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REPORT

on the situation of women in prison and the impact of the imprisonment of
parents on social and family life
(2007/2116(INI))

Committee on Women's Rights and Gender Equality

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the situation of women in prison and the impact of the imprisonment of parents on social and family life (2007/2116(INI))

The European Parliament,

- having regard to Articles 6 and 7 of the EU Treaty and Article 4 of the new Charter of Fundamental Rights of the European Union, proclaimed on 12 December 2007¹, which concern the protection of human rights,
- having regard to the Universal Declaration of Human Rights, in particular Article 5 thereof, the International Covenant on Civil and Political Rights, in particular Article 7 thereof, the 1987 European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and the Optional Protocol to that Convention on the establishment of a system of regular visits by international and national bodies to places of detention²,
- having regard to Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, its protocols and the case law of the European Court of Human Rights,
- having regard to the aforementioned CPT, which established the European Committee for the Prevention of Torture and Inhumane and Degrading Treatment, and the Committee's reports,
- having regard to the United Nations Standard Minimum Rules for the Treatment of Prisoners of 1957, and the declarations and principles adopted in this regard by the United Nations General Assembly,
- having regard to the United Nations Convention on the Rights of the Child of 20 November 1989,
- having regard to the Council of Europe's Resolution (73)5 on Standard Minimum Rules for the Treatment of Prisoners, Recommendation R (87)3 on the European Prison Rules and Recommendation R(2006)2 on the European Prison Rules,
- having regard to the recommendations adopted by the Parliamentary Assembly of the Council of Europe, in particular Recommendation R(2006)1747 on a European prisons charter and Recommendation R(2000)1469 on Mothers and Babies in Prison,
- having regard to its resolution of 26 May 1989 on women and children in prison³, its resolution of 18 January 1996 on poor conditions in prisons in the European Union⁴, its

¹ OJ C 303, 14.12.2007, p. 1.

² OJ C 32, 5.2.1996, p. 102.

³ JO C158 du 26.6.1989, p. 511.

⁴ JO C 32 du 5.2.1996, p. 102.

resolution of 17 December 1998 on prison conditions in the European Union: improvements and alternative penalties¹ and its recommendation to the Council of 9 March 2004 on the rights of prisoners in the European Union²,

- having regard to Rule 45 of its Rules of Procedure,
- having regard to the report of the Committee on Women's Rights and Gender Equality (A6-0033/2008),
- A. whereas under the international and European conventions³, anyone imprisoned should be treated with respect for their human rights, and prison conditions should be in line with the principles of human dignity, non-discrimination and respect for privacy and family life and be subject to regular evaluations by independent bodies,
- B. whereas the specific needs and circumstances of women in prison should be taken into account in judicial rulings and criminal law and by Member States' penal institutions,
- C. whereas women's imprisonment reflects the position of women in society, women being confined in a system essentially designed, built and run by men for men,
- D. whereas visible measures adapted to the specific needs of women should be put in place, including the application of alternative sentences,
- E. whereas pregnant women in prison should be able to receive the required support and information and essentials for a healthy pregnancy and motherhood, in particular a balanced diet, appropriate sanitary conditions, fresh air, exercise and ante- and postnatal care,
- F. whereas all prisoners, male and female, should have equal access to health care, but prison policies should be particularly attentive to the prevention, monitoring and treatment of physical and mental health problems specific to women,
- G. whereas a mother's mental and physical health is linked to that of her child,
- H. whereas a large number of women in prison suffer or have suffered from addiction to drugs or other substances⁴ that may be the cause of mental or behavioural disorders and require medical treatment as well as appropriate social and psychological support, as part of a comprehensive prison health policy,
- I. whereas it is known today that a large number of women prisoners have been the victims of violence, sexual abuse or mistreatment by their family or partner and suffered a state of economic and psychological dependence, and that this has contributed directly to their criminal record and brought physical and psychological consequences, such as post-

¹ JO C 98 du 9.4.1999, p. 299.

² JO C 102 E du 28.4.2004, p. 154.

³ Articles 1^{er}, 3, 5 et 12 de la déclaration universelle des droits de l'homme et article 1^{er} des principes fondamentaux relatifs au traitement des détenus adoptés par l'Assemblée générale des Nations unies dans sa résolution 45/111 du 14 décembre 1990;

⁴ Recommandation R (2006)2 précitée

traumatic stress,

- J. whereas prison staff should be adequately trained and have sufficient awareness as regards equal opportunities and the specific needs and circumstances of women prisoners; whereas particular attention should be paid to the most vulnerable, i.e. minors and those with disabilities,
- K. whereas the maintaining of family ties is an essential means of preventing repeat offences and aiding social reintegration and is the right of all prisoners, their children¹ and other family members, and the exercise of this right is often complicated for women in particular by the scarceness and, therefore, potential geographical remoteness of women's detention centres,
- L. whereas the best interests of children should always be a consideration in decisions on whether to separate them or keep them with an imprisoned parent, bearing in mind that, in all cases, the enjoyment of parental rights by the other parent should be guaranteed, along with appropriate procedures for ensuring that emotional ties are maintained with the original family circle (siblings, grandparents and other family members),
- M. whereas, by signing the aforementioned Convention on the Rights of the Child (and other international instruments²), the States Parties undertook to guarantee all children, without discrimination and regardless of the legal status of their parents, the enjoyment of all rights provided for under the Convention, including the right to adequate health care, leisure and education, and this commitment should also apply to children living with their imprisoned parent,
- N. whereas the role of penal institutions, beyond the punishment of illegal activities, should be to aid social and professional reintegration, bearing in mind the situations of social exclusion and poverty that many prisoners, male and female, have often experienced³,
- O. whereas many women who are imprisoned are, at that point, involved in ongoing legal proceedings (abandonment, the fostering or adoption of children, divorce or separation, eviction etc.), which remain unresolved, placing them in a position of defencelessness and a permanent state of uncertainty and stress,
- P. whereas prisoners are often unaware of the social resources available to them, and, in many cases, the lack, loss or invalidity of their administrative documents (identity papers, health card, family record card etc.) prevents them, in practice, from exercising the rights enjoyed by nationals of each Member State,
- Q. whereas the increased number of women in prison is partly due to the worsening of economic conditions for women,
- R. whereas equal access for male and female prisoners to employment, vocational training and leisure activities during their imprisonment is fundamental for their psychological

¹ Article 9, paragraphe 3, de la convention relative aux droits de l'enfant précitée.

² Articles 1^{er}, 3, 5 et 12 de la déclaration universelle des droits de l'homme et article 1^{er} des principes fondamentaux relatifs au traitement des détenus, précités.

³ Recommandation R (2006)2 précitée

wellbeing and their reintegration into society and the world of work,

- S. whereas the educational, training, employment, leisure and personal development opportunities available to male and female prisoners, however extensive, are not sufficient by themselves and mentoring programmes should be drawn up to facilitate prisoners' involvement in the planning and development of their journey towards reintegration,
- T. whereas women in prison should have access, without encountering discrimination of any kind, to employment, voluntary work and varied vocational training and civic education measures designed to facilitate their reintegration once the sentence has been served and adapted to job market requirements,
- U. whereas the successful social reintegration of male and female prisoners and the prevention of repeat offences depend on the quality of supervision given during the sentence and, in particular, on the partnerships established with businesses and social assistance organisations, as well as on the monitoring and social and professional assistance provided after the sentence has been served,
- V. whereas there is a serious need of gender-disaggregated, comprehensive, comparable and updated data and statistics,

