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**INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER  
PERSPECTIVE**

**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]

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

## Women in Prison

The gender perspective on imprisonment has been largely overlooked. Whilst women are globally only about 5% of the total prison population<sup>1</sup>, in at least ten states women comprise over 10% of prisoners.<sup>2</sup> Furthermore, in many countries the rate of women's imprisonment is increasing far faster than the rate of men's imprisonment.<sup>3</sup> The numbers of indigenous women in prison are increasing at a particularly accelerated rate compared to non-indigenous women, as well as to both indigenous and non-indigenous men.<sup>4</sup>

Women's particular circumstances and needs are often overlooked by prison procedures and programmes designed for the needs of the majority male population. Whilst problems such as overcrowding, poor hygiene, and inadequate visitation facilities affect 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.

The Quaker United Nations Office, Geneva, and the Quaker Council for European Affairs, Brussels, are undertaking research on women in prison. Questionnaires have been sent to all UN Member States as well as to organisations working with prisoners and to associations of ex-prisoners around the world. The purpose is to gain a clearer understanding of the particular problems faced by women prisoners, and these can be addressed better.

The following are some of the many issues arising already identified:

- a) *Problems with accommodation:* The comparatively small number of prisons for women, coupled with the rapidly growing female prison population, means that there is limited accommodation for women prisoners compared to male prisoners. Women are often held at an unnecessarily high security level, in overcrowded cells, with inadequate hygiene facilities.

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<sup>1</sup> International Centre for Prison Studies (2002) *A Human Rights Approach to Prison Management* p. 133.

<sup>2</sup> International Centre for Prison Studies, as of 6/12/04: <http://www.prisonstudies.org/>

<sup>3</sup> e.g.

- HEUNI *Report on the Sixth United Nations Survey on Crime Trends and Criminal Justice Systems*, analysing data from 32 mostly European States and Territories, showed increase in number of convicted females in the prison population from 4.5 per 100,000 inhabitants in 1995, to 4.8 per 100,000 inhabitants in 1996, to 5.5 per 100,000 inhabitants in 1997.
- In Australia, New Zealand, the United States of America and England and Wales the female prison population has, since 1995, increased faster than the male prison population (Australian Bureau of Statistics <http://www.abs.gov.au/Ausstats/abs@.nsf/0/781c132ae9185bedca256e9e002975fc?OpenDocument>)
- In Australia, both male and female prisoner numbers have been increasing since 1984, although the number of female prisoners has been increasing at more than twice the rate than that of their male counterparts. This can be seen with the increase in female prisoners as a percentage of total prisoners since 1984: between 1984 and 2003, there was a 75% increase in the imprisonment rate per 100,000 male adults (age 17 and over) for men where as the equivalent rate for women soared by 209% (Australian Institute of Criminology: <http://www.aic.gov.au/topics/women/stats/corrections.html>)

<sup>4</sup> The United Nations Division for the Advancement of Women has found that "In many countries... indigenous women represent the fastest growing segment of the prison population.": Jonas, W: *Social Justice Report 2002* (Aboriginal and Torres Strait Islander Social Justice Commissioner, Human Rights and Equal Opportunity Commission, 2003) p155, citing UNDAW "Report of the Expert Group Meeting Gender and Racial Discrimination", 21-24 November 2000, Zagreb, Croatia

The UN Standard Minimum Rules for the Treatment of Prisoners<sup>5</sup> require that men and women be detained separately. However, as a result of the lack of facilities for women's detention, women and girls are, in some countries, imprisoned in mixed-sex facilities. This places women at an unacceptable risk of violent and/or sexual assault by male prisoners.

- b) *Inappropriate staffing:* The UN Standard Minimum Rules for the Treatment of Prisoners require that women prisoners be attended and supervised only by women officers, and no male staff enter women's facilities unless accompanied by a woman officer. Despite this, some countries still employ male staff in inappropriate capacities in women's prisons, placing female prisoners at risk of abuse. Prisoners who are abused by prison staff have little opportunity of escaping from their abuser. Those who file a complaint or take legal action are at risk of retaliation.
- c) *Lack of family contact:* Because there are fewer women's prisons, women are often imprisoned further away from their homes and families than are male prisoners, making family contact more difficult, with the result that women prisoners receive fewer family visits than their male counterparts. Where visits are possible, often the conditions make them traumatic for all parties, involving intrusive searches and/or a prohibition on physical contact, even with children.

At the same time, women prisoners are more likely than men prisoners to have been the sole or primary carer for young children and other family members. This dislocation of carer relationships not only causes substantial distress for the woman prisoner and makes her reintegration into society after prison more difficult, but has an enormous impact on her family, particularly on her children.

- d) *Indigenous women and foreign women:* Difficulties for women prisoners, especially in maintaining family contact, are often compounded for indigenous women and women who are imprisoned outside their own country. The particular needs of indigenous women are often overlooked.
- e) *Lack of education and work programs:* Because of their fewer numbers, women prisoners often have less access to activities, education or skills training than do male prisoners, or have access only to sewing, washing and other types of 'women's work';
- f) *Lack of proper healthcare:* Healthcare facilities for women in prison are usually inadequate. Women are more likely than men to experience mental illness in prison and self-harm, so psychiatric services are essential. HIV/AIDS rates of women prisoners are often very high, with infection being spread through sexual violence and drug use in prison. Women who are pregnant whilst in prison and nursing mothers are in need of particular health care facilities, which are often unavailable or sorely inadequate.

