

FRIENDS WORLD COMMITTEE FOR CONSULTATION (QUAKERS)
www.quno.org



Quaker United Nations Office

13 Avenue du Mervelet
CH-1209 Geneva, Switzerland

Tel +41 (22) 748-4800

Fax +41 (22) 748-4819

Email quno@quno.ch

Submission to the United Nations Study on Violence Against Children

Violence against girls in detention

29 March 2005

The Quaker United Nations Offices located in Geneva and New York represent Friends World Committee for Consultation (Quakers), an international non-governmental organisation with General Consultative Status at the UN. QUNO works to promote the peace and justice concerns of Friends (Quakers) from around the world at the United Nations and other global institutions. It is supported by the American Friends Service Committee, Britain Yearly Meeting, the worldwide community of Friends, other groups and individuals.

Part 1: Overview of key concerns and recommendations

In 2003, the Quaker United Nations Office, Geneva, began research on women in prison. Our aims were to better understand why increasing numbers of women are being imprisoned, identify the conditions in which women prisoners are kept around the world, and draw attention to the particular impact that imprisonment has on women. In July 2004, we published *Women in Prison and Children of Imprisoned Mothers: A Preliminary Research Paper*.

In looking into the situation of women in prison, we have become aware that, whilst women's needs are generally overlooked in the penal system, the needs of girls (that is, females under the age of 18 years) are even more so.

This brief Submission seeks to draw the Study's attention to the vulnerability to violence of girls in prison and other forms of detention.

The key issues of concern in relation to girls in prison and other forms of detention are:

- The widespread practice of detaining girls with adults, and their vulnerability to violence in this situation;
- The lack of attention paid to the particular needs of girls in prison policies, procedures and facilities: such as in relation to decisions made as to pre-trial detention, opportunities for education and employment, healthcare and family contact.

Recommendations:

- That the Study highlight the vulnerability of girls in prison and other forms of detention.
- That the Study draw attention to the importance of ensuring that girl detainees are held separately from adult detainees and from male juvenile detainees.
- That the Study's recommendations include that States develop and implement policies and programmes concerning girls in detention that implement international human rights standards, in particular, the Convention on the Rights of the Child, taking a child rights perspective, as well as the other standards on juvenile justice.

Part 2: Context: The increasing numbers of women in detention

The human rights of women prisoners have been largely overlooked, on the assumption that women are a small minority of the prison population. However, whilst women are globally only about 5% of the total prison population¹, in at least ten states women comprise over 10% of prisoners.² Furthermore, in many countries the rate of women's imprisonment is increasing *far faster* than the rate of men's imprisonment.³

It is difficult to know whether this rapid increase in the female prison population is matched by a similar increase in the number of girls (females under the age of 18) in detention. The dearth of sex- and age- disaggregated data makes identification of the number of juvenile females in prison difficult.

Part 3: Lack of attention to the particular needs of women and girls in detention⁴

In many countries, women and girls in prison and other places of detention are victims of gender-based violence.

Even in those countries where women's prison conditions are not violent, prison programmes are almost invariably designed for the majority male prison population, and discrimination flows from a lack of women-orientated programming. Whilst problems such as overcrowding, poor hygiene and inadequate visitation facilities affect prisoners of either gender, there are many concerns which are specific to women and girl prisoners, or which affect female prisoners in a harsher way.

Women and girl prisoners are, as compared to male prisoners, discriminated against in decisions made as to pre-trial detention, opportunities for education and employment, healthcare, and in the exercise of parental rights. For example, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ECPT) has observed that girl detainees are all too often "offered activities which have been stereotyped as "appropriate" for them (such as sewing or handicrafts), whilst male juveniles are offered training of a far more vocational nature."⁵

¹ International Centre for Prison Studies (2002) *A Human Rights Approach to Prison Management* p.133; Penal Reform International (2003) *Human Rights and Vulnerable Prisoners*, p. 65.

² International Centre for Prison Studies, at <http://www.prisonstudies.org/> (accessed 6 December 2004).