Prison conditions

1. Encourages Member States to invest sufficient resources in modernising and adapting their prison infrastructures and to implement the aforementioned Recommendation R(2006)2 of the Council of Europe so that prison conditions ensure respect for human dignity and fundamental rights, in particular as regards accommodation, health, hygiene, diet, ventilation and light;
2. Repeats its call for the Commission and Council to adopt a framework decision, on the basis of Article 6 of the EU Treaty, on minimum standards to protect the rights of prisoners (as recommended, moreover, by the Council of Europe in the aforementioned Recommendation R(2006)2) and asks the Council to circulate and promote the application of the Council of Europe's prison rules for the greater harmonisation of prison conditions in Europe, including the consideration of the distinct needs of women, and set out clearly the rights and obligations of male and female prisoners;
3. Asks the Commission to include in its annual human rights report an evaluation of respect for male and female prisoners' fundamental rights and of special prison conditions for women;
4. Urges Member States and accession countries to ratify the Optional Protocol to the CPT on the establishment of a system of regular visits by international and national bodies to places of detention and asks the Council and Commission to encourage the ratification of this convention and its protocol as part of European Union external policy;
5. Underlines that compliance with national and international legal standards in the running of detention centres should be verified by regular inspections by the competent authorities;

6. Asks Member States to adopt the necessary measures to ensure the smooth running of penal institutions and the safety of staff and all prisoners by putting a stop to the situations of violence and abuse to which women and people from ethnic and social minorities are particularly vulnerable;
7. Recalls the ‘specific nature’ of women’s prisons and insists that security and reintegration arrangements aimed at women should be put in place;
8. Asks Member States to incorporate gender equality into their prison policies and detention centres and to take greater account of women’s specific circumstances and the often traumatic past of women prisoners, in particular through awareness-raising and appropriate training for medical and prison staff and the re-education of women in fundamental values by:
 - a) incorporating gender mainstreaming into data collection wherever possible to render visible the problems and needs of women;
 - b) setting up, in each Member State, an investigatory committee and permanent monitoring systems for an effective assessment of prison conditions, in order to be able to detect and remedy any aspects of discrimination still affecting women in the prison system;
 - c) highlighting in local, regional and national debates the needs of women prisoners and former prisoners to encourage positive measures in relation to social resources, housing and training etc.
9. Calls on Member States to guarantee women equal, non-discriminatory access to health care of all kinds, which should be at a standard equivalent to that provided for the rest of the population in order effectively to prevent and treat illnesses specific to women¹;
10. Recalls the need to take measures to ensure that the distinct needs of women prisoners in terms of hygiene in penal institutions and the provision of the necessary hygiene facilities are better taken into account;
11. Asks Member States to adopt a comprehensive prison health policy that allows the identification and treatment of physical and mental disorders occurring following imprisonment and to provide medical and psychological assistance to all prisoners, male and female, suffering from addictions, with respect, however, for women’s specific circumstances;
12. Asks Member States to take all measures necessary to provide psychological support to all women prisoners and, in particular, those that have been the victims of violence or mistreatment, mothers raising children alone and juvenile offenders, in order to assure them better protection and improve their family and social relations and, therefore, their chances with regard to social reintegration; recommends that prison staff should receive training on and be made aware of the particular vulnerability of these prisoners;

¹ Recommandation R (2006)2 précitée

13. Recommends that the imprisonment of pregnant women and mothers with young children should only be considered as a last resort and that, in this extreme case, they should be entitled to a more spacious cell, an individual cell if possible, and should be given particular attention, especially in terms of diet and hygiene; considers, furthermore, that pregnant women should receive antenatal and postnatal care and parenting classes of a standard equivalent to those provided outside the prison environment;
14. Draws attention to the fact that when women have healthy deliveries in prison, forced separation from the infant usually comes within twenty-four to seventy-two hours after the birth and welcomes any alternative solution from the Commission and the Member States;
15. Stresses the need for the judicial system to ensure that children's rights are respected in the consideration of matters relating to the imprisonment of mothers;

Maintaining family ties and social relations

16. Recommends that alternative penalties to imprisonment, such as community-based sentences, should be favoured to a greater extent, particularly for mothers, provided that the sentence imposed is short and the risk to public safety low, where their imprisonment could result in serious disruptions to family life, in particular if they are single parents or have young children, or are responsible for looking after dependent or incapacitated persons; underlines that the judicial authorities should take account of these factors, in particular the best interests of the child(ren) of the defendant, when deciding on the sentence; recommends, likewise, considering the possibility of adopting similar measures as those established for mothers for male prisoners with custody of children or who have other family responsibilities;
17. Underlines that the repercussions of isolation and distress for the health of pregnant women prisoners could also have harmful, or even dangerous, consequences for the child, and that these consequences should be considered very carefully in decisions to issue a prison sentence;
18. Insists, moreover, on the need for the judiciary to ascertain whether there are children to consider before taking a decision to remand a defendant in custody, and when issuing the sentence, and to ensure that measures are taken to guarantee their rights in full;
19. Asks Member States to increase the number of women's detention centres and to spread them more evenly across their territory so that it is easier for women prisoners to maintain family ties and friendships and take part in religious services;
20. Recommends that Member States should encourage penal institutions to adopt flexible rules concerning arrangements for the frequency, duration and scheduling of visits that family members, friends and others should be entitled to make;
21. Asks Member States to make it easier for families to stay in touch, in particular imprisoned parents and their children, unless this is counter to the children's best interests, by creating a visiting environment with an atmosphere distinct from that of prison in general that allows joint activities and appropriate emotional contact;

22. Urges Member States to fulfil their international obligations¹ by ensuring equal rights and treatment for children residing with their imprisoned parent and to create living conditions adapted to their needs through the provision of separate cells removed, where possible, from the ordinary prison environment, through their attendance of local nurseries or schools and through flexible and generous arrangements for outings with other family members or with child protection officials, enabling their healthy physical, mental, emotional and social development, and with suitable facilities and qualified staff to assist prisoners who are mothers with their parental responsibilities and the necessary care; recommends also that, in the case of minors residing in prison, the other parent should be able to exercise his or her parental authority;
23. Notes with regret that many of the women in prison are single mothers and they lose contact with their children, sometimes forever; asks the Commission and the Member States to deliver and implement alternative policies in order to avoid total separation;
24. Urges Member States to guarantee free legal assistance for all prisoners on matters relating to imprisonment, which, in the case of women prisoners, should be specifically geared to family law in order to address issues relating to fostering, adoption, legal separation and gender violence etc.
25. Recommends the development of awareness and information campaigns concerning local social services, as well as ongoing procedures to update personal and family administrative documents and those pertaining to health care, so that women prisoners can exercise their full rights as citizens;
26. Asks Member States to provide psycho-social treatment to ensure the best possible preparation for the separation of women prisoners from their children and to lessen the negative impact;

Social and professional reintegration

27. Recommends that Member States should adopt the measures necessary to ensure that all prisoners, male and female, are offered the chance of adequately paid and varied work that will permit their personal development, without any segregation on the basis of gender or any other form of discrimination, and, to this end, set up partnerships with companies;
28. Asks Member States to invest more resources, including through the application of Community financial instruments such as the European Social Fund and PROGRESS, for the development in prisons of lifelong literacy and education programmes and vocational training adapted to job market requirements and possibly leading to a qualification;
29. Stresses that these programmes should include language courses, including the teaching of the national language in question (or at least one of them) for the benefit of foreign prisoners, information technology courses and courses in social and professional behaviour;
30. Underlines the fundamental role of non-governmental organisations in the social and

¹ Recommandation R (2006)2 précitée.

professional reintegration of prisoners, in particular women, and therefore asks Member States to encourage the development of these organisations' activities in the prison environment, including by increasing the funding allocated to NGOs, making the conditions for access to prison by NGO members less rigid and raising the awareness of prison staff as regards the need for good cooperation with these organisations;

