

# Guidance Note 13

## Reforming women's prisons

### Summary

- Women prisoners constitute a small minority in all prison systems yet women's prisons are affected by the problems facing all prisons.
- The profile of women prisoners is quite different from that of men and their needs are different.
- The small number of women prisoners can mean they are held far from home and contact with their families is difficult.
- Women's prisons are often small makeshift buildings with fewer facilities than men's prisons.
- Women prisoners usually present a low security risk and are often held in a level of security higher than is needed.
- Women prisoners have often experienced violence and abuse in their personal lives.
- Although the international human rights instruments require women to be held separately from men and supervised by women, sexual abuse, harassment and humiliation are common.
- Women's prisons need policies for the care of pregnant prisoners and of the babies and small children of imprisoned mothers.
- Improving women's prisons requires better health care, more protection from sexual harassment, better provision for children and for family visits and relevant education and training programmes.

“ All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”

— *Article Ten, United Nations International Covenant on Civil and Political Rights*

### Guidance Notes on Prison Reform

This guidance note is number thirteen in a series designed to give practical help to those developing and delivering prison reform projects. All the guidance notes:

- are set within the international human rights framework
- apply in a variety of cultural and political environments
- propose solutions that are likely to be sustainable in a variety of socio-economic situations and do not involve a significant increase in resources
- take account of the realities of prison management

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## Women prisoners are always a small minority

Women are convicted of crime less often than men and the proportion of women in the world's prisons is small. Almost all the countries of the world have a proportion of women prisoners lower than 12%, with the norm about 6%.

### Countries with the highest proportion of women prisoners

Maldives Islands	26.6%	Singapore	10.4%
Thailand	20.3%	Argentina	9.5%
Bolivia	16.7%	Malaysia	9.0%
Qatar	11.8%	United States of America	8.5%
Paraguay	11.3%	Brunei Darussallam	8.2%
Costa Rica	10.8%	Spain	7.7%

### Countries with the lowest proportion of women prisoners

Seychelles	0%	Gambia	1.2%
Liechtenstein	0%	Zambia	1.5%
Tanzania	0.9%	Fiji	1.5%
St Kitts and Nevis	0.9%	Jordan	1.6%
Burkina Faso	1.0%	Pakistan	1.7%
Malawi	1.2%	Azerbaijan	1.7%

Statistics are not necessarily from the same year but represent the most recent figures available. Percentages have been rounded.

These statistics were taken from World Prison Brief Online at 12 November 2004.

The imprisonment of women has become more common and the size of the women's prison population is increasing faster than the size of the men's prison population in some countries.

“ The growth in the female prison population (in England and Wales) in the last decade has far outstripped that of the male prison population. In the decade between 1992 and 2002 the male prison population increased by 50%, while the female prison population increased by 173%.

Fawcett Society, *Women and the criminal justice system 2004*<sup>1</sup>

## The international human rights instruments and women's prisons

The instruments make clear that:

- there should be no discrimination against women in terms of their conditions or treatment
- violence against women should be prevented, investigated and punished wherever it occurs
- women should be held in accommodation entirely separate from male prisoners
- special and suitable arrangements should be made for pregnant and new mothers
- if a child is born in prison the place of birth should not be mentioned on the birth certificate
- male staff should only enter a women's prison when accompanied by a female officer

## Specific issues affecting women in prison

Women are affected by the issues covered in all these Guidance Notes. In addition some specific issues arise:

- the profile of women prisoners is different from that of many male prisoners: often they will have been physically and sexually abused, frequently from an early age; they will have specific physical and mental health needs; very few will need high levels of security
- the small number of women prisoners means they are often held far from their homes. This affects their right to family life since it is difficult for their families to visit them
- women may be pregnant or have small children to look after and the care of these children presents a dilemma – should they stay with their mother and be reared in prison or be taken from their mother and brought up by relatives or the State?
- since women's prisons are often makeshift, small places devoid of any of the facilities for work, education, training, sport or cultural facilities that may be available to men's prisons, discrimination can be inbuilt
- women prisoners are frequently at risk from sexual abuse, harassment and humiliation

