



WOMEN IN PRISON



**A Review of the Conditions in Member States of the
Council of Europe**

The Quaker Council for European Affairs

Produced by the Quaker Council for European Affairs (QCEA)

The report (of which this paper forms the executive summary) is based on 3 years' research through questionnaires to governments, prison staff and prisoners, through prison visits, and through desk-based research.

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The report appears in three parts:

- Executive Summary
- Part 1 - Comparative Review of Conditions for Women in Prison in the Member States of the Council of Europe - based on the questionnaire and desk-based research in the main
- Part 2 - Thirteen country reports - available on the Quaker Council for European Affairs (QCEA) website in pdf (www.quaker.org/qcea) or on request from info@qcea.org

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ACKNOWLEDGEMENTS	5
EXECUTIVE SUMMARY AND RECOMMENDATIONS	6
PART ONE: GOVERNMENT RESPONSES TO THE QCEA QUESTIONNAIRE	21
Introduction	21
Women in prison in Europe	22
Existing safeguards and standards	22
Methodology	23
Female prison populations	24
Issues facing specific groups of women prisoners	25
Foreign national women prisoners	25
Female juveniles	27
Older women	27
What crimes are women imprisoned for	28
Length of sentence	33
Women prisoners awaiting trial	36
Foreign national women prisoners held for drug offences	38
Types of prison holding women prisoners	39
General analysis of prisons	39
Other detention facilities	43
Male staff working with women prisoners	43
Health care	45
Pregnancy in prison	46
Birth	47
Babies in prison	47
Mental illness	53
Learning disabilities	57
Drug and alcohol addiction	57
Transmissible diseases	63
Health care delivery	63
Confidentiality	64
Family Matters	68
Maternity	68
Separation of female prisoners from their children	69
Alternatives to custodial sentences for mothers	69
Children on the outside	70
What children are told	71
Effects of parental imprisonment	71

Prison visits	73
Education and employment opportunities	77
Education, training and employment	77
Employment opportunities	82
New initiatives	85
Appendix 1: Background data on countries who responded to the questionnaire	88
Appendix 2: Total prison population figures by year	90
Appendix 3: Female prison population - numbers and percentages	98
PART TWO: COUNTRY REPORTS	111

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Executive Summary and Recommendations

Introduction

In 2004, the Quaker Council of European Affairs (QCEA), Brussels and the Quaker United Nations Office, Geneva (QUNO - Geneva) embarked on a joint project to gather information on women in prison. The role of QCEA was to gather data on the conditions of women in prison in the member states of the Council of Europe. This report gives the results and makes recommendations to the European institutions and their member states on ways in which conditions for women in prison can be improved.

The QCEA and QUNO-Geneva decision to work on this theme was motivated by the recognition of a number of issues which were highlighted in a statement made on behalf of Friends World Committee for Consultation (FWCC) at the 12th Meeting of the United Nations Crime Prevention and Criminal Justice Commission, 13-22 May 2003. Below is an excerpt from that statement:

‘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.’

While some issues discussed affect both men and women prisoners, others have more severe implications for women prisoners, often because, prior to imprisonment, they were the primary carers for their children. Women prisoners frequently come from deprived social backgrounds and may have experienced childhood abuse and domestic violence. These factors may contribute towards the high prevalence of drug and/or alcohol abuse and mental illness among women prisoners which require specialised attention.

Throughout our research it has become clear that custodial sentences are not effective or appropriate for many women. 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. Although we have not covered alternatives to imprisonment in detail (which may be covered in a future report), we recommend that member states seriously consider alternatives to imprisonment when sentencing women, especially when they pose no danger to the public and/or have young children. As is stated in the recently revised 2006 European Prison Rules ‘no one shall be deprived of liberty save as a measure of last resort’.

Part One of the report gives the results of the questionnaires sent out to member states together with desk-based research. Part Two is a compilation of country reports, four of which include findings from prison visits undertaken by QCEA. These reports contain more

information on the thirteen countries concerned: Denmark, Estonia, France, Germany, Ireland, Italy, Latvia, Norway, Romania, the Russian Federation, Scotland, Sweden and the United Kingdom (England and Wales only).

Existing Safeguards and Standards

Standards such as the UN Standard Minimum Rules for the Treatment of Prisoners and the International Covenant on Civil and Political Rights have provisions governing the treatment of prisoners. The UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Convention on the Rights of the Child safeguard the rights of women and children, and in some cases are applicable to women and children in prison.

The European Prison Rules of the Council of Europe exist to protect the rights of prisoners in member states. They have been recently revised and set out non-binding rules and guidelines in the main areas of prison service for member states.

Whilst QCEA recognises that it may be difficult to meet many of the needs of women prisoners due to lack of resources, and not because of lack of awareness or good intentions, we do not believe that this is a valid reason for not meeting those needs. We therefore welcome Rule 4 of the European Prison Rules which states that ‘prison conditions that infringe prisoners’ human rights are not justified by lack of resources’. The 2006 revision of the European Prison Rules includes a new section on women. Although the section is short, QCEA welcomes it as a move towards meeting the specific needs of women prisoners.¹

The Council of Europe’s Council for Penological Co-operation is entrusted with ‘the task of re-examining the European Prison Rules every five years, or more frequently, when the case law of the European Court of Human Rights or the CPT² reports so require. When necessary, the Committee of Ministers will take measures to up-date the European Prison Rules.’³

The Council of Europe’s Commissioner for Human Rights visits member states, often visiting their prisons as well as other institutions, in order to conduct an evaluation of the human rights situation. The reports are presented to the Council of Europe’s Committee of Ministers and Parliamentary Assembly. They are subsequently published and widely circulated in the policy-making and NGO community as well as in the media.

In the area of existing safeguards and standards, the Quaker Council for European Affairs recommends that:

- 1. Member states of the Council of Europe ensure that the revised European Prison Rules are implemented immediately.**
- 2. At each re-examination of the European Prison Rules, the Council for Penological Co-operation aims to strengthen existing provisions and add any others that will encourage member states to improve conditions for women in prison.**
- 3. At least one prison holding women be visited during each inspection carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and the Council of Europe’s Commissioner for Human Rights. Specific sections on women in prison should be included in the relevant reports by the CPT and Commissioner for Human Rights.**

Background

Women prisoners face different challenges and have different needs from male prisoners. Because prisons are designed for men, who form the majority of the prison population, many of the fundamental needs of women prisoners are not met. The rights of the children

¹ More information can be found in QCEA’s The European Prison Rules: A Gender Critique, available on our website at <http://www.quaker.org/qcea/>

² Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

³ Reply from the Committee of Ministers, adopted at the 974th meeting of the Ministers’ Deputies (27 September 2006), to Parliamentary Assembly Recommendation 1747(2006) on the European Prisons Charter

of women who are imprisoned are also an important consideration, though one which requires further in-depth research.

The number of women in prison in Europe is growing. In many countries, this growth has been substantial: in Cyprus there has been an increase of 410% in the ten year period from 1994 to 2003. Many children are either being separated from their mothers or are spending their early childhood with them in prison.

Because the majority of prisoners are male:

- ◆ There is a lack of data and information available on issues surrounding women in prison.
- ◆ There are fewer women's prisons (both for women awaiting trial and convicted women) which means that women are held further away from home, weakening family ties.
- ◆ Women with diverse needs and different offending histories are held together. This can mean unsuitable security classifications and regimes may be used and women awaiting trial may be held together with women who have been convicted.
- ◆ It is especially hard for minority groups such as female juveniles and women who are foreign nationals to have their specific needs addressed.

Women prisoners' physical, mental and emotional needs differ from those of men. Women can have different needs relating to problems such as substance addiction, mental health, anger management, a history of psychological, physical or sexual abuse. It is also important that ways be found of helping them to maintain family ties. Women's health care and hygiene needs differ from those of men and prisons may not be able to offer adequate maternity care. Women are at higher risk of self-harm and suicide. They may respond differently to security regimes and require less harsh forms of physical restraint.

Data availability

In order to obtain a factual basis for comparing the conditions relating to the imprisonment of women across Europe, QCEA sent out a questionnaire to the then forty-five member states of the Council of Europe. Twenty-eight countries, the UK (England and Wales only) and the region administered by the UN of Kosovo responded. Although this represents almost two thirds of the member states, and is a significant achievement considering resource limitations and other constraints, it means that a comparison across all member states is not possible.

For those countries which did respond, answers were not always provided to all the questions and a common answer was that the data or statistics were not available. As many of those answering were civil servants from within national ministries of Justice (or the equivalent) this represents a serious problem.

One area where there was a particular lack of data was that relating to the children of imprisoned parents. Without such data it is impossible for the authorities to check and ensure that children are being properly cared for and protected and to ensure that proper alternative care arrangements are made.

In order to design a policy and carry out any necessary changes which meet the needs of women in prison and their children, gender disaggregated, comprehensive and current data must be collected systematically and made readily available on all aspects of the criminal justice process.

In the area of data availability, the Quaker Council for European Affairs recommends that:

4. **Member states collect information on all aspects of crime and imprisonment and that a gender breakdown be made of all data and the statistics should be made publicly available.**

5. Member states record the number, ages and location of the prisoner's children and the children's carer immediately upon arrival of the prisoner at the prison (regardless of whether the prisoner is male or female and that such statistics be publicly available).
6. The Council of Europe requests gender disaggregated data from all member states in terms of sentenced prisoners and those awaiting trial.

The female prison population

Women make up only a small percentage of the total national prison populations in Europe - less than 10% in 2003 in all the countries where data was obtained. Despite the relatively small percent of the prison population, the number of women prisoners in many European countries has been increasing. This makes it imperative to take steps to meet the needs of women in prison.

Because of their low numbers, there are fewer prisons holding women, and consequently women may be imprisoned far away from their homes and communities. This can have serious implications for visiting and preserving strong family ties can be a particular problem for women when they have been the sole carers of their children prior to imprisonment.

Women in prison may also face unintentional discrimination with regard to access to work, education and training facilities because of their small numbers.

Women prisoners awaiting trial

International standards state that people should not be imprisoned while awaiting trial, except as a measure of last resort. However, our data shows that many women prisoners are imprisoned while awaiting trial. From the countries that responded to our questionnaire, the percentage of women awaiting trial out of the total women prison population varied between 7% and 60%. A long period may be spent awaiting trial and this can be very disruptive for the families of imprisoned mothers.

In some countries, there is a difference in the conditions for prisoners awaiting trial and those who have already been sentenced. For example, work and education opportunities may be limited or denied for those awaiting trial. In addition, there may be more stringent conditions attached to visits and opportunities for visits to prisoners awaiting trial and this may impact negatively on children and women prisoners who have been the sole carers of children prior to imprisonment.

Minority groups

Foreign national women prisoners

Foreign national prisoners face particular challenges. In the countries which answered the questionnaire, foreign national prisoners account for between 0% and 75% of the total women prisoner population. 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.

Foreign national women prisoners may be either resident or non-resident in the country where they are imprisoned. Both groups face particular difficulties. 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 and phone calls may be prohibitively expensive for both the mother and her children. 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. Resident foreign national women can face deportation when they have completed their sentence, which means further separation from their families.

Female juveniles

International standards state that adults and juveniles should be imprisoned separately. ‘Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication. The penitentiary system shall comprise treatment of prisoners, the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.’⁴

The number of female juveniles in prison within the women prison population is low. This means that, in reality, juveniles and adult female prisoners are sometimes accommodated in the same sections. This may result in juveniles being in regular contact with women who have a long history of crime. On the other hand while this situation is not ideal, it may sometimes be the only way that individual juveniles can avoid isolation and have access to educational opportunities.

For example, juveniles are sometimes held with adults in Norway. Although separating pre-trial adults and juveniles in prison happens in the majority of European countries, the Norwegian penitentiary authorities maintain that given the small number of juvenile detainees and the fact that they serve such short sentences, holding juveniles separately would entail a de facto isolation.⁵

In the area of women awaiting trial and minority groups, the Quaker Council for European Affairs recommends that:

7. **Member states ensure that women who are the sole carers of young children are not imprisoned while awaiting trial, except in circumstances where there is a real risk of re-offending, of absconding or of interfering with witnesses.**
8. **Member states fully research the different conditions which exist for prisoners held awaiting trial and those who have already been sentenced. Efforts need to be made to ensure that conditions for prisoners who have not yet been found guilty of a crime are as favourable as possible. In the case of restrictions which adversely affect the families of prisoners, such as restrictions on visits, prisons must be as flexible as possible.**
9. **Every effort is made by member states to ensure that foreign national prisoners are given all the information they need about prison life in their own language.**
10. **Prison authorities are sensitive to the particular needs of foreign national prisoners in relation to language and cultural differences. In particular, the needs of foreign national women whose children are in other countries must be fully considered and met wherever possible. For example, in the first instance, the prison must help foreign national women to contact their homes to let their family know what has happened.**
11. **Prison authorities ensure that foreign nationals are given help in contacting their consular authorities.**
12. **Member states ensure that prison inspectors monitor the provisions made for female foreign national prisoners.**
13. **Member states ensure that female juveniles are imprisoned separately from adult females. However, if this would lead to fewer opportunities for education than if they are imprisoned together, safeguards should be put in place so that juveniles do not mix with women with serious long-term criminal histories.**

⁴ International Covenant on Civil and Political Rights, Article 10(2) b

⁵ Report by Mr Alvaro Gil-Robles, Commissioner for Human Rights on his visit to Norway, 2-4 April, 2001, for the Committee of Ministers and the Parliamentary Assembly, Office of the Commissioner for Human Rights, Council of Europe, 19 September 2001

Crimes for which women are imprisoned

In most countries, women are in prison for non-violent, property or drug offences.⁶ Results from QCEA's research agree with this conclusion.

In the area of crimes for which women are imprisoned, the Quaker Council for European Affairs recommends that:

- 14. Member states ensure that alternatives to custodial sentences are sought for crimes such as petty theft and motoring offences when the prisoner constitutes no danger to the general public.**

Use of custodial sentences and length of sentence

The question of whether custodial sentences are necessary goes further than this study. However, because of the impact which imprisonment has on the individuals concerned and on their families, this question has to be addressed.

Along with this question, there is then the issue of the length of prison sentence and of whether sentence length is a factor in contributing to positive outcomes. Particularly where women are the sole carer of children, this raises serious concerns.

There are, of course, alternatives to imprisonment. These include non-custodial community service sentences and restorative justice approaches. In this study we have not considered either in any detail, but we consider this a necessary area for further study.

The growth and development of restorative justice processes and practices throughout Europe show that there are more effective ways of meeting the needs of victims, offenders and the community than the traditional criminal court systems.

The findings in this study about the background and problems of women offenders indicate that there could be particular benefits from family group conferencing and circle sentencing. The majority of women offenders are the mothers of children under 16 years old and are generally the sole or main carers. 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.

The European Union already has a Framework Decision (2001) that *'Each Member State shall seek to promote mediation in criminal cases for offences which it considers appropriate for this sort of measure.'*

In addition the United Nations Economic and Social Council passed guidelines in 2002 on the "Basic principles on the use of restorative justice programmes in criminal matters". In December 2006 the United Nations Office on Drugs and Crime published "A Handbook on Restorative Justice Processes".

The length of the average sentence varies a great deal amongst the different countries who responded to the questionnaire; between several months and seven years. Nevertheless, 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, especially mothers with young children.

In the area of length of sentence, the Quaker Council for European Affairs recommends that:

⁶ Julia Lemgruber, Women in the Criminal Justice System Keynote Speech to the workshop which took place during the Tenth United Nations Congress on the Prevention of Crime and Treatment of Offenders in Vienna, April 2000

15. In all cases, prison is used as a last resort only if no other options are available and that alternative forms of sentencing, including community service orders or similar and restorative justice approaches are considered first.
16. When imprisoning a woman who is the sole carer of children, the judicial authorities of member states are convinced that this sentence is more justifiable than a non-custodial sentence, given the disruption and emotional costs which may ensue to both the mother and child.

General prison conditions

Types of women's prisons

The UN Standard Minimum Rules for the Treatment of Prisoners state that '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'.⁷ The 2006 European Prison Rules state that 'in deciding to accommodate prisoners in particular prisons or in particular sections of a prison due account shall be taken of the need to detain male prisoners separately from female prisoners.'⁸

In its questionnaire sent out to member states, QCEA identified three types of prison where women may be held;

- ◆ women-only prisons;
- ◆ joint male-female prisons; or
- ◆ male prisons with female wings.

A prison for men with a female wing generally means that the prison was not designed with women in mind, and the women are held there because of the lack of purpose-built facilities. Joint male-female prisons are prisons designed to hold both sexes and are more suitable for the purpose of detaining women.

The number, type, geographical location and distribution of national prisons will affect the quality of female prisoners' sentences. Some factors are outlined below.

a) **Location:** Because there are fewer female prisoners there are fewer single sex prisons for women. This means that women who are held in single-sex prisons are 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 prior to their imprisonment. It also affects other specific categories of female prisoners, for example, juveniles, whose numbers are even smaller.

b) **Shared Facilities:** 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 and/or need to have access to female-based treatment/therapy.

Even in women-only prisons conditions may not be ideal. Women with diverse needs and offending histories are sometimes held together under the same security regime which may be quite inappropriate.

Sometimes women awaiting trial are held with women who have been sentenced.

c) **Specificities of National Policy:** The number and type of prisons in a country is usually a matter of the resources available and practicality, but it may also mirror the penal philosophy of that country, for example, Denmark's use of mixed prisons reflects the concept of 'normalisation' throughout the prison system.

⁷ The Standard Minimum Rules for the Treatment of Prisoners, Rule 8(a)

⁸ 2006 European Prison Rules, Rec(2006)2, Rule 18.8b

Prison staffing

The power imbalance between prisoners and guards together with the closed nature of prisons provide opportunities for harassment, exploitation, abuse, prostitution and rape/indecent assault of female prisoners by staff, both male and female. A large proportion of women prisoners prior to their imprisonment have been abused sexually and many also have mental health problems. If men are employed in positions involving physical contact with such vulnerable women, it is essential that the most stringent safeguards and investigative and disciplinary procedures are in place. For example, the 2006 European Prison Rules state that prisoners can only be searched by staff of the same gender.⁹

In the area of types of women's prisons and prison staffing, the Quaker Council for European Affairs recommends that:

- 17. Member states conduct research into how the size and locations of prisons holding women affect women prisoners and their families and the relative advantages and disadvantages of each place in relation to relevant factors (education and work opportunities, drug treatment schemes, visiting opportunities). Having identified these advantages and disadvantages, everything must be done to maximise the opportunities available for women prisoners at each prison and to ensure that women prisoners are given the same opportunities as male prisoners.**
- 18. Judicial authorities and social services decide together on which prison is most suitable for each prisoner, taking into account the needs of women prisoners and their children.**
- 19. Member states ensure that male prison guards do not hold positions involving physical contact over female prisoners and do not supervise female prisoners when they are likely to be in a state of undress.**
- 20. Member states put in place safeguards to protect female prisoners from all forms of abuse including gender-specific abuse, violence or exploitation from other prisoners or staff within the prison or during transit.**

Health care in prison

Health care for women prisoners

Women prisoners have different health needs from male prisoners. Furthermore, as many women prisoners come from deprived parts of the community, the health care they receive in prison may be the first occasion in which they have received such attention, and may be superior to care available for them outside of prison.

Existing research indicates that women prisoners are more likely to be suffering from certain mental illnesses, addiction to hard drugs and a tendency to self-harm than male prisoners. In-depth and conclusive investigation needs to be done across Europe on these differences.

Pregnancy

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 frequently as required.

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. In addition, the stress of imprisonment

⁹ 2006 European Prison Rules, Rec(2006)2, Rule 54.5

can impact negatively on the progression of a pregnancy. Restraining pregnant women in the same way as other women prisoners may endanger both the woman and the foetus.

Birth

International standards state that prisoners should give birth in an ordinary hospital outside of the prison.¹⁰ This is important to ensure that the mother and child have access to the best medical care and equipment.

In addition, ‘measures of physical restraint should never be used on women in labour, during transport to hospital or during delivery unless there are compelling reasons for believing that they are dangerous or likely to abscond at that time. In cases where a woman poses a significant and realistic threat to the safety of others, all other methods of ensuring security shall be attempted before physical restraints are used.’¹¹ ‘Nevertheless, from time to time, the CPT encounters examples of pregnant women being shackled or otherwise restrained to beds or other items of furniture during gynaecological examinations and/or delivery. Such an approach is completely unacceptable, and could certainly be qualified as inhuman and degrading treatment. Other means of meeting security needs can and should be found.’¹²

Babies

Babies and young children who are living in prison with their mother also require specialised health care.

Mental illness

Many prisoners suffer from mental illnesses, with some research suggesting that women may be more likely to suffer from certain mental illnesses than men.

In general, prisoners with severe mental health disorders or psychiatric problems should not be sent to prison, but cared for within specialised institutions.

The International Commission of Jurists reports that:

‘Mental depression and psychological symptoms are widespread among the prison population and even higher among the female population and the lack of adequate medication and counselling constitutes a severe shortcoming.’

The World Health Organisation states that ‘gender bias occurs in the treatment of psychological disorders. Doctors are more likely to diagnose depression in women compared with men, even when they have similar scores on standardized measures of depression or present with identical symptoms’ and that ‘female gender is a significant predictor of being prescribed mood altering psychotropic drugs’. It is likely that such stereotyping may well happen to the same extent, if not more, within the prison environment.

Although there may be a tendency for women in prison to be inaccurately diagnosed as having mental illness, it seems implausible that this is the sole explanation for the discrepancy in figures between rates of women’s mental illness on the inside and those on the outside. Women may enter prison with existing mental health problems. On the other hand, mental health problems might be brought on by imprisonment and the stress of leaving children on the outside.

¹⁰ 1957 UN Standard Minimum Rules for the Treatment of Prisoners, Rule 23(1); 2006 European Prison Rules, Recommendation Rec(2006)2, Rule 34.3

¹¹ Human rights and vulnerable prisoners, Penal Reform International cited in ‘Women in prison: a commentary on the Standard Minimum Rules for the Treatment of Prisoners’, Bastik M, the Quaker United Nations Office Geneva: <http://www.guno.org/>

¹² 10th General Report on the CPT’s Activities (1999) including a section on Women deprived of their liberty paragraph 27: <http://www.cpt.coe.int/en/docsannual.htm>

Drug and alcohol addiction

Prisoners are more likely to be suffering from drug/alcohol addiction than in the community at large. Fowler estimates that 75% of women entering European prisons are problematic drug and alcohol users (2002).¹³ Existing research also indicates that women prisoners are more likely to be addicted to harder drugs than male prisoners.

Treatment programmes for substance abuse for women-only should be available.

Disease in prisons

Tuberculosis, hepatitis and HIV/AIDS are a risk in overcrowded prisons. Universally prisoners' rates of HIV are higher than in the general population.¹⁴ HIV positive women risk passing the disease onto their babies and unborn children. Women's high rates of drug addiction mean they may be more likely to be exposed to the risk of catching HIV through sharing needles.

Hygiene

QCEA welcomes the rule in the European Prison Rules which states that 'special provision shall be made for the sanitary needs of women.' Often this is not the case. Even if they are made available, in some cases women have to buy such items for themselves.

Older women in prison may go through the menopause while imprisoned. All efforts should be made to ensure that any medical and/or psychological needs are identified and met at this time.

Women who are menstruating or going through the menopause need regular daily showers. They should also be able to change their bed linen very regularly.

Confidentiality

The revised European Prison Rules state that: 'When examining a prisoner the medical practitioner or a qualified nurse reporting to such a medical practitioner shall pay particular attention to observing the normal rules of medical confidentiality.'¹⁵

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. The presence of a guard also breaks doctor/patient confidentiality. The 2006 European Prison Rules gives the doctor a central role in the prevention of human rights abuses in custodial settings.

If it is absolutely necessary for guards to be present, women prisoners should never have to see a doctor in the presence of a male guard.

In the area of prison health care, the Quaker Council for European Affairs recommends that:

- 21. Member states ensure that prisons should take care to diagnose men and women according to the same standards when it comes to mental illness.**
- 22. Member states ensure that persons with severe mental health disorders are not sent to prison, but are cared for within other specialised institutions.**
- 23. Member states ensure that upon arrival to prison, all prisoners are screened for mental health disorders. If a prisoner is undergoing treatment before imprisonment,**

13 Cited in 'Health Care Needs of Women in Prison: The Gap Between Policy and Implementation', MacDonald M, presentation at 'What Works with Women Offenders: The Gap Between Policy and Implementation: Lessons from Other Countries on Dealing with Drug Related Offenders', June 2005: <http://www.uce.ac.uk/crq/moragpubs.htm>

¹⁴ 'HIV Prevention for Prisoners: A Public Health and Human Rights Imperative', Interights Bulletin, A Review of the International Centre for the Legal Protection of Human Rights, p 55, ISSN 0268-3709 2004 Volume 15, No. 2

¹⁵ 2006 European Prison Rules, Rec(2006)2, Rule 42.3

then that treatment must continue for as long as necessary while the prisoner is serving her/his sentence.

24. Member states ensure that throughout a prisoner's sentence she/he is monitored for signs of depression or other mental illnesses. Particular attention must be paid to vulnerable groups such as women prisoners.
25. Member states ensure that further research is done on the types and prevalence of different mental disorders affecting women in prison. Resources to treat such disorders should be made available.
26. Member states ensure that prison policies and programmes for women in the area of health care exist and that they are specifically tailored to their needs.
27. Member states ensure that the health care needs of minority groups of women prisoners, such as pregnant, breast-feeding, post-natal and older women are identified and met.
28. Member states ensure that, whenever possible, prisoners are allowed to see a doctor on their own and not in the presence of guards or other prison staff and that male guards are never present when women prisoners are consulting a doctor or nurse.

Family matters

Mothers in prison

The effects of women's imprisonment on their family are generally more serious than the effects of male imprisonment. This is not adequately recognised by the criminal justice system.

In sentencing, the rights of the children of women prisoners are often not taken into account although there are two ways in which a prison sentence can change the lives of children of a woman prisoner who is a mother:

1. The child or children may be left on the outside and either looked after by their father, other relatives or friends of the family or else taken into state care.
2. Babies or young children may live with their mothers in prison, hopefully in specialised Mother and Baby Units (MBUs).

Babies in prison

Some women may spend part 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. The 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.

The age up until which babies or young children can reside in prison with their mothers varies considerably across Europe. In the United Kingdom (England and Wales), women can keep their baby with them until the age of nine months if they are imprisoned in closed prisons. In Latvia, the age of separation is four years. 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.

Some countries have different practices in place to ensure that women with babies and young children are not sentenced to a prison sentence in the first place.

The Council of Europe Parliamentary Assembly Recommendation 1469(2000) on Mothers and Babies in Prison recommends, among other things, that member states: **develop and use community-based penalties for mothers of young children and avoid the use of prison custody and recognise that custody for pregnant women and mothers of young children should only ever be used as a last resort for those women convicted of the most serious offences and who represent a danger to the community.** The Quaker Council for European Affairs fully endorses these recommendations.

Children separated from their mothers

When imprisoned mothers have been the sole carers of children, separation from their mothers is usually more traumatic than if the father is incarcerated. Women prisoners are also more likely to lose custody of their children. 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.

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 of their children being permanently taken away from them. As a result, governments are unable to make social provision or policies which address the problem of children with incarcerated parents.

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.'¹⁶ Furthermore, 'parental separation can be experienced as desertion or abandonment, which can compound distress for children.'¹⁷ Member states should ensure that the rights and needs of the prisoner's child(ren) are taken into account when sentencing.

In the area of family matters, the Quaker Council for European Affairs recommends that:

- 29. Member states ensure that women with dependent children are not given a prison sentence wherever possible and are given the opportunity of serving a non-custodial punishment. *See also recommendations 7, 14 and 15.***
- 30. Member states ensure that where mothers are imprisoned, they can be reassured that their children are receiving suitable care and that they will be able to be reunited with them on release. It is thought that this would result in more women registering their children.**
- 31. Member states ensure that prison regimes and facilities are flexible enough to meet the requirements of pregnant women, breast-feeding mothers and prisoners whose children are with them.**

¹⁶ 'Parental Imprisonment: Effects on Boys' Antisocial Behaviour and Delinquency Through the Life-Course', Murray J, and Farrington D, Institute of Criminology, University of Cambridge, *Journal of Child Psychology and Psychiatry*, 2005, p 1

¹⁷ 'The Effects of Imprisonment on Families and Children of Prisoners', Murray J, 'In The Effects of Imprisonment', Liebling A & Maruna S, Willan Publishing, 2005, p 450

32. Member states implement Council of Europe Parliamentary Assembly Recommendation 1469(2000) on Mothers and Babies in Prison. Reports on progress in this area should be made available to the Committee of Ministers of the Council of Europe through the Council for Penological Co-operation.
33. Member states ensure that the situation where children are living in prison with their mothers is avoided if at all possible and alternative measures to custodial sentences are given to mothers with young children or pregnant women who are due to give birth while serving their sentence. *See also recommendation 26.*
34. Member states ensure that in situations where babies and young children who are in prison with their mother have to be separated from her, that this is done gradually, so that the process is as painless and non-threatening as possible.

Prison visits

The length and frequency of visits to which prisoners are entitled varies from prison to prison and country to country. It may also depend on whether the prisoner is awaiting trial or is sentenced. The countries that responded to our questionnaire said prisoners were entitled to visits of length and frequency varying from ‘no limit on the frequency of visits’ (for convicted prisoners) to just half an hour per month.

Women prisoners should have the right to decide who is allowed to visit them in prison.

Many visitors travel a long way to spend a relatively short time actually visiting. Visitor centres should be provided at all prisons to provide a safe, welcoming environment.

Visits from children

Because of the small number of prisons holding women, children may travel long distances to visit their mother. For children of non-resident foreign national prisoners the distance and cost of travel may be prohibitively expensive. Any children who *are* able to visit their mother may encounter an unwelcoming environment, as visiting someone in prison can often involve searches, sniffer dogs and other security measures that are both intimidating and frightening for young children.

In some countries, there are small apartments available in or near the prison for mothers and visiting children where they can spend time together, often overnight.

Conjugal visits

Some countries allow conjugal prison visits, where a room or small apartment is available for use by the prisoner and their partner. Sometimes the visits can cover a few days and often contraception is available. Some countries prohibit such visits because there are laws or practices in place which mean that all visits need to be observed by prison staff.

In some prisons, conjugal visits are available to men prisoners, but not to women prisoners. Prisons often have criteria which the partner or spouse has to fulfil before a conjugal visit is permitted (e.g. to have been married or together for a certain amount of time).

The European Prison Rules state that ‘persons deprived of their liberty retain all rights that are not lawfully taken away by the decision sentencing them or remanding them in custody’ and that ‘life in prison shall approximate as closely as possible the positive aspects of life in the community.’¹⁸ This would then imply that the continuation of consensual sexual relationships is an aspect of life in the community which should be available to prisoners.

In the area of visits, the Quaker Council for European Affairs recommends that:

35. Member states ensure that women prisoners have the right to decide who is allowed to visit them.

¹⁸ 2006 European Prison Rules, Rec(2006)2, Rules 2 and 5

36. Member states ensure that all prisons have visitor centres. Such centres may be particularly beneficial for young children.
37. Member states ensure that prison policies and programmes in the areas of visits and family contact exist and, where necessary, are tailored to the needs of women prisoners.
38. Member states ensure that special efforts are made to allow the children of prisoners to visit the prison and that staff are given training in dealing with visiting children. Any new measures or policies proposed should be analysed for the effects they may have on children visiting the prison and take into account the rights of the child. Security measures imposed around visits must not be intimidating to children.
39. Member states ensure that prisons should provide supervised play areas that allow children to be looked after while their mother and any other visitors can talk privately during the visit if necessary.
40. Member states make conjugal visits available to all prisoners and that contraception is freely available. Prisons which already allow conjugal visits for male prisoners, should also allow them for female prisoners. Conjugal visits should be available to prisoners in same-sex relationships, as well as those in heterosexual relationships.

Education, training and employment opportunities

Women prisoners are often less well educated than male prisoners and may have left school earlier than the age of compulsory schooling.

Prisons may offer a range of educational and work opportunities. Prisons may offer compulsory work or voluntary work (either paid or unpaid). The percentage of women prisoners enrolled on educational programmes varied from 1% to 100% in the countries that responded to our questionnaire.

In single-sex prisons where there are a low number of 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, which may be unsuitable and even threatening for those women who have experienced histories of abuse. As already mentioned opportunities for prisoners awaiting trial and sentenced prisoners may also differ significantly.

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 (within certain obvious parameters) should not be allocated simply because of the sex of the prisoner. In some prisons, women may not be able to work or take education courses because there is no crèche facility in the prison.

In the area of education, training and employment opportunities, the Quaker Council for European Affairs recommends that:

41. Member states ensure that women are given equal access to education, training and work opportunities as male prisoners.
42. Member states ensure that women are given jobs and training which will provide them with skills that they can use on release. Jobs and training should not be allocated to prisoners on the basis of gender.
43. Member states ensure that crèches are made available to mothers with babies or young children in prison with them, allowing them to work or take educational classes if they wish.

Preparation for release

Women leaving prison receive varying degrees of support from the prison and social services. They may face many problems; getting a job, finding accommodation, staying

drug or alcohol free and obtaining custody of children who have been in state care during their imprisonment. Women may find that they are unable to get their children back until they have accommodation, but are unable to get accommodation until they have their children. This makes it very difficult for women to resume normal lives outside of prison, and may be a factor which contributes to re-offending.

In the area of preparation for release, the Quaker Council for European Affairs recommends that:

44. Member states make sure that prison policies and programmes are specifically tailored to the needs of women, including those in the areas of resettlement.
45. Member states ensure that the needs of female prisoners upon release, issues such as homelessness, unemployment, workforce discrimination and regaining custody of children are addressed. If social services were previously involved with a prisoner they should be informed that the prisoner is being released.

Conclusions

As part of this research, and in addition to a number of important findings, we have identified areas for further research: alternatives to custodial sentences, juveniles, women awaiting trial and the effect on their children and families, and the mental health impacts of imprisonment on women.

The Quaker Council for European Affairs urges all member states of the Council of Europe to fully implement the revised European Prison Rules and Recommendation Rec(2006)13 of the Committee of Ministers on the use of remand in custody, the conditions in which it takes place and the provision of safeguards against abuse; the Parliamentary Assembly Recommendation 1469(2000) on Mothers and Babies in Prison as well as all the recommendations made by QCEA in this report.

QCEA commends the Council of Europe for its excellent work on penal matters. At the same time we urge the Council of Europe to resume its collection of community sanctions and measures (SPACE II, last published survey based on 2001 statistics) which was discontinued due to budgetary constraints QCEA urges the Council of Europe to disaggregate SPACE I statistics in terms of gender and in terms of sentenced prisoners and those awaiting trial.

QCEA urges the European Union to include a consideration of women in prison in all areas of their equality work such as education, employment and health care.

QCEA urges that the work done under the European Union Justice and Home Affairs umbrella (which is looking at comparative sentencing amongst the Member States), should consider women as a special category in order to ensure that it is possible to identify any differences in patterns between the sentencing of men and women and because of the serious long-term effect of women's imprisonment on their children and families.

Part One: Government responses to the QCEA questionnaire

Introduction

The Religious Society of Friends (Quakers) has a long history of campaigning for prison and criminal justice reform. Perhaps most well-known amongst these is Elizabeth Fry, a 19th century Quaker philanthropist and penal reformer who was instrumental in initiating many prison reform programmes that are still in place today, many with regard to women. She was a driving force behind legislation to make the treatment of prisoners more humane, and in 2002, in recognition of her achievements and her lasting legacy, the Bank of England celebrated her achievements by issuing a £ 5 note in her honour.

More recently in 1989, Prison Reform International, an NGO which is registered with the UN and works to raise standards and reduce the use of imprisonment, was set up with QCEA involvement. As part of their work, the Quaker United Nations Offices (in Geneva and New York) and the Quaker Council for European Affairs (QCEA) lobby on criminal justice issues at the UN and European Institutions respectively.

The QCEA and QUNO-Geneva decision to work on this theme was motivated by the recognition of a number of issues which were highlighted in a statement made on behalf of Friends World Committee for Consultation (FWCC) at the 12th Meeting of the United Nations Crime Prevention and Criminal Justice Commission, 13-22 May 2003. Below is an excerpt from that statement:

‘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’.

QCEA, in partnership with its sister organisation QUNO-Geneva and Quaker Peace and Social Witness (QPSW), Britain Yearly Meeting, decided to undertake a comparative study of women in prison in different countries in order to investigate the issues highlighted in FWCC’s statement. QCEA took on responsibility for the member states of the Council of Europe, while QUNO was tasked with ‘the rest of the world’. Although the two organisations have been looking at different geographical areas, the conceptual framework of the overall project was developed jointly.

This report looks at the situation facing women in prison across some of the Council of Europe member states. Women face different challenges and have different needs from

men in prison; these needs are all too often overlooked. Issues that are often (but not always) specific to women in prison are issues of: maternity and childcare; childhood or domestic abuse and violence; drug and alcohol abuse and addiction; and depression and self-harm.

One fundamental problem is that almost all prisons are built and designed with men in mind and this makes it very difficult for the needs of women in prison to be met. This can lead to discrimination.

This project set out to compare the situation of women in prison across the then 45 member states of the Council of Europe. This report shows our results and analysis of the situation. The report has been informed by prison visits, questionnaires returned from twenty-eight countries, the UK (England and Wales only) and the region administered by the UN of Kosovo and desk- based research.

Women in prison in Europe

QCEA sent out questionnaires on Women in Prison to governments and prison administrations of Council of Europe member states. The responses that were returned have been used to compare the different conditions facing women in prison across Europe. Twenty-eight countries, the UK (England and Wales only) and the region administered by the UN of Kosovo responded and their answers are set out in Part One.

Part Two comprises thirteen country reports which detail the situation of women in prison in Denmark, Estonia, France, Germany, the Republic of Ireland, Italy, Latvia, Norway, Romania, the Russian Federation, Scotland, Sweden and the United Kingdom (England and Wales). These country reports were informed by;

- (in some cases) prison visits undertaken by QCEA during which discussions were held with both staff and prisoners, allowing a unique and first-hand insight into prison conditions, facilities and prisoners' lives.
- Questionnaire responses from NGO workers, prisoners and ex-prisoners, and
- Desk based research.

Part One of the report, together with this introduction and an Executive Summary are available in printed and electronic form. The country reports which make up Part Two are only available in electronic form and can be accessed on the QCEA website at www.quaker.org/qcea.

Through the publication of this report QCEA hopes to:

1. develop an understanding of the impact that imprisonment has on women;
2. identify the conditions in which women are kept;
3. contribute to the understanding of why increasing numbers of women are being imprisoned in a number of countries;
4. learn what provision is made for the children of women in prison (including babies and young children accompanying their mothers into prison and older children left outside) and the impact of their mother's imprisonment on the children and their relationship with their mother; and
5. identify key issues and develop practical policy recommendations at national, regional and international levels.

Existing safeguards and standards

Standards such as the UN Minimum Standards for the Treatment of Prisoners and the International Covenant on Civil and Political Rights make provisions governing the treatment of prisoners. The UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Convention on the Rights of the Child safeguard the rights of women and children, and in some cases are applicable to women and children in prison.

The European Prison Rules (EPR) of the Council of Europe exist to protect the rights of prisoners in member states. They have been recently revised (2006) and set out non-binding rules and guidelines in the main areas of prison service for member states.

QCEA recognises that it may be difficult to meet many of the needs of women prisoners due to lack of resources, not because of lack of awareness or good intention. For this reason, we welcome Rule 4 of the EPR which states that ‘prison conditions that infringe prisoners’ human rights are not justified by lack of resources’. The 2006 revision of the EPR includes a new section on women. Although the section is short, QCEA welcomes it as a move towards meeting the specific needs of women prisoners.

Parliamentary Assembly Recommendation 1747(2006) European prisons charter recommended to the Committee of Ministers that it should draw up a new convention setting out detailed and binding rules on the treatment of prisoners. The reply from the Committee of Ministers adopted at the 974th meeting of the Ministers’ Deputies (27 September 2006) stated ‘... The Committee of Ministers observes that its expert body considered that it would be difficult for the states to reach a consensus on more than a very limited number of binding legal rules, which would impoverish and stigmatise existing standards and could, moreover, lead to weakening the importance and the impact of the European Prison Rules on the work of the prison administrators in the member states and at the European level in general.’¹⁹

However, the European Prison Rules will be updated regularly; the Council of Europe’s Council for Penological Co-operation is entrusted with ‘the task of re-examining the European Prison Rules every 5 years, or more frequently, if the case law of the European Court of Human Rights or the CPT reports so require. When necessary, the Committee of Ministers will take measures for up-dating the European Prison Rules.’²⁰

Many recommendations on prison issues have been published by the Council of Europe in the last ten years and several of these make special provisions for women prisoners.

Other documents which have been passed by the Parliamentary Assembly of the Council of Europe are specific to women in prison. These include a report on Mothers and Babies in Prison²¹ and a Motion for a Recommendation on Women in Prison²², passed by the Parliamentary Assembly in April 2006. The latter is an example of key policy that could benefit women in prison across Europe. At the time of writing the Parliamentary Committee for Social, Health and Family Affairs has been mandated by the Bureau of the Parliamentary Assembly to write a report on women in prison.

Methodology

In 2004, QCEA designed and sent out questionnaires on women in prison to the then forty-five member states of the Council of Europe.²³ The questionnaire was designed to be answered by Prison Governors, Ministers of Justice (or the equivalent) and Ministry staff. Part One presents the results of these questionnaires.

¹⁹ European Prisons Charter Recommendation 1747 (2006) ,Doc.11041 2 October 2006

²⁰ *ibid*

²¹ Mothers and Babies in Prison, Doc. 8762, Report by the Social, Health and Family Affairs Committee, Rapporteur: Mr Rudolf Vis, 9 June 2000

²² Motion for a recommendation, Women in prison, Doc. 10900, 13 April 2006:

<http://assembly.coe.int/main.asp?Link=/documents/workingdocs/doc06/edoc10900.htm>

²³ Council of Europe member states (as of November 2006): Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia*, Slovakia, Slovenia, Spain, Sweden, Switzerland, “The former Yugoslav Republic of Macedonia”, Turkey, Ukraine, United Kingdom.

* "With effect from 3 June 2006, the Republic of Serbia is continuing the membership of the Council of Europe previously exercised by the Union of States of Serbia and Montenegro (CM Decision of 14 June 2006)":

<http://www.coe.int/>

Twenty-eight countries, the UK (England and Wales only) and the region administered by the UN of Kosovo responded to the questionnaire²⁴. The results from Kosovo have been listed alongside the country responses because we did not receive a response from Serbia. However, it should be noted that the results for Kosovo should not be taken as representing the situation of women in prison in the whole of Serbia. From the United Kingdom, a response was received from England and Wales which are part of the same administrative area in matters of criminal justice (Scotland and Northern Ireland are autonomous in matters of criminal justice and prisons) and for the purposes of this report we have counted them as one country.

The statistics from different countries are not all from the same year so that statistics are only approximately comparable. Where possible, we have given the date to which the answers correspond (see Appendix 1).

Information from non-government sources has only been used for the statistical calculations and comparisons with governmental information where this is specifically stated. Where entries in the tables are blank, this means that no answer was provided to that question, or part of the question. If the question response explicitly stated that the data was not available, we have indicated this in the tables.

The commentary attached to these tabled responses is drawn from a wide variety of sources (as indicated in the referencing).

More detailed country reports have been written on 13 countries (see Part Two); Denmark, Estonia, France, Germany, Ireland, Italy, Latvia, Norway, Romania, the Russian Federation, Scotland, Sweden and United Kingdom (England and Wales only).

Notes on individual countries in Part One: Two questionnaires were returned from Greece - one from Korydallos women's central closed prison and another from Thessaloniki prison which holds both men and women. In the tables there are thus two entries for Greece denoted Greece (K) and Greece (T) respectively. Where the table just has an entry for Greece, the data from the two prisons has been combined.

The entries for Germany are responses to the questionnaire supplied by the Federal authorities, and not an aggregate of information returned from the different Länder.

Minority female prisoner groups such as juveniles and older prisoners were not investigated in detail through the use of the questionnaire sent out to member states. Despite not having any comprehensive primary data, we feel these groups deserve attention and have made comments on issues affecting them. We recommend that further research is done so that their particular needs can be identified and met.

In addition, difficulties facing women on release from prison, and national support systems in place to help them were not covered by the questionnaire. As some of these difficulties relate to their roles as mothers with dependent children, we have included a short overview.

Female prison populations

The charts in Appendix 3, (Fig 1.08 - Fig 1.35) show how both the number of female prisoners and the female prison population as a percentage of the total prison population have changed over the last ten years for the countries from which we received the data. The blue line shows how the percentage of the total prison population has changed and the red columns relate to the number of women in prison each year.

²⁴ States which responded to the questionnaire: Andorra, Armenia, Austria, Azerbaijan, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Luxembourg, The Netherlands, Norway, Poland, Portugal, Slovenia, Sweden, Switzerland. Kosovo and the UK (England and Wales only) also responded

Georgia and Ireland did not supply this information. Other countries could only give figures for a certain number of years, e.g. in Kosovo figures on the female prison population were available only for the years after the United Nations Mission in Kosovo (UNMIK) started there. Luxembourg only supplied figures for the female prison population, and not for the male prison population. The England and Wales figures are for prisons and police cells.

From the charts it can be seen that in the last ten years:

Andorra has witnessed both a reduction in **the number** of women prisoners and in the **percentage** of women in prison.

In Bulgaria, Czech Republic, Denmark, Italy, Latvia, Norway and Sweden, **the number and percentage** of women prisoners has remained relatively **stable**.

In Bulgaria, Cyprus, England and Wales, Estonia, Finland, Greece and the Netherlands, both **the number and percentage of women prisoners has increased**. The same tendency is seen in Kosovo but the figures available only cover the period 2000-2004.

Other countries present a more complex picture;

In Belgium and Portugal, the **number** of women prisoners has either fluctuated or remained relatively **stationary**, but their percentage as part of the prison population has **decreased**.

In Armenia and Switzerland, the **number** of women prisoners has **decreased** but their percentage of the prison population has remained stationary, which would appear to indicate a **fall** in the total prison population.

In Slovenia, the number of women prisoners has fluctuated but **increased** overall. The percentage of women prisoners has fluctuated but has **decreased** overall.

In Austria, Azerbaijan, Germany, Hungary and Poland, the number of women prisoners has **increased** but their percentage of the total prison population has remained constant, which would suggest an **increase** in the total prison population.

It is difficult to arrive at a firm conclusion for Iceland, due to the small numbers involved.

One problem in comparing figures across countries is that in the questionnaire we did not specify who counts as a female prisoner, so some countries may have supplied information pertaining to both sentenced women and those awaiting trial, while other countries may have counted sentenced women only. There was also no information supplied on the way countries collect prison population information, i.e. do they take an average value over the whole year, or do they take the number of prisoners on one day as their figure for the whole year?

Issues facing specific groups of women prisoners

Foreign national women prisoners

Foreign national women prisoners are among the most disadvantaged among the prison population and may suffer multiple disadvantages compared to other prisoners.

Foreign nationals who are non-resident in the state in which they are imprisoned face particular challenges. If their first language is not that of the country where they are imprisoned, their understanding of their legal situation and their communication with a lawyer are likely to be impaired. Even when foreign nationals do speak the relevant language they may be unfamiliar with the criminal justice system of the country where they are imprisoned. Legal procedures may be slowed by the need for translation/interpretation, especially if the prisoner's first language is not a widely spoken one. Their comprehension

of prison rules and the behaviour expected of them may differ from that of their peers and, thus, they may have trouble negotiating the benefits and sanctions of the prison system, as well as the legal system. Isolation, incomprehension and lack of knowledge may create barriers for accessing work, training and education. They are likely to experience severe isolation. Food, manners, dress, sleeping and hygiene habits, both in the country and the prison, may all differ from what they are used to.

Whilst the problems of family contact may be less severe for resident foreign nationals, there are concerns relating to deportation on completion of the sentence for resident foreign nationals. If they are deported the impact on their families may be greater at the completion of their sentences.

The problems all mothers face in prison are exacerbated for foreign national women. Arranging alternative care for children is more difficult over long distances with limited communication. Family and friends are unlikely to be able to visit, due to financial and other constraints. Communication with home may be slow as letters censored by the prison will have to be translated and telephone calls are likely to be prohibitively expensive for the prisoner.

Both prisons and the criminal justice system need to take into account possible delays in any issue where communication is important and should allow extra time. Foreign national prisoners should also be given extra support in contacting their lawyer, consulates and families. The possibility and consequences of serving their sentence in their own country need to be fully explained to them. Some prisons try to put foreign nationals of the same nationality together for mutual support and to help with interpretation. Prisons can help by making an effort to secure interpretation and translation and putting foreign nationals in touch with those who might be able to support them such as NGOs, support groups and individuals of the same nationality. Prisons could also help by making information about prison rules available in the appropriate foreign languages and by discussing rules, culture and expectations with prisoners who might have difficulty understanding them.

Table 1.01: Percentage of female prisoners who are foreign nationals

	% of female prisoners who are foreign nationals
Andorra	75
Armenia	8
Austria	40
Azerbaijan	10
Bulgaria (2004)	2
Croatia	0
Cyprus	45
Czech Republic	8
Denmark	27
Finland (1 May 2004)	5
Georgia	10
Germany (31 March 2004)	16
Greece (K)	30
Greece (T)	22
Hungary ^a	2
Iceland	57
Ireland	18
Italy	45
Kosovo	44
Latvia	0
Luxembourg	66

The Netherlands	26
	% of female prisoners who are foreign nationals
Norway	12
Portugal	28
Slovenia	4
Sweden	24
UK (England and Wales)	19 (incl. sentenced prisoners and prisoners awaiting trial)

^a Hungary: 2 foreign national women, 1 of whom is held for drug offences; this is such a small proportion of the prison population that it does not show up statistically.

Estonia answered that on 1 January 2005, 71 sentenced prisoners did not have Estonian citizenship. These prisoners may include not just foreign nationals but also stateless Russian-speaking and other ethnic minorities within Estonia.

Belgium and Switzerland did not respond to the question. Poland was unable to answer the question because the data was not available.

The percentages of female prisoners who are foreign nationals are spread fairly evenly, ranging from 0% (Croatia/Latvia/Hungary) to 75% (Andorra). The percentages of these female foreign nationals who are imprisoned for drug offences range from 0% to 100%. On average, more than 30% of the women prisoners who are foreign nationals are held for drug offences.

Table 1.01 shows that Andorra, Iceland and Luxembourg have a percentage of foreign nationals above 50% (75%, 57% and 66% respectively). Because the number of women prisoners is low in these countries, these percentages relate to an even smaller number of prisoners.

Female juveniles

International standards state that adults and juveniles should be imprisoned separately.

The number of female juveniles in prison within the women prison population is low. This means that, in reality, juveniles and adult female prisoners are sometimes accommodated in the same sections. This may result in juveniles being in regular contact with women who have a long history of crime. On the other hand while this situation is not ideal, it may sometimes be the only way that individual juveniles can avoid isolation and have access to educational opportunities.

For example, juveniles are sometimes held with adults in Norway. Although separating pre-trial adults and juveniles in prison happens in the majority of European countries, the Norwegian penitentiary authorities maintain that given the small number of juvenile detainees and the fact that they serve such short sentences, holding juveniles separately would entail a de facto isolation.²⁵

Older women

Female prisoners over the age of fifty represent a small proportion of the overall female prison population (for example 4% in the UK, 2005²⁶), although this proportion may increase alongside the ageing of the general prison population. As a minority within a minority, the

²⁵ Report by Mr Alvaro Gil-Robles, Commissioner for Human Rights on his visit to Norway, 2-4 April, 2001, for the Committee of Ministers and the Parliamentary Assembly, Officer of the Commissioner for Human Rights, Council of Europe, 19 September, 2001

²⁶ Wahidin, 2005, Data provided by the Research, Development and Statistical Department and the Statistics Directorate of the Home Office

needs of older female prisoners are rarely considered separately, increasing the difficulties associated with imprisonment for many individuals.

Older prisoners may need greater health care and often more specific healthcare than younger prisoners. For some women in this age group, the effects of the menopause particularly may have an impact on their health care needs; they may also have different hygiene needs (i.e. more showers, more frequent changes of bedding, etc.). Obtaining the necessary specialised treatment can be difficult²⁷, particularly if a prisoner is too ill to be treated outside the prison.

It is also the case that older women are discouraged from attending educational programmes²⁸ as younger women are considered to have more opportunity to benefit from them.

Prisons do not separate adult prisoners on the basis of their ages. This may be good for the overall atmosphere of the prison and have a calming influence on younger women. Alongside, there is the cost-effectiveness of non-segregated prisons. This is therefore a partly desirable necessity. However, measures to offer older prisoners facilities allowing for more privacy and quiet away from other prisoners could be beneficial to them.

What crimes are women imprisoned for

It should be noted that the figures given in Table 1.02, do not tell us the number of women committing certain crimes, but the number of women imprisoned for certain crimes. When a high percentage of women in prison are imprisoned for a certain crime this may indicate that many women in that country are committing that crime, or that a lot of effort is put into pursuing and prosecuting people who commit this crime.

Andorra, Austria, Belgium, Italy, and Switzerland did not give an answer to the question as to which crimes women are imprisoned for. Poland did not have any data available to answer this question. The Irish administration pointed out that many women had multiple convictions.

Table 1.02 shows that rates of imprisonment for prostitution are low; the highest level (at 11% in Kosovo) being comparatively low. Prostitution is a complex criminal justice issue and there is no common European position. In some countries prostitution is legal and those engaged in the practice pay taxes and receive social security benefits.

There are variations in the rates of imprisonment for physical violence from 1% (Greece (K) and Kosovo) to 18% (Finland and UK (England and Wales)). This an area which requires further research. The International Covenant on Civil and Political Rights states that ‘No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.’²⁹ In Georgia and Greece, women prisoners have been charged with debt.

Table 1.02: Types of crime women are imprisoned for (in % unless otherwise indicated).

	Property crimes ^a	Drug offences	Fraud and forgery	Physical violence	Sexual offences concerning prostitution	Other sexual offences	Homicide	Motoring offences	Debt	Other
Armenia	9	8	34	3	5	4	30			8
Azerbaijan	7	16	14	0	3		25			
Bulgaria	45	5	11	0		2	19			4

²⁷ Aday et al., 2004

²⁸ Wahidin, 2006 :

http://www.womeninprison.org.uk/index.php?option=com_docman&task=cat_view&qid=30&Itemid=67

²⁹ The International Covenant on Civil and Political Rights, Article 11

	Property crimes ^a	Drug offences	Fraud and Forgery	Physical Violence	Sexual offences concerning prostitution	Other sexual offences	Homicide	Motoring offences	Debt	Other
Croatia	18	11	11	3		3	22	0		
Cyprus	5		10	5	5		5			70
Czech Republic	21	6	22	0	1	0	20	0	0	30
Denmark	9	7	23	19	---	3 people	2 people	17		
Estonia	36	22	4	7	1	1 (incl. rape)	21			10
Finland	22	19		18		1	29			11
Georgia	10	35	35	15		15	10		15	
Germany ^b	34	19	23	9	0	1	5	3	0	6
Greece (K)	16	52	4	1	1		6		1	20
Greece (T)	2	40	3		1		5	1	4	33
Hungary	61	0	15	-	-	-	12	0	-	-
Iceland	33	50					17			
Ireland	29	16		9		1	7	3		36
Kosovo	18	8	12	1	11	0	16	0	0	35
Latvia	24	38	2		1	1	18	1		16
Luxembourg	33	44	11							12
Netherlands ^c	28	38	5	4		1	12	1		11
Norway	12	40	8	6		1	6	9		18
Portugal	10	71		2	0	0	8			
Slovenia ^d	50	4					10	3		32
Sweden	23	36	8	16		2	5	5		
UK (England and Wales) ^e	29	35	5	18	1 (for all sexual offences)	-		1		10

^a Property Crime: ‘Theft and handling stolen goods’, ‘Robbery’ and ‘Burglary’ figures from the questionnaire have been combined.

^{b and c} Germany and the Netherlands: Prostitution is legal in these countries, hence there are no convictions for prostitution.

^d Slovenia: Slovenia’s figures apply to convicted prisoners only.

^e UK (England and Wales): Data relates to sentenced prisoners only. Offences not recorded: 1%.

Table 1.03: The most common crimes for which women are imprisoned (based on data from Table 1.02).

	First most common crime	Second most common crime	Third most common crime
Armenia	Fraud	Homicide	Property
Azerbaijan	Homicide	Fraud and forgery	Drug offences
Bulgaria	Property	Homicide	Fraud and forgery
Croatia	Homicide	Property	Drug offences; Fraud and forgery
Cyprus	Other	Fraud and forgery	
Czech Republic	Other	Fraud and forgery	Property
Denmark	Fraud and forgery	Physical violence	Motoring offences
Estonia	Property	Drug offences	Homicide
Finland	Homicide	Property	Drug offences
Georgia	Drug offences; Fraud and forgery	Physical violence; Sexual offences; Debt	Property crimes; homicide

	First most common crime	Second most common crime	Third most common crime
Germany	Property	Fraud and forgery	Drug offences
Greece(K)	Drug offences	Other	Property
Greece(T)	Drug offences	Other	Homicide
Hungary	Property	Homicide	Fraud and forgery
Iceland	Drug offences	Property	Homicide
Ireland	Other	Property	Drug offences
Kosovo	Other	Property	Homicide
Latvia	Drug offences	Property	Homicide
The Netherlands	Drug offences	Property	Homicide
Norway	Drug offences	Fraud and forgery	Homicide; Physical violence
Portugal	Drug offences	Property	Homicide
Slovenia	Property	Other	Homicide
Sweden	Drug offences	Property	Physical violence
UK (England and Wales)	Drug offences	Property	Physical violence

In ten countries, drug offences are the most common offences for which women are imprisoned: in five countries it is property-related offences. Taking the three most common offences for each country into account, property-related offences rank highest (listed as number 1, 2 or 3 in 16 countries), followed by homicide (15) and drugs (14).

Figures 1.01, 1.02, 1.03 and 1.04 show this data graphically.

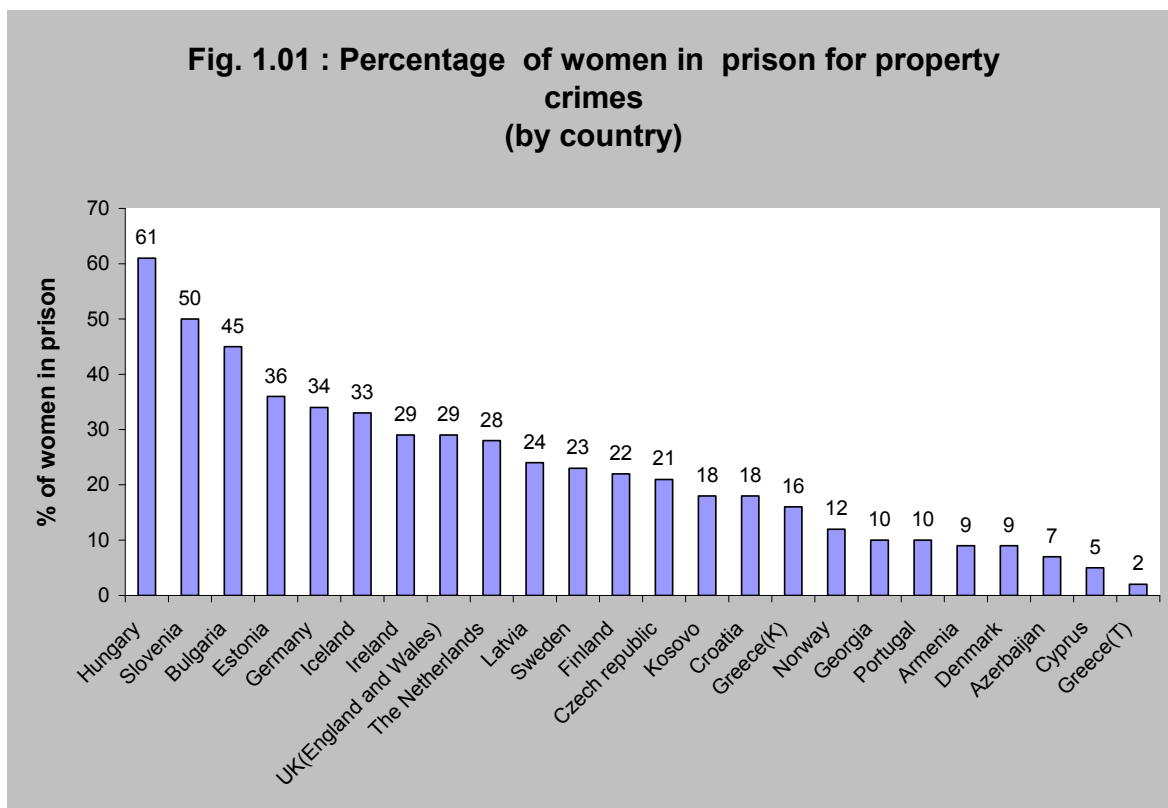
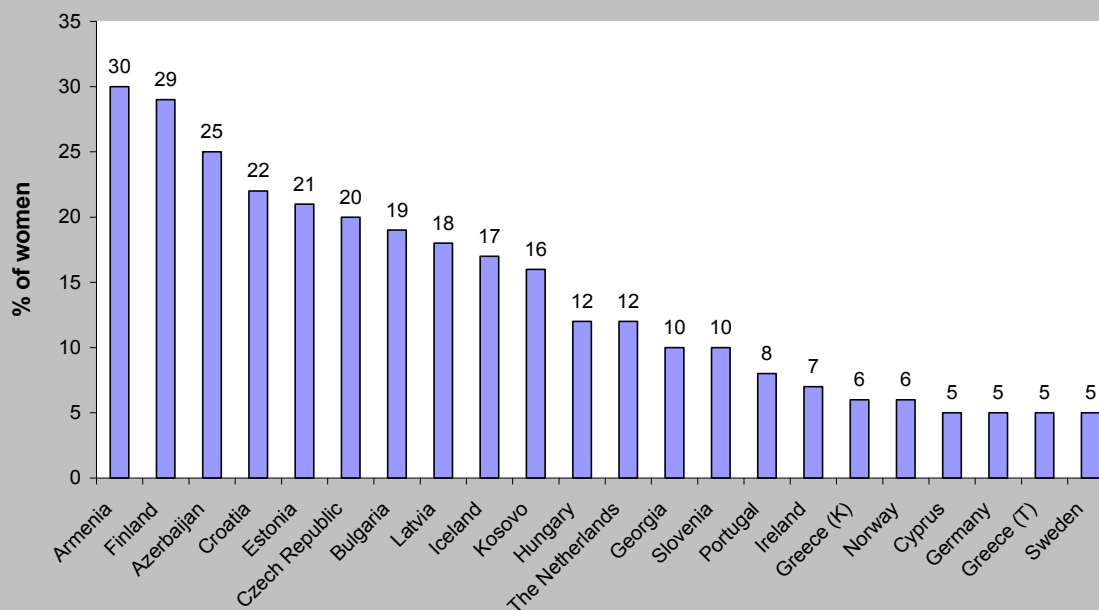


Fig. 1.02 : Percentage of women in prison for homicide (by country)

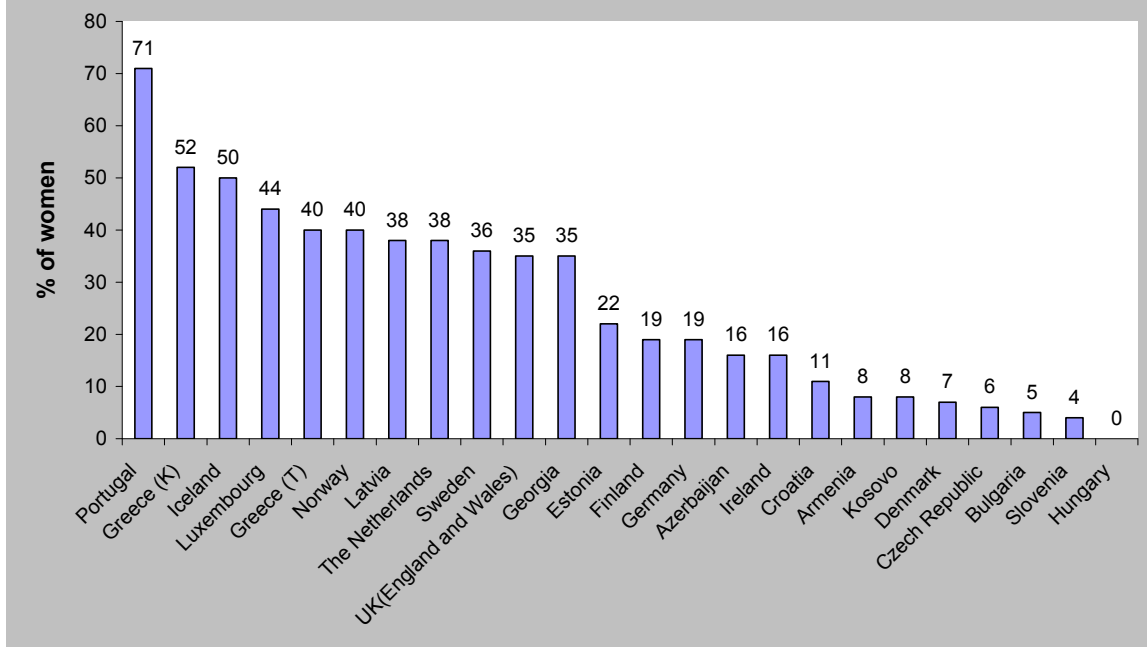


The countries with the highest percentage of women imprisoned for homicide are, in descending order, Armenia, Finland and Azerbaijan. The figure from Finland is verified by the website of the Finnish Criminal Sanctions Agency, where it states that on 1 May 2005, the principal offence of 27% of women in prison was homicide.³⁰

Sweden has recently begun to record the relationship between murderers and murder victims. It would be informative to do European-wide research in this area, and more generally on factors that influence why women commit violent crimes.

³⁰ 'Principal offence of male and female prisoners', Statistics from the Criminal Sanctions Agency: <http://www.rikosseuraamus.fi/16928.htm>

Fig. 1.03 : Percentage of women in prison for drug offences (by country)



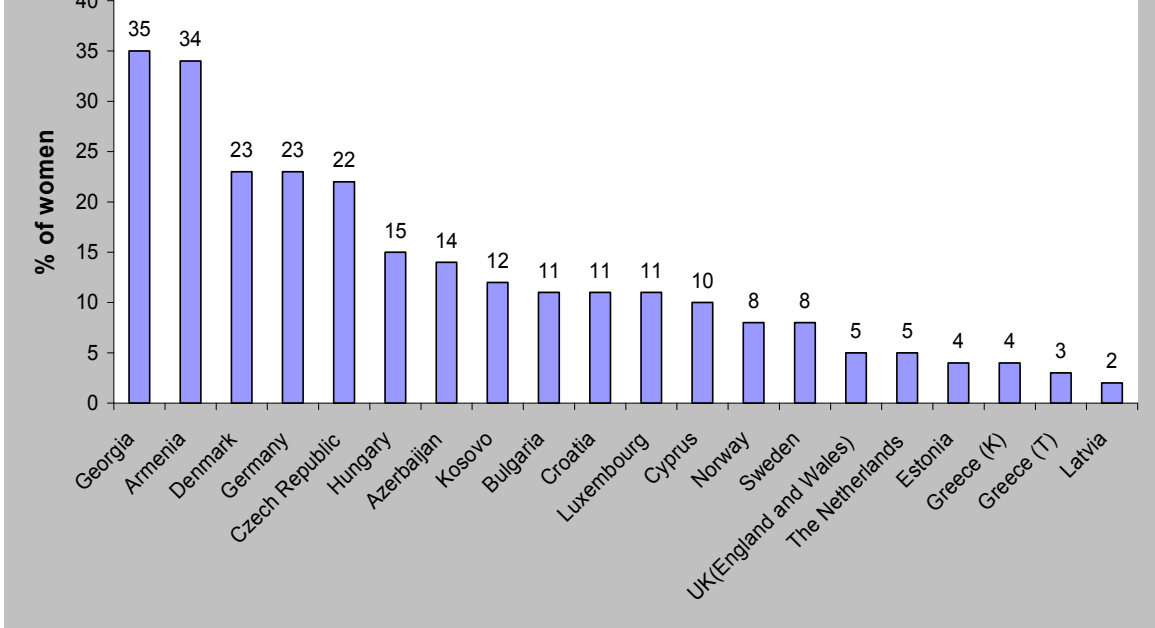
Drug crime is possibly the hardest component to analyse since drug laws, the enthusiasm to prosecute, as well as the collection of data differ.³¹ Portugal imprisons more women for drug crimes than any other country, 71%, (28% of women in prison in Portugal are foreign nationals and 89% of them are there for drug crimes); followed by Greece at 52% and Iceland at 50%. Very low levels were found in the Czech Republic, Bulgaria, Hungary and Slovenia.