31. Considers that, except in cases of high risk to public safety and long sentences, greater use of semi-custodial arrangements allowing male and female prisoners to work or take vocational training outside prison walls could aid their social and professional reintegration;
32. Stresses that working conditions for male and female prisoners, in particular pregnant women and women who have just given birth, should be in conformity with national and Community legislation, and regularly monitored by the competent authorities;
33. Underlines the need to encourage the involvement of male and female prisoners in a programme aimed at professional development and social reintegration, in particular by means of a personal report and by ensuring that these efforts are assessed annually;
34. Considers it a matter of priority to ensure that, in each detention centre, male and female prisoners who so wish have access to personal guidance and mentoring for the planning, realisation and completion of their personal development and social reintegration, which should continue following their release from prison;
35. Recalls the need to apply social assistance measures, during imprisonment and afterwards, aimed at preparing prisoners for and helping them with reintegration, in particular as regards finding accommodation and employment, so as to prevent social exclusion and repeat offences;
36. Underlines the importance of maintaining and promoting male and female prisoners' contact with the outside world, including through access to the written press and to the media and through communication with social assistance bodies, NGOs and cultural, artistic and other organisations approved by the prison authorities;
37. Stresses that regular access for all prisoners to sports and recreational activities, and to artistic and cultural education opportunities, is crucial to maintaining their psychological wellbeing and improving their chances with regard to social reintegration;
38. Asks the Commission to pay particular attention to the prison population in its action programme to combat social exclusion;
39. Recommends that Member States should pay special attention to male and female prisoners of foreign nationality, in particular as regards linguistic and cultural differences, help these prisoners remain in contact with their relatives and grant them access to contact with their consulates, to prison resources and programmes, and to understandable information; also recommends that they should take into account the specificity of foreign women in the planning of prison activities, train agents for working in a multicultural context, both in and out of prison, and provide mediation services in and out of prison;

40. Asks Member States, in the aim of social and professional reintegration, to take all measures necessary to incorporate into their national legislation provisions favouring the recruitment of female former prisoners, in particular mothers raising children alone and juvenile offenders, in both the public and private sector;
41. Encourages Member States to exchange information and best practice in relation to prison conditions, in particular those for women, and regarding the effectiveness of vocational training and social reintegration measures; considers it important, therefore, to encourage and finance the involvement of the authorities and actors on the ground in the creation of innovative programmes and best practices as well as in national and international conferences and debates, as a means of providing motivation and generating positive cooperation;
42. Asks the Commission, together with the Member States to promote the carrying-out of prison-related research from a gender point of view and to fund studies on the causes of crime and the effectiveness of penal systems, with a view to improving the participation of prisoners, male and female, in social, family and working life
43. Instructs its President to forward this resolution to the Council and Commission, and the parliaments and governments of the Member States and accession and candidate countries.

EXPLANATORY STATEMENT

Women in Europe constitute an average of roughly 4.5% to 5.0% of the total prison population (from 2.9% in Poland to 7.8 % in Spain).

Prisons remain geared towards male prisoners and tend to ignore the specific problems of women who are a small though growing proportion of people held in prison. Main areas of concern are healthcare, situation of mothers with children and professional and social reintegration.

The inmate structure reveals that female prisoners show a high incidence of substance abuse and a great number of inmates have a history of psychological, physical or sexual abuse. Specific attention should be paid to women's health care and hygiene needs, in particular pregnant women prisoners require specialised resources and attention, in respect of diet, exercise, clothing, medication and medical care.

More than half of the prisoners in European prisons are mothers of at least one child, this percentage being particularly high in Spain and in Greece. Children who remain with their imprisoned mothers require adequate protection and care and should not suffer from any form of discrimination. Imprisonment of women can have particularly grave implications when they have been the sole carers of their children prior to imprisonment. An additional problem is the preservation of family ties. As there are fewer prisons holding women, they may be imprisoned far away from their homes and communities, thus limiting the visiting possibilities.

Women in prison may also face discrimination with regard to access to work, education and training facilities which are often insufficient, gender oriented and rarely adapted to the labour market needs.

Given the fact that the number of women prisoners in many European countries has been increasing, sometimes even faster than the size of the men's prison population (for example in England and Wales between 1992 and 2002 the male prison population increased by 50%, while the female — by 173%¹), it has become imperative to take steps to meet the needs of women in prison.

Health care in prison.

Concerns about the health care in prison are raised in almost all the studies dealing with the living conditions of the prison population. According to international and European standards and Conventions, all prisoners, women and men, should enjoy equal access to health care services which should be of the same quality as the ones provided to the general population.

Although in some respects women and men in prison face similar health problems, there is a significant difference in the nature, intensity and complexity of the problems in the gender groups. In prison systems mostly primarily designed for men, women's health needs are often

¹ Women and the criminal justice system, Fawcett Society, 2004

not sufficiently addressed by prison policy, programs, procedures and staff. Women have additional and different needs with respect not only to hygiene, maternity care and gynaecological health but also to psychological health notably because of a greater incidence of past or recent abuse whether physical, emotional or sexual in nature.

It is therefore important to underline the necessity to provide for healthcare programmes and hygiene conditions that are adapted to the specific needs of imprisoned women and to ensure adequate training of the prison's medical staff. In addition, an integrated approach to addiction or other health problems needs to be implemented.

A. Drugs addiction

The prison population can be considered as a high risk group in terms of drug use: drug users are over-represented in prison, and an important rate of female prisoners have been sentenced as a result of drug offences (the largest part for drug possession) showing that drugs are a significant and increasing problem in the life of delinquent women¹.

However, according to a recent study, only a few European countries have developed drug treatment programmes for prisoners².

In its 2006 Annual Report³, the EMCDDA concludes that "It is now accepted that understanding gender differences in drug-related behaviours is a critical requirement for developing effective responses" and "ensuring equality of access to services and sensitivity to gender-specific issues within services are two of the key themes for developing high-quality care in this area". In the information available in 2006, national reports reveal that only four countries (France, Portugal, Slovakia and Sweden) have gender-oriented specific projects for drug-using female prisoners.

B. Mental health

The prison institution as it stands is not only a poor solution to managing individuals with acute and chronic mental health diseases, but the isolative and disempowering nature of imprisonment can also be a contributor to the development of mental health diseases. Even if prison's staff is supposed to maintain order and security, prison is still a hostile environment which can affect persons who have been previously subjected of violence and abuses. Consequently, the adoption of an integrated health policy that would cover both mental and physical problems as well as the provision of psychological support to mentally ill prisoners is of paramount importance.

C. Pregnancy

¹ Training curriculum for women's prisons - health aspects, Claudia Kestermann, in "International Study on Women's Imprisonment - Current situation, demand analysis and "best practice", http://www.uni-greifswald.de/~ls3/Dokumente/Reader_womeninprison.pdf.

² Problematic drug users in prison', MacDonald M, presentation at 'Criminal Justice and Drugs, Reducing Drug Use – Combating Crime, Lessons from Other Countries on Dealing with Drug Related Offences', July 2005: <http://www.uce.ac.uk/crq/presentations/2>

³ Ibid. Special issue 2. <http://issues06.emcdda.europa.eu/en/page013-en.html>

The UN Human Rights Committee in its comments on the International Covenant on Civil and Political Rights notes that: " Pregnant women who are deprived of their liberty should receive humane treatment and respect for their inherent dignity at all times, and in particular during the birth and while caring for their newborn children; States parties should report on facilities to ensure this and on medical and health care for such mothers and babies."¹

Pregnant women in prison are required to be given adequate medical ante-natal and post-natal care but they may not be seen as medical priorities by poorly resourced and security conscious prison staff. The Standard Minimum Rules for the Treatment of Prisoners, rule n° 23 (1) recommends that "in women's institutions there shall be special accommodation for all necessary pre-natal and post-natal care and treatment"². They also have dietary requirements, medical special needs and specialised exercise regimes, which are not sufficiently provided for in the prison environment.

Mothers in prison

The mother's imprisonment can result in a complete disruption to family life. The separation is harmful for mothers and children which become innocent victims of the decision taken over their mother.