“ *The research (into the Mourne House women's unit at Maghaberry Prison in Northern Ireland) found a regime in which women were regularly locked in cells for 17 hours a day, workshops were permanently closed and education classes rarely held... Women received little or no support on reception and there was no structured induction programme or adequate information provision... The right of women in prison and their children to a meaningful family life was not respected. ... There was an absence of appropriate arrangements for special or enhanced family visits. The restrictive regime caused unnecessary suffering for women, their children and their families.... The punishment and segregation 'block', or special supervision unit, was an inappropriate environment for the location of distressed and self-harming women and girls.*

Phil Scraton and Linda Moore, *The Hurt Inside* 2004<sup>2</sup>

## Women's prisons

Because of the small number of women prisoners, women's prisons are often a neglected corner of the prison administration. Women are often held in converted unsuitable buildings with little space for exercise, or other activities.

“ *When Evans first entered the San Miguel Penal Center (in El Salvador), she couldn't miss the obvious privations of prison life. For infractions that range from public drunkenness to murder, 72 women sleep in one long room, served by a single toilet and bathing area. The women are doubled-bunked, with a few women sleeping on the floor beneath the lower berth. They are padlocked in between 6 p.m. and 6 a.m. and padlocked out during the day. The prison meals are so cold and wretched, many inmates cook the food that their families provide on kerosene stoves and they preserve rainwater in spare soft drink bottles.*

The Record, *Deacon serving in El Salvador finds hope behind bars* 2002<sup>3</sup>

Prison administrations deal with the small number of women prisoners in different ways. In some countries there is one women's prison and all the women prisoners from the whole country are held there, even though it may be many hours or days journey from where some of the women come from and where their families live. An alternative

model is to establish small women's units or wings attached to a number of larger male prisons but separated from them. Both systems present problems.

Women prisoners usually find themselves in a prison system conceived, organised and managed primarily for the much larger number of men prisoners. The consequences can be that:

- security levels are grossly disproportionate to the risks posed by women prisoners many of whom are imprisoned for minor crimes
- the training of prison staff neglects the special situation of women prisoners
- the education and training programmes emphasise the requirements of men prisoners and women prisoners are offered little more perhaps than a tailoring workshop producing uniforms for the prison system
- the family visiting arrangements are not geared to prisoners who are the main carers of dependent children
- the special health and hygiene needs of women are neglected
- women prison staff are accorded a low place in the prison administration hierarchy and their voices are not heard in policy making

“ (in spite of) research showing that women inmates generally pose a lower security risk, have a much lower risk of re-offending, and have different needs than men, the Correctional Service of Canada continues, for the most part, to use the same risk and needs assessment tools for both populations. This results in the incarceration of women offenders in a facility with a higher security level than required and less access to corrections programming that could advance their rehabilitation and their reintegration into society.

Canadian Human Rights Commission, *Protecting Their Rights* 2003<sup>4</sup>

## Women prisoners

Women prisoners are likely to have come from a background of physical or other abuse. The offences for which they are imprisoned are likely to be mainly:

- very minor offences such as stealing a small amount of money or goods
- very serious offences such as murder, sometimes of the person who has abused them
- drug offences, often possessing a small amount of a banned drug or transporting drugs at the behest of others

“ Nikhat is nearly 25...She has been in prison for five months. She is from a small and poor family...Nikhat was married when she was fifteen. Her husband has been in Lucknow jail since three years. .. She and her husband both worked as labourers and earned just sufficient to make both ends meet. She said that they got into drug peddling because whatever she earned was not enough.

Rani D. Shankardass and Saraswati Haider, *Barred from Life Scarred for Life: Experiences of Women in the Criminal Justice System* 2004<sup>5</sup>

In some countries religious laws lead to women being imprisoned because they have been raped and since they cannot prove the rape happened they are imprisoned for unlawful sexual conduct.