One theme for further research has been identified by the Home Office of England and Wales, which found that sex markets can play a significant role in the development of drugs markets and vice versa.³²

³¹ According to the European Monitoring Centre for Drugs and Drug Addiction drug crime can be divided into four categories: psychopharmacological crimes (crimes committed under the influence of a psychoactive substance), economic compulsive crimes (committing crime in order to fund a drug habit), systemic crimes (crimes committed as part of the business of distributing and supplying drugs) and, lastly, drug law offences (crimes that are committed against drug and drug-related legislation): <http://ar2004.emcdda.europa.eu/en/page093-en.html>

³² Women who challenge, Women offenders and mental health issues, Kesteven S, Nacro, April 2002, p 1

Fig. 1.04 : Percentage of women in prison for fraud and forgery (by country)



Fraud and forgery are not the most common crimes for which women are imprisoned in most of the countries who responded to this question. However, fraud and forgery are highest among women in prison in Georgia and Armenia and are also high in Denmark, Germany and the Czech Republic.

Further research is needed into why women are imprisoned for certain crimes, how and why these might differ from the crimes for which men are imprisoned and how these differences vary between countries and regions. Is custody the answer for all types of crimes? Overall, the collection of statistics and data in this area needs to be improved.

Length of sentence

There are both advantages and disadvantages to a short prison sentence. An advantage is that shorter sentences mean the institutionalisation of prisoners is lessened and prisoners will be able to adapt back to society more easily. On the other hand, shorter sentences mean the turnover of prisoners will be faster, that there is less continuity in the prison and that staff will not get to know prisoners. It is harder for prisons to provide services and activities for prisoners serving short sentences.

Short and long prison sentences may disrupt prisoners' lives equally. A prison record will be obtained whatever the length of imprisonment; this has serious consequences because it makes employment, insurance and housing harder to find.

A report from a British charity reveals that 75% of women in prison in England and Wales whether awaiting trial or serving short sentences

‘receive relatively little resettlement assistance from statutory services...Even a short sentence can result in the loss of accommodation, employment, and community ties, the loss of which increases the likelihood of re-offending.’³³

These negative consequences are more likely to occur for women prisoners than for male prisoners as women are more likely to be single parents and less likely to have someone securing the family home and possessions. Thus a short prison sentence for a woman is not likely to be effective as a ‘short, sharp shock’ because it will have damaging long-term consequences. This challenges the efficacy of short prison sentences as punishment in general and for women in particular.

A long or short sentence will have a different effect on the children of a prisoner. The initial feelings of loss which a child feels, which may well amount to trauma, will be similar for a long or short sentence. However everyday parenting may be more easily resumed after a short sentence as the child and parent will have changed less in the interim and altered family settings will have had less time to become normalised.

Table 1.04: Average length of prison sentence served by women prisoners

	What is the average length of prison sentence currently being served by women prisoners?
Armenia	7.0 years
Azerbaijan	See Fig. 1.05 below
Bulgaria	See Fig. 1.06 below
Czech Republic	3.8 years
Denmark ^a	0.3 years
Estonia	4.0 years
Finland	0.7 years
Germany	See Fig. 1.07 below
Greece(T)	3.3 years
Iceland	3.4 years
Italy	4.5 years
Kosovo	5.1 years
Luxembourg	3.9 years
The Netherlands	2.1 years
Norway	0.3 years
Portugal ^b	6.0 years
Slovenia	2.3 years
UK (England and Wales)	For all sentence lengths but less than life: 12.6 months

^a Denmark: 2.3-4.4 months or an average of 3.4 months.

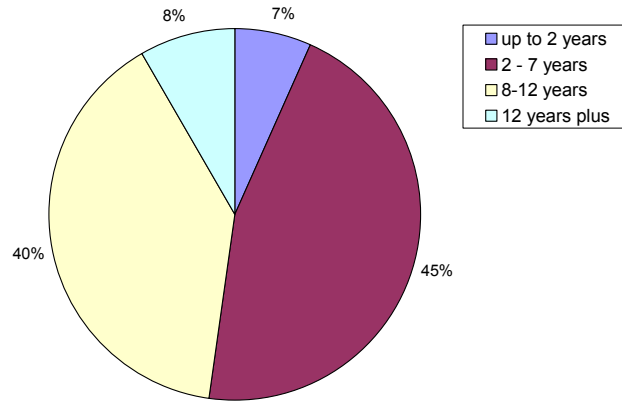
^b Portugal: 3-9 years.

There is no data for women only, but the average sentence length in Latvia is 5 - 5.5 years. Andorra, Austria, Belgium, Georgia, Greece (K) and Switzerland did not answer this question. Cyprus, Hungary, Poland and Sweden did not have data available to answer this question.

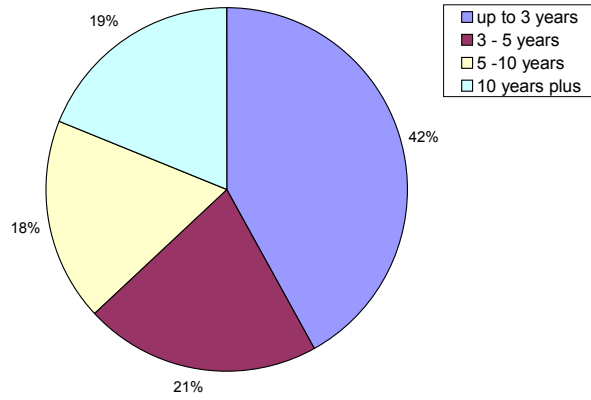
The average sentence length for women varies from a few months to seven years. For example, 33% of women in prison in Germany are in prison for less than six months whilst only 7% of women in prison in Azerbaijan are in prison for less than two years. Denmark and Finland have the shortest average sentences, whilst Azerbaijan, Kosovo and Armenia have the longest.

³³ ‘Women beyond bars: A positive agenda for women’s resettlement’, NACRO, April 2001, p 9

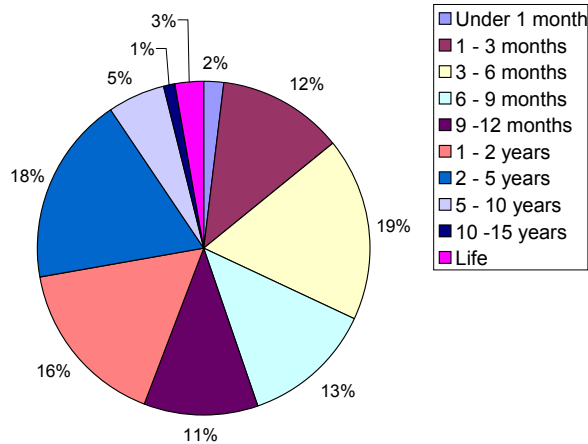
**Figure 1.05: Length of sentence of women prisoners in Azerbaijan
As at May 2005**



**Figure 1.06: Length of sentence of women prisoners in Bulgaria
As at March 2005**



**Figure 1.07: Length of sentence of female prisoners in Germany
As at March 2004**



Women prisoners awaiting trial

The International Covenant on Civil and Political Rights states it ‘shall not be the general rule that persons awaiting trial shall be detained in custody’.³⁴ The length of time that prisoners spend in prison awaiting trial should be made as short as possible (the maximum length of time is normally detailed in the penal code of a country). In some cases, more time may be spent in prison awaiting trial than the eventual custodial sentence that is given, i.e., someone who has spent six months awaiting trial in prison may be sentenced to only four months. In the UK (England and Wales) any time spent awaiting trial in prison is taken off the length of sentence that the person has to serve. In other countries the situation may be different. It is also possible that a non-custodial sentence is given to people who have spent time in prison awaiting trial.

Prisoners awaiting trial are (or should be) a transient population which makes assessing their needs, or even counting them, difficult. They are often moved from one prison to another which makes it harder to provide services for them. Due to their small number, female prisoners awaiting trial may have less access to facilities and opportunities which are available to male prisoners awaiting trial.

Prisoners awaiting trial may be held in small local jails or police stations. International standards are clear that prisoners awaiting trial and sentenced prisoners should be kept separately,³⁵ however, in many cases this is not strictly adhered to. At present, prisoners awaiting trial may benefit from being held with sentenced prisoners, allowing them increased access to, for e.g., education and employment. It would be better if states provided these services for prisoners awaiting trial rather than their being held with sentenced prisoners. Women with children may not be able to get a place on a mother and baby unit or a special cell if they are awaiting trial. They may also be placed a long way from home making access to family and children difficult.

Awaiting trial is a time of great insecurity for prisoners. They may not know how long they will have to wait, whether they will get a prison sentence, or how long that prison sentence will be. This also introduces instability into the lives of prisoners’ children and makes it difficult to organise alternative care arrangements for children.

The prosecutor can, in many countries, prohibit the receiving of visits and the writing and receiving of letters. This is done to help his or her investigations and many only apply in connection with certain persons. In addition, the prosecutor may prohibit the reading of newspapers, listening to the radio or watching the television. The use of these possibly necessary restrictions clearly makes for increased boredom and does nothing to alleviate anxiety.

For families, this lack of contact may be particularly difficult.

Despite the different legal status, the effect of prison on those awaiting trial and sentenced prisoners may be the same. Some periods awaiting trial are longer than some prison sentences. The damage done to a prisoner’s life (family break-up, job loss, an increase in poverty, debt and homelessness) is not always dependent on whether that prisoner is sentenced or awaiting trial.

³⁴ International Covenant on Civil and Political Rights, Art. 9(3)

³⁵ 1957 UN Standard Minimum Rules for the Treatment of Prisoners, Rule 8(b); European Prison Rules, Recommendation Rec(2006)2, Rule 18.8(a).

Table 1.05: Percentage of women prisoners awaiting trial, and percentage of those women awaiting trial who subsequently receive a custodial sentence

	% of women in prison awaiting trial	% of whom receive a custodial sentence
Andorra	25	75
Armenia	32	97
Austria	28	
Azerbaijan	21	
Bulgaria (2004)	31	
Croatia	38	
Cyprus	20	
Czech Republic	23	
Estonia	29	
Finland	18	
Georgia	60	60
Greece (K)	36	
Greece (T)	38	62
Hungary	23	
Iceland	14	
Ireland	30	
Italy	26	40
Kosovo	39	65-70
Latvia	37	61
Luxembourg	50	
The Netherlands	41 (or on appeal)	
Norway ^a	21	100
Poland	32 ('temporarily arrested')	
Portugal	40	
Slovenia 2004	23	15
Switzerland	7	
UK (England and Wales)	11 (untried) 9 (convicted awaiting sentence)	41 (2004)

^a Norway: In 2004, all women awaiting trial were subsequently convicted for the charge on which they were being detained. It is worth noting that imprisonment for people awaiting trial is used only for the most serious offences.

Belgium, Denmark, and Germany did not answer this question. Sweden did not have the available data in order to answer the question.

On average the percentage of women prisoners awaiting trial is 30%, varying from 7% (Switzerland) to 60% (Georgia). In Georgia and Luxembourg half or more than half the women in prison are awaiting trial. A large percentage of the female prison population are awaiting trial both in Kosovo and in the Netherlands. Very few female prisoners are awaiting trial in Finland, Iceland and Switzerland.

Not many countries answered the question which asked for the percentage of women awaiting trial who subsequently received a custodial sentence after trial. For those countries answering, the percentage varies from 15% (Slovenia) to 97% (Armenia). The percentage is particularly low in Slovenia (15%), suggesting that many women in Slovenia are imprisoned while awaiting trial, but not subsequently given custodial sentences.

Foreign national women prisoners held for drug offences

Table 1.06: Percentage of foreign national women prisoners who are being held for drug-related offences

	% of foreign national women prisoners who are held for drug-related offences
Andorra	33
Armenia	0
Austria	
Azerbaijan	28
Bulgaria (2004)	29
Croatia	---
Cyprus	0
Czech Republic	6
Denmark	---
Estonia ^a	18
Finland	36 (1 May 2004)
Georgia	5
Germany	---
Greece (K)	42
Greece (T)	33
Hungary ^b	5
Iceland	100
Ireland	42 (8 people; 4 sentenced, 2 awaiting trial and 2 on trial)
Italy	
Kosovo	5
Latvia	Not applicable
Luxembourg	23
The Netherlands	52
Norway	---
Portugal	89
Slovenia	33
Sweden	35
UK (England and Wales)	34 (2005), sentenced prisoners only

^a Estonia: This figure relates to the 71 sentenced women prisoners without Estonian citizenship on 1 January 2005.

^b Hungary: 20 foreign national women, 1 of whom is held for drug offences; this is such a small proportion of the prison population that it does not show up statistically.

Belgium and Switzerland did not respond to the question. Poland was unable to answer the question because the data was not available.

The percentages of female foreign nationals who are imprisoned for drug offences range from 0% to 100%. On average, more than 30% of the women prisoners who are foreign nationals are held for drug offences.

Types of prison holding women prisoners

General analysis of prisons

There are fewer women's prisons than men's prisons. This means that women are more likely to be held long distances from their families and communities than men. Certain categories of female prisoners, whose numbers are even smaller, e.g. juveniles, may find themselves even further from home or else placed with unsuitable prisoners.

The number and type of prisons in a country is usually a matter of resources and practicality but it may also be a reflection of the penal philosophy of that country, for example, Denmark's use of mixed prisons reflects the concept of 'normalisation' throughout the prison system. The number, type, geographical location and distribution of prisons in a country are critical to the quality of female prisoners' sentences.

Overcrowding in prisons is a problem across Europe and affects both men and women. According to the International Centre for Prison Studies, twenty-eight? European countries have prison occupancy levels of over 100%.³⁶ Overcrowding is detrimental to staff and prisoners, especially if prisons are also understaffed. It is a point of criticism in reports of the Committee for the Prevention of Torture and Degrading Treatment (CPT) of the Council of Europe.

³⁶ International Centre for Prison Studies, World Prison brief, highest to lowest rates, Europe-occupancy rates: <http://www.prisonstudies.org/>

Table 1.07: Prison facilities for women

	How many single-sex women's prisons are there in the country as a whole? How many prisoners do they currently hold?		How many men's prisons have female wings? How many women do they currently hold?		How many joint male-female prisons are there? How many women do they currently hold?		Are there any detention facilities holding women, not described above? Please give information on these.
	Prisons	Prisoners (W)	Prisons	Prisoners (W)	Prisons	Prisoners (W)	
Andorra			1	4			
Armenia (15 Dec 2004)	1	77	0	0	1 (women plus juvenile males)		No other such institutions
Austria ^a (1 April 2005)	1	159	13	311			
Azerbaijan	1	253	0	0			
Belgium ^b (31 Dec 2004)	1	88	6	312	0	0	
Bulgaria	1		0		0		0
Croatia	1	71	0	0	0	0	0
Cyprus ^c							
Czech Republic (1 Feb 2005)	1	346	2	Ca 200	0	0	0
Denmark	0	0	4	103 (convicted only)	0	0	Local prisons holding 66 prisoners awaiting trial.
Estonia ^d	1	152	0	0	0	0	
Finland (1 Feb 2005)	0	0	8	211	1	109	Prison hospital holding 7 women prisoners
Georgia							
Germany	7	1,950	22	1,200	0	0	0
Greece(T)			1	33			
Hungary ^e	1	355	2	330	0	0	0
Iceland	0		0	0	1	6	0
Ireland	1	94	1	20	0	0	None within the Irish prison system
Italy (31 July 2005)	5	711	61	2,141		20	
Kosovo	0	0	0	0	1	39	0

	How many single-sex women's prisons are there in the country as a whole? How many prisoners do they currently hold?		How many men's prisons have female wings? How many women do they currently hold?		How many joint male-female prisons are there? How many women do they currently hold?		Are there any detention facilities holding women, not described above? Please give information on these.
	Prisons	Prisoners (W)	Prisons	Prisoners (W)	Prisons	Prisoners (W)	
Latvia	1	371	0	0	2 (open prisons)	47	Latvian prison hospital
Luxembourg	0	0	0	0	1	32	0
The Netherlands	4	825	3	24			
Norway ^f	3	83	4	30	0	0	
Poland ^g	7	---	27	---			No
Portugal	4	715	10	212			There are installations designed for mothers and children
Slovenia ^h (2004)	1	115 (2004)	3	1-3 (2006)			
Sweden (1 Dec 2004)	4	215	2	58	0	0	Prisons holding prisoners awaiting trial (who are not held in prisons for convicted prisoners).
Switzerland (1 Sept 2004)	2	149					
UK (England and Wales) ⁱ (8 Sept 2006)	15	4,566	0	0	0	0	

^a Austria: It was unclear whether 311 women were being held in thirteen joint male-female prisons or thirteen male prisons with female wings.

^b Belgium: Illegal aliens are detained in closed facilities awaiting their departure. These facilities are under the responsibility of the Ministry of the Interior.

^c Cyprus: There is only one prison in Cyprus, but it was not explained whether this is a joint male-female prison or a male prison with female wings.

^d Estonia: Women in pre-trial detention are being held in Tartu and Tallinn prisons, which are closed prisons for male prisoners. It is guaranteed that male and female inmates have no contact with each other. Women are never placed in cells together with men. There are no female wings in these prisons, but there is a plan to start an open unit in the women's prison.

^e Hungary: The one single-sex women's prison is Kalocsa Strict and Medium Regime Prison (Kalocsai Fegyház és Börtön). The two men's prisons with female wings are Heves County Prison holding prisoners awaiting trial (Heves Megyei Bv. Intézet in Eger) (60 prisoners) and Pálhalma National Prison (Pálhalmai Országos Bv. Intézet) (270 prisoners).

^f Norway: During 2003, seven prisons other than the three single-sex women's prisons and four men's prisons with women's wings, recorded in the table above, held women prisoners. This is because a number of prisons have the flexibility of receiving women prisoners according to demand.

^g Poland: The seven single-sex women's prisons include four prisons (prison in Krzywaniac, Prison no. 1 in Grudziadz, the prison in Czersk and the prison in Lubliniec) and three prisons for prisoners awaiting trial (in Nisko, in Ostróda and in Kamien Pomorski). Responses to the questionnaire did not include information on the number of women prisoners in each prison. There are twenty-seven prisons (both for sentenced prisoners and those awaiting trial) which hold both men and women, but there was no distinction made between men's prisons holding female and joint male-female prisons. No information was given on population.

^h Slovenia: In the single-sex women's prison there were a total of 115 prisoners in 2004 (68 convicted prisoners, 27 prisoners awaiting trial and 20 persons with misdemeanour). The men's prisons with female wings are Maribor, Koper and Celje with 16 places for women between them. In 2006, they held between 1 and 3 women.

ⁱ UK (England and Wales): There are no joint male-female prisons except for Peterborough, but the men and women are kept separate at all times. Other detention facilities holding women are Secure Children's Homes and Secure Training Centres which take girls up to 16.

Greece (K) did not provide any data.

The most common arrangement is to have one or more women's prisons, plus women's wings in male prisons. Three countries (Azerbaijan, Bulgaria, and Croatia) have only single-sex women's prisons. Five countries (Denmark, Finland, Iceland, Kosovo and Luxembourg) have no single-sex women's prisons at all. Joint male-female prisons are the least common type of prison; six countries use these (Armenia, Finland, Iceland, Kosovo, Latvia and Finland). No countries hold women in all three types of prison. There was some confusion over the meaning of men's prisons with female wings and joint male-female prisons. Men's prisons with female wings mean prisons which were not designed with women in mind, but women are held here because of the lack of purpose-built facilities. Joint male-female prisons were designed to detain both male and female prisoners, and thus are more suited to the purpose of detaining women.

Countries that responded which had a relatively small number of women prisoners were more likely to hold the women in a joint male-female prison.³⁷ In most countries, there were fewer women-only prisons than prisons where women are held with men (either in male prisons with female wings, or joint male-female prisons).

³⁷ Iceland, Kosovo and Luxembourg; Finland also has one joint male-female prison and 8 male prisons with female wings

Other detention facilities

Prisons are not the only institution for prisoners. Prisoners serving a sentence may be diverted from prisons into treatment institutions such as drug rehabilitation centres or therapeutic communities.

Offenders with psychiatric disorders may be sent to a hospital from court, although many do serve a sentence in the mainstream prison system.

Our survey focused on mainstream prisons and did not question governments on institutions such as immigration detention centres, secure hospitals, military prisons or police custody. This could be an area for further study.

Male staff working with women prisoners

The power imbalance between prisoners and guards, together with the closed nature of prisons, provide a ready environment for harassment, exploitation, abuse, prostitution and the rape/indecent assault of female prisoners by staff, both male and female. A large proportion of women prisoners have suffered previous sexual abuse and trauma and already have mental health problems. If men are employed in contact positions with such vulnerable women in this environment, it is essential that the most stringent safeguards and investigative and disciplinary procedures are in place.

In Denmark and Finland, male staff are employed as part of a policy of the ‘normalisation’ of prison life, with the goal being effective re-integration after prison. Prison staff in Latvia reported that it was beneficial for juvenile girls to have some contact with male volunteers, although male guards are not employed.

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) notes, in a section on ‘safeguards against the ill-treatment of juveniles’, that:

‘The presence of male and female staff can have a beneficial effect both in terms of the custodial ethos and in fostering a degree of normality in places of detention.’³⁸

In 2004, the International Commission of Jurists, in a report submitted to the UN, stated that abuse of female prisoners by male inmates or guards is a pervasive feature of prison regimes in all parts of the world’ and that ‘the risk of abuse is real and too high’.³⁹

The European Parliament recommends there should be a ‘female supervisory staff or, if that proves physically impossible, a mixed supervisory staff as a minimum requirement,’ for the protection of women prisoners, as well as the separation of male and female prisoners.⁴⁰ The 2006 European Prison Rules recommend that prisoners should only be searched by staff of the

³⁸ The CPT Standards - “Substantive” sections of the CPT’s General Reports, CPT/Inf/E (2002) 1 - Rev. 2006 English: <http://www.cpt.coe.int/en/documents/eng-standards.doc> , p 71

³⁹ Human Rights of Women in Conflict with the Criminal Justice System, Submission to the Committee on the Elimination of Discrimination against Women, International Commission of Jurists, July 2004, pp 20-21

⁴⁰ ‘Report with a proposal for a European Parliament recommendation to the Council on the rights of prisoners in the European Union’, Committee on Citizens’ Freedoms and Rights, Justice and Home Affairs, Rapporteur Maurizio Turco, Session Document, 25 February 2004, A5-0094/2004, p 9: <http://www.europarl.europa.eu/activities/archive/reports/search/go.do>

same gender⁴¹ and the Standard Minimum Rules for the Treatment of Prisoners asserts that women prisoners shall be attended and supervised only by women officers.⁴²

Women prisoners may also risk abuse and harassment from male prisoners. The need to detain female prisoners separately from male prisoners is recognised in the 2006 European Prison Rules and the 1957 UN Standard Minimum Rules for the Treatment of Prisoners.⁴³

Table 1.08: Male staff working in ‘contact positions’⁴⁴ in women’s prisons

	Male staff employed in ‘contact positions’ in women’s prisons?	Percentage of male staff
Armenia	Yes	66
Austria	Yes	85
Azerbaijan	Yes	
Belgium	Yes	
Bulgaria	Yes	26
Croatia	Yes	10
Cyprus	No	Not applicable
Czech Republic	Yes	33 in the women’s prison, 20 and 88 in the two mixed prisons
Denmark	Yes	60
Estonia	Yes	13 (in the women’s prison)
Finland	Yes	Almost 33
Georgia	No	Not applicable
Germany	Yes	75-80
Greece (K)	No	Not applicable
Greece (T)	No	N/A
Hungary	Yes	3 (in one prison)
Iceland	Yes	33
Ireland	Yes	20
Kosovo	Yes (but not guards)	68 in one prison
Latvia	No	Not applicable
Luxembourg	No	Not applicable
The Netherlands	Yes	
Norway	Yes	---
Portugal	No	Not applicable
Slovenia	Yes	40
Sweden	Yes	36
Switzerland	Yes	
UK (England and Wales) ^a	Yes	38

^a UK (England and Wales): 38% of staff in contact positions in women’s prisons in HM Prison Service are male (this does not include contracted prisons). Included in this category are operational staff, operational managers, operational support and nursing staff.

Andorra and Italy did not answer the question. Poland did not have the necessary data.

⁴¹ European Prison Rules, Recommendation Rec(2006)2, Rule 54.5

⁴² 1957 UN Standard Minimum Rules for the Treatment of Prisoners, Rule 53(3)

⁴³ European Prison Rules, Recommendation Rec(2006)2, Rule 18.8(b); 1957 UN Standard Minimum Rules for the Treatment of Prisoners, Rule 8(a)

⁴⁴ The term ‘contact position’ refers to a job which requires regular physical contact with prisoners, as opposed to administrative or maintenance roles, or those which do not involve direct contact with prisoners

From Table 1.08, it can be seen that most countries employ male and female staff in women's prisons. There are more female than male staff members in Bulgaria, Croatia, the Czech Republic (in the women's prison and one of the mixed prisons), Estonia, Iceland, Ireland, Slovenia and Sweden. There are more male than female staff members in Armenia, Austria, Denmark, Germany and Kosovo. Many countries were unable to provide us with the gender ratio of their staff. Our questionnaire did not distinguish between custodial staff and others (social workers/teachers/medical staff, etc.).

Health care

The 2006 European Prison Rules state that 'prisoners shall have access to the health services in the country without discrimination on the grounds of their legal situations' and 'health policy in prisons shall be integrated into and compatible with national health policy'.⁴⁵

Coyle writes: 'Prisoners often arrive in prison with pre-existing health problems which may have been caused by neglect, abuse or by the prisoner's previous lifestyle. Prisoners often come from the poorest sections of society and their health problems will reflect this. They will bring with them untreated conditions, addictions and also mental health problems. These prisoners will need particular support, as will those many others whose mental health may be significantly and adversely affected by the fact of imprisonment.'⁴⁶ Prisoners, including women prisoners, have the same *right* to health care as the general population but as a group they have different *needs*. This may mean that health care delivery in prison needs to differ from health care in the community in order to achieve the same level of care.

Prisoners' health is a matter of concern because a) their usual health care choices and sources of information are reduced; b) prison may exacerbate existing health problems and c) prison may cause some health problems e.g. mental health problems and amenorrhea. In general, prisoners will have fewer health care choices than in the community where one can change doctors, buy over the counter medicine and use alternative remedies, such as herbal supplements and acupuncture.

However, whilst prison can have an adverse impact on health of the prisoners, for some it may provide an opportunity to address some health problems, particularly those associated with lifestyle.

Prisoners may be held in overcrowded conditions alongside others who are aggressive or under the influence of drugs. Overcrowding means communicable diseases are more easily spread than in the community. An insufficient diet in prison, in particular a shortage of fresh fruit and vegetables can lead to vitamin deficiencies and a lowering of the immune system. Intravenous drug users, who may not normally share needles, do so in prison because they have no alternative.

Women in prison are not a homogenous group but include migrant women, Roma women, drug users and sex workers, all with differing needs.⁴⁷ As with other areas of female incarceration, there is a lack of research on which to base health care services tailored to the profile and characteristics of the female prison population.

⁴⁵ 2006 European Prison Rules, Recommendation Rec(2006)2, Rules 40.3 and 40.2

⁴⁶ A Human Rights Approach to Prison Management, Handbook for Prison Staff, Coyle A, International Centre for Prison Studies, Kings College London, 2002, p 49

⁴⁷ 'Health Care Needs of Women in Prison: The Gap Between Policy and Implementation', MacDonald M, presentation at 'What works with women offenders: The Gap Between Policy and Implementation: Lessons from other Countries on Dealing with Drug Related Offenders, Prato Italy, June 2005: <http://www.uce.ac.uk/crg/presentations/6>

Delays in health care treatment, such as scans during pregnancy and screening for cervical cancer and breast cancer, may adversely affect women in prison and choices they can make surrounding their health. A break in receiving the contraceptive pill heightens women's risk of unintended pregnancy.

Women should be able to see a female nurse and doctor on request; failure to do so may result in certain medical problems not being reported. As prisons often have only one prison doctor this may be more difficult to provide than in a normal clinic/doctor's surgery. The small number of women prisoners may mean prisons are more likely to employ male medical staff.

Women have different hygiene needs to men and, according to the CPT, 'The specific hygiene needs of women should be addressed in an adequate manner. Ready access to sanitary and washing facilities, safe disposal arrangements for bloodstained articles, as well as provision of hygiene items, such as sanitary towels and tampons, are of particular importance. The failure to provide such basic necessities can amount, in itself, to degrading treatment.'⁴⁸ It is unacceptable for menstruating women to have access to only one shower a week. Without clean underwear every day, women are at increased risk of thrush and cystitis. Women need adequate toiletries, such as a choice of feminine hygiene products, soap that is suitable for sensitive skin and enough shampoo to wash long hair. In many prisons, hygiene provisions for women are inadequate and access to showers may be severely limited.

Women need different health information from men; for example, information on sexual and reproductive health, breast cancer, osteoporosis and hormonal problems. Women going through the menopause need information in order to make choices about how to manage this period of their lives and may need dietary supplements. (In Denmark, nutritional supplements may not be brought into prison, thus women will need prescription supplements.) Health care information needs to be socially and culturally sensitive, e.g. information on safe sex will be ineffective if it does not take into account women's disadvantaged position in relationships and the effects of cultural background on this. Appropriate health information is particularly important for psycho-social illnesses such as eating disorders, self-harm and some mental health problems.

Therefore, health care provision in women's prisons needs to reflect both the differences of prisoner-orientated health care to general health care and the differences of women's health care to general health care.

Pregnancy in prison

It is not easy to be a pregnant woman in prison. It is harder to catch up on missed sleep and missed meals and more difficult to have baths or showers when required and to prepare to give birth.

Pregnant prisoners have dietary requirements, medical needs and specialised exercise regimes, which are hard to provide in a prison environment. It may be difficult for the prison to arrange for prisoners to have 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. A woman's direct access to a midwife may be difficult. Alerting staff to a medical problem, even the onset of labour, may be difficult, particularly at night. In addition, the stress of imprisonment can impact negatively on the progression of the pregnancy. Restraining pregnant women in the same way as other women prisoners may endanger both the woman and the foetus.

⁴⁸ The CPT Standards, Substantive sections of the CPT's general reports, CPT/Inf/E (2002) 1 - Rev. 2006 English: <http://www.cpt.coe.int/en/documents/eng-standards.doc>, Section VII, paragraph 31

When special measures designed to help pregnant prisoners are in place, it may result in bullying by jealous prisoners who may resort to violence. One British prisoner reported her increased fears of violence, a prisoner having specifically threatened her because she was pregnant.⁴⁹ Special sections within prisons for pregnant prisoners may cut down on bullying and make a special regime easier; however, the small number of pregnant prisoners makes this impractical in most prisons.

Transport to hospitals or care centres may be uncomfortable and even dangerous for pregnant women. In February 2006, a British newspaper reported that heavily pregnant prisoners were forced to travel for hours in the back of prison vans measuring 860mm by 620mm with hard seats, no seatbelts and limited toilet breaks, causing vomiting amongst the prisoners.⁵⁰

Birth

International standards state that prisoners should give birth in an ordinary hospital.⁵¹ In addition, 'Measures of physical restraint should never be used on women in labour, during transport to hospital or during delivery, unless there are compelling reasons for believing that they are dangerous or likely to abscond at that time. In cases where a woman poses a significant and realistic threat to the safety of others, all other methods of ensuring security shall be attempted before physical restraints are used.'⁵² 'Nevertheless, from time to time, the CPT encounters examples of pregnant women being shackled or otherwise restrained to beds or other items of furniture during gynaecological examinations and/or delivery. Such an approach is completely unacceptable, and could certainly be qualified as inhuman and degrading treatment. Other means of meeting security needs can and should be found.'⁵³

It can be difficult for women prisoners to inform the family members and friends whom they wish to be present at the birth when they go into labour. It is also more difficult for the birthing companions to get there in time if women are held far away from home. This is another instance where security and logistical concerns mean prisoners will not have the same birth experience as other women.

Babies in prison

The small number of women's prisons can place some women a significant distance away from home, which can make it particularly difficult to maintain family bonds.⁵⁴ Not all female prisons have Mother and Baby Units (MBUs), so a mother may find herself detained even further from home, at the time when family support and advice is most needed. Prisoners may even ask to serve their sentence in a higher security prison in order to be nearer their families.

The 1989 UN Convention on the Rights of the Child states: 'children should not be separated from their parents except in their best interest; that both parents should have responsibility for the child; and that the best interests of the child 'shall be a primary consideration'⁵⁵ *

⁴⁹ Canvin, K. 'The Kick Inside: An Account of the Experience of Pregnancy in Prison', unpublished PhD thesis, 2000

⁵⁰ 'Barbaric trips endured by pregnant prisoners', The Guardian, 1 February 2006:

<http://www.guardian.co.uk/prisons/story/0,,1699146,00.html>

⁵¹ 1957 UN Standard Minimum Rules for the Treatment of Prisoners, Rule 23(1); 2006 European Prison Rules, Recommendation Rec(2006)2, Rule 34.3

⁵² Human rights and vulnerable prisoners, Penal Reform International cited in 'Women in prison: a commentary on the Standard Minimum Rules for the Treatment of Prisoners', Bastik M, The Quaker United Nations Office:

<http://www.quno.org/>

⁵³ 10th General Report on the CPT's Activities (1999) including a section on Women deprived of their liberty, paragraph 27: <http://www.cpt.coe.int/en/docsannual.htm>

⁵⁴ Women, Integration and Prison: An analysis of the processes of socio-labour integration of women prisoners in Europe, French National Report, prepared by FAIRE team, January 2005, p 3: <http://mjp.surt.org>

⁵⁵ 1989 UN Convention on the Rights of the Child, Art 9, Art 18, Art 3

Sentencing may result in the limitation of certain rights but it should not impact on the rights of the offender's children. These rights are often not considered when dealing with offenders. Alejos writes: 'The application of the principle of the best interests of the child seems, in fact, to be far from incorporated in the decision-making process regarding children of persons deprived of their liberty...In addition, the frequent dilemma between the rights of adults and children, in particular between the rights of women and the rights of the child, seems often to remain unaddressed and unresolved.'⁵⁶ The UN Committee for the Rights of the Child recognised the children of mothers in prison as among the most vulnerable in 2004 and they regularly question governments on the treatment of children of imprisoned parents.⁵⁷

Around the world, babies and small children are living in prison with their mothers. Allowing babies but not older children to reside in prison is based on the premise that to separate a mother and baby causes emotional problems for the baby, but to keep a young child in the limited confines of a prison hampers their educational development and thus they should be removed from the prison at a certain age. However, there is a lack of agreement on the age at which this should happen.

Table 1.10 (below) shows three years is the most common age limit for children to reside in prison with their mother. The countries with the lowest age limit are Hungary and the Netherlands at six months; whereas in Estonia and Latvia, children can stay with their mother until the age of four. Many countries have a provision in their law/penal code for children remaining in prison until a later age in special circumstances. Norway is the only country that totally prohibits children from residing in prisons; there children are cared for by foster families.

Most countries do have MBUs but eight countries do not. The UK (England and Wales) has the highest number of places at sixty-nine, followed by Poland with fifty. The variation in the number of places is unsurprising given the variation in the numbers of women in prison in different countries. In some countries (Croatia, Czech Republic, Estonia, Finland, Georgia, Greece, Hungary, Kosovo, Latvia, and Slovenia) there is only one MBU in the country, meaning prisoners with babies are likely to be far from home. The Netherlands only have one MBU, but also have sixteen rooms for mother and babies, spread over four prisons. Other countries such as Austria, Belgium, Germany, Italy and Portugal have three or more MBUs.

⁵⁶ Babies and Small Children Residing in Prisons, Marlene Alejos, Quaker United Nations Office, March 2005, p 4: <http://www.quno.org/geneva/pdf/200503Babies-Small-Children-in-Prisons-English.pdf>

⁵⁷ Consideration of the Reports submitted by State Parties under Article 44 of the Convention of the Rights of the Child, Concluding observations: Thailand, CRC/C/THA/CO/2, paragraph 48. See also Consideration of the Reports submitted by State Parties under Article 44 of the Convention of the Rights of the Child, Concluding observations: Philippines, CRC/C/15/Add.259, paragraphs 53-54

Table 1.10: Babies in prison

	Can young children/babies stay with their mother in prison? If so, up to what age?	Are there special 'mother and child' units within prison, separate from the 'normal wings? What do they look like? What special facilities do they contain?	How many 'mother and child' units exist in the country?	How many places for mother/child are available in these units?
Armenia	3 years	No.		
Austria	3 years	Yes, There are special 'mother and child' units within prison. Special facilities: there are cells with separate sanitary facilities and leisure-rooms for all mothers and babies kept in the prison	6	24
Azerbaijan	3 years	Yes, they have good conditions		
Belgium	3 years	Yes, 3 prisons have special facilities for mothers with children. These facilities are separated from other units and have special accommodation (e.g. play rooms for the children)	3	
Bulgaria	1 year			
Croatia	3 years	Yes, in our female prison there is a special 'mother and child' unit.	1	6 (but 1 or 2 places are usually full)
Cyprus	2 years	No	None	None
Czech Republic	3 years (exceptionally 5)	Yes, 1 special unit in prison Svetla nad Sazavou. Bedrooms (for 1 mother and baby), playrooms, kitchens, sanitary, all in compliance with hygienic regulations	1	15
Denmark	3 years	No. Only a few (2-3) prisoners at a time bring their children to stay with them at the prison; thus no special units are needed.	0	0
Estonia	4 years	Yes, the separate department for mothers and children in women's prison offers mothers and their children special conditions - separation from other prisoners, more comfortable living conditions, possibility to cook etc. Bigger children can go to the local kindergarten outside the prison. There is a playground on the prison territory for prisoners' children. The children of pregnant prisoners are born in regular hospitals outside the institution.	1	5
Finland	2 years in closed prison, 3 years in open prison	Yes, there is a mother and child unit in one closed prison, which has been made near as possible to normal life. Mothers and children have their own rooms, and there is a common living room.	1	6

	Can young children/babies stay with their mother in prison? If so, up to what age?	Are there special 'mother and child' units within prison, separate from the 'normal wings? What do they look like? What special facilities do they contain?	How many 'mother and child' units exist in the country?	How many places for mother/child are available in these units?
Georgia		Yes, there is one mother and babies room with all necessary facilities	1	3
Germany ^a	3 (see comment below)	Yes, mother-child units are a special feature of female imprisonment. Trained specialist staff instruct mothers in the upbringing of their children in these units, which enjoy recognition - as 'homes'. A number of special provisions apply here with the result that mothers can very often leave the institution with their children. Accommodation in these units depends on the guidelines for homes issued by the respective Land department of justice. The children of persons awaiting trial are only accommodated by way of exception - and only with the approval of the judge responsible for custody matters in the Guardianship Court.	8	Approx. 100
Greece	Up to 3 years	Yes, there is a special 'mother and child' unit within Korydallos prison which is a special building with activity and recreation areas for the children. There is not one in Thessaloniki.	1	15-20 places
Hungary	6 months (1 year, if permission given by prison governor)	Yes.	1	20
Iceland	2 years	No.	-	-
Ireland	No age given, but if the court decides it then the children and babies can stay with their mothers.	No.	-	-
Italy	Yes. Up until the age of 3 (71 women have their children in prison with them).	Yes.	15 (31 Dec 2004)	-

	Can young children/babies stay with their mother in prison? If so, up to what age?	Are there special 'mother and child' units within prison, separate from the 'normal wings? What do they look like? What special facilities do they contain?	How many 'mother and child' units exist in the country?	How many places for mother/child are available in these units?
Kosovo	18 months.	Yes, there is one unit. It looks like a normal family house with a small garden. The unit consists of 3 bedrooms, 1 living room, 1 kitchen, 2 bathrooms and a visits/playroom. The house is equipped with everything similar to a normal European family house.	1	3
Latvia	4 years.	Yes, mothers with babies up to 1 year old are living in individual rooms. The children after one year old are living in another wing (looks like children house) and mothers can visit them during their leisure-time.	1	6 places in MBU. 19 places for children in 'children house' unit.
Luxembourg	Yes, for children who cannot be taken care of by a member of the family or friends outside prison. Children who can live separately are not allowed to live with their mothers.	No, but there is a special cell for use in the women's block of the prison which can be adjusted according to the needs of the infant.	0	1 cell in the women's block.
The Netherlands	6-9 months	There is a special 'mother and child' house where children can stay with their mothers until the age of 4 years. The unit does not have cells but rooms and a lot of space for children to play. The children go to a regular day care outside the prison. There are also 16 rooms for mothers with babies (up until the age of 6 or 9 months), spread over 4 women's prisons.	1	9 places in MBU plus 16 rooms for mother and babies.
Norway	Babies not allowed to reside in prison	No units in the country. There are special arrangements whereby certain prisoners can serve (part of) their sentences in non-prison institutions. For example drug treatment facilities. As part of this arrangement some mothers may serve (part of) their sentence in special 'mother and child houses' outside the prison. These institutions are run by other organisations and are not exclusive to offenders.	0	0

	Can young children/babies stay with their mother in prison? If so, up to what age?	Are there special 'mother and child' units within prison, separate from the 'normal wings? What do they look like? What special facilities do they contain?	How many 'mother and child' units exist in the country?	How many places for mother/child are available in these units?
Poland	3 years	Yes.	2	50 (15 + 35)
Portugal	3 years	Yes. In general there are individual rooms equipped with furniture and equipment for children.	10	
Slovenia	2 years	Yes.	1 unit in lg women's prison	Only a few places as the number of female prisoners is very low
Sweden	1 year; the policy is to keep babies/young children for as short a period as possible.	No. There are no units, just larger rooms. There are very few children staying with their mothers, usually around 10 a year.	0	0
Switzerland	3 years	Yes. There is special equipment for the infants and a room for the mother and child. Also a garden.	2	10
UK (England and Wales)	18 months in 5 MBUs and 9 months in 2 MBUs. There may be some flexibility on the upper age limit, if it is deemed to be in the best interest of the child.	Each unit has a room to house a mother and twins if necessary. No residents are locked in their rooms. Of the 7 MBUs, 5 have been purpose-built and 4 have been built within the last 3 years. The MBUs all differ in design: 2 are single storey, 4 are on 2 floors and Holloway is not purpose-built, but has adapted part of normal accommodation housed on one floor. They all have nurseries attached which conform to the Office for Standards in Education (OFSTED) standards, laundry and association facilities. Each mother has an individual room which they share with their baby. For further information see Prison Service Order 4801, Edition 3.	7	69

^a Germany: Section 80 of the Prison Act provides that children who are not yet subject to compulsory school attendance may, with the consent of the person entitled to determine the child's place of residence, be accommodated in the penal institution where their mother is, provided this would be for his welfare. Because of the feared detrimental effect on the children's development, the children are as a rule only accommodated together with their mothers until the age of three, despite the provision contained in section 80 of the Prison Act. (Children under the age of six are not subject to compulsory school attendance).

Andorra did not answer the question.

Mental illness

There are very high rates of mental illness amongst prisoners. A 2004 report by the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) states:

'the prison population deserves particular attention. The prevalence of psychiatric disturbances, like the prevalence of drug use, is much higher in the prison population than among the population overall....The relapse rate among drug users who have served prison sentences is high, and there is increasing recognition that incarceration can contribute to a worsening of mental health problems. The situation is even more dramatic in long- term and high security prisons.'⁵⁸

The International Commission of Jurists reports:

'Mental depression and psychological symptoms are widespread among the prison population and even higher among the female population and the lack of adequate medication and counselling constitutes a severe shortcoming.'⁵⁹

In England and Wales, 66% of women prisoners suffer from a neurotic disorder compared to 16% of women in the general population and 54% were suffering from depression compared to 11% in the general population. 40% of women prisoners compared to 20% of male prisoners reported receiving help for mental or emotional problems in the twelve months prior to imprisonment.⁶⁰ Women prisoners are more likely than male prisoners to have received help/treatment for a mental problem, to have been admitted to a mental hospital, to be suffering from functional psychosis and to be suffering from a neurotic disorder.⁶¹

In Northern Ireland, 88% of women in prison had experienced depression prior to coming to prison, and 68% had been referred for psychiatric assessment and 32% had attempted to take their own lives (not necessarily while in prison).⁶²

In Sweden, of 46 substance-dependent girls in compulsory care for children and young people, two thirds had psychiatric diagnoses or personality disorders.⁶³

⁵⁸ Annual Report 2004: The State of the Drugs Problem in the European Union and Norway, European Monitoring Centre for Drugs and Drug Addiction (EMCDDA): <http://ar2004.emcdda.europa.eu/en/page096-en.html>

⁵⁹ 'Human Rights of Women in Conflict with the Criminal Justice System', Submission to the Committee on the Elimination of Discrimination against Women, International Commission of Jurists, July 2004, p 22

⁶⁰ Women's Offending Reduction Programme, Action Plan, March 2004, p 8: <http://www.homeoffice.gov.uk/>

⁶¹ Women Who Challenge, Women Offenders and Mental Health Issues, Kesteven S., NACRO Policy Report, April 2002, p 12

⁶² The Reintegration Needs of Women Prisoners in Northern Ireland, Northern Ireland Prison Service, October 2005, p 18

⁶³ Annual Report 2004: The State of the Drugs Problem in the European Union and Norway, European Monitoring Centre for Drugs and Drug Addiction (EMCDDA): <http://ar2004.emcdda.europa.eu/en/page096-en.html>

These problems are often multiple; for example, the majority of women in the Northern Ireland survey had experienced three or more problems such as suicidal thoughts, eating disorders and recurring nightmares.⁶⁴ Such a diverse and potentially volatile population makes prison management difficult.

People receiving help for a mental illness are likely to experience a dislocation in care when entering prison and criminal justice professionals they come into contact with may not be aware of their conditions. A report by the Northern Irish Prison Service states that ‘long evenings spent alone in a cell can exacerbate these psychological problems and professionals agree that panic attacks and suicidal thoughts are conditions that are often managed best through interacting with others.’⁶⁵

Mental health problems may also be brought on by imprisonment. Most prisoners face an unstable future with insecure jobs and homes, and damaged family ties. This increases the pressure already placed on prisoners: adapting to prison, overcrowding, dealing other prisoners, prison restrictions, frustration and separation from home and family. Many people do not have the mental strength to cope with such a cocktail of circumstances and emotions. For women much of the anxiety that can lead to mental illness is based on concern for their children. On prison visits conducted by QCEA, prisoners responded that ‘children’ and ‘the future’ were their chief concerns.

Women’s mental illnesses may be caused by different factors from men’s’ illnesses and therefore will require different and separate treatment. For example, self-harm and eating disorders are unlikely to be treated effectively in a mixed sex setting. The apparently higher rates of mental illness amongst women compared to men require a gender-specific response.

To summarise, either prisons are taking in people with mental health problems, in which case we should be asking why prisons are being used as mental hospitals and why there are insufficient secure hospitals or the prison experience is itself causing mental illness. It should be asked why prison places such intolerable strains on those inside, especially women.

⁶⁴ The Reintegration Needs of Women Prisoners in Northern Ireland, Northern Ireland Prison Service, October 2005, p 21

⁶⁵ *ibid*

Table 1.11: Types of mental illness suffered by women prisoners

	Schizophrenia	Psychosis	Anti-social personality disorder	Other personality disorder	Depression	Other
Armenia						
Bulgaria	Yes	No	No	Emotional instability	Yes	Psychopathies, neurosis, mood swings
Czech Republic	No	No	Yes	Yes	Yes	Yes
Estonia ^a	No	1 case in 2004	No	18 cases of specific personality disorders in 2004 reported	40 episodes plus 23 recurring	
Finland	Yes	Yes	Yes	Yes	Yes	Yes
Georgia	Yes	Yes			Yes	
Greece(K)	Yes	Yes	Yes		Yes	
Greece(T)			Yes	Yes	Yes	
Iceland			1 woman		1 woman	
Ireland	Yes	Yes	Yes	Yes	Yes	
Italy	Yes	Yes	Yes	Yes	Yes	
Kosovo	No	No	No	No	No	No
Luxembourg ^b	No	No	19	5	11	19
Norway			Yes	Yes	Yes	Yes
Sweden			Yes	Yes	Yes	

^a Estonia: ‘Other’ includes: 63 cases of mood swings, 88 cases of severe stress reactions, 19 cases of mental retardation, and 105 cases of psychological and behavioural disorder due to drug use. Addiction: 21 cases of addiction and 318 cases of behavioural and psychological disorders over the course of one year

^b Luxembourg: answered that 28 women out of 32 are being treated by the medico-psychological service

The UK (England and Wales) replied that there is a wide range of mental health problems and across the whole diagnostic range. However, this information is not collected centrally.

In Denmark, psychotic prisoners are placed in appropriate institutions under medical management and that women in need of psychiatric attention are placed in specialised institutions under medical management. There are no records as to the types of mental illness.

In Latvia two thirds of the female prisoners with various mental disorders are seen by a psychiatrist. In Slovenia, approximately 60% of women in prison in 2004 had a mental illness. In Switzerland between 30-40% of women in prison have a mental illness.

Andorra, Austria, Azerbaijan, Belgium, Croatia, Cyprus, the Netherlands and Portugal did not answer this question. Germany, Hungary and Poland did not have the data.

Depression has the highest rate of occurrences followed by anti-social personality disorders and other personality disorders amongst women prisoners.

The information in Table 1.11 should be interpreted with care; opinions differ on the classification of mental illness and how, for e.g., to classify personality disorders. There are likely to be cultural and linguistic differences as well as differences in medical research and practice between countries so questionnaire respondents may have been unsure of the terms used.

Women prisoners with mental illness may not be picked up by staff not qualified in this area. Data may be hard to collect due to issues surrounding confidentiality. Prisoners who are aware of their own disorders may conceal them for fear of being treated differently and receiving different jobs, accommodation, security strictures etc. Finally, mental health problems are compounded by misusing drugs and alcohol. All of the above lead to an incomplete picture and incomparable statistics.

However, Table 1.11 does provide a useful indication of how governments view mental illness within prisons. Kosovo stands out as claiming to have no mental illness in its prisons which, judging by the high rates in other countries (60% in Slovenia) seems improbable. Many countries said that there were prisoners with mental health problems in prisons but could not provide us with any further figures. Nine countries said there were specific mental illnesses amongst women prisoners but could not say what the frequencies of these were. A further three gave us information on the frequency of mental illness but not on what types this included. This is in addition to the other countries we surveyed which could not provide us with information at all on this issue and which have been excluded from this table.

This raises the question of how prisoners can possibly be receiving the psychiatric treatment to which they are entitled to under international standards⁶⁶ when the numbers and types of conditions remain largely unknown to the authorities. Two pieces of data need to be known: *which* mental illnesses exist in women's prisons and *how many* women are suffering from *these* illnesses.

⁶⁶ 1957 UN Standard Minimum Rules for the Treatment of Prisoners, Rules 24 and 25(1)

Learning disabilities⁶⁷

QCEA's questionnaire asked for information on women in prison with learning disabilities. We received information of insufficient quality to produce the results. This was partly due to language difficulties but may also be indicative of a more general lack of recognition and understanding of learning difficulties by prison authorities. Criminal behaviour by people with learning disabilities raises difficult questions around the responsibility of offenders and of suitable punishment and care. Such situations require special policies and procedures to meet the needs of justice and safety for the community and the human rights of the offender.

The UK (England and Wales) said that a high proportion of young and adult women coming into the Criminal Justice System have a low Intelligence Quotient (I.Q.) and some will be considered Learning Disabled. Prison Health has commissioned a work programme to focus on the better identification of the needs of these individuals and how they might be best met within the system.

Drug and alcohol addiction

The Issues

In many cases drugs hold a key to women's offending. Drug crimes are one of the most common crimes committed by women in Europe, a high percentage of the female prison population have drug problems and women prisoners are more likely to inject than male prisoners.⁶⁸ This highlights the need for a gender analysis of drug use and drug crime. If it were possible to 'solve' the issue of drugs there would be even fewer women in prison and women's prisons would be different places

The 2004 annual report by the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) states:

'Compared with the general population, among the prison population drug users are overrepresented. Lifetime prevalence of drug use among prisoners varies widely, from 22 % to 86 %, between prison populations, detention centres and countries. As in the general population, cannabis is the most frequently reported illicit drug, with lifetime prevalence rates among inmates of between 11 % and 86 %. Prisoners' lifetime prevalence of cocaine (and crack) use is 5-57 % and that of heroin 5-66 %.'⁶⁹

Zurhold (2004) found that out of seventeen countries, half had 10-30% of their female prison population classed as problematic drug users (PDUs) and the other half had 40-60% of their female prison population classed as PDUs.⁷⁰ In Estonia, 59.7% of criminal proceedings *within* prisons in 2002 were prosecutions of prisoners for possession of alcohol and narcotic drugs.⁷¹ And the problem is growing - the EMCDDA states that 'in all countries for which data were

⁶⁷ 'The World Health Organisation defines learning disabilities as "a state of arrested or incomplete development of mind". Somebody with a learning disability is also said to have "significant impairment of intellectual functioning" and "significant impairment of adaptive/social functioning". This means that the person will have difficulties understanding, learning and remembering new things, and in generalising any learning to new situations. Because of these difficulties with learning, the person may have difficulties with a number of social tasks, for example communication, self-care, awareness of health and safety'. British Institute of Learning Disabilities Fact Sheet: <http://www.bild.org.uk/pdfs/05faqs/ld.pdf>

⁶⁸ Annual Report 2004, The state of the drugs problem in the European Union and Norway, European Monitoring Centre for Drugs and Drug Addiction (EMCDDA): <http://ar2004.emcdda.europa.eu/en/page096-en.html>

⁶⁹ Annual Report 2004, The state of the drugs problem in the European Union and Norway, European Monitoring Centre for Drugs and Drug Addiction (EMCDDA): <http://ar2004.emcdda.europa.eu/en/page094-en.html>

⁷⁰ Cited in 'Health Care Needs of Women in Prison: The Gap Between Policy and Implementation', MacDonald M, presentation at 'What Works with Women Offenders: The Gap Between Policy and Implementation: Lessons from Other Countries on Dealing with Drug Related Offenders', June 2005: <http://www.uce.ac.uk/crq/moragpubs.htm>

⁷¹ www.heuni.fi/

available, with the exception of Portugal, the proportion of all drug law⁷² offences accounted for by offences related to drug use/possession for use increased over the five-year period 1997-2002. The rate of increase was generally slow, but more marked upward trends were evident in Belgium, Luxembourg and Slovenia, and in Ireland until 2001.⁷²

For women the situation is equally serious. Fowler estimates that 75% of women entering European prisons are problematic drug and alcohol users (2002)⁷³ and the majority of research shows that problematic drug use is higher amongst women than men. In Germany the number of women prisoners either wanting or receiving treatment is 34.8%; other figures are: 33.3% in Spain, 34.5% in Denmark, 10.1% in the Russian Federation, 27.5% in Lithuania, 24% in Slovenia and 20% in Croatia. In England and Wales, 45% of female arrestees tested positive for opiates and 30% for cocaine and 43% of women reported using crack cocaine and 44% heroin in the year before coming to prison. Worryingly, women 'are currently underrepresented in treatment services and those who do access treatment often do not complete it.'⁷⁴

Evidence from Sweden suggests that while men may use drugs more than women, women have more severe drug problems. In 1998, 13.7% of men and 7.8% of women were 'drug users'. However, 57.1% of women were 'severe drug users' compared to only 38.1% of men.⁷⁵ For this purpose, drug users are defined as anyone known to have misused drugs during the twelve months prior to deprivation of liberty. Severe drug users are those who have injected narcotic substances at any time during the twelve months preceding imprisonment or who have ingested drugs in some other way daily or almost daily

Prison administrations face multiple problems when dealing with drugs: overcrowding, budgetary constraints, communicable diseases, the smuggling of drugs into prison and the social and communication problems drugs create in prison e.g. violence and intimidation. Drug and alcohol abuse may have a substantial impact on the atmosphere and general good management of a prison. Some drug users are subject to outbursts of aggression and mood changes, endangering others around them. Drug use and drug dealing in prisons lead to bullying and intimidation of prisoners by other prisoners. They also foster a distrustful and suspicious relationship between prisoners and guards. Prisoners in Denmark said how much better the drugs-free unit was because 'people are the same every day'. And, of course, drugs have an impact on overall prisoner health (not just for those using drugs) and prison health services.

Drugs are one of the chief causes of prison security measures such as internal body searching, restriction of contact on visits and restriction of home leave, measures that are particularly punitive for women. A balance has to be struck between making all efforts to ensure prisons are drug-free zones for the good of everyone and of proportionate security measures.

Treatment

There are two concerns: firstly, women are not getting access to drug treatment programmes, and secondly, such programmes are not designed with women's needs in mind. For example, domestic violence may be a cause of women's initial drug taking and a factor in its continuation, but this issue is unlikely to be discussed in a mixed sex setting. Women-only treatment programmes may help women to feel safe and supported and make it easier to pay attention to women's issues. Anecdotal evidence received by QCEA from the UK (England and Wales) suggested that women were unlikely to stay drug-free on release if people who they were close to (sisters/partners) were still taking drugs.

⁷² Annual Report 2004, The state of the drugs problem in the European Union and Norway, European Monitoring Centre for Drugs and Drug Addiction (EMCDDA): <http://ar2004.emcdda.europa.eu/en/page093-en.html>

⁷³ Cited in 'Health Care Needs of Women in Prison: The Gap Between Policy and Implementation', MacDonald M, presentation at 'What Works with Women Offenders: The Gap Between Policy and Implementation: Lessons from Other Countries on Dealing with Drug Related Offenders', June 2005: <http://www.uce.ac.uk/crq/moragpubs.htm>

⁷⁴ Women's Offending Reduction Programme, Action Plan, March 2004, p 10: <http://www.homeoffice.gov.uk/>

⁷⁵ Drug Misuse and Countermeasures in the Swedish Prison and Probation System, Swedish Prison and Probation Administration, 1998, p 9

A prison sentence is a major change in the life of a drug addict, breaking the connection between addict and dealer and between addict and peer-group - a group which, for women, may well include a violent or abusive partner. The EMCDDA notes that 'The majority of drug users reduce or stop their drug use on admission to prison'. Prisoners may not have the means or the money to buy drugs. Given that drugs are a direct and indirect cause of crime it seems logical to combine a court sentence with drug treatment. World Health Organisation reports indicate that the positive results of drug treatment are no worse in prison than on the outside. Thus, says Spannow, 'there are no good reasons for not putting more effort behind the improvement of prison health care systems in relation to this problem as well. The successful programs are not based on force - other than the force inherent in the prison situation itself - but on motivation.'⁷⁶

Treatment programmes and anti-drug measures need to acknowledge the presence, indeed prevalence, of drugs in prison. The EMCDDA state that

'some prisoners continue their pattern of drug use and others start using drugs in prison. Studies that are available show that between 8% and 60% of inmates report having used drugs while in prison and 10-36% report regular drug use'.⁷⁷

A foreign national imprisoned in France writes:

'This place is horrific. Girls are using prescribed tablets to get high. If you have a sleeping problem, anger or depression the psychiatrist spends about ten minutes with you and by the evening you're equipped with 2-5 tablets...Even drugs from the street are, like, the norm.'⁷⁸

The 2004 EMCDDA report states that 'although some prisoners may view incarceration as an opportunity to address their drug problems, this may be difficult to achieve in practice (Long et al., 2004)'.

A study of ten EU countries found that barriers to implementation of drug treatment include: a lack of a prison drug strategy, a lack of attention paid to harm reduction and a lack of harm reduction policies, lack of sustained NGO involvement and insufficient staff training. But the study also pointed to evidence of effective interventions including replacement therapies and needle exchange programmes and widely used interventions: peer education, motivational interviewing and education and communication programmes as well as 'an enthusiastic and committed staff who are open to implementing new initiatives for problematic drug users.'⁷⁹

According to MacDonald, prison drug treatment is well developed in Portugal, Spain, Luxembourg, Austria, Denmark, Finland and some parts of Germany. There are no drug substitution programmes in Greece, Sweden and some of Germany. Most countries have some drug- free prison programme except France.⁸⁰

⁷⁶ 'Danish Drug Users Union - European conference about drugs and HIV in prison', Spannow K:

<http://www.brugerforeningen.dk/bfny.nsf/0/3D5389A41A038C4AC12568660044C7AF?OpenDocument&K=News%20and%20Articles&S=UK>

⁷⁷ Annual Report 2004, The state of the drugs problem in the European Union and Norway, European Monitoring Centre for Drugs and Drug Addiction (EMCDDA): <http://ar2004.emcdda.europa.eu/en/page096-en.html>

⁷⁸ Prisoners Abroad News, Volume 16, Issue 1, Spring 2005, p 3: <http://www.prisonersabroad.org.uk/news.html>

⁷⁹ '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>

⁸⁰ '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>

Prison drug treatment varies between detoxification -a simple ‘cold turkey’,⁸¹ motivational programmes, counselling and drug substitution. The latter is the most contentious amongst the general public.

Harm reduction measures

Needle exchange

A review of fourteen international studies examining the effectiveness of needle and syringe exchange programmes in prison settings concluded that such programmes are feasible and result in a reduction in both high risk behaviours and transmission of blood-borne viruses without any negative consequences such as accidental needle-stick injuries or deliberate use of needles as a weapon against prison staff or other prisoners.⁸²

A study of six countries⁸³ on the effectiveness of needle exchange in prisons concluded that:

‘While these prison syringe exchange programmes have been implemented in diverse environments and under differing circumstances, the results of the programmes have been remarkably consistent. Improved prisoner health and reduction of needle sharing have been achieved. Fears of violence, increased drug consumption, and other negative consequences have not materialised. Based on the evidence and experience, it can be concluded unequivocally that prison needle exchange programmes effectively address the health-related harms associated with needle sharing in prisons and do not undermine institutional safety or security. In fact, the evidence and experience demonstrate that prison needle exchange programmes make prisons safer environments in which to live and work.’

The authors of this study are clear about the responsibility of governments:

‘A harm reduction strategy that does not include sterile needle exchange is not only a suboptimal public health measure; it is in contravention of international norms related to prison health, and fails to meet best practice...Prison systems and governments can no longer avoid their responsibilities to provide for the health of prisoners by dismissing prison needle exchange programmes as something new or untested. They are neither.’⁸⁴

⁸¹ Slang expression describing the actions of a person who gives up a habit or addiction all at once, rather than gradually easing the process through tapering off or using supplemental medication. Sudden withdrawal from certain drugs can be extremely dangerous (even life-threatening), although in most cases, the experience of going ‘cold turkey’ may be extremely unpleasant but not dangerous

⁸² Annual Report 2004, The state of the drugs problem in the European Union and Norway, European Monitoring Centre for Drugs and Drug Addiction (EMCDDA): <http://ar2004.emcdda.europa.eu/en/page096-en.html>

⁸³ Belarus, Germany, Kyrgyzstan, Moldova, Spain and Switzerland

⁸⁴ ‘Taking action to reduce injecting drug-related harms in prisons: The evidence of effectiveness of prison needle exchange in six countries’, Lines R, Jürgens R, Betteridge G and Stöver H, International Journal of Prison Health, March 2005; 1(1), p 61

Table 1.12: Women prisoners with drug and alcohol addictions

	Are there any programmes available to treat prisoners with drug or alcohol addictions?	How many women are enrolled on these programmes?
Andorra	Yes	One
Armenia	There are no women in need of such programmes.	
Austria	Yes, in general	
Azerbaijan	No answer given	
Belgium	No answer given	
Bulgaria	No, programmes in the women's prison in Silven	
Croatia	Yes	Currently, 12 prisoners are on programme for drug addiction and 15 prisoners are on programme for alcohol addiction.
Cyprus	Support is provided from a psychiatrist and a psychologist.	'Figures not available'
Czech Republic	Yes	30
Denmark	There are 20 places available for women with drug problems and 3 places for alcohol problems. 2 new alcohol treatment units will be opened shortly.	'No statistics available'
Estonia	There are weekly meetings for prisoners with drug addiction which are organised by the NGO Convictus. In the past there have been regular AA meetings for alcoholics but there are none at present.	In the programmes for drug addicts: 24 women participate in the Russian speaking group and 9 women in the Estonian speaking group every week.
Finland	Treatment programmes are available in almost every prison, especially in the main open and the main closed prison where most women are held.	5 women per day in the closed prison and 10 (on average) per day in the open prison.
Georgia	No	0
Germany	Yes	'No statistics available'
Greece(K)	Yes	35
Greece(T)	Yes	6
Hungary	Yes	14
Iceland	AA once a week. Some prisoners can be sent to a private clinic for drug and alcohol problems.	Currently none
Ireland	Yes, in the Dóchas centre (where most women are held).	Variable
Italy	Yes	150
Kosovo	No, currently not as numbers of addicts are low but we expect this to increase and are planning to develop programmes.	Not applicable
Latvia	Only the assistance of the prison psychologist and psychiatrist.	All women who need assistance are enrolled.

	Are there any programmes available to treat prisoners with drug or alcohol addictions?	How many women are enrolled on these programmes?
Luxembourg	Programmes for those with drug dependence: 1. programme with methadone 2. programme for the exchange of syringes 3. Project Tox - a group to raise awareness and prevention among prisoners who practise substance abuse 4. Regular consultations with a psychiatrist responsible for substance abuse from Ettelbruck hospital with the aim of effecting a cure.	At present 10 women are enrolled in the methadone programme. 3 women are being followed in a post-cure programme.
The Netherlands	Yes	
Norway	The VINN ('Winning') programme includes addiction issues. (This programme attempts to build up women's ability to make choices on how to lead a better life in general. The programme is suitable for those women who want to do something about their problems. It is not suitable for women with severe psychological problems.)	30-40
Poland	According to the penal code drug-addicted prisoners should receive adequate treatment. If consent for treatment is not given by the prisoner then the penitentiary court adjudicates on whether treatment is to be given. Prisoners should serve their time in a specific therapeutic ward. There are 27 places in such a ward in Grudziadz and 36 places on a drugs ward in Lubliniec. The number of places is sufficient and there is no over-population. There are drug rehabilitation programmes in all prisons where women are held.	Every woman in prison has the opportunity to take part.
Portugal	Yes	28 places available on the drug addiction programme. An alcohol programme is also run (number of places not specified).
Slovenia	Yes	In 2004 there are 10 women with alcohol problems, 7 of which are on a programme. There are 24 women with drug problems, 15 of which are enrolled on a programme.
Sweden^a	Yes, but not specifically designed for women	'No data available'

	Are there any programmes available to treat prisoners with drug or alcohol addictions?	How many women are enrolled on these programmes?
Switzerland	No, but people with these problems are referred to a psychiatrist and a psychologist.	Not applicable
UK (England and Wales)	Yes	766, annually broken down as : 576 on short duration programme places 90 on PASRO (Prisoners Addressing Substance Related Offending) 60 on RAPT (Rehabilitation for Addicted Prisoners Trust) 12 step programme 40 in Drake Hall Therapeutic Community

^a Sweden was the only country that mentioned that drug and alcohol abuse programmes are not specifically designed for women. Although this is the case, such awareness is welcome.

Transmissible diseases

Tuberculosis, hepatitis and HIV/AIDS are problematic for overcrowded prisons. Worldwide prisoners' rates of HIV are higher than in the general population.⁸⁵ HIV positive women risk passing the disease onto their babies and unborn children. Women's high rates of drug addiction mean they are more likely to be exposed to the risk of catching HIV through sharing needles. Non-consensual sex is less likely to be protected than consensual sex. However, men may be equally, or even more, at risk of catching HIV through consensual/non-consensual sex in prison. In Estonia, rates of HIV in prisons were lower amongst women than men in 2000-2003.⁸⁶

Health care delivery

There is a trend to address the problem of isolated prison health services and poor career prospects for medical staff by streamlining prison health care with national health care systems. In France, prison health care has been under the Ministry of Health since 1994 and, since 2000, in Italy. A Spanish law of 2003 attempts to integrate prison and public health; in Estonia and the UK (England and Wales), health care in prisons will become part of the general health care system by 2006.

Female prisoners report stigmatising attitudes and behaviour by external health care providers and other patients. Female prisoners in England describe how other patients 'move up a bit when you sit down...it makes you feel really uncomfortable'. The attitude of guards affects the delivery of health care to prisoners in external hospitals, according to female prisoners in England:

some guards 'hide their HMP [Her Majesty's Prison Service] sign on their shirts' and 'buy you a cup of coffee ... and give you a fag and that' whilst others 'try and make it uncomfortable' and 'walk up and down swinging the handcuffs about'...'everyone could see they were checking the toilets to see if there was a window in and things like that, stood outside the toilet, expecting you to leave the door ajar' However, '[it depends] who you get ... sometimes they don't even bother handcuffing you'.