The average age of the majority of imprisoned women in Europe is between 20 and 40 and as a consequence the women are likely to be or become mothers. When they are already mothers at the time of their arrest, they are often the primary or the only carers of their children.

According to Rachel Taylor, in the United Kingdom in 2002:

- " - 66% of female prisoners were mothers;
- 55% had at least one child under 16. Over 1/3 of the mothers had one or more children under 5 years old;
- 34% of mothers were single parents before prison, with the proportion rising to 43% for those who expected to be single parent on release."

A. Mothers

Concern over their children is cited by women in custody as one of the most important factors in causing them depression and anxiety, and in leading to self-harm. The study conducted on behalf of the European Commission³ confirms that "losses and ruptures due to separation from [...] children were very much emphasised by all country reports as a major source of pain in prison for the women".

Prisoners who have failed as citizens can succeed as parents and furthermore, success as parent can help them to become better citizens. Studies have proved that good family links are important at the time of the release notably because having a stable family environment to

¹General Comment No. 28: Equality of rights between men and women (article 3), 29/03/2000
[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/13b02776122d4838802568b900360e80?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/13b02776122d4838802568b900360e80?Opendocument)

² Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva in 1955, and approved by the Economic and Social Council resolution 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977 http://www.unhchr.ch/html/menu3/b/h_comp34.htm

³ "Women, Integration and Prison: an Analysis of the Processes of the Socio-Labour Integration of Women Prisoners in Europe", MIP project, coordinated by SURT, Associació de dones per la Reinserció Laboral (January 2005). http://mip.surt.org/en/final_results.html

return is a major disincentive to recidivism¹.

B. Children

Several studies have noted the difficulties involved in making any generalisations about the impact on children of separation from their parents as a result of imprisonment². The extent to which a child will be affected by parental incarceration depends on a large number of variables: the age at which the parent-child separation occurs, the length of separation, the child's familiarity with his or her new caregiver, and the degree of stigma that the child's community associates with imprisonment³. Keeping a baby with his mother raises complex issues about the facilities available for such children to ensure their own appropriate development – physical, mental and emotional, including their interaction with external people (more especially other children).

The Council of Europe recommends, in a report published in 2000, the development of "small scale secure and semi-secure units with social services support for the small number of mothers who do require such custody, where children can be cared for in a child-friendly environment and where the best interests of the child will be paramount, but where security can be offered to the public"⁴.

Even in the cases where special mother and baby units are provided, these are often very limited in numbers. These units are expensive to fund and as a result supply is lower than demand.

C. Visits of the children in prison:

Visits are a vital way of maintaining meaningful family relationships to prisoners, and this opportunity should be offered as soon as possible. A study in France found that if an offender had no contact with a child during the first six months of detention, no further contact with the child ensued.⁵

The preservation of family ties plays an important role in the prevention of recidivism and social reintegration of prisoners. However, a certain number of factors such as inflexible visiting conditions and unfriendly visiting environments can cause a disruption in family relationships and contact with children.

The challenge is to create an environment that balances both the needs of security and of good family contact (flexible visiting conditions, visit room allowing some freedom of movement and family privacy, friendly environment for children etc).

Preparing the future: social and professional reintegration

¹ Oliver Robertson's study cited previously.

² Oliver Robertson observes, *ibid.*, p.11

³ "Forgotten Families - the impacts of imprisonment" in *Family Matters*, Ann Cunningham, Winter 2001, p.36-37.

⁴ <http://assembly.coe.int/Documents/WorkingDocs/doc00/EDOC8762.htm>

⁵ Relais Enfants-Parents (1999) *Maintien des liens en détention*, quoted in Liz Ayre et al., *Children of imprisoned Parents: European Perspectives of Good Practices*, 2006, p.48

Prisons have to fulfil two essential and complementary missions:

- the protection of the public from people who have had dangerous or at least punishable behaviours and;
- the reintegration of the convicted persons in the society, at the time of their release.

A. Education, training and employment:

Statistics on women's prisoners suggest a generally low level of education and a professional skills deficit. In the UK for instance, "47% have no educational qualifications. Whilst 2 % of the general population have been excluded from school, 33% of sentenced women prisoners were excluded from school"¹. If the time spent in prison is to be used to prepare the inmates for a more stable life after their release, education should be an important tool in that purpose.

Because of limited resources (staff and finance) prisons in Europe are not able to compensate for all educational and skill deficits but should at least offer all prisoners the possibility to acquire the basic educational skills that are necessary for their future social reintegration.

In many European prisons a division is observed between vocational training for women and the demands of the labour market. Most prisons offer a feminized job training limited to the development of the skills and abilities traditionally attributed to women in the cultural and societal female role (dressmaking, hairdressing, cleaning, textiles, embroidery, etc.). These low paid activities do not receive a highly valued response in the labour market and thus may favour the perpetuation of social inequalities as well as undermine social and professional integration.

Prison authorities should be encouraged to provide high quality vocational training measures that are adapted to the labour market needs as well as diversified employment opportunities free from gender stereotypes. The collaboration of prison institutions with external firms for the employment of prisoners should also be promoted as part of the prisoner's rehabilitation process.

B. Social inclusion

Upon leaving prison most prisoners have to face a broad range of crucial problems such as ensure housing, regular income, heal relationships with and provide for children or other dependent family members.

Successful social inclusion of prisoners must be prepared during and after imprisonment with the cooperation of social services and other relevant organizations in order to ensure a smooth transition from prison to liberty. Particular attention must be granted to the psychological preparation (processing of crime, handling of traumas and addictions through appropriate psychological support and treatment) and to the provision of social support for release (working out positive projects etc.)

¹ see http://www.quaker.org/qcea/prison/Country%20Reports/UK_England%20and%20Wales_%20Report%20-%20Final.pdf

RESULT OF FINAL VOTE IN COMMITTEE

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Substitute(s) under Rule 178(2) present for the final vote	Petru Filip, Eva Lichtenberger, José Ribeiro e Castro, María Sornosa Martínez



**Quaker Peace &
Social Witness**



**Quaker United
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for European
Affairs**

Women in Prison and the Children of Imprisoned Mothers

A briefing for Friends

**Women in Prison Project Group
August 2007**

Women in Prison and the Children of Imprisoned Mothers: A briefing for Friends

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Women in Prison: a summary

"Women and men are different. Equal treatment of men and women does not result in equal outcomes." (Corston Report)

Men and women are alike subjected to imprisonment but little consideration has been given to the different needs and problems of imprisoned women as opposed to those of men. This omission may reflect the fact that women prisoners are a very small minority of the overall prison population: only four percent worldwide. Throughout the world, prison regimes are almost invariably designed for the majority male prison population and therefore do not provide for the needs of women.

Women prisoners' physical, mental and emotional needs differ from those of men. Prisons may be unable to offer adequate maternity and ante-natal care, or appropriate access to feminine hygiene products. Women can have different needs relating to problems such as substance addiction, mental health, anger management, a history of psychological, physical or sexual abuse.

Female prisoners have a higher rate of mental illness and are more likely to have been victims of physical and sexual abuse than the general population and are at higher risk of self-harm and suicide. They may respond differently to security regimes and require less harsh forms of physical restraint. In mixed-sex prisons the security regime may be disproportionately harsher for women because it is designed for men.

Most women in prison are mothers and/or the main carer for children, thus it is particularly important that ways be found of helping them to maintain family ties. The rights of the children of women who are imprisoned are also an important consideration.

Research shows that custodial sentences are not appropriate for many women nor effective in reducing offending or reoffending. The experience of imprisonment can have damaging effects for both mothers and their children and can exacerbate mental health issues or problematic drug or alcohol addiction among women in prison.

We do not ignore the needs of men in prison: our focus is on women in prison because they, and their children, have been generally neglected by researchers and governments.