³ For example, 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 an increase in number of convicted females in the prison population from 4.5 per 100,000 inhabitants in 1995, to 5.5 per 100,000 inhabitants in 1997. In Australia, New Zealand, the United States and England and Wales, the female prison population has, since 1995, increased faster than the male prison population (Australian Bureau of Statistics (2004) *Australian Social Trends*). In Australia, between 1984 and 2003, there was a 75% increase in the imprisonment rate per 100,000 male adults for men, whereas the equivalent rate for women soared by 209% (Australian Institute of Criminology, at <http://www.aic.gov.au/topics/women/stats/corrections.html>, accessed 29 December 2004).

⁴ For discussion of these issues in great detail, refer to the Quaker United Nations Office (2004) *Women in Prison and Children of Imprisoned Mothers: A Preliminary Research Paper*, Geneva. Available to download from www.quno.org.

⁵ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, CPT Standards, CPT/Inf/E (2002) 1, Rev. 2004, p. 65.

Justice Louise Arbour, on conducting an inquiry into Kingston Prison for Women in Canada, summarised many of the key problems in women's imprisonment in many countries:

Women ... [serve] their sentences in harsher conditions than men because of their small numbers. They have suffered greater family dislocation than men, because there are so few options for the imprisonment of women. They have been over-classified or, in any event, they have been detained in a facility that does not correspond to their classification. For the same reasons, they have been offered fewer programs than men, particularly in the case of women detained under protective custody arrangements... They have had no significant vocational training opportunities... few opportunities for transfer, and very little access to a true minimum security institution.⁶

The lack of attention to the needs of girl detainees may constitute violence in the form of neglect and maltreatment, and certainly impacts negatively on their rights to health and development.

Part 4: The widespread practice of detaining girls with adults

The small number of women's prisons and of female prisoners is even more marked in relation to detention facilities for juvenile females.

It has long been established that juveniles should not be held in custody with adults (with an exception in the rare circumstances where it is in the child's best interests to be detained with adults). The UN Standard Minimum Rules for the Treatment of Prisoners express this categorically:

8. The different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment. Thus,
 - (a) Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women the whole of the premises allocated to women shall be entirely separate; ...
 - (d) Young prisoners shall be kept separate from adults.⁷

However, it is not unusual for girls to be housed in adult prisons. Girl's vulnerability to violence in such a situation is manifest.

The Special Rapporteur on Prisons and Conditions of Detention in Africa stated in her report that "There is no specialised institution for young prisoners in

⁶ Arbour, L. (1996) *Commission of Inquiry into certain events at the Prison for Women in Kingston* (Public Works and Government Services Canada) p.180.

⁷ *Standard Minimum Rules for the Treatment of Prisoners*, 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 available at http://www.unhcr.ch/html/menu3/b/h_comp34.htm

Mozambique.⁸ A large number of them are detained together with adults during the day and also at night.”

In the **United Kingdom**, according to Silverman, “there are, at any one time, around 100 16 and 17-year-old girls sharing prison custody with adult women”.⁹ Whilst detention in adult facilities can also be an issue for male inmates it is a bigger problem in relation to girls, due to the shortage of women’s prisons in general and female juvenile offenders’ units in particular. According to the YWCA “only ten out of 136 prisons in England and Wales take women aged 21 and under.

In **Spain**, Helsinki Watch found that “there is no center for female young offenders...so they are held with the general prison population”.¹⁰

In **Albania**, female juvenile offenders serve their sentences in Prison 325, which has no juvenile section.¹¹ Police stations and pre-trial detention centres rarely have appropriate cells or staff to deal with women, let alone girls.¹²

Amnesty International’s 2003 report on child prisoners in **Pakistan**, highlights some of the issues facing female juvenile offenders:¹³

- Female child offenders are often treated more harshly than male child offenders, as they are considered to be adults “at the age of 16 years or if she reaches puberty before her 16th birthday”. The standard for ‘adulthood’ for male offenders is generally applied at a later age, i.e. 18 years or ‘physical manhood’ – physical maturity normally being attained later by boys than girls.
- Women and girls are often held in “women’s cells in regular police stations” where they are frequently interrogated with no male relative or female police officer present to prevent abuse. Outside of cities and urban areas, there are “virtually no female staff and no separate detention facilities in police and judicial lock-ups”.
- Section 15 of the (Pakistani) Juvenile Justice System Ordinance 2000 (JJSO) “prohibits the detention of female juvenile offenders in police lock ups or in women’s prisons. There must be separate enclosures for females in borstal institutions.” However, “At the time of writing this report [23/10/2003], there were no separate borstals for female child offenders in Pakistan. Girls are not only being detained in women’s prison in violation of the JJSO but are reportedly kept in the same cells as adult women. To Amnesty International’s knowledge, there are no separate wings in women’s prisons to house female child offenders”.
- “According to Hina Jilani of the Human Rights Commission of Pakistan, female child prisoners are still treated the same as female women prisoners despite the promulgation of the JJSO. Female children under the age of 18