Canvin writes that 'a side-effect of these security measures is the refusal of hospital care (reluctance to visit the hospital or to stay overnight) in order to avoid such stigmatising

⁸⁵ 'HIV Prevention for Prisoners: A Public Health and Human Rights Imperative', Interights Bulletin, A Review of the International Centre for the Legal Protection of Human Rights, p 55, ISSN 0268-3709 2004 Volume 15, No. 2

⁸⁶ Estonian Prison System Year Book, 2002-2003: <http://www.just.ee/>

treatment.⁸⁷ Prisons should do all they can in the sensitive use of types of vehicles, clothes and visible restraints to minimise the embarrassment and stigmatisation caused to prisoners by outside trips to medical appointments. This is particularly relevant for pregnant women and new mothers because they are unlikely to have the necessary health care available within the prison and so are more likely to visit outside clinics/hospitals and are in need of emotional stability and support during these visits.

In prison hospitals women may face overcrowding and poor conditions because male and female patients must be kept separate and there may not be a suitable space for female prisoners who are in the minority.

Evidence from a prisoner focus group suggested that barriers to women's health care include: poor conditions during transport from prison to the medical centre, women felt that they lost control of their bodies in mass screenings, they were unable to talk about the results with doctors who did tests, and that they might miss a visit from family as they had been unable to let them know ahead of time.⁸⁸

All countries (who provided us with information) have both prison doctors and utilise outside medical facilities for more specialist treatment. Additional information has been given where respondents provided it; however such specialist health care within prisons is by no means limited to these countries; most prisons have some kind of mental health workers and many have dentists.

Only Croatia, Estonia, Finland, Greece, Latvia and the Netherlands also have prison hospitals. Prison hospitals remove the security considerations described above. In 2005 the CPT reported 'serious shortcomings' in the Latvian Central Prison Hospital. These included very poor material conditions; 'the sanitary facilities were in an execrable state', 'many of the rooms had no access to natural light (the windows being covered with metal plates), and artificial lighting and ventilation were very poor in most of them', many rooms were overcrowded and dilapidated and that access to hot showers more than once a week even when recommended by medical staff had been refused in the case of some prisoners. In addition, there were only limited activities for patients (especially juveniles) and only one psychiatrist was employed in the psychiatric unit.

Confidentiality

Prisoners have a right to confidential medical treatment. Guards may have access to prisoners' files including health records. In some cases guards even decide when a prisoner should see a doctor; this endangers the safety of prisoners and contravenes international standards.⁸⁹ The right to confidentiality will be violated if guards are present during medical consultations and examinations.

Seeing a doctor in the presence of guards also means that violence towards and abuse of prisoners is less likely to be reported by the prisoner, and hence detected, and breaks patient/doctor confidentiality. The European Prison Rules and national Penal Codes give the doctor a central role in the prevention of human rights abuses in custodial settings.⁹⁰

If it is absolutely necessary for guards to be present, women prisoners should never have to see a doctor in the presence of a male guard. Sensitivity should also be exercised in transporting

⁸⁷ Canvin, K. 'The Kick Inside: An Account of the Experience of Pregnancy in Prison', unpublished PhD thesis, 2000

⁸⁸ 'Health Care Needs of Women in Prison: The Gap Between Policy and Implementation', MacDonald M, presentation at 'What Works with Women Offenders: The Gap Between Policy and Implementation: Lessons from Other Countries on Dealing with Drug Related Offenders', June 2005

⁸⁹ 1957 UN Standard Minimum Rules for the Treatment of Prisoners, Rule 25(1)

⁹⁰ European Prison Rules, Recommendation Rec(2006), Rule 42.3c

prisoners to hospitals or doctors' appointments, particularly if female prisoners are escorted by male staff, and prisoners should be made as comfortable as possible e.g. having breaks in a long journey.

Table 1.13: Health care provision for women in prison

	Is health care provided for women prisoners within the prison or in public facilities?	Are women able to see a doctor or other health worker in privacy?
Andorra	Two doctors are there in case of emergency for 24 hours a day and are available for appointments on certain other days.	Yes
Armenia	Medical service is offered in the prison, as well as outside if it is necessary.	Yes
Austria	Health care is provided.	Yes
Azerbaijan	Yes	
Belgium	The general rules about health are applied to women. There is no difference between male and female prisoners.	
Bulgaria	Medical centre in prison. In case of specialised analysis the hospital in the town. In case of medical treatment they are sent to centres in Sofia and Lovech.	Yes
Croatia	Both. Prisoners shall be granted medical treatment and regular care for their physical and mental health. In case of a serious or lengthy illness which cannot be adequately treated in prison, prisoners shall be transferred to the prison hospital. When it is not possible to provide the necessary specialist medical treatment, the inmate shall be directed to the medical institution outside.	Yes
Cyprus	Health care is provided in prison as well as in public facilities depending upon the required needs or doctors' advice.	A guard of the same sex is always present when a doctor examines the prisoners.
Czech Republic	Health care in public facilities (especially in specialised ones) is always provided for in case it is not possible to provide it in prison.	Attendance of a female guard is exceptional, just for security reasons.
Denmark	Health care provided within prisons.	Yes
Estonia	There is a medical department with a doctor, nurses, dentist, and gynaecologist in the women's prison. If according to the doctor's opinion the condition of the prisoner cannot be treated in the medical department of the prison, the prisoner will be sent to the prison's central hospital or to an ordinary hospital.	Yes
Finland	They are allowed to see a doctor and a nurse in prison. They can also be sent to the prison hospital when needed. If that is not sufficient, they may be sent to an outside hospital.	Yes
Georgia	Prisoners are provided with all medical services. Prisoners are able to see a doctor, and if it is necessary a hospital attendant will come about their health.	

	Is health care provided for women prisoners within the prison or in public facilities?	Are women able to see a doctor or other health worker in privacy?
Greece(K)	Women prisoners receive medical attention from the prison doctors, from the prison hospital and the public hospitals according to the health problem.	Yes- with the presence of the prison doctor regardless of his speciality.
Greece(T)	Women prisoners are examined by a pathologist, psychiatrist, dentist and special examinations in public foundations.	Yes, they are examined by any doctor of their liking, with the presence of a doctor and medical staff.
Hungary	Prisoners have the right to be accommodated adequately to hygienic and health conditions, to be provided with food services and health care appropriate to his state of health and occupation during the period of his imprisonment.	Yes
Iceland	Women prisoners are treated within the prison.	Yes
Ireland	The Dóchas centre has its own health care unit.	At the Dóchas centre the women may see a doctor or nurse on a one-to-one basis.
Italy	There is regular contact between the prison and with both the public and private health services.	Yes
Kosovo	Whatever services are needed; they will be made available in the prison or in public facilities.	Within the prison 'yes', but in a public facility 'no'. This is because of security reasons. However, when visiting a gynaecologist arrangements are made to see them privately.
Latvia	Women prisoners are treated within the prison, the Latvian prison hospital and public facilities.	Yes
Luxembourg	As far as health problems are concerned women prisoners are treated by the medical team in the prison infirmary assisted by the specialist doctors of the Luxembourg central hospital. If necessary the prisoners are transferred to receive appropriate treatment. The medico-psychological service admits patients who have psychological problems.	All consultations whether medical, psychiatric or psychological take place in the women's quarters without the presence of a woman guard and respecting the rules of medical and professional confidentiality.
The Netherlands	Health care is provided for in the prison, in a special health care unit. For special conditions, like pregnancy, women can go to the Prisoners' Hospital or a regular hospital.	Yes
Norway	Both. We have nurses and doctors in prison. They can be referred to a psychologist.	Yes
Poland	Penitentiary office does not have this information.	Penitentiary office does not have this information.
Portugal	Both.	Yes, except in exceptional circumstances.

	Is health care provided for women prisoners within the prison or in public facilities?	Are women able to see a doctor or other health worker in privacy?
Slovenia	Health care is provided in the prison and in public facilities; in the Slovenian prison system general medical care, dentistry and psychiatric care are provided inside prisons. All other medical care is provided by the public health system and prisoners have the same insurance and treatment available as any other citizen in Slovenia.	Yes
Sweden	Both; nurses are employed and doctors have regular visiting hours. They can also visit public hospitals.	Yes, in the health department or the prisoner's cell.
Switzerland	AIDS prevention education by a specialist nurse and distribution of sterile syringes.	
UK (England and Wales)	Yes, both in prison and in local NHS facilities.	Yes

Germany answered that 'The justice authorities have to care for prisoners' physical and mental health. This obligation is an expression of their duty to care for the prisoners. The prison doctor decides on the consultation of specialist doctors or other physicians in accordance with the general medical standards, in other words in particular on the basis of the nature and gravity of the case. Sick prisoners are to be nursed by persons who are in possession of a licence under the Sick Nursing Act.

Prisoners who work outside the penal institution on the basis of free employment or who take part in measures of vocational training or further training there and, as all other employees, are subject to health insurance on the basis of such free employment, are to use the benefits of health insurance outside the institution. They may only be treated by the prison doctor in emergency cases or if their lives are at risk.

Prisoners must support all measures necessary for the protection of health and hygiene. Medical examinations and treatment under coercion, as well as forced feeding, are permissible only in the case of danger to life, in case of serious danger to the prisoner's health, or in case of danger to other persons' health. If there is no specific health risk, for the purpose of health protection and hygiene a coercive physical examination, such as in the admission procedure, is permissible only if it does not involve an operation.

The head of the institution may by way of exception permit prisoners, after hearing the prison doctor, to consult an advising physician at their own expense. Permission should only be given if the prisoner releases the considered physician and the prison doctor from their duty of medical confidentiality towards one another. In selecting the time and frequency of medical treatment, consideration is to be given to the special, spatial, staffing and organisational circumstances in the penal institution.'

Family Matters

Maternity

Table 1.14: Percentage of female prisoners with children

	What percentage of female prisoners has children under the age of 5?	What percentage of female prisoners has children under the age of 10?	What percentage of female prisoners has children under the age of 16?
Andorra	25		
Armenia	1	0	0
Azerbaijan	2	0	0
Cyprus	20	15	10
Czech Republic	100		
Estonia	16	18	11
Georgia	20	30	37
Greece (T)	1	3	3
Iceland	43	28	0
Ireland ^a	10	20	30
Kosovo	21	28	26
Latvia	10	20	27
Portugal ^b	7		
Slovenia ^c (lg prison)	12	6	6

^a Ireland: information related to prisoners in the Dóchas centre

^b Portugal: 66 women have children under the age of 5 (31 January 2005)

^c Slovenia: lg is a prison in Slovenia

Bulgaria, Italy, the Netherlands, Sweden and Switzerland did not answer questions relating to the percentage of women with children under a certain age. Austria, Croatia, Denmark, Finland, Germany, Greece (K), Hungary, Luxembourg, Norway, and Poland did not have any data. The UK (England and Wales) replied that the figures are not centrally held.

A study of female prisoners, which was conducted in nine countries and published by the University of Greifswald revealed that, out of the female prisoners who were surveyed, the percentages who were mothers were: 81.9% in Greece, 75.6% in Spain, 70.2% in Poland, 68.7% in Lithuania, 67.8% in Germany, 63.5% in the Russian Federation, 62.5% in Croatia, 61.5% in Slovenia and 57.7% in Denmark.⁹¹

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

Individual children may be in danger immediately following their parent's imprisonment, simply because nobody has considered them. Women may be sent straight from the courts to prison, leaving children with temporary carers or even at school.

⁹¹ Internationale Studie zum Frauenstrafvollzug, Bestandsaufnahme, Bedarfsanalyse und 'best practice', Dünkel F, Kestermann C, and Zolondek J, p 7, Department of Criminology, University of Greifswald, 2005

The families of prisoners are generally not supported by statutory agencies, despite prisoners' families serving their own 'sentence' of family breakdown, loss of income and additional childcare duties. The full consequences of imprisoning parents are not apparent and prisoners' families are not visible in research and policy processes. The effects of imprisonment on prisoners' children are unclear because the authorities are frequently unaware of their existence. If the state imprisons a child's primary carer who should care for this child?

Separation of female prisoners from their children

There is no agreed optimum time to separate mothers and children. The end of the breast-feeding period is often cited as an opportunity to separate. Only the UK (England and Wales) and Kosovo separate mother and child at 18 months. Separating children before they are able to hold intelligible conversations means that the child is less likely to understand why they are being separated and to experience rejection and a loss of trust as well as the loss of a parent. The separation process can be eased by a gradual process, as in the UK (England and Wales), by staged visits and gradually prolonged periods of absence. The effects of mother-child separation are well researched and the findings should be taken into account with reference to this problem.

In fact, many women and children do not face separation because the women's sentence is so short. QCEA were told by the authorities of UK (England and Wales) and Denmark that there is a degree of flexibility; if a child reaches the cut-off age just before the end of a woman's sentence the child will remain in prison with the mother.

Alternatives to custodial sentences for mothers

The difficulty of separating mothers and babies leads to the conclusion that, if at all possible, it should not be attempted. Alternatives to imprisoning women with children in this age range must be found, such as electronic monitoring and community sentencing. The Council of Europe recommends that 'custody for pregnant women and mothers of young children should only ever be used as a last resort for those women convicted of the most serious offences and who represent a danger to the community.'⁹² The 8th UN Congress on the Prevention of Crime and the Treatment of Offenders (1990) states 'The use of imprisonment for certain categories of offenders such as pregnant women or mothers with infants or small children should be restricted'. However, large numbers of women with children continue to go to prison for minor crimes.

In Italy, a sentence is automatically postponed if a woman is pregnant or if she has a baby less than six months old and there is also the possibility of postponement if she has a baby less than one year old. Single parents of very young children may also be exempt. In the Russian Federation, the sentencing of a pregnant woman or a woman with children under eight can be suspended until the child is eight years old. Yet, in 1999, there were 250 pregnant women in prison in the Russian Federation. In Germany, 'housewives' may have day release from prison to care for their families, returning to the prison at night. Cyprus passed a new law (No. 33(1)) preventing the imprisonment of pregnant women as long as the sentence is less than three years and not associated with violence.

⁹² Mothers and Babies in Prison, Doc. 8762, Report by the Social, Health and Family Affairs Committee, Rapporteur: Mr Rudolf Vis, 9 June 2000: <http://assembly.coe.int/main.asp?Link=/documents/workingdocs/doc00/edoc8762.htm>

Children on the outside

Table 1.15: Living arrangements of the children of women prisoners living on the outside

If children cannot stay with their mother in prison, who cares for them?						
	Other parent	Grandparents	Other relatives	Friends	Social Services	Other
Andorra					Yes	
Armenia	Yes	Yes			Yes (children's homes)	
Azerbaijan		Yes	Yes		Yes	
Bulgaria	Yes	Yes	Yes		Yes	
Croatia	Yes	Yes	Yes	Yes	Yes	Yes
Cyprus	Yes	Yes	Yes		Yes	Yes
Czech Republic	Yes	Yes	Yes		Yes	
Denmark	Yes	Yes	Yes	Yes	Yes (The decision is usually made by social services)	Yes
Estonia		Yes	Yes			
Finland	Yes	Yes	Yes		Yes	
Georgia	Yes	Yes	Yes	Yes	Yes	
Germany						
Greece (K)	Rarely	Usually	Rarely	Very rarely	Rarely	No
Greece (T)		Yes				
Hungary						
Iceland	Yes	Yes	Yes	Yes		Yes
Ireland	Yes	Yes	Yes		Yes	
Italy ^a	Yes		Yes		Yes	
Kosovo	Yes	Yes	Yes		Yes	
The Netherlands						
Norway	Yes	Yes	Yes			Yes (foster homes)
Poland	Yes	Yes	Yes	Yes	Yes	
Slovenia ^c (lg prison at Aug 2005)			77% relatives including parents, grandparents and other relatives		22%	
Sweden	Yes	Yes	Yes	Yes	Yes	Yes
Switzerland ^d	Yes	Yes	Yes	Yes	Yes	Yes

^a Italy: Other parent and relatives, with the supervision of control of the social services

^c Slovenia: 77% of children are cared for by relatives including parent, grandparents and other relatives

^d Switzerland: all options are possible, but no statistics are kept

UK (England and Wales) replied that information is not held centrally. Any nominated carer has to be risk- assessed as suitable by Social Services. Grandparents are the most popular choice.

Austria, Belgium and Latvia did not provide answers to the question of who looks after a child if their mother is imprisoned. Luxembourg did not have the information. Most countries which responded gave a range of different carers with grandparents as the most common replacement carers for prisoners' children, followed by other relatives and then the other parent. We cannot guarantee that these responses are based on hard data.

What children are told

Children do not always know that their parent is in prison. A study by the Centre for Social & Educational Research in Dublin, which included interviews with twenty-six prisoners in Ireland (five women and twenty-one men), showed that 61.5% of the prisoners surveyed said that their children did not know they were in prison.⁹³ Reasons for not telling the children included worries that: the child might be upset; the child was too young to understand; the child might think it is alright to go to prison; and worries about what other people (including other children) might think. Instead, children may be told that their parent(s) are working or in hospital. If a child is in care the parent may not have a choice about what the child is told. One Irish mother said 'I wanted them to know because a lot of the nephews and nieces would have known and someone would have said it. So I fought for eight months to get the visit so they would know where I am.'⁹⁴

Prisoner support groups and researchers frequently say that children's experiences of deceit and confusion are detrimental to the emotional and psychological well-being of the child. Children may also experience effects of stigmatisation from school peers as well as the wider society (although the Irish study showed that teachers were supportive when informed of a parent's imprisonment.)⁹⁵

Effects of parental imprisonment

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 parental imprisonment, including: depression, hyperactivity, aggressive behaviour, withdrawal, regression, clinging behaviour, sleep problems, eating problems, running away, truancy, poor school grades and delinquency.'⁹⁶ Furthermore, 'parental separation can be experienced as desertion or abandonment, which can compound distress for children.'⁹⁷ Thus, children see their parents' removal not as a consequence of criminal behaviour but as rejection and the loss of love amounting to a traumatising experience. 'Families may feel similar grief as is experienced with the death of a loved one...a higher percentage of wives of inmates experience more grief symptoms than do wives of prisoners of war and servicemen missing in action'. Yet the normal outlets for grieving are often denied because of the nature of the loss. This appears to be more traumatic for a child who had a good relationship with the parent before incarceration.⁹⁸

The effects of separation due to imprisonment can endure for a long time. The Cambridge Longitudinal study (UK) studied boys separated from their parents by parental imprisonment during their first ten years of life in order to track the life-time effects of parental

⁹³ Parents, Children and Prison, Effects of Parental Imprisonment on Children, Centre for Social & Educational Research, Dublin Institute of Technology, 2002, p 30

⁹⁴ *ibid*

⁹⁵ *ibid*, p 40

⁹⁶ 'Parental Imprisonment: Effects on Boys' Antisocial Behaviour and Delinquency Through the Life-Course', Murray J, and Farrington D, Institute of Criminology, University of Cambridge, Journal of Child Psychology and Psychiatry, 2005, p 1

⁹⁷ 'The Effects of Imprisonment on Families and Children of Prisoners', Murray J, In 'The Effects of Imprisonment', Liebling A. and Maruna S, Willan Publishing, 2005, p 450

⁹⁸ Howard 1994 quoted in 'Fathering Behind Bars', Sue Howard, 7th Australian Institute of Family Studies Conference, 2000: <http://www.aifs.gov.au/institute/aifrc7/howard.html>

imprisonment on boys. The results show that parental imprisonment is a risk-mechanism not only a risk-marker. That is, that parental imprisonment has a direct (negative) impact on a boy's chances of becoming delinquent and is not just a signpost for other factors in children's future delinquency. Four control groups were used: groups composed of boys who did not experience separation, boys separated from either parent by hospital or death in the first ten years of their life, boys separated for other reasons (usually disharmony) during the first ten years of their life, and the sons of parents imprisoned before their birth, but who were not imprisoned again between the sons' births and their 18th birthdays. Worse outcomes were shown for boys separated by parental imprisonment during their first ten years of life than any of the control groups.⁹⁹

The majority of research on prisoners' children is based on male prisoners' children. The study by the Centre for Social & Educational Research in Dublin shows that the impact of imprisoning a mother may be greater than the impact of imprisoning a father; children are more likely to suffer changes in living arrangements and routine and greater strain will be placed on the extended family if mothers are imprisoned. These results concurred with previous studies cited in the study. In the Irish study, none of the children of female prisoners were in the full time care of their fathers during their mother's imprisonment. However, children of the vast majority of male prisoners (18) were being looked after by their mothers.¹⁰⁰

Australian research from 2000 found that 'gender [of the prisoner] was a significant factor in the stability of children's care arrangements', with a lower number of female prisoners' children being looked after by the other parent than male prisoners' children.¹⁰¹ This could be explained by the fact that a large of women prisoners are single parents, for example, it should be noted that in England and Wales, over 60% of female prisoners are single parents.¹⁰² Conversely, in Northern Ireland, the numbers of fathers caring for children was equal to grandparents and female relatives.¹⁰³

'Imprisoning mothers also caused a drastic reduction in family income. Loss of income is compounded by the additional expenses of prison visits, mail, telephone calls...and sending money to imprisoned relatives' writes Joseph Murray.¹⁰⁴ Like the effects on children, the sudden strains that imprisonment places on other relatives have not been examined. It appears that psychologically, emotionally and practically the removal of the mother from the family has graver consequences than the removal of the father in most cases.

Separation from their children and anxiety over children's well-being are amongst the chief causes of women's distress in prison. The majority of women who ask for home leave do so to visit their children and those women who escape frequently do so because of concerns for their children's welfare.¹⁰⁵ Women awaiting trial face the additional uncertainty of not knowing for how long they will be in prison.

⁹⁹ 'Parental Imprisonment: Effects on Boys' Antisocial Behaviour and Delinquency Through the Life-Course', Murray J, and Farrington D, Institute of Criminology, University of Cambridge, *Journal of Child Psychology and Psychiatry*, 2005

¹⁰⁰ Parents, Children and Prison, Effects of Parental Imprisonment on Children, Centre for Social & Educational Research, Dublin Institute of Technology, 2002, p 27

¹⁰¹ 'Parents in Prison and Their Families: Everyone's Business and No-one's Concern', Healy, K, Foley, D, and Walsh K, Brisbane: Catholic Prison Ministry, 2000c cited in 'Fathering Behind Bars', Howard S, 7th Australian Institute of Family Studies Conference, 2000: <http://www.aifs.gov.au/institute/afrc7/howard.html>

¹⁰² Justice for Women: The Need for Reform, Prison Reform Trust, 2000, p 9

¹⁰³ The Reintegration Needs of Women Prisoners in Northern Ireland, Northern Ireland Prison Service, October 2005, p 17

¹⁰⁴ 'The Effects of Imprisonment on Families and Children of Prisoners', Murray J, in 'The Effects of Imprisonment', Liebling A and Maruna S, Willan Publishing, 2005, p 445

¹⁰⁵ Women, Integration and Prison: An analysis of the processes of socio-labour integration of women prisoners in Europe, German National Report, BAG-F, Universität Lüneburg January 2005, p 23: <http://mip.surt.org/>; Women Who Challenge, Women Offenders and Mental Health Issues, Kesteven, S, NACRO Policy Report, April 2002, pp 19 and 21 and Justice for Women: The Need for Reform, Prison Reform Trust, 2000, p 9

Contact between prisoners and families takes the form of visits, letters and phone calls. Telephone calls from prison may be unaffordable for some prisoners. Often, there are not enough telephones for the number of prisoners so call time is restricted. Telephone calls are particularly expensive for foreign nationals who are also unlikely to get visits. If they have young children who cannot yet read and write, contact is effectively severed. For young children, who are unable to read and write, telephone calls and visits are the only contact they will have with their mother.

Prison visits

Visits present logistical and security challenges for prisons, particularly in terms of staff time. This is increased for special visits, such as family days.

Even when a child knows their mother is in prison, women may refuse to have their children visit them. (This is also the case for fathers in prison.) They may think that visits are too upsetting for the child, that prison is not a place for children or they do not want children to see them in prison. Women have been known to refuse visits because they have to undergo body searches after every visit.

If children do visit prison, they may have to undergo body searches, metal detectors and sniffer dogs to visit their parent. Children may be intimidated by uniformed guards and confuse them with the police who arrested their parent. Sniffer dogs, often large dogs such as Alsatians, may be frightening. The demeanour of prison guards will have a big impact on children's experience of visiting their mother. The responsibilities, priorities and behaviour of guards are an important part of the prison visit.

As in hospitals, the artificiality of visiting hours means visits are not always easy. Visiting rooms are frequently large rooms with many people receiving visitors and are often noisy and without privacy. Guards may sit at one table throughout the visiting hour or patrol the room. Families do not know how much to tell each other of the real situation inside or outside prison. Children are often shy with their parent during visiting. One Irish mother in prison said of her young daughter 'when she comes up here [the prison] she just doesn't want to do anything. She's different...She can talk and all, but she won't say anything when she comes up here'.

Murray writes that 'visits can involve strains of long-distance travel, prison search procedures, a lack of physical contact during visits and difficulty leaving parents at the end of a visit. Therefore, it is possible that visits might actually cause further difficulties for children.'¹⁰⁶ However, all of these, except the last, could be mitigated by changes in policy.

Much can be done by the prison to make visits more welcoming for children and allow for family ties to be maintained. The layout and size of visiting rooms has a significant impact on the quality of a visit and the opportunity it presents for family bonding. Furniture designed for adults and often fixed to the floor may make it difficult for small children to interact with adults. If there are no toys or play areas provided children may become bored and other prisoners complain about noisy children running around visiting rooms.

Some prisons have tried hard to make visits children-friendly with children's furniture and designated, staffed play areas or private family rooms. Other possibilities include extended and more frequent visits for children as well as children's days or family days with special events. It should be remembered that children experience time differently and a once a week visit for a child is not the same as a once a week visit for an adult.

¹⁰⁶ 'The effects of imprisonment on families and children of prisoners', Murray J, in 'The Effects of Imprisonment', Liebling A, and Maruna S, Willan Publishing, 2005, p 450

Table 1.16: Children visiting their mother in prison

	How often are children allowed to visit their mother in prison?	Are there any special arrangements for children's visits?	Are women allowed physical contact with their children during visits?
Andorra	No data given	Yes, there are special arrangements	Yes
Armenia	Not less than twice a month	Extended hours	Yes
Austria	Section 93 of the Austrian Prison Act: every week one visit of half an hour is the minimum. Once in 6 weeks the visit can be one hour. If there are only few visits for a prisoner and if the visitors have to undertake a long journey the duration of the visit may be prolonged. In order to facilitate the management of personal affairs, which cannot be arranged in written form and cannot be postponed, the visits may be made more frequently and even in extraordinary visiting times. There are special regulations concerning juveniles and prisoners awaiting trial.	There are special visiting rooms	It depends on the security level
Azerbaijan	Once a week	No answer given	No answer given
Belgium	There are no specific rules for children's visits. The general rules for visits are: -once a week for prisoners awaiting trial -Three times a week for convicted prisoners. These rules are a minimum standard and can vary from prison to prison.	Most of the prisons have special arrangements for 'child visits', and also special activities on occasions such as 'Saint-Nicolas'.	Yes
Bulgaria	For convicted prisoners there is no limit on the number of visits	Extended hours	Yes
Croatia	Twice a week	Prisoners can have more frequent and longer visits	Yes
Cyprus	According to the law, six times a month. In addition extra visiting rights are given whenever there is a need to strengthen family ties.	Special visiting room	Yes
Czech Republic	Once a month for 3 hours	Yes	Yes

	How often are children allowed to visit their mother in prison?	Are there any special arrangements for children's visits?	Are women allowed physical contact with their children during visits?
Denmark	Usually once a week	Special visiting rooms are becoming more common and will be standard in new prisons - 1 opening in 2006 and one (planned for) 2010.	Yes
Estonia	Prisoners have a right to receive - at least 1 short-term visit per month with duration up to 3 hours - at least 1 long-term visit every 6 months with duration up to 3 days. If visiting rooms are available, the prison has the right to allow visits to take place more frequently.	No	Yes
Finland	Every Saturday and Sunday. In addition, family meetings on average twice a month	Special visiting rooms	Yes
Georgia	It depends on how many times a judge or a investigator gives a (visiting?) order	Special visiting room	With permission on limited visits, yes on extended visits
Germany	There are different policies in the different Länder (states within the Federal Republic)	More frequent visits	Yes
Greece (K)	2-3 times a week	Yes, special area and extended timetable	Yes
Greece (T)	once per week	Yes, as to the time and place of visit (free visit)	Yes
Hungary	According to the law, once a month for 30 minutes	Special visiting rooms	Yes
Iceland	Once a week	Special visiting rooms	Yes
Ireland	At the Dóchas centre there are flexible visiting arrangements	At the Dóchas centre there are flexible visiting arrangements.	Yes
Italy	In general, 4 to 5 each month	Yes	Yes
Kosovo	For convicted prisoners: once a week for 2 hours, or twice a week for 1 hour. For prisoners awaiting trial: as often the court issues a decision.	Other	Yes, for sentenced prisoners. Prisoners awaiting trial are separated from their visitor(s) by a glass screen.

	How often are children allowed to visit their mother in prison?	Are there any special arrangements for children's visits?	Are women allowed physical contact with their children during visits?
Latvia	In accordance with law the rules are the same as for adult prisoners; depends on the level of the regime under which the prisoner is serving her sentence.	No	Yes
Luxembourg	Prisoners awaiting trial are entitled to 6 hours per month. Convicted prisoners can have 5 hours per month.	No	Yes
The Netherlands	Children can visit their mother at the regular visiting hours, at least one hour a week.	Some prisons organise special extended visiting hours for children at the weekend. Some prisons have a special guesthouse where children can stay with their mother during the weekend.	Yes
Norway	Not specified. Once a week?	Special visiting rooms, with different arrangements for high risk and open prisons.	Yes
Poland	The limit of visits (regardless of the sex of the person serving a sentence) depends on the type of penitentiary facility, where this person serves a sentence. In closed prison prisoners have up to two visits a month. In half-open up to three a month and in an open prison the number of visits is not limited.	Possibility of extended or more frequent visits. In mother and child homes there are special rooms for the visits when children come to stay. In these rooms there are toys and equipment for the children.	Yes
Portugal	Children can visit their mother at the regular visiting hours, at least one hour a week.	No	No
Slovenia (lg prison)	Every weekend	Yes	Yes

	How often are children allowed to visit their mother in prison?	Are there any special arrangements for children's visits?	Are women allowed physical contact with their children during visits?
Sweden	It depends on the visiting facilities, there are no special rules.	Special visiting rooms and small apartments for overnight stay. Extended hours. Toys and books.	Yes, prisoners are allowed physical contact with all visitors.
Switzerland	If possible every week (depending on the distance).	Extended hours. Special room. Garden.	Yes
UK (England and Wales)	The minimum entitlement is for a prisoner to receive 2 visits a month if they are a convicted prisoner. Prisoners awaiting trial may be visited for a short period (minimum 15 minutes but normally much longer) each day or in some prisons prisoners may be visited 3 times a week for longer periods. In addition, most women's prisons run special 'family' or 'children's' visits occasionally in which a group of prisoners children will be allowed in for an all day visit.	This varies from prison to prison. Normally special children's visits last all day and special rooms such as the gymnasium may be used.	Yes, unless the woman is on currently on 'closed' visits - normally for smuggling in drugs.

As shown in Table 1.16 above, only three countries reported holding overnight visits for children. The most common provision for children is a special play area - although this could range from having a few toys out to fully equipped and staffed play rooms. In general, countries did not present a spread of measures for children and the results do not paint a bright picture of provision for children in prisons; it appears that not a great deal is being done to recognise prisoners' status as parents or the needs of children.

The smuggling of drugs into prisons is an issue of concern for prison managers. Visits are a common way of drugs being passed and because of this women may not be allowed physical contact with their visitors (including with children). In Ireland, prisoners who have previously been passed drugs during a visit are separated from their visitors by a glass screen. In the UK (England and Wales) women are sometimes not allowed to move from their chair during visits making physical contact and playing with their children difficult. Young children may not understand these rules and be confused and upset at their mother's apparent unwillingness to play with them. However, Table 1.16 shows that the majority of imprisoned mothers are allowed physical contact with their visiting children.

Education and employment opportunities

Education, training and employment

Female prisoners have the same needs for purposeful activity as male prisoners, but their situation is different. Women prisoners generally serve shorter sentences so it is harder for individual women to complete educational courses (especially higher level distance learning courses) and to get work. With fewer women in a women's prison than men in a men's prison,

companies are less interested in outsourcing. It also means that training providers are less interested in serving women’s prisons.

This is acknowledged by the German government:

‘because there are fewer women in prison and because the composition of their group varies, it is extremely difficult to offer vocational training courses - especially courses differing in content - in the institutions. Here it will depend either on if there is an institution for men close by, in which case vocational training measures can be arranged for men and women together in a co-educational context, or - which is preferable - on if women can be allowed to participate in vocational training outside the institution.’¹⁰⁷

Whilst policies may encourage education and training in prison to the highest level, as in Germany, it may be very difficult for prisons to put this into practice.

Mothers caring for babies in prison may not have crèche facilities available so that mothers are effectively barred from participating in most prison activities.

Many programmes provided for women are in traditionally feminine areas of work such as sewing and hairdressing, thus reinforcing gender stereotypes and women’s disadvantaged place within the labour market. However anecdotal evidence from France and Denmark suggest that women prisoners might respond better to offers of traditionally feminine work/training. The Irish inspectorate of prisons raised a concern that vocational training, rather than academic education, was being prioritised in the women’s prison unlike in the men’s prison.

Whilst work is a means of earning money it also does something to alleviate the boredom of a prison sentence. A French female prisoner said: ‘At least time goes faster when you’re busy doing something...the weekend and the days without work are the worst; we get bored, we spend the day in bed.’¹⁰⁸

Table 1.17: Education and training opportunities available in prisons

	School level education	Post-school education	Vocational education/training
Armenia	Yes	No information	Yes
Austria			Yes
Bulgaria	No	No	Yes
Croatia	Yes	No	Yes
Cyprus	No	No	Yes
Czech Rep	Yes	No	Yes
Denmark	Yes		Sometimes
Estonia	Yes	No	Yes
Finland			Yes
Georgia	No	No	Yes
Germany ^a	Yes	Yes	Yes
Greece	Literacy	No	Yes
Hungary	Yes		Yes
Iceland	Yes		No
Ireland	Yes	Yes	Yes
Italy	Yes	Yes	Yes

¹⁰⁷ QCEA questionnaire from the German government

¹⁰⁸ Women, Integration and Prison: An analysis of the processes of socio-labour integration of women prisoners in Europe, French National Report, prepared by FAIRE team, January 2005, p 52: <http://mip.surt.org/>

	School level education	Post-school education	Vocational education/training
Kosovo	Yes	No	Yes
Latvia	Yes	No	Yes
Luxembourg	Yes	Yes	Yes
Norway	Yes	Yes	
Poland		No	Yes
Portugal	Yes		Yes
Slovenia	Yes	Yes	Yes
Sweden	Yes		Yes
Switzerland	Yes		Yes
UK (England and Wales)	Yes	Yes	Yes

^a Germany: This varies from prison to prison.

Andorra, Azerbaijan, Belgium and the UK (England and Wales) did not answer these questions.

The Netherlands said that there are educational programmes available, but did not give further details. Luxembourg said that educational programmes are available for sentenced prisoners and those awaiting trial who have been given special permission.

Six countries did not give any information. All other questionnaire respondents said that there were educational programmes in prison. Slovenia said that although there are no educational programmes in prison for women prisoners, there is the possibility that women may attend programmes at outside educational institutions. The number of women prisoners is small and they try and provide educational opportunities for each one based upon her needs and wishes.

School level education is usually provided and many prisons also run literacy programmes and teach the national language for foreign prisoners. Sometimes, as in the Czech Republic, this is only primary school level; in Estonia education goes up to secondary school level; our data was not accurate enough to distinguish the level in other countries. Only Bulgaria, Cyprus, Georgia, and Greece definitely do not offer even primary school level education; this may be due to financial constraints.

All countries provide vocational training except Iceland and in some prisons in Denmark. This reflects the generally low educational and skill level of women prisoners.

The biggest gap is in post-school education with eleven countries not providing it and many more who did not give us information on this issue. The UK (England and Wales) and France also offer education including university level education in prisons.

Table 1.18: More information on educational programmes offered in some countries

Croatia	Elementary school for prisoners under 21. Literacy. Prisoners can receive diplomas for vocational training.
Czech Republic	Elementary school. Basic professional training e.g. computing, sewing, cooking. Education will soon be integrated into the state education system as is currently the case for male prisoners.
Estonia	General school education. Sewing courses and prisoners then able to work in the prison sewing workshop.
Finland	Academic and vocational programmes in closed prisons. Vocational programmes include a twelve-week barber-hairdressing course. Also apprenticeships. The need for vocational training is bigger than the prison service can provide.
Kosovo	General school education. Sewing machine training, food preparation, office administration, English language, basic computer skills. Cultural, sport and artistic activities offered by an NGO.

Latvia	General school education. Languages. Hairdressing, sewing machine training. Possibly offering training in design in the near future.
Luxembourg	Basic education: learning or relearning to read and write and do basic arithmetic, preparatory classes and official classes for the technical high school, help with distance learning courses, individual lessons, computer skills, artistic and musical workshops. Gardening projects, first aid and musical education. Professional courses for women in textiles, dressmaking/sewing etc.
Norway	Women have fewer educational programmes than men.
Poland	Programmes include: cultural, educational, civil education, anger management, HIV/AIDS awareness, promoting health, physical education, sport.

Table 1.19: Percentage of women prisoners enrolled on educational programmes.

	What percentage of women are enrolled in educational programmes?
Armenia	30
Bulgaria	28
Croatia	1
Cyprus ^a	20
Czech Republic	33
Estonia	20
Georgia	40
Greece (K) ^b	7
Greece	49
Ireland	58
Kosovo	21
Latvia	25
The Netherlands	100
Norway	12
Portugal ^c	39
Slovenia ^d	4
Switzerland	80-100

^a Cyprus: 4 prisoners

^b Greece (K): in a programme for illiterate prisoners

^c Portugal: 25% school education + 14% professional training

^d Slovenia: 1g prison only

Andorra, Austria, Azerbaijan, Belgium, Finland, Iceland, Italy and the UK (England and Wales) did not answer the question. Germany, Poland, Sweden did not have the statistical information. The Netherlands replied that every woman deprived of her liberty or temporarily arrested has the opportunity to participate in education programmes.

There is a huge range in the percentage of female prisoners in education. Most countries have rates around 20-25%. It is of concern that so few countries could provide us with this information, suggesting that the attendance of education programmes by women prisoners is not monitored.

Table 1.20: Reasons for women prisoners not enrolled on educational programmes.

For women who are not enrolled on any educational programmes is that because?				
	Courses unavailable	Not enough places on courses	Women do not want to participate	Other
Armenia			Yes	Age
Croatia			Yes	
Cyprus ^a			Yes	
Czech Republic	No	Yes	Yes	Women have children with them in prison and no childcare to allow them to participate
Estonia			Yes	
Finland	Yes	Yes	Yes	Yes
Georgia	Yes			
Greece			Yes	
Iceland			Yes	
Ireland	No	No	Yes	
Italy	Yes	Yes		
Kosovo	Yes		Yes	
Latvia	Yes	Yes	Yes	Lack of funding for creating such programmes
Luxembourg	No	No	No	
Norway	Yes	Yes		
Poland	No	No	Yes	
Portugal			Yes	
Slovenia			Yes	Lack of funding to pay for courses
Sweden		Yes	Yes	No-one to take care of prisoners' babies
UK (England and Wales) ^b	Yes, sometimes	Yes, sometimes	Yes, sometimes	

^a Cyprus: Small numbers of women prisoners on short sentences do not facilitate the application of educational programmes.

^b England and Wales: Childcare units at seven prisons allow women who have children to participate on courses. There is a complex mix of reasons for limited and/or non-participation in learning and skills. National Office LSC commissioned the Learning and Skills Development Agency (now Learning and Skills Network) to evaluate the issues (for more details see *Maximising the benefits of OLASS for female offenders: An evaluation of the issues*; www.lsneducation.org.uk)

Germany said that participation in education and training is paid in the same way as work. Access to educational measures depends on the individual circumstances, i.e. the length, type and size of penal institution, intellectual ability etc. Generally speaking, every prisoner theoretically has the opportunity to take part in all kinds of educational measures up to a university degree, though of course not every penal institution offers the whole range, and often the length of sentence does not permit participation in a course leading to a special

degree. Studies via distance learning are possible and practised mostly by prisoners serving long terms. This kind of education is guided by the university which offers the course.

Andorra, Austria, Azerbaijan, Belgium, Bulgaria, Denmark, the Netherlands and Switzerland did not answer this question. Hungary did not have the necessary data to answer the question.

Finland responded that all reasons are relevant and that it depends on the woman prisoner and educational programme in question.

The most frequent response to this question was that women do not want to participate in courses. This shows either that female prisoners are unmotivated or that the courses on offer to women are uninspiring/unsuitable. A lack of space and a lack of funding are the 2 other common reasons given. Whilst the latter will be a perennial problem the first might be more easily addressed.

QCEA's questionnaire asked if women prisoners receive an equal, greater or lesser share of the overall prison budget for educational and work programmes compared to male prisoners. All countries replied that the budget was equal except for Finland, Poland, Sweden and UK (England and Wales).

Table 1.21: Educational and work programme budget distribution between male and female prisoners

	Comments made
Finland	The prison budget for educational programmes is bigger for women than men but with work programmes/activities it is the opposite
Poland	Women prisoners get a bigger budget as staff have a wider range of responsibilities
Sweden	Women receive an equal share of the budget but the costs are higher which makes it unequal
UK (England and Wales)	Offender Learning and Skills Service (OLASS) commenced in three English regions in August '05 and the remaining six one year later. The funding methodology inherited by OLASS is split into money for teaching and materials calculated on a historical basis rather than type or location of prisoner or need and demand. The national full year budget will not be available until April '07. The Learning and Skills Council (LSC) is reviewing funding methodology and in time will move towards a per prisoner basis. Until this is done, comparative budget allocations for women prisoners are problematic to determine.

Employment opportunities

Table 1.22: Employment opportunities available for women in prison

What employment opportunities are available for women in prison?				
	None	Compulsory work arranged by the prison	Optional work scheme (unpaid)	Optional work schemes (paid)
Armenia			Yes. Voluntary unpaid work	Yes. Voluntary paid work
Austria				Yes
Bulgaria				Yes
Croatia				Yes

	None	Compulsory work arranged by the prison	Optional work scheme (unpaid)	Optional work schemes (paid)
Cyprus		Yes		Yes
Czech Republic	There are always some opportunities available.	Yes e.g. maintenance of prison (cleaning, kitchen work)	Yes, voluntary work	Yes, work at external companies engaged with prisons
Denmark		For sentenced prisoners (paid)		
Estonia		Yes		
Finland		'Compulsory activities arranged by prison'		
Georgia ^a	Yes			
Greece (K)			Optional professional programmes (unpaid)	Optional professional programmes where the prisoner can earn money
Greece (T)			Optional professional programmes unpaid (with beneficial calculation of days)	
Iceland				Yes
Italy		Yes		Yes
Kosovo		Yes	Yes	Yes
Latvia		Yes (but due to the law, not more than 2 hours a day (unpaid))		Yes
Luxembourg				Yes
The Netherlands		Yes (for convicted prisoners)		Yes (for prisoners awaiting trial)
Norway		Yes		
Poland		Yes	Yes	Yes
Portugal		Yes (paid)		
Slovenia ^b		For a maximum of 2 hours a day	No	Yes
Sweden		Yes		Yes

^a Georgia: said that employment is not provided, but it is necessary.

^b Slovenia: Penal sanction enforcement act (PSEA), Article 51: outside regular working hours a prisoner may be assigned, for a maximum of two hours a day, to perform work necessary to maintain the prison in a clean and orderly manner suitable for normal prison life. PSEA, Article 45: A prisoner who works full time during imprisonment and is not absent from work without good reason for more than would be a valid reason for dismissal from employment under general regulations, or who achieves success at work which corresponds to his abilities, shall be

guaranteed all the rights which arise from employment in accordance with general regulations, unless otherwise provided by law.

Andorra, Azerbaijan, Belgium, and Switzerland did not answer the question. Hungary did not have any data available to answer the question.

Germany said in its questionnaire response - 'Section 41 of the Prison Act places inmates under an obligation to perform work. This duty, however only applies to work which is in keeping with their physical abilities and which they are able to perform owing to their physical state. Otherwise, work would not be treatment-based, but punishment-based. Inmates primarily perform industrial tasks on prison premises, especially in woodworking and metalworking, in printing shops, as locksmiths and in similar workshops. The work is to be economically productive, because of the tense situation on the labour market, there is a high level of unemployment in penal institutions too (approx. 50%). If no economic work can be allocated, inmates are to be given at least a 'reasonable' form of occupation (Section 37 of the Prison Act)'.

Ireland said that it was impossible to tick any of the categories regarding but supplied some additional information: 'In prisons, Work and Training/Education provide a number of training programmes that enhance the employability status of women (computers, cookery, knitting, sewing, hairdressing, interview skills etc). Women prisoners may also be scheduled to attend external courses and centres (FÁS (Irish Training Authority) etc) where their employment opportunities are enhanced. In all cases the work/training is voluntary. We do not at this point in time (August 2005) have paid programmes of work or training for female prisoners. Women prisoners attending other external training agencies would ordinarily be entitled to the standard rate of pay that other course participants are entitled to'.

The UK (England and Wales) said that as part of the resettlement strategy, women in prison can participate in employment schemes; and many prisons have developed links with local agencies, of provision of advice and guidance services about employment opportunities.

The most common type of work offered is paid work that is optional, closely followed by compulsory work. Five out of ten Eastern European countries have compulsory work in prison and nine out of twelve Western European countries do. Seven out of the thirteen countries which offer compulsory work also offer optional work. Only six countries offer unpaid work. Only Georgia offered no work at all.

New initiatives

Table 1.23: New initiatives on women in prison

	Comments on new initiatives
Austria	Presently there are no new initiatives.
Estonia	The prison system plans to start an open prison department in the women's prison in coming years.
Iceland	Recently a new law of imprisonment and probation was passed at the Parliament and plans are being drafted for renovating the current prison facilities and building a new and modern prison in Iceland.
Ireland	<p>The Irish Prison Service is committed to the ongoing development of services for prisoners, with the assistance of staff, particularly in terms of improving activities and facilities and making the most of the out-of-cell time for prisoners. The proposed changes will assist Prison Service Staff to make an enhanced input into regimes and services for prisoners especially with regard to rehabilitative measures.</p> <p>This approach is consistent with the Positive Sentence Management (PSM) process which is being implemented in accordance with the Prison Service Strategy Statement and which will build on the current contribution in projects such as CONNECT, the Thinking Skills Programme and Sex Offenders Treatment Programme as well as the education, work and training, health care, welfare, psychological, spiritual and recreational services currently provided.</p>
Kosovo	There is a new government in place since November 2004. At the moment the government has no new initiatives specifically regarding women offenders, but they have adopted the National Action Plan of UNIFEM, where women offenders could profit from programmes in being part of the vulnerable groups.
Latvia	There are new initiatives from the Latvian government - a working group at the Ministry of Justice is working on a policy planning document on penal punishment, where new circumstances and the meaning of punishment will be set out. In 2003 within the budget of the Prison Administration the 'children house' unit in prison for women was renovated in accordance with good standards.
Norway	New mother and child flats in prison from 2006 where children can stay with their mother overnight. Groups for those who are addicted to drugs. We want to increase women participating in the VINN programmes.
Poland	The Polish prison system, mainly the Penitentiary Office, participate in an active way in a State Programme of Action for Women for 2003-2005. In the area of this programme in all penitentiary facilities for women rehabilitation-therapeutic programmes for offenders and victims of family violence are organised. They usually include education and information about how the family functions in terms of roles and social interaction, parenting, communication within a family, showing emotions, constructive methods of solving family conflict, as well as myths and stereotypes concerning home violence. These programmes also contain specific information from the area of dynamics of violence within a family (cycles of violence), post-traumatic disorders and helping the victims.

	Comments on new initiatives
Portugal	<p>For 2005, a major review of penal policy will set in place the following directives concerning prisoners:</p> <ul style="list-style-type: none"> - Revision of the penal code - Development of prison hospitals to take account of the needs of those prisoners with illnesses resulting from drug dependence - Reform of the prisons service with respect to the reinforcement of personnel in the areas of security, education and support - Reinforcement of the policy to combat overcrowding in prisons and making the conditions of imprisonment more humane - Rationalisation of the management of prisons so as to make a distinction between prisoners according to the level of danger they present - Development and perfecting of the systems of electronic surveillance of prisoners.
Slovenia	<p>There is a plan to relocate current women prisoners to a section of a new prison for men in Ljubljana.</p>
UK (England and Wales)	<p>Women’s Offending Reduction Programme</p> <p>The Government is concerned about the increase in the female prison population over recent years (126% between 1995 and 2005, compared to a 46% increase in the male prison population) and recognises the need to deliver a distinct response to women’s offending. For women who are serious or persistent offenders and present a risk to others, prison will continue to be necessary, as the safety and confidence of the public must remain the priority. Deciding what sentences are appropriate for women offenders is rightly entirely a matter for the courts, but the Government is working hard to ensure that custody is only used for those women who really need to be there.</p> <p>The Women’s Offending Reduction Programme (WORP) launched in March 2004, tackles women’s offending specifically and aims to reduce the number of women in prison. This is a three year programme of work in the first instance which focuses on improving community- based services and interventions that are better tailored for women, to support greater use of community disposals rather than short prison sentences. Stakeholders from government departments, agencies and other organisations have signed up to the delivery of a wide range of action points designed to make policies, programmes, services and interventions more appropriate for women offenders at every stage of the criminal justice process. Work to tackle women’s offending is set in the wider context of the creation of the National Offender Management Service (NOMS) and new sentencing powers in the Criminal Justice Act 2003, which also aim to ensure that custody is reserved only for the most serious and persistent offences and provides a full range of tough, credible and effective sentences as alternatives to custody.</p> <p>Together Women Programme</p> <p>To help support a more effective community-based response to women’s offending; £9.15 million (equivalent to 13.97 million Euro) funding was allocated in March 2005 to establish new initiatives to tackle women’s offending in the community - the Together Women Programme. The Programme is developing an integrated approach to routing women to appropriate services to meet their needs at various stages of their offending history, from prevention and diversion from custody, to resettlement on release. The Programme is being delivered via two demonstration projects within two Regional Offender Manager regions - Yorkshire & Humberside and the North West - and will build on the good practice already taking place in existing services.</p>

	Comments on new initiatives
<p>UK (England and Wales) cont'd</p>	<p>The projects will be drawing together, through a one-stop-shop approach, the various service providers in a wide range of areas including mental health, drug misuse and physical and sexual abuse. Effective liaison between all the agencies and organisations involved will be key to ensuring that the interventions they provide are sufficiently appropriate and co-ordinated in order to meet the profiled needs of women in the area.</p> <p>Small teams of key workers and mentors (including volunteers drawn from, and reflecting, the diverse local community) who specialise in meeting the needs of women will work with the police, the Crown Prosecution Service, courts, prisons and probation in their area. The centre will be a resource for all women offenders, and will also deliver the preventative element of the project for those in the community with similarly identified needs who are at risk of offending.</p> <p>This is the first time that the government has dedicated funds specifically to tackling women's offending and to exploring how alternative approaches to custody could work effectively for women.</p> <p>Wider Government commitment to improve gender equality</p> <p>The Government has a commitment to ensure that its policies and practices meet the diverse needs of different groups in order to ensure that there is equality of treatment. A new Gender Equality Duty comes into force in April 2007, for the first time placing a legal obligation on public bodies to show they are actively promoting equality of opportunity between women and men. It will ensure policy making that is sensitive to gender differences, and services that are tailored to meet the different needs of women and men.</p> <p>Sentenced prisoners who are sole carers of children are now (subject to risk assessment) allowed regular periods of time at home to try and maintain relationships with their children. If prisoners are suitable they are able to spend 3 nights (i.e. four days) out of prison every 2 months, at home.</p> <p>The Women and Young People's Group are leading the development of the CARE Programme (Choices, Actions, Relationships and Emotions). This is a multi-modal, multi-agency intervention aimed at female prisoners convicted of violent offences and/or drug related offences. The programme specifically targets the management of emotions and is skills- based. The programme has expected treatment gains across the areas of substance misuse, violence, self-injury, mental health and social exclusion.</p>

Most countries (Andorra, Azerbaijan, Belgium, Bulgaria, Croatia, Cyprus, Denmark, Finland, Germany, Greece, Luxembourg, Sweden and Switzerland) did not answer the question or did not mention prison initiatives relating to women prisoners. Georgia said that they frequently had new initiatives, but did not supply any details.

Armenia, Czech Republic, Hungary, Italy, and the Netherlands did not have any information on new initiatives.

Appendix 1: Background data on countries who responded to the questionnaire

	Year of statistics	Total adult population of country	Female adult population of country	Female prison population	Male prison population	Female juveniles in prison
Andorra	2004	60,000		15	164	
Armenia		2,976,372*	'No info'	77 (of which 48 convicted) (15 Dec 2004)	2,604 (of which 766 under investigation) (1 Dec 2004)	'No info'
Austria	1 April 2005	8,500,000		450	8,304	20
Azerbaijan		8,367,000	2,897,006	253	Data unclear	4
Belgium	31 Dec 2004	10,379,067*		400	8,798	
Bulgaria		7,385,376*		331 (31 Dec 2004)	10,556 (1 March 2005)	6 (31 Dec 2004)
Croatia	31 Dec 2003	4,437,460		112	2,563	14
Cyprus		749,200		101	1,146	5
Czech Republic	31 Dec 2004			810	17,352	
Denmark		5,397,640 (1 Jan 2004)	2,143,543 (1 Jan 2004)	169 (30 Nov 2004)	3,714 (30 Nov 2004)	0 (30 Nov 2004)
Estonia	1 Jan 2005	1,392,000	610,000	217	4,348	5
Finland		5,238,278 (31 Dec 2004)	2,124,313	206 (2004)	3,364 (2004)	0
Georgia ^a		4,677,401	2,451,206*	243	8,271	119
Germany		82,531,700 (31 Dec 2003)	42,175,000 (31 Dec 2003)	3,111 (31 March 2004)	60,566 (31 March 2004)	44 (31 March 2004)
Greece (K)						
Greece (T)	18 May 2005	10,688,058*		105	1,306	3
Hungary	17 Feb 2005	9,900,000	Data not clear	1,015	15,697	8
Iceland ^b	31 Dec 2004	293,577	107,866	9	103	0
Ireland	10 Aug 2005	4,100,000		108	3,058	1

	Year of statistics	Total adult population of country	Female adult population of country	Female prison population	Male prison population	Female juveniles in prison
Italy		57,888,245 (1 Jan 2004)	25,009,990 (1 Jan 2004)	2,858 (30 June 2005)	56,267 (30 June 2005)	43 (31 Dec 2004)
Kosovo		2,500,000		39 (4 March 2005)	1,177 (04 March 2005)	2
Latvia		2,319,200 (31 Dec 2004)	1,250,867 (1 Dec 2004)	418 (28 Jan 2005)	6,958 (28 Jan 2005)	9
Luxembourg		455,000 (1 Jan 2005)		27 (1 Jan 2005)	552 (1 Jan 2005)	3 (24 Mar 2005)
Netherlands	30 Sept 2004	16,284,613	6,452,416	914	13,923	0
Norway ^c		4,599,202 (1 Oct 2004)		161 (20 Jan 2005)	2,882 (20 Jan 2005)	0 (20 Jan 2005)
Poland		38,536,869		2,309 (31 Dec 2004)	78,059 (31 Dec 2004)	
Portugal		10,605,870		980 (2003)	12,855 (2003)	6
Slovenia		1,997,590 (31 Dec 2004)	1,020,538	68 (2004)	1,593 (2004)	
Sweden		9,016,596*	4,600,000	360 (1 Oct 2003)	6,360 (1 Oct 2003)	0
Switzerland		7,339,002 (end of 2003)	3,045,912 (end of 2003)	373 (1 Sept 2004)	5,648 (1 Sept 2004)	5 (1 Sept 2004)
UK(England and Wales)		60,200,000 (Office for National Statistics mid-2005 estimate)				

*Estimates for July 2006 from the CIA World Factbook, <https://www.cia.gov/cia/publications/factbook/index.html>

^a Georgia: Figure for the total adult population of country is taken from the CIA World Factbook, 2005

^b Iceland: Total daily average of female prisoners in all prisons 2004 was 6.2. The total daily average of male prisoners in all prisons 2004 was 114

^c Norway: Responses shown in this table do not match up with answers to later questions

Blank spaces indicate that the question was not answered.

Appendix 2: Total prison population figures by year

	Year	Female prison population	Male Prison Population	Total prison population	Female prisoners as % of total prisoners
Andorra	1994	19	228	247	7.69
	1995	14	168	182	7.69
	1996	13	204	217	5.99
	1997	16	171	187	8.56
	1998	20	156	176	11.36
	1999	14	123	137	10.22
	2000	20	170	190	10.53
	2001	9	125	134	6.72
	2002	11	175	186	5.91
	2003	10	173	183	5.46
Armenia	1994	116	6087	6203	1.87
	1995	172	5682	5854	2.94
	1996	215	6848	7063	3.04
	1997	208	7435	7643	2.72
	1998	159	6417	6576	2.42
	1999	159	7088	7247	2.19
	2000	140		7390	1.89
	2001	117	5655	5772	2.03
	2002	100	5369	5469	1.83
	2003	44	2797	2841	1.55
Austria	1994	342	6571	6913	4.95
	1995	353	6361	6714	5.26
	1996	377	6409	6786	5.56
	1997	386	6566	6952	5.55
	1998	382	6641	7023	5.44
	1999	382	6593	6975	5.48
	2000	379	6483	6862	5.52
	2001	446	6790	7236	6.16
	2002	451	7630	8081	5.58
	2003	479	8008	8487	5.64

The Quaker Council for European Affairs – Women in Prison

	Year	Female prison population	Male Prison Population	Total prison population	Female prisoners as % of total prisoners
Azerbaijan	1994	120	15400	15520	0.77
	1995	110	15651	15761	0.70
	1996	141	19973	20114	0.70
	1997	218	22642	22860	0.95
	1998	296	23843	24139	1.23
	1999	281	21284	21565	1.30
	2000	274	22403	22677	1.21
	2001	272	20934	21206	1.28
	2002	256	20057	20313	1.26
	2003	277	20749	21026	1.32
Belgium	1996	381	7845	8226	4.63
	1997	364	8151	8515	4.27
	1998	368	7895	8263	4.45
	1999	359	8180	8539	4.20
	2000	411	8479	8890	4.62
	2001	363	8456	8819	4.12
	2002	394	8643	9037	4.36
	2003	362	8696	9058	4.00
Bulgaria	1994	262	7955	8217	3.19
	1995	280	8109	8389	3.34
	1996	324	9172	9496	3.41
	1997	359	10442	10801	3.32
	1998	335	11165	11500	2.91
	1999	286	10888	11174	2.56
	2000	263	9834	10097	2.60
	2001	271	8694	8965	3.02
	2002	281	8707	8988	3.13
	2003	279	9130	9409	2.97
Croatia	2000	90	2475	2565	3.51
	2001	105	2574	2679	3.92
	2002	96	2545	2641	3.63
	2003	126	2677	2803	4.50

The Quaker Council for European Affairs – Women in Prison

	Year	Female prison population	Male Prison Population	Total prison population	Female prisoners as % of total prisoners
Cyprus	1994	20	464	484	4.13
	1995	26	659	685	3.80
	1996	50	842	892	5.61
	1997	29	721	750	3.87
	1998	43	774	817	5.26
	1999	109	1046	1155	9.44
	2000	82	1068	1150	7.13
	2001	108	1210	1318	8.19
	2002	73	1181	1254	5.82
	2003	102	1211	1313	7.77
Czech Republic	1994	620	18133	18753	3.31
	1995	692	18816	19508	3.55
	1996	768	20092	20860	3.68
	1997	800	20760	21560	3.71
	1998	865	21202	22067	3.92
	1999	984	22076	23060	4.27
	2000	968	20570	21538	4.49
	2001	789	18631	19420	4.06
	2002	670	15543	16213	4.13
	2003	735	16542	17277	4.25
Denmark	1994	169	3372	3541	4.77
	1995	191	3287	3478	5.49
	1996	193	3118	3311	5.83
	1997	184	3213	3397	5.42
	1998	175	3247	3422	5.11
	1999	177	3300	3477	5.09
	2000	163	3218	3381	4.82
	2001	161	2025	2186	7.37
	2002	160	3275	3435	4.66
	2003	164	3477	3641	4.50
Estonia	2000	160	4495	4655	3.44
	2001	203	4574	4777	4.25
	2002	207	4568	4775	4.34
	2003	219	4142	4361	5.02
	2004	226	4350	4576	4.94

The Quaker Council for European Affairs – Women in Prison

	Year	Female prison population	Male Prison Population	Total prison population	Female prisoners as % of total prisoners
Finland	1994	122	3153	3275	3.73
	1995	133	3115	3248	4.09
	1996	149	3048	3197	4.66
	1997	144	2830	2974	4.84
	1998	140	2669	2809	4.98
	1999	126	2617	2743	4.59
	2000	144	2711	2855	5.04
	2001	159	2976	3135	5.07
	2002	204	3229	3433	5.94
	2003	205	3373	3578	5.73
	2004	206	3364	3570	5.77
Germany	1994	1748	42530	44278	3.95
	1995	1706	44810	46516	3.67
	1996	1793	47111	48904	3.67
	1997	1888	49754	51642	3.66
	1998	2296	54365	56661	4.05
	1999	2467	57240	59707	4.13
	2000	2386	58412	60798	3.92
	2001	2541	58137	60678	4.19
	2002	2745	57997	60742	4.52
	2003	2775	59819	62594	4.43
Greece	1994	55	1550	1605	3.43
	1995	205	1610	1815	11.29
	1996	212	1648	1860	11.40
	1997	171	1691	1862	9.18
	1998	164	1782	1946	8.43
	1999	164	1749	1913	8.57
	2000	163	1660	1823	8.94
	2001	161	1801	1962	8.21
	2002	162	2271	2433	6.66
	2003	176	2272	2448	7.19

The Quaker Council for European Affairs – Women in Prison

	Year	Female prison population	Male Prison Population	Total prison population	Female prisoners as % of total prisoners
Hungary	1994	693	12004	12697	5.46
	1995	641	11814	12455	5.15
	1996	722	12041	12763	5.66
	1997	783	12622	13405	5.84
	1998	823	13543	14366	5.73
	1999	943	14167	15110	6.24
	2000	1000	14530	15530	6.44
	2001	1073	16202	17275	6.21
	2002	1088	16750	17838	6.10
	2003	999	15508	16507	6.05
Iceland	1994	2	91	93	2.15
	1995	6	95	101	5.94
	1996	4	94	98	4.08
	1997	6	100	106	5.66
	1998	3	80	83	3.61
	1999	3	84	87	3.45
	2000	5	85	90	5.56
	2001	3	97	100	3.00
	2002	3	90	93	3.23
	2003	5	104	109	4.59
Italy	1994	2311	48854	51165	4.52
	1995	1999	44909	46908	4.26
	1996	2090	45610	47700	4.38
	1997	1938	46557	48495	4.00
	1998	1832	45979	47811	3.83
	1999	2190	49624	51814	4.23
	2000	2316	50849	53165	4.36
	2001	2421	52854	55275	4.38
	2002	2469	53201	55670	4.44
	2003	2493	51744	54237	4.60

The Quaker Council for European Affairs – Women in Prison

	Year	Female prison population	Male Prison Population	Total prison population	Female prisoners as % of total prisoners
Kosovo	2000	6	514	520	1.15
	2001	17	717	734	2.32
	2002	18	971	989	1.82
	2003	30	1220	1250	2.40
	2004	30	1165	1195	2.51
Latvia	1994	382	8937	9319	4.10
	1995	432	9201	9633	4.48
	1996	443	9432	9875	4.49
	1997	455	9861	10316	4.41
	1998	449	9621	10070	4.46
	1999	441	8968	9409	4.69
	2000	405	8410	8815	4.59
	2001	431	8400	8831	4.88
	2002	459	8214	8673	5.29
	2003	488	7878	8366	5.83
Luxembourg	1994	19	Not given		
	1995	21	Not given		
	1996	28	Not given		
	1997	25	Not given		
	1998	24	Not given		
	1999	17	Not given		
	2000	18	Not given		
	2001	25	Not given		
	2002	14	Not given		
2003	25	Not given			
The Netherlands	1994	385	7519	7904	4.87
	1995	425	9076	9501	4.47
	1996	431	10258	10689	4.03
	1997	459	10219	10678	4.30
	1998	500	9739	10239	4.88
	1999	584	9046	9630	6.06
	2000	623	10109	10732	5.81
	2001	713	10735	11448	6.23
	2002	727	11020	11747	6.19
2003	1025	12303	13328	7.69	

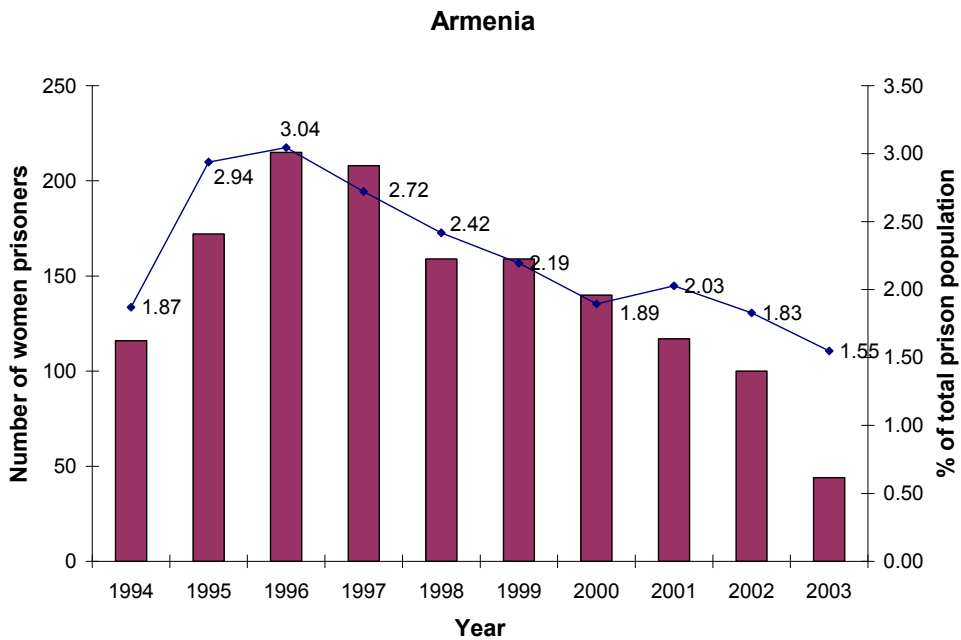
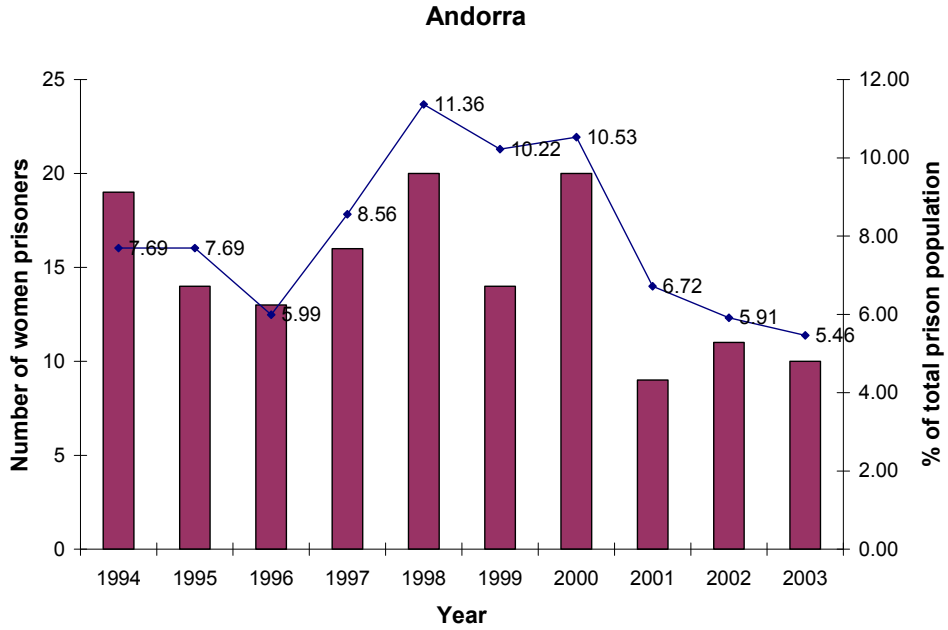
The Quaker Council for European Affairs – Women in Prison