We hope this work will lead to further research and to more positive and sensitive government attention worldwide for women offenders and women likely to offend.

**Women in Prison Project Group
August 2007**

Introduction to this briefing

Quakers' concern

Quakers have been involved in issues of criminal justice and conditions for most of the 350 years of our existence. The belief that God is in every individual prompts us to see criminals as human beings with dignity and rights and to care for their welfare no matter what their crimes. We do not believe that anyone is outside God's love. Crime is an area where both forgiveness and justice are needed.

The long-standing Quaker involvement in criminal justice and human rights issues at the national, regional and international levels has led to increasing concern about the under-considered and growing problem of women in prison and the situation of children of imprisoned mothers. We share the concern that prison is an inappropriate place for many women because (a) women are not so dangerous as to warrant this level of security, and (b) they are often in need of types of help and support that even the best equipped prison is unable or unsuited to provide.

This particular piece of work, the Women in Prison Project, is a joint venture by four Quaker bodies. Our goals are to bring about changes which mean:

- fewer women are imprisoned
- harm to children of imprisoned mothers is reduced as much as feasible
- treatment of women in prison is improved as much as possible
- the rights of children of imprisoned mothers are respected at all stages of the criminal justice process

The purpose of this briefing is to inform you and encourage and help you to be part of achieving these changes.

The briefing

This briefing highlights the needs of women prisoners and the damaging effects of prison and pre-trial detention on women and their children around the world. It also tells you how to keep in touch with work of the Women in Prison Project and suggests ways in which you can contribute to changing things for the better.

It is difficult to summarise conditions for women prisoners worldwide when they vary so much from one country to another. The information here is taken from accurate sources of research: mostly our own. It reflects the general picture in prisons throughout the world in order to give readers an overview of the particular problems and needs of all women in prison. **Not all conditions and practices apply in all countries. Readers are encouraged to verify for themselves the extent to which the issues we raise apply in their own countries.**

This Quaker project is international and it is intended that this briefing will be too. Written initially for Quakers in Britain, we hope users will translate it into other languages and add their own country-specific resources.

Women in prison and the children of imprisoned mothers – the major issues

This section gives outlines only of the major issues affecting women in prison and their children worldwide. There is an inevitable overlap between many of the issues. More information about all aspects, including national situations, conditions and opportunities in individual countries, and 'good practice' is available from Quaker Council for European Affairs (QCEA) and Quaker United Nations Office (QUNO) Geneva. See *Resources & Contacts* on page 21.

A Arrest

Police officers may not ask whether the person they are arresting has children or allow them time to explain to the children what is happening or make arrangements for their care. This increases the anxiety of both children and mothers and makes the arrest more difficult for the officer.

B Pre-trial detention

Women may be more likely to be placed in pre-trial detention than men. This is because on the indicators used to determine a person's likelihood of absconding before trial (such as secure employment and owning or renting property in one's own name) women tend to come out lower. Factors such as caring responsibilities are not taken into account.

Even if a woman is acquitted at trial, she may have lost her job, her home or her place on mental health or drug rehabilitation programmes in the meantime. For children, having a mother placed in pre-trial detention has many of the same effects as having a mother imprisoned following conviction.

C Sentencing

Despite their statistically small proportion in the overall prison population, the rate of imprisonment of women is increasing rapidly. The reasons for this appear to be changes in sentencing policy and law enforcement priorities, rather than a change in the amount or severity of crime in which women are involved.

Severity of sentence

Attitudes towards 'women criminals' may lead to harsher sentences, including imprisonment for offences for which men would not be imprisoned. Some discrimination against women reflects the social culture rather than specifically the criminal justice system: thus contravening social *mores* may lead to women being criminalised.

Type of crime

In most countries, women are in prison for non-violent, property or drug offences. Generally, women have a lower involvement in serious violence, criminal damage and professional crime.

Length of sentence

In many countries, a relatively high proportion of female prisoners appear to serve fairly short prison sentences. It should be borne in mind that a short sentence, for example six months, may be just as disruptive as a longer sentence for a woman prisoner, who may lose her children, her job, and her home as a result of the sentence.

D Prisons

The number, type, geographical location and distribution of national prisons will affect the quality of womens' imprisonment. The provision in a country is usually a practical matter of the resources available, and also reflects the penal philosophy of that country. Some factors are outlined below.

Location

Because there are fewer female prisoners there are fewer single-sex prisons for women. Women who are held in single-sex prisons are therefore more likely to be held long distances from their families and communities than men, making visiting and the maintenance of family ties more difficult. This is especially problematic for women who were the sole carers of dependent children before their imprisonment. It also affects other specific categories of female prisoners, such as juveniles, whose numbers are even smaller.

Level of security

Levels of security in prison are generally put in place to stop men escaping, which may mean that prisons are disproportionately harsher for women. In addition, the smaller number of women's prisons compared to men's means that there is less opportunity to provide institutions of different security classifications. The prisons' regimes will be determined by the maximum security requirement, meaning that many women will be held according to a security classification that is stricter than could be justified by any assessment of the risk that they pose.

Shared facilities

Women with diverse needs and a history of offending may be inappropriately held together under the same security regime. Sometimes women awaiting trial are held with women who have been sentenced, which is contrary to best practice. Women who are detained in prisons which also hold men may be required to share facilities and attend classes with male prisoners. This may not be a suitable environment for women who have experienced abuse or require strict separation from men.

Overcrowding

Prisons may be overcrowded and offer reduced exercise facilities, and time spent out of cells. This pressure may also reduce the numbers of available rehabilitative programmes – educational, vocational, counselling – as well as of drug and alcohol dependency programmes.

Education, training and work

Prisons may offer a range of educational and work opportunities – compulsory work or voluntary work (either paid or unpaid). In single-sex prisons where there are few women, access to education, training and work opportunities may be severely limited. In mixed-sex prisons women may be required to attend classes or work with male prisoners. This may be unsuitable and even threatening for some women.

In some countries, women prisoners are given traditionally feminine jobs, such as catering or sewing. This is not a problem if there is a market for such skills outside the prison but jobs should not be allocated simply because of the gender of the prisoner. Women whose children live with them in prison may not be able to work or take education courses if there are no childcare facilities.

Opportunities for prisoners awaiting trial and sentenced prisoners may also differ significantly.

E Physical health & health care

General health and health care

Women prisoners suffer poor physical and mental health at rates and with a severity far exceeding those of male prisoners or of women in the general population. Some of this may be related to the reasons why they have been imprisoned, for example drug use and hence drug dependency and associated health problems. Sexual abuse and exploitation of women before and during imprisonment can lead to gynaecological problems, HIV and other sexually-transmitted diseases, pregnancy, child-birth or abortion.

Disease in prisons

Diseases and infections associated with overcrowding and poor health and hygiene conditions such as tuberculosis, hepatitis and HIV/AIDS, are additional risks for women in prisons.

Drug & alcohol addiction

Prisoners are more likely to suffer from drug/alcohol addiction than in the community at large. Existing research indicates that 75% of women entering European prisons are problematic drug and alcohol users and that women prisoners are more likely to be addicted to harder drugs than male prisoners.

Health care provision

Standards of medical care within prisons vary greatly both from country to country and from prison to prison. When health care facilities are outside the prison they may offer better standards of provision, but they may create other problems such as:

- The shame and discomfort for women of being taken there in prison clothing or in handcuffs, particularly if they have to wait in public areas within the hospital.
- Shortages of prison staff reducing the availability of escorts for women to attend hospital.
- Male prison staff accompanying female prisoners and being present during medical consultations and examinations.
- Perceived lack of security in civilian institutions leading to women being shackled to beds, even during child-birth.

Sexual health

Universally HIV among women prisoners is higher than in the general population. HIV positive women risk passing the disease onto their babies and unborn children. Women's high rates of drug addiction expose them to the risk of catching HIV through sharing needles.