⁸ Chirwa, V (2001) *Report of the Special Rapporteur on Prisons and Conditions of Detention in Africa: Prisons in Mozambique: Second Visit April 4-14 2001*, p. 10.

⁹ Silverman, J.: “Why are girls still put in adult prisons?” *BBC News Online* (05/08/2003) (accessed 6 August 2003).

¹⁰ Helsinki Watch/Human Rights Watch (1992) *Prison Conditions in Spain* p. 27.

¹¹ Children’s Human Rights Centre of Albania (2004) *No one to care*, Tirana, p. 11.

¹² *Ibid.*, p. 18.

¹³ Amnesty International: *Pakistan: Denial of Basic Rights for Child Prisoners 23/10/2003*. *ASA Index: 33/011/2003* available at <http://web.amnesty.org/library/Index/ENGASA330112003?open&of=ENG-373> (accessed 25 March 2005).

years are not provided with the same facilities as male children under the age of 18 years. According to the JJSO all detained children should be held separately from adults in borstal institutions but girls continue to be detained in jails with women. To Amnesty International's knowledge no separate detention facilities for girls exist and currently there are no plans to construct borstal facilities to house female child offenders in Pakistan.”

In the **Russian Federation**, there are only three penal colonies for underage girls, so girls are often transferred far from their homes to be imprisoned.¹⁴ Transferral may take a very long time, and the conditions of transferal are very hard. Alpern quotes essays by inmates from the Ryazan and Novy Oskol colonies, written in 2000 – 2001:

Elena K., 18 years of age:

How I traveled from the prison to the zone?¹⁵ We left Ekaterinburg on May 17, 2000, at 4 a.m. in an autozak.¹⁶ We were six little girls and one 19-year old girl... At first they locked 12 of us in one compartment, we asked the chief and he left only little girls in that compartment. ...

So we arrived, and after the body search they took us to the cell. The cell was awful, dirty, cold, damp, dark, but you can talk to the boys. I saw a hole in the floor, a hole that you can stick your arm through, it was called the “holster.” Two days later we had to leave, but we did not want to, as I had met a boy and he was saying he loved me, but it is all rubbish. We were put in a stolypin again, and we were in Ryazan in less than a day; so we are taken up to the cell, and it’s horrible: about 40 to 45 people there, ten minors, and the rest were grown-ups, grown up women, and “male-women,” and you know...

Tamara Ch., 17 years of age:

The first day of the trip was terrible. We were treated like dogs as we were taken from the IVS (temporary detention ward) to the pretrial detention facility. We were put into an autozak and taken to the stolypin. The autozak was dark and dirty with hardly any air in it, and when we were loaded into the railroad car, we were thrown about as if we were things to throw away, and those who moved slowly were beaten with truncheons on the back. There were bars around me, and behind those bars there were boys, dozens of them, and they would thrust themselves against the bars and ask you a lot of questions about everything. My impression was as if I found myself in a jungle, and this feeling will stay with me for my entire life. There were much too many of us in the triplet (railroad car), no room to move, and there was a long way ahead of us, we were hungry, sleepy, and longed for a wash. They would take you out to relieve yourself only once during the whole day, and some guards wouldn’t take you out at all, so girls had to pee in bottles and plastic bags, it’s such cruelty. They scattered a load of dry chloride lime in the car, and we had to breathe it the entire travel. Forwarding is horrible, and to live through it, you need stamina, and it affects you psychologically, people become even harsher. I’ve been through all this, and there was no one to help me or protect me.

¹⁴ Alpern, L. *Women and the System of Criminal Justice in Russia: 2000-2002*, at <http://www.mhg.ru/english/1F4FF6D> (accessed 25 March 2005).

¹⁵ “Zone” — prison jargon for penal colony.

¹⁶ “Autozak” — a truck converted into a prisoner transportation vehicle.