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<sup>5</sup> Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolution 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977

- g) *The adverse impact of imprisonment of mothers on their children:* Most women who are imprisoned are mothers.<sup>6</sup> This is rarely taken into account in their sentencing: the best interests of their children are not considered. Although imprisonment of either parent is traumatic for a child, the adverse effects are aggravated when it is the mother who is imprisoned.<sup>7</sup>

In many countries, babies born to women in prison stay in prison with their mother and very young children may accompany their mothers into prison. Facilities to ensure the safety, health and development of the child are often lacking or inadequate.

When a mother, as compared to a father, is imprisoned, a child is far more likely to be placed with in the care of state social services.<sup>8</sup> Even where a child can stay with extended family members, siblings are often separated. Children are often severely traumatised by the separation from their mother, leading to behaviour problems and delinquency. When a mother is released from prison, she often faces great difficulties in reunifying her family.

- h) *Reasons for the increasing female prison population:* The increase in the number of women in prison is primarily due to the increased use of incarceration to punish offences which were previously punished by non-custodial sentences. This is particularly the case in relation to drug offences and non-violent theft.

Women's imprisonment is also closely related to women's poverty, and their inability to pay fines for petty offences and/or to pay bail. Women on remand constitute a large percentage of the total women's prison population in many countries.<sup>9</sup>

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

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<sup>6</sup> e.g.

- in Brazil's largest women's prison, São Paulo, 87 per cent of women prisoners are mothers: Estimate of local prisoners' rights NGO's quoted in Howard, C: *Main Issues Facing Brazil's Women Prisoners* (unpublished paper, 2003)
- in the US, 80 per cent of women prisoners are mothers, with three-quarters having children under 18 years of age: Owen, B: "Understanding women in prison" in Ross, Jeffrey and Richards, Stephen (eds): *Convict Criminology* (Thomson Wordsworth, 2003) pp231-246, p244.
- in the UK, 66 per cent of women prisoners are mothers, 55 per cent have at least one child under 16; over one third have one or more children under 5 years old; and 34 per cent were single parents before going into prison: *Statistics on Women and the Criminal Justice System: A Home Office publication under Section 95 of the Criminal Justice Act 1991* (2002), pp35 & 37.

<sup>7</sup> Caddle, D and Crisp, D: *Mothers in Prison*, Home Office Research, Development and Statistics Directorate, Research Findings No.38 (1997) p2.

<sup>8</sup> When fathers are imprisoned, typically the mother cares (or continues to care) for the children. Human Rights Watch data examining children of incarcerated drug offenders in New York, for example, showed that 88.8per cent of children of imprisoned fathers lived with their mother or stepparent (and only 0.7per cent went into state care). Only 20.4 per cent of children of imprisoned mothers lived with their father or stepparent: Human Rights Watch: *Collateral Casualties: Children of incarcerated drug offenders in New York*, Vol.14, No.3 (G) (June 2002) p6.

<sup>9</sup> More than 70 per cent in India: Shankardass, R, Roy, H and Seshadri, V: *Workshop on new models of accessible justice: The India experience (Special focus on Women and Juveniles)* (2000) Penal Reform and Justice Association and Penal Reform International, p5. In the UK it was found that "Around a fifth of women in prison are on remand...one in five women on remand are eventually acquitted and around 60% received a non-custodial sentence": Fawcett Society Commission on Women and the Criminal Justice System: *Interim Report on Women and Offending* (2003) p9

1. Encourage the Human Rights Treaty Bodies, in particular the Committee on the Elimination of All Forms of Discrimination Against Women and the Committee on the Rights of the Child, to give serious and consistent attention to the human rights of women in prison and of their children when considering State reports;
2. Urge States to collect disaggregated data on women and girls in prison, and on children in prison with their mothers, and provide this and other information on these topics in their reports to the Human Rights Treaty Bodies;
3. Urge the United Nations Office on Drugs and Crime to collect disaggregated data on women and girls, including as to what type of crimes female prisoners have been convicted of, what number of female prisoners are awaiting trial, and what number of female prisoners are detained for non-payment of a penal fine or bail;
4. Call on UNIFEM, the Commission on the Status of Women and the Commission on Crime Prevention and Criminal Justice to give greater attention to issues relating to women in prison and their children;
5. Urge States to ensure that female prisoners are adequately protected from violent and sexual assault, in particular by prohibiting the inappropriate use of male correctional staff and the mixing of genders in prison facilities;
6. Urge States to ensure that adequate provisions are made for the care of the children of incarcerated women, both those entering prison with their mother and those remaining on the outside. Where children are in prison (or pre-trial detention) with their mother, careful provisions must be made and special facilities provided to promote their rights to survival, protection, development and participation whilst in prison. Where children are not permitted to stay with their imprisoned mother, arrangements must be made that maintain the child's relationship with their mother, and address the trauma of separation;
7. Urge States to consider the very serious consequences that imprisonment of women has for family relationships, and the importance of good family relationships as a key factor in crime prevention;
8. Urge States to give serious consideration to the social cost of the increasing use of custodial sentences as punishment for non-violent offences committed by women, and to consider alternative, non-custodial sentences for non-violent female offenders.

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