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**REPORT OF THE SUB-COMMISSION ON THE PROMOTION AND PROTECTION
OF HUMAN RIGHTS**

**written statement* submitted by friends world committee for consultation (Quakers), a
non-governmental organization in general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 January 2005]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Women in Prison and the Children of Imprisoned Mothers

Friends World Committee for Consultation (Quakers) welcomes the decision of the United Nations Sub-Commission on the Promotion and Protection of Human Rights to add a new item to the agenda of its sessional Working Group on the administration of justice on 'Women and the criminal justice system' in future (Decision 2004/30, adopting the Report of the Working Group in document E/CN.4/Sub.2/2004/6).

We also welcome Sub-Commission Decision 2004/116 which requests Ms Florizelle O'Connor to prepare an expanded working paper for their next session on the issue of women in prison and the children of women in prison, building on her working paper (E/CN.4/Sub.2/2004/9). At the same time we regret that greater progress on this issue was not made at the Sub-Commission, particularly in the light of Commission resolution 2004/43 on Human rights in the administration of justice, in particular juvenile justice, which "Invite[d] Governments, relevant international and regional bodies, national human rights institutions and non-governmental organizations to devote increased attention to the issue of women and girls in prison, including issues relating to the children of women in prison, with a view to identifying the key issues and ways in which they are addressed and notes the proposal of the Sub-Commission on the Promotion and Protection of Human Rights (decision 2003/104) to prepare a working paper on this issue."

As women constitute only a small (but rapidly growing) minority of the prison population their particular circumstances and needs are often overlooked by prison regimes designed for male prisoners. Whilst issues such as overcrowding, hygiene, and visitation rights are relevant to prisoners of either gender, there are many concerns which are specific to female prisoners, or which affect female prisoners in a different or particularly harsh way when compared to their male counterparts.

Of the many issues arising in this field, we wish to highlight the following:

a) The (comparatively) small number of prisons for women means that they are often imprisoned further away from their homes and communities than are male prisoners. This causes particular difficulties – including financial difficulties - for receiving visits from family members, particularly children who cannot travel unaccompanied. As a result women prisoners receive fewer family visits, causing substantial psychological and emotional distress.

b) As a result of the lack of facilities for women's detention, women (and girls) are often imprisoned in mixed-sex facilities. This places women, including those still awaiting trial, at an unacceptable risk of violent and/or sexual assault by male prisoners.

c) Besides the risks posed to them by male prisoners, female prisoners may also suffer sexual abuse by prison staff. Despite the United Nations Standard Minimum Rules for the Treatment of Prisoners, some countries still employ male staff in an inappropriate capacity in women's prisons. Prisoners who are abused by staff have no way of escaping from their abuser. Those who file a complaint or take legal action are at risk of further retaliatory abuse, even if they are transferred to another facility.

d) Women who are pregnant on entering prison (or become pregnant during their incarceration as a result of the abuses mentioned above or of conjugal visits), as well as nursing

mothers, are in need of particular health care facilities which are often unavailable or sorely inadequate. The children (including those as yet unborn) of these women also require particular consideration in terms of medical and dietary requirements.

e) Babies and young children may be imprisoned with their mothers, or children may be left outside the prison. Both situations have considerable problems, and urgent attention needs to be given to identify ways in which the needs and rights of both groups of children can best be met.

As a result of these concerns, Friends World Committee for Consultation (Quakers) urges the UN Commission on Human Rights to:

1. Request the Sub-Commission to pursue this subject as a matter of priority, both through its sessional Working Group on the Administration of Justice and the expanded working paper requested;
2. Call on States, relevant international and regional bodies, national human rights institutions, the Committee on the Elimination of All Forms of Discrimination against Women, the Commission on the Status of Women, the UN Office on Drugs and Crime, non-governmental organisations and other relevant bodies to provide information and analysis of key issues and possible solutions to the Sub-Commission; and
3. Request the Sub-Commission to follow the working paper with a full study on women in prison and the children of women in prison with a view to identifying the different ways in which these issues have been addressed and making practical recommendations with regard to them, taking account of the recommendations and comments made by women prisoners and ex-prisoners themselves about the problems and ways in which they could be addressed better.