	Year	Female prison population	Male Prison Population	Total prison population	Female prisoners as % of total prisoners
Norway	1997	910	11704	12614	7.21
	1998	933	11681	12614	7.40
	1999	967	12063	13030	7.42
	2000	949	11959	12908	7.35
	2001	1140	12967	14107	8.08
	2002	1022	12911	13933	7.34
	2003	967	12566	13533	7.15
	2004	908	12849	13757	6.60
Poland	1994	1463	61256	62719	2.33
	1995	1456	59680	61136	2.38
	1996	1349	54138	55487	2.43
	1997	1363	56019	57382	2.38
	1998	1257	53116	54373	2.31
	1999	1319	55446	56765	2.32
	2000	1729	68815	70544	2.45
	2001	2067	77567	79634	2.60
	2002	2168	78299	80467	2.69
	2003	2159	77122	79281	2.72
Portugal	1994	958	9262	10220	9.37
	1995	1064	10983	12047	8.83
	1996	1270	12604	13874	9.15
	1997	1470	12901	14371	10.23
	1998	1410	13188	14598	9.66
	1999	1261	11832	13093	9.63
	2000	1216	11728	12944	9.39
	2001	1127	12133	13260	8.50
	2002	1123	12795	13918	8.07
	2003	980	12855	13835	7.08

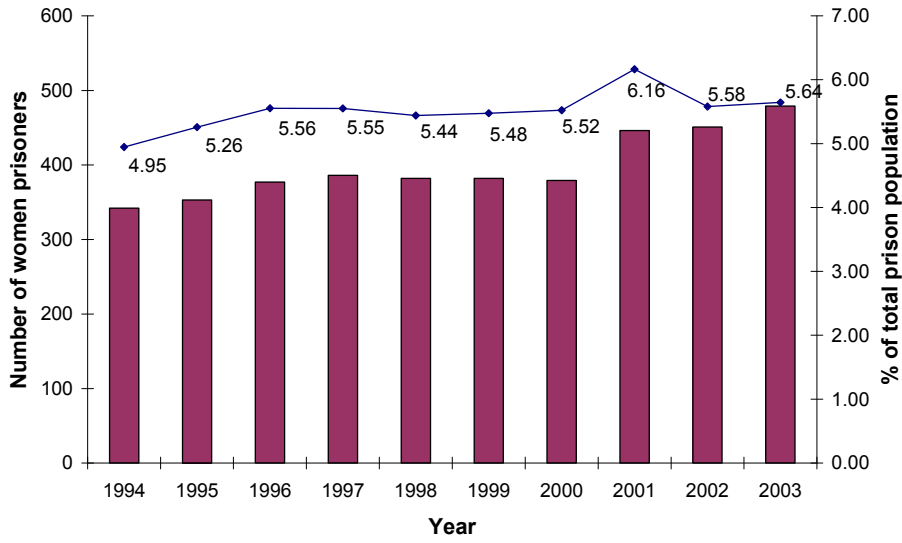
The Quaker Council for European Affairs – Women in Prison

	Year	Female prison population	Male Prison Population	Total prison population	Female prisoners as % of total prisoners
Slovenia	1995	54	916	970	5.57
	1996	47	907	954	4.93
	1997	40	976	1016	3.94
	1998	44	1118	1162	3.79
	1999	42	1389	1431	2.94
	2000	64	1565	1629	3.93
	2001	84	1672	1756	4.78
	2002	65	1632	1697	3.83
	2003	67	1678	1745	3.84
	2004	68	1593	1661	4.09
Sweden	1999	213	3903	4116	5.17
	2000	228	4035	4263	5.35
	2001	262	4501	4763	5.50
	2002	268	4813	5081	5.27
	2003	277	5043	5320	5.21
Switzerland	2001	324	4829	5153	6.29
	2002	310	4672	4982	6.22
	2003	308	4955	5263	5.85
UK(England and Wales)	1994	1804	47125	48929	3.69
	1995	1998	49086	51084	3.91
	1996	2305	52951	55256	4.17
	1997	2672	58795	61467	4.35
	1998	3120	62607	65727	4.75
	1999	3207	61322	64529	4.97
	2000	3355	61839	65194	5.15
	2001	3713	62690	66403	5.59
	2002	4394	66824	71218	6.17
2003	4595	69062	73657	6.24	

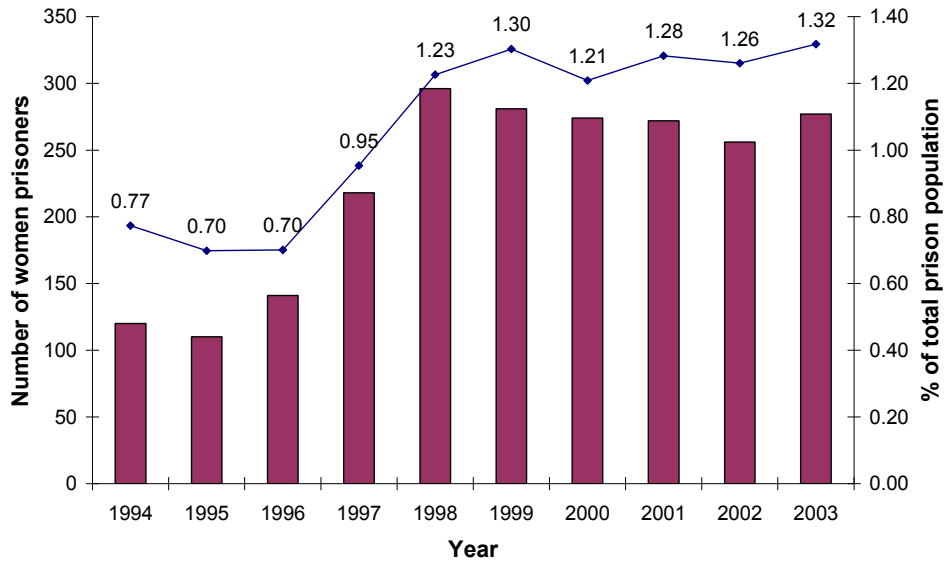
Appendix 3: Female prison population - numbers and percentages



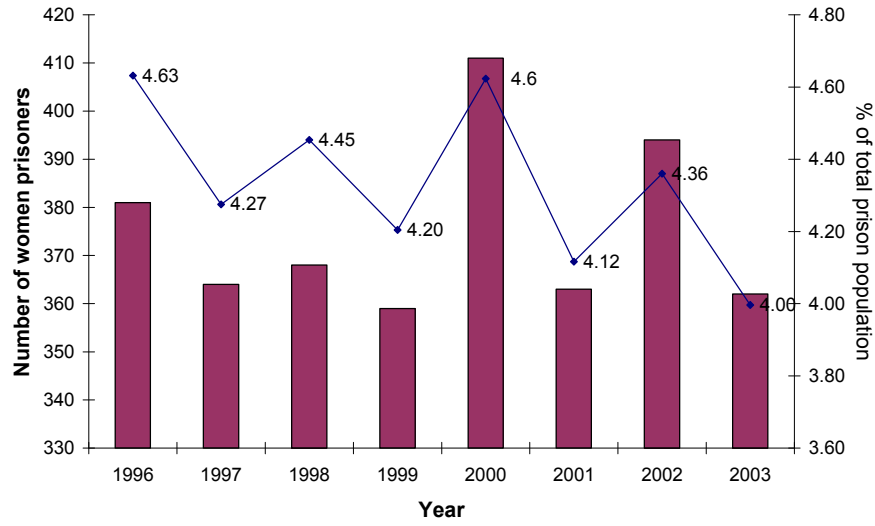
Austria



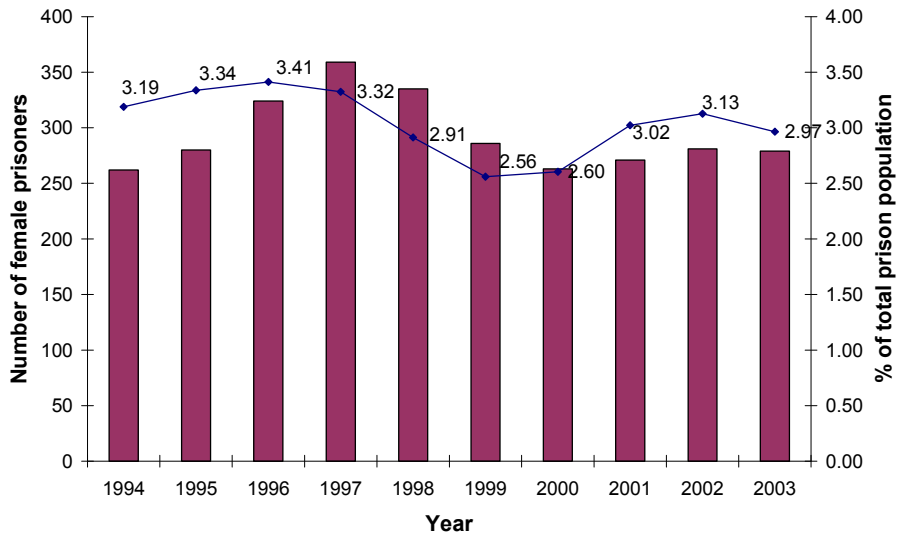
Azerbaijan



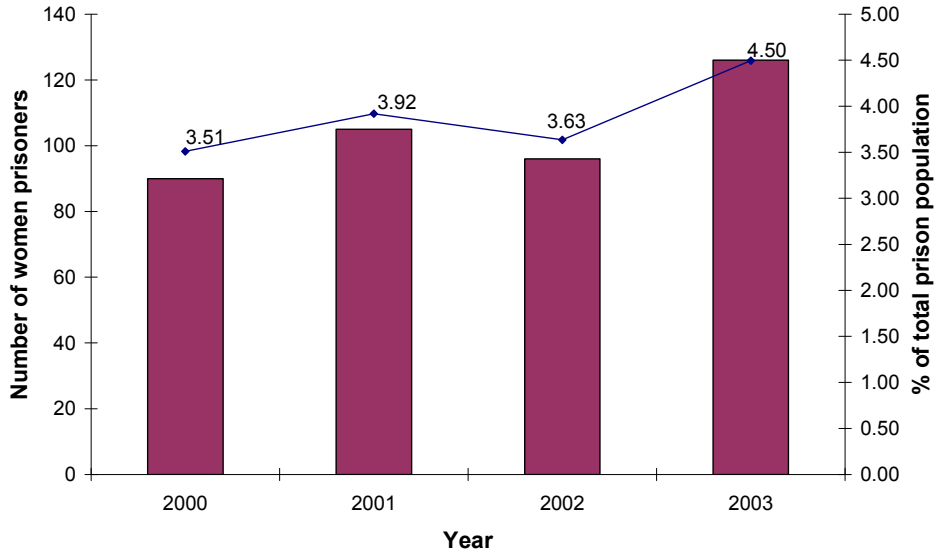
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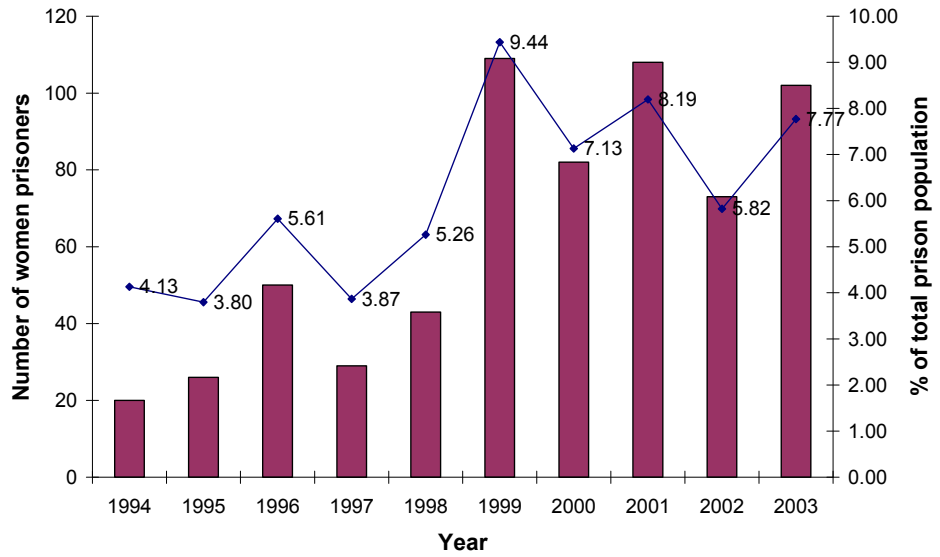
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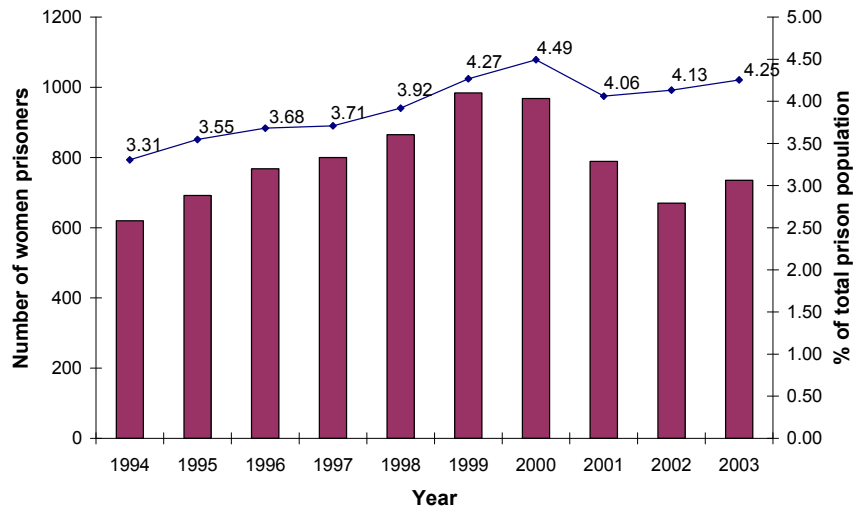
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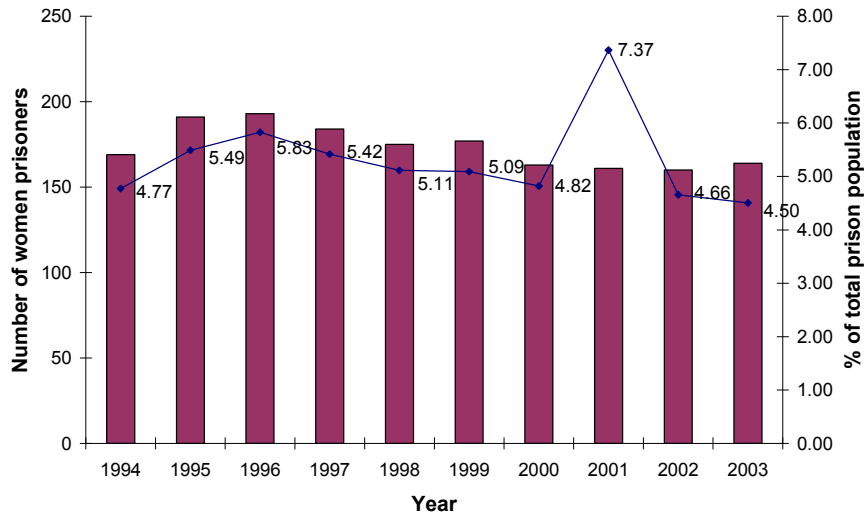
Cyprus



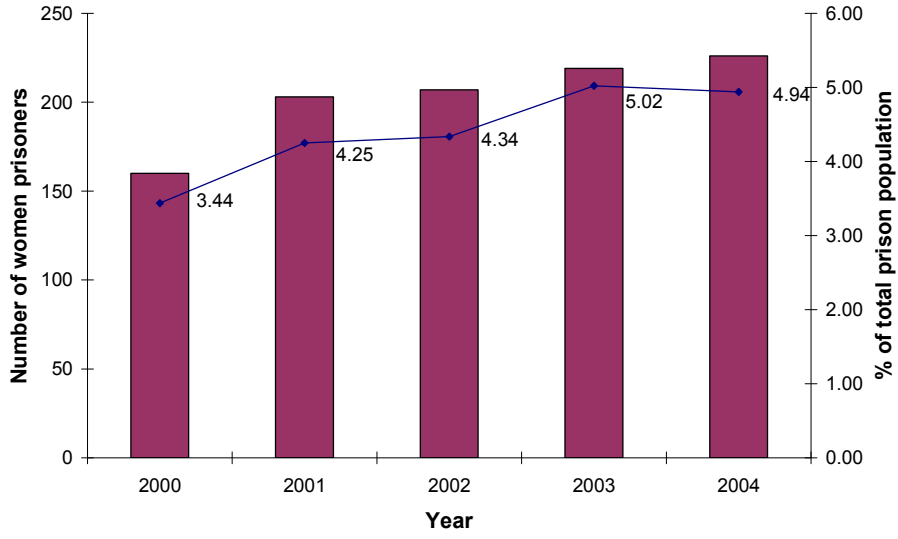
Czech Republic



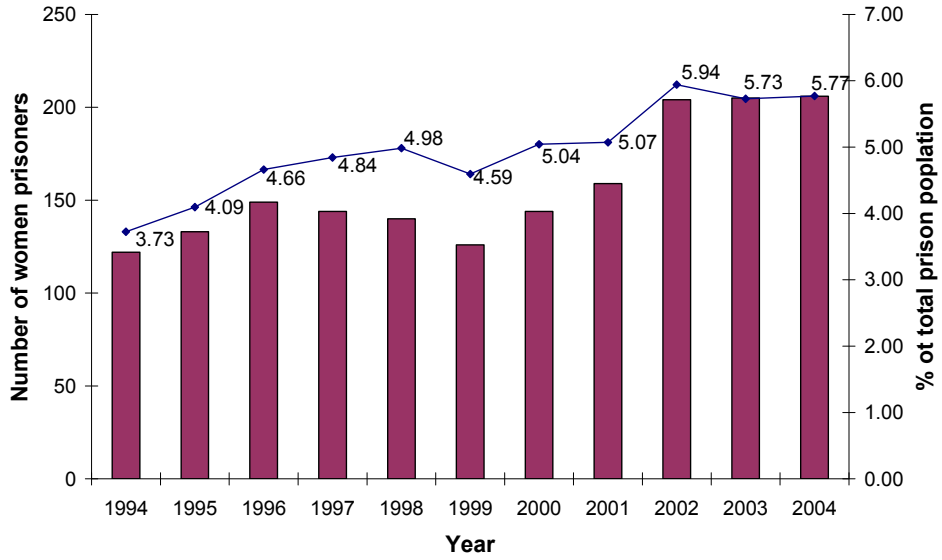
Denmark



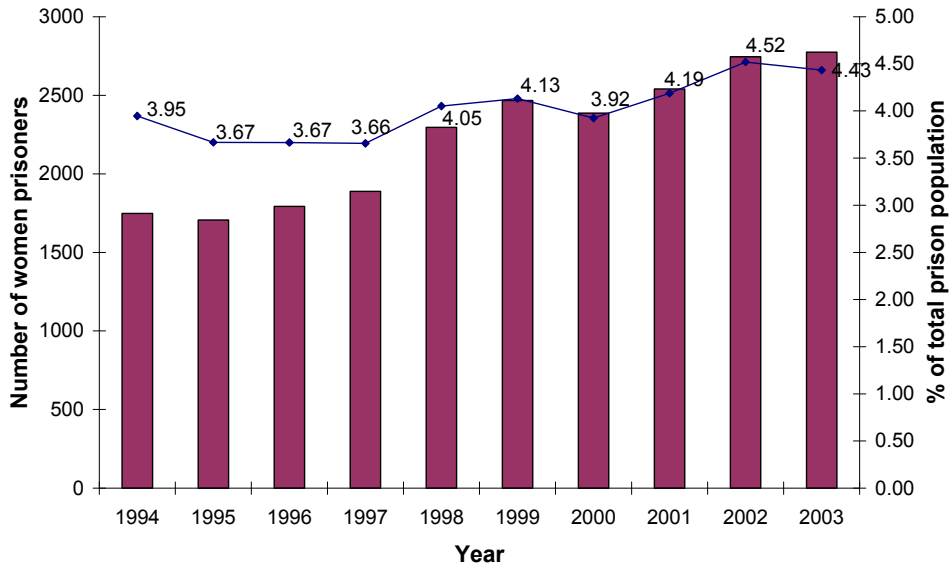
Estonia



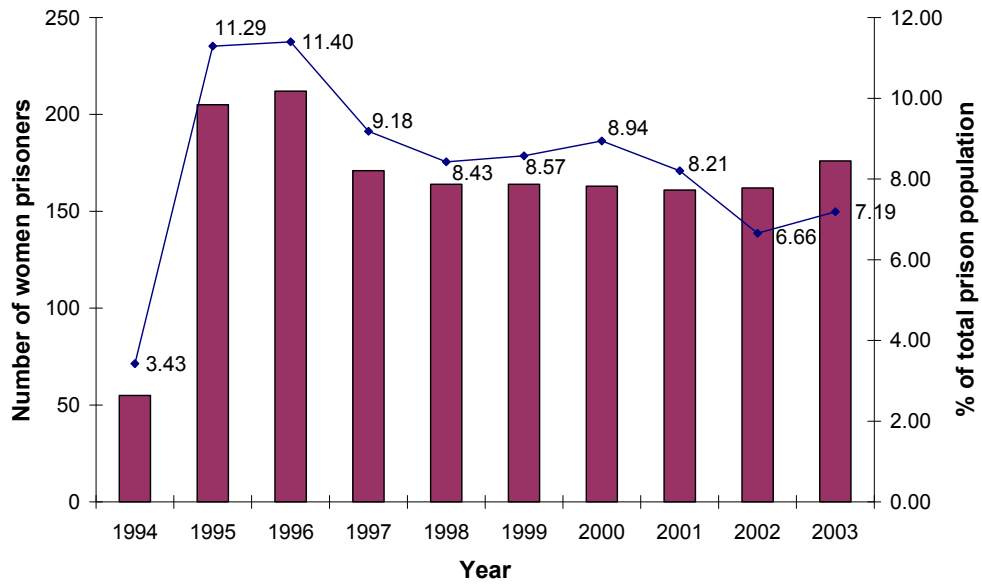
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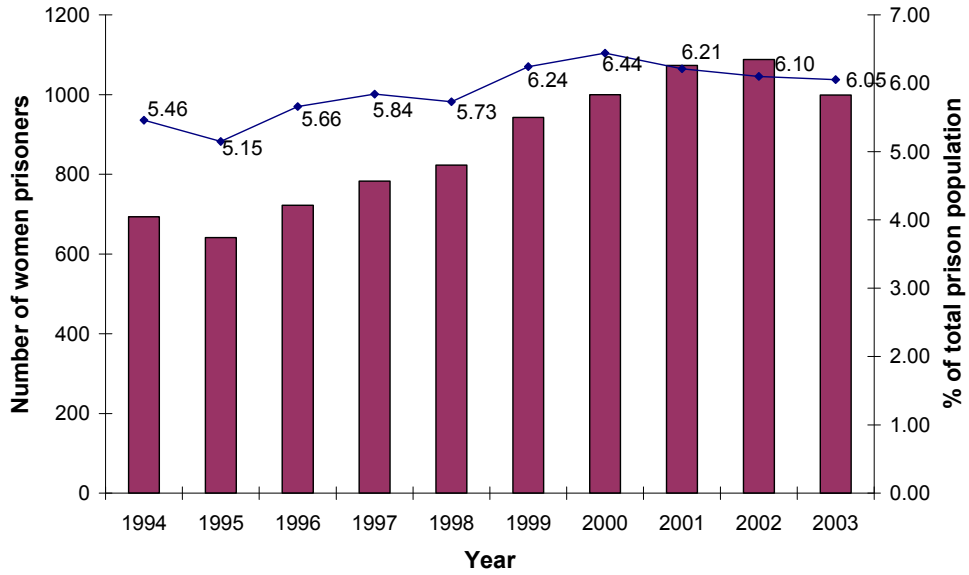
Germany



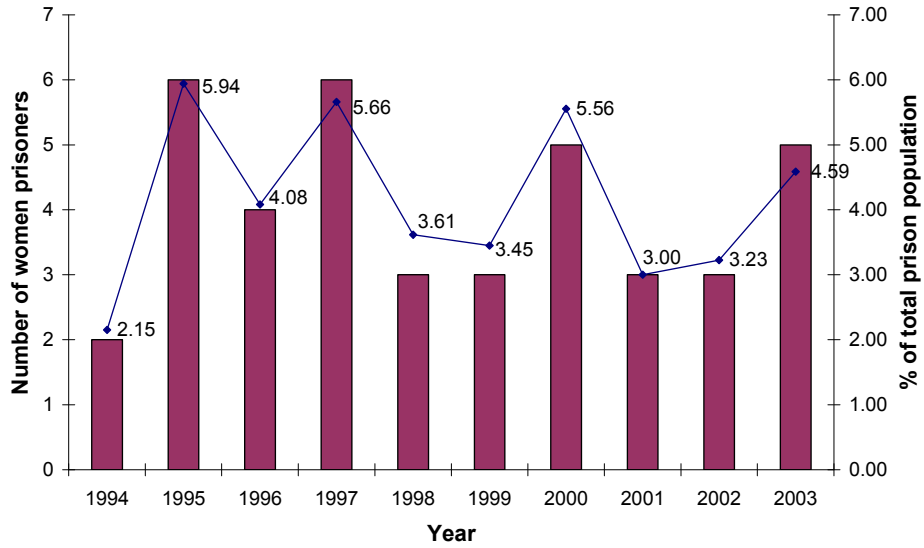
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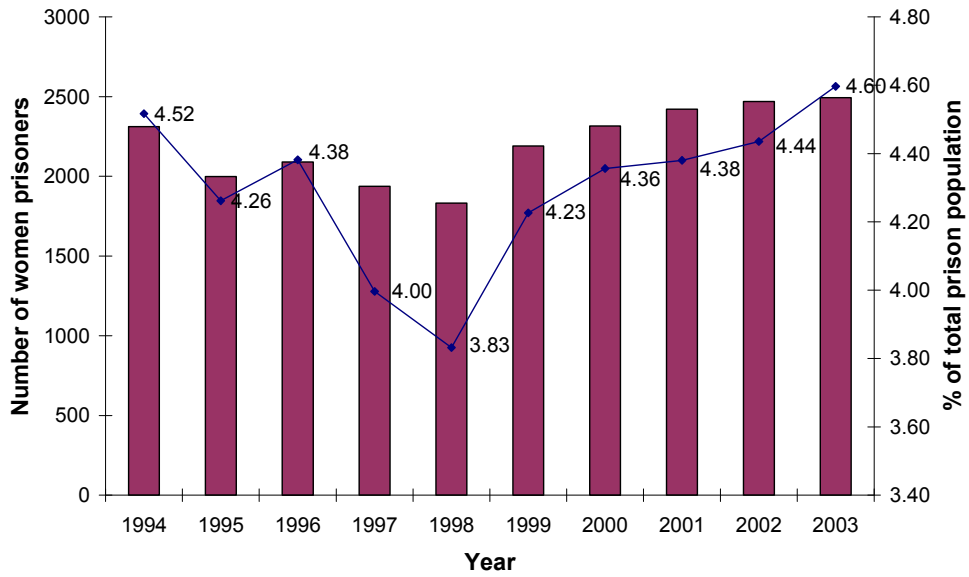
Hungary



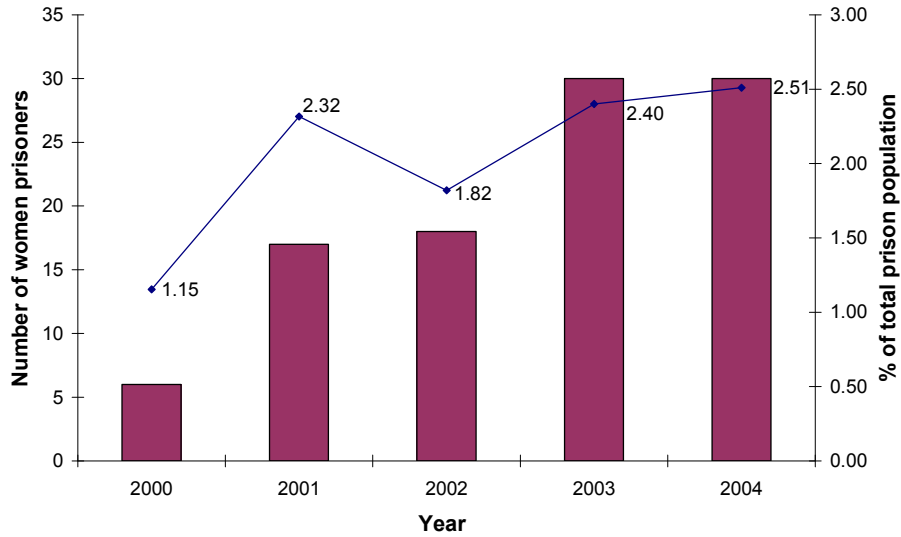
Iceland



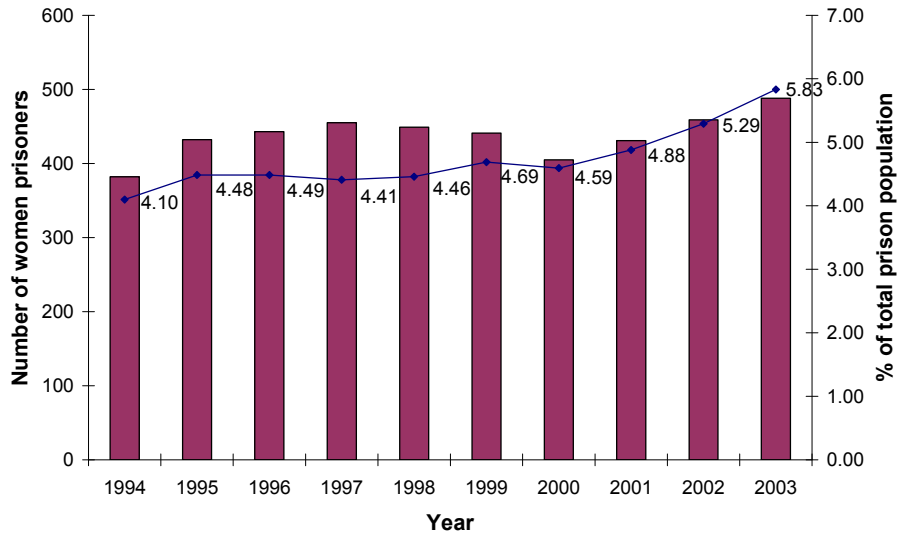
Italy



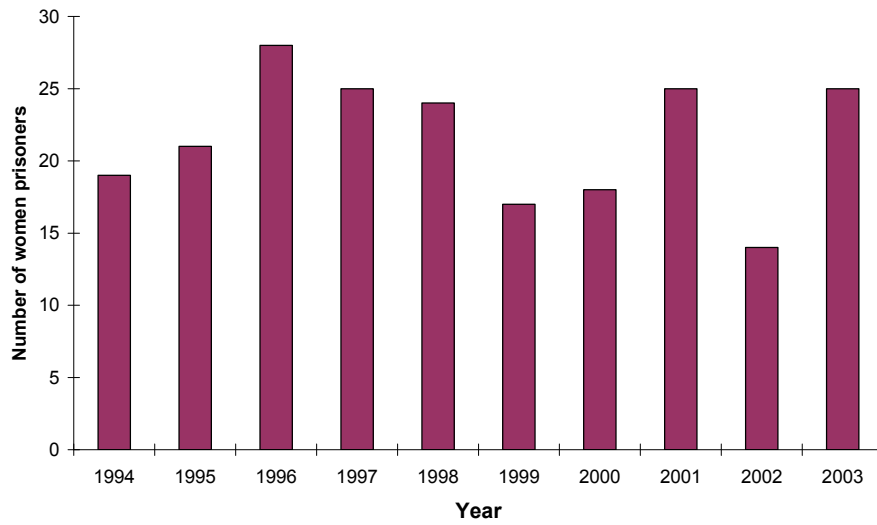
Kosovo



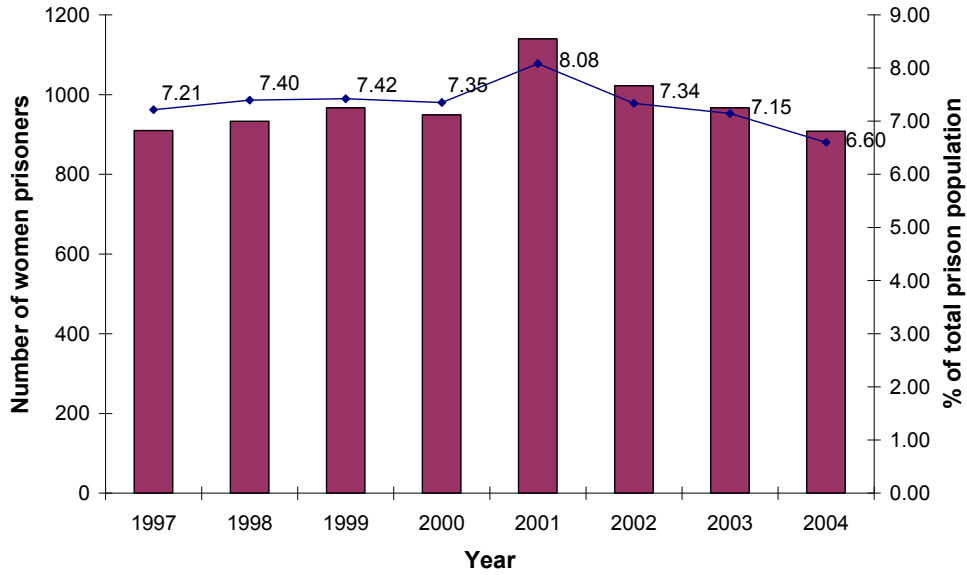
Latvia



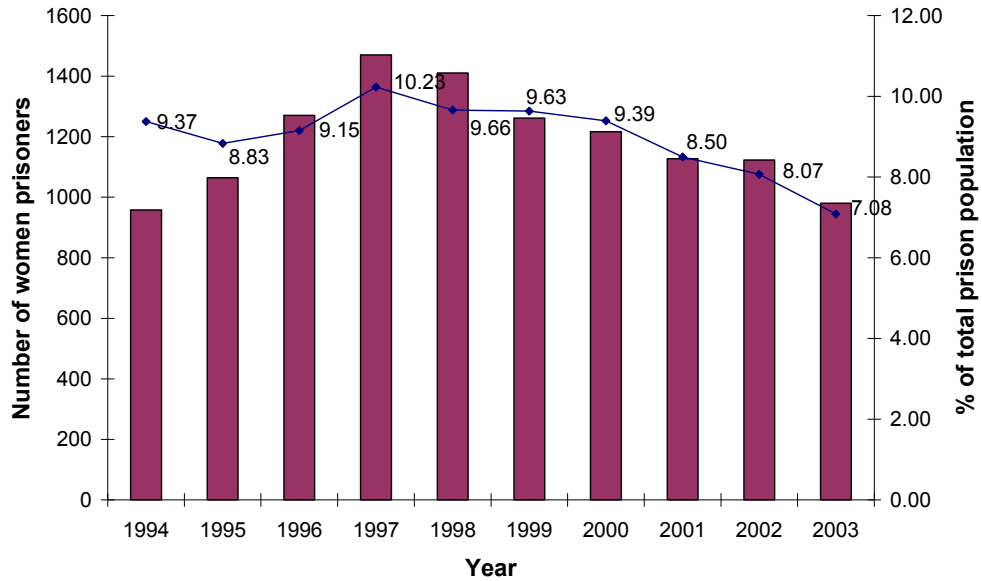
Luxembourg



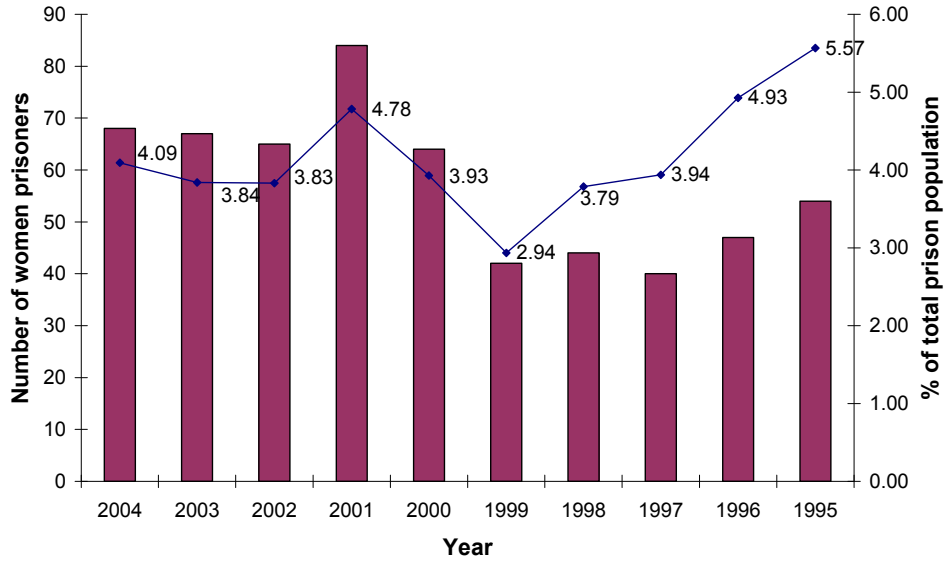
Norway



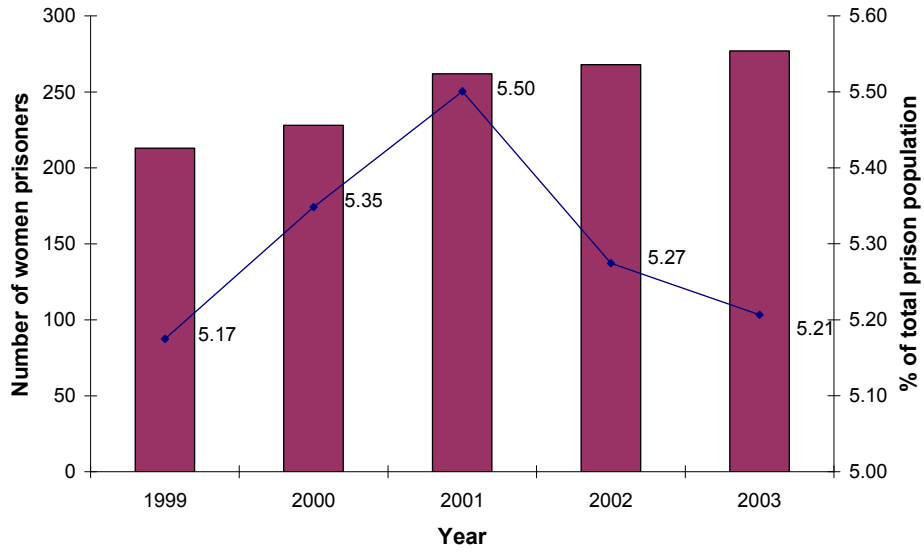
Portugal



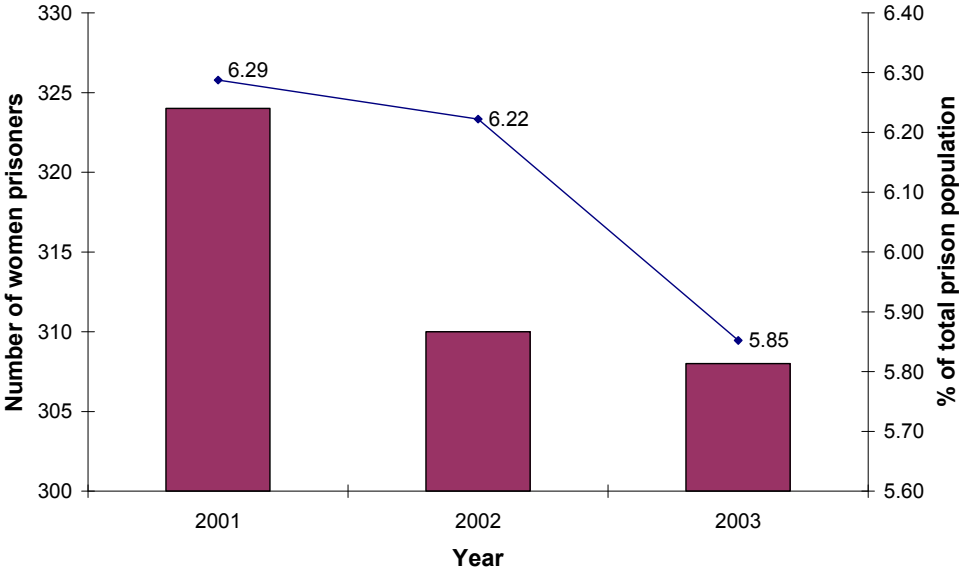
Slovenia



Sweden



Switzerland



Part Two: Country Reports¹⁰⁹

- Section 1 - Denmark
- Section 2 - Estonia
- Section 3 - France
- Section 4 - Germany
- Section 5 - Ireland
- Section 6 - Italy
- Section 7 - Latvia
- Section 8 - Norway
- Section 9 - Romania
- Section 10 - The Russian Federation
- Section 11 - Scotland
- Section 12 - Sweden
- Section 13 - UK (England and Wales)

¹⁰⁹ The following reports are available in electronic form at www.quaker.org/qcea or on request from the QCEA office (address: see back page)

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**Aisbl – Moniteur belge no. 11 732/80
Numéro d'entreprise 420.346.728
Giro: IBAN BE68 0001 4998 4834 BIC: BPOTBEB1
Bank Fortis IBAN BE58 2100 5598 1479 BIC: GEBABEBB**

Country Report: Italy

The main sources of information for this report are a paper on the health of women prisoners in Italy, the report of the Council of Europe's Commissioner for Human Rights, personal correspondence with the Director of the Osservatorio Regionale sulla Popolazione Detentua,¹ and a visit to San Vittore prison in Milan by a QCEA staff member.

1. Introduction

According to the Italian Ministry of Justice, in 2004 there were 56,532 prisoners in Italy, including 2,660 women (4.7 per cent of the prison population).² According to the International Centre for Prison Studies (ICPS), at the end of 2005 the prison population was at 59,960, including prisoners awaiting trial, and 437 juveniles in juvenile prisons. At the end of 2005, the prison population rate was 102 per 100,000 (based on an estimated population of 59.04 million) and there were 225 institutions/establishments including 163 pre-trial prisons (thirty-six institutions for the implementation of prison sentences, eight institutions for the implementation of security measures and eighteen penal institutions for juveniles). Prisoners awaiting trial (including 295 juveniles) made up 36.6 per cent of the prison population.

Italy has been criticised by the Council of Europe's Commissioner for Human Rights for problems of overcrowding in prisons.³ At 31 December 2004 there were 56,068 people (including 2,589 women) in prison, although the total maximum capacity of the country's prisons is 42,478. The average occupation rate was thus in excess of 130 per cent. This overcrowding is partly due to lengthy Italian judicial proceedings resulting in a large number of prisoners awaiting trial (in June 2005 over thirty-five per cent of prisoners had yet to be finally convicted). Another reason for overcrowding given by the Commissioner for Human Rights is a lack of alternative measures to imprisonment. He also reported that staff and resources are stretched and that as a result insufficient attention is given to the rehabilitation and reintegration of offenders.

In an attempt to ease overcrowding, Italian MPs voted in favour of cutting the sentences of thousands of prisoners.⁴ This measure would take three years off prison terms for crimes committed before May 2006, freeing between 17,000 and 23,000 prisoners.⁵ The Justice Minister promised that people convicted of serious crimes such as Mafia membership, paedophilia, terrorism, and human trafficking would not be included and said that the pardon would help improve jail conditions.

¹ Daniele Berto, Director of the Osservatorio Regionale sulla Popolazione Detentua. Available [on-line] at http://www.venetosociale.org/index.php?m_nObs=11&m_cMenu=RESET

² D. Zoia, 'Women and health care in prison: an overview of the experiences of imprisoned women in Italy', *International Journal of Prison Health*, Volume 1, No. 2-4 (June 2005), pp. 117-126.

³ Report to the Council of Europe by Mr. Alvaro Gil-Robles, Commissioner for Human Rights, upon his visit to Italy, 10-17 June 2005, CommDH(2005)9 (2005). See also [on-line] <http://www.coe.int/NewsSearch/Default.asp?KW=alvaro+gil-robles&inD=&outD=&lmLangue=1&Submit=Search>

⁴ The vote took place in July 2006

⁵ Personal correspondence with Daniele Berto, December 2006. See also [on-line] http://www.venetosociale.org/index.php?m_nObs=11&m_cMenu=RESET

2. Women prisoners in Italy

According to ICPS, at the end of 2005 female prisoners made up 4.8 per cent of the total prison population.

Prisons

In Italy there are five women-only prisons and sixty-one prisons which hold men but also have women's sections.⁶ San Vittore prison in Milan is one such prison; the number of male prisoners at any one time is between 1,300 and 1,400 and the number of female prisoners is between 120 and 140. The women's section at San Vittore is the largest in the province of Lombardy. Convicted women and those awaiting trial are held on different floors and are subject to different rules and conditions. The prison holds no juveniles (either male or female). Overcrowding is a problem at San Vittore and this was evident in the women's section and was also acknowledged by staff. Five women are held in cells barely big enough for two bunk beds and a single bed to fit in.

Crimes

According to Zoia, many women prisoners in Italy are sex workers or women who occasionally provide sex for money. Often this is because they need money to finance their drug use, or they are illegal migrants being blackmailed by those who brought them to Italy.⁷ According to a staff member at San Vittore, however, not many women there are imprisoned for prostitution as the police do not pay much attention to it; it is not regarded as a big problem. Prostitution only draws attention if it is related to other crimes such as human trafficking or drugs. Indeed, the majority of offences committed by women in San Vittore are drug-related (trafficking, selling etc).

Length of sentences

Seventy-one per cent of women serving a sentence of six months or less are foreign nationals.⁸

The average time spent in San Vittore by women prisoners is six months (this is the time they spend in prison and is not necessarily the same as the length of their sentence). Many women in San Vittore are re-offenders.

Figure 1, below, shows that in September 2005 nearly fifty per cent of women in prison in Italy received a sentence of between one and five years. More than forty per cent of women's sentences were for at least six years.

Figure 2, below, shows a variety in the social status of the same women. Forty-seven per cent of the women were single, thirty per cent were married and eighteen per cent were divorced or widowed. Information was unavailable for the remaining five per cent of the women.

⁶ *Italian Ministry of Justice* [on-line], accessed 16 March 2007, available at http://www.giustizia.it/statistiche/statistiche_dap/dap_indice.htm

⁷ *ibid.*

⁸ *Italian Ministry of Justice*, available at http://www.giustizia.it/statistiche/statistiche_dap/dap_indice.htm

Figure 1 : Distribution by sentence length of women in prison in Italy, September 2005

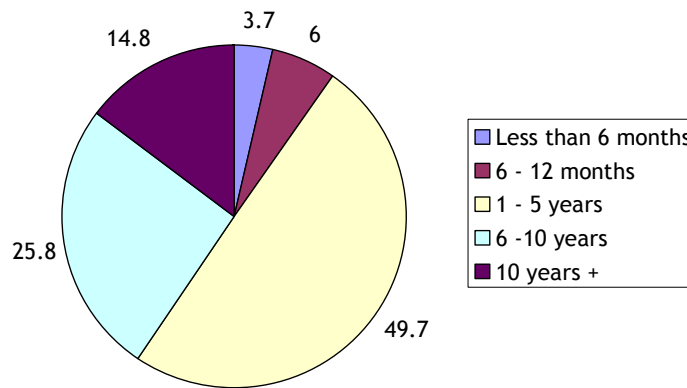


Figure 1: Source: Website of the Italian Ministry of Justice, http://www.giustizia.it/statistiche/statistiche_dap/dap_indice.htm

Social Status

Figure 2 : Social status of women prisoners in Italy, September 2005

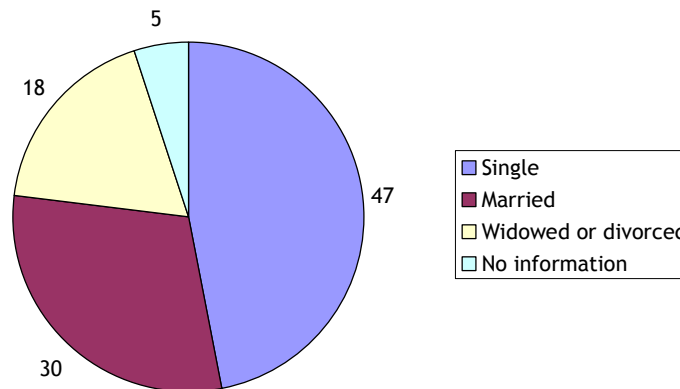


Figure 2: Source: Website of the Italian Ministry of Justice, http://www.giustizia.it/statistiche/statistiche_dap/dap_indice.htm

3. Women awaiting trial

In San Vittore, the cells of prisoners awaiting trial are only unlocked for four hours a day (two hours in the morning and two hours in the afternoon). During this time they can do things such as go to an outdoor sports area, take part in a workshop, have a shower, wash their clothes or see their lawyer. They are not allowed to leave the prison to work. The sports area for

prisoners awaiting trial is the size of a basketball court, and is partly open air and partly covered. It is modern and has an Astroturf surface. Prisoners can come here to play sports and do exercise classes.

4. Convicted prisoners

At San Vittore there is a small penal section where the women (twenty-two at time of visit) are serving sentences of up to ten years. They have different rights and a different daily routine compared to prisoners awaiting trial or those with serious drug problems. Cell doors on the penal section are unlocked between 09:00 and 21:00 or 22:00, and some prisoners are allowed to leave prison to go to work. Others take part in workshops, attend classes and work within the prison. There is a courtyard where penal prisoners may go, but this is not used much (and hence not very well looked after) since the women have the opportunity to do other things. In the penal section there are women sentenced for international drug trafficking, robbery (often drugs-related) and attempted murder.

5. Contact with the outside world

Letters and telephone calls

Prisoners at San Vittore are entitled to make two telephone calls a month.

Visits

The women at San Vittore are entitled to six hours of visits a month from family and friends. These are usually taken one hour at a time but can be combined into two or three-hour slots if the visitor can give a special reason. For circumstances in which the visitor has to travel a long distance to reach the prison, all six hours can be taken at once. The director may grant the prisoner additional visits in special circumstances such as seeing a child. All visits are observed by prison guards.

Due to lack of space the visiting room was small and could only hold sixteen people in total (four plastic tables with four seats around each one). This meant that prisoners have to wait for seats to become available before being able to see their visitor. Physical contact is allowed between prisoners and their guests. The visiting area had been decorated with murals made by prisoners who attended a painting class. We found them very professional and the effect on the visiting area is impressive, standing out as a welcoming atmosphere in contrast with the rest of the surroundings.

We were told that, although cramped, the visiting room was an improvement on previous visiting facilities in which there was a glass partition between prisoners and their visitors and that there used to be a lot of marble in the room which gave it a morgue-like quality.

According to the prison, visits with children take place two Sundays each month in the small garden in the women's section. In the winter they take place in a room in the men's section. There is no separate room for prisoners to have visits from their children due to lack of space.

For visits between prisoners and their lawyers or NGO volunteers there were two large cubicles, each of which contained a table and two chairs. The cubicles had large windows looking out onto a larger room in which a guard sat, and who could thus observe them. This is because under Italian law all visits must be observed at all times. For this reason no conjugal visits are allowed for either male or female visitors.

Other

At San Vittore there is a workshop run by an NGO called Bambinisenzasbarre which is available to both foreign national and Italian mothers. Here they can make 'relational objects' for their children on the outside such as photo frames, soft toys etc. which are then sent to the children, helping to maintain the mother-child relationship. This is particularly important for foreign national women and their children who live in a different country.⁹

6. Motherhood in prison

Pregnancy and birth

Often there are pregnant women in prison but this is a very delicate matter as by Italian law there should not be. Of course, if a woman is arrested and it is not discovered straightaway that she is pregnant then she may spend a short time in prison. If pregnant, then the woman needs to make a request to be released and can do this at her first appearance in court. Women should not be in prison for long periods of time when they are pregnant and do not give birth whilst in prison. They may be sent to prison with or without their child after giving birth.¹⁰

Babies in prison

If there are suitable facilities such as a Mother and Baby Unit (MBU), babies may stay with their mothers in Italian prisons until the age of three, at which point they are taken away. If there is no suitable family member or friend who is able to look after the child, then the courts decide where the baby will go.

In 2001 a law came into force in Italy called the Finocchiaro law. This introduced the opportunity for special house arrest for mothers of children under the age of ten for women who have served one third of their sentence. The law, although innovative in scope, has not been extensively applied as many imprisoned mothers do not meet the required conditions. Many of them spend long periods in prison awaiting trial but the law cannot be applied until they have actually been sentenced.¹¹

There were sixty children below the age of three in Italian prisons at 31 December 2004 and twenty-four women prisoners were pregnant at that time.¹²

The Commissioner for Human Rights visited the Venice-Giudecca women's prison and assessed the special arrangements made for young mothers.¹³ At the time, ten children were living in the prison with their mothers and there were also alternatives to children living in prison such as care provided by families. The prison has a day nursery, and has set up a programme to prepare mothers for when the child has to leave at the age of three. The programme also helps them to find suitable accommodation for their children outside as most of the mothers have no

⁹ Director of Bambinisenzasbarre, interview held during QCEA visit to San Vittore prison, Milan, 22 May 2006. Bambinisenzasbarre is an NGO working with imprisoned parents at San Vittore prison.

¹⁰ *ibid.*

¹¹ Liz Ayre, Kate Philbrick and Marielle Reiss (eds.), European Committee on Children of Imprisoned Parents (Eurochips), '*Children of Imprisoned Parents - European perspectives on Best Practice*' (April 2006), p. 113.

¹² Report by Mr. Alvaro Gil-Robles (2005)

¹³ *ibid.*

relatives living nearby. Children who stay with their mothers in prison sometimes get better health treatment than they would outside. The Commissioner had the impression that staff members were very attentive to the needs of the children.

Within the women's section at San Vittore there is a MBU with places for eight mothers and their babies. There are usually between four and eight mothers living there with their babies and at the time of the visit a woman prisoner had just arrived with a seven month old child, bringing the number to five mothers and babies.

In the MBU there is a communal room, a kitchen, bathroom and two bedrooms. The walls of the large communal room are painted with different cartoon characters (the mothers did the decorating themselves). One corner of the room is dedicated to the children and contains a small play house, bean bags and shelves of toys. At the side of the room was a spacious kitchen with stainless steel surfaces on which the mothers could prepare food for the children.

The two bedrooms each had four beds in and four cots. The one bedroom we saw was light and airy but it was not very spacious. In the bathroom there were two toilet cubicles and a shower. As well as a large sink in which to wash hands, there was a separate large sink for bathing the babies. There was also a washing machine and baby changing mat.

Mothers and their babies can go to the garden during the day. It had a lot of plants in and was very green and also contained some children's playing equipment (roundabout, climbing frame).

The prison tries to make the children's lives as normal as possible, and every day the children are taken out of the prison by staff. However, there is no crèche where the mothers from the Mother and Baby Unit can leave their children if they want to work.

At the prison there is a paediatric nurse and within the MBU there is an expert who is specialised in child abuse.

When the child has to leave the prison s/he will be placed with relatives wherever possible otherwise the courts will decide where the baby should go (often to a foster home or orphanage). Prison officials said that separation from a child when it reaches three years is very difficult.

Children on the outside

We were told that almost all the women prisoners at San Vittore probably have children on the outside, but that many women are afraid to tell the authorities for fear of the consequences for their children. The prison is only aware of the children who come to visit their mothers in prison and of those who are declared by the mothers.

At the time of the visit one woman in the MBU had six other children on the outside.

Bambinsenzaresbarre (BSS) is an NGO which works with imprisoned parents at San Vittore and their children on the outside. In an interview, the director explained to us the difference between the situation when a mother is imprisoned and when a father is imprisoned:

For the women prisoners, imprisonment often means that an emergency solution is needed for the child as they have nobody to look after them. The child has to go into an institution if there is no other option and this means that there may be a period of time when there is no contact between the mother and the child. BSS acts as a mediator between the outside and the inside. This makes it easier for the mother and child from a bureaucratic view and the mothers are not

as frightened to talk to an NGO as they are not in an institutional role. There are usually two steps for BBS:

1. Dealing with the woman's immediate concerns such as where the child is and who s/he is being looked after by.
2. Working with the mother and talking about her relationship with the child and how the mother can maintain the relationship as well as possible whilst in prison.

Often the imprisoned mother will not get to see the child for a long time and BSS can help prepare the mother for the meeting and how the child is going to react to seeing her such as being angry or confused.

For the imprisoned fathers there is not usually the same emergency situation as when the mother is imprisoned. Often the parents separate when the husband goes to jail and this results in a different, but difficult situation. BSS works at mediation for the family. In order for the child to visit their father in prison, authorisation is needed from the mother. BSS can help calm the mother who may be angry and explain to them that it is very important for the child to visit their father. A forgotten or neglected parent in this respect is also not healthy for the child. Even if the child does not feel the need to visit their parent it is still damaging psychologically for them to have this 'missing part'.

In the case of either the mother or father being imprisoned, if the child remains with their own family, then BSS can also help prepare them for visits. If they are in an institution, then BSS can liaise with the people in the institution responsible for the child and inform them about the visit procedures and stress the importance of the meeting for both the parent and the child.¹⁴

7. Health

The Commissioner for Human Rights said that more money needs to be spent on prisoners' health and that access to health care is a major problem for prisoners in general. Prison pharmacies seem unable to meet the prisoners' needs and even seeing the prison doctor involves a wait of several days. This wait may run to several weeks, when an outside specialist is needed, making it extremely difficult to for some prisoners to see one.¹⁵

According to Zoia: 'Where it does exist, health care provision is often directed more towards the needs of male prisoners...As a result of this, women on small sections as part of a larger male prison can experience difficulty in accessing proper health care, and often have to wait longer to see a doctor or to have medical screening tests.'

The infirmary in the women's section at San Vittore is small with two doctors' rooms and four cells, several containing more than one bed. The facilities looked very basic. The infirmary is also used to hold prisoners in solitary confinement, both for health (physical and mental) and for disciplinary reasons or for necessities arising from their court case.

On arrival the women are given a medical check-up which may include a voluntary HIV/AIDS test and an evaluation by a psychologist. The psychologist identifies women at risk and as a result identifies certain things that they are not allowed to purchase which may be used to self-harm (these may be items as simple as tights). However, since their cell mates may be able to buy these things, there is no way of ensuring that a prisoner will definitely not be able to get hold of certain things. This evaluation of the prisoners is not routinely repeated.

¹⁴ Director of Bambinisenzasbarre, interview held during QCEA visit to San Vittore prison, Milan, 22 May 2006.

¹⁵ Report by Mr. Alvaro Gil-Robles (2005)

However, at the end of each shift the psychologist will write up any particular events that occurred or any observations as a way of monitoring the women.

Although there are female medical staff members, it is not always possible for women to be seen by one. We were told that this is sometimes a problem for Muslim women.

Mental health (including self-harm and suicide)

According to Zoia, women prisoners are more psychologically vulnerable than male prisoners.¹⁶

At San Vittore we were told that women have more problems with depression than male prisoners, and that male prisoners are more violent and thus have more problems with self-harm and suicide. During the visit to the MBU, the prison official pointed out that there are problems with prisoners in the unit who are depressed because of the effect it has on the child (or children) with them.

The female guard and pedagogue told us that the women prisoners are more subject to depression, which is harder to recognise and deal with. This is a problem as it can be a prelude to self-harm and suicide. They also said that women fall into depression easily and that depression can also be a particular problem for foreign national prisoners who are far away from their families and cultures.

HIV and sexual health

A higher proportion of women prisoners than male prisoners present multiple problems related to sexually transmitted diseases.¹⁷

Substance addiction

‘Italy acknowledges the importance of providing drug treatment and rehabilitation making both harm-reduction and demand-reduction programmes available. Italy has specialized external teams providing drug services that are controlled by the National Health System and delivered by community drug addiction teams, called Servizio Tossicodipendenze (SERT).’¹⁸

Research indicates that the proportion of drug addiction and abuse among women prisoners is higher than among male prisoners in Italy and that a higher proportion of women than men present multiple problems relating to drug use.¹⁹ In June 2005, there were 668 women in prison with drug addiction problems, twenty-three per cent of the total female prison population in Italy.²⁰

An entire floor of the women’s wing at San Vittore is for prisoners with drug problems, who are kept separately from other prisoners. If a women has a problem with drug addiction she will be put in a special cell on her own and watched over by a nurse. She will also be given drug substitutes and psychological assistance. This is an improvement on the past situation where a

¹⁶ D. Zoia, *Women and health care in prison: an overview of the experiences of imprisoned women in Italy*, pp. 117-126.

¹⁷ Zoia, *Women and health care in prison*, pp. 117-126.

¹⁸ *ibid.*

¹⁹ *ibid.*

²⁰ Database of the ‘Osservatorio Regionale sulla popolazione detenuta’, currently being printed by the Bulletin of the Osservatorio

woman would just have to go 'cold turkey',²¹ often in a cell with other prisoners. Some of these other prisoners may previously have had problems with drugs and may have had to go 'cold turkey' themselves, making the experience very difficult for everyone.

8. Education, work and training

On his prison visits in Italy the Commissioner for Human Rights was told by prison directors that the possibilities of working in prison are limited by the regulations and by budgetary constraints and that the legal requirement to pay prisoners the full minimum wage made it difficult to find and finance work that was economically competitive.²²

In the women's prison at Giudecca prison in Venice there are three workshops (organic vegetables, doing laundry for hotels and producing bath products), which are directly connected with tourism, Venice's main economy. The 'project is a source of pride to both authorities and prisoners, but still has too few places to meet the demand - a problem which the introduction of job-sharing has partly solved.'²³ The prison is an open prison where women are allowed out of their cells from 08:00 - 20:00. At the end of September 2006 it held fifty-nine women. Some women also work as tailors.²⁴

At San Vittore all women prisoners have to work in theory but in practice there is not enough work to go around. Each woman has to make a list of her requests in terms of what she would like to do and these requests are accommodated wherever possible. We were told that some women are not interested in working.

Work options there include working in a call centre within the prison, doing data-inputting, working in a co-operative within the prison which makes clothes, or working outside the prison (only available for convicted prisoners). Women are paid for their work. In the co-operative women do sewing for outside companies. There is also a workshop outside the prison where women from the penal section can go to work during the day and where they may be able to find work after release. They are not encouraged to stay on there too long after release however, as the prison wants to be able to provide work for the prisoners still at San Vittore and for those released more recently. Any profit that the internal workshop makes is divided equally among the prisoners who work there and who are partners in the co-operative. They receive the money as soon as it is earned but there is a spending limit of 420 euros per month. This is accessed by using a savings book. The co-operative was large, with a lot of natural light coming through the windows and a relaxed atmosphere. Women taking education courses at the prison can work in the workshop if this does not clash with the times of their classes.

The call centre was set up by a private external sponsor and has been running for two years. The initiative first began in the men's section and the part in the women's section is smaller. The prisoners work as operators for telephone enquiry services and receive training beforehand. There are two shifts with ten women working in the morning and ten in the afternoon.

²¹ A slang expression describing the actions of a person who gives up a habit or addiction all at once, rather than gradually (easing the process through tapering off or using supplemental medication). Sudden withdrawal from certain drugs can be extremely dangerous (even life-threatening), although in most cases the experience of going 'cold turkey' may be extremely unpleasant but not dangerous.

²² Report by Mr. Alvaro Gil-Robles (2005)

²³ *ibid.*

²⁴ *Italian Ministry of Justice*, available at

http://www.giustizia.it/statistiche/statistiche_dap/dap_indice.htm

9. Minority groups

Juveniles

According to ICPS, juvenile prisoners accounted for 0.7 per cent of the prison population at the end of 2005.

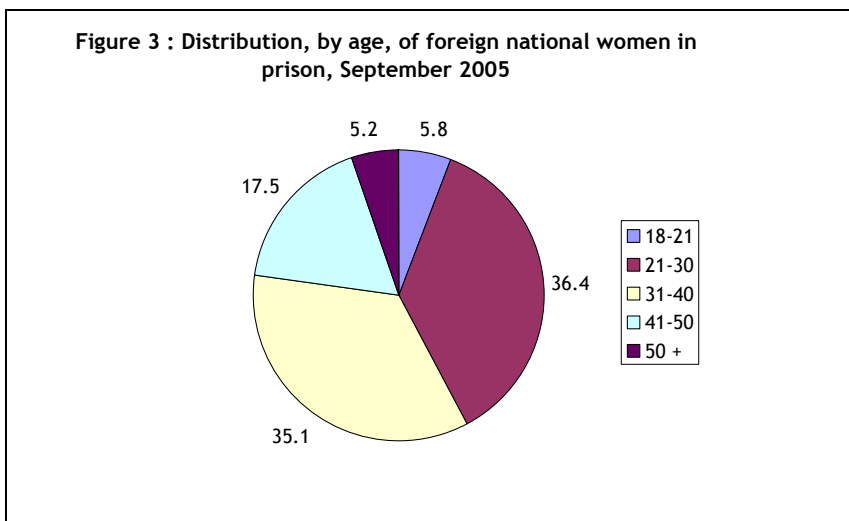
The age of criminal liability is fourteen but children may be arrested and detained awaiting trial only for offences carrying prison sentences in excess of nine years, or other 'serious' crimes (rape, aggravated theft etc.). The report of the Commissioner for Human Rights noted Italy's special arrangements for young offenders which include separate courts for minors, with specialised investigating judges and prosecutors, and a section for minors in appeal courts.

There are seventeen young offenders' prisons in Italy, four of which have sections for girls. Juvenile crime is commonest in Northern and Central Italy, but juvenile detention centres are located in the south.²⁵

Foreign nationals and ethnic minorities

According to ICPS, foreign prisoners accounted for 33.5 per cent of the total prison population at the end of 2005.²⁶ Foreign prisoners come from more than ten geographic areas and the number of migrant women prisoners has been constantly increasing during the last ten years.²⁷

Foreign national women make up 46.3 per cent of the total number of women in prison (the equivalent figure for the male prisoners is thirty-two per cent). Women prisoners make up 6.7 per cent of the total number of foreign national prisoners.²⁸



²⁵ Report by Mr. Alvaro Gil-Robles (2005)

²⁶ *International Centre for Prison Studies*, World Prison Brief, Prison Brief for Italy [on-line], accessed 16 March 2007, available at <http://www.prisonstudies.org/>

²⁷ Zoia, *Women and health care in prison*, pp. 117-126.

²⁸ *Italian Ministry of Justice*, available at http://www.giustizia.it/statistiche/statistiche_dap/dap_indice.htm

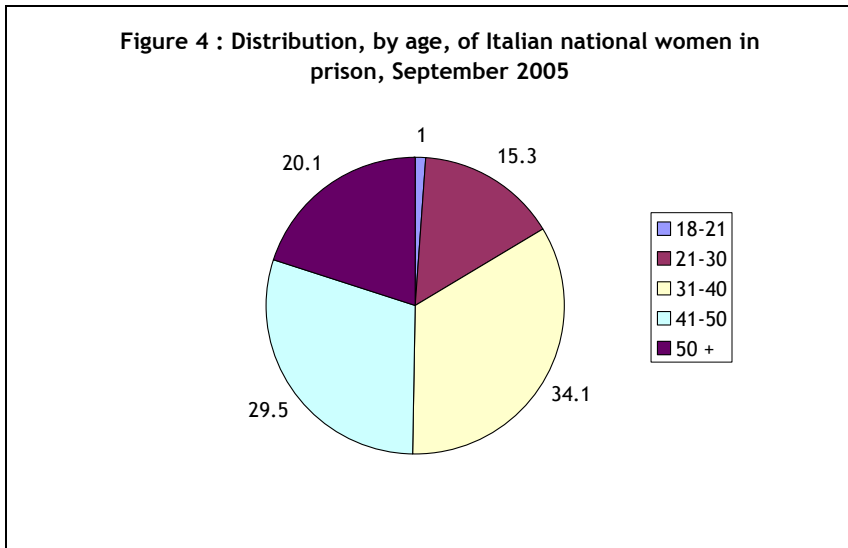


Figure 3 and Figure 4: Source: website of the Italian Ministry of Justice, available at http://www.giustizia.it/statistiche/statistiche_dap/dap_indice.htm

From the pie charts it can be seen that only 16.3 per cent of Italian national women in prison are between eighteen to thirty years old while foreign national prisoners within the same age range make up 42.2 per cent of the total of foreign national women in prison in Italy.

Eighty per cent of the prisoners at San Vittore were foreign nationals at the time of the visit.