Female health & hygiene

The prison may not provide for the sanitary needs of women or women may have to pay for their own sanitary provision.

Women who are menstruating or going through the menopause need regular daily showers. It is humiliating for women to have to use washing and toilet facilities in the presence of others, most particularly during menstruation. They should also be able to change their bed linen frequently.

Older women may go through the menopause while imprisoned, and their medical and/or psychological needs need to be identified and met at this time. They may also have particular health care needs such as hormone replacement therapy or food supplements.

Pregnancy and childbirth

Pregnant women prisoners require specialised resources and attention in respect of diet, exercise, clothing, medication and medical care.

Prison is not an easy place to be pregnant and the inflexibility of a prison regime is incompatible with the needs and care of a pregnant body.

- It is more difficult to catch up on missed sleep and missed meals and hard to take baths or showers as often as needed.

- It may be difficult for the prison to transport prisoners to health care checks and scans, ante-natal classes and post-natal care.
- Ante-natal and post-natal care may not be seen as medical priorities by poorly resourced and security-conscious prison staff.
- It may be difficult for a prisoner to see a midwife.
- Alerting staff to a medical problem, even the onset of labour, may be difficult, particularly at night.
- The stress of imprisonment can have a deleterious effect on the progression of a pregnancy.
- Restraining pregnant women in the same way as other women prisoners may endanger both the woman and the fetus.

F Mental health

Mental health problems are far more prevalent among women prisoners than in the male prison population or in the general population. Many have lower-level mental health problems, such as personality disorder, which do not qualify them for a psychiatric bed. Women may need access to treatments and therapy designed specifically for them, and even in women-only prisons conditions may not be ideal. Women can be extremely worried about what will happen to their children, especially in the early stages of detention. Research has suggested that this can exacerbate or bring on mental health problems.

Depression, self-harm and suicide

Doctors are more likely to diagnose depression in women than in men (even when they have similar scores on standardised measures of depression) and more likely to prescribe mood altering psychotropic drugs to women than to men. Outside prison men are more likely to commit suicide than women but the position is reversed inside prison, and self-harm in prison is a huge problem and more prevalent among women in prison.

G Violence and vulnerability

In those countries where all prisoners are vulnerable to torture and inhuman and degrading treatment, women (and juvenile female) prisoners are particularly at risk, both from male prisoners and from male prison guards. The power imbalance between prisoners and guards together with the closed nature of prisons provide opportunities for harassment, exploitation, abuse, prostitution, rape and indecent assault of female prisoners by staff, both male and female. They may also be subjected to abuse and exploitation from other prisoners, both male and female.

Even in countries where this is not the case, such as in the UK, women prisoners are vulnerable to other prisoners. A high proportion of UK women prisoners state that they feel unsafe.

The issues about safety and security of female prisoners include:

- Location of female cells in mixed prisons.
- Location and use of shared facilities, in particular showers and toilets.
- Whether male prison guards hold 'contact positions' over female prisoners (posts which permit or require them to be in physical proximity to the prisoners, sometimes unsupervised by other, female, staff).
- Strip searches: women prisoners as a group are more likely than other women generally and/or male prisoners to have experienced sexual assault: this makes strip-searching especially traumatic for them.
- The existence or lack of effective supervision and complaints mechanisms which enable prisoners to complain without exposing them to intimidation or further abuse – for example, seeing a doctor in the presence of guards means that violence towards and abuse of prisoners by guards is less likely to be reported by the prisoner.
- Women who are subject to sexual abuse or exploitation face the added problems relating to the risk of HIV and other sexually transmitted diseases, the questions of pregnancy and child-birth or abortion, and all the associated physical, mental and emotional health issues.

H Mothers in prison

Most women in prison around the world are mothers. Women are more likely than men to be the sole or primary carer for children and this factor makes the prison experience significantly different for women. The effects of maternal imprisonment on their families are generally more disruptive than the effects of paternal imprisonment. This is not adequately recognised by the criminal justice system.

Because the number of women sent to prison is relatively low, and because of the apparently increasing tendency to send women to prison for lesser, non-violent offences, the woman herself may not anticipate the possibility of imprisonment as the outcome of her trial. She may not, therefore, have made any preparations or provision for her children before being taken into custody. This can cause added distress to both the mother and the children, and indeed may leave children fending for themselves.

Prison visits from children

Visiting prisons can be a daunting and frustrating experience. Traveling a long distance, entering a grim building, being searched by a strange adult, to spend a short time in a harsh adult environment with a mother that one might not even be able to touch may be extremely distressing to a child. This in turn may make the child's carer less inclined to undertake this arduous task, as well as leaving the mother distraught and reluctant to have further visits from the child.

Furthermore, the new carers may have their own family responsibilities, as well as financial constraints, which put strains on taking in additional children (leading to children moving from one carer to another) and in particular adding to the financial, time and emotional burdens of taking children to visit their imprisoned mother.

Evidence suggests that the children of imprisoned mothers, and particularly those who are taken into state care during the mother's imprisonment, are at significantly greater risk of developing criminal behaviour in adulthood than other children.

I Children of imprisoned mothers

The rights and best interests of the children of women prisoners are rarely considered during criminal justice processes, even though parental imprisonment has a major impact on their lives. There are three options:

- The child has to go to prison with the mother, and the consequence of that.
- The child is separated from the mother, and the consequence of that.
- Where there is more than one child and they are treated differently; i.e. one goes to prison with the mother, the other is separated, and the consequences of that.

Within each of these, there are then a number of matters to be considered which are encapsulated in the table overleaf.

Children imprisoned with their mothers	Children separated from their mothers	Children split from their siblings as a result of the mother's imprisonment¹
How the child's rights are considered in sentencing a mother		
How decisions are taken about whether babies and young children accompany their mother into prison (or pre-trial detention)		
The effect of imprisonment on the child	The effect of separation on the child	The effect of separation from siblings
The facilities provided in prison	The accommodation and care provided to the child	The effect of being treated differently from siblings
How to handle later separation if necessary	The impact on the child of the loss of contact with the mother	
How the child will adapt to life 'on the outside' after release of the mother or after separation	The impact on the child of visits to the prison	
Depending on the age of the child, the loss of friends and the loss of contact with other members of the family	The stigma attached to being the child of a prisoner	
Alternatives to, and different forms of, imprisonment that better support motherhood and child development		
The impact imprisonment and/or separation has on the child's education and general development		

¹ Only the additional issues are listed here; the others apply as per the first two columns depending on which side the child is on.

Children separated from their mother

Children left in the community may be looked after by their father, grandparents, other relatives or friends of the family, taken into state care or left without carers. Siblings may be separated from each other in order to lighten the burden of care, or they may be taken into State institutions. How can the mental, emotional, physical and social impact of the mother's imprisonment be minimised for the children, both directly for them in continuing their daily lives, and also in maintaining their relationship with the mother during imprisonment and following her release (if any)?

A prisoner living in insecure or rented accommodation will usually lose this when s/he enters prison and getting accommodation when released is often difficult. A mother whose children have been placed in the care of the state or another person usually cannot reclaim custody without appropriate accommodation, so even a short prison term may lead to permanent separation of families.

Registering details of prisoners' children is not part of the reception procedure in many countries. Some prisoners may not disclose this information voluntarily for fear that their children will be permanently taken away from them. As a result, governments do not make social provision or policies which address the problem of children with incarcerated parents.

The impact of their mother's imprisonment on the children affects every aspect of their lives and not only their relationship with their mother. It is similar to bereavement, but with added stigma and often less support, from the new carer, teachers, and others. Children of imprisoned parents have an increased tendency to exhibit aggressive and anti-social behaviour compared to the general population.

