Services (2006) *Report of an Announced Inspection of Bandyup Women's Prison*. Perth: OICS.p.8.

changes were only recently introduced or were still being implemented.

However, one country where the reform of women's imprisonment has been in place for over a decade is Canada and the experience of Canada provides some useful lessons. The process of reform in Canada began with a spate of suicides in the only Federal women's prison, in Kingston, Ontario. The government appointed a task force which involved people from inside and outside government to make recommendations for a policy which would be more responsive to the needs of women prisoners. This task force recommended changes in philosophy, geography and regimes. In particular it recommended that women's imprisonment be based on five principles:<sup>19</sup>

- empowerment and enhancing self-esteem.
- giving opportunities for responsible and meaningful choices.
- mutuality of respect among prisoners, among staff and between prisoners and staff.
- a supportive living environment.
- a wide involvement of the agencies outside prison.

There should be five new units for women spread across Canada which would 'utilize all environmental factors known to promote wellness. These will include natural light, fresh air, colour, space, privacy, and access to land. The design will also incorporate small cottages, independent living areas and non-intrusive security measures'.

Between 1995 and 1997 these five regional prisons for women were opened and in many ways have been a success. In Canada, with its huge distances, most women are held near home. In the Canadian Federal system prisoners may be released and whilst technically remain prisoners may be placed in a variety of other non-prison environments. Women prisoners have private family visits, trauma counselling by outside bodies and live in self-care housing. Yet the Annual Report of the Correctional Investigator for 2006-7<sup>20</sup> is critical. He recommends that 'All front-line staff in women's institutions should receive annual refresher training in women-centered approaches'. He is critical of the use of security classification tools for women that lead to women being held in levels of security that are too high with a gross disproportion of Aboriginal prisoners being held in the highest security category. He notes that women get too few of the opportunities to be given

conditional release by the prison service to take up work as part of preparation for releases. He is dissatisfied with the mental health provision.

A research study carried out between 2004 and 2006 of a representative sample of women in Federal prisons<sup>21</sup> also found problems. Women prisoners were disappointed and disillusioned that the prisons provided relatively little support and were not safe places for coming to terms with the past and moving on.

One woman told the researchers:

Sometimes I think it would be better to go back to the old way, you know – where you got nothing, you didn't expect anything. And you got nothing and, you know, that was the way it was.<sup>22</sup>

The lesson to be drawn from this history is that the development of the best designed buildings, in locations near prisoners' homes, with prison staff not wearing uniforms, will not provide the improvements that reformers envisage without some fundamental changes in the staff culture and the delivery capacity of management.

The findings of the review are certainly encouraging. After years of reports and recommendations it is now much more widely accepted beyond the countries of Scandinavia that imprisoning women is not the same as imprisoning men, that women's experiences are different and women experience imprisonment differently. Work is underway in a number of countries to rewrite prison rules so that women are not subject to the same rules as men. New buildings do not now always replicate traditional prison architectural models. Healthcare is being given greater priority. Yet the experience of Canada makes it clear what a large cultural change is needed to ensure that the conclusion reached by Baroness Corston is understood. She concluded:

*Equality does not mean treating everyone the same. The new gender equality duty means that men and women should be treated with equivalent respect, according to need. Equality must embrace not just fairness but also inclusivity. This will result in some different services and policies for men and women. There are fundamental differences between male and female offenders and those at risk of offending that indicate a different and distinct approach is needed for women.*<sup>23</sup>

19. Correctional Service of Canada (1990) *Creating Choices: The Report of the Task Force on Federally Sentenced Women*. Ottawa: CSC.

20. The Correctional Investigator Canada (2007) *Annual Report of the Office of the Correctional Investigator 2006-2007*. Ottawa: The Correctional Investigator Canada.

21. Pollack, S. (2008) *Locked in, locked out: Imprisoning women in the shrinking and punitive welfare state*. Ontario: Wilfred Laurier University.

22. The Correctional Investigator Canada (2007) *Annual Report of the Office of the Correctional Investigator 2006-2007*. Ottawa: The Correctional Investigator Canada. P.17.

23. Home Office (2007) *The Corston Report: A Review of Women with Particular Vulnerabilities in the Criminal Justice System*, Executive Summary. London: Home Office.