When asked about the problems facing the prison because of its large proportion of foreign nationals, the governor of San Vittore said that problems do arise when there are prisoners who are not able to speak Italian and the prison has no interpreters for their language. In these circumstances the prison has to try and get interpreters from outside. The fact that foreign prisoners do not receive visits from family and friends also makes prison life harder for them.

At San Vittore there are quite a number of people from volunteer organisations and NGOs who come in to work with the foreign national prisoners.

Other

Among the women prisoners in Italy, Roma women, who have strong family ties and rules, represent a small community. A high proportion of Roma women have small children with them and many will also have young children at home, for whom they feel responsible, causing additional anxiety and stress.²⁹

10. Security and punishment

A prison police corps, the Polizia Penitenziaria, is responsible for security in Italian prisons. Female prisons and female sections are entirely managed by women, but the organisation and the rules that govern them are the same for men and women, with no particular allowance for gender.³⁰

²⁹ Zoia, *Women and health care in prison*, pp. 117-126.

³⁰ *ibid.*

11. Staff and management

The following information comes from a visit to the women's section of San Vittore prison.

Staff in the women's section include a psychologist, criminologist, educational personnel, doctors, nurses, guards, and volunteers from NGOs and other outside organisations. In addition, some nuns volunteer in the prison. Cooperation and coordination with volunteer workers is close and the services provided by volunteers are important to the functioning of the prison.

We spoke briefly with a male guard and more extensively with a female guard who had been working at San Vittore for a long time. Only female guards are allowed to work in the women's section. We were told that an environment in which only women are present can be problematic.

Although not working in the women's section, the male guard we spoke to was sometimes in contact with female prisoners when they were in transit. Although there has to be a female guard present as well, the male guard said he had had no special training on dealing with women prisoners (restraint etc.).

The female guard said that there was a positive relationship between the prisoners and the guards. She had been working as a guard for over twenty years and pointed out that the role of prison guards had changed dramatically over that time. Services provided within the prison have increased since she started and a lot of services that guards used to provide informally (such as handling prisoners with drug problems, psychological support for depressed prisoners and the distribution of medicine etc.) are now provided by other prison personnel and volunteer organisations.

There is no shortage of guards because of high unemployment in Italy and many guards come from the South as unemployment is higher there. Recruitment for prison guards is similar to that for the police force. Candidates have to do a national public exam and those with the best marks are chosen. In addition, certain criteria apply to candidates; they have to be at least twenty-six years old, above a certain height and in good health etc. Once they are chosen they have to do a six-month course in which they learn about the prison system, the law, rights of prisoners, visiting procedures etc. Guards also have training in firearms, because although guards do not carry firearms in the prison they are armed whenever they take prisoners elsewhere, for example to a hospital appointment or to court.

It is not uncommon for people to move from southern Italy to the North to find jobs. State jobs such as prison work are popular because there is a possibility of requesting a transfer to one's home city after hiring and an initial work period. A lot of people find it difficult living so far away from home and hope that they will have an opportunity to move back south. Some guards are as much as 1,000 kilometres from home and find the job harder as they do not have support from their family. They have a difficult time in Milan, and are often sick and absent from work. Work as a prison guard is psychologically demanding.

The role of guards is to make sure there is no violence or disruption amongst prisoners and to unlock cells and escort prisoners between different areas. Sometimes the guards will chat to the prisoners if, for example, someone is looking unhappy, but generally this side of things is left to professional psychologists and social workers.

If there is a problem between two prisoners or one reports abuse from the guards, then the prisoner(s) in question can ask to speak to the director of the prison. If there is a serious problem then the prisoner may be transferred to another institution. If there is a problem between prisoners in the same cell then one may have to change cells. A committee involving the psychologist can decide on punishment of prisoners if they misbehave. We were not made

aware on the visit of any punishment cells or what a typical punishment would involve. The impression though was that there were rarely cases in which prisoners needed to be punished and we were told that there have only been a few cases of real abuse (whether that meant between prisoners or between guards and prisoners was not clear).

We were told that in terms of security, the men's section is more rigid than the women's. In the women's section there are a lot of different activities and on the whole there is much more opportunity for the prisoners to leave their cells.

The pedagogue told us that there is much more 'sensitivity' around the women prisoners. Although the prison was designed and organised to detain men, the women's section is very different. She said it would be much better if women were detained in an institution that was created specifically for them and it is very difficult to work with the women in this 'male reality', where the rules and the environment are designed for and by males.

Country Report: France

For this report, we used a variety of sources including academic studies, websites of French NGOs working in prisons and news articles. A television documentary shown on France 2 on 5 June 2004 provided the information for the section on Fleuris-Mérogis prison.

1. Introduction

In 2005, France's¹ total prison population was 52,908 (see table 1 below). In January 2005, there were 997 people under electronic tagging, an increase from 2001.² In June 2005, there were 20,910 pre-trial prisoners and 38,876 sentenced prisoners. The average length of time spent awaiting trial in 2004 was 4.3 months.³ In June 2005, there were 744 juveniles imprisoned in Metropolitan and Overseas France, accounting for 1.2 per cent of the prison population.⁴

Table 1: Figures relating to the prison population in France.

Total prison population	52,908 in Metropolitan France
Prison population rate (per 100,000 of national population)	88*
Pre-trial detainees/remand prisoners (as a percentage of prison population)	36.1%
Women prisoners as a percent of prison population	3.7%
Juveniles/minors/young prisoners (as percentage of prison population)	1.1%
Foreign prisoners (percentage of prison population)	21.4% (1 April 2003)
Number of establishments/institutions	185 (2002)
Official capacity of prison system	48,090
Occupancy level (based on official capacity)	110.0%
Recent prison population trend (year, total prison population in metropolitan France, number of people, per 100,000 of the population, who are imprisoned)	1992: 48,113 (84) 1995: 51,623 (89) 1998: 50,744 (86) 2001: 46,376 (78) 2004: 55,028 (91)

*based on an estimated national population of 60.34 million at September 2005.

All figures from 1 September 2005, unless otherwise indicated in brackets.

Source: International Centre for Prison Studies (ICPS), World Prison Brief, France

<http://www.prisonstudies.org/>

In June 2003, overpopulation endangered the quality of life of the prisoners and working conditions of the staff. Members of the prison staff were unable to work well and the

¹Figures refer to Metropolitan France unless otherwise stated.

² *Ministère de la Justice*, DAP (May 2005), as referenced in Association Nationale des Visiteurs de Prison [on-line], accessed on 3 April 2007, available at http://www.anvp.org/article.php3?id_article=103

³ *Association Nationale des Visiteurs de Prison* [on-line], accessed on 7 January 2007, available at <http://www.anvp.org/?/ministry>

⁴ *Ministère de la Justice*, available at http://www.anvp.org/article.php3?id_article=103

atmosphere was tense. According to the law, each prisoner should have an individual cell. At the Prison de Loos, Lille, four or five female prisoners slept in a cell of 12m² and one of the women had to sleep on a mattress on the floor. At Maison d'arrêt de Toulon, three prisoners were in a cell of 10 or 11m² (which included the toilet) and some prisoners slept on mattresses on the floor.⁵ In June 2005, the occupancy rate of prisons was at 116.5 per cent according to Groupement Etudiant National d'Enseignement aux Personnes Incarcérées (GENEPI) and 110 per cent according to the International Centre for Prison Studies, Kings College London (ICPS) rising to 200 per cent in some districts.⁶

There are thirty-five supervisory staff and one social worker per 100 prisoners.⁷ There are 825 chaplains.⁸

Jacques Chirac and Nicholas Sarkozy have made crime one of their political priorities and have promised to build twenty-eight new jails before the end of their term (mid-2007), bringing the number of available prison beds to 60,000.⁹

2. Women prisoners in France

The number of women in prison in January 2005 was 2,129, 3.6 per cent of the prison population.¹⁰ There are fifty-five prison or detention centres accommodating women prisoners in France.¹¹

The problem of a small number of prisons for women spread across a large geographical area is as problematic for France as for other European countries. The situation is worse for convicted prisoners than for pre-trial prisoners as three out of four establishments for convicted women are in the north of France and Baumettes, in the South, does not take women serving a sentence of more than seven years.¹² There are no high security establishments or high security prison wings/sections for women. Dangerous women prisoners are dispersed within the prison estate and, if their behaviour disturbs prison order, they are transferred from one prison to another 'generally without prior warning or informing their close relations'.¹³

⁵ **Communication from the Council of Europe:** Council of Europe, *Rapport au Gouvernement de la République française relatif à la visite effectuée par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants (CPT) dans le département de la Réunion*, du 13 au 20 décembre 2004, CPT/Inf(2005)21 (Strasbourg, 21 December 2005). Available at www.cpt.coe.int/documents/fra/2005-21-inf-fra.htm

⁶ *Association Nationale des Visiteurs de Prison* [on-line], accessed on 7 January 2007, available at www.anvp.org

⁷ *Groupement Etudiant National d'Enseignement aux Personnes Incarcérées (GENEPI)* [on-line], accessed on 7 January 2007, available at <http://www.genepi.fr/>

⁸ *ibid.*

⁹ *British Broadcasting Corporation (BBC)*, French jail population hits new high [on-line], accessed on 7 January 2007, available (since 8 April 2003) at www.bbc.co.uk

¹⁰ *Ministère de la Justice* [on-line], accessed on 7 January 2006, available at www.justice.gouv.fr/minister/DAP/chiffres2005.htm

¹¹ *Women, Integration and Prison: an Analysis of the Processes of the Socio-Labour Integration of Women Prisoners in Europe, French National Report* [on-line]; coordinated by SURT, Associació de dones per la Reinserció Laboral (January 2005), p. 8. Accessed on 3 April 2007, available at http://mip.surt.org/en/final_results.html

¹² *ibid.*, p. 39.

¹³ *ibid.*, p. 41.

Women, who serve their sentence in all-female sections of male prisons, have limited access to workshops, sports halls, library, media library, medical personnel etc., as described by staff and the French National Assembly report of 2000. Having to strictly separate the sexes means additional security measures for the prison. In contrast, in all-female prisons programmes are 'shaped by local management in ways that relate to the particular characteristics of the inmates, and this specificity often makes them pilot establishments for innovations from which the inmates gain most.'¹⁴

Women prison population in France from 1994 to 2005

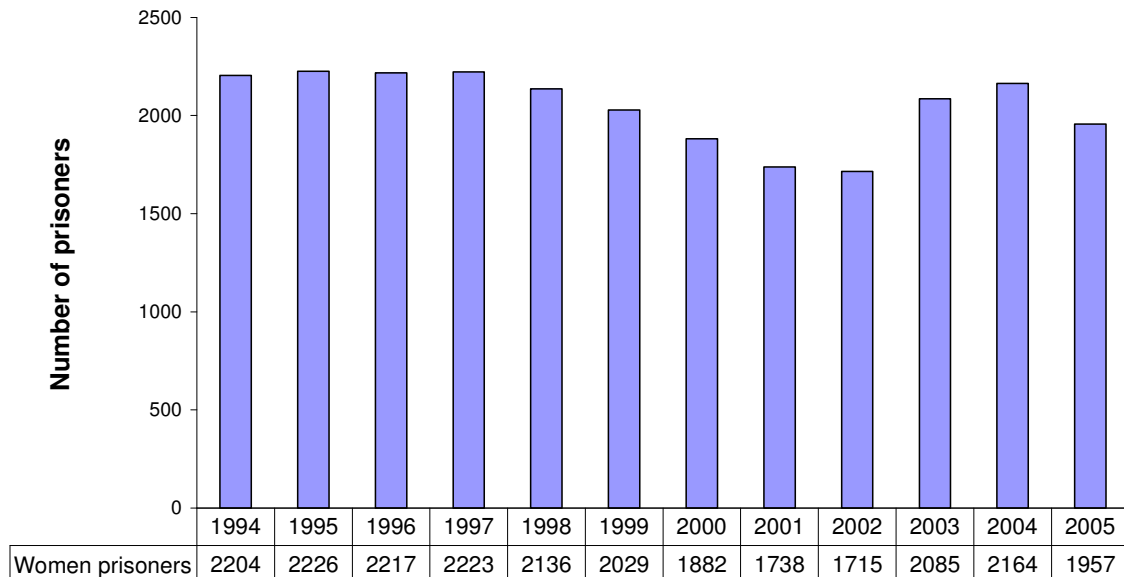


Figure 1: The women prison population in France from 1994 to 2005.

Source: Years 1994 - 2003: *Les conditions de détention en France de l'Observatoire IP en 2003* (The conditions of detention in France, 2003 report by the International Observatory of Prisons, France).
 Source: Years 2004 - 2005: The International Centre for Prison Studies (ICPS), Kings College London.

A report into the socio-labour integration processes of prisoners (MIP)¹⁵ draws attention to the silence surrounding women in prison at a policy level:

'None of the statistical data published in the *Annual reports* of the Prison authorities relating to various aspects of living conditions in detention which are likely to be the subject of policy debate, are broken down by sex...Further, none of the 30 emergency recommendations and...“medium-term” recommendations made by the Senate concern women. Only the French National Assembly report contains some recommendations relating to the "specific" problems encountered by the women inmates'.¹⁶

The report goes on to say that this 'results in an ignorance of their possible needs, and explains well why they are not taken into account as a possible target group for prison policy measures',

¹⁴ *ibid.*, p. 40.

¹⁵ This European project was originally called Women Integration Prison (WIP), but the W got changed to an M by mistake, hence the (MIP), see *French National Report*, available at <http://mip.surt.org/docs/national%20report%20France.pdf>

¹⁶ *French National Report*, p. 35, available at http://mip.surt.org/en/final_results.html

and that the differing needs of female prisoners are taken into account because they are mothers, not because they are women.¹⁷ ‘In addition,’ writes MIP, ‘policies undertaken by the prison authorities can only be done in the name of one logic, universal and egalitarian, and not in the name of positive discrimination’.¹⁸ The logic of child welfare is used to justify positive discrimination for juveniles and inmate mothers.¹⁹ The presence of mother and babies and of juvenile girls is mentioned in management reports and interviews as a disadvantage to other prisoners as energies will be focused towards these two groups and additional security measures may be put in place, for example the placing of additional restrictions on other prisoners’ movements when babies are being taken on walks.²⁰

The familial situation of 154 female prisoners

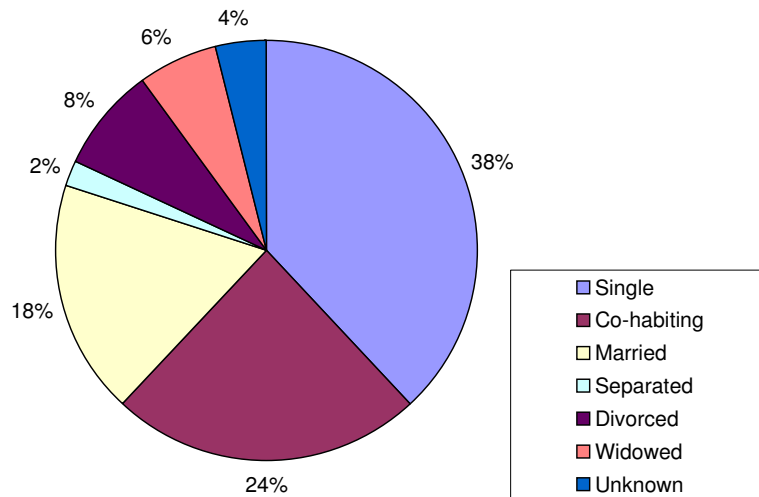


Figure 2: Familial situation of 154 women prisoners surveyed by Parcours de Femmes.
 Source: Parcours de Femmes surveyed 154 women prisoners during 2005, some of whom (thirty-one per cent) left prison during the course of the year. Available at <http://parcoursdefemmes.free.fr>

¹⁷ *ibid.*, p. 36.

¹⁸ *ibid.*

¹⁹ *ibid.*, p. 37.

²⁰ *French National Report*, p. 38, available at http://mip.surt.org/en/final_results.html

Crimes for which women prisoners are sentenced

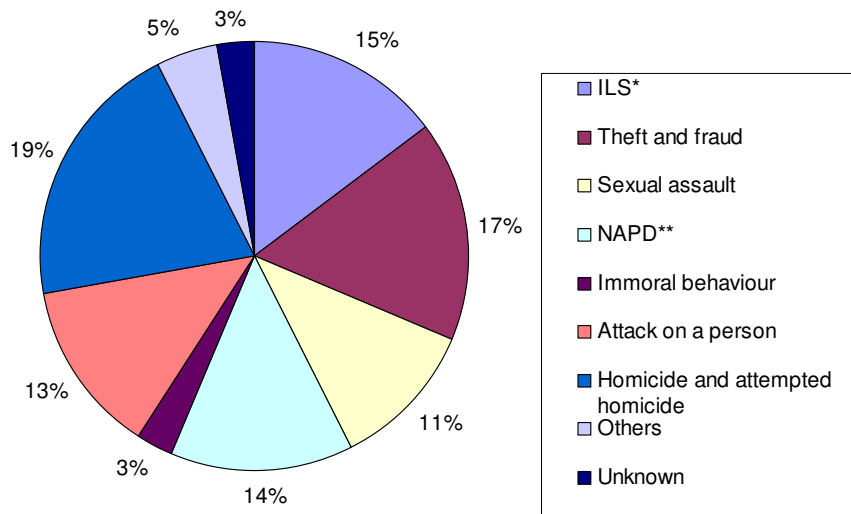


Figure 3: Pie chart showing the crimes for which 154 women prisoners surveyed by Parcours de Femmes were sentenced. Source: <http://parcoursdefemmes.free.fr> ILS*: Offences against narcotics legislation. NAPD**: Non-assistance of a person in danger.

Prostitution is not illegal in France although pimping, the overt sale of sex and ‘passive soliciting are’;²¹ Until February 2003, France’s 18,000 prostitutes can only be prosecuted if they breach the peace. However, a contentious bill passed by the French Senate on 13 February 2003 outlaws street prostitution and ‘passive soliciting’ i.e. advertising the sale of sex through posture or dress. Convicted prostitutes face up to two months in prison and a fine of up to 3,750 euros. Prostitutes say the law endangers them by exposing them to unscrupulous pimps and customers.²² The bill also punishes clients if the prostitute is disabled, pregnant or considered otherwise vulnerable.²³

In February 2002, local officials in Bordeaux launched an initiative of targeting the clients of prostitutes, the first time in French history. Four men went to court in September 2002 under an old legal provision of ‘sexual exhibition’.²⁴

Certain cells in the prison are reserved for new arrivals, each of whom may spend ten days there. This is an observation period during which educational and health assessments are carried out and the prisoners’ general behaviour observed. Over a quarter of prison suicides

²¹ BBC, French face jail for hiring prostitutes [on-line], accessed on 3 April 2007, available (since 11 September 2002) at <http://news.bbc.co.uk/2/hi/europe/2252390.stm>

²² BBC, French prostitutes rage against crime bill [on-line], accessed on 3 April 2007, available (since 5 November 2002) at <http://news.bbc.co.uk/2/hi/europe/2407817.stm>

²³ BBC, French left indignant over crime bill [on-line], accessed on 3 April 2007, available (since 21 October 2002) at <http://news.bbc.co.uk/2/hi/europe/2346767.stm>

²⁴ BBC, available at <http://news.bbc.co.uk/2/hi/europe/2252390.stm>

take place in this period.²⁵ There were 109 suicides in the general prison population in 2004, eighteen escapes and thirty-eight attempted escapes.²⁶

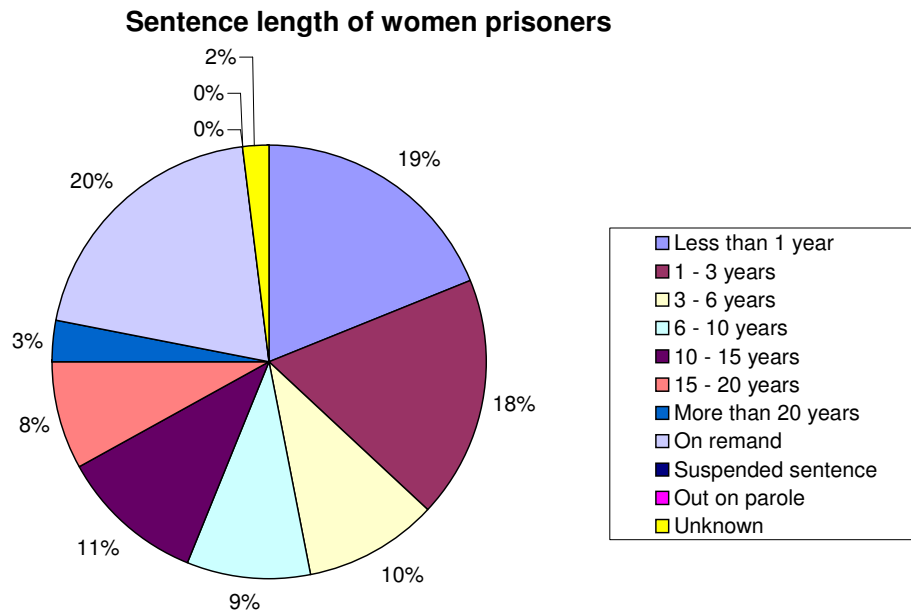


Figure 4: Pie chart showing the sentence length of women prisoners surveyed by Parcours de Femmes. Source: Parcours de Femmes surveyed 154 women prisoners during 2005, some of whom (thirty-one per cent) left prison during the course of the year. Available at <http://parcoursdefemmes.free.fr>

Fleury-Mérogis

Details in this section are mainly taken from a television documentary about Fleury-Mérogis prison shown on France 2 on 5 June 2004.

Fleury-Mérogis is the largest women’s prison in Europe and holds 300 women. In May 2003, two thirds of the prisoners were awaiting trial and two thirds were foreign nationals. (In the whole of France, foreign nationals make up twenty-one per cent, indicating that foreign nationals are overrepresented amongst women.)²⁷ Forty per cent were imprisoned for drug crimes and twenty-eight per cent for robbery. The oldest prisoner was seventy-one and the youngest was fifteen.

There are 150 female guards who have had a training of between ten and twelve months. The position of prison guard is not highly regarded outside the prison. The governor was glad guards were armed as they were afraid of ‘mutinies’.

Prisoners have an interview on arrival as an introduction into prison life and to see what their problems are. Contact is made with the prisoner’s family to tell them about visiting arrangements, to get them to bring clothes and to get them to make arrangements for any

²⁵ Association EXIT [on-line], accessed on 3 April 2007, available at <http://prison1.free.fr/vie/vie1.html#arrivee>

²⁶ Ministère de la Justice, June 2005. See Association Nationale des Visiteurs de Prison (ANVP) [on-line], accessed on 3 April 2007, available at <http://www.anvp.org/?/ministry>

²⁷ Ministère de la Justice [on-line], accessed on 3 April 2007, available at <http://www.justice.gouv.fr/>

children. Social services are also alerted if children are involved as children may not always have been left with an adult and may still be at school.

Half the number of prisoners entered prison with psychological problems. The governor questions whether prisons are replacing psychiatric hospitals. She says the high number of mental health cases makes it difficult for the other prisoners especially in the communal spaces. The prison doctor saw high numbers of psychosomatic health problems as well as drug addiction cases. The prison doctor said many women had better health care in prison than out e.g. blood tests. In 2003, there were four suicides at Fleury-Mérogis and one in 2004. For that reason, they now have two women to a cell.

The prison director acknowledged the importance of visits, saying that there should be family or conjugal visits although the latter do not exist at Fleury-Mérogis. Visits are not suspended as punishment unless drugs are passed during a visit. Visitors may bring food but this must be consumed during the visit. Body-searches are required at the end of each visit.

Prisoners are allowed to change cells if they do not like their cell mate. A prisoner said the most difficult time in prison is after the 17:00 walk in the afternoon when prisoners are locked up until the next day.

There is a hierarchy amongst the prisoners; those imprisoned for more serious crimes are not spoken to by the others.

Fifty prisoners worked doing prison maintenance, earning 150 euros a month. Fifteen prisoners worked in the kitchen, earning 200 euros per month. Work in the workshops is paid per item produced. Twelve women are undergoing training in the garden which qualifies them to be horticultural assistants in places such as garden centres. A prisoner at Fleury-Mérogis said she had been in Rennes before and preferred her present location as she had not had work in Rennes.

3. Regime and daily life

Women prisoners in France are sometimes addressed by their surname. Prisoners must answer whenever a supervisor calls them and must remain visible through the hatch. A pat down search is carried out on leaving the cell. A cell in Fresnes will contain two metal bunk beds, two stools, a table of approximately one metre and a wardrobe.²⁸ Prisoners are allowed to keep their wedding ring and photographs of their family. Prisoners are allowed a maximum of five outfits, and jewellery (except religious symbols) and nail varnish is forbidden. In some prisons, revealing clothes are not allowed to be worn.²⁹

There is a prison shop where prices should be on a level with 'those usually noted in the immediate vicinity'. Higher than normal pricing is sometimes found, especially where a private company runs the shop. Joint actions by prisoners frequently include the lowering of shop prices in their demands. The prison shop means that prisoners who can afford to do so can improve their living conditions.³⁰ Technical goods such as televisions, small fridges and computers can sometimes be rented from the prison authority. Some prisons even have their own internal television channels.

A toilet bag is given to the prisoners on arrival at the prison. However, its contents are not renewed and poor prisoners may not be able to afford to buy more. Each cell has a hand

²⁸ *Prisons de femmes en Europe*, Observations France [on-line], accessed 2 April 2007, available at <http://prisons.de.femmes.free.fr/france.html#population>

²⁹ *ibid.*

³⁰ *Association EXIT*, available at <http://prison1.free.fr/vie/vie2.html>

washbasin; some prisoners have hot water in their cells.³¹ Showers are collective and do not have doors. Prisoners have a right to three showers per week but are usually allowed one after sport and work. Modern prisons have cells with a separate part for toilets but in many older cells the toilet is in the main part of the cell. Intestinal disorders were reported at Mountluc, Lyon (for women), where prisoners in shared cells would not use the toilet due to lack of privacy and prisoners may refuse their daily walks so that they can use the toilet.³²

Meals are eaten in the cells three times per day.³³ Prisoners are allowed to take a walk for at least an hour a day. The cell has to be cleaned and the bed made before prisoners can go down for their walk.³⁴ No alcohol is allowed in prison and to be found drunk is a disciplinary offence.³⁵

4. Contact with the outside world

Letters and telephone calls

Prisoners' mail should not be restricted but it can be read, translated, censored or kept by the prison. Only parcels containing clothes and books are allowed.³⁶

Visits

Prisoners awaiting trial have a right to one visit a week and convicted prisoners three a week. Supervisors can see and hear what goes on. Prisoners and their families can see each other without any glass or barrier between them. In 1993, the European Committee for the Prevention of Torture and Inhuman and Degrading Punishment (CPT) recommended to France that it should make conjugal visits possible. Pilots have been launched in three prisons including one women's prison: Rennes. Baumettes in Marseilles has a mother and children space for longer visits. Children who live far from the prison can have whole day visits and their birthdays can be celebrated.³⁷

Relais is an NGO which helps promote family bonds between prisoners and their families. Relais brings children to visit their parents in prison, and it is their responsibility to ensure the child does not smuggle anything into the prison so children are not searched. One of the Relais workers said 'men are less faithful than women so women do not get as many visits, men have their pride, and they are ashamed of coming to visit.'³⁸

The 'Association Nationale de Visiteurs de Prison' (ANVP) is an NGO that supports prisoners' families in maintaining family ties with prisoners. They may act as an intermediary between the prisoner and the family, help them with visits and may give material aid. ANVP also accompanies prisoners leaving prison and offers temporary housing for recently released prisoners, prisoners on leave and families of prisoners.

³¹ Association EXIT, available at <http://prison1.free.fr/vie/vie3.html>

³² Prisons de femmes en Europe, available at <http://prisons.de.femmes.free.fr/france.html#population>

³³ GENEPI, available at <http://www.genepi.asso.fr/Eng/GENEPI.htm>

³⁴ Prisons de femmes en Europe, available at <http://prisons.de.femmes.free.fr/france.html#population>

³⁵ Association EXIT, available at <http://prison1.free.fr/sante/sante4.html#alcool>

³⁶ Association EXIT, available at <http://prison1.free.fr/vie/vie5.html>

³⁷ Council of Europe, CPT/Inf (2005) 21, available at www.cpt.coe.int/documents/fra/2005-21-inf-fra.htm

³⁸ From documentary shown on France 2 (5 June 2004)

5. Motherhood in prison

Percentage of women prisoners with children under 18

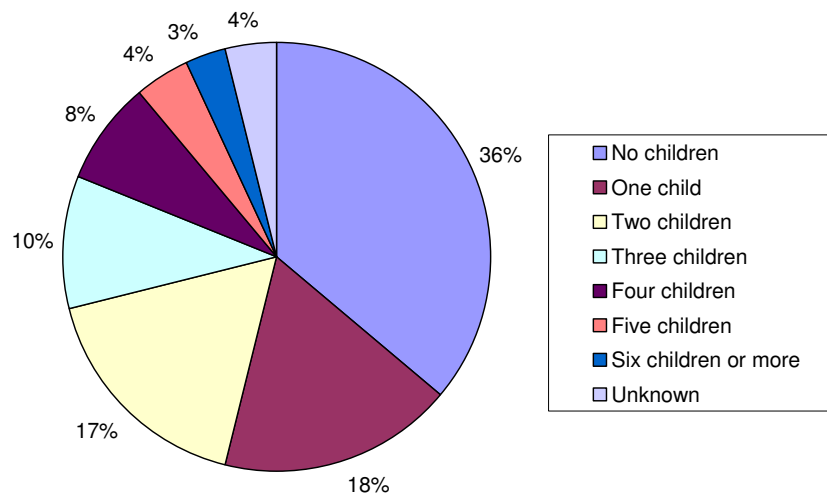


Figure 5: Pie chart showing the percentage of women prisoners with children under eighteen. Source: *Parcours de Femmes* surveyed 154 women prisoners during 2005, some of whom (thirty-one per cent) left prison during the course of the year. Available at <http://parcoursdefemmes.free.fr>

Pregnancy and birth

Prisoners are transferred to a public hospital for the birth where they remain for three days. Women may be handcuffed during the transfer; some are chained by a hand or leg to the bed. In 1999, a woman was shackled for the duration of labour and in the presence of two officers who made sexist and humiliating comments.³⁹ An officer from Fleury-Mérogis said prisoners were not manacled for the birth. Birth certificates of babies born in prison do not state the name of the prison just the street name and number.

Babies in prison

Out of fifty-five prisons or detention centres accommodating women, twenty-five are able to receive mothers and babies. Fleury-Mérogis and Montluc have nurseries; Marseilles, Loos, Nîmes, Rennes, Nantes, Nice, Dijon and Toulouse have between one and six cells for mother and children, often with a communal room. Other mothers may be imprisoned in buildings which are not designed for the purpose. The age limit for children staying in prison with their mothers is eighteen months with special exceptions permitted.⁴⁰ One prisoner said she would not want her child to stay longer and that by 18 months children can already walk and they should be able to see different things. The average length of stay for babies is between seven and eight months. Eighty per cent of children leave prison with their mother and so do not

³⁹ *Prisons de femmes en Europe*, available at <http://prisons.de.femmes.free.fr/france.html#population>

⁴⁰ Marlene Alejos, Quaker United Nations Office (QUNO), *Babies and Small Children Residing in Prisons*, March 2005, p. 35 [on-line], accessed on 3 April 2007, available at <http://www.quno.org/geneva/pdf/200503Babies-Small-Children-in-Prisons-English.pdf>

undergo a separation.⁴¹ In the six months following separation, young children may stay with their mother for short periods. Children are usually cared for in the mother's family; ten per cent of young children are fostered or cared for by social services.⁴² Babies undergo a search at each entry and exit of the prison.

Whether a child resides with their mother in prison is the decision of the mother, in principle with the agreement of the father, and neither the judiciary nor the prison administration can object to it.⁴³ A mother simply notifies the director of the prison who will place her in an institution with suitable facilities. The guiding principle of Circular 99-2296 on this issue is the rights of parents to retain their parental authority not the best interests of the child; therefore, there is no mechanism, as in other countries, for deciding whether the child should reside in prison. The only exceptions to this are if the child's health, security or morality is at risk or if no prison has facilities to accommodate a mother and child. If a father is not in agreement with the mother's decision to keep her child in prison a judicial decision presided over by a family judge might forbid the baby to live in prison. The mother can decide at any time to terminate the child's residence in the prison, needing only to inform the head of the institution. If a mother chooses not to keep her baby in prison the authorities are required to make all efforts to allow a child to reside elsewhere.⁴⁴

Familial situation of mothers in prison

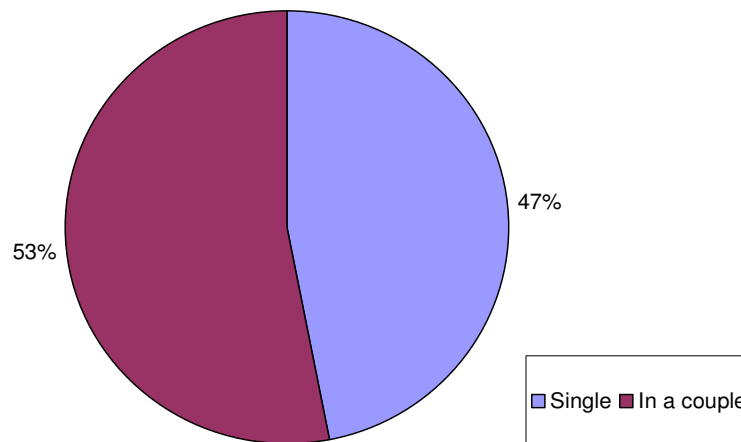


Figure 6: Pie chart showing the familial situation of mothers in prison. Source: a survey by Parcours De Femmes surveyed 154 women prisoners during 2005, some of whom (thirty-one per cent) left prison during the course of the year. Available at <http://parcoursdefemmes.free.fr>

There are repeated assertions in the circular that the children of prisoners should not be deprived of their liberty. The prison provides the child with its basic material needs. Children in prison are their mother's responsibility with the assistance of social services. Since the child

⁴¹ *Prisons de femmes en Europe*, available at <http://prisons.de.femmes.free.fr/france.html#population>

⁴² *ibid.*

⁴³ Alejos (QUNO), *Babies and Small Children Residing in Prisons*, p. 40, available at <http://www.quno.org/geneva/pdf/200503Babies-Small-Children-in-Prisons-English.pdf>

⁴⁴ *ibid.*

is not considered as incarcerated, the prison authorities are not responsible for meeting the child's social needs; where such state assistance is needed it should be provided by other departments/institutions.⁴⁵ Prison staff have a responsibility to 'observe the mother-child relationship, to facilitate any information required by the mother and to reinforce family links.'⁴⁶ The aid of voluntary staff is encouraged. There is no mechanism for monitoring the effect of imprisonment on the child. In emergency cases, the Prosecutor (Procureur de la République) may place the child in temporary residence, on being informed of a concern.⁴⁷

Conditions for mothers and babies vary greatly but are always described by staff and prisoners as the best in the prison. Section D.400, together with D.401-2, of the Code of Penal Procedure is devoted to 'the protection of the mother and the child'. According to this Code, pregnant prisoners should 'profit from an adapted medical follow-up and their childbirth should be carried out in the ward appropriate to their health'. Mothers must only be held in cells with hot water and a minimal surface of 15m²; the doors must be open during the day and they must have access to a courtyard where they can walk away from the presence of other prisoners, and to a place where they can make the child's meals.⁴⁸ It should be said preferential conditions are given for the good of the child not the mother. A parole board judge refused a request of parole from a pregnant woman because it was deemed better for her child to begin its life in detention where it would have better material conditions and medical care than at home.⁴⁹

Mothers should have access to work and training whilst in prison. However, the implementation of this varies. In some prisons there is no one to take care of their children during the day and so they cannot work despite wishing to.⁵⁰ However, other prisons have been more accommodating: classes are scheduled later in the day to allow women to work in the mornings and mothers can leave their babies in a nursery while they take classes. Nursery staff within the prison take the children out for walks, etc. and efforts are made to allow children out of the prison to attend playschools.⁵¹ As always, it is easier to take account of women's needs in this way in prisons with a lot of female prisoners.⁵²

Children on the outside

If a child cannot be looked after by its mother in prison, it is often the maternal grandparents who care for them. The public prosecutor's department of the Court of Appeal of Versailles systematically refuses requests for visits by children of between seven and sixteen years old. Visitors are dependent on the goodwill of the prison authorities to let them visit.

In 2003, there were only a small number of prisons which had a special visiting area for children. The establishment of Bois d'Arcy has created a special visiting room for children. In 2003, the prison administration indicated that the arrangement of special rooms especially suitable for children's visits was an objective for 2004.⁵³

⁴⁵ Alejos (QUNO), *Babies and Small Children Residing in Prisons*, p. 42, available at <http://www.quno.org/geneva/pdf/200503Babies-Small-Children-in-Prisons-English.pdf>

⁴⁶ *ibid.*, p. 43.

⁴⁷ *ibid.*, p. 44.

⁴⁸ *French National Report*, p. 37, available at http://mip.surt.org/en/final_results.html

⁴⁹ *ibid.*, p. 38.

⁵⁰ *ibid.*, p. 60.

⁵¹ From documentary shown on France 2

⁵² *French National Report*, p. 60, available at http://mip.surt.org/en/final_results.html

⁵³ L'Observatoire international des prisons (OIP), *Les conditions de détention en France*, rapport 2003, (Paris: La Découverte, 2003).

6. Health

General

Problems with prison health care remain: confidentiality is not always observed, access to health care is often slow, for example, oral contraceptives may be interrupted due to not being able to obtain the next set of pills, treatment of HIV positive prisoners is sometimes interrupted (according to the National AIDS Council,), continuity of care on release from prison is also difficult and in the event of an emergency, prisoners cannot always alert staff.⁵⁴

Often, it is the guards who decide whether the prisoners should see a doctor and they are often present when the prisoner is being seen by the doctor. It is rare for a woman to be handcuffed while she sees the doctor. However, one female prisoner from Fleury-Mérogis was handcuffed while giving birth in a civilian hospital.⁵⁵ Medical confidentiality is often broken because of a shortage of staff, meaning that, for example, guards may sometime have to distribute medicine.⁵⁶

Prisoners have health insurance like the rest of the population. Each prison is affiliated to a public hospital. Prisoners requiring medical attention must address a written request to the infirmary within the prison to see a general practitioner or a specialist and it will be organised for them.⁵⁷

Mental health

In 2003, l'Observatoire International des Prisons (l'OIP) reported that thirty per cent of women prisoners suffered from mental problems on arrival at prison. Of these, forty-two per cent suffered from an anti-social personality disorder, fifty-five per cent suffered from anxiety, fifty-four per cent suffered from drug or alcohol addiction and forty-two per cent had psychosomatic problems. There was one psychiatrist per 100 prisoners.⁵⁸

In 1999, thirteen per cent of women prisoners said they had had a psychiatric hospitalisation in the year prior to imprisonment, a higher rate than for male prisoners.⁵⁹ There is only one psychological service for women in the country: nine places at Fleury-Mérogis. Women with mental health problems will often remain in prison.

HIV and sexual health

The rate of HIV amongst prisoners is between three and four times higher than in the general population. Women prisoners have higher rates of AIDS and hepatitis B and C than male prisoners.

Amenorrhoea (absence of menstrual periods) is frequent amongst women prisoners.⁶⁰

⁵⁴ *Prisons de femmes en Europe*, available at <http://prisons.de.femmes.free.fr/france.html#population>

⁵⁵ OIP, *Les conditions de détention en France*

⁵⁶ *ibid.*

⁵⁷ *Association EXIT*, available at <http://prison1.free.fr/sante/sante2.html>

⁵⁸ OIP, *Les conditions de détention en France*

⁵⁹ *Prisons de femmes en Europe*, available at <http://prisons.de.femmes.free.fr/france.html#population>

⁶⁰ *ibid.*

Substance abuse

There are programmes available to treat prisoners with drug and alcohol addiction, some of which deal with hepatitis C and AIDS.⁶¹ According to GENEPI, one in three prisoners are affected by drug addiction.⁶² A British national held in a French prison wrote the following:

“This place (prison) is horrific. Girls are using prescribed tablets to get “high”. If you have a sleeping problem, anger, or depression the psychiatrist spends about 10 minutes with you and by the evening you’re equipped with maybe 2 - 5 tablets...the majority of prisoners are in for narcotics anyway.”⁶³

In 1999, seventy-eight per cent of the women in Fresnes were drug addicts. Drug substitution programmes are possible in prison (started as part of the fight against HIV) but, in practice, these are difficult to run. Doctors are not obliged to use drug substitution and prisons generally use a ‘cold turkey’ method which is frequently ineffective. If a drug substitution programme has been started before entry to prison, replacement drugs can be delivered from the original health care provider. Again, this is not often done in practice.⁶⁴ Only two per cent of the thirty to forty per cent of drug-using prisoners received substitution drugs in 1999 and there were no substitution programmes in forty-four establishments.⁶⁵ Prisoners are not issued with clean syringes and they are, therefore, at risk of hepatitis and HIV. Alcohol-dependent prisoners have a right to receive a detoxification programme.⁶⁶

⁶¹ OIP, *Les conditions de détention en France*

⁶² GENEPI, available at <http://www.genepi.asso.fr/Eng/GENEPI.htm>

⁶³ *Prisoners Abroad*, Prisoners Abroad News, spring 2005, p. 3 [on-line], accessed on 7 January 2006, available at www.prisonersabroad.org.uk It should be noted that consumption of antibiotics, etc. by the general population is considered very high in France.

⁶⁴ Association EXIT, available at <http://prison1.free.fr/sante/sante4.html>

⁶⁵ *Prisons de femmes en Europe*, available at <http://prisons.de.femmes.free.fr/france.html#population>

⁶⁶ Association EXIT, available at <http://prison1.free.fr/index.html>

7. Education, work and training

Activities undertaken in detention by 154 women prisoners

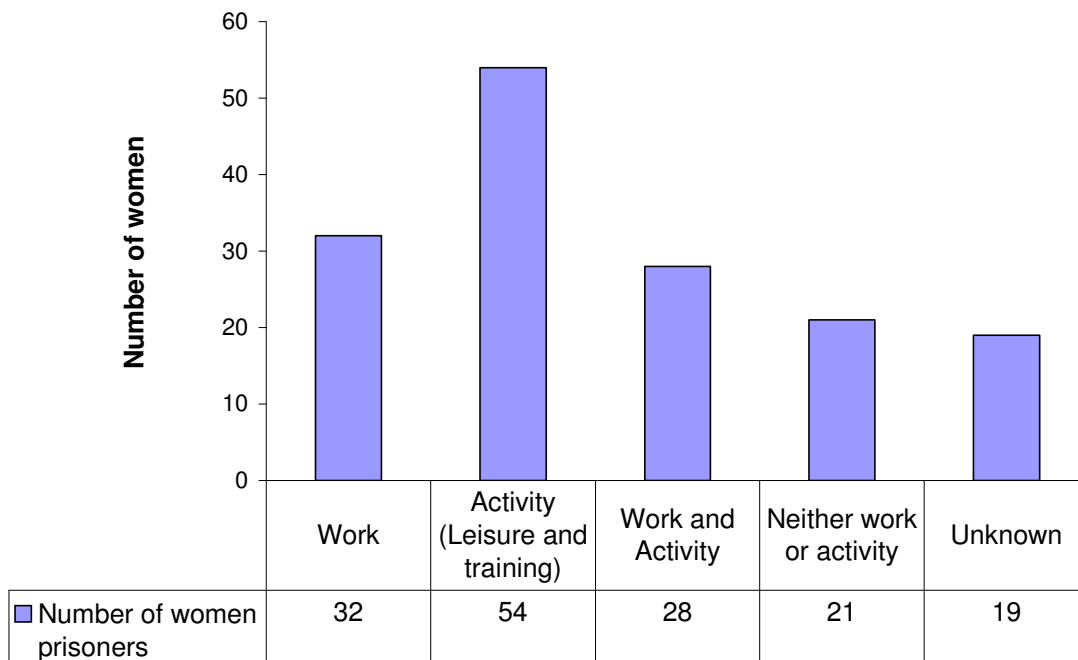


Figure 7: Activities undertaken in detention by 154 women prisoners. Source: a survey by *Parcours de Femmes* surveyed 154 women prisoners during 2005, some of whom (thirty-one per cent) left prison during the course of the year. Available at <http://parcoursdefemmes.free.fr>

As in other countries, training, work and education for women prisoners all suffer from the same problem: the small numbers of female prisoners make organising any productive activity difficult. Female prisoners in men’s prisons may be at a disadvantage, ‘it seems normal... that training is proposed to women less frequently in prisons where women are a minority.’⁶⁷ There is also less choice of training.⁶⁸ MIP received several accounts of direct gender discrimination in men’s prisons with a female wing, often attributed to a concern over productivity: ‘in one jail, where the women’s wing contains only about 50 places, a staff member we interviewed explained: “From what I’ve known, there isn’t any work for the women’s wing. We don’t have a workshop where a concessionaire supplies work during the whole year, like for men. Here, it’s now and then, small jobs to get done in an emergency...” Another is still more explicit: “Here the men work first, and when they can’t cover everything, the women are given work.”’⁶⁹

Women in large women’s prisons are usually the best off as greater numbers allow staff to organise a greater range of activities at varying times to meet the needs of women, e.g. mothers, and ‘women who wish to work seem to find a job relatively rapidly, provided their detention time is long enough.’⁷⁰ Larger prisons also have more suitable workshop and training

⁶⁷ *French National Report*, p. 59, available at <http://mip.surt.org/docs/national%20report%20France.pdf>

⁶⁸ *Prisons de femmes en Europe*, available at www.prison.de.femmes.free.fr/france.html

⁶⁹ *French National Report*, p. 58, available at http://mip.surt.org/en/final_results.html

⁷⁰ *ibid.*

space.⁷¹ The situation in prisons where prisoners are awaiting trial is harder still: prisoners spend an unforeseeable and often very short time in prison, sometimes being transferred at short notice. This does not allow education and training to be completed and paid work is less likely to be offered.⁷² However, there are plans to make exam registration easier to allow for the transient prison population and to allow recently released prisoners to take exams for which they have prepared in prison.⁷³

Education

There has been education in prison since the 1960s. Primary school level education must be given in all prisons. Prisoners who cannot read, write or count are the first to receive it. Over half of the total prison population are illiterate and illiteracy is systematically screened for upon arrival.⁷⁴ There is a great difference in the educational level of the female prisoners.⁷⁵ Because women make up such a small proportion of the total prisoner population it is difficult to put in place special programmes for them. More and more prisoners mean there are fewer resources available for them, including a lack of teachers.

Prisoners can also take correspondence courses, often supplied by the National Centre for Distance Learning and Auxilia.⁷⁶ Qualifications gained do not record that they were taken in prison. There is a formal accreditation system for educational achievements, recorded for thirty-two per cent of adult prisoners and ninety-eight per cent of juveniles. A similar project has begun in some prisons for recording vocational skill acquisition.⁷⁷

In 2003, over eighteen per cent of the general prison population participated in classes every week of the school year, and 34,884 prisoners signed up for a class. Out of these, 58.2 per cent were for basic literacy, French language for foreigners and preparation for the General Training Certificate; 30.5 per cent for diploma level 5 education, CAP-BEP, Brevet; 8.7 per cent for diploma level 4, Baccalauréat and university access courses (for those without Baccalauréat), and 2.5 per cent for higher educational studies. This does not include distance learning courses which involved another 4,187 prisoners. Prisoners receiving education increased by twenty per cent in 2003 and there was an increase in full-time teachers to 587.⁷⁸ Statistics for women only were not given in the report, perhaps reflecting the fact that data may not be gender-disaggregated by the French Ministry of Justice, and hence not available.

NGOs also have a part to play. Examples include the 'Computer Prison Club' (CLIP), the National Student Group for the Education of Imprisoned Persons (GENEPI), the Permanent Education Institute (INSTEP) and the Support Training for Social and Professional Reinsertion.⁷⁹

⁷¹ *ibid.*

⁷² *French National Report*, pp. 57-58, available at http://mip.surt.org/en/final_results.html

⁷³ *ibid.*, p. 58.

⁷⁴ *ibid.*, pp. 53-54.

⁷⁵ OIP, *Les conditions de détention en France*

⁷⁶ Auxilia propose aux plus défavorisés (personnes handicapées, personnes en détention, chômeurs RMistes) de les aider à se réinsérer socialement et professionnellement en leur apportant une formation personnalisée. See *Auxilia* [on-line], accessed on 3 April 2007, available at <http://www.auxilia-formation.org/>

⁷⁷ *French National Report*, p. 55, available at http://mip.surt.org/en/final_results.html

⁷⁸ *ibid.*, pp. 54-55.

⁷⁹ *ibid.*, p. 54.

School level of 154 women prisoners

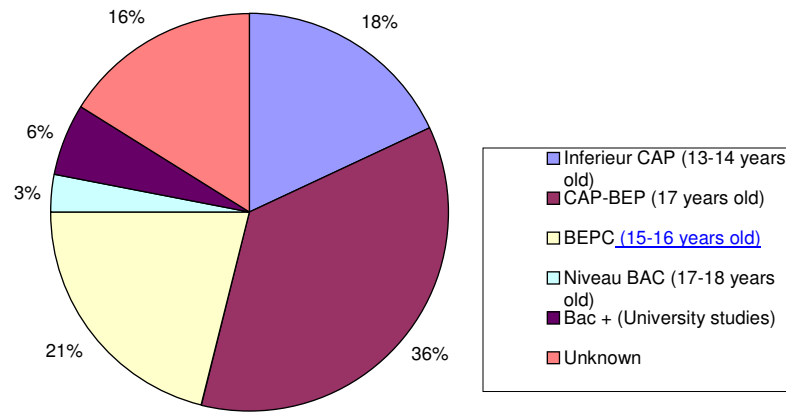


Figure 8: School level of 154 women prisoners. Source: a survey by Parcours De Femmes surveyed 154 women prisoners during 2005, some of whom (thirty-one per cent) left prison during the course of the year. Available at <http://parcoursdefemmes.free.fr>

Work

Since June 1987, prisoners have not been required to work. Work is now a right not an obligation or part of the sentence and is seen as a means of social rehabilitation. (An example of this attitude is that it is easier for prisoners to get a reduced sentence if they are working because it is seen as ‘a proof of reintegration and good behaviour’.⁸⁰) However, the right to work does not guarantee the same employment rights as the rest of the population: ‘inmates do not have any protection against dismissal, have no paid vacations, are not paid for technical unemployment or in case of sickness or working accidents; and they are not protected by any union and cannot go on strike.’ However, prisoners do benefit from health and safety legislation, pensions and, for women, maternity and family allowances.⁸¹

In 2003, only four out of ten prisoners (male and female) were in work.⁸² At the beginning of 2004, approximately 10,000 prisoners were working for private companies, earning an average salary of 350 euros a month. 7,000 prisoners were working within the prison at 175 euros a month. 1,300 prisoners were employed by the Prison Industrial Control (RIEP) earning an average of 450 euros a month and 3,000 prisoners were on paid professional training programmes earning an average of two euros an hour.⁸³

Work, such as packaging, is provided by private companies or by the Industrial Control Service, a public body which sells the products made by the prisoners. Most female prisoners are paid per piece. Work may also involve the general running of the prison, such as cooking and cleaning which is paid at a different rate. The minimum wage for such work is 2.68 euros per

⁸⁰ French National Report, p. 52, available at http://mip.surt.org/en/final_results.html

⁸¹ *ibid.*, p. 51.

⁸² *ibid.*, p. 57.

⁸³ *ibid.*, p. 51.

hour in prisons for prisoners awaiting trial, and 2.90 euros per hour in sentenced prisons; this is checked monthly in all workshops.⁸⁴

The MIP report points out that, regardless of the aims of prison work, it ‘opens very limited perspectives for the time after prison: there are only a few jobs offered, and these activities provide neither training nor up-skilling, and pay only a very small income.’ One of the women interviewed in the study used the term ‘slavery’ when talking about repetitive tasks for low pay and several said they had refused work because the remuneration was so low. Keeping busy proved to be an incentive for working as well as earning money.⁸⁵

The prison authorities manage the bank account of each prisoner. Thirty per cent of money earned by the prisoner is retained by the prison for administrative costs and ten per cent is kept for that prisoner’s release.⁸⁶

Training

One in twenty prisoners (both men and women) receives training.⁸⁷ There are several problems in providing training. Public institutions are not always scrupulous about keeping up payments and there is a shortage of physical space for both storing supplies and teaching, (especially in mixed prisons and where pre-trial prisoners are held).⁸⁸ It is sometimes difficult to find teachers and there is a high turnover of staff so courses sometimes end when teachers leave.⁸⁹

Classes included training in office technology, cooking, building industry, audiovisual technology and hairdressing. It is compulsory for all such training to include beginners’ computing (office automation and management software), multimedia and the internet.⁹⁰ In one prison, with a high number of foreign women, French as a foreign language class had been set up.⁹¹

The MIP report points out that training is rarely accessible to very poor women because the complexity of organising staff, schedules and rooms means prisons cannot fulfil the desire to learn and work. This means that women, who *have* to earn money, forego training although they are the most in need of it.⁹²

The Code of Criminal Procedure recognises women’s minority position and allows for groups of fewer than five ‘if the number of inmates makes it necessary.’ However MIP did not observe any training groups of fewer than ten, principally due to the training providers not wishing to provide expensive training for only a few prisoners. In these cases, only NGOs like GENEPI will get involved.⁹³ GENEPI is a student association which aims to reintegrate prisoners into society through the two pronged approach of visiting prisoners for educational/social/cultural activities and public awareness-raising. There are 850 members, mostly voluntary students who work in about sixty prisons. Activities include exam coaching, drama, art, chess and computing.⁹⁴

⁸⁴ *French National Report*, p. 51, available at http://mip.surt.org/en/final_results.html

⁸⁵ *ibid.*, p. 52.

⁸⁶ *ibid.*, p. 51.

⁸⁷ OIP, *Les conditions de détention en France*

⁸⁸ *French National Report*, p. 57, available at http://mip.surt.org/en/final_results.html

⁸⁹ *ibid.*

⁹⁰ *ibid.*, p. 56.

⁹¹ *ibid.*

⁹² *ibid.*, p. 60.

⁹³ *ibid.*, p. 59.

⁹⁴ GENEPI, available at <http://www.genepi.asso.fr/Eng/GENEPI.htm>

8. Minority groups

Juveniles

Between 1996/97 there was a thirteen per cent increase in the number of girls held, as opposed to a seven per cent increase for boys.⁹⁵

9. Staff and management

Generally speaking no male guards are employed in 'contact' positions in women's prisons.⁹⁶

10. Additional information

Release

Prisoners may have sentence reductions of three months per year or seven days per month for good conduct if they show they have made serious efforts at social re-adaptation. 99,762 sentence reductions were given in 2004. 35,589 prisoners were given permission to go out; the vast majority to maintain family links and the percentage of non-returns was 0.8 per cent. Women benefit more from early release than men. In 1997, only 39.9 per cent of women served a full sentence as opposed to 62.9 per cent of men. Nine per cent of women were released on parole whereas the figure for male prisoners was 6.5 per cent. A judge may also allow a prisoner to work or train outside returning to prison each night.⁹⁷

Having a criminal record is a severe disability in the job market. However, it can be erased after a time if sufficient 'reintegration proofs' of housing/training/employment are met.⁹⁸ Released prisoners leave with an average of 130 euros but twenty per cent leave with only eight euros.⁹⁹ Sixty per cent of released prisoners do not have a job.¹⁰⁰ Certain prisoners are entitled to a 're-insertion allowance'.¹⁰¹

⁹⁵ *Prisons de femmes en Europe*, available at <http://prisons.de.femmes.free.fr/france.html#population>

⁹⁶ OIP, *Les conditions de détention en France*

⁹⁷ *Prisons de femmes en Europe*, available at <http://prisons.de.femmes.free.fr/france.html#population>

⁹⁸ *French National Report*, p. 69, available at http://mip.surt.org/en/final_results.html

⁹⁹ *ibid.*, p. 70.

¹⁰⁰ *ibid.*, p. 70.

¹⁰¹ *Association EXIT*, available at <http://prison1.free.fr/index.html>

Recidivism among women prisoners

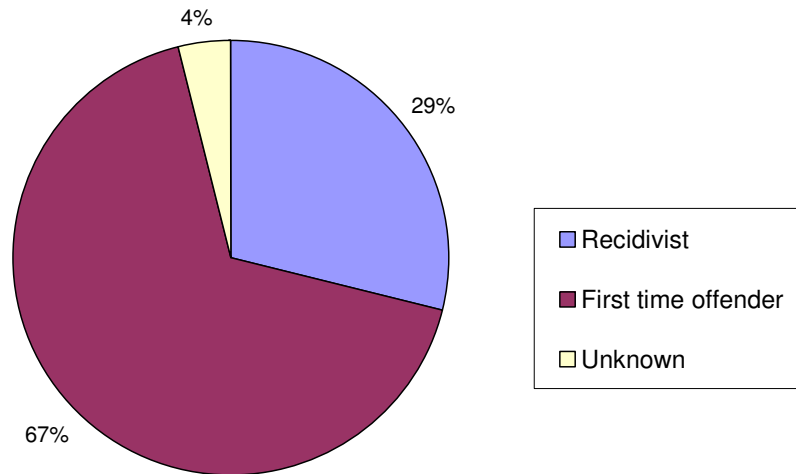


Figure 9: Source: a survey by Parcours De Femmes surveyed 154 women prisoners during 2005, some of whom (thirty-one per cent) left prison during the course of the year. Available at <http://parcoursdefemmes.free.fr>

Gender stereotyping

Stereotypes of women are found in the prison system: ‘many prison staff in particular emphasise that women are less “dangerous”, making female detainees “calmer”, their greater need for intimacy or their greater sensitivity, which leads them to “cope less well” with detention or disciplinary actions, but also “to snivel a lot”.’¹⁰²

Women prisoners, in fact, benefit from certain gender preconceptions. Whilst their small numbers mean women prisoners face particularly difficult material conditions, they are likely to be the first to receive improvements due to their perceived ‘sensitivity’. One staff member said: “Knowing both prisons [i.e. male and female], the conditions of detention are clearly more favourable for women than for men! The hygienic conditions are better, they can even (be) protect(ed) from the sun. Women are taken better care of than men. For women, toilets can be closed. They are allowed to have more things. One is more tolerant to women... the conditions in prison are better for women.”¹⁰³

Women’s prisons are less offensive to the local community and, thus, are less likely to be moved to an inaccessible rural location than male prisons, as happened in Versailles. This may be attributable to the absence of watchtowers on female prisons due to women’s lower security classification.¹⁰⁴ The chief of detention at Rennes reported: “It [the prison] has never been highly secured: there is no [watchtower], the security of the perimeter is very light. The windows of the cells are not barricaded, it’s only a grate. All the doors of the cells in the detention centre have a dormer window, it’s not highly secured! I’ve worked in prison for 15

¹⁰² *French National Report*, p. 41, available at http://mip.surt.org/en/final_results.html

¹⁰³ *ibid.*, p. 66.

¹⁰⁴ *ibid.*, p. 41.

years and I can tell, here everything is done to help reintegration. Women can ask for 15 permissions to leave, to study, to cure themselves, to maintain family links...: they go out! They take the metro, they go to Pont Chailloux¹⁰⁵, and they come back! Here, it's much easier than anywhere else."¹⁰⁶

The MIP researchers noted both gender-biased attitudes and gender-emancipated attitudes among staff and the latter were found particularly among women prison directors or women implicated in the activities of the prisons' social work.¹⁰⁷ Prisons de Femmes notes that activities are frequently ones traditionally associated with femininity: sewing, kitchen work, flower arranging.¹⁰⁸ Polls on activities have been taken in two prisons and most of the prisoners who answered the questions responded positively to activities that reproduced the traditional feminine role, and regretted that there were not more of them. According to a woman from the national employment agency (in charge of looking for jobs for released women), ex-prisoners generally ask for training in sales, clothing, retail distribution, hairdressing and beauty. The three most wanted sectors are in sales, secretarial work, and health and personal assistance.¹⁰⁹

Prisons must try to balance the ideal scenarios with the realities of the market - although that should not be an excuse for a gender-bias in provision of employment and training in prison. MIP writes: 'This double constraint is a constant preoccupation of the social actors in the prison world, but also of the inmates themselves when they register for learning activities. On this issue, a local vocational training chief explained to us: "Here in the women wing, we have a pre-qualifying training programme which is named 'pub and bar food'...The women are trained to work in café-brasseries, to cook the meals, or to wait at tables, in the kitchen or at the bar. Before that, we proposed...an accounting type of training, but it did not lead on to jobs outside. Whereas with café-brasserie training the demand is real."¹¹⁰

This represents a serious dilemma in terms of equality for women prisoners. Whilst it does not seem laudable to sacrifice ex-prisoners real employment chances for an abstract cause of gender equality it does appear that prison activities are reinforcing women's wider disadvantages and it is particularly depressing that this is happening to what is generally the poorest and least educated segment of the population - prisoners. It should also be recognised that women's requests for traditionally feminine activities and jobs are not made from a level playing field of equality in the French work force.

¹⁰⁵ Pont Chailloux is a hospital in the Rennes area

¹⁰⁶ *French National Report*, p. 66, available at http://mip.surt.org/en/final_results.html

¹⁰⁷ *ibid.*, p. 62.

¹⁰⁸ *Prisons de femmes en Europe*, available at <http://prisons.de.femmes.free.fr/france.html#population>

¹⁰⁹ *French National Report*, p. 63, available at http://mip.surt.org/en/final_results.html

¹¹⁰ *ibid.*, p. 64.

Country Report: Germany

The QCEA questionnaire was sent to all the Länder¹ as well as to the Federal Government. Full responses were received from Baden-Württemberg, Niedersachsen, Nordrhein-Westfalen and Sachsen. Information was also received from seven other Länder; Bayern, Bremen, Hamburg, Hessen, Rheinland-Pfalz, Sachsen-Anhalt and Thüringen. Information returned from the Länder has been used for this country report and other research studies and websites have also been used.

1. Introduction

For the last thirty years the Federation had the legislative competence for the prison service. It primarily exercised this competence by creating the Prison Act (Strafvollzugsgesetz), which entered into force in 1977. The individual Federal Länder were only responsible for implementing the statutory provisions and for all associated administrative tasks. In September 2006, the constitutional order was changed and legislative competence was passed to the Länder. This means that there is now no central prison authority in Germany, and that the sixteen individual Federal Länder legislate and operate the prison service on their own. Although the Federal Prison Act is still in effect, the Länder can draft their own Prison Acts at any time. This means that there are sixteen independent prison systems in Germany with potentially sixteen different Prison Acts. So far, none of the Länder has drafted their own prison act.²

According to the International Centre for Prison Studies, in March 2006 there were 78,581 people imprisoned in Germany and the prison population rate was ninety-five per 100,000 of the national population (based on an estimated national population of 82.5 million). Prisoners awaiting trial accounted for 18.6 per cent of the total prison population, women prisoners accounted for 5.2 per cent and foreign nationals accounted for 28.2 per cent. In 2005, there were 203 penal institutions of which twenty were open institutions. Occupancy level in the prison system was at ninety-eight per cent in March 2006.³

2. Women prisoners in Germany

The German administration appears to be well aware of the problems of imprisoning women. 'Deprivation of liberty is a particular burden on women because they are excluded more rigorously from their social milieu, are abandoned by their partners more frequently, and suffer more because of the separation from their children'.⁴ Thus, one of the principles of imprisonment is to imprison prisoners as close to their homes as possible. However, in the information sent to us by the Federal Government it states: 'since female prisoners are accommodated predominantly in central institutions in view of their small numbers, their families have to travel long distances and bear the costs incurred. Also, arranging relaxation of prison conditions and leave is much harder to organise for female prisoners because of the distances involved.'⁵

¹ Germany is a Federal Republic, made up of sixteen states known as Länder (singular: Land).

² Personal correspondence with the Prison and Probation Service, the Federal Ministry of Justice, December 2006

³ *International Centre for Prison Studies*, World Prison Brief, Prison Brief for Germany [online], accessed 3 April 2007, available at <http://www.prisonstudies.org/>

⁴ Commentary accompanying returned QCEA questionnaire

⁵ *ibid.*

The Federal Government is also aware of the differences between men and women in how they react to imprisonment. 'Whereas in institutions for men a prisoner will, for example, wreck his cell in a fit of anger or despair to let off steam, women tend to turn their aggression towards themselves. So there are many more instances of self-inflicted injuries involving women' and 'physical aggression and anti-social behaviour [of women] are an exception, whilst resignation and disorientation predominate.' Also, 'a lot of women experience the confinement of imprisonment, the regimented daily routine, lock-up and controls as personal mistrust'.⁶ The government recommends avoiding custodial measures as far as possible due to 'the low degree of social harmfulness and danger' that women present.

Germany, like some other countries in northern Europe, operates under a principle of normalisation. 'The object of imprisonment is to enable prisoners to lead a life of social responsibility without committing criminal offences. This means that life in penal institutions shall be approximated as far as possible to general living conditions outside [and] that detrimental effects of imprisonment shall be counteracted', writes the Federal Government. This should govern all aspects of imprisonment including contact with families.

Prisons

Only six of the Länder have single-sex women's prisons whereas other Länder have women's units attached to men's prisons. Many prisons holding women have mother and baby units but juveniles and women with young children in Bremen have to be sent to another Land.

Prisoners should have individual cells but can lawfully be held together if being accommodated in an individual cell endangers the prisoner. The criteria covering prison accommodation are covered in §§ 18, 201 Nr. 3 StVollzG (Strafvollzugsgesetz).

Crimes

According to a study by the University of Greifswald, which surveyed 116 women prisoners in five German prisons, the top four crimes for which women are imprisoned are property offences (thirty-six per cent), drug offences (28.8 per cent), robbery (14.4 per cent) and homicide (nine per cent).⁷

3. Women awaiting trial

Pre-trial detention appears to be used less for women than for men. Four per cent of people judged in court were previously awaiting trial (former West Germany & Berlin), for women only the figure is 1.7 per cent. The length of detention while awaiting trial is also lower for women than for men.⁸

4. Contact with the outside world

The law guarantees prisoners one visit per month. Extra visits are organised for mothers in prison, which last for one hour. Family days are also arranged.

⁶ *ibid.*

⁷ Dünkel, F., C. Kestermann & J. Zolondek, *Internationale Studie zum Frauenstrafvollzug, Bestandsaufnahme, Bedarfsanalyse und 'best practice'*, (Department of Criminology: University of Greifswald, 2005), p. 23.

⁸ Jorg-Martin Jehle, *Criminal Justice in Germany Facts and Figures*, Fourth Ed. (Berlin: Federal Ministry of Justice, 2005), pp. 21-22.

Prisoners who are not at risk of absconding or committing new crimes are granted leave and relaxation of certain conditions to help prepare them for reintegration. Prisoners have twenty-one days of leave per year and extra leave may be granted for special reasons including family events. Prisoners from the open prison in Freistaat Thüringen can go out to visit family at weekends.

The administration in Bayern states that they are keen to support social contacts and family ties. Marriage guidance and family counselling are available and NGOs are brought in to support prisoners. Prisoners are given home leave and the prison tries to be sensitive to family needs during visits. Bayern reports that thirty-one per cent of adult female prisoners are married, compared to twenty-five per cent of men; and twenty-seven per cent of female prisoners are divorced, compared to twenty per cent of men.⁹

A prisoner in Bremen who filled out our questionnaire described visiting rooms as 'unattractive/ depressing'.

5. Motherhood in prison

The study by the University of Greifswald found that 67.8 per cent of the 116 women prisoners they surveyed were mothers.¹⁰

Pregnancy and birth

Pregnant women get additional fruit and dairy produce in their diet.

Babies in prison

There are mother and baby units in eight of the Länder where children can live with their mothers until the age of three. Open prisons in some Länder accommodate children up to the age of six (the age at which children start school). Guidelines are the responsibility of the Länder, not the Federal Government. Specialist staff are available to train women in child care. There are a number of special provisions which allow mothers to leave the prison with their children.

It is unusual for women awaiting trial to be accommodated with their child in a mother and baby unit. In such cases, approval from the judge and the Guardianship Court is required.

In Hessen, a mother and baby unit was set up in 1975 for eight mothers and twenty children. In 1998, a second unit was built so that there is now one open regime and one closed regime mother and baby unit.¹¹ In Bayern, there is a mother and baby unit for ten women and children can stay until they are four years of age. In Bayern, women prisoners who are over six months pregnant are sent to Aichach, which has a mother and baby unit with places for ten women.

⁹ Information sent to QCEA from Bayern

¹⁰ Dünkel *et al.*, *Internationale Studie zum Frauenstrafvollzug, Bestandsaufnahme, Bedarfsanalyse und 'best practice'*, p. 7.