## Treatment of women prisoners

Women's prisons are generally less overcrowded than men's prisons though in some places overcrowding is severe. Many provide a cleaner and more attractive environment, with neat dormitories with embroidered bed linen and walls decorated with family photographs. Yet women's prisons are not immune from the abuses and ill-treatment to be found in prisons around the world.

*“ (In) a training exercise (in a prison in Austria)... 70 armed police, most of them men, stormed a women's prison and strip-searched the inmates in the chapel... The masked officers carried batons, shields and guns as they forced the female prisoners to stand facing the wall with their arms up while they pulled the cells apart, trampling on clothes and underwear and smashing personal possessions. The women were then marched to the prison's chapel, forced to strip naked and body searched. One inmate, who wished to remain anonymous, said: “I was forced to take all my clothes off and then bend over next to a fellow prisoner while the officers examined me intimately to see if I had hidden drugs on me. As far as I know there was no reason for them to even suspect this.”*

Daily Telegraph, Austrian Minister in jail search gaffe 2004<sup>6</sup>

Abuse in women's prisons does not come only from the staff. Violence between women can be a serious problem.

*“ In the Women's Prison, for instance, the female prisoners used to suffer because of the so-called “food owners”, that is, some prisoners who were more violent would threaten the others in order to sit in the best places and to get the best food during the distribution of meals. The problem was solved with the enlargement of the dining hall in each pavilion, opening space for all prisoners to sit, and also with the distribution of individual lunch pails.*

Prison Improvement Project, São Paulo 2004<sup>7</sup>

## Health care in women's prisons

Health care is an issue in most women's prisons. The women in prison come from the poorest sections of society and they come to prison with a range of untreated physical and mental health problems.

*“ (In Pakistan)... health facilities are almost non-existent in women prisons. Almost all rape victims who become pregnant end up delivering while still jailed for a crime not committed. They have no access to pre-natal care, are under-nourished and over-worked in jail and ultimately end up delivering in the unhygienic prison health care facility under pathetically sub-optimal conditions. Obviously this results in a disproportionately high number of infant and maternal deaths in a country which already has a dismal infant and maternal mortality rate.*

PakTribune, Justice and Equality for Women 2004<sup>8</sup>

In some countries illicit drug use affects the majority of women prisoners and is the reason for their imprisonment. A background of mental health problems and suicide attempts can be common. Imprisonment and separation from their family, particularly their children, can affect women prisoners very severely. Women in prison are frequently so distressed that they injure themselves by cutting their wrists or lacerating their bodies and faces.

“ A ‘safe’ congenial, worthwhile and befitting start (to the project) was found in a programme to organise health camps at the two jails in Hyderabad and Rajahmundry. Health Camps consisted of making available the following facilities for all the women in the prison:

- checking the height, weight, state of health of women and children
- blood tests for women
- dental examinations (for women and children)
- eye/nose/throat examination (for women and children, including the provision of spectacles for those who needed them)
- general check-up and examination – blood pressure, chest, skin
- gynaecological examination
- inquiries about other problems – physical or psychological
- recommendations – dietary and medicinal

Rani Dhavan Shandarkass, *Where the mind is without fear and the head is held high: mental health and care of women and children in prison in Andhra Pradesh 2001*<sup>9</sup>

Work to improve the health care in women’s prisons is needed as well as drug counselling, mental health care, and programmes to help women deal with a past of abuse and violence. In countries where HIV infection is widespread a high proportion of women prisoners is infected. Programmes of harm reduction such as provision of bleach for disinfecting needles and needle exchange schemes are important in women’s prisons as are projects that help HIV infected women to cope when they leave prison.

“ In September 2000, there were approximately 300 prisoners in Ilguciem’s women’s prison (in Latvia). Twenty prisoners were HIV positive, of whom 19 were awaiting trial... the project has been training 20 peer educators who are now able to educate other female prisoners about HIV/AIDS, STDs, hepatitis and contraception. Peer education sessions have been taking place weekly. A self-support group was established in the prison in March. The Aids Prevention Centre held a seminar in April in Ilguciem women’s prison ...It was the first time many of the 65 delegates, social workers, NGO and government representatives had been in a prison or heard about the women’s problems.