Researchers have found that the effects of parental imprisonment can be serious. Studies of prisoners' children consistently report that children experience a range of psychosocial problems during the imprisonment of a parent, including: depression, hyperactivity, aggressive behaviour, withdrawal, regression, clinging behaviour, sleep problems, eating problems, running away, truancy, poor school grades and delinquency. The impact on the children will, of course, vary according to their age, surrounding family and community response, environment and individual character.

Babies and children in prison

Some women may spend part or all of a pregnancy in prison and give birth while still serving their sentence. The bonding of an infant with her/his primary carer is essential for her/his long term emotional development and should be given high priority. If mothers give birth while serving their sentence, or are imprisoned when they have a baby or young child, that baby or young child may come into the prison to live with them. Special resources and facilities available to mother and babies in prison varies, but usually consist of accommodation within a specialised Mother and Baby Unit (MBU). Toys are sometimes provided for the children and the mother may have more freedom in terms of staying in an unlocked room, having access to a kitchen in which she can prepare food for the child etc.

Because of the small number of women in prison who have children living with them, the number of MBUs is low, meaning that a mother may be imprisoned a long way from the rest of her family. This creates problems regarding prison visits and maintaining contact with any older children in the family. Additional concerns about babies and children living in prison are the effect this has on their development – physical, mental and emotional.

How long babies or young children can reside in prison with their mothers – or even whether they can do so at all – varies considerably across countries. The separation of mother and child can be a very traumatic experience for them both. Some countries try and make the separation process as gradual as possible, in order to ease the pain and trauma of separation.

Babies and young children who are living in prison with their mother also require specialised health care. Women who know that their children will be removed from them shortly after birth may exhibit mental health problems and/or reject the baby or fail to bond with it.

J Maintaining links with family

When imprisoned mothers are the primary carer of children, separation from their mothers is usually more traumatic than if the father is incarcerated; this is of course much worse where the mother is the sole carer. Research has shown that if family ties are maintained, the chances of prisoners re-offending upon release are lowered, so it is important to take measures to try to preserve these ties. Problems in maintaining these links include:

- Doing so through letters is hard for those with low literacy skills, and self-evidently problematic in relation to young children.
- Overcoming what is often a greater distance between the woman and her family.

K Specific groups of prisoners.

Foreign nationals

Foreign national women prisoners may be either resident or non-resident in the country where they are imprisoned. Common difficulties may be faced by both male and female foreign national prisoners, such as problems relating to language and misunderstandings surrounding the customs and cultures of the host country, which may lead to isolation. In prisons where the prisoners are dependent on external assistance, whether for basics such as food, hygiene products and clothing, or for small luxuries, women without family at hand to visit not only face the direct problems of not having such items, but are vulnerable to exploitation by other prisoners or prison guards in order to obtain the necessities for survival.

Foreign national women who are not resident in the country of imprisonment may often be very far away from their children and families, causing them anguish and anxiety. Their children may not have the financial means to come and visit them. Telephone calls may be prohibitively expensive for both the mother and her children and difficult to arrange because of time differences. If the children are too young to read and write, then communication via letters is not an option.

Many women foreign nationals in prison are there for drug smuggling and may have left their children in the temporary care of friends or family, expecting to return in a few days. Imprisonment may put a woman's family (children and others) in significant danger from the people who employed her to smuggle drugs. Resident foreign national women can face deportation when they have completed their sentence, which means further separation from their families, or their having to relocate as well.

Transgender prisoners

Transgender prisoners face particular difficulties and pose special challenges to the prison system precisely because of the question as to their classification as male or female prisoners.

Racial minorities/ indigenous prisoners

In many countries with indigenous populations, indigenous women represent the fastest growing segment of the prison population. Their “double minority” status within the prison system, being both indigenous and women, means that where training and other programmes exist they may have to choose between those intended for indigenous men or for non-indigenous women. They may also have different needs from other women prisoners.

L Post-release issues

Women leaving prison receive varying degrees of support from the prison and social services. They may face many problems in addition to the pressures which may have caused them to commit their initial crime, such as: getting a job, finding accommodation, staying drug or alcohol free and regaining custody of children who have been in state care during their imprisonment. Even a short prison term may lead to the mother losing the rented accommodation in which she had been living, and it is common for a mother to be unable to regain custody of her children if she does not have anywhere to live. This makes it very difficult for women to resume normal lives outside of prison, and may be a factor which contributes to re-offending.

Although all released prisoners face issues surrounding their efforts to reintegrate into society, for parents these may be compounded by the need to reconcile with children who may have changed (as well as grown up) during their absence. These children may have taken on new roles in the family and developed close relationships with alternative carers, both of which can cause tension if the returning parent tries to go back to ‘the way things were’. Re-offending by parents can also have a devastating impact on their children, as they lose their parent for a second time.

Creating change

A Changes to prison conditions and sentencing practices

What is a solution in one country is not necessarily right in another. Nevertheless there is a growing body of internationally recognised basic principles to govern these matters becoming enshrined in international law such as:

- the UN Standard Minimum Rules for the Treatment of Prisoners and other international juvenile and criminal justice standards;
- human rights standards such as the International Covenant on Civil and Political Rights;
- standards and mechanisms within the Inter-American and African human rights systems;
- the European Prison Rules, the European Convention on Human Rights, the Charter of Fundamental Rights (EU), the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

All of these provide frameworks in which to lobby & campaign for change in your own country and at international level.

B Alternatives to prison & pre-trial detention

There is also a strong argument for considering alternatives to imprisonment and pre-trial detention for women. These include non-custodial community service sentences and restorative justice approaches. The growth and development of restorative justice processes and practices throughout the world show that there are more effective ways of meeting the needs of victims, offenders and the community than the traditional criminal court systems. For example:

- Development and use of community-based penalties for mothers of young children to avoid the use of prison custody.
- Recognition that custody for pregnant women and mothers of young children should only ever be used as a last resort for those women who represent a danger to the community.
- Family group conferencing and circle sentencing: by enabling victims, the women offenders, their families and the community to meet and agree both on how best to repair the harm and on how to re-integrate the offenders into society and support their children, the outcomes are more likely to stop further offending and reduce the possibility of their children in turn becoming offenders.

C How change can happen

Change can happen by affecting the legal framework at home and abroad. That is, changing the laws and rules which determine:

- Under what circumstances women are placed in pre-trial detention.
- What kind of sentence is given to women offenders.
- How women are treated in prison.
- Whether the needs and best interests of the children of imprisoned mothers are taken into account.

This can require:

- Changing the existing laws, and/or
- Seeing that existing laws are properly implemented.

Ways of achieving this include:

- Gathering information on the issues and on good practice.
- Monitoring implementation of laws and regulations.
- Lobbying policy makers.
- Campaigning.

Taking action

A Information and research

QCEA has undertaken significant research into the conditions for women in prison and their children in the 47 member states of the Council of Europe.

- *You can read them all on the QCEA website or ask QCEA for copies.*

QUNO has produced reports on the conditions of women in prison, pre-trial detention of women, and the effect this has on their children.

- *You can read them all on the QUNO website or ask QUNO for copies.*

There may be information and reports available in your country, published by governments, charities or other non-governmental organisations.

- *Keep looking at local (country-specific) sources of information.*

B Lobbying policy makers

QUNO has raised issues around women in prison and children of imprisoned mothers with the United Nations Treaty Bodies (the committees which review how well countries are living up to their human rights obligations) and Special Procedures (independent experts working on specific human rights issues). The Treaty Bodies and Special Procedures, in turn, have raised these issues with countries and included them in their reports.