¹¹ Information sent to QCEA from Hessen

Children on the outside

The study by the University of Greifswald found that 37.3 per cent of the children who were separated from their mothers were cared for by their father, and 32.2 per cent were cared for by grandparents. Only 5.1 per cent were in state care.¹²

It is also possible for mothers to get work-release from prison in order to look after their household and children.

6. Health

The government writes that psychosomatic symptoms are more common amongst women prisoners than male prisoners e.g. skin diseases, headaches and stomach problems. In Bremen, basic health care is offered in prison and a dentist comes in to treat the prisoners. Women go out to see specialists.¹³ In Freistaat Thüringen, women go to the medical department of another prison where men are also treated. Doctors are brought in from the outside, e.g. for gynaecology. Prisoners can be taken to external facilities if necessary.

Our prisoner questionnaire respondent from Bremen did not think that she received good medical treatment while in prison.

Dotzauer estimates that 50-75 per cent of women in prison at Aichach prison (Bayern) had been sexually abused prior to imprisonment.¹⁴ The German government writes 'many women have experienced violence before being imprisoned and are therefore sensitive and aggressive in their reaction to every form of coercion.'¹⁵

Mental health

Mentally ill offenders in Germany are subject to certain legal regulations. Offenders who are not criminally responsible (i.e. they are considered not guilty on the grounds of diminished responsibility) and are not considered dangerous are hospitalised in general clinical psychiatric institutions. Offenders deemed likely to commit further offences who are also considered to have at least diminished responsibility are sent to special secure forensic psychiatric hospitals 'regardless of the therapeutic prognosis'. 5,118 prisoners were held in such institutions on 31 March 2003. All other mentally ill offenders, such as those suffering from schizophrenia (who are held criminally responsible despite their illness), may be sentenced to prison.

There is no empirical base for determining whether prisoners in Germany have an increase in mental disorders attributable to inadequate 'de-hospitalisation programmes'. Indeed, research dealing with the treatment needs of prisoners 'seems to be in its infancy'. 'Where treatment needs are investigated by research, a large number prove to be unmet.' Konrad recommends screening for mental ill health on admission to prison, pointing out that although prisoners are required to undergo a medical examination on entering prison this does not include screening for mental health problems.¹⁶

¹² Dünkel *et al.*, *Internationale Studie zum Frauenstrafvollzug, Bestandsaufnahme, Bedarfsanalyse und 'best practice'*, p. 22.

¹³ Information sent to QCEA from Bremen

¹⁴ *ibid.*

¹⁵ Commentary accompanying returned QCEA questionnaire (from the Federal Government)

¹⁶ Konrad, N., 'Managing the Mentally Ill in the Prisons of Berlin', *International Journal of Prisoner Health* 1, no. 1 (March 2005), pp. 39-42.

A survey by the University of Greifswald found that, out of the 116 women prisoners in five German prisons that they surveyed, 30.3 per cent experienced heightened symptoms of depression and 22.2 per cent experienced high symptoms of depression.¹⁷ 58.3 per cent of women reported suffering from sleep problems.¹⁸ There were no suicide attempts in the five prisons that were surveyed.¹⁹

With regard to women, Konrad writes that: 'while the percentage of women has a slight preponderance in the general psychiatric and criminally responsible populations, the 1:30 female: male ratio found in hospitalised mentally ill offenders approximately corresponds to the ratio for prisoners in the penal system.' Women prisoners who require hospitalisation usually have therapy outside prison.²⁰

In short, 'compared with psychiatric care outside prison, the principle of equivalence fails as a fundamental guide in many places.' This has possible implications with regard to re-offending rates; it was found that in a 'quasi-experimental' study that recidivism of offenders who had received twenty therapeutic sessions was 35.9 per cent compared with 47.7 per cent of an untreated control group in a regular prison.²¹

Substance addiction

The number of female drug addicts fluctuates between thirty-five and seventy per cent of the total number of women in prison compared to that of between ten and forty per cent for male prisoners.²² The study by the University of Greifswald found that 5.7 per cent of women prisoners they surveyed need help for alcohol problems but only 0.9 per cent of women receive such help. In addition, 24.6 per cent of the women prisoners they surveyed are receiving help for a drug problem but 34.8 per cent are in need of such help.²³ Many of these women are long-term drug addicts who do not believe they are capable of staying free of drugs.

In Germany there is drug rehabilitation both within prisons and in external institutions. Not all women's prisons offer drug substitution although the majority of men's prisons do. Women in prison are more likely to take up the offer of drug rehabilitation than when they are free as it is an escape from prison. However, there are few drug rehabilitation places on courses that are tailored to the needs of women with prison experience.

In Bremen, forty-six per cent of female prisoners are addicted to drugs. Treatment includes: counselling, health education, substitution, psycho-social treatment, medical treatment, and referral to external rehabilitation for women in the open section.²⁴

Prisoners with drug or alcohol problems will not be put in open prisons, according to the administration in Freistaat Thüringen.²⁵

Needle exchange programmes were started in three prisons in 1996, including a women's prison. After a two-year pilot phase needle exchange programmes were expanded to four other

¹⁷ Dünkel *et al.*, *Internationale Studie zum Frauenstrafvollzug, Bestandsaufnahme, Bedarfsanalyse und 'best practice'*, p. 30.

¹⁸ *ibid.*, p. 32.

¹⁹ *ibid.*, p. 38.

²⁰ Konrad, 'Managing the Mentally Ill in the Prisons of Berlin', pp. 44-45.

²¹ *ibid.*

²² Commentary accompanying returned QCEA questionnaire (from the Federal Government)

²³ Dünkel *et al.*, *Internationale Studie zum Frauenstrafvollzug, Bestandsaufnahme, Bedarfsanalyse und 'best practice'*, p. 27.

²⁴ Information sent to QCEA from Bremen

²⁵ *QCEA questionnaire*

prisons. However, over the last two years, six of these programmes have been cancelled 'despite the encouraging results of scientific evaluation, and positive practical experiences of the prisons'. This was due to the 'increasing attack from German political leaders, elected to office on a zero-tolerance to drugs platform, and who have used the issue of prison needle exchange programmes to advance their political interests.' Lichtenberg women's prison still has a syringe dispensing machine.²⁶

7. Education, work and training

Education

Participation is voluntary. Long-distance learning is mostly taken up by prisoners serving long sentences.

In Rheinland-Pfalz prisoners get grants for education. Basic school education is offered in the juveniles' units, adult men can be moved here to take up this education but there are no places available for women. There are 200 places available in the women's unit for vocational and further education. Subjects are: construction, metalwork, electronics, book-binding, housekeeping, woodwork, car mechanics, soldering, technical draughtsmanship, machine-tool mechanic, and training to become a locksmith, cobbler or carpenter. Modern apprenticeships are offered as well as distance learning, literacy courses and German for foreigners.

In Bremen education opportunities depend on whether women are eligible for the open unit. If so, women can go out to take classes. Inside, the prison offers basic education, special education for people with learning difficulties, literacy and IT training.²⁷ Co-education was stopped in Bremen following cases of sexual harassment.²⁸

In Freistaat Thüringen there are accredited courses in landscape gardening and floristry and 'all women tend to participate in this'. Prisoners are paid to take courses (about ten per cent of the minimum wage).²⁹ In Bayern training includes bakery, hairdressing, and tailoring.

Work

Work is considered to be part of the rehabilitation process although unemployment in prisons is at fifty per cent. Sentenced prisoners are required to work, but prisoners awaiting trial are not. In Rheinland-Pfalz mothers on maternity leave and women over sixty-five are not required to work. All prisoners are only required to do work which they are physically able to do.³⁰ Prisoners work the same hours as other public sector workers.

Work release is possible in order to hold down a job or undertake vocational training and there is work available within prisons. It is also possible to have an individual work contract in Rheinland-Pfalz.

Women are at a disadvantage to men because it is harder to offer a good range of vocational training courses in institutions for women. If there is a men's prison nearby, co-educational

²⁶ Lines, R., R. Jörgens, G. Betterdige, and H. Stover, 'Taking action to reduce injecting drug-related harms in prisons: The evidence of effectiveness of prison needle exchange in six countries', *International Journal of Prisoner Health* 1, no. 1 (March 2005), p. 53.

²⁷ Information sent to QCEA from Bremen

²⁸ *Prisons de femmes en Europe*, Observations Allemagne [on-line], accessed 3 April 2007, available at <http://prisons.de.femmes.free.fr/allemande.html>

²⁹ Information sent to QCEA from Freistaat Thüringen

³⁰ QCEA questionnaire

training will be arranged, but the government believes it is preferable if women can go out to take training courses as this is more in accordance with the normalisation of prison life and the aim of rehabilitation.

Prisoners only get part of their wages. Three sevenths are given to them in prison and the rest is kept for release.

In Bayern, most of the work is situated in Aichach prison so that in other prisons work is limited to prison maintenance work or contracted work that is easy to put together such as electronics, packing and sewing.

In Rheinland-Pfalz, if prisoners are in work they get a maximum of six days per year paid leave which they can choose to have as home leave or as a sentence reduction.

Other activities

Leisure activities, such as crafts, discussion groups and sports, are offered by both the prison and external groups. The government sees this as 'an opportunity to train for the sensible use of one's leisure time after release'.³¹ This view was corroborated by Rheinland-Pfalz, describing leisure activities in their questionnaire as 'part of reintegration' and social training. Activities include problem-centred group discussion, group activities with and without guidance, hobby groups and sport.³²

8. Minority groups

Juveniles

Rates of juvenile crime are high in Germany although juvenile crime tends to involve less serious offences such as petty theft. One tenth of juvenile offenders are female.³³

Foreign nationals

In 2003, foreign nationals comprised 25.7 per cent of the female prison population in Bremen, and thirty-three per cent in Bayern.³⁴

9. Security and punishment

Disciplinary sanctions include a restriction of spare time, a restriction on relations with the outside world, prohibition on receiving visits for up to three months, cutting wages, disallowing days out and being held in an isolation cell for up to four weeks. Disallowing the daily walk is no longer a punishment.

Konrad writes that the more behaviourally disturbed prisoners are treated as a disciplinary problem instead of individuals with mental health needs. Some are placed in disciplinary segregation rather than receiving psychiatric care.³⁵

³¹ Commentary accompanying returned QCEA questionnaire (from the Federal Government)

³² Information sent to QCEA from Rheinland

³³ Jehle, *Criminal Justice in Germany Facts and Figures*, pp. 15 and 38.

³⁴ Information sent to QCEA from Bremen and Bayern

10. Staff and management

Male staff are employed in contact positions with women in some institutions in order that prison conditions reflect life outside. A German prisoner who was being held in a women's unit in a male prison wrote that there were no female staff on duty at night. Male staff should not be in sole charge of women's accommodation at night. Despite the apparently well thought through policy of normalising prison conditions, this contravenes international standards.

11. Additional information

Resettlement and recidivism

Of the 116 women prisoners in German prisons surveyed by the University of Greifswald, 40.2 per cent had been in prison before.³⁶

In some big cities there are centres run by welfare associations which give women counselling, advice and assistance with housing etc. This may begin in prison and continue on release. There is a need to expand existing facilities.

³⁵ Konrad, 'Managing the Mentally Ill in the Prisons of Berlin', p. 45.

³⁶ Dünkel *et al.*, *Internationale Studie zum Frauenstrafvollzug, Bestandsaufnahme, Bedarfsanalyse und 'best practice'*, p. 7.

Country Report: United Kingdom (England and Wales)

The Quaker Council for European Affairs would like to thank the Women & Young People's Group, Her Majesty's Prison Service (and in particular Terry Harvey) for all their valuable comments and additions to the following report.

1. Introduction

In Britain, the tenor of the debate on criminal justice has become increasingly retributive and politicised. Disillusionment with alternatives to prison in the 1980s and high profile escapes and riots in the 1990s has led to an increased emphasis on security. This has a particularly negative effect on women because 'women prisoners pose little security risk to others but are far more likely to self-harm. Women therefore suffer if security issues take top priority when resources are distributed.'¹

In 2004, the government created the National Offender Management Service which aims for an 'end to end management' of offenders, thus combining prison and probation work.

In March 2004, the Home Office launched a three year Women's Re-offending Reduction Programme. This recognised the rise in the female sentenced and pre-trial populations and that there are differing factors in women's and men's offending. The programme aims for a 'joined-up' response to the needs and characteristics of women offenders from arrest to resettlement. Key action areas are: improving women's access to services in the community; meeting mental health needs; dealing with substance abuse; gathering data on female offenders; and gender-awareness training. 9.15 million pounds sterling was secured for community services for women. The Probation Service set up the Women's Acquisitive Crime Programme to deal with women who commit property crimes.

2. Women prisoners in England and Wales

The female prison population in England and Wales has greatly increased in recent years. In 1994, the average female prison population was at 1,811; in 2004 it was at 4,549, an increase of 151 per cent.² Nineteen per cent of known offenders in 2000 were women.³

The reason for this rise can be explained by the increased use of custody. In 1991 only eight per cent of women convicted of motoring offences at the Crown Court went to prison. By 2001, the figure was forty-two per cent. Likewise, a woman convicted of theft or handling at the Crown Court is twice as likely to go to prison as she was in 1991.⁴

¹ *The Fawcett Society*, Commission on Women and the Criminal Justice System, Women and the Criminal Justice System, March 2004, p. 45 [on-line], accessed 17 April 2007, available at <http://www.fawcettsociety.org.uk/index.asp?PageID=432>

² *Prison Reform Trust*, Prison Reform Trust Prison Fact File, March 2004, p.10 [on-line], accessed 20 September 2006, available at www.prisonreformtrust.org.uk

³ S. Kesteven, *Women who challenge, Women offenders and mental health issues* (London: NACRO, April 2002), p. 6.

⁴ *Prison Reform Trust*, p. 10, available at www.prisonreformtrust.org.uk

Although overcrowding is a problem in the prison estate overall, there is currently spare capacity in the women's estate and the women's prison population has not shown the same levels of growth as the overall population.⁵

The majority of women serve short sentences: in 2002, forty per cent of women served a sentence of three months or less and nearly seventy-five per cent received a sentence of twelve months or less. The average sentence was ten months.⁶ Theft and handling stolen goods and summary offences are the most common offence for women to be given a community sentence.⁷

Profile of women prisoners

Women in prison in England and Wales are characterised by social exclusion. In a survey of imprisoned mothers more than a quarter of the women had been in state care as a child. There is a

'gender difference in the effects that being in local authority care can have on the subsequent adverse experiences as adults: Girls who were in care or fostered were particularly likely to have had extra-marital births, three or more live-in partners, become teenage mothers...and...experience several other negative adult outcomes (homelessness, lack of qualifications and low household income)...Boys seem less vulnerable to negative consequences of care or fostering...This gender difference in the effect of care as an antecedent to adult exclusion is dramatic.'⁸

Half of the women prisoners surveyed had suffered violence within the home and one in three suffered from sexual abuse, usually from a man who was close to them such as their father or partner. The Fawcett Commission heard from lawyers that women prisoners who disclose that they have been abused, risk being turned down for more open conditions or release by the Parole Board because they are seen as not taking responsibility for their actions.⁹

Prisons

There are fifteen women's prisons in England. These are categorised as closed, open or semi-open. There are currently five purpose-built female juvenile units and female young offenders are held in dedicated young offender units. There are seven mother and baby units and one prison serves as an intermediate custody centre.¹⁰ There are no women's prisons in Wales. There are only two open prisons for women in England.

⁵ Women & Young People's Group of HM Prison Service, personal correspondence, December 2006.

⁶ *Prison Reform Trust*, p. 10, available at www.prisonreformtrust.org.uk

⁷ Home Office, *Statistics on Women and the Criminal Justice System*, 2003, p. 27 [on-line], accessed 18 April 2007, available at <http://www.homeoffice.gov.uk/rds/pdfs2/s95women03.pdf>

⁸ Prison Reform Trust, *Justice for Women, The Need to Reform*, 2000, p. 10.

⁹ *The Fawcett Society*, p. 48, available at <http://www.fawcettsociety.org.uk/index.asp?PageID=432>

¹⁰ *HM Prison Service*, Female Prisoners [on-line], accessed on 18 April 2007, available at http://www.hmprisonservice.gov.uk/adviceandsupport/prison_life/femaleprisoners/

Table 1: Prisons holding women in England

Source: Information from the website, and updated by the Women & Young People's Group, HM Prison Service, December 2006.

Prison	Brief description	Operational capacity	Mother and Baby Unit?	Juveniles	Other
Askham Grange	Open prison for sentenced adult and young adult women prisoners	128 (30 Nov. 2006)	Yes, age limit 18 months. Places for 10 mothers.	No	Only open prison with a mother and baby unit.
Bronzefield	Closed, local prison	450 (450 held at time of inspection)	Yes, 12 places, age limit 18 months.	No	Private prison. Holds women on remand and those awaiting transfer after being sentenced
Cookham Wood	Closed	184 (165 held at time of inspection)	No	Yes	Contains dedicated unit for 17 year olds
Downview	Closed	350 (30 Nov. 2006)	No	Yes, 16 places (remand and convicted)	Contains dedicated unit for 17 year olds. Designated foreign national and resettlement centre
Drake Hall	Semi-open	315	No	No	Designated foreign national and resettlement centre
East Sutton Park	Open prison for adult and young adult women offenders	100 (30 Nov. 2006)	No	No	Designated resettlement unit
Eastwood Park	Closed local prison	362 (30 Nov. 2006)	Yes, 12 places, age limit 18 months	Yes	Contains dedicated unit for 17 year olds
Foston Hall	Closed	290 (31 Jan. 2006)	No	Yes	Contains dedicated unit for 17 year olds
Holloway	All adult and young offenders, remanded or sentenced	489 (30 Nov. 2006)	Yes, age limit 9 months, 13 places.	No	
Low Newton	Closed female prison and young offender institution	311 (30 Nov. 2006)	No	No	Holds a small number of life sentenced prisoners
Morton Hall	Semi-open	392 (30 Nov. 2006)	No	No	Designated Foreign National and Resettlement Centre

Prison	Brief description	Operational capacity	Mother and Baby Unit?	Juveniles	Other
New Hall	Closed, local	443 (30 Nov. 2006)	Yes, age limit 9 months, places for 9 mothers.	Yes	Holds adult women prisoners of all categories, young adult offenders, and, in a dedicated unit, 7 year old juveniles.
Peterborough	Closed. The first purpose-built prison to house both men and women	840 (31 Jan. 2006)	Yes, 12 places, age limit 18 months	No	Private prison
Send	Closed	218 (30 Nov. 2006)	No	No	80 bed resettlement unit and a therapeutic community with a capacity of 40.
Styal	Closed. Accepts adult women prisoners and in some cases, young adult offenders.	465 (30 Nov. 2006)	Yes, age limit 18 months, 7 places.	No	Unit for women with mental health problems

There are only five single-sex bail hostels for women. The alternative for women is a mixed sex hostel which may also be accommodating men who have a history of abusing women.¹¹

Women's prisons have fewer levels of categorisation than men's prisons so that women who should otherwise be separately graded are being held together. After inspecting Durham prison, the Chief Inspector of Prisons stated in 2004 that 'most women were subject to a level of security that they did not require... imposed by procedures designed to manage very dangerous men.' The high security unit at Durham has now been closed.¹² One lifer told the Fawcett Commission: "For us lifers we do feel we have [fewer] opportunities than male prisoners to progress through the system itself. We have less opportunity to do courses; there is a lack of prisons we can go to and less categories of prison in which to progress."¹³

The Prison Reform Trust points out that much of the new prison accommodation for women has been converted from male accommodation 'often at short notice and with insufficient attention paid to its appropriateness for women or to the training of staff.'¹⁴ The smaller number of women's prisons results in women arriving at prison very late at night having made long journeys in prison vans. Six of the fourteen women who killed themselves in 2003 did so within the first week of arriving at prison. The First Night in Custody scheme in Holloway Prison run by the Prison Advice and Care Trust (PACT) attempts to deal with this problem by providing

¹¹ *The Fawcett Society*, p. 39, available at

<http://www.fawcettsociety.org.uk/index.asp?PageID=432>

¹² Alan Travis, 'Oppressive' jail wing for women to be shut', *The Guardian*, 27 May 2004 [newspaper on-line], accessed 18 April 2007, available at

<http://www.guardian.co.uk/prisons/story/0,,1225429,00.html>

¹³ *The Fawcett Society*, p. 46, available at

<http://www.fawcettsociety.org.uk/index.asp?PageID=432>

¹⁴ Prison Reform Trust, *Justice for Women, The Need to Reform*, p. 17.

an orientation pack, a link worker to make contact with prisoners' families and referral to internal and external services.¹⁵

Crimes

In 2002, the top eight offences committed by women were:

- Shoplifting: 2,740
- Wounding: 510
- Robbery: 470
- Burglary: 450
- Fraud: 450
- Production/supply/possession with intent to supply a class A drug:430
- Summary motoring: 420
- Handling stolen goods: 340.

The number of women sentenced for drug crimes increased from twenty-seven per cent of the sentenced female population in 1993 to forty per cent in 2002. In 1998, the Government found that heroin, crack and cocaine users are responsible for half of all thefts, vehicle crimes, burglaries and shoplifting.¹⁶

Prostitution itself is not illegal. The law addresses associated behaviours, such as kerb crawling or loitering/soliciting for the purposes of prostitution, but does not criminalise the act of buying or selling sex. The Government is well aware of the numerous harms associated with prostitution and in January last year published a coordinated strategy to address them. The strategy challenges the assumption that street-based prostitution is inevitable and here to stay, and aims to reduce all forms of commercial sexual exploitation. Loitering or soliciting was made a non-imprisonable offence in 1982 (s71, Criminal Justice Act 1982) and has since been punishable by way of a fine. The strategy acknowledged that once an individual becomes involved in prostitution it can be difficult to get out, and set out proposals for a more rehabilitative penalty for those convicted of loitering or soliciting. When introduced, the new penalty will require offenders to engage with local support services to begin to address the issues (such as drug addiction) that tie them to prostitution. Other elements of the strategy included measures to deter those who create the demand for street sex markets, awareness raising, prevention and early intervention initiatives and measures to ensure those who coerce or exploit through prostitution are brought to justice.¹⁷

The comparatively low rates of serious crime amongst women means that 'most women sentenced to imprisonment are non-violent offenders and many have committed minor offences.'¹⁸ In 2004, Her Majesty's (HM) Chief Inspector of Prisons asserted that 'a greater proportion of women could be held without physical security restrictions as they do not represent a danger to the public.'¹⁹

¹⁵ See *Prison Advice and Care Trust (PACT)* [on-line], available at www.prisonadvice.org.uk

¹⁶ *Prison Reform Trust*, p. 17, available at www.prisonreformtrust.org.uk

¹⁷ Women & Young People's Group of HM Prison Service, personal correspondence, December 2006.

¹⁸ Penal Affairs Consortium, *The Imprisonment of Women: Some Facts and Figures* (London: Penal Affairs Consortium, 1996).

¹⁹ *HM Inspectorate of Prisons, Women in Prison - A Thematic Review, 1997*, p. 20 [on-line], accessed 20 September 2006, available at <http://inspectors.homeoffice.gov.uk/hmprisons/>

3. Women awaiting trial

The number of women awaiting trial has increased much faster than for men.²⁰ Two thirds of the women who enter custody are awaiting trial, a population of 75,235. However, fifty-eight per cent of them do not receive a custodial sentence and one in five is acquitted altogether.²¹

There is a legal presumption in favour of bail for all defendants except those accused of murder, attempted murder, manslaughter, rape and attempted rape. However, most women awaiting trial have been charged with non-violent offences. Prisoners may be imprisoned while awaiting trial for five reasons: because they would fail to attend trial; they would obstruct the course of justice; they would commit a subsequent offence; there would be a risk of disturbance to public order; or the person would be at risk of harm, for example when the accused will be giving evidence against someone else. These reasons are not mutually exclusive.

Magistrates face an information deficiency so that women may be imprisoned while awaiting trial simply because magistrates do not have evidence to the contrary. In addition, magistrates have to make decisions very quickly because they are under pressure to get through a large number of cases. Thus women are being imprisoned while awaiting trial simply due to a lack of information about their situation.

Such judgements are also discriminatory. Homeless women may be imprisoned while awaiting trial because a lack of address is seen as a risk of not appearing at trial; mentally unstable women may be sent to custody to ensure a psychiatric assessment. There is some evidence that it is harder to prepare a legal defence whilst in custody.

Women who have not yet been sentenced may go to bail hostels instead of prison, but bail hostels, unlike prisons, are not full to capacity. This is because: bail hostels have criteria that exclude women (for example not admitting drug using women); they are too far from women's homes; because there is a lack of facilities for children; or because women do not feel safe in them. There is a lack of bail information available in prisons.

Women awaiting trial are a disadvantaged section of the prison population. Recent Prison Inspectorate reports suggest that 'prison conditions for women on remand [awaiting trial] are grossly inferior to those for men or for sentenced women' and that 'prisons holding women on remand are under unsustainable pressures'. The Prison Reform Trust asserts that 'once in prison, remanded women receive inadequate support during the first days of custody, do not get the drug treatment or mental health care they require, are subjected to regimes lacking in activity or purpose, and have limited opportunities to keep in touch with their families.'²²

The Home Office admits that 'many initiatives which can significantly enhance the maintenance of family ties are not open to remanded women [those awaiting trial]; e.g. open conditions or release on temporary license.'²³ Although prisoners awaiting trial are entitled to daily visits, this will not be possible for the many women sent far from home. Almost half of the women surveyed in 2000 had not received a visit whilst awaiting trial. Staff shortages restrict access to telephones and pre-trial prisoners are often moved between prisons due to overcrowding.²⁴

²⁰ K. Edgar, *Lacking Conviction: The Rise of the Women's Remand Population* (Prison Reform Trust, 2004), p. 1.

²¹ *ibid.*, p. 49.

²² *ibid.*

²³ HM Prison Service, *Report of a Review of Principles, Policies and Procedures on Mothers and Babies/Children in Prison* (London: HM Prison Service, 1999), p. 22.

²⁴ Edgar, *Lacking Conviction*, p. 24.

4. Motherhood in prison

More than sixty per cent of women in prison are mothers and forty-five per cent of them had children living with them at the time of their imprisonment. Just over a quarter of women prisoners had been living as lone parents prior to imprisonment.²⁵ Imprisoned women are three times more likely to be single mothers than women in the general population - twenty-seven per cent compared to eight per cent.²⁶ Approximately 17,000 children are separated from their imprisoned mothers each year.²⁷ A conservative estimate puts the number of children whose living arrangements were disturbed due to maternal imprisonment at 8,000. A 1998 study showed that in eight per cent of cases, women's children will be placed in state care as a result.²⁸ A 1997 survey by the Home Office revealed that the children women are leaving behind are very young: almost a third of children were under the age of five and two thirds were under the age of ten. For eighty-five per cent of these children it was the first time they had been separated from their mothers for any significant length of time.

Ten per cent of the women who lived with their children on entering prison do not expect to do so upon release. The 1997 Home Office study found that half of the mothers nearing release were not expecting to return to the same accommodation they had been living in prior to prison; almost four out of ten had lost their homes.²⁹ The Fawcett Society reports that women may be in a catch-22 situation when they are released: 'they experience difficulties in getting their children back if they do not have a home, but have difficulty in getting a home if they are not caring for their children'.³⁰

In 1999, a Home Office review stressed the need for mothers to have frequent and lengthy contact with their children including mothers visiting their children in the community and found that 'mothers... regretted the lack of opportunity to have 'whole' family visits where mother could meet father, or other significant carer, and children together to talk and engage in play and children's activities'.

Babies in prison³¹

In 2006, there were seven Mother and Baby Units (MBUs) in England and Wales. Girls under eighteen with babies are accommodated at Rainsbrook Secure Training Centre near Rugby in Warwickshire and the admission process is conducted by the Youth Justice Board.

There is an information booklet about mother and baby units which should be given to all women prisoners who wish to apply for a place and are pregnant or who have children younger than eighteen months of age in the community. In all women's prisons there is a Mother and Baby Liaison Officer who provides information and assists women with their application to the MBU of their choice.

²⁵ *The Fawcett Society*, p. 45, available at

<http://www.fawcettsociety.org.uk/index.asp?PageID=432>

²⁶ Prison Reform Trust, *Justice for Women, The Need to Reform*, p. 10.

²⁷ Prison Reform Trust, *Trouble Inside: Responding to the Mental Health Needs of Women in Prison* (London: Prison Reform Trust, 2003), as referenced in, *The Fawcett Society*, p. 48, available at <http://www.fawcettsociety.org.uk/index.asp?PageID=432>

²⁸ Prison Reform Trust, *Justice for Women, The Need to Reform*, p. 9.

²⁹ *ibid.*

³⁰ *The Fawcett Society*, p. 48, available at

<http://www.fawcettsociety.org.uk/index.asp?PageID=432>

³¹ Information in this section was added to and updated by Terry Harvey of the Women & Young People's Group, HM Prison Service, in December 2006.

Each prison with an MBU holds regular admission boards on individual applicants at which a recommendation will be made to the Governing Governor (in the case of private prisons, the Director) about the suitability/eligibility of each case. The primary consideration is the best interests of the child. The minimum composition of the Board is an Independent Chair, the responsible Governor or MBU Manager, a Social Services' representative and/or Probation Officer and the mother, plus a friend or personal officer if desired. A dossier on the child's and mother's situations, compiled by the MBU Liaison Officer, will be prepared for the Board's consideration. The Governing Governor or Director will make the final decision whether or not mother and child are admitted. When an application for a place is turned down, this is usually on the advice of Social Services. Depending on the location and status of the mother, there may be provision for her to go on home visits to allow older siblings to get to know the new baby. The majority of women's prisons also have facilities for family visits with children, either in the MBU or elsewhere in the prison if individual circumstances permit.

Prison Service Order 4801, Edition 3, explicitly states 'the best interests of the child are the primary concern in all matters' and that 'the mother's rights must also be recognised provided they do not undermine those of the child'. However, the best interests of all children on the MBU must be taken into account when judging whether or not a mother is suitable to be on the Unit. MBUs must be tranquil and friendly with a child-focused regime and women must be 'able to demonstrate behaviour and attitudes which are not detrimental to the safety and well-being of other Unit residents'.

All MBUs are drug-free. However, women prisoners on a prescribed Methadone or Buprenorphine (Subutex) withdrawal or maintenance programme must not be excluded from a Unit solely for that reason. Mothers sign a compact which may be individually tailored for their needs on admission to a MBU. Mothers retain parental responsibility for their children and are fully involved in decisions relating to their child and themselves. Mothers and babies must not be locked in their rooms. Mothers participate in activities within the main prison and nursery facilities are provided in the Unit.

The Prison Service advises that, if a woman on a MBU is serving a long sentence, separation from the mother should take place earlier rather than later, as this is less traumatic for the child. If separation occurs because the mother is serving a sentence which exceeds the child's eighteenth month, there is a Separation Board held and a separation plan put in place. Separation will follow the review plan which takes place at least every eight weeks. As the time for separation approaches, the child's new carer (often a grandmother) will spend an increasing amount of time with the child, who will go out for progressively longer overnight visits to their new home. Nominated carers will have to be approved as suitable and appropriate by Social Services.

Children can be separated from their mothers before the eighteen-month age limit if it is in the child's best interests to do so: however, 'there should be some routine flexibility...if the mother is due for release within a few weeks of the child reaching the age limit'. Each case is judged on an individual basis.

The Admissions Board is not a legal entity, so a challenge to the decision would be via Judicial Review. All controversial or contested separations must be referred to the National Mother and Baby Coordinator.

At the end of 2003, half of all women in prison were held over fifty miles from home and a quarter were held over 100 miles away. In 1999, a snapshot survey showed that sixty-two per cent of women in the MBU in Askham Grange prison had been imprisoned over 100 miles from home. This is probably because Askham Grange is the only MBU operating in an open prison and it covers a wide catchment area in the North of England. At the time of the survey, in the Styal

MBU eighteen per cent of mothers lived over a 100 miles away and a further twelve per cent were from abroad. In Holloway prison, North London, all the women in the MBU were under a 100 miles away from home, except for twenty-three per cent who were foreign nationals.

If there is Social Services' involvement in an individual case, the local case worker must be notified when a mother is discharged from prison with her baby.

5. Health

General

In 1997, the Chief Inspector of Prisons noted that the health care standards, which apply to both men and women, contained very few references to women and recommended that a specific standard for women's health should be added. In 2001, the Chief Inspector also recommended the appointment of an Operational Head of Women's Health to have overall responsibility for health care in women's prisons.³² In 2003, the Home Office reported that sixty per cent of women prisoners rate their health as fair, poor or very poor.³³

It has been noted that there is a lack of systematic gynaecological health care.

Mental health (including self-harm and suicide)

In recent years the National Health Service and the Prison Service have been working together to implement the Women's Mental Health Strategy to improve mental health care for women prisoners. 2.5 million pounds sterling has been allocated to women's prisons to be spent in this area.³⁴

Many prisoners have significant mental health problems (see Table 2 below).

Women prisoners are more likely than men:

- To be suffering from a neurotic disorder
- To be suffering from functional psychosis
- To be dependent on opiates
- To have been admitted to a mental hospital

Women prisoners are less likely than men to:

- Have a personality disorder
- To report drinking at a hazardous level.³⁵

There are about 200 court diversion schemes that should ensure that offenders with mental health problems are diverted to mental health services. Courts can also allocate offenders to psychiatric treatment either in a secure hospital or on probation. Nacro examined the diversion of offenders from courts to mental health care and found that 'in addition to any issues of gender bias, we have two major factors: the first, a major mismatch between the need for mental health services at varying levels of security and the availability of resources; and the

³² Kesteven, *Women who challenge, Women offenders and mental health issues*, p. 18.

³³ Home Office, *Statistics on Women and the Criminal Justice System*, p. 27, available at <http://www.homeoffice.gov.uk/rds/pdfs2/s95women03.pdf>

³⁴ Women & Young People's Group, HM Prison Service, personal correspondence, December 2006.

³⁵ Kesteven, *Women who challenge, Women offenders and mental health issues*, p. 12.

second, a lack of information about individuals' mental health problems.³⁶ The Parliamentary Select Committee on Health found that court diversion schemes identify only one in five offenders with serious mental illness.³⁷

In 2000, a study of thirteen prisons with in-patient beds showed that mental health care was below the standard of the National Health Service and of the Prison Service's own standards due to a lack of training and qualifications of staff, the low numbers of staff and a lack of therapeutic activity for patients.³⁸

Research in 2001 found an association between those receiving disciplinary action in prison and those with a mental disorder. Seventy-three per cent of women prisoners who received additional days to their sentence had significant levels of neurotic symptoms as did seventy-four per cent of those who had been subject to confinement within their cells. Of the prisoners who had not received either punishment, only fifty-six per cent had significant levels of mental disorder. Of those subject to cellular confinement seventeen per cent are thought to be psychotic compared to eight per cent of those who had not received such punishment.³⁹

One woman prisoner told the Fawcett Commission that "the availability of medication to female prisoners perpetuates the belief that women need medication. It is not the same in the male estate. Medication for those with mental health issues is of course vital but not for most women." The Prison Reform Trust (cited by Fawcett) supports this with anecdotal evidence, suggesting that: 'this increase in medication is not a result of careful exploration of the mental health needs of women in prison but rather a response by under-trained staff who resort to medication to contain a 'problem'' and the Prison Reform Trust 'recommend urgently the undertaking of an audit of drug prescribing in prison and the development, in collaboration with the National Health Service, of a protocol for prescribing for women prisoners'.⁴⁰

Nacro writes that 'with such poor standards of care in prison, there is no prospect of those with mental health problems coming out in a better state than they went in. In fact, given the impact of imprisonment itself, the reverse is likely, with all the implications that has for re-offending'.⁴¹

In 2004, there were thirteen suicides by women in prison.⁴² The Chief Inspector of Prisons revealed that two people a week try to kill themselves in prison in England and Wales. In the same year, The Guardian newspaper reported that there were five suicide attempts a day in Holloway women's prison - however, this figure is not supported by IRS statistics⁴³ and may be reflective of an extreme period.⁴⁴ In the community, men are two or three times more likely to attempt suicide than women, but, in prison the statistics are reversed. Suicide has been explicitly linked to overcrowding by the Home Office.⁴⁵ In 2005, the figures dropped to four

³⁶ *ibid.*, pp. 17 and 18.

³⁷ *ibid.*, p. 17.

³⁸ *ibid.*, p. 18.

³⁹ *ibid.*, p. 22.

⁴⁰ *The Fawcett Society*, p. 46, available at <http://www.fawcettsociety.org.uk/index.asp?PageID=432>

⁴¹ Kesteven, *Women who challenge, Women offenders and mental health issues*, p. 19.

⁴² *Inquest, Deaths of Women in Prison* [on-line], accessed 18 April 2007, available at <http://www.inquest.org.uk/>

⁴³ Tax statistics

⁴⁴ Women & Young People's Group of HM Prison Service, personal correspondence, December 2006.

⁴⁵ Eric Allison and Tanya Branigan, 'Five suicide attempts a day at Holloway', *The Guardian*, 9 September 2004 [newspaper on-line], accessed 18 April 2007, available at <http://www.guardian.co.uk/prisons/story/0,,1278944,00.html>

women.⁴⁶ Thirty-seven per cent of women in prison say they have attempted suicide at some point in their life.⁴⁷

The general suicide prevention strategy provides within it a specific strategy for women prisoners, which recognises their particular vulnerabilities and needs. The strategy focuses on dealing with the underlying factors that can lead to women prisoners trying to harm themselves or commit suicide.

HM Chief Inspector reported a fivefold rise in self-harming in 2003. A prison service spokeswoman told *The Guardian* newspaper that this rise was partly due to better reporting of incidents. She also said that self-harm among female prisoners had risen 'astronomically'.⁴⁸ Thirty per cent of women prisoners are self-harmers compared to six per cent of men.⁴⁹ Women also harm themselves more repeatedly than men.⁵⁰ It should be noted, however, that the majority of this increase is due to the introduction of the F213SH (self-harm)⁵¹ incident form (introduced in December 2002) on which all incidents of self-harm were recorded and on which more criteria was recorded than previously. The result of this improved recording was selective in that it picked up most of the female self-harm which is highly repetitive in nature and was being missed prior to the F213SH procedures. Male self-harm has been virtually constant.

⁴⁶ *Inquest*, available at <http://www.inquest.org.uk/>

⁴⁷ *Prison Reform Trust*, p. 10, available at www.prisonreformtrust.org.uk

⁴⁸ Eric Allison, 'Self-harm soars among prisoners', *The Guardian*, 9 February 2004 [newspaper on-line], accessed on 18 April 2007, available at <http://www.guardian.co.uk/prisons/story/0,,1143956,00.html>

⁴⁹ *The Guardian*, 9 September 2004, available at <http://www.guardian.co.uk/prisons/story/0,,1278944,00.html>

⁵⁰ *Prison Reform Trust*, p. 10, available at www.prisonreformtrust.org.uk

⁵¹ Women & Young People's Group of HM Prison Service, personal correspondence, December 2006.

Table 2: Figures relate to sentenced prisoners only where explicitly stated. The other figures may also include prisoners awaiting trial.

	Female Prisoners	Male Prisoners
Percentage of sentenced prisoners with 2 or more mental disorders ⁵²	70%	72%
Percentage of sentenced prisoners with a neurotic disorder ⁵³	63%	40%
Percentage of sentenced prisoners with a personality disorder ⁵⁴	50%	64%
Percentage of sentenced prisoners with a psychotic disorder ⁵⁵	14% (23 times the level in the general population)	7% (14 times the level in the general population)
Percentage of prisoners with a functional psychosis ⁵⁶	14% (compared with around 1% in the general population)	7% (sentenced) 10% (remand)
Percentage of prisoners with symptoms of depression ⁵⁷	54% (compared with 11% in general population)	Data not given
Percentage of female prisoners suffering from post traumatic stress ⁵⁸	6% (Women are twice as likely to suffer from this as men)	Data not given
Percentage of female prisoners with anorexia ⁵⁹	6%	Data not given
Percentage of female prisoners with bulimia ⁶⁰	14%	Data not given

Substance addiction

The Home Office reports that ‘between 1997 and 2001 the pre-prison prevalence rates for both crack and heroin significantly increased among both black and white women.’⁶¹ Around a third of women prisoners admitted to using heroin or cocaine in the year before their imprisonment.⁶²

Resources are available to meet approximately thirty per cent of the rehabilitation needs of drug-users in prison. The current practice in prisons is to recommend detoxification programmes to prisoners. These programmes last between nine and ten days. In 2001, the Prison Inspectorate raised concerns about the quality of detoxification, especially for prisoners

⁵² *Prison Reform Trust*, p. 16, available at www.prisonreformtrust.org.uk

⁵³ *ibid.*

⁵⁴ *ibid.*

⁵⁵ *ibid.*

⁵⁶ Kesteven, *Women who challenge, Women offenders and mental health issues*, p. 11.

⁵⁷ *ibid.*, p. 12.

⁵⁸ *ibid.*

⁵⁹ *ibid.*

⁶⁰ *ibid.*

⁶¹ Malcolm Ramsay (ed.), *Prisoners’ Drug Use and Treatment: Seven Research Studies*, Home Office Research Study 267 (London: Home Office, 2003), p. 66 [on-line], accessed on 18 April 2007, available at <http://www.homeoffice.gov.uk/rds/pdfs2/hors267.pdf>

⁶² *Prison Reform Trust*, p. 17, available at www.prisonreformtrust.org.uk

who have been dependent on crack cocaine.⁶³ In 2004, there was still no 'proper' detoxification which 'creates an extremely unsafe environment'.⁶⁴ The Fawcett Commission heard concerns that 'the pressure to 'process' large numbers of prisoners can mean that the service offered simply boils down to completing an assessment form.'⁶⁵

Other drug treatment and rehabilitation was previously restricted to those prisoners serving sentences of over one year until the introduction of the accredited Short Duration Programme in 2004, which targets women on remand or serving sentences less than six months. P-ASRO (Prisoners Addressing Substances Related Offending) for Women was introduced in 2005 for women with six months or more to serve.

A further problem can be transferral between prisons may interrupt drug treatment: a third of prisons are unlikely to be able to continue the drug treatment of the prisoners who are sent to them.⁶⁶

Following a recent and significant increase in the funding available for this work it is thought that an improvement can be seen in many prisons. However, more needs to be done in terms of appropriate and supportive regimes for women immediately after detoxification.⁶⁷

Drug use on release from prison is very high: 'about half of drug-using prisoners who had been receiving treatment whilst in custody reported being offered help to obtain treatment on release. However, only eleven per cent had a fixed appointment with a drug agency and, four months after their release, half were back to using heroin on a daily basis'⁶⁸. The Fawcett Commission also found a lack of through-care when substance-abusing women are released back into the community.

6. Education, work and training

Education

Educational attainment of women in prison is lower than that of the general female population. Forty-seven per cent have no educational qualifications and thirty-seven per cent have GCSEs (exams taken at age sixteen) as their highest level of achievement.⁶⁹ Whilst two per cent of the general population have been excluded from school, thirty-three per cent of sentenced women prisoners were excluded from school.⁷⁰ Two out of every five women prisoners left school prematurely.⁷¹

The government has reorganised learning and skills for offenders in custody (and in the community). The Offenders' Learning and Skills Service (OLASS) has been operating in all nine English regions from August 2006. The service is based on a national specification (Offenders' Learning Journey) which sets out minimum curriculum expectations in a broad range of

⁶³ *HM Inspectorate of Prisons*, Thematic Review 2001 [on-line], accessed on 15 September 2006, available at <http://inspectors.homeoffice.gov.uk/hmiprison/>

⁶⁴ *ibid.*

⁶⁵ *The Fawcett Society*, p. 47, available at <http://www.fawcettsociety.org.uk/index.asp?PageID=432>

⁶⁶ *Prison Reform Trust*, p. 17, available at www.prisonreformtrust.org.uk

⁶⁷ Julia Fossi, Senior Research Officer, HM Inspectorate of Prisons, personal correspondence, December 2006.

⁶⁸ *ibid.*, p. 18.

⁶⁹ Kesteven, *Women who challenge, Women offenders and mental health issues*, p. 9.

⁷⁰ *Prison Reform Trust*, p. 12, available at www.prisonreformtrust.org.uk

⁷¹ *ibid.*, p. 10.

academic and vocational training programmes. Bespoke information systems are being set up which will enable detailed reporting and analysis by gender. In the interim, National LSC (Learning and Skills Council) has developed a data collection system which shows a mixed picture as follows (as at August 06):

- Forty-eight per cent of women in prison are participating in OLASS-funded provision compared to thirty-five per cent of men;
- Thirty-one per cent of women offenders are on Basic Skills courses, compared to forty-six per cent of all offenders;
- Twenty per cent of women on Basic Skills courses achieved a qualification, compared to thirty-seven per cent of all offenders; and
- Thirty-seven per cent of women on non-Basic Skills courses achieved a qualification, compared to sixty-eight per cent of all offenders.

A more recent survey conducted by the SIOU⁷² shows that over four times as many women in custody undertake higher education compared to the rate for men. Despite the mixed picture above, overall, women's participation in education is higher than men's. As the LSDA (LSN)⁷³ research report concluded, this is because of a complex set of factors including the fact that the specific needs of women offender-learners are met in a supportive, single-sex environment.⁷⁴

Work

Only three per cent of women in prison were in work prior to coming to prison and over half said they were living on state benefits.⁷⁵ A survey of 168 released female offenders found that only twenty-five per cent were employed between five and nine months following release.⁷⁶ Women are less likely to have work and training arranged for them on release than men.⁷⁷

7. Minority groups

Young Adults

The 2002-2003 annual report of HM Chief Inspector of Prisons referred to a 'lack of a coherent national strategy, standards or new funding for 18-21 year olds'.⁷⁸ Young adults in prison are more likely to have mental health problems and to commit suicide than older adults.⁷⁹

The Young Adult Offenders Project was set up in November 2005 to develop a strategy for the management and standards for individuals between eighteen and twenty years old in custody and the community. The project has reviewed four areas: the age range, the legislative

⁷² Social Inclusion and Offenders Unit

⁷³ What was previously the LSDA is now the Learning and Skills Network (LSN). The LSN is a non-profit organisation committed to improving the quality of learning and of skills.

⁷⁴ Women & Young People's Group, HM Prison Service, personal correspondence, December 2006.

⁷⁵ Prison Reform Trust, *Justice for Women, The Need to Reform*, p. 10.

⁷⁶ Home Office, *Statistics on Women and the Criminal Justice System*, p. 27, available at <http://www.homeoffice.gov.uk/rds/pdfs2/s95women03.pdf>

⁷⁷ *The Fawcett Society*, p. 48, available at <http://www.fawcettsociety.org.uk/index.asp?PageID=432>

⁷⁸ *Prison Reform Trust*, p. 13, available at www.prisonreformtrust.org.uk

⁷⁹ *ibid.*

arrangements for the management of young adult offenders, custodial estate provisions and community provisions. It will report back in early 2007.⁸⁰

There has been special attention to look at the provisions to prevent re-offending in this age group because other measures used for adult programmes have been shown to be ineffectual.

Juveniles (under 18s)

Juvenile girls make up only 0.1 per cent of the total prison population. Females aged sixteen or below are no longer held in young offender institutes or prisons but in secure training centres or secure children's homes. The seventeen year old females are now accommodated in five small dedicated units run by HM Prison Service and funded by the Youth Justice Board.

In 1999, eighty per cent of fourteen to seventeen year olds re-offended within two years of being discharged from prison.⁸¹ The peak age of self-reported offending for girls is fourteen compared with eighteen for boys; as Kesteven puts it 'the majority of young offenders simply grow out of crime but girls grow out of crime more quickly than boys.'⁸² The crimes most likely to be committed by girls under sixteen include shoplifting, criminal damage, offences of minor violence and buying stolen goods.⁸³

It is estimated that thirty-nine per cent of female juveniles are mothers.⁸⁴

Foreign nationals and ethnic minorities

Foreign national women account for the greatest proportionate rise in the prison population in recent years. In 2002, twenty per cent of women in prison were foreign nationals, half of whom were Jamaican nationals.⁸⁵

The Fawcett report states 'such women come from a background of extreme poverty and are rarely high up in the criminal gangs involved in the drug trade. Most are single parents and first time offenders and there is evidence to suggest that coercion plays a part in their decision to become a drug courier against a background of violent, abusive and exploitative relationships.'⁸⁶ Some have left children in temporary care back home because they had planned to be away for days not years.

The Fawcett Commission was told 'staff need more training about the foreign nationals' background and way of life. Certain words can be misinterpreted, as can gestures and loud voices.'⁸⁷

Foreign nationals get free letters and extra access to the telephone in lieu of visits. There is a 'language line' which provides a twenty-four hour translating service. There is also a foreign prisoners' resource pack.

⁸⁰ Women & Young People's Group, HM Prison Service, personal correspondence, December 2006.

⁸¹ *ibid.*, p. 14.

⁸² Kesteven, *Women who challenge, Women offenders and mental health issues*, p. 7.

⁸³ *ibid.*

⁸⁴ *Prison Reform Trust*, p. 13, available at www.prisonreformtrust.org.uk

⁸⁵ *The Fawcett Society*, p. 45, available at <http://www.fawcettsociety.org.uk/index.asp?PageID=432>

⁸⁶ *ibid.*

⁸⁷ *ibid.*

Hibiscus is a charity which works with both foreign national prisoners in England (predominantly drug couriers from the Caribbean) and also with their dependent relatives and children abroad. Their office in Kingston, Jamaica contacts the prisoner's children and aims to make sure that they have food, counselling and referrals to other agencies. Staff from Hibiscus visit women in prison across England and offer them one to one and group support and advice.

The Prison Reform Trust believes that 'given that a substantial number of them [foreign nationals] will be deported at the end of their sentence, their imprisonment must raise important questions about the purpose which imprisonment is expected to fulfil in these cases.'⁸⁸

In June 2002, women of ethnic minority background made up twenty-nine per cent of the female prison population compared to twenty-two per cent of the male prison population.⁸⁹ It is believed that the different proportion of minority ethnic prisoners in the male and female prison populations is accounted for by the larger percentage of female foreign national prisoners, who are usually imprisoned for drug offences. Even when foreign nationals are not counted, the number of ethnic minority women serving sentences for drug offences is more than the number of white women or black men.⁹⁰

8. Security and punishment

A high proportion of sentenced women prisoners, thirty-two per cent, commit disciplinary infringements. Nacro⁹¹ suggests that this may be due to the detrimental effects of prison on women's mental well-being and, in particular, frustrations about not being able to deal with family problems.⁹² The profile of a woman prisoner most likely to receive disciplinary punishment is: unmarried, aged between twenty-one and thirty-nine, with low educational attainment, and someone likely to have been living off crime before imprisonment.⁹³

9. Additional information

Programmes related to other issues⁹⁴

- a) A resettlement programme, FOR, designed for short-term prisoners which includes a specific version for women was accredited at the beginning of 2006.
- b) The Democratic Therapeutic Community at Send prison offers a supportive environment where women live and work together using group therapy and community living to explore and change problem behaviour related to offending.
- c) In three establishments, Dialectical Behaviour Therapy (DBT), a cognitive behavioural programme designed specifically for women with borderline personality disorders who

⁸⁸ Prison Reform Trust, *Justice for Women, The Need to Reform*, p. 12.

⁸⁹ Home Office, *Statistics on Women and the Criminal Justice System*, p. 36, available at <http://www.homeoffice.gov.uk/rds/pdfs2/s95women03.pdf>

⁹⁰ Kesteven, *Women who challenge, Women offenders and mental health issues*, p. 9.

⁹¹ Nacro are a charity committed to making society safer by finding practical solutions to reducing crime. See *Nacro, Who we are* [on-line], accessed on 18 April 2007, available at <http://www.nacro.org.uk/about/index.htm>

⁹² Kesteven, *Women who challenge, Women offenders and mental health issues*, pp. 21 and 22.

⁹³ *ibid.*, p. 23.

⁹⁴ Women & Young People's Group, HM Prison Service, personal correspondence, December 2006.

are at high risk of self-harm and who show high risk offending behaviour has been piloted.

- d) Good Practice Guidelines including a Directory of Services for supporting women who disclose abuse have been published for the use of prison staff.
- e) The Together Women Programme (TWP) has been developed to establish and test out radical new approaches to meet the specific needs of women offenders to tackle the causes of crime and re-offending among this group and reduce the need for custody. Facilities include one stop centres, crèches, and support for finding housing.

TWP aims to meet the needs of women at various stages of their offending history from prevention and diversion, from custody to resettlement on release through management liaison between criminal justice agencies and other statutory community and voluntary organisations. The funding announced in 2004 for the programmes was in the region of 9.15 million pounds sterling over the four-year period 2005-2009. Projects will be based in two areas; the North West, and Yorkshire and Humberside.

- f) The new multi-modal intervention CARE (Choices, Actions, Relationships and Emotions) is being developed specifically for women in prison and is now at the pilot stage. It addresses a number of personal and circumstantial difficulties known to be linked to self-harm, to substance misuse, mental health and re-offending.

Country Report: Estonia

1. Introduction

Information in this report has been gathered from several sources; the website of the Estonian Ministry of Justice, a report by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on a visit to Estonia, a questionnaire returned from the Estonian Ministry of Justice, a study done on the drug services provided in Estonian prisons, and three prison visits undertaken by QCEA.

As can be seen from table 1 below, according to the International Centre for Prison Studies (ICPS) the Estonian prison population as of October 2005 was 4,463.

Table 1: Statistics on Estonian prison population as of 31 October 2005, adapted from <http://www.prisonstudies.org/>

Total prison population (including pre-trial prisoners)	4,463
Prison population rate (per 100,000 of national population)	333*
Pre-trial prisoners (as percentage of prison population)	23.1%
Female prisoners (as percentage of prison population):	3.9%
Juveniles / minors / young prisoners (as percentage of prison population)	2.0%
Foreign prisoners (as percentage of prison population)	36.4%
Official capacity of prison system	4,366
Occupancy level (based on official capacity)	102.2%

* Based on an estimated national population of 1.34 million at October 2005 (from Council of Europe figures).

There are seven prisons in Estonia (see table 2). The Department of Prisons within the Ministry of Justice is composed of three divisions; the Punishment Implementation Division, the Social Welfare Division, and the Legal and Development Division¹. The competencies of the Punishment Implementation Division include placement and registration of convicted and pre-trial prisoners, keeping statistical accounts and records on all prisoners and supervisory and guarding activities. The Social Welfare Division looks after the social rehabilitation systems for all prisoners and social work in prisons, the employment, health care and education of the prisoners and drug prevention and rehabilitation. The role of the Legal and Development Division is to deal with issues such as enhancement of prison organisation, the training and development of personnel and issues relating to prison budgets.

There are three phases of imprisonment; the reception, main and release phase. In the reception phase the detainee is helped to integrate into prison life and to compile an individual action plan. The action plan identifies ways in which the risk of recidivism can be lowered, for example by determining appropriate levels of education and training that the prisoner should undertake whilst in prison, and what work he/she should do. Each individual action plan is compiled by the social worker, psychologist, the person responsible for organising detainee labour, the education administrator, doctor and the department manager. If necessary the action plan can be changed when it is reviewed. This review occurs once a year for adult

¹ *Ministry of Justice* (Estonia) [on-line], accessed 2 April 2007, available at http://www.vangla.ee/?set_lang_id=2

prisoners and twice a year for juveniles. The action plan is the basis for deciding the prison or prison department to which the detainee will be assigned.

Table 2: Estonian prisons, February 2005, adapted from the Estonian Ministry of Justice website, http://www.vangla.ee/?set_lang_id=2

Prison	Type of Prison	Population
Harku Prison	Maximum-security prison	Convicted adult females Convicted juvenile females
Murru Prison	Maximum-security prison	Convicted adult males
Pärnu Prison	Maximum-security prison	Adult males awaiting trial Convicted adult males
Tallinn Prison	Maximum-security prison	Convicted adult males Adult females awaiting trial Adult males awaiting trial
Tartu Prison	Maximum-security prison	Convicted adult males Adult females awaiting trial Adult males awaiting trial
Viljandi Prison	Maximum-security prison Open prison ward	Convicted juvenile males
Ämari Prison	Maximum-security prison	Convicted adult males

Implementation of the action plan occurs in the main phase of imprisonment, with an emphasis on employment and education of the prisoner. There is also recognition of the importance of the detainee's communication with the outside world, including long and short-term visits, telephone calls, written correspondence and prison leave.

Prior to release, preparations are made (the release phase). For example, a social worker will help the prisoner to make contact with their family and the social welfare agency. Upon release the prisoner receives money saved from the work s/he has undertaken while in prison.²

The detainee will usually start his or her sentence in a closed prison but may later be transferred to an open prison. Since there are currently no open prisons for women, they have to spend the entirety of their sentence in a closed prison. However, the questionnaire returned from the Estonian Ministry of Justice stated that there are plans to start an open prison department in Harku in the future.³

Tartu, which entered into service in October 2002, is the newest prison in Estonia and, unlike all the other prisons which are camp-type from Soviet times, is 'cell-type' or 'chamber-type'. The construction of a second cell-type prison in Estonia is currently underway. The accommodation of chamber-style prisons is structured on the principle of small living units where prisoners share their cell with one other prisoner (unless they are in punishment, medical quarantine or waiting cells). According to the Estonian Ministry for Justice, the purpose of the chamber system is 'to lessen the communication and spreading of criminal knowledge between the prisoners'.⁴ The change from camp-type to cell-type is also intended to support the efforts to resocialise prisoners which is done through study and work and through the work of social workers, psychologists, medical personnel and chaplains. (NB: prisoners awaiting trial have no access to education or work).

As well as building new chamber-style prisons, the Department of Prisons aims to place prisoners in the prison nearest to their home 'so that [...] social connections and ties with the

² Ministry of Justice, available at http://www.vangla.ee/?set_lang_id=2

³ QCEA questionnaire, returned from the Estonian Ministry of Justice

⁴ Ministry of Justice, available at http://www.vangla.ee/?set_lang_id=2

family remain strong and help him/her lead a law abiding life'.⁵ The building of regional prisons will therefore be occurring in tandem with the closure of camp-style penal colonies.⁶

The average space per pre-trial prisoner in Estonia is 3m².⁷ According to the CPT, this area does not offer a satisfactory amount of living space and the Committee recommends that the Estonian authorities strive to maintain a standard of at least 4m² of living space per prisoner in multi-occupancy cells.

Particular issues that have an impact on Estonian prisons is the high rate of new HIV infections in Estonia with many of the prison population being infected and the high proportion of non-Estonian Russian speakers in prison.

The Estonian authorities have expressed the intention of reducing the prison population to 2500 (i.e. by some 2000) by the year 2015 and the incarceration rates concomitantly from 330 to 200 per 100,000 of the national population.⁸

In terms of the legal framework, the Imprisonment Act of 2000 (which entered into force on 1 September 2002) changed the rules applicable to pre-trial and sentenced prisoners. The 2001 Penal Act, through the introduction of community service sanctions, has led to a decrease in the use of imprisonment for minor offences.⁹

2. Women prisoners in Estonia

Figures from the questionnaire, returned by the Estonian Ministry of Justice, show that from 2000 to 2004 the number of women in prison in Estonia increased from 160 to 226 (see figure 1.11 in section 1). This represents an increase in the female prison population of forty-one per cent over five years. Female prisoners as a percentage of the total prison population increased overall from 3.6 per cent to 5.2 per cent. Data from the ICPS in table 1 seems to contradict this and states that the number of female prisoners as a percentage of the total prison population was only 3.9 per cent in October 2005. Although it is possible that this percentage dropped from 5.2 per cent to 3.9 per cent between 2004 and 2005, this seems unlikely. Over the period 2000 to 2004 the number of male prisoners ranged between a minimum of 4,142 and a maximum of 4,574.

The number of women awaiting trial has grown more rapidly than the number of sentenced prisoners (see figure 1 below) with the number of women awaiting trial almost doubling over the five year period from forty-seven to ninety-three, compared to just a seventeen per cent increase in the number of sentenced prisoners (113 to 133). Possible reasons for this, not stated in the questionnaire, may be that fewer women are being convicted at trial, the time spent in prison awaiting trial is getting longer (with no concomitant rise in sentence length) or a combination of these.

⁵ Ministry of Justice, available at http://www.vangla.ee/??set_lang_id=2

⁶ Communication from the Council of Europe: Council of Europe, *Report to the Estonian Government on the visit to Estonia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23-30 September 2003*, CPT/Inf (2005) 6 (Strasbourg 27 April 2005), paragraph 42. Available at <http://www.cpt.coe.int/documents/est/2005-06-inf-eng.htm>

⁷ *ibid.*, paragraph 53.

⁸ *ibid.*, paragraph 43.

⁹ *ibid.*, paragraph 42.

Composition of women prisoners in Estonia by sentence status

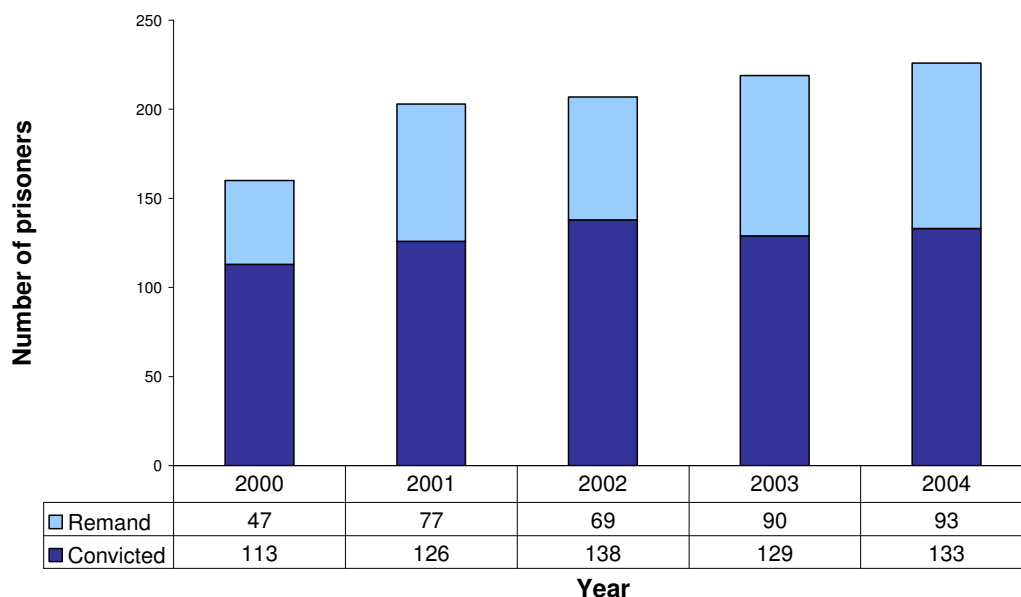


Fig. 1: Graph showing the composition of the Estonian women prisoner population by sentence status (awaiting trial or convicted). Source: QCEA questionnaire returned from the Estonian Ministry of Justice.

Prisons

There are three prisons in Estonia which hold women prisoners; Tallinn, Harku and Tartu. Women awaiting trial are held at Tallinn and Tartu which are both closed prisons for male prisoners. In these prisons women are never placed in cells with men, but there are no female wings¹⁰ and the women's cells are on the same corridors as the cells for men. It is guaranteed that male and female prisoners have no contact with each other.¹¹ Convicted women (both adult and juvenile) are held at Harku, a closed prison which also has a mother and baby unit.

Tallinn

Tallinn prison is a closed maximum security prison that holds convicted male prisoners and male and female prisoners awaiting trial. A small number of juveniles are also held here. Tallinn is a camp-style prison from Soviet times. It is located on the territory of a former prisoner of war camp¹² and the compound includes a number of decommissioned workshops and industrial production facilities¹³. Between 1950 and 1960 stone buildings were constructed that are still used today, including two industrial buildings that were adapted into preliminary investigation blocks in the 1990s.¹⁴

¹⁰ QCEA questionnaire

¹¹ *ibid.*

¹² Ministry of Justice, available at http://www.vangla.ee/?set_lang_id=2

¹³ Council of Europe, CPT/Inf (2005) 6, paragraph 44, available at <http://www.cpt.coe.int/documents/est/2005-06-inf-eng.htm>

¹⁴ Ministry of Justice, available at http://www.vangla.ee/?set_lang_id=2

Convicted women only stay a short while at Tallinn before being transferred to the women's prison at Harku. There were also two juvenile female prisoners at Tallinn.

Tartu

Tartu prison is a modern facility which entered into service in October 2002.¹⁵ It is a closed adult prison holding both women and men pre-trial prisoners and convicted men. It is the newest prison in Estonia and, unlike all the other prisons which are camp-type from Soviet times, it is cell-type.

At the time of the visit there were seventeen women (including one juvenile girl who was fourteen years old). Due to the small number of women prisoners there is no separate wing or section for them but their cells are all along the same corridor. Juvenile girls are kept in different cells from female adult prisoners, but there are so few of them that they are on the same corridor.

The prison complex is built on ten hectares of marshy land on the outskirts of Tartu, an old university town in the south-east of Estonia. The perimeter of the prison is one kilometre long, consisting of a concrete wall with barbed wire on top. All the buildings are modern concrete blocks between two and four storeys high. There are two main rectangular blocks for pre-trial and sentenced prisoners respectively. The medical department, which has been praised by the Council of Europe¹⁶, is adjacent to the block for pre-trial prisoners. On our tour we passed the chapel, laundry block and other buildings, all built in the same style with smooth-sided concrete walls with bars over all of the windows.

The CPT describes Tartu as giving the impression of being a 'thoroughly modern facility'; 'All cells measure some 10m² and were equipped with fully partitioned integral sanitation facilities. Access to natural light, ventilation and artificial lighting were satisfactory and, with the exception of the special 'restraining cells', the cells were suitably furnished'.

Harku

Harku prison is the only women only prison in Estonia and is a closed prison located on 8.3 hectares of rural land on the eastern side of Harku town, about 12km away from Tallinn.¹⁷ At the time of the QCEA visit there were 151 prisoners at Harku, both adult and juvenile convicted prisoners.

The different prison buildings (most of them wooden) are in several different blocks with a lot of space between them covered with grass and trees. Around the perimeter is a wire fence and there is one small watch tower at one corner. There is a wooden playground in the grass which can be used by visiting children or those living with their mothers (up to four years old). The grounds have a peaceful and relaxed atmosphere about them; at the time of our visit washing was hanging up behind the accommodation block and the women prisoners were milling around freely. Two women prisoners were mowing the lawn and doing some weeding.

¹⁵ Council of Europe, CPT/Inf (2005) 6, paragraph 44, available at <http://www.cpt.coe.int/documents/est/2005-06-inf-eng.htm>

¹⁶ *ibid.*, paragraph 63.

¹⁷ *Ministry of Justice*, available at http://www.vangla.ee/?set_lang_id=2

Crimes

Some of the crimes that women were waiting to go on trial for at Tallinn were theft (often drug-related), other drug-related crime, murder (there are usually three or four women charged with murder here at any one time, often they have killed an abusive partner or husband), physical abuse, and pimping (finding and managing prostitutes). Several of the women were captured at the border with fake papers (illegal immigrants trying to get to Scandinavian countries or Britain through Estonia).¹⁸

For a breakdown of crimes for which women are imprisoned for in Estonia overall see table 1.02 in Part One of the report. The three most common crimes for which women are convicted are: 'Theft and handling stolen goods' (28.5 per cent), 'Drug offences' (21.9 per cent) and 'Homicide' (20.9 per cent). 3.5 per cent of women prisoners were convicted of fraud and forgery (seven cases of fraud, no cases of forgery). The 6.6 per cent of women convicted of physical violence represented thirteen cases; eleven of intentionally causing grievous bodily harm, one case of physical ill treatment and one case of torture. The one per cent of women convicted of 'Sexual offences concerning prostitution' represented two cases; one case of inciting a minor to prostitution and one case of mediating prostitution. The 0.5 per cent of women convicted of 'Other sexual offences' represented one conviction for rape.