Adapted from Penal Reform International, *Annual Report 2001*<sup>10</sup>

## Sexual abuse, harassment and humiliation in women’s prisons

Many aspects of prison life can be humiliating for women. Privacy is often scarce in prisons and prison systems can easily ignore women’s special needs.

“ [In Kenyan prisons) women sometimes lacked access to sanitary napkins and often had one change of clothes, leaving them naked during the washing of their laundry.

US State Department, *Kenya country report 2004*<sup>11</sup>

Although women in prison should be protected from sexual harassment and abuse this is often not achieved. In many countries women prisoners are not protected by the system from assault by male prison guards.

“ (In Pakistan)... many children in prison were born to female inmates who were sexually abused by prison guards.<sup>12</sup>

Equal opportunities employment legislation in some countries has resulted in many more male staff working in women's prisons and has therefore increased the possibility of sexual harassment.

Searching of women prisoners is a difficult issue. It may often be necessary for security reasons but can cause considerable embarrassment and humiliation. In most countries where male staff work in women's prisons they are not permitted to carry out body searches of women prisoners though there are exceptions, for example the United States, where male staff carry out clothed body searches.

A particular concern in many countries is internal searching of women prisoners when they arrive at the prison, before or after family visits and at other times. Such strip searching and internal searching are common and are often carried out routinely rather than as a special response to a clear possibility of an infringement. It is clear that in some cases such searching is done to cause humiliation and emphasise the 'prisoner' status of imprisoned women.

**“** A project working with staff in the women's remand prison in Moscow produced the following changes:

- stopped the automatic internal searching of women prisoners
- ensured that women's cell doors were not opened by male staff

ICPS Report 2003

## Contact with families

Separation from families and children makes imprisonment more stressful for women. Women are usually responsible for caring for children and separation from them causes great distress.

Arrangements for prison visits are therefore particularly important in women's prisons. In some countries all visits between women and their children are conducted through a grille or glass barrier and last only for a short period. In other systems children can visit perhaps one day a week for several hours and the visit takes place in the open air or in a large hall. In most countries of the former Soviet Union women are entitled to a long visit once a quarter when the children and their carer can stay for up to 72 hours in an apartment in the prison. In some countries where women prisoners are required to wear prison uniforms family days are arranged for children's visits where both the prison staff and the prisoners wear civilian clothes.

In some countries where private family visits are the norm, for example in Latin America, these may be allowed to men but not to women. Pressure has been applied in a number of these countries to introduce a more equitable system.

In some societies imprisonment is a deep shame and a woman, once imprisoned, will be abandoned by her family. Support from women's organisations in civil society can help such women survive imprisonment and find a means of making a living on release.

## Mothers in prison with their children

Dealing with children and babies in prison is problematic. Pregnant women in prison are required to be provided with adequate medical care. Babies should whenever possible be born in an outside hospital rather than in the prison. When women are taken to an

outside hospital for the delivery of a baby they should not be secured to the bed by handcuffs or other restraining devices.

Methods of dealing with women prisoners with babies and young children vary considerably. In some countries babies are taken from the mother at birth and handed to relatives or to the state authorities. In other countries there are nurseries in the prison and babies and small children live in the prison with their mothers. Sometimes the nurseries are run by trained child carers and the mothers see their babies for a few hours a day. In others the nursery is run by the prisoners.

The age at which such children are taken away from the mother also varies. In some countries children stay until they are 18 months old. In others they can stay until they are six. In countries where the welfare services are scant they may stay until their mother is released.

Projects to improve the care of children in prison can be undertaken by humanitarian, health and child care organisations and can involve health checks, the provision of toys and other equipment and assistance to mothers in caring for their children.

## References

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