- *You can read the reports and Concluding Observations of these bodies on the Office of the United National High Commissioner for Human Rights (OHCHR) website (www.ohchr.org).*
- *If you have information or particular concerns about the situation in your country, check with QUNO when your country is due to report to any of the Treaty Bodies so that it can be submitted. QUNO can help you make the submission.*
- *Some UN human rights bodies visit prisons in different countries. If you are able to provide information or relevant contacts, please contact QUNO.*

QUNO's gender commentary on the UN Standard Minimum Rules for the Treatment of Prisoners should be published in 2008, and includes materials from the European, Inter-American and African Human Rights systems. This will enable Friends and others to draw issues to the attention of Government and prison officials, legislators, and others.

- *Keep in touch with QUNO to find out the date of the publication and how you can make use of it.*

Development of a gender critique of the revised European Prison Rules in 2006: QCEA has lobbied the governments of a selected number of the member states of the Council of Europe to try to get some of our recommendations included in the next revision or in an annex to these rules. The next opportunity for involvement would be either the next review or the agreement of an Annex to the European Prison Rules, although neither expected within the next 18 months.

- *You can keep in touch with QCEA to see what is happening.*

The promotion of a motion for a recommendation in the Parliamentary Assembly of the Council of Europe which (after some hard lobbying which Friends assisted with in a targeted campaign) has led to the call for a full report on the issues raised in QCEA's report to the Standing Committee of the Parliamentary Assembly. When this report receives attention in several of the Committees of the Parliamentary Assembly prior to it being submitted to the Standing Committee, and when it is debated in the Standing Committee (and potentially in the full Parliamentary Assembly), further targeted lobbying by Friends will be necessary to ensure the necessary level of support to obtain a decision which recommends to the Committee of Ministers that this issue should be addressed by them.

- *QCEA welcomes contact from Friends now, who would be willing to be called upon to do this at the appropriate time.*

Engagement with Members of the European Parliament who are now taking this issue on board and compiling their own report into the question of women in prison and their children. Given that prison issues are not a matter for the European Union, but one for Member States, there is still a question about where this might lead. Nonetheless, a resolution of the European Parliament in line with some of our recommendations would be helpful for future lobbying at national level in EU Member States.

- *To get involved in targeted lobbying at the appropriate time contact QCEA.*

C Prison visits

QCEA is visiting prisons in various European countries to observe conditions for ourselves, speaking to staff and prisoners and touring accommodation, classrooms, recreation facilities, etc.

- *You can read QCEA's findings on their website.*

Do you know anyone who has been in prison who could tell us about life inside, or who works in prisons or with ex-prisoners or their families? Or who has interest in these issues at an academic or policy level? Do you have any contacts in other countries? Could you liaise with a prison for us or know anyone who could?

- *Please tell QCEA or QUNO if you can give us any of this information.*

D Alternatives to prison & pre-trial detention

QUNO's paper on pre-trial detention includes some details on alternatives to detention.

- *You can read it on the QUNO website or ask QUNO for copies.*

And QCEA is now undertaking detailed research into alternatives to prison in the 47 member states of the Council of Europe.

- *Contact QCEA or QUNO if you would like to contribute expertise, knowledge and experience on these issues or to be involved in QCEA's project in any way.*

E Good Practice

The Women in Prison Project Group is particularly interested in hearing examples of good practice within the criminal justice system which could be applied elsewhere.

- *Please send any examples of good practice to QCEA, QUNO or QPSW.*

Resources & contacts

A Women in Prison Project publications

Full lists of QUNO and QCEA publications are on their respective websites: this is a selection.

Women in Prison and Children of Imprisoned Mothers: Preliminary Research Paper. Rachel Taylor. July 2004 (QUNO)

Babies and Small Children Residing in Prisons. M. Alejos. March 2005 (QUNO) (also available in French and Spanish)

European Prison Rules: A Gender Critique Charlotte Wetton. March 2006 (QCEA)

Women in Prison and Children of Imprisoned Mothers: Recent Developments in the United Nations Human Rights Systems Laurel Townhead. April 2006 (QUNO) (also available in French and Spanish)

Pre-trial Detention of Women and its impact on their children .Laurel Townhead. February 2007 (QUNO) (also available in French and Spanish)

The impact of parental imprisonment on children by Oliver Robertson, April 2007 (QUNO) (also available in French and Spanish)

Women in Prison: Part 1 – A Review of the Conditions in Member States of the Council of Europe 2007 (QCEA)

Women in Prison: Part 2 – Country Reports 2007 (QCEA)

These are available individually, comprising reports on:

Denmark
Estonia
France
Germany
Ireland
Italy
Latvia
Norway
Romania
Russia
Scotland
Sweden
United Kingdom – England and Wales

B Women in Prison Project contacts

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Quaker Peace & Social Witness

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London NW1 2AX

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Fax: +44 207 663 1189

General e-mail: world@fwcc.quaker.org

Website: www.fwccworld.org

C Country-specific resources: UK

Publications

The Corston Report: A report by Baroness Jean Corston of a review of women with particular vulnerabilities in the criminal justice system March 2007 Home Office ISBN 978-1-847226-177-9

Website: www.homeoffice.gov.uk/documents/corston-report/

Poverty and disadvantage among prisoners' families. Rose Smith, Roger Grimshaw, Renee Romeo and Martin Knapp. Joseph Rowntree Foundation 2007. Website: www.jrf.org.uk

Women in prison in Scotland: an unmet commitment. A Briefing Paper of the Scottish Consortium on Crime and Criminal Justice. July 2006.

Website: www.scccj.org.uk

Organisations

Fawcett Society

1-3 Berry Street , London EC1V 0AA

Tel: 020 7253 2598

Fax: 020 7253 2599

Website: www.fawcettsociety.org.uk

The Howard League for Penal Reform

1 Ardleigh Road, London N1 4HS

Tel: 020 7249 7373

Fax:020 7249 7788

Email: info@howardleague.org

Website: www.howardleague.org

Prison Reform Trust

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Fax: 020 7251 5076

General e-mail: prt@prisonreformtrust.org.uk

Website:www.prisonreformtrust.org.uk

SmartJustice for Women

15 Northburgh Street, London EC1V 0LR

Tel: 020 7689 7734.

General e-mail: info@smartjustice.org

Website: www.smartjustice.org/indexwomen.html

Women in Prison

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Fax: 020 7354 8005

Website: www.womeninprison.org.uk

About the Women in Prison Project

"In general, prison regimes are devised for male prisoners and tend to ignore the particular problems of women prisoners who are a small (though growing) proportion of people held in prison.

(a) Because of their smaller numbers, there tends to be a lack of rehabilitation and training programmes and health care specifically for women's needs.

(b) A large majority of women in prison have one or more children under 16 years old for whom they are the primary carers, so that these children suffer as a result of their mother's imprisonment.

(c) Due to the small number of prisons for women, they tend to be imprisoned further from their homes and visiting arrangements are more difficult for the families of women prisoners than for men.

(d) Proportionate to the need, there are far too few resources for pregnant and nursing women prisoners; for instance, prison places in which babies can remain with their mothers.

(e) The number of women who are imprisoned is rising, and part of the increase is due to women being held in foreign countries who have been coerced or deceived into carrying drugs.

All of these problems are exacerbated for women who are held in custody awaiting trial, often for long periods of time."

From: Statement made on behalf of Friends World Committee for Consultation at the 12th Meeting of the United Nations Crime Prevention and Criminal Justice Commission, 13-22 May 2003.

The Women in Prison Project is an international joint venture by four Quaker bodies. The Quaker United Nations Office (QUNO) Geneva, and the Quaker Council for European Affairs (QCEA) in Brussels have, since 2004, been undertaking research on Women in Prison and the Children of Imprisoned Mothers as part of a joint project together with Quaker Peace & Social Witness (QPSW) in Britain, and the Friends World Committee for Consultation (FWCC) representation to the United Nations Commission on Crime Prevention and Criminal Justice and the United Nations Crime Congress.

The project aims to gain a clearer understanding of the particular problems faced by women prisoners and children of imprisoned mothers and how these problems can be better addressed by governments and policy makers.