Length of sentence

According to the CPT, the average length of time spent awaiting trial in custody in Estonia is ten months (though this accounts only for the period leading up to the court judgement). Female prisoners awaiting trial may be at Tallinn for up to one year (usually between six and seven months).¹⁹ At Tartu, one female prisoner we spoke to was keen to stress that she knew some women who had been there for over a year.²⁰ According to the questionnaire the average prison sentence being served by prisoners is four years.²¹

¹⁸ QCEA visit to Tallinn prison (21 June 2006)

¹⁹ *ibid.*

²⁰ QCEA visit to Tartu prison (22 June 2006)

²¹ QCEA questionnaire

Table 3: Summary of prisoner population in the three prisons in Estonia which hold women
Source: staff from each prison

	Tartu			Tallinn			Harku
	Women	Men	Total	Women	Men	Total	Women
Sentenced prisoners	0	504	504	5	514		156
Juveniles (under 18)	0	72	72	2	12		1
Pre-trial prisoners	20	373	393	36	602		0
Foreign nationals	3	14	14 (excluding Russians)	3	92		3
Prisoners from ethnic minorities	0	48	48 (excluding Russians)	18	415		102 Russians. 1 Ukrainian 2 from Mordovia ^a
Women with children under 18 on the outside	10	---	10		----		Approx. 100
Mothers with babies	3	---	3		----		0
Pregnant prisoners	1	---	1		----		0
Average sentence length	0	5-10 years	5-10 (average 5 years, 23 days) 2005 figures	-----			Approx. 2-3 years
Average age of prisoners	0	32 years, 7 months	32 years, 7 months (2005 figures)				Approx. 30 years
Prisoners enrolled on educational courses	-----	165	165				Basic school: 16 Vocational school: 9
Prisoners in paid employment	-----	178	178				70 at any one time
Prisoners on drug addiction treatment programmes	-----	8	8				0
Prisoners who are HIV positive	5	89	94				38 (1 July 2006)
Prisoners with mental health problems ^b	14 (2005 figures)	341 (2005 figures)	355 (2005 figures)				None

^a an ethnic area in Estonia

^b who were given a psychiatric diagnosis by the doctor

The quality of prison life for a prisoner is largely dependent upon whether a prisoner is awaiting trial or convicted, because pre-trial prisoners are locked in their cells twenty-three hours per day and have no access to work or educational activities. Below are separate sections to describe the daily routines and lives of pre-trial and convicted prisoners. These are followed by more general sections such as health and contact with the outside world which are relevant to all prisoners, whether awaiting trial or convicted.

3. Women awaiting trial

Female prisoners awaiting trial are imprisoned at either Tallinn or Tartu prison. According to the questionnaire returned from the Ministry of Justice, on 1 January 2005, 28.6 per cent of women prisoners were prisoners awaiting trial. Answers to another question in the questionnaire suggest that the percentage of women prisoners awaiting trial was much higher for the two years preceding 2005 (seventy per cent) and was as high as forty per cent in 2000. No reason was given for the apparent discrepancy in data. The Ministry did not have any statistical data to say what percentage of those awaiting trial receive a custodial sentence after trial.

During the QCEA prison visits to Tallinn and Tartu we spoke to prisoners awaiting trial and their comments are in the relevant sections below.

Daily routine

There are no educational or work activities available for pre-trial prisoners. All pre-trial prisoners (both male and female) are locked in their cells twenty-three hours per day. For one hour each day the prisoners (along with their cell mates) can go to an exercise box to walk up and down and get some fresh air. This is not obligatory. The exercise hour is at the same time each day for each cell. The exercise boxes are around 15m² with concrete walls and have a metal grill for the roof. This allows guards to observe the prisoners from above. The grill means that the prisoners are not protected if it rains. Each exercise box has a heavy metal door with a spy-hole so the guard can look in to check on the prisoners. Since all the prisoners from one cell take their exercise together in the same box this means that there may be very limited space per prisoner.

Usually there is a radio station playing loudly in the prison grounds at Tallinn so that the prisoners in different exercise boxes and cells cannot communicate with each other by talking or shouting. The psychologist who was showing us around said that the radio station is changed regularly so that a variety of music is played. She said that she is so used to the radio that she forgets it is playing and it is the same for the prisoners. The CPT has recommended that the practice of playing a radio programme at an unpleasantly loud volume at Tallinn should be discontinued.²²

Pre-trial prisoners get to shower once per week and are escorted with their cellmates to the shower by the guards. Our guide at Tallinn said that this long interval between showers was especially unsuitable for the women. The time at which the prisoners shower is not the same as their hour of exercise so they are able to do both on that particular day. Any toiletries (such as soap, shampoo, toilet paper, sanitary towels) have to be paid for by the prisoners themselves. At Tallinn we were told by a member of staff that if a prisoner really cannot afford to buy basic

²² Council of Europe, CPT/Inf (2005) 6, paragraph 57, available at <http://www.cpt.coe.int/documents/est/2005-06-inf-eng.htm>

toiletries then they will be given some by the prison once a quarter. She said that this was not provided for, however, in the official prison budget.²³

Within their cells, prisoners awaiting trial may write letters or read books. There are libraries at both Tartu and Tallinn that prisoners can order books from. At Tallinn playing cards are forbidden as this may encourage gambling. At both prisons prisoners are allowed to bring in their own television or radio but have to pay for the electricity themselves. We were told at Tallinn that if a prisoner misbehaved (for example by having playing cards) then the television or radio could be taken away from them. The female prisoners we spoke to at Tallinn said that they write letters to people on the outside, read books and shout and wave to the male prisoners from their window. At Tartu, which has been designed to restrict communication between prisoners we saw one cell and it did not face onto any other accommodation blocks but onto barren land.

The CPT has criticised the regime about the treatment of pre-trial prisoners, saying that a proper programme of out-of-cell activities is of crucial importance for the physical and psychological well-being of any prisoner. In relation to Tartu in particular, the CPT was of the opinion that 'one of the most harmful effects of the impoverished regime for pre-trial prisoners was the reduction of human contact to a bare minimum, due to the fact that prisoners were held one or two to a cell and inmates from different cells could never associate'. One woman prisoner we spoke to at Tartu said that she felt she had 'nowhere to breathe'.

The prisoners at Tallinn get three meals per day: at 07:00, 12:00 and 18:00.²⁴

At Tallinn prisoners awaiting trial are unable to attend church services at the prison. If they want to meet up with the chaplain, social worker or psychologist then they have to give in a piece of paper stating their reason which could be as simple as 'wanting to have a chat'.

Under Estonian law a woman may only have a certain number of each item of clothing (bras, pairs of socks etc). Sometimes they obtain more than they are allowed and if a search discovers this, then the extra items will be taken away.²⁵

Prisoners are allowed no drugs or alcohol in the prison. Tobacco and cigarettes are allowed and can be bought by the prisoners. There is no cash money in the prison and prisoners have an account through which they can purchase things. This account may be supplemented by friends or family on the outside.²⁶

4. Convicted prisoners

Harku holds convicted women prisoners. On our visit we were shown the accommodation block and saw one of the biggest dormitory rooms with eight bunk beds in it. All the doors and some windows were open in the building and the women were wandering around freely. We were told that all the rooms have been recently painted (previous wallpaper was from Soviet times). The room and corridor were fresh and clean but old. There are two floors of rooms and women are allocated beds and have no choice over which room they will be in.²⁷

Russian and Estonian women are not separated into different rooms, but juveniles and adults are, although they all live in the same building. If a woman does not get on with her roommate

²³ QCEA visit to Tallinn prison

²⁴ *ibid.*

²⁵ *ibid.*

²⁶ QCEA visit to Tallinn prison. See also *Ministry of Justice*, available at http://www.vangla.ee/??set_lang_id=2

²⁷ QCEA visit to Harku prison (21 June 2006)

and wants to move room, then she has to speak to the head of security about the problem and explain why.²⁸

One of the women we spoke to was in prison for the second time (many women are here for re-offending).²⁹

5. Contact with the outside world

Letters and telephone calls

According to the Ministry of Justice,³⁰ all prisoners are entitled to send and receive correspondence in the form of letters. The cost of sending letters is incurred by the prisoner.

Convicted prisoners are also able to receive packages which are either delivered by hand to the prison or sent through the post.³¹

All prisoners are also able to telephone family and friends and have to pay for the cost of the calls themselves. At Tartu prisoners are allowed to make at least five minutes of phone calls a week³².

While at Tartu prison we saw that when prisoners make telephone calls the telephone is brought on a trolley in front of the door of their cell and the telephone receiver is passed through the hatch usually used for food distribution. After hearing some complaints from prisoners on this subject, the CPT criticised this practice as it means that prisoners are obliged to make telephone calls in the presence of their cellmates.

Visits

According to the Ministry of Justice all prisoners are entitled to short visits at least once a month. The visits take place on the basis of a written application and can last up to three hours³³. At Harku, the maximum time is three hours per month. However, at Tallinn and Tartu, we were told that women can see personal visitors for a maximum of only two hours per month, although no reason was given for this discrepancy. If visiting rooms are available, the individual prisons have the authority to allow visits to take place more frequently.³⁴

The procedure for short-term visits are provided for in the internal rules of each prison;³⁵ in each of the prisons QCEA visited, prisoners and their visitors are separated by a glass partition during short visits and no physical contact is allowed between them.³⁶

'Prisoners [awaiting trial] may be denied regular visits from family members by the director of a prison with the permission of a preliminary investigator, prosecutor or court "if this is

²⁸ *ibid.*

²⁹ QCEA visit to Harku prison

³⁰ *Ministry of Justice*, available at http://www.vangla.ee/??set_lang_id=2

³¹ *ibid.*

³² QCEA visit to Tartu prison

³³ *Ministry of Justice*, available at http://www.vangla.ee/??set_lang_id=2

³⁴ *QCEA questionnaire*

³⁵ Estonian Imprisonment Act, Section 24 (this was accepted on 14 June 2000, and was official law from 1 December 2000 (RT I 2000, 58, 376))

³⁶ QCEA visits to Tallinn, Tartu and Harku prisons

necessary to ensure the conduct of the criminal proceedings”; apparently, denial of visits affects some six per cent of remand prisoners’.³⁷

As in other countries, the small number of women prisoners (and hence prisons holding women) means that some women are imprisoned a long way from their homes. One prisoner we spoke to at Tartu said she had four children on the outside who were being looked after by her mother. She had been in contact with her family through letters and telephone calls but nobody had come to visit her because of the long distance between the prison and her home in Eastern Estonia.

The procedure and frequency of long-term visits are provided for in the internal rules of each prison;³⁸ in Tallinn, Tartu and Harku convicted prisoners are entitled to at least one longer visit of up to three days every six months. Longer visits can take place with the spouse, parent, child, adoptive parent, adoptive child, brother or sister.

Leave

In addition to short and longer visits, convicted prisoners who have served at least one year of their sentence (this condition does not apply to prisoners in open prisons) may be granted twenty-one days’ annual home leave. This is not an option for sentenced prisoners who are serving life sentences.

The time spent outside the prison is considered as imprisonment time and all expenses relating to the prison leave have to be covered by the prisoner. Any prisoner wanting to go on prison leave must submit an application to the prison director which indicates the prison leave schedule, the activities that s/he intends to undertake and how these activities are related to the preparations for release from prison. The prison leave is evaluated with the prison social worker on the return of the prisoner.

The imprisoned person must return from prison leave on time and ‘she/he must be sober’ on return. A prisoner who drinks, take drugs or misbehaves during their prison leave may be put into a punishment cell for the maximum time of forty-five days.³⁹

Visiting and leave arrangements for sentenced prisoners have been welcomed by the CPT who described them as ‘conducive to the social rehabilitation of the prisoner’.

6. Motherhood in prison

Pregnancy and birth

The babies of pregnant prisoners are born in regular hospitals outside the institution.⁴⁰

We were told at Harku that pregnant women are not often imprisoned there. Harku is the only prison in the country to have a mother and baby unit (MBU) which has room for up to six mothers and their babies. Pregnant women are given special attention and two months before the birth the woman may go to live in the Mother and Baby Unit if she wants to (although many choose to stay in their normal rooms). For the birth the pregnant woman is taken to a civilian

³⁷ Council of Europe, CPT/Inf (2005) 6, paragraph 72, available at <http://www.cpt.coe.int/documents/est/2005-06-inf-eng.htm>

³⁸ Estonian Imprisonment Act, Section 25 (this was accepted on 14 June 2000, and was official law from 1 December 2000 (RT I 2000, 58, 376))

³⁹ QCEA visit to Harku prison

⁴⁰ QCEA questionnaire

hospital, where she will stay for around two days. Guards are present during the birth, but the woman is not handcuffed.

Over the course of one year there may be several pregnant women imprisoned at Tallinn and pregnant prisoners are treated in the same way as the other pre-trial prisoners except for getting more medical attention and care. There have been no instances of babies being born during their mother's imprisonment, but if this did happen then, like all pregnant prisoners in Estonia, they would be taken to a civilian hospital for the birth.

Babies in prison

At the time of our visit, there was no-one residing in the MBU at Harku. It consisted of two bedrooms with room for three mothers and three babies in each, a bathroom between the two rooms which had a bath in which to wash the baby, a kitchen where mothers prepare food for the babies and a shower room with two showers. The showers were clean and modern but the rest of the unit seemed very basic, old and bare. There were not many toys in the MBU and there was no television.

If and when a pre-trial prisoner is convicted, she will be transferred to Harku from Tartu or Tallinn. If at this point she has a child who is under three years of age, then the child may be able to live with her in the Mother and Baby Unit.

Children on the outside

According to the questionnaire returned by the Ministry of Justice, sixteen per cent of female prisoners have children under the age of five, eighteen per cent of female prisoners have children between six and ten, 10.5 per cent of female prisoners have children between eleven and sixteen. It was not clear from the questionnaire whether the data relates to convicted prisoners only or for those awaiting trial as well.

The questionnaire also said that there are no special arrangements for children's visits but young children have the right to physical contact with their mother during the visit. This may be the case for longer visits at Harku, but for short visits at all three prisons we were told that women prisoners and their visitors have no personal contact.

According to the questionnaire, if children cannot stay with their mother in prison they will be cared for by grandparents or other relatives.⁴¹ In Harku, however, we spoke to a woman prisoner whose two children were living with a foster family.

There is no official data on the number or percentage of women at Tallinn with children on the outside. The psychiatrist we spoke with there worked with some of the women but not all of them; she said that she is aware of one woman with five children, one woman with no children and one with one child.⁴²

Of the seventeen women prisoners at Tartu at the time of the visit, ten women had children under eighteen years old on the outside. Three of these mothers had children under the age of three.⁴³

⁴¹ QCEA questionnaire

⁴² QCEA visit to Tallinn prison

⁴³ QCEA visit to Tartu prison

One of the prisoners we spoke to at Harku had a sixteen year old boy on the outside who was living with her brother. The other woman had two children who were living with a foster family.⁴⁴

7. Health

General

General outpatient treatment and dental care is offered to the prisoners in the medical department of each prison. For specialised medical care, prisoners are referred to the central prison hospital in Tallinn. If they cannot be treated there they will be assigned to a civilian hospital for care.

All prisoners undergo an initial health check in either Tartu or Tallinn prison (juveniles get tested at Maardu prison). This will assess their health on arriving at prison; determine any diseases (including contagious diseases like tuberculosis, hepatitis and HIV) and subsequent treatment.⁴⁵ An X-ray to test for tuberculosis is compulsory for prisoners on arrival at prison.⁴⁶ Prisoners can choose whether or not to take an HIV test⁴⁷ (we were told at Tartu that new prisoners are strongly encouraged to do so).

The CPT reported that medical examinations of prisoners at Tartu were taking place in the presence of prison officers which is in contravention of the principles of medical confidentiality. It recommends that medical examinations of prisoners should be conducted out of hearing and - unless the doctor concerned requests otherwise in a particular case - out of sight of prison officers. At Tartu we were told that at medical examinations no one except the patient and the doctor are present.

Health facilities

The medical care facility at *Tartu* extends over three storeys of a building. In addition to various consultation rooms, the clinical area includes a treatment room, a pharmacy preparation room, an X-ray and ultrasound suite, a laboratory, a patient waiting area, a dentist's room, and a gynaecologist's room.⁴⁸

There are twenty-nine medical staff working in the department (many of whom are part-time) including two GPs, thirteen nurses (who between them cover night shifts), one psychiatrist, one dentist and one dentist's assistant, one radiologist and one assistant and technician, one gynaecologist (who is female), and one clinical psychologist. There is no midwife so the nurses do this job instead.⁴⁹

⁴⁴ QCEA visit to Harku prison

⁴⁵ *Ministry of Justice*, available at http://www.vangla.ee/??set_lang_id=2

⁴⁶ Prof. Morag MacDonald, *Country Report for Estonia (4-11 May, 2003)*, Research project for the Central and Eastern European Network of Drug Services in Prison in co-operation with The European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI), (University of Central England, 2004), p. 20.

⁴⁷ *ibid.*, p. 21.

⁴⁸ QCEA visit to Tartu prison

⁴⁹ *ibid.*

The CPT has described the facilities at Tartu as excellent, the premises as ‘spacious and bright’ and the equipment as ‘brand new’ and said that medical screening was systematically taking place there within twenty-four hours of arrival.⁵⁰

At *Tallinn* between 09:00 and 10:00, and after the guards have done their evening inspection, the doctors and nurse go through the corridors to check whether anyone needs medical attention. If any prisoners want to see them, they can make an appointment at this time. All medical services are free. The doctor’s room was on the same corridor as the women’s cells and had similar dimensions to the prisoners’ cells we had been in. The dentist’s room, also in a cell-sized room, appeared modern and hygienic.⁵¹

The medical staff at Tallinn has both male and female members. The gynaecologist is male and has worked in the prison for more than eight years. The doctor who takes the HIV tests is also male and has worked at the prison for a long time.⁵²

At *Harku* the medical staff includes; one full-time doctor, two full-time nurses, one dentist who comes in once per week, and one psychiatrist who also comes in once per week. Specialist doctors can come on request. No medical staff are available during the night and prisoners cannot choose to see a female doctor or nurse even if they want to. Medical facilities consisted of a room where they prepare medicine, a doctor’s room (also for gynaecological examinations), and a dentist’s room.

At Harku, the medical department has a doctor, nurses, a gynaecologist, and a dentist in the women’s prison. If, according to the doctor’s opinion, the condition of the prisoner cannot be treated in the medical department of the prison, the prisoner will be sent to the central prison hospital at Tallinn or to an ordinary hospital. Women are able to see a doctor in private and there is no third person in the room.

Mental health (including self-harm and suicide)

Table 4: Mental illness affecting women prisoners in Estonia

Disorder	Number of cases
Schizophrenia	None
Psychosis	One case in 2004
Anti-social personality disorder	None
Other personality disorder	18 cases of specific personality disorder in 2004
Depression	4 episodes and 23 cases of recurring disorder
Other:	
Mood swings	63 cases
Severe stress reactions	88 cases
Mental retardation	19 cases
Addiction	21 cases
Behavioural and psychological disorders as a result of the use of psychoactive substances	105 cases
Behavioural and psychological disorders	Total of 318 consultations in 2004

We were told that women’s fears differ from those of men and that they often have a lot of worries relating to their children. They are more likely to get depressed than male prisoners and are also more likely to be depressed than women outside prison. We were also told that

⁵⁰ Council of Europe, CPT/Inf (2005) 6, paragraphs 62 and 63, available at <http://www.cpt.coe.int/documents/est/2005-06-inf-eng.htm>

⁵¹ QCEA visit to Tallinn prison

⁵² *ibid.*

the women have more problems and are more emotional and always show their emotions, unlike the men and are more likely to get hysterical. Anti-depressants are given to those with depression. At Harku, the prevalence of eating disorders is increasing and is often used as a way to manipulate staff.⁵³

Self-harm is considered to be a big problem in Estonian prisons; it is frequently seen as a way to manipulate staff.⁵⁴ At Tartu, self-harm happened particularly in the first six months of 2003 as the prisoners adapted to this new style of prison and the stricter regime. According to MacDonald's report, there also appeared to be a discrepancy between accounts from prisoners and staff on attitudes of staff at Tartu towards self-harm. According to the prisoners, there is a lot of self-harm which is not talked about publicly and a lot of incidents may go undiscovered by the guards, who they feel are not very sympathetic towards it. According to the staff at Tartu, there is a sympathetic attitude towards self-harming and prisoners are not punished for doing this.⁵⁵

However, these issues may affect male prisoners more than female ones as it is usually male prisoners who self-harm, and often it is those who are awaiting trial who do so as they have problems adjusting to the prison.⁵⁶

On our visit we were told by medical staff that if women self-harm at Tartu, then they are given help. The social workers, psychiatrist, or psychologist will work with the woman and try to find the reason behind the woman's self-harming.⁵⁷

There is a higher risk of suicide amongst the male prison population.⁵⁸ Suicide amongst women prisoners is not common.⁵⁹

HIV and sexual health

Estonia has the second highest estimated prevalence of HIV in Europe (over one per cent of the adult population) and many HIV infections - twenty-two per cent of all new cases in 2004 - are among prisoners.⁶⁰ At the beginning of the HIV epidemic in 2000-2001, HIV testing was compulsory in prisons and HIV prisoners were separated from the rest of the prison population because there was an initial panic about transmission. Now HIV tests are no longer compulsory (in accordance with the Council of Europe's prison health care rules⁶¹) and HIV positive prisoners are integrated into the main prisoner population.

'In July 2002, the Ministry of Justice adopted an 'HIV/AIDS prevention action plan for the years 2002-2006 in the area of government of the Ministry of Justice', with the objective of preventing the spread of HIV infection in prisons and among [people on probation] and to secure high quality anti-virus treatment for persons with HIV-infection.'⁶² The Council of

⁵³ QCEA visit to Harku prison

⁵⁴ MacDonald, *Country Report for Estonia (4-11 May, 2003)*, p. 16.

⁵⁵ *ibid.*, p. 17.

⁵⁶ *ibid.*

⁵⁷ QCEA visit to Tartu prison

⁵⁸ *ibid.*

⁵⁹ QCEA visit to Tallinn prison

⁶⁰ Joint United Nations Programme on HIV/AIDS (UNAIDS) [on-line], accessed on 3 April 2007, available at <http://www.unaids.org/en/>

⁶¹ **Communication from the Council of Europe:** Council of Europe, *The Ethical and Organisational Aspects of Health Care in Prison*, Recommendation R (98) 7, Section II.B (adopted on 8 April 1998), p. 4. Available at <https://wcd.coe.int/ViewDoc.jsp?id=473743>

⁶² **Communication from the Council of Europe:** Council of Europe, *Report by Mr. Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to Estonia 27 - 30 October 2003*,

Europe's Commissioner for Human Rights welcomes the strong emphasis placed on information and awareness-raising in this Plan, and proposes that as long as there continue to be drugs in prisons, exceptional measures, such as needle exchange programmes, be undertaken.⁶³

On all three visits we were told that prisoners' HIV status is confidential and it is up to prisoners whom they tell if they are HIV positive. Although tests are voluntary, the medical staff at Tartu told us that they strongly encourage prisoners to take the test on arrival and provide support in the form of counselling and awareness raising before and after the test and whatever the results (either positive or negative). We were told at Tallinn that almost all of the prisoners take the test.

Table 5: Numbers of HIV positive prisoners (both women and total)

Prison	Number of HIV positive women prisoners	Total number of HIV positive prisoners
Harku	36 HIV positive women	36
Tallinn	3 (around 10% of women prisoners at Tallinn)	160 (around 10% of total Tallinn prison population)
Tartu	5 (29% of women prisoners at Tartu)	Don't know

The percentage of women prisoners who find out that they are HIV positive on arrival at Tartu has been decreasing over time (two women diagnosed so far in 2006). One reason for this is that many women are re-offenders who found out during a previous sentence in prison. In the past there have been three HIV positive pregnant prisoners at Tartu, all of whom received treatment at the prison.

As well as HIV, many women prisoners at Tartu have a problem with sexually transmitted diseases (STDs). All STDs are tested for on arrival (again, voluntarily). We were told that STDs are often a problem because of the low educational and deprived social background of many of the women prisoners; many have never been to a gynaecologist before.

Substance addiction

As of 2003 there was no strategy for drug treatment in Estonian prisons, but there is a Prisons' Drug Prevention Strategy 2002-2012, which is part of the Estonian national drug prevention strategy. Methadone is relatively new in Estonia and is not routinely available for prisoners needing treatment for drug addiction.⁶⁴

The worst time for drug addicts is in the police arrest house where they may be imprisoned for two weeks before going to prison.⁶⁵ In prison, drug addicts are only given treatment for their withdrawal symptoms (such as painkillers for cramps) but nothing for their addiction.

At Harku there are weekly meetings for prisoners with a drug addiction. These meetings are organised by the non-profit organisation, Convictus. Twenty-four women participate in the meetings of the Russian speaking group and nine women in the Estonian speaking group.⁶⁶ Convictus also run a support group for HIV positive female drug users in prison.⁶⁷ In the past

CommDH(2004)5 (Strasbourg 12 February 2004), Section II.A., Paragraph 33. Available at <https://wcd.coe.int/ViewDoc.jsp?id=112789>

⁶³ *ibid.*

⁶⁴ MacDonald, *Country Report for Estonia (4-11 May, 2003)*, pp. 24-25.

⁶⁵ *ibid.*, p. 24.

⁶⁶ QCEA questionnaire

⁶⁷ Ministry of Justice, available at http://www.vangla.ee/?set_lang_id=2

there have been regular Alcoholics Anonymous (AA) meetings at Harku for prisoners with alcohol addiction but the meetings do not take place regularly at the moment.⁶⁸

On our visit to Tartu we were told that women are often addicted to harder drugs than men. Women prisoners are often addicted to methadone from the black market and heroin outside which takes a long time to get over. Drug tests are done on prisoners if prison security has suspicions that a prisoner is using drugs. Between sixty and seventy tests are done a month but only a small number of these are done on women.

8. Education, work and training

Prisoners awaiting trial do not have access to any work, education or training programmes.⁶⁹ This section relates therefore to convicted prisoners at Harku only.

Women prisoners receive an equal share of the overall prison budget for educational and work programmes compared to male prisoners. The financial and human resources are divided equally amongst all prisoners.⁷⁰

Education

Education in prison is organised by the Ministry of Education and Research and the purpose of providing education is to prepare prisoners for release.⁷¹ In order to improve the cooperation between schools and prisons the position of an education administrator was created in the prisons. Studying is supported by the prison library.⁷²

Education is available in both Estonian and Russian.⁷³ At Harku it is possible to get both a basic and secondary education. There are also vocational programmes in which women can take sewing courses and afterwards practise their skills in a sewing workshop run by Estonian Prison Industry Ltd.

Twenty per cent of women are enrolled on some form of educational programme. According to the questionnaire, the only reason that some women may not be enrolled is because they do not want to participate.⁷⁴

Non-Estonians are integrated into Estonian society by language and civic duty courses organised by the prison.⁷⁵

Work and training

According to the Imprisonment Act, all convicted persons who are under sixty-four years of age, not studying and without medical contra-indications, are obliged to work. The working prisoners are divided into two groups: those who are employed in the internal economic

⁶⁸ QCEA questionnaire

⁶⁹ QCEA visits to Tallinn, Tartu and Harku prisons

⁷⁰ QCEA questionnaire

⁷¹ Ministry of Justice, available at http://www.vangla.ee/??set_lang_id=2

⁷² *ibid.*

⁷³ QCEA questionnaire

⁷⁴ *ibid.*

⁷⁵ Ministry of Justice, available at http://www.vangla.ee/??set_lang_id=2

activities of the prison (such as assistant workers, cleaners, and kitchen staff) and the prisoners employed in production.⁷⁶

Compulsory work is arranged for the prisoners at Harku. AS Eesti Vangloostus, a state-owned business association formed in 2001, organises prisoner employment at the sewing plant.⁷⁷ In addition to the sewing work, the detainees get paid work at the boiler house, as cleaners of the prison compound and rooms and in the kitchen and laundry house.

Skilled workers at Harku can earn up to between 3,000 and 4,000 Estonian Kroons per month (€191 - €255), which is an amount comparable to the wages of a rural blue-collar worker.⁷⁸

One of the women we spoke to did maintenance work in the grounds of the prison for two hours per day. The other woman did stitching work and training work for four hours per day after school (except in summer when there is no school and she worked for eight hours per day).⁷⁹ The Estonian Imprisonment Act states that prisoners' conditions shall comply with the requirements established by labour protection law (except for the specifications arising from the Imprisonment Act), however no explicit mention is made of the number of hours that prisoners are required to work.

9. Minority groups amongst the women prisoner population

Juveniles

By Estonian law juveniles aged fourteen years or older can be imprisoned. Convicted female juveniles are held at Harku and female juvenile pre-trial prisoners are held at Tallinn and Tartu. They are in the same accommodation block as the convicted adult women but are in rooms which are separate from the adults.

At the time of our visit there were two juvenile females at Tallinn and one juvenile female at Tartu who was fourteen years old. Since she was the only juvenile female she had a cell to herself. She had no contact with other prisoners and was not being given any schooling because it was the school holidays.

Foreign nationals and ethnic minorities

On 1 January 2005, seventy-one sentenced female prisoners did not have Estonian citizenship and 18.3 per cent of these prisoners were being held for drug-related offences.⁸⁰

Fifty-eight per cent of prisoners are non-Estonian,⁸¹ and the main group of prisoners considered to be foreign are Russians who, in the main, do not speak Estonian.⁸² The high numbers of Russian-speaking prisoners has implications for both the provision of written materials, treatment groups and for staffing. Most members of the prison staff speak both Estonian and Russian but this may become a problem in the future as fewer young people now learn Russian at school.⁸³

⁷⁶ *ibid.*

⁷⁷ *ibid.*

⁷⁸ QCEA visit to Harku prison

⁷⁹ *ibid.*

⁸⁰ *QCEA questionnaire*

⁸¹ *Refugees International, Life on Hold: Estonia* [on-line], accessed on 3 April 2007, available at http://www.refugeesinternational.org/section/publications/stateless_estonia/

⁸² MacDonald, *Country Report for Estonia (4-11 May, 2003)*, p. 13.

⁸³ *ibid.*, p. 14.

10. Security and punishment

On our prison visits we saw the punishment cells at all three establishments. The punishment cells in all three prisons are based on the same design; a fold-down bed which is locked up during the day, a toilet and sink in one corner and a built-in seat and table. The punishment cells at Tallinn and Harku were in separate buildings from the accommodation blocks, and both lots of cells were in a dilapidated condition. The more modern punishment cells at Tartu were within the accommodation block. In Tallinn the punishment cells hold two prisoners (of the same sex); those at Harku and Tartu hold only one person per cell.

At Tartu, in addition to ordinary punishment cells, there are also ones for difficult prisoners (such as those on drugs or who harm themselves). These cells do not have a bed but instead have a raised ledge in the middle of the room on which the prisoner can sleep. There is no table and no seats, but there is a toilet and sink in the corner of the room. The main area of the cell is separated from the door into the corridor by an extra set of bars so that the prisoner cannot attack the guard when s/he enters the cell.

Prisoners may be sent to the punishment cells for misbehaving or breaking the rules. The length of time spent there depends on the nature of what the prisoner has done, as well as on previous punishments. The Estonian Imprisonment Act specifies that sentenced prisoners may be committed to a punishment cell for up to forty-five 24-hour periods (twenty 24-hour periods for minors). Prisoners awaiting trial may be sent to a punishment cell for thirty days (or fifteen 24-hour periods if under eighteen).⁸⁴ At Tallinn, women prisoners usually serve between five and ten days (for example if they are noisy at night or if they refuse to stop shouting or are rude). A maximum stay in the punishment cells at Harku may be imposed if a woman prisoner uses drugs, gets drunk or misbehaves while on prison leave. A prisoner at Harku can get twenty-five days for not obeying the guards and between one and two days for smoking cigarettes.

Prisoners are not allowed any personal belongings while in the punishment cells, although they may bring basic toiletries such as a toothbrush and toothpaste. At Tartu prisoners are allowed to bring one book with them. At Harku and Tallinn prisoners are only allowed to read a copy of the punishment rules or the Bible.

While in the punishment cells, prisoners retain all other rights such as one hour of exercise per day and meals, although they are not allowed to see visitors and convicted prisoners are not allowed to receive packages which have been sent to them.

Other disciplinary punishments for convicted prisoners include prohibition of one short or long term visit and removal from work for up to one month. For prisoners awaiting trial, other disciplinary measures include deprivation for up to two months of the right to supplementary food purchased out of the personal funds of the prisoner.⁸⁵

11. Staff and management

According to the questionnaire, male staff are employed in 'contact' positions in Harku. At Tartu, however, we were told that it is against Estonian law for male guards to touch female prisoners and for female guards to touch male prisoners.⁸⁶ This may be due to a possible

⁸⁴ Estonian Imprisonment Act, Sections 63 and 100 (this was accepted 14 June 2000, and was official law from 1 December 2000 (RT I 2000, 58, 376))

⁸⁵ Estonian Imprisonment Act, Sections 63 and 107 (this was accepted 14 June 2000, and was official law from 1 December 2000 (RT I 2000, 58, 376))

⁸⁶ QCEA visit to Tartu prison

misunderstanding of the expression 'contact position' in the questionnaire. The prison staff, male: female ratio is 1:6.7.

Both female and male guards are employed at Harku and the supervisor of the guards is male. There are three contact persons for the prisoners (one male and two female). The role of a contact person is to explain the rules to new prisoners, and to act as a link between the prisoner and the departments within the prison. The contact person also monitors how prisoners comply with their sentence plans and their progression.⁸⁷

⁸⁷ MacDonald, *Country Report for Estonia (4-11 May, 2003)*, p. 7.

Country Report: Ireland

The main source of information for this country report came from the Irish Prison Inspectorate reports of 2003 and 2005. The Prison Visiting Committee Reports have been criticised as 'lacking bite and being top heavy in political appointees.' However, they published 'hard hitting' reports in 2003.¹ Another very useful source was the 2002 study: 'Parents, Children and Prison, Effects of Parental Imprisonment on Children', as was an academic paper on juvenile justice. Other academic sources are quoted from various publications. The 2004 Irish Prison Service Report was used. Several newspaper articles are referred to, all from the Irish Examiner. A QCEA staff member attended the 'Sisters Inside Conference', held at Dóchas Centre, Mountjoy Prison, in 2004.

1. Introduction

The prison population was 3,279 (including ninety-two prisoners on temporary release) in April 2006, with a prison population rate of seventy-eight per 100,000 (based on an estimated national population of 4.22 million). Pre-trial prisoners accounted for 15.9 per cent of the total prison population, juveniles made up 1.7 per cent and foreign prisoners made up nine per cent. There were fourteen establishments and an occupancy level (based on official capacity) of 98.5 per cent.²

The Parole Board was set up in 2001 in order 'to review the cases of prisoners with longer term sentences and to provide advice in relation to the administration of those sentences.'³ In 2004, ten out of the forty-three prisoners referred to the board for review declined their assistance, although the reasons for this were not given.⁴

Prisoners have a statutory right to remission of one quarter of their sentence, unless this is repealed as a disciplinary measure. Temporary release may be day-to-day release (usually at the end of the sentence), full temporary release, compassionate release or release under escort.⁵

2. Women prisoners in Ireland

Profile of women prisoners

According to the International Centre for Prison Studies, women prisoners made up 3.5 per cent of the total prison population in April 2006.⁶ On any given day, there are between 100-110 women in prison in Ireland.⁷

¹ John Breslin, 'Bed Crisis Sends Mentally Ill Inmates to Jail', *Irish Examiner*, 7 May 2004 [newspaper on-line], accessed 16 April 2007, available at <http://archives.tcm.ie/irishexaminer/>

² *International Centre for Prison Studies*, World Prison Brief, Prison Brief for Republic of Ireland [on-line], accessed 16 April 2007, available at <http://www.prisonstudies.org/>

³ *The Parole Board* (Ireland Department of Justice, Equality and Law Reform), Annual Report 2004, p. 9 [on-line], accessed 16 April 2007, available at http://hrbndc.imaxan.ie/directory/news_detail.php?cat_id=&news_id=2240&pointer=0

⁴ *ibid.*, p. 15.

⁵ D. King, *Parents, Children and Prison, Effects of Parental Imprisonment on Children*, Centre for Social & Educational Research (Dublin Institute of Technology, 2002), p. 18.

⁶ *International Centre for Prison Studies*, available at <http://www.prisonstudies.org/>

A recent study on women in prison in Ireland characterised Irish women prisoners as 'young, poor and uneducated'. Almost half of the women studied were twenty-five or under and less than five per cent were over fifty. This distribution differs from that of the female population as a whole, where in 2002, some thirty-six per cent of women were under twenty-five years of age and twenty-one per cent were over fifty-five (figures for women over fifty were not available for the population as a whole).⁸

'The most striking feature of the analysis is the relatively trivial nature of the offences for which many women were imprisoned' says the author, Quinlan, who points out that most were sentenced for 'poverty crimes' with theft being the most common followed by nuisance offences⁹ and contempt of court, as well as prostitution.¹⁰ In 2002, ninety per cent of the eighty-eight women in prison in Ireland were held for shoplifting and ninety-seven per cent were held for less than a year.¹¹

A study by the Department of Justice in 1996 found that the majority of women prisoners surveyed lived in inner city Dublin and had been brought up there. Sixty-two out of 100 women surveyed in an independent study had an average of 2.7 children each. Eleven of the women had at least one child in care while children of most of the other prisoners were cared for by their family.¹² No statistics on the numbers of mothers in prison are available from the authorities.

The Irish Prison Rules (IPR) 2005,¹³ do not contain a section on women. References to women exist only for the provision of childbearing prisoners, the separation of male and female prisoners, and in relation to searching. There are no references to: women's health care (including that of pregnant prisoners); women-orientated probation and welfare support; the sanitary and hygiene needs of female prisoners; grievances of women prisoners, which may include complaints of sexual impropriety; foreign national women, juvenile women, the transport of female and pregnant prisoners; visits or contact with family.

According to the IPR, male and female prisoners should be accommodated in separate areas and should not be allowed access to areas that the opposite gender has access to at the same time. Male and female prisoners may participate in activities together with permission of the Governor.

Prisons

There are two prisons for women in Ireland, the main one is the Dóchas Centre, which is part of the Mountjoy prison complex and which came into operation in 1999. The other, Limerick, is much smaller with only twenty beds. Women may also be removed to the only secure

⁷ 'Crime Special: Poverty the Cause of Most Women's Crimes', *Irish Examiner*, 5 August 2004 [newspaper on-line], accessed 16 April 2007, available at <http://archives.tcm.ie/irishexaminer/>

⁸ *Central Statistics Office Ireland*, Population [on-line], accessed 6 October 2006, available at <http://www.cso.ie/statistics/popnbyage2002.htm>

⁹ Such as being drunk and disorderly

¹⁰ *Irish Examiner*, 5 August 2004, available at <http://archives.tcm.ie/irishexaminer>

¹¹ Ivana Bacik, speaking at Sisters Inside: Women, Prison and Human Rights, an international conference on women and prison organised by the Irish Penal Reform Trust, June 2004

¹² King, *Effects of Parental Imprisonment on Children*, p. 16.

¹³ *Rules entitled Prison Rules 2005* (to be made by the Minister for Justice, Equality and Law Reform), accessed 16 April 2007, available at [http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ6DLEHL-en/\\$File/PrisonRules2005.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ6DLEHL-en/$File/PrisonRules2005.pdf)
The Prison Rules are to come into force in late 2006.

psychiatric hospital, the Central Mental Hospital. This report is based on the Dóchas Centre (Dóchas means 'hope').

The Dóchas Centre holds sentenced, pre-trial, trial, debtor and foreign national adult women (aged over eighteen years).¹⁴ Most women are on short sentences and many of the women are awaiting trial.¹⁵ Foreign nationals who are refused entry into the country are also held here, often arriving unannounced and late at night. Women may be imprisoned for prostitution and for abortion, which is illegal in Ireland. Some women are held for their own protection.¹⁶

The Dóchas Centre is a closed, medium security unit designed to hold eighty-one women. The prison's vision statement reads 'We encourage growth and development in preparing a safe environment. We are committed to addressing the needs of each person in a healing and holistic way.'¹⁷ There is a female governor of Dóchas and a governor with overall responsibility for both Dóchas and Mountjoy. There are approximately ninety prison staff, most of whom are female. Overall, it is a relaxed and well-run prison without violence, although probation and welfare staff have been verbally assaulted. One newspaper reporter described the prison as 'reminiscent more of a student campus than a detention centre.'¹⁸ The Inspector commented that Dóchas is 'unique' and 'very humane in dealing with a very difficult and complicated group of people.'¹⁹ There is no segregation according to crime; 'everyone's treatment here is the same' (Prison governor).²⁰

The Centre comprises six 'houses' as well as a pre-release centre and the health unit, and there are open spaces in between where prisoners can walk. Two of the houses are drug free. There are no bars on the windows or any security apart from the entrances to the prison. Accommodation is referred to as 'rooms' not 'cells' and the prisoners are not handcuffed even when escorted to court. Prisoners are given some responsibilities in running their houses. An attempt is made to mirror conditions on the outside and staff are encouraged to wear civilian clothing.²¹

Houses are mostly two storey buildings (one has eighteen bedrooms and three storeys). One house that the Inspector visited was reported to have 'very impressive and fully equipped kitchens' (including laundry facilities), a small dining room and an upstairs sitting room with TV and video, bookshelves, etc. There is an officers' station/room off this. There are between ten and twelve bedrooms per house; each has a toilet, sink, shower, TV and a two-way intercom. The call is diverted to the central station if the officer is not available. The lock-up time varies between 19:30 in some houses to 22:00 or 00:00 in others. In several houses, offices have had to be converted into rooms, these are 'totally unsuitable' and overcrowded.

¹⁴ Irish Prisons Inspectorate, Mountjoy and Dóchas Centre, *Revisit to Mountjoy prison 25-26 January 2005* p. 6 [on-line], accessed on 16 April 2007, available at [http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ6BCHD5-en/\\$File/mountjoy.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ6BCHD5-en/$File/mountjoy.pdf)

¹⁵ Irish Prisons Inspectorate, Mountjoy and Dóchas Centre, *Mountjoy inspection: 20-31 January 2003*, p. 7 [on-line], accessed on 16 April 2007, available at [http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ5XLF2S-en/\\$File/mountjoyprisonanddochas.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ5XLF2S-en/$File/mountjoyprisonanddochas.pdf)

¹⁶ *Irish Examiner*, 5 August 2004, available at <http://archives.tcm.ie/irishexaminer/>

¹⁷ *ibid.*

¹⁸ *ibid.*

¹⁹ Irish Prisons Inspectorate, *Revisit to Mountjoy prison*, p. 37, available at [http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ6BCHD5-en/\\$File/mountjoy.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ6BCHD5-en/$File/mountjoy.pdf)

²⁰ *Irish Examiner*, 5 August 2004, available at <http://archives.tcm.ie/irishexaminer/>

²¹ Irish Prisons Inspectorate, *Revisit to Mountjoy prison*, pp. 74 and 77, available at [http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ6BCHD5-en/\\$File/mountjoy.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ6BCHD5-en/$File/mountjoy.pdf)

One of the houses, Phoenix House, functions differently and provides pre-release/temporary release accommodation for women who do not pose a security risk. It is drug-free and regular urine tests are taken. The women in Phoenix House have a key to the front door. The house contains two self-contained bedsits designed for one person; however, these were overcrowded with, at times, four women and a baby sharing a bedsit. The occupants have a key to their door. There are four other ensuite bedrooms.²²

The main problems at Dóchas are financial restraints, overcrowding, prisoners' emotional and psychological problems and drugs.

3. Contact with the outside world

Visits

Sentenced prisoners are allowed one thirty-minute visit per week. Prisoners awaiting trial are entitled to one thirty-minute visit per day. Prisoners may request an additional fifteen minute special visit per week. There is a limit of three adults per visit but no limit on the number of children. The dining hall doubles as a visiting area. Tables and chairs are fixed to the floor. Mothers are allowed contact with their children. There is a play area for children which extends outside the building and has toilet facilities. Both of these have been temporarily closed, however, due to the passing of illegal drugs. A professional childcare worker from the Mountjoy Visitors' Centre staffs the play area at weekends, when most of the visits are held.²³

There are five visiting cubicles; two have removable screens so that, during professional visits, papers can be passed between the prisoner and his/her visitor. The other three have fixed screens which do not allow any contact between the prisoner and visitor. The dining hall is covered by CCTV and is patrolled by a guard when there are visits taking place.²⁴

In general, voluntary prison visitor centres have increased in their capacity since 1994 and are jointly managed by the St. Vincent de Paul Society and the Dublin Quaker Service Committee. In 2001, there were forty-four paid staff and many volunteers. The Department of Justice financed the project for €700,000 in 2002.²⁵ In the box below are some further details of this work:

'Award for Prison Visitors Centres

The Committee and supporters of the Prison Visitors Centres Committee were delighted to be awarded one of the top prizes at the Dublin Bus Annual awards for Charities, which took place in July 2005 at Jury's Hotel, Ballsbridge. Both the Minister for Transport, Martin Cullen, and the Chairman of CIE, John Lynch, were present for the occasion. The Award honours the almost ten years of voluntary work by the Committee, which is managed jointly by the Society of St. Vincent de Paul and the Religious Society of Friends.

The need for this work was identified by the experiences of families visiting prisoners in the Maze and Magaberry prisons in Northern Ireland during the 1980s. It was realised that the families of prisoners were one of the most deprived sections of our community. Both spouses and children suffer greatly from the loss of the breadwinner and from the stigma attached to being a prisoner family. In many cases, their suffering is more than that of the prisoners themselves.

²² *ibid.*, p. 96.

²³ King, *Effects of Parental Imprisonment on Children*, p. 18.

²⁴ Irish Prisons Inspectorate, *Mountjoy inspection*, pp. 90 and 91, available at [http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ5XLF2S-en/\\$File/mountjoyprisonanddochas.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ5XLF2S-en/$File/mountjoyprisonanddochas.pdf)

²⁵ 'Visitors' Centres at Prisons', *The Friendly Word*, Vol. 18, Issue 6, December 2001

The work started with a cup of tea and a listening ear by volunteers, members of the two Societies, but rapidly grew into full-time work with purpose built centres at Mountjoy and Cloverhill prisons. These centres, financed largely by the Department of Justice through the Prison Service, have been a model of care and have been visited by experts from overseas. They are a tribute to the work of the two Societies and to the caring attitude of the Department of Justice, the Prison Service and their officials. In the region of 8000 adults and children pass through the Centres each month.

The €5000 prize money will be used to provide extra fun and facilities for the children during the coming Christmas and Easter holidays.²⁶

In 2002, three of the five women surveyed expressed positive views about visiting arrangements; one respondent said it looked less like a prison which made it easier for children.²⁷

4. Motherhood in prison

Babies in prison

According to the Irish prison rules 2005²⁸, female prisoners may keep their baby in prison with them until they are one year old, whether or not they give birth while in custody. The reason given is to facilitate breast-feeding. A child may remain in custody longer under 'special circumstances'. Children may be separated from their mother before the age of one upon the order of a court or if the mother of the child consents. In the latter case, babies are to be removed 'at the direction of the Governor, only after the prison doctor, and such other health care professionals as the Governor or prison doctor considers appropriate, have been consulted.' A mother in prison may have extra 'provision of articles or food' for her child. Before a child leaves prison, with or without his/her mother, the Governor shall 'ascertain...the appropriate placement for the care of the child.'

Children on the outside

An Irish study that included interviews with five mothers and twenty-one fathers in prison revealed that seventeen (65.4 per cent) of them had not been asked whether or not they were parents on admission to prison; five (19.2 per cent) of them had been asked; whilst four (15.4 per cent) said they could not remember. 'Some people in here, they don't treat you like you're a mother. They forget. You're treated more like a number or something' said one female prisoner. Eighteen of the twenty-six surveyed prisoners (male and female) had had time to make arrangements for the alternative care of their children. In most of these cases, the children had been living with both parents and the other parent had become the sole caregiver. Thus, the number of prisoners able to make alternative care arrangements would probably be much lower if only women were surveyed, since women are more likely to be single carers. None of the children of the five women surveyed were now living full-time with their fathers. One mother said she had not had time to make alternative arrangements and her mother had been forced to step in or the child would have been taken into care. Out of a total of fifty-seven children included in the study, eight had been living with one or two parents and were no longer, causing a major upheaval in a child's life. Two mothers said their children

²⁶ Text is from the website of Irish Quakers [on-line], accessed 6 October 2006, available at <http://www.quakers-in-ireland.ie/principles/faithact.htm#IQFA>

²⁷ King, *Effects of Parental Imprisonment on Children*, p. 29.

²⁸ *Prison Rules 2005*, available at [http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ6DLEHL-en/\\$File/PrisonRules2005.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ6DLEHL-en/$File/PrisonRules2005.pdf)

were in foster care, two mothers said their children were being cared for by grandparents and one mother said her children were being cared for by both the father and another relative. This is very different to the twenty-one male prisoners' children who were mostly looked after by their mothers with only three exceptions.²⁹

In talking about relationships with their young children, one mother said 'she doesn't really know me'. Another said that, although her daughter was young, she still knew who she was and referred to her as her mother, but the child 'couldn't even speak when I was getting locked up. You know, now she's able to speak and walk...I missed out on all that.' A woman prisoner said her imprisonment had had a big impact on her daughter: when she eventually settled down with her new caregivers, her behaviour with her mother changed 'When she comes up here, she just doesn't want to do anything. She's different. When I phone, like, I can hear her in the background. She can talk and all, but she won't say anything when she comes up here.' Another mother said of her daughter 'she is probably thinking 'what did I do?' you know, all that kind of thing in her head...I reckon she'd be thinking 'What have I done wrong? Why aren't I with my mammy?' One mother said 'she couldn't mess up again' or she would lose her children for good. Another said she needed to get out and spend time with her children or it would be too late to have any relationship with them.³⁰

Parenting courses were run at both Mountjoy and the Dóchas Centre. These were successful in the men's prison but in the women's prison this gave rise to so many difficult issues that counselling was not available to cover them. Parenting classes were simply stopped for women.³¹ This is astonishing and shows a total lack of response to the real needs of women.

5. Health

According to an international survey conducted in 1999, the number of Irish female prisoners reporting 'very good' or 'excellent' health was just sixteen per cent.³² A 2001 study revealed that female prisoners had rates of hepatitis B at twelve per cent, hepatitis C at forty-two per cent and HIV at two per cent, all slightly higher than the male prison population.³³

According to the 2003 report, the surgery and waiting area in Dóchas centre are spacious, bright and clean. The pharmacy was described as excellent and one of the rooms viewed was reported to be bright and comfortable.³⁴

In the health care unit, located directly over the medical unit, there are four ordinary rooms and three 'cladded' rooms. The 'cladded' rooms (which have alarms installed) were initially intended to be used solely for women on medical supervision, but are now used as ordinary accommodation due to overcrowding.³⁵ The local branch officer of the Prison Officers' Association (P.O.A) (Dóchas) said that the health care unit is overcrowded with sometimes up to five people per room.³⁶

²⁹ King, *Effects of Parental Imprisonment on Children*, pp. 26 & 27.

³⁰ *ibid.*, chapter five.

³¹ *ibid.*, p. 32.

³² *Healthcare Study of the Irish prison population (HIPP)*, Summary [on-line], accessed on 16 April 2007, available at www.hipp-europe.org/resources/internal/Irish-prisons/0020.htm

³³ King, *Effects of Parental Imprisonment on Children*, p. 17.

³⁴ Irish Prisons Inspectorate, *Mountjoy inspection*, p. 80, available at [http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ5XLF2S-en/\\$File/mountjoyprisonanddochas.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ5XLF2S-en/$File/mountjoyprisonanddochas.pdf)

³⁵ *ibid.*, p. 91.

³⁶ *ibid.*, p. 87.

A doctor attends the centre every day and a community nurse attends for six hours every week. The health care team (including the probation and welfare officer) meet every Wednesday morning. There are five nurses and one medical orderly attached to the medical unit. Other medical professionals, such as a dietician, optician, etc. are brought into the centre as required and, when the need arises, the prisoners are referred to outpatient facilities.³⁷

Between 2003 and 2005, a dental area was established which was described as 'well equipped' by the Inspector in his 2005 report. On the same visit, a nurse told the Inspector that it is difficult to get nurses to come and work in prison as there are no chances of promotion and it is seen as a 'dead-end job'.³⁸

Meals are eaten in a bright communal dining room, which is unusual, as in most Irish prisons prisoners eat alone in their cells. There is a self-service buffet of hot and cold food, and special diets and vegetarian diets are catered for. The menu is on a twenty-eight day cycle. Prisoners work in the kitchen and automatically follow an in-house certificated catering course. The kitchen has won several awards for excellence and the Inspector was very impressed by the high standard. As in many prisons, the evening meal is very early (16:30-17:15) so that there are only three hours between lunch and dinner.³⁹

Mental health

The Governor believes that female prisoners have more problems than their male counterparts with abuse, partners and children, and that women prisoners had more problems with childcare and homelessness.⁴⁰ Many of the prisoners have experienced physical and sexual abuse.⁴¹ There are three welfare and probation officers attached to the centre, they are overworked and so prison officers also undertake this work at times.⁴² Probation and welfare staff would like to spend more time addressing offending behaviour.⁴³ The Inspectorate was of the opinion that there was sufficient staffing but that roles should be more clearly defined.⁴⁴ There is some bullying amongst prisoners around sexual orientation.⁴⁵ More resources are needed for treating the mental health of prisoners.⁴⁶ There is now a permanent full-time psychologist who is 'badly needed'.⁴⁷ A rape counsellor comes in once a week which welfare officers say is not enough.⁴⁸ The prison chaplains say that the support they can provide is inadequate and that, although the courts may recommend treatment, it is not available in prisons.⁴⁹

³⁷ *ibid.*, p. 77.

³⁸ Irish Prisons Inspectorate, *Revisit to Mountjoy Prison*, p. 35, available at [http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ6BCHD5-en/\\$File/mountjoy.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ6BCHD5-en/$File/mountjoy.pdf)

³⁹ Irish Prisons Inspectorate, *Mountjoy inspection*, pp. 97-98, available at [http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ5XLF2S-en/\\$File/mountjoyprisonanddochas.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ5XLF2S-en/$File/mountjoyprisonanddochas.pdf)

⁴⁰ *ibid.*, p. 78.

⁴¹ *ibid.*, p. 86.

⁴² *ibid.*, p. 78.

⁴³ *ibid.*, p. 82.

⁴⁴ *ibid.*, p. 86.

⁴⁵ *ibid.*, p. 83.

⁴⁶ *ibid.*, p. 85.

⁴⁷ Irish Prisons Inspectorate, *Revisit to Mountjoy Prison*, p. 33, available at [http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ6BCHD5-en/\\$File/mountjoy.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ6BCHD5-en/$File/mountjoy.pdf)

⁴⁸ Irish Prisons Inspectorate, *Mountjoy inspection*, p. 85, available at [http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ5XLF2S-en/\\$File/mountjoyprisonanddochas.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ5XLF2S-en/$File/mountjoyprisonanddochas.pdf)

⁴⁹ *ibid.*, p. 86.

In 2004, prison doctors went on strike, partly due to lack of support by management.⁵⁰ The Inspectorate of the Irish prison service commented that ‘many of the women with psychiatric problems should not be in prison; possibly it may cause them further mental deterioration.’⁵¹

Substance addiction

In 2004, between seventy and ninety per cent of the prisoners were addicted to drugs or alcohol.⁵² Detox and methadone maintenance programmes are an essential part of the prison doctor’s referral service⁵³ and, in 2003, approximately thirty per cent of the prisoners were on methadone maintenance. In 1996, fifty-seven per cent of women at Dóchas had used heroin at some time in their lives.⁵⁴ Illegal drugs are frequently smuggled into the centre; cannabis is the most common drug smuggled. Officers describe illegal drugs as ‘rampant’ and are unsure what to do when they see drugs being passed. The desire for smuggled drugs gives rise to bullying.⁵⁵

Alcoholics Anonymous and Narcotics Anonymous Counsellors are used within the centre⁵⁶ and a drug counsellor comes in for one afternoon session per week.⁵⁷ Two of the houses are drug-free houses and anyone found breaking this rule is demoted to another house.⁵⁸ Random searches are carried out and prisoners who have received illegal drugs may only see visitors when separated from them by a screen.⁵⁹

6. Education, work and training

The 2004 Annual Report of the Irish Prison Service showed that, during the course of the year, approximately eighty-two per cent of women attend classes and, out of these, fifty-eight per cent attended for ten or more hours per week.⁶⁰ The Inspector said there is “some effort, but not nearly enough” to provide purposeful activity.⁶¹ In 2003, the Inspectorate commented on good educational facilities, such as the computer rooms, gym and the kitchen where catering is taught.⁶² One newspaper journalist described the classrooms for hairdressing and computing as “state-of-the-art”.⁶³ However, of the twenty-three subjects on offer none are distinctly academic, unlike in the men’s prison. This may be due to women’s shorter sentences. Only one

⁵⁰ *Irish Examiner*, 7 May 2004, available at <http://archives.tcm.ie/irishexaminer/>

⁵¹ *ibid.*

⁵² *Irish Examiner*, 5 August 2004, available at <http://archives.tcm.ie/irishexaminer/>

⁵³ *ibid.*

⁵⁴ Irish Prisons Inspectorate, *Revisit to Mountjoy Prison*, p. 33, available at [http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ6BCHD5-en/\\$File/mountjoy.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ6BCHD5-en/$File/mountjoy.pdf)

⁵⁵ Irish Prisons Inspectorate, *Mountjoy inspection*, pp. 78, 83 and 88, available at [http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ5XLF2S-en/\\$File/mountjoyprisonanddochas.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ5XLF2S-en/$File/mountjoyprisonanddochas.pdf)

⁵⁶ *ibid.*

⁵⁷ *Irish Prison Service*, Annual Report 2004, p. 45 [on-line], accessed on 16 April 2006, available at <http://www.irishprisons.ie/publicationsItem.asp?pubID=22>

⁵⁸ Irish Prisons Inspectorate, *Mountjoy inspection*, p. 77, available at [http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ5XLF2S-en/\\$File/mountjoyprisonanddochas.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ5XLF2S-en/$File/mountjoyprisonanddochas.pdf)

⁵⁹ *ibid.*, p. 88.

⁶⁰ *Irish Prison Service*, p. 45, available at <http://www.irishprisons.ie/publicationsItem.asp?pubID=22>

⁶¹ Irish Prisons Inspectorate, *Revisit to Mountjoy Prison*, p. 37, available at [http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ6BCHD5-en/\\$File/mountjoy.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ6BCHD5-en/$File/mountjoy.pdf)

⁶² Irish Prisons Inspectorate, *Mountjoy inspection*, p. 80, available at [http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ5XLF2S-en/\\$File/mountjoyprisonanddochas.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ5XLF2S-en/$File/mountjoyprisonanddochas.pdf)

⁶³ *Irish Examiner*, 5 August 2004, available at <http://archives.tcm.ie/irishexaminer/>

woman per year studies for a third level degree. The outdoor pursuits are very good and include windsurfing, mountaineering, abseiling and canoeing. There are art exhibitions, debates and visiting writers. Classes include industrial cleaning, parenting, first aid, office work, baking, and hairdressing.⁶⁴ The European Computer Driving Licence is popular.⁶⁵ All new prisoners have an interview with the head teacher. Classes run for eleven months of the year. The number of women attending classes is usually between eighteen and twenty each day. In 2002, ten women sat one subject in their Junior Certificate, one woman sat one subject in the Leaving Certificate and one sat Open University exams.⁶⁶

7. Minority groups

Juveniles

In the Republic of Ireland, offending and non-offending juveniles may be held together or even with adults, thus criminalising non-offending juveniles. Thirty-four per cent of girls admitted to Oberstown Girls Centre (Detention School) were admitted for non-offending reasons. The Children's Act of 2001 abolished the imprisonment of children under eighteen years old but has yet to come into force due to the lack of secure placements. 155 juveniles were committed to prison in 2002, according to the Irish Prison Service Annual Report. The European Court of Human Rights ruled against the Irish government in 2002 for detaining a sixteen year old with serious behavioural problems.⁶⁷

On the day of the Inspector's visit, a sixteen year old girl had been sent to Dóchas by the court for a three month sentence with a note saying that she was so unruly she could not be placed in a special school with other juveniles. There was no single room available for her so she had to be placed in a room with three much older prisoners. The Governor said there was no provision for that age group within the prison nor any way of keeping her separated from other prisoners, although a single room was found for her the next day. According to the Irish High Court, as well as the 1987 and 2006 European Prison Rules, juveniles and adults should be kept separate. In October 2003, a fifteen year old was placed in the same position.⁶⁸

Foreign nationals and ethnic minorities

In one year, 305 women from thirty-one countries were imprisoned at Dóchas. The Governor was unaware of any racism on the part of staff although there is some amongst prisoners. According to the Governor, "most of the foreign nationals mix quite well with Irish prisoners

⁶⁴ Irish Prisons Inspectorate, *Mountjoy inspection*, pp. 76, 81 and 82, available at [http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ5XLF2S-en/\\$File/mountjoyprisonanddochas.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ5XLF2S-en/$File/mountjoyprisonanddochas.pdf)

⁶⁵ *Irish Examiner*, 5 August 2004, available at <http://archives.tcm.ie/irishexaminer/>

⁶⁶ Irish Prisons Inspectorate, *Mountjoy inspection*, pp. 81 & 82, available at [http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ5XLF2S-en/\\$File/mountjoyprisonanddochas.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ5XLF2S-en/$File/mountjoyprisonanddochas.pdf) (The Open University runs correspondence courses for people without former educational achievement and has a philosophy of social justice and educational opportunity. It is ranked as one of the top universities in the UK for teaching. Its qualifications are recognised throughout the world.)

⁶⁷ Mairéad Seymour, 'Transition and Reform: Juvenile Justice in the Republic of Ireland', *European Society of Criminology* [on-line], accessed 16 April 2007, available at http://www.esc-eurocrim.org/workgroups.shtml#juvenile_justice

⁶⁸ Irish Prisons Inspectorate, *Mountjoy inspection*, pp. 76 and 84, available at [http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ5XLF2S-en/\\$File/mountjoyprisonanddochas.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ5XLF2S-en/$File/mountjoyprisonanddochas.pdf)

and partake of the same activities”. However, it is often harder for Irish Travellers to be accepted. Non-English speakers are placed with someone who can interpret for them, if possible. Interpreters from the Department of Justice, Equality and Law Reform also help with interpretation as does the Languages Department from Dublin City University which operates a regular befriending group.⁶⁹

8. Security and punishment

The Irish Prison Rules⁷⁰ state that strip searches are allowed and ‘shall be carried out with due regard to decency, privacy and the dignity of the person being searched and at no stage shall a prisoner be left in a state of complete undress.’ Searches of prisoners by members of the opposite gender are prohibited and a minimum of two guards should be present. Searches should not be carried out in view of other prisoners and only in front of as many guards ‘as are required to ensure the effective conduct of the search and the maintenance of good order and safe and secure custody’. Guards must be of the same gender as the prisoner. If it is necessary to conduct a search in the presence of a police officer, they must be of the same gender as the prisoner. ‘Invasive searching of the orifices of a prisoner’s body’ is not permitted, unlike in many other European countries.

9. Additional information

Release

There are no halfway houses as there are for male prisoners. In light of this, female prisoners who would be suitable for such accommodation were taken for walks in the nearby mountains. Regrettably, this ceased after adverse media coverage and opposition from the local community.⁷¹

Newly discharged prisoners, without accommodation, are offered Bed & Breakfast or hostel accommodation. The Governor has a discretionary fund and so may give an additional twenty to thirty euros to departing prisoners.⁷²

The Governor said some women had refused temporary release because they had nowhere to live. The St. Vincent de Paul Society (a Catholic charity) tried to provide accommodation locally but was unable to do so due to opposition from the community.⁷³ The Governor said: “We’ve had women come back after they’ve been let out and we’ve provided them with something to eat or washed their clothes... It’s not our role, but they have nowhere to go.”⁷⁴

⁶⁹ *ibid.*, pp. 78 and 79.

⁷⁰ *Prison Rules 2005*, available at [http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ6DLEHL-en/\\$File/PrisonRules2005.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ6DLEHL-en/$File/PrisonRules2005.pdf)

⁷¹ Irish Prisons Inspectorate, *Revisit to Mountjoy Prison*, p. 32, available at [http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ6BCHD5-en/\\$File/mountjoy.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ6BCHD5-en/$File/mountjoy.pdf)

⁷² *ibid.*, p. 35.

⁷³ Irish Prisons Inspectorate, *Mountjoy inspection*, p. 76, available at [http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ5XLF2S-en/\\$File/mountjoyprisonanddochas.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ5XLF2S-en/$File/mountjoyprisonanddochas.pdf)

⁷⁴ *Irish Examiner*, 5 August 2004, available at <http://archives.tcm.ie/irishexaminer/>

In the south-east of Ireland, there are only six beds available to homeless women compared to 140 for men. Leaving prison is cited as one of the main causes of homelessness. The majority of services are provided by the voluntary sector.⁷⁵

Activities

In 2004, various events were arranged at Dóchas: International Women's Day was celebrated with outside guests, a mini-marathon was run by prisoners for charity, a play was performed by prisoners in the gym, there was a fashion show, a children's party and outside carol singers came in. Fourteen women took part in an International Dance Centre project.⁷⁶

Overcrowding

Overcrowding affects the whole of Dóchas prison. Prior to Christmas 2002, there had been 103 women in the centre where there should be eighty-one. At the time of the 2003 report, there were ninety-six. Three 'cladded' rooms designed for medical supervision have to be used as rooms, sometimes for three prisoners at a time; offices are also converted to rooms when needed⁷⁷ - which is almost always. Both probation and welfare officers say that there is no point creating more available space as it will be filled as soon as it has been created.⁷⁸ This is echoed by Rick Lines, director of the Irish Penal Reform Trust: "If we build a much bigger prison for women, it will be filled up with women as soon as it's built and not necessarily because of their criminal tendencies." Such overcrowding is recognised by the Irish Prison Service, hence the proposed rebuilding of the Dóchas Centre.⁷⁹

Financial constraints

In January 2005, the Governor of Mountjoy Prison (including the Dóchas Centre) said that budgetary constraints meant he had not been able to implement the recommendations made by the Inspector in January 2003. He was having great difficulty operating the prison with the overtime and budget constraints placed on him and this had had an impact on the welfare of prisoners; Wednesday visits had been cancelled to save staffing posts, workshops had been closed and other programmes reduced.⁸⁰ Thus, there was a marked deterioration in regime and services to prisoners between 2003 and 2005.

⁷⁵ Neans McSweeney, 'Only Six Beds for Homeless Women', *Irish Examiner*, 5 July 2004 [newspaper on-line], accessed on 16 April 2007, available at <http://archives.tcm.ie/irishexaminer/>

⁷⁶ Irish Prison Service, p. 46, available at <http://www.irishprisons.ie/publicationsItem.asp?pubID=22>

⁷⁷ Irish Prisons Inspectorate, *Mountjoy inspection*, p. 75, available at [http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ5XLF2S-en/\\$File/mountjoyprisonanddochas.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ5XLF2S-en/$File/mountjoyprisonanddochas.pdf)

⁷⁸ *ibid.*, p. 84.

⁷⁹ Irish Examiner, 5 August 2004, available at <http://archives.tcm.ie/irishexaminer/>

⁸⁰ Irish Prisons Inspectorate, *Revisit to Mountjoy Prison*, p. 7, available at [http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ6BCHD5-en/\\$File/mountjoy.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ6BCHD5-en/$File/mountjoy.pdf)

Country Report: Latvia

Most of the information in this report (including statistics) was gained from a field visit by the Quaker Council for European Affairs (QCEA) to Ilguciema women's prison in July 2005. The visit included two lengthy interviews with the deputy governor, a senior staff member and the head of the Mother and Baby Unit (MBU). A tour was taken of the health centre, classrooms, MBU, juvenile unit, visiting block and a Middle Security Unit. Brief interviews were held with a prison doctor, senior guard and the prisoners, including juveniles, in the presence of guards. Full details of the visit are available on our website at <http://www.quaker.org/qcea/prison/latviavisit.pdf>

Other sources are Council of Europe documents, the Penal Reform International Handbook and a research project for the Central and Eastern European Network of Drug Services in Prison. Unless otherwise stated, information is from the visit by QCEA.

1. Introduction

According to the International Centre for Prison Studies, the total prison population in Latvia in June 2006 was 6,676, with a prison population rate of 292 per 100,000 (based on an estimated national population of 2.29 million). Prisoners awaiting trial accounted for 26.5 per cent of the prison population.¹

The prison system in Latvia consists of a staff training centre and fifteen prisons, of which three are investigative detention centres for prisoners awaiting trial. There are also pre-trial units in five other prisons. There are three types of prison regime: closed, semi-closed and open. Within these types there are three levels of regime.²

After Latvia gained full independence from the Soviet Union in 1991, several legislative changes were brought in: the creation of a National Human Rights Office in 1995, a new Criminal Law which brought in alternative sanctions to prison, and a draft Amnesty Law providing for the release or reduction of sentences for minors, pregnant women, women with infant children, the disabled, and the elderly. The Latvian prison service was demilitarised, prisons were put under the control of trained, professional guards, and training programmes were implemented.³

However, the 2004 report on Latvia by the UN Committee against Torture raised concerns over police brutality, prison overcrowding, the length of legal proceedings and the lack of access to lawyers, legal aid, and lack of contact with families. It also recommended that, inter alia, Latvia provides statistics in its next report, disaggregated by age, gender and country of origin, on prosecutions and penal and disciplinary sentences.⁴

¹ *International Centre for Prison Studies*, World Prison Brief, Prison Brief for Latvia [on-line], accessed 15 March 2007, available at <http://www.prisonstudies.org/>

² Morag MacDonald, 'Country Report for Latvia (20-27 July 2003)', *Research Project for the Central and Eastern European Network of Drug Services in Prison (CEENDSP) in Co-operation with the European Institute for Crime Prevention and Control, affiliated with the United Nations* (Birmingham: University of Central England, 2004), p.4. Also available on-line at <http://www.uce.ac.uk/crq/publications/drugservices/latvia.pdf>

³ **Communication from the United Nations Committee against Torture:** UN Committee against Torture, Conclusions and recommendations of the Committee against Torture: Latvia, CAT/C/CR/31/3, (February 2004), pp.1-7. Available at <http://www.universalhumanrightsindex.org/documents/828/432/document/en/pdf/text.pdf>

⁴ *ibid.*

2. Women prisoners in Latvia

Women prisoners made up 5.6 per cent of the prison population in June 2006.⁵ There have been no officially registered rapes in police custody. There is anecdotal evidence of sexual harassment in police custody and demands of sexual services from women on prostitution-related charges.⁶

Prisons

Ilguciema prison is a semi-closed prison for women and juveniles in Riga, and the only women's prison in Latvia. In May 2003 it held 473 prisoners, although the official capacity of the prison was 389.⁷ In July 2005 there were 384 prisoners, including 246 sentenced prisoners and 138 prisoners awaiting trial.

Table 1: Numbers of pre-trial and convicted prisoners (both adult and juvenile) - statistics provided by the prison during visit by QCEA, July 2005

	No. of Prisoners	% of prison population
Adults sentenced	241	63
Juveniles sentenced	5	1
Adults awaiting trial	133	35
Juveniles awaiting trial	5	1

According to MacDonald's 2004 report, overcrowding at Ilguciema is a problem, and the specialist staff at the prison had trouble finding space for confidential interviews with prisoners.⁸ QCEA found that, in general, the buildings were in poor condition, and that the material deprivation is due to lack of resources and not a deliberate part of the regime. Staff said, 'The budget is too small and we got 4% less for the second half of the year. We can't buy clothing for the women and have to depend on charity, also for shoes and bed linen, as it is difficult to find the money for this. Some parts of the prison require renovation'.⁹ The gardens and yards were large though unkempt. The prison is made up of low buildings spaced around the site rather than one large building which mean fresh air and natural light are more readily available.¹⁰

Sentencing

The average sentence is three and a half years. Offenders get six months for minor crimes involving theft; those who cannot pay fines may be in prison for between thirty and forty days. Prisoners may get early release for good behaviour. There is only one lifer in the prison. There are no women imprisoned for prostitution. In the last decade, the proportion of women convicted for drug crimes and violent offences has grown from 6.1 per cent in 1992 to 39.7 per cent in 2000, which represents a huge increase.¹¹

⁵ *International Centre for Prison Studies*, World Prison Brief, Prison Brief for Latvia [on-line], accessed 15 March 2007, available at <http://www.prisonstudies.org/>

⁶ Andrew Coyle *et al.*, 'Women in Prison in Central Europe', *Prison Reform International: Information Pack: Women in Prison* (2002), p. 52.

⁷ Morag MacDonald, *Research Project for the Central and Eastern European Network of Drug Services in Prison (CEENDSP)*, p. 6.

⁸ *ibid.*, p. 14.

⁹ *ibid.*, p. 15.

¹⁰ QCEA visit to Ilguciema Prison, July 2005. Available at <http://www.quaker.org/qcea/prison/latviavisit.pdf>

¹¹ Andrew Coyle *et al.*, *Prison Reform International: Information Pack: Women in Prison*, p. 53.

Number of prisoners at Ilguciema prison between 1994 and 2005

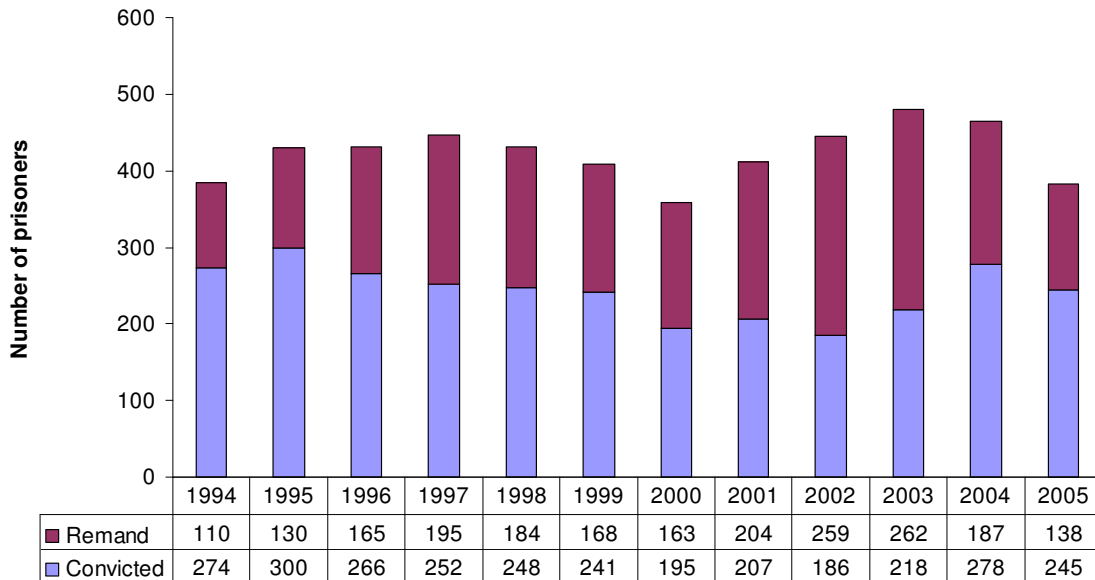


Figure 1: Numbers of prisoners at Ilguciema between 1994 and 2004. Statistics provided by the prison during visit by the Quaker Council for European Affairs (QCEA), July 2005.

Age distribution of prisoners at Ilguciema Prison, July 2005

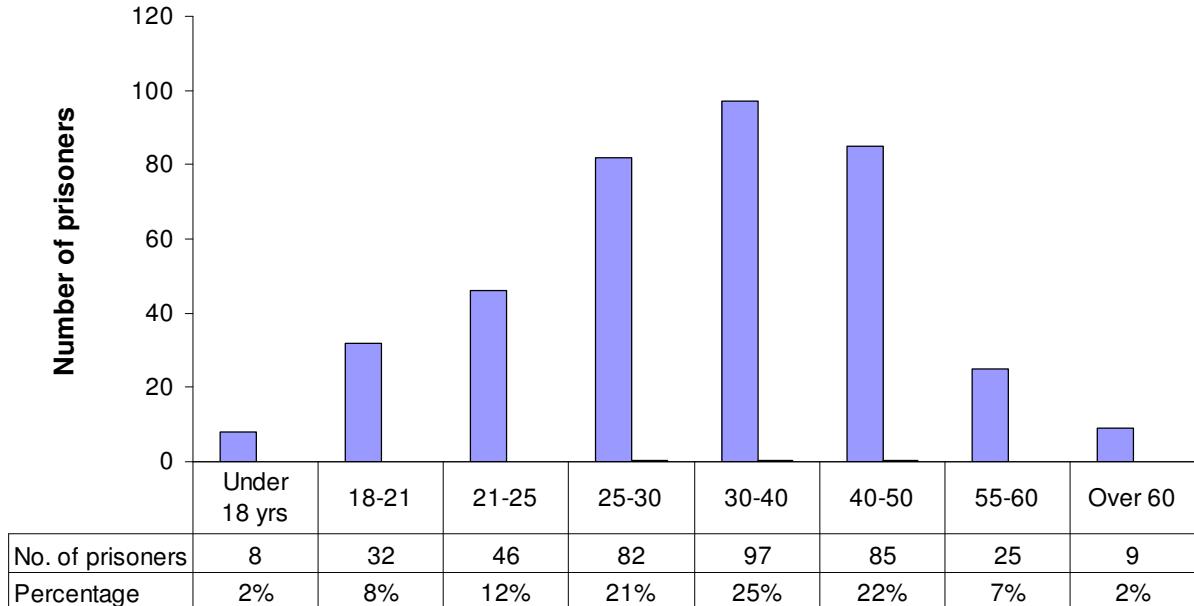


Figure 2: Age distribution of prisoners at Ilguciema prison. Statistics provided by the prison during visit by QCEA, July 2005.

Crimes for which prisoners were imprisoned or sentenced for at Ilguciema, July 2005

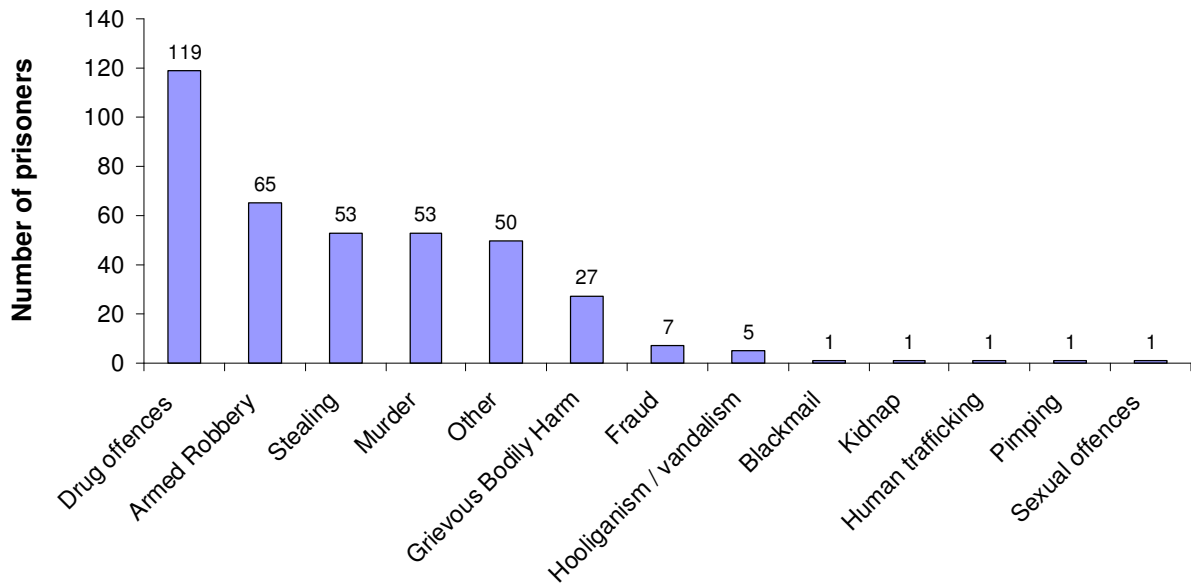


Figure 3: Crimes for which prisoners have either been imprisoned awaiting trial, or have been sentenced for at Ilguciema prison. Statistics provided by the prison during visit by QCEA, July 2005.

Length of sentence of prisoners at Ilguciema prison, July 2005

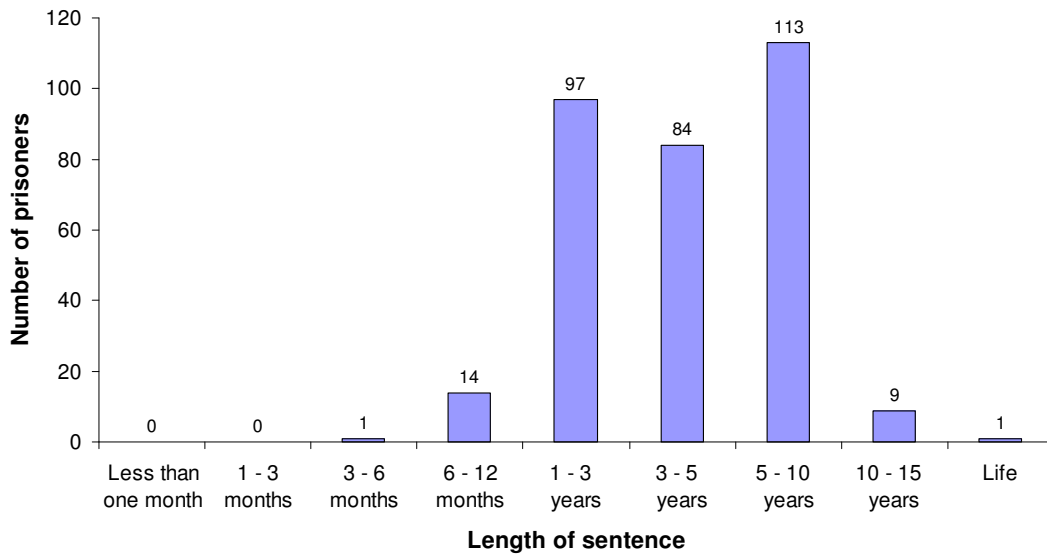


Figure 4: Sentence length of prisoners at Ilguciema prison, July 2005. Statistics provided by the prison during visit by QCEA.

3. Women on remand

According to the 1999 report by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), female remand prisoners held at Ilguciema suffered from overcrowding, poor material and hygienic conditions and a poor programme of activities.¹²

4. Contact with the outside world

Visits

The visiting block was small with poor material conditions and was generally spartan and depressing. There was one crowded room for visitors with chairs and small tables. A guard “goes past every ten minutes”.

Visits last for two hours and take place on Saturdays and Mondays. By law, visitors should be behind a barrier, but they do not find this necessary so relatives are allowed to touch and hug. Most prisoners get visits. Visitors are only searched if the authorities are suspicious. Prisoners are strip-searched after visits and we were told by the staff that prisoners “did not have a problem with this”.

There are separate rooms where prisoners can stay with their families for forty-eight hour visits. Bedrooms contain only beds, a chair and table and crockery for meals. There is a very small, windowless sitting room with one small sofa and a television. There is a small windowless kitchen so families can cook together; families can bring as much food as they want to, but no alcohol. Rooms are always available for those who want overnight visits as there is a schedule in place for visits. Contraception is provided.

The number of visits allowed varies for different prisoners. There are three stages: if prisoners are in the first fifth of their prison sentence they are allowed four short and four long (forty-eight hour) visits a year; the next level is six short and six long visits a year and the last stage is eight short and eight long visits a year.

In fact, friends and relatives are usually unable to use all these visits, due to the unavailability and cost of transport, especially for those in full-time work and those who live in rural areas.

Relatives coming for long stays need a medical certificate. Those with alcohol addiction are not allowed to come and visit.

Leave

The prisoners have seven days holiday from prison per year. This is dependent on good behaviour and on the conditions where they will be staying. Relatives write an application to host the prisoner and guarantee security, the prison then contacts the police to check the address. The police may say the security risk is too high and the vacation will not be allowed. If prisoners' relatives are in bad health additional leave is granted.

¹² Communication from the European Committee for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment (CPT): CPT, *Latvia* (Volume 2: For the record 2001, The European Human Rights System). Available at <http://www.hri.ca/fortherecord2001/euro2001/engtext/vol2eng/latviaecpt.htm>

5. Motherhood in prison

Pregnancy and birth

Women give birth in hospital and have pre-checks and scans in prison. A guard goes with them to the hospital and they are not handcuffed. During the birth the guard waits outside the door. Doctors at the hospital do not like the presence of guards. At present there are four pregnant prisoners. Pregnant women are allowed a walk of an hour and a half every day instead of an hour. If a woman wishes to have an abortion this can be arranged and is free.

Whether or not a child should reside in prison with their mother is decided by the 'Orphan Court' or 'Child's Rights Agency' which is part of the new Ministry of Children and the Family. Its first priority is the welfare of the child and one of its concerns is to keep families united; it also deals with adoption. This agency carries out expert inspections and found Ilcugemia to be good. As soon as a woman becomes pregnant a decision is made which may take a few weeks. The prison supplies information to the court in writing. A woman may decide to give a child to relatives but most wish to keep their children with them in prison. One woman was refused a place in the Mother and Baby Unit with her second child as it was said she did not care properly for her last child (she did not visit the child when he/she was in hospital for six months).

Babies in prison

Ilcugemia prison has a childcare unit for fourteen women and their babies. Children are permitted to remain with their mothers in prison until they are four years old.¹³ At the time of the QCEA visit there were eleven children up to four years of age with their mothers in the prison.

Mothers with babies under one year live in a special MBU in which conditions were very good, staff having made this a priority. The unit can hold six women with a maximum of twenty children. In July 2005 there were eight women in the unit, but this did not appear to cause serious overcrowding problems.

In the unit there is a small sitting room with a television and storage units and a kitchen where mothers prepare baby food. The individual bedrooms are all slightly different with large windows and are painted in pastel colours. Bedrooms contain a bed, a chest of drawers and a cot, including some soft furnishings: rugs, curtains and tablecloths. The women have photos and personal belongings, children's mobiles and toys.

A nurse is on duty twenty-four hours per day and a female doctor is in charge of the unit. There is a room for medical treatment. Off this room is a bedroom for new mothers to adjust to the unit before they move to one of the rooms with the other mothers. New mothers are taught how to care for their babies.

Children up to four years old live in the MBU while their mothers live in normal prison accommodation. Mothers of older children go to work/school and are required to visit their children twice a day in the unit. Older children have a separate dormitory with paper decorations on the walls. There is a large playroom with toys and a small playroom with more toys and little desks. A US Methodist church sponsored Montessori training and these principles are written up on the wall. There is a large garden with swings, sandpit and slide that the mothers and children can use whenever they like. There is a large kitchen where nurses prepare food according to nutritional requirements for the older children.

¹³ Morag MacDonald, *Research Project for the Central and Eastern European Network of Drug Services in Prison (CEENDSP)*, p. 6.

There are no mothers with drug or alcohol addictions but we were told mothers would not be denied visits if this were the case.

Upon release, the mother is given two sets of papers for her child/children; one which includes the child's residence in prison and one which does not, so that the woman can use whichever is more suitable for welfare or job seeking.

Pregnant women and babies receive extra food and are entitled to additional packages from their relatives.¹⁴

Children on the outside

The prison authorities know when the children of prisoners held in care move orphanages and help them to keep in correspondence with their mothers. If the child is younger than four years they will help with the paperwork to allow that child to reside in the prison. The prison does not keep statistics on children of prisoners outside the prison as it is 'not their task to know'.

6. Health

The health centre has six specialists including a gynaecologist, psychiatrist, dentist, and an ear, nose and throat specialist. There are five nurses. The health centre is small but appeared to be well-equipped. There are consultancy rooms and surgeries and small, clean rooms for patients with large windows, mostly with two beds to a room. Patients have radios, newspapers and magazines.

Women are able to have a general health check every three months. QCEA was told that medical care was likely to be better inside the prison than outside as it is freely available and the opening hours are good. Prisoners wait a maximum of one week before seeing the doctor. All women are able to see the doctor in privacy and are allowed to attend the onsite medical centre without supervision. Juveniles have separate times for attending the centre.

Prisoners can shower once per week, showers are in good condition and there is hot water three times each week. However, one prisoner said that "two of us have to shower together in a cubicle or the water runs out. We can have cold showers any time in summer". There are toilets in the separate cells; otherwise they are off the corridor.¹⁵

Food is of reasonable quality according to staff at Ilguciema; however the menu is the same every week. Prisoners get salad every day, but fruit is not available except for the children in the MBU. There is a special diet for pregnant prisoners. Prisoners in a focus group felt that they lacked vitamins.¹⁶

Prisoners are given a compulsory health check when they start their sentence, including an AIDS test and gynaecological tests. Tuberculosis is tested for on arrival and prisoners are sent to the hospital if they test positive. Generally, this is not a problem at Ilguciema, despite TB increasing in the country as a whole.¹⁷

¹⁴ Andrew Coyle *et al.*, *Prison Reform International: Information Pack: Women in Prison*, p. 53.

¹⁵ Morag MacDonald, *Research Project for the Central and Eastern European Network of Drug Services in Prison (CEENDSP)*, p. 18.

¹⁶ *ibid.*, p. 19.

¹⁷ *ibid.*, p. 21.

Mental health

A large number of the women suffer from mental illness which may be exacerbated by drugs and alcohol. Some prisoners have learning difficulties. There are no cases of schizophrenia.

According to the prison deputy governor the courts may not recognize an offender is mentally ill, but when they are in Ilguciema this may be noticed and the woman is transferred to a mental hospital. This has happened three times in recent years.

There is one psychologist in the prison. There was one case of suicide eight years ago. There is a small minority of self-harmers. There is a procedure in place which is put into action immediately as soon as this practice is noticed, involving the psychotherapist, psychiatrist and a social worker. According to the prison doctor, the prisoners can “tell her everything” and some bring photos of their family to her. A prisoner told us she would speak to the chief of the unit if she had personal problems.

HIV and sexual health

Prisoners accounted for thirty per cent of newly infected HIV people in 2001.¹⁸ About 100 of the prisoners have AIDS and this information is kept confidential. Some prisoners arrive at the prison not knowing they have AIDS and only find out on being tested. There can be a delay in receiving test results. Medical care and drug treatment is given for AIDS. HIV positive prisoners can be discriminated against e.g. put into isolation unnecessarily, although this is changing. HIV positive patients do not always get an adequate diet. In theory, information on AIDS is given to all prisoners. However, in practice, this happens only when the health staff think it is necessary and prisoners expressed a wish for more information. The AIDS centre ran a project in the prison providing information, training and materials; this was very successful but has now stopped because funding ran out.¹⁹

MacDonald reported that DiaLogs, an NGO supporting HIV positive people, was planning to start an information and through-care project in several prisons including Ilguciema.²⁰

Substance addiction

Drug use has risen dramatically since reconstruction in Latvia, as in other Eastern European countries. In 1999, 410 people were registered as drug dependent in Latvia and there are now over 15,000, sixty-five per cent of whom are considered to be intravenous drug users.²¹ Illegal drugs are cheap, a single dose of heroin costing less than a Big Mac in McDonalds. Drugs are readily available in schools and there has been an increase in heroin use amongst teenagers. Possession of illegal substances twice in one year is punishable by up to two years in prison, or a considerable fine.²²

Although women prisoners thought they would be able to get drugs into the prison they were worried about getting caught and on the whole preferred not to use drugs in prison.²³ However there are cases of drug addiction for all drugs except cocaine. Ninety per cent of drug addicts

¹⁸ Morag MacDonald, *Research Project for the Central and Eastern European Network of Drug Services in Prison (CEENDSP)*, p. 11.

¹⁹ *ibid.*, p. 19.

²⁰ *ibid.*, p. 27.

²¹ *ibid.*, p. 7.

²² *ibid.*, p. 9.

²³ *ibid.*, p. 24.

have hepatitis C.²⁴ There is no national drugs policy in Latvia which impacts on provision in prisons.²⁵ MacDonald writes that ‘little is provided in the way of rehabilitation for drug dependent prisoners’. According to staff, this is due to a lack of money, staff, and rooms.

At Ilguciema there is not a specific drug rehabilitation programme but all prisoners are able to get help with drug and alcohol problems, although the prison doctor said that some ‘do not recognize they are ill’. Drug addicts can get substitution drugs. Serious cases are treated at the Central Hospital. Alcoholics can see the psychotherapist for one-to-one support, but she is not a trained drugs worker.²⁶ Peer support is not used in prison, for example through the use of Alcoholics Anonymous or Narcotics Anonymous.²⁷ There are no needle exchange programmes in prison.²⁸ One prisoner from Ilguciema said that “some staff are very negative about drug users in here.” However, some staff did recognize the crucial importance of drug treatment programmes.²⁹

On release, offenders with drug and alcohol addiction may continue their programmes in the community; a prison doctor will register them. The same happens for AIDS sufferers. However, staff admitted that continuing a drug programme can be difficult on release.

7. Education, work and training

Education

Ilguciema prison has a contract with a vocational school from which prisoners can gain diplomas. Their success is celebrated with a graduation ceremony; the name of the prison is not recorded on these certificates. There are two sewing groups and one hairdressing group; in 2005 a chef’s diploma was added. There are not enough places for the number of women who want to take part. There are also recreational art classes. After consultation with the prisoners it is hoped that a new vocational qualification will be offered in 2006; the prison hopes to offer a qualification in design later. A member of staff from the juvenile unit said that having three courses on offer was good for a Latvian prison. Education is complicated by some prisoners speaking Russian and some Latvian. There are language classes available in Russian, Latvian and English.³⁰

There is also a contract with a night school offering education up to age fifteen/sixteen. There is no academic education at a higher level than this. There are approximately fifteen or sixteen people in every year of education up to age ten/eleven, and between five and ten people in the later grades. Prisoners going to school do not have to work. Prisoners may spend half a day at school and half gaining a vocational qualification.³¹

There are several good-sized classrooms equipped with blackboards and sewing machines and a hairdressing salon, where the public can get their hair cut. Apart from the salon and the sewing

²⁴ QCEA visit to Ilguciema Prison, July 2005. Available at <http://www.quaker.org/qcea/prison/latviavisit.pdf>

²⁵ Morag MacDonald, *Research Project for the Central and Eastern European Network of Drug Services in Prison (CEENDSP)*, pp. 25-26.

²⁶ QCEA visit to Ilguciema Prison, July 2005. Available at <http://www.quaker.org/qcea/prison/latviavisit.pdf>

²⁷ Morag MacDonald, *Research Project for the Central and Eastern European Network of Drug Services in Prison (CEENDSP)*, p. 7.

²⁸ *ibid.*, p. 20.

²⁹ *ibid.*, p. 26.

³⁰ QCEA visit to Ilguciema Prison, July 2005. Available at <http://www.quaker.org/qcea/prison/latviavisit.pdf>

³¹ *ibid.*

equipment (old equipment and materials from a company), the classrooms are bare and under-resourced. The women keep what they make in sewing classes.

The prison population at Ilguciema consisted of half Latvian speakers and half Russian speakers. Courses in Latvian are provided for the Russian speaking women and there is an examination they can take that, if passed, provides them with a certificate showing language proficiency. This is important, as without it they cannot get a job.³²

Work

Legislation requires prisoners to work if they are able to but jobs cannot always be provided; around eighty per cent of prisoners have jobs; this is more than in the local men's prison. The prison tries to divide the work into shifts so that as many prisoners as possible have the opportunity to work. Juveniles have to go to school if they do not have an education; they can work six hours per day in the school holidays. Recently, the prison received a new contract for sewing and gluing packages. Sometimes the standard of work is not high enough and the work is not accepted by the company.

Prisoners get paid less than the general population. Wages are paid into bank accounts and not given in cash. If they have been sentenced to pay a fine or child maintenance they have to pay this out of their wages but this cannot be more than half of their wages. Prisoners can spend money in the prison shop and send money to their children. Some spend money on medicines that are not available from the health centre or on other health consultants. We were told some prisoners do not have the initiative to work and so get low wages, others have money sent them by their families. Prisoners can have part of their wages held back for release (this used to be compulsory). Legally, prisoners should receive a minimum amount of money when released but in fact there are no funds for this. Clothing, shoes and money to get back home is provided plus twenty Latvian lats (28.50 euros).³³ Those with children get children's things too. On release, prisoners will register at the Employment Office to get welfare as they are registered as 'employed' whilst in prison.³⁴

8. Minority groups

Juveniles

In October 2005, juveniles made up 2.7 per cent of the Latvian prison population.³⁵ In July 2005 there were ten juvenile girls at Ilguciema; five awaiting trial and five convicted. Juveniles awaiting trial and sentenced juveniles are not supposed to be kept together, but the court allowed this because conditions are good in the unit. The longest sentence is for one year and the shortest is for eight days. All the girls are aged between sixteen and eighteen, but stays can be extended until age twenty-one.³⁶

³² Morag MacDonald, *Research Project for the Central and Eastern European Network of Drug Services in Prison (CEENDSP)*, p. 6.

³³ For comparison, the monthly gross statutory minimum wage in Latvia in 2006 was 90 lats, equivalent to 128 euros on 1 January 2006 (Federation of European Employers). See on-line <http://www.fedee.com/minwage.html>

³⁴ QCEA visit to Ilguciema Prison, July 2005. Available at <http://www.quaker.org/qcea/prison/latviavisit.pdf>

³⁵ *International Centre for Prison Studies*, World Prison Brief, Prison Brief for Latvia [on-line], accessed 15 March 2007, available at <http://www.prisonstudies.org/>

³⁶ QCEA visit to Ilguciema Prison, July 2005. Available at <http://www.quaker.org/qcea/prison/latviavisit.pdf>

The juveniles share a home-like unit, next to the Mother and Baby Unit, which includes a sitting room with easy chairs, rugs, and a kitchen where they can cook their own meals if wanted. There is a small, windowless room which is used as a chapel; they told us that they pray there when they are sad. There is a good sized, well-equipped gym with purple walls, half a dozen machines, weights, aerobic mats, etc. They have aerobics and dance classes every day which they clearly enjoy. The girls share bedrooms which are rather small and dark, but with personal belongings and soft furnishings. There are two toilets and showers upstairs. There is a large garden adjoining the Mother and Baby Unit garden which they look after themselves; they also painted the walls themselves. They are allowed in the garden whenever they like except at night. There are two pet doves in the sitting room and two computers with games and a drawing programme.³⁷

Before conviction, some of the girls were in school, but not all. All are now in education in the grades for between ages eleven/twelve and fifteen/sixteen, mostly in the two higher grades (except for three who had graduated inside the prison). Both those who had graduated and those still in education took vocational qualifications. Those in prison for the longest amount of time had graduated from all the vocational courses.³⁸

The policy of the unit is not to separate juveniles from the outside world. An effort is made to provide different activities for the girls such as handicrafts, a poetry competition, plays and dances. There is a piano which one girl plays. A favourite activity is drawing. Volunteer organisations and NGOs from various countries have visited for workshops and courses, including male tutors to create normal conditions. These included spiritual care and a course designed especially for teenagers, dealing with women and sexual health, anger management, emotions, and communication. When the girls take part in activities like plays they get thanks from the administration and are taken on excursions such as a walk around the city or a trip to the zoo.

Juveniles on remand may phone home four times each month, and sentenced prisoners six times each month. Phone cards can be bought from the prison shop or sent by families. Girls share these with each other if a girl does not have one. They may send as many letters as they want. They are allowed twelve long visits and twelve short visits per year. Both parents and girls are searched. On Mothers' Day there is a two-hour visit for which they prepare a singing concert and bake things to eat on the day; the parents also bring food to eat together. They get ten holiday days per year. Families can send as much money as they want.

Juveniles may talk in confidence with tutors or the psychiatrist if they have problems. Seven of the ten had used drugs in the past and three had not tried drugs. They can go to the health centre any day they wish.³⁹

Clothing is limited and by law juveniles are not allowed more than ten photos and letters in their room at one time. Old letters can be stored in a warehouse until their release.

In general, the girls seemed satisfied with the conditions, although we did not interview them in private. The head of the unit told us conditions may well be better for them here than at home. The girls seem to have a good relationship with the head of the unit who was quite young and did not wear a uniform. They asked what conditions were like in the West, such as what time juveniles have to go to bed. The girls said the worst thing about being in prison was missing their families and not having people who were close to them and that they were sometimes bored.

³⁷ QCEA visit to Ilguciema Prison, July 2005. Available at <http://www.quaker.org/qcea/prison/latviavisit.pdf>

³⁸ *ibid.*

³⁹ *ibid.*

Foreign nationals

In October 2005, foreign sentenced prisoners made up 0.5 per cent of sentenced adult prisoners.⁴⁰ In July 2005, only three foreign national prisoners were being held at Ilguciema Prison. Two of these were awaiting trial and all were held for drug offences. Previous crimes committed by foreign nationals include drug offences, illegal immigration (from Belarus), and the organisation of trafficking.

9. Security and punishment

Various prison rules are designed to prevent bullying although it does still occur.⁴¹ Verbal abuse is not tolerated and physical fights are punished.

Under Latvian law women may be held in solitary confinement for ten days (fifteen for men) and this period of time may be renewed twice.⁴² Women are also entitled to larger cells than men.⁴³

Middle-Security Unit

There is one unit chief for between forty and seventy prisoners, and guards work only at night. The doors to the bedrooms are not locked and prisoners are free to come and go as they do not have a schedule. They are free to use the yards and gardens of the prison. The guard knocked on the bedroom door before we entered and generally guards seemed to treat the women with respect.

The material conditions in the middle-security unit were noticeably poorer than the specialist units so far described. The flooring was concrete, the rooms were quite dark with few furnishings and not cheerful, empty bed frames were piled up in one room. They did have personal belongings, radios and sometimes TV (prisoners pay for the electricity used). There is a large, under-equipped kitchen with fridge, kettles etc. where prisoners can cook the food they buy. It is locked at night. There was also a library. We spoke to one prisoner who worked in the library and said it was one of the good jobs.

We asked several women what their main worries were in prison. These were finding work and a home after release and not being able to help their children.

10. Staff and management

All members of staff seemed committed to their job and were willing to talk to us. They freely acknowledged faults in the prison such as the poor condition of the buildings. They seemed to have good relationships with the prisoners. At the end of the QCEA visit, the Deputy Governor,

⁴⁰ *International Centre for Prison Studies*, World Prison Brief, Prison Brief for Latvia [on-line], accessed 15 March 2007, available at <http://www.prisonstudies.org/>

⁴¹ Morag MacDonald, *Research Project for the Central and Eastern European Network of Drug Services in Prison (CEENDSP)*, p. 12.

⁴² **Communication from the CPT:**

CPT, *Report to the Latvian Government on the visit to Latvia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 24 January to 3 February 1999*, CPT/Inf (2001) 27 (November 2001), paragraph 174.

⁴³ *ibid.*, paragraph 92.

the head of the MBU, and a senior guard were all eager to know what we thought of the prison. They asked how it compared to conditions in the West and ways in which it could be improved.

The head of the MBU told us about conferences she had attended on issues such as contact with families. There had been a long discussion in Latvia about the ages up until which the children of prisoners should be held in prison and she had succeeded in pushing the age up from two to four years. Staff members had had discussions with MPs and were interested in alternatives to custody and ways of improving contact with families.

Staff utilised external connections well. Good practice and other information were exchanged with NGOs and charities, and these organisations were used to provide services.

When a senior staff member was asked what she would like to change about the prison she replied: more space allowing two prisoners per room and more showers; more people working directly with prisoners such as tutors and more psychiatrists etc. to deal with prisoners' problems; the government to intervene more with tax reductions and benefits enabling prisoners to earn a living.

Training programmes for staff include aggression management, psychology and health protection. There is six months of compulsory training at the police academy and a college for prison workers. When recruiting guards they look for those with secondary education and professional training. Unit chiefs have a university degree; the head of the juvenile unit has a psychology degree. Officers have higher education.

Staff try to work in a multidisciplinary way "as we can't survive if we don't". Representatives from all departments meet each morning. A course of lectures runs on Fridays on new laws, reports from foreign countries and so on, and this provides a space for staff to share ideas.⁴⁴

11. Additional information

Spiritual Programme Unit

This unit has sixteen places and is designed for women following a course of spirituality. There are three chaplains and eight teachers who are prisoners themselves. Prisoners must participate in the programme for three months before entry, and entry relies upon good behaviour. Prisoners may be removed from the programme for breaking the rules.

There are three stages of the diploma and it is equivalent to the first level in theology in university. This enables the women to preach, teach or continue their education upon release. Women taking the diploma can also go to the regular academic classes.

There is a stricter regime in the unit than in the rest of the prison but the conditions are better. There are two libraries and a kitchen where they can cook products that they buy themselves. There is a pet bird. There are four people to a bedroom. In the bedrooms (which are wallpapered) there are: two wardrobes, tables with tablecloth and chairs, mirrors, bedside tables, TVs, radios, plants, kettles, and rugs. Women are able to subscribe to magazines and can also knit and sew.

Anyone may attend worship in the chapel.

⁴⁴ Morag MacDonald, *Research Project for the Central and Eastern European Network of Drug Services in Prison (CEENDSP)*, p. 29.

Release

There is minimum help in the community for ex-offenders. The probation service is a recent addition to the Latvian criminal justice system. Offenders are worked with for six months prior to release and then in the community. There is a need for social service provision, particularly for the homeless. There are no halfway houses for women. A parliamentary deputy in Riga has just started an apartment with three places for women; there is a night lodging house with twenty places for homeless people. Women ex-offenders may lose their parental rights if they are homeless after release.

Prisoners who have work experience have more chance of finding a job than those that do not, but employers appear to be reluctant to employ ex-offenders.

Other

For recreation, the prisoners put on dances, fashion shows, and plays. The graduation ceremony is a big event for the prisoners.

Sex between women prisoners is generally ignored by the authorities unless it is perceived as being harmful to others.⁴⁵

Weddings can be, and have been, held at Ilguciema prison.

They do not have a social worker; the chief of the unit has to fill in for this role. None of the prisoners we saw wore uniforms.

⁴⁵ Morag MacDonald, *Research Project for the Central and Eastern European Network of Drug Services in Prison (CEENDSP)*, p. 25.

Country Report: Norway

The information below comes mainly from research conducted by Juridisk Rådgivning for Kvinner (JURK), a Norwegian NGO working to improve the legal status of women. In 2005, the organisation surveyed sixty-four women across eight women's and mixed prisons and published their results.¹

It should be made clear that the JURK report is made by law students that are not experts in statistical methods, although all numbers used in the report are correct. The report has received some criticism for asking the women in prison too many questions. The motivation to explore all aspects of the women's lives in prison, rather than focus questioning on a specific area, has led to some difficulty in establishing clear results in certain areas. Despite this, the report is of great interest when examining the lives of women in prison in Norway.

Unless otherwise stated, the information below comes from the JURK report.

1. Introduction

In 2005, there were 3,167 prison places and occupancy levels were at 97.1 per cent. In 2005, foreign nationals made up 17.7 per cent of the prison population. The prison population rate was sixty-eight per 100,000 (based on an estimated national population of 4.63 million).²

2. Women prisoners in Norway

In September 2005, women comprised 5.2 per cent of the prison population.³

Prisons

There are three correctional facilities exclusively for women. An additional four have permanent capacity reserved for women and a few other prisons will accept women as needed. In 2004, there were on average 135 female prisoners at any given time in a total of fourteen prisons.⁴

- The biggest prison for women only is Bredtveit with forty-five places for women. It takes both remand and sentenced prisoners, and prisoners with long sentences.
- The second largest women's prison is Ravneberget with sixteen places.
- The joint third largest women's prisons are Sandefjord and Bergen; the former is an open prison with thirteen places; Bergen is a mixed sex prison holding prisoners with short, medium and long sentences including both remand and sentenced prisoners.
- The fifth largest is Stavanger, a new, mixed prison with thirteen places for women, both sentenced and remand; the sexes are mostly divided but come together for joint activities.

¹ *Kvinneres Soningsforhold*, En fengselsundersøkelse utført av Juridisk Rådgivning for Kvinner JURK, 2005 [on-line], accessed on 16 April 2007, available at http://www.jurk.no/rapporter/kvinneres_soningsforhold.pdf (in Norwegian)

² *International Centre for Prison Studies*, World Prison Brief, Prison Brief for Norway [on-line], accessed 15 March 2007, available at <http://www.prisonstudies.org/>

³ *ibid.*

⁴ Short Version of Report No. 27 to the Storting (2004-2005), *Educational and Training in the Correctional Services*, 'Another Spring', p. 11 [on-line], accessed 20 October 2006, available at http://www.odin.no/filarkiv/266236/engelsk_versjon_av_St_meld_om_fengselsundervisning.pdf

- The next largest are Bredtveit avd Østensjø and Bergen avd Osterøy (departments of Bredtveit and Bergen respectively). The latter is an open mixed prison with four places for women; in the former the prisoners have usually served part of their sentence elsewhere and there is an opportunity for work and education outside the prison.

Women were asked their opinions about single sex and mixed sex prisons. Fifty-five per cent of women had negative thoughts about single sex prisons, saying there was too much gossip and ‘intrigue’, and that women’s prisons were unnatural. 44.3 per cent of female prisoners were positive about single sex prisons, saying that there was a better, friendlier atmosphere and that women’s needs and interests were met. Reasons for a negative attitude to mixed prisons, found in 29.9 per cent of respondents, included fears of abuse and that men’s needs would dictate conditions; also, that although the work may be better, women would be excluded and have poor activity provision.

Profile of women prisoners

Age distribution of female prisoners in Norway, 2003

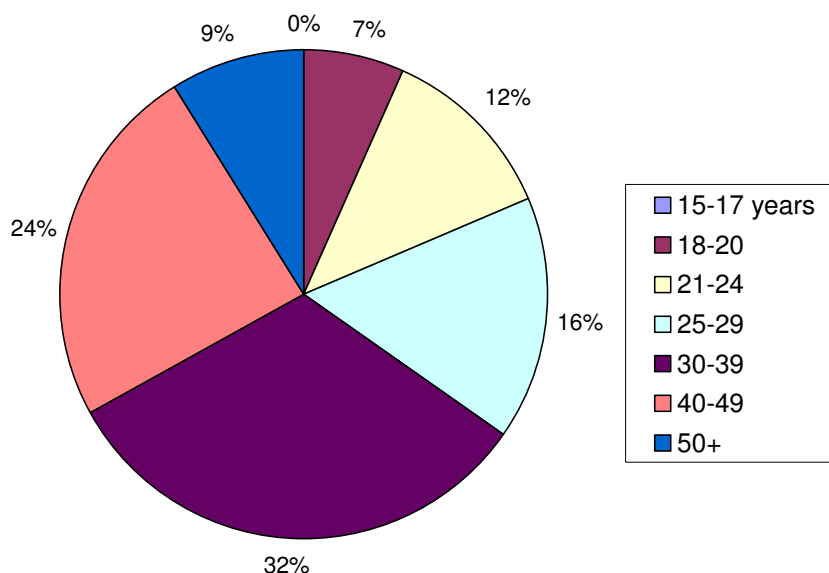


Figure 1: Age distribution of 564 women in prison in Norway in 2003. Statistics from Statistics Norway, Table 50, available at http://www.ssb.no/english/subjects/03/05/straff_en/

82.8 per cent of the women surveyed by JURK were from Norway, the vast majority from Eastern Norway. 7.8 per cent of the women surveyed were from other European countries. None were citizens of any African country, although 3.1 per cent identified Africa as their country of origin.

Crimes

Out of 504 women imprisoned for Crimes against the Penal Code in 2003, some of the most common crimes were:⁵

- Crime involving public danger (including serious narcotics crime): 173 women
- Larceny: 108 women.
- Fraud and breach of trust: 54 women
- Crime of violence against the person (including wounding or inflicting bodily harm, murder and manslaughter): 38 women
- Blackmail and robbery: 20 women

Length of sentences

The most common sentence length is between six months and two years (29.7 per cent of women surveyed by JURK were serving a sentence of this length). This was closely followed by a sentence length of between two years to twelve years (28.1 per cent of women), and fourteen days to six months (twenty-five per cent of women). Generally, women serve two thirds of their sentences.⁶

Crime statistics for 2000 show that about ninety per cent of women sentenced to unconditional imprisonment received sentences of less than a year.⁷

Women on remand

Remand prisoners accounted for nineteen per cent of the total prisoner population in September 2005.⁸ According to the 2005 report by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), during the first half of 2005, there were 1,533 persons remanded in custody in Norway. 548 of these persons had restrictions imposed upon them by a court, 205 of whom were placed in complete solitary confinement (possibly with other restrictions), and twenty-one of whom were placed in partial solitary confinement (possibly with other restrictions).⁹

During their visit, the CPT delegation met remand prisoners who were locked in their cells for twenty-two or twenty-three hours per day and having little human contact inside the prison (whether with staff or other prisoners), sometimes for several weeks or even several months. In addition, confinement was often associated with restrictions on reading newspapers, listening to the radio and/or watching television, visits and correspondence. The CPT recommended that the 'Norwegian authorities pursue their efforts to provide activities and appropriate human contact for remand prisoners held in solitary confinement and/or under restrictions.'¹⁰

⁵ *Statistics Norway*, Sanctions 2005, Table 51 [on-line], accessed on 16 April 2007, available at http://www.ssb.no/english/subjects/03/05/straff_en/

⁶ *Kvinneres Soningsforhold*, pp. 27 and 28, available at http://www.jurk.no/rapporter/kvinneres_soningsforhold.pdf

⁷ *Educational and Training in the Correctional Services*, p. 17, available at http://www.odin.no/filarkiv/266236/engelsk_versjon_av_St_meld_om_fengselsundervisning.pdf

⁸ *International Centre for Prison Studies*, available at <http://www.prisonstudies.org/>

⁹ *Report to the Norwegian Government on the visit to Norway* carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), 3-10 October 2005, Strasbourg, April 2006.

¹⁰ *ibid.*

On a visit to Bredtveit prison in 2001, the Council of Europe's Commissioner for Human Rights spoke to a woman who had been denied the right to see her husband and young children for six weeks; her sole human contact throughout this time had been with her guards. Although prisons may contact the authorities requesting a hastening of the judicial process if mental deterioration occurs, the Commissioner wrote that 'it seems to me preferable, rather than to reach this stage, to ensure that in each individual case the restrictions in question are imposed only for so long as they are strictly necessary for an adequate investigation.'¹¹

Visits

By law, prisons can only refuse to grant visits if the visit would be used to carry out a criminal act or disturb the order or safety of the prison. Prisoners have to apply for their visits one week in advance. Their visitor has to have a security check before permission is granted and permission is then valid for a year. On their first visit, visitors will be searched and a guard will sit in on the visit. Visits are usually for an hour unless the visitor lives more than 400 kilometres away. Women are sometimes strip searched before and after visits, 'it puts a damper on the whole visit' one prisoner said. JURK writes that women prisoners have often been sexually abused in the past and the training of guards should make sure they are aware and are sensitive towards this. An apartment for overnight visits has recently been built in Bredtveit prison which is being used by prisoners and their children. There is a big difference in facilities between prisons.

- 23.4% of women surveyed by JURK were dissatisfied with visiting facilities. Those with children were especially dissatisfied and most of those who were dissatisfied were imprisoned at Bredtveit.
- 31.3% of women thought that visiting facilities were OK.
- 15.6% were pleased with the facilities.
- 12.2% of women receive visits from a partner.
- 12.2% of women receive visits from children.
- 31.7% of women receive visits from other family members.
- 13.4% of women receive no visits.

There are prison chaplains, and as the system is run by the state, the chaplains are Lutheran. There are also prison visitors who are politically and religiously neutral and provide confidential conversation and companionship for women. 6.1 per cent of women prisoners receive visits from such visitors.

Leave

Prisoners can leave prison under escort, for example to visit their family at home, so mothers can visit their children. Prisoners serving long sentences can apply to go out of the prison for leisure activities with a prison officer, to go to the cinema for example.

3. Motherhood in prison

In Norway, children and babies do not stay with their mother in prison.¹² They are usually cared for by their father or other relatives, or by foster carers.¹³

¹¹ Report by Mr. Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to Norway, 2-4 April 2001, Strasbourg, 19 September 2001, paragraph 2.1.

¹² QCEA questionnaire, question 24, returned from The Royal Ministry of Justice and Police, Norway

Children on the outside

37.5 per cent of women surveyed by JURK had children less than eighteen years of age and eight per cent of the women said that their child did not know she was in prison. The children of twenty-five per cent of the women were living with foster families. 33.4 per cent of the women said that their children were not living with her (the mother's) relatives, and that most of them lived with their father.

Women were asked about their children's reactions to their imprisonment; sixteen per cent of the women said that their children are fine with the imprisonment, twelve per cent said that their child/children experience some stress as a result of the imprisonment and twenty-nine per cent said that they experience severe stress. Four per cent of children did not want to visit their mother in prison, and it was reported that children were distressed at the end of visits.

4. Health

General

Access to health care in prisons was problematic. Only twenty-seven per cent of women said they were able to see the health worker they needed when they needed it. Conditions for seeing the doctor in prison were too strict and they could not always access external health care professionals, such as psychologists, because officers were not available to escort them. Only eleven per cent of women thought they had adequate health information.

Substance addiction

One woman prisoner, interviewed by JURK, said that women should have the opportunity to see a psychologist from day one due to drug problems. One prisoner said it is difficult for women to be on the same drug programme as men because women take drugs for different reasons. Women complained about the lack of drug rehabilitation programmes and said that women were not always offered treatment.

5. Education, work and training

When asked about the positive features of prison, 20.6 per cent of women said education and work.

Education

Women do not receive the same services because of the small number of female prisoners and their short sentences.¹⁴

JURK is concerned about the low levels of education amongst prisoners and the lack of access to education in prisons. Education, it suggests, should be prioritised. 26.6 per cent of women in prison have completed compulsory education (up until sixteen years old). 51.6 per cent have completed further education, and 10.9 per cent have completed higher education. For the general population, the figure for the latter is twenty-four per cent.

¹³ *ibid.* question 28.

¹⁴ *Educational and Training in the Correctional Services*, p. 17, available at http://www.odin.no/filarkiv/266236/engelsk_versjon_av_St_meld_om_fengselsundervisning.pdf

In 2003, 36.2 per cent of female prisoners took part in education or training compared to 29.3 per cent of men. Since the mid-1990s there has been an increase in the number of women prisoners who participate in education or training; the percentage of men has remained steady. Older female prisoners and those who already have education, or who are already employed, are less likely to take up education in prison.¹⁵

One study showed that the school programme for women in four prisons was ‘invisible’ and rather inaccessible to many female prisoners. In some of the four prisons self-study was widespread, which is more demanding for many of the prisoners.¹⁶ One prisoner, who took part in the JURK report, said that course options were good for men but not for women.

There are few opportunities for women to pursue vocational education in prison; women are not always allowed into the workshops. This is especially serious as many of the women come from disadvantaged backgrounds with little work experience, or experience in low paid sectors, and some have had to work as prostitutes.¹⁷

Although women have often come from ‘deprived social backgrounds with little education beyond lower-secondary school’, there is ‘not a significant difference between male and female educational levels on entering prison, in fact, somewhat more women have passed individual subjects or have college or university degrees’.¹⁸

In 2004, the Group nominated to monitor the evaluation of education in Norwegian prisons proposed measures to support and strengthen the education of women prisoners. They said that:

- 1) More subjects leading to qualifications, particularly vocational, must be offered.
- 2) The educational range on offer must be expanded.
- 3) ICT (Information and Communications Technology) instruction must be expanded and increased, including access to the Internet. ICT skills must be a tool which students take back to the community after release from prison.
- 4) Cooperation between the education unit and the work unit, particularly the kitchen, must be developed and practice places established.¹⁹

6. Minority groups

Juveniles

Juveniles accounted for 0.2 per cent of the total prison population in September 2005.²⁰

Juveniles are sometimes held with adults in Norway. Although separating pre-trial adults and juveniles in prison happens in the majority of European countries, the Norwegian penitentiary authorities maintain that given the small number of juvenile detainees, and the fact that they serve such short sentences, holding juveniles separately would entail a *de facto* isolation.²¹

¹⁵ *ibid.*, p. 18.

¹⁶ *ibid.*

¹⁷ *ibid.*

¹⁸ *ibid.*

¹⁹ Recommendations from the Group Nominated to Monitor the Evaluation of Education in Norwegian Prisons, Country Governor of Hordaland, Department of Education, March 2004, Report No. 1(05), p. 23.

²⁰ *International Centre for Prison Studies*, available at <http://www.prisonstudies.org/>

²¹ Report by Mr. Alvaro Gil-Robles, Commissioner for Human Rights

7. Security and punishment

The writers of the JURK report are of the opinion that there is a lack of knowledge or understanding of security regimes which examine women's lack of confidence in their personal officer. Most women did not have any opinions on security regimes used. 13.2 per cent of women thought security 'was extreme and not thought through'. 11.8 per cent of women think the security level is free enough. There are very different security regimes in different prisons.

Half of the women have been in a security or isolation cell. These are bare cells with just a hole in the floor serving as a toilet. One prisoner said that being locked in such cells increases anxiety and violence, creating a vicious cycle.²²

8. Staff and management

One in five women said they did not have confidence in their personal officer while half said that they did have such confidence. Criticisms included staff being inadequately trained for their role. However, prisoners said they understood that the role was a challenging one.

Although every prisoner in Norway should have a personal officer, only 57.8 per cent of the women surveyed by JURK had one. 57.6 per cent of female prisoners said they had confidence in their personal officer, seventy per cent were positive about the system and ten per cent thought it was very good. 20.3 per cent of the women did not have confidence in their personal officer and fourteen per cent thought the system did not function well. Some women thought that personal officers had too much to do and not enough time to do it in, as there were too few officers on shift. This left some women feeling as though they were being a nuisance if they asked for help. 'The negative of the system is that one minute they're your friend and the next minute they're your boss' said one prisoner. Most women did not think the sex of their personal officer made any difference.

9. Additional information

Release

The handbook 'Winning' (VINN in Norwegian) is written for facilitators leading Focused Support Groups for women in prison and probation. The primary objective of the groups is to build up the women's ability to make more adequate choices leading to a better life in general with, for example, less abuse of alcohol and drugs and a reduction in crime and violence. A concurrent objective of these groups is to increase the women's awareness of the relation between drug abuse, violence and crime.

The content of VINN reflects the basic view of humanistic psychology, implying an encouraging attitude to people's ability to change. People can change their lives if and when they are ready for it. Individual resources and possibilities are focused upon in the groups. Methodologically, the guide is based upon the theoretical principles of Motivational Interviewing.²³ JURK reported that the VINN programme received high praise from women prisoners.

²² *Kvinner Soningsforhold*, p. 61, available at

http://www.jurk.no/rapporter/kvinner_soningsforhold.pdf

²³ Torunn Højdaahl, personal correspondence, November 2006. Torunn Højdaahl is co-author of the Winning handbook. See also *QCEA questionnaire*, returned from the Royal Ministry of Justice and Police, Norway

Prisoners were of the view that it is important to follow up released prisoners. 'Officers who believe in me are the most motivating thing' wrote one woman. Some women were dreading release: 'I'm going home with two plastic bags, five Kroner (= 0.54 euros) and the hope of starting a new life. There's so much I have to fight against and so little to fight for' writes one woman. But most women were positive about life after release and wanted a fresh start. JURK recommends that the chances of this are more likely if women are given assistance with accommodation and employment; and if substance-abusing women have access to substitute drugs. Prisoners are of the same opinion: 'I need help on the outside for continuity' writes one. Another said that rehabilitation programmes in prison 'help while I'm sitting here but it's so different when I get out.'

Country Report: Romania

A lack of information on women in prison in Romania has meant that the following report draws heavily from two sources; a country report on Romania by Morag MacDonald at the University of Central England¹, and a questionnaire on women in prison returned to us from the Head of the Social Reintegration Department of the National Prison Administration in Romania.

1. Introduction

According to the International Centre for Prison Studies (ICPS), the prison population in Romania at the end of August 2006 was 35,959, 14.2 per cent of which consisted of prisoners on remand. The prison population rate was 167 per 100,000 based on an estimated national population of 21.57 million. The number of establishments was forty-five (thirty-six prisons, six prison hospitals and three institutions for minors) and the official capacity of the prison system was 37,947 resulting in an occupancy level of 94.8 per cent.² The Romanian General Directorate of Penitentiaries is part of the Ministry of Justice which deals with prisons.³

A key issue that faced the Romanian General Directorate of Penitentiaries in 2004 was the demilitarisation of prison staff; ninety-two percent of the 13,256 prison staff were military personnel and only eight per cent were civilians.⁴ Demilitarisation would 'bring about a change from a military-type mentality to a less rigid attitude where interpersonal relations are based on respect, discipline and professional responsibility'⁵ and was due to happen in November 2004.

Overcrowding was identified by staff at the prison service department as a problem that impacts on living conditions for prisoners and the spread of TB and sexually transmitted infections. A large number of prisoners are often housed in each dormitory and this has a negative effect on hygiene standards. According to the regulations, prisoners can shower every day if they are working and once per week if not. However, in reality prisoners cannot shower this regularly due to both the overcrowding and problems with heating systems and low water pressure in prisons.⁶

In 1999 the European Committee for the Prevention of Torture strongly criticised many aspects in Romanian prisons.

¹ Prof. Morag MacDonald, *Country Report for Romania (1-8 February, 2004)*, Research project for the Central and Eastern European Network of Drug Services in Prison in Co-operation with The European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI), (University of Central England, 2004).

² *International Centre for Prison Studies*, World Prison Brief, Prison Brief for Romania [on-line], accessed 16 March 2007, available at <http://www.prisonstudies.org/>

³ MacDonald, *Country Report for Romania (1-8 February 2004)*, p. 4.

⁴ *ibid.*

⁵ Centre for Disease Control and Prevention (CDCP), European Committee of Crime Problems, 13th Conference of Directors of Prison Administration, Demilitarisation: *The beginning of a new organisational structure for Romania's prison system*, Strasbourg, 6-8 November 2002, as referenced in MacDonald (see *ibid.*), p. 4.

⁶ MacDonald, *Country Report for Romania (1-8 February 2004)*, p. 24.

2. Women prisoners in Romania

Special legal provisions regarding women are included in the Criminal Code, the Criminal Procedure Code and the Decree no. 368/1966.⁷

Profile of women prisoners

According to Prison Reform International the total number of imprisoned women in July 2002 was 2,396 (of which 2,312 were adults and eighty-four were juveniles). In 2002 there were 1,579 women prisoners with children, twenty-two foreign national women prisoners and two women sentenced to life.⁸

As of the end of November 2005, female prisoners made up 4.7 per cent of the total prison population.⁹ The total prison population figures were unavailable for this time from the ICPS but if we use the figure for the total prison population for August 2006 (35,959), this gives a female prison population of 1,690. This figure differs significantly from that given by Prison Reform International for 2002 (by 706 prisoners), indicating that the female prison population may have fallen between 2002 and 2005/06.

Prisons

There is only one prison in Romania which is specifically for sentenced women and this is Târgsor women's prison. In February 2004, it held 600 women prisoners and thirty male prisoners, the majority of whom were sentenced.¹⁰ The population of the women's prison has not increased in recent years.¹¹ The majority of penitentiaries had special sections for women on remand, with wings for women in thirty of the prisons for men. In 2005, these prisons held a total of 1,265 women prisoners (between five and 200 in each prison).¹² Rahova is an example of one such prison, which has a capacity of 2,500 and holds juveniles and maximum security male sentenced prisoners with sentences longer than ten years, and which also has a section for pre-trial women prisoners.¹³

The types of regimes for women prisoners include: closed, semi-open and with no guards.¹⁴ In 2005 there were twenty female juvenile offenders held at the women's prison.¹⁵ Female juveniles sentenced to a re-education centre are detained in the re-education centre at Gaiestit.¹⁶

The general condition and facilities in Târgsor prison are good, however, a lack of space for activities means conditions in the mixed sex facilities are less so. Most of the prison buildings (including Târgsor) are fifty years old or more, with the exception of two prisons which were built in the 1990s. Târgsor prison is under reconstruction and one third of the others have had

⁷ *Prison Reform International*, Information Pack: Women in Prison, Romania, 2002.

⁸ *ibid.*

⁹ *International Centre for Prison Studies*, available at <http://www.prisonstudies.org/>

¹⁰ MacDonald, *Country Report for Romania (1-8 February 2004)*, p. 6.

¹¹ *QCEA questionnaire*

¹² *ibid.*

¹³ MacDonald, *Country Report for Romania (1-8 February 2004)*, p. 5.

¹⁴ *Prison Reform International*

¹⁵ *QCEA questionnaire*

¹⁶ *Prison Reform International*

recent additions or extensions. Because of this renovation work, Târgsor prison is not overcrowded, although some of the women's wings in the mixed-sex facilities are.¹⁷

One example is that of the women's section at Rahova. Many of the women held here come from Bucharest and do not want to be sent to Târgsor as they would be further away from their families. This means that they do not complain about the problem of overcrowding in their section (overcrowding is not a problem in any of the other sections of the prison).¹⁸

In order to improve the system of women's prisons in Romania, the Head of the Social Reintegration Department suggested that the number of places and the geographical location of more women's prisons should be assessed.¹⁹

Crimes

Figure 1, below, shows that the most common crime that women were convicted for in 2000 was theft, followed by robbery. Drug offences are unusually small as they are usually much higher in relation to other crimes for women offenders.

Figure 2, below, shows that 'theft and handling stolen goods' was the most common crime that women in Târgsor prison were convicted of, followed jointly by homicide and robbery. Again, drug offences are relatively low.

Together, although information on many women prisoners is not provided, the graphs give an overall picture of the crimes for which women in Romania are commonly convicted; high incidences of theft and robbery, with drug offences being low.

However, according to the prison director at Rahova, the majority of women are there due to drug-trafficking offences.²⁰ This may suggest that many women on remand for drug-related offences are not convicted at court (Rahova holds only pre-trial women), that women charged with drug offences are specifically sent to Rahova or that the location of Rahova may be near one of Romania's borders, so that anyone caught for drug trafficking at the border would be sent there. However, all of these reasons are speculative.

In 2005, almost fifty per cent of the women prisoners at Târgsor were convicted to between three and ten years of imprisonment.²¹

The Head of the Social Reintegration Department said that, in comparison with male prisoners, many female prisoners are illiterate, were unemployed before their imprisonment and have been victims of sexual abuse and assault.²²

¹⁷ QCEA questionnaire

¹⁸ MacDonald, *Country Report for Romania (1-8 February 2004)*, pp. 5 and 10.

¹⁹ QCEA questionnaire

²⁰ MacDonald, *Country Report for Romania (1-8 February 2004)*, p. 5.

²¹ QCEA questionnaire, question 9.

²² *ibid.*, question 18.

Some crimes that women prisoners were convicted for in 2000

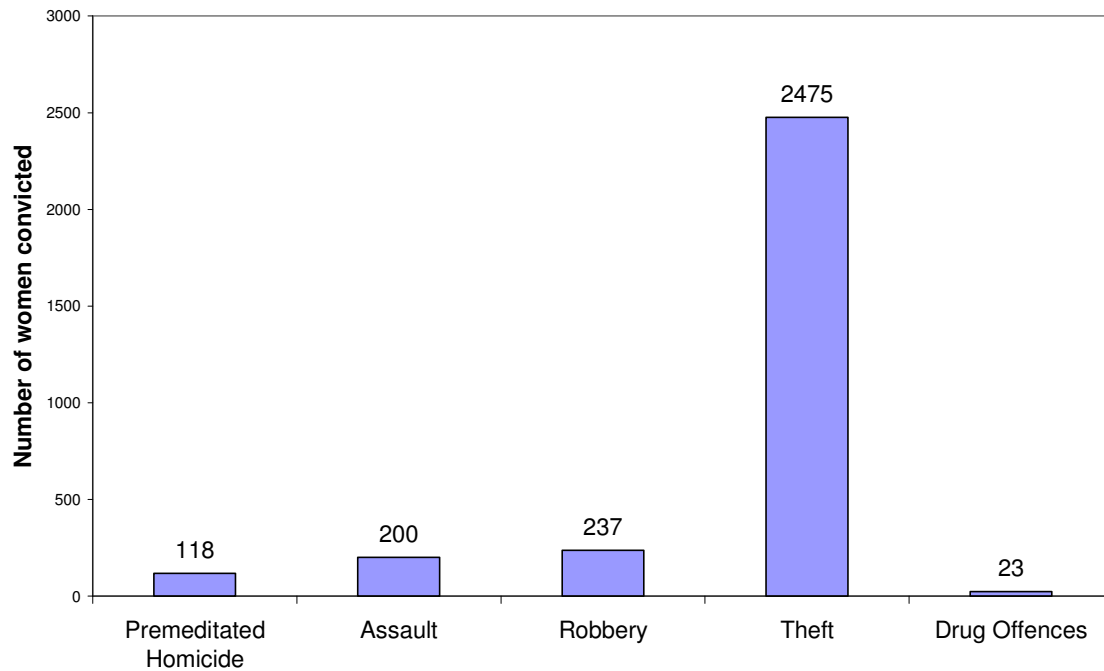


Figure 1: Number of women convicted for certain crimes in 2002. The total convicted for these crimes (3,050) is much less than the total number of women convicted in 2000 (10,361) indicating that many women (7,311) were either convicted for crimes other than those shown in the graph or information on their crimes was not available or collected.

Source: <http://www.heuni.fi/uploads/wahz665.pdf>

3. Women on remand

Women prisoners on remand are held on wings of thirty men's prisons around the country.²³

4. Convicted prisoners

Convicted women prisoners are held at Târgsor women's prison.²⁴

²³ QCEA questionnaire, question 4.

²⁴ MacDonald, *Country Report for Romania (1-8 February 2004)*, p. 3.

**Percentage of type of crimes committed by women at Târgsor prison,
(date?)**

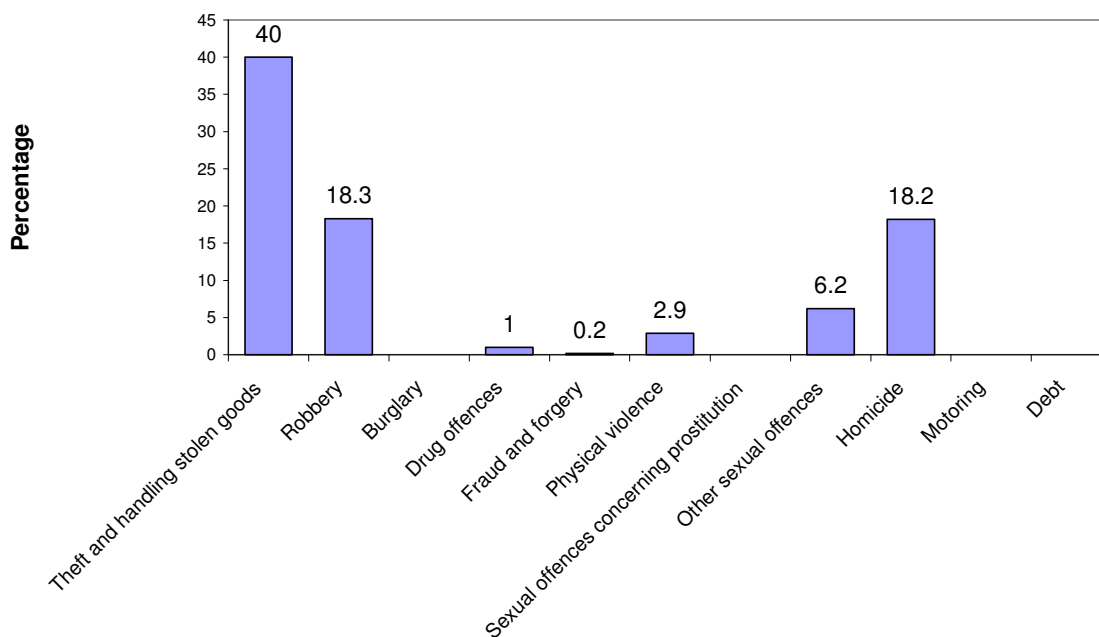


Figure 2: Crimes committed by women in Târgsor prison, 2005. The percentage of those committed for the crimes listed above only add up to 86.8 per cent, indicating that information on all the women was not available. Source: Questionnaire on women and prison filled out by the Head of the Social Reintegration Department, National Prison Administration (answer to question 12).

5. Contact with the outside world

Visits

Visitors' facilities vary with each prison; some of them need renovation while others are 'fit for the purpose'.²⁵

Women in Târgsor are from all over Romania and this can cause problems for the prisoners because of the long distances they are from their families.²⁶ At Târgsor all prisoners can receive visits. Husbands, parents, children, relatives and friends are allowed to visit prisoners with parents, husbands and children being the most common visitors. Visits can take place once a week. Overnight or family visits are not allowed.

The type of visit that a prisoner can have depends on the crime for which they have been sentenced. The law dictates that prisoners who are classified as former drug addicts or drug traffickers can have closed visits only. Prison directors can use their discretion in allowing those convicted for drug-trafficking to have open visits, although this does not always happen. In Romania, the possession of a small quantity of any drug can result in a charge of drug-trafficking, meaning that many prisoners who have been sentenced for this crime are, in reality, simply drug users.²⁷

²⁵ QCEA questionnaire, question 29.

²⁶ MacDonald, *Country Report for Romania (1-8 February 2004)*, p. 6.

²⁷ *ibid.*, pp. 20 and 24.

Leave

Home leave for special events (such as Easter, Christmas and special events in the prisoner's family) is possible for prisoners who are regarded as having behaved well.²⁸

6. Motherhood in prison

Pregnancy and birth

Special diets are provided for pregnant prisoners.²⁹

Babies in prison

Young children and babies can stay with their mothers in prison up until the age of one year.³⁰ At Rahova prison, mothers are permitted to keep their children with them for a year in the prison hospital if they give birth whilst in prison.³¹ There is a special wing for mother and children in a penitentiary hospital with 'very good conditions and adequate health care'.³²

Children on the outside

According to the Head of the Social Reintegration Department, separation from their children is the most difficult problem that many women prisoners encounter during their sentence. Sixty per cent of female prisoners have children under the age of eighteen.³³ Women can keep in touch with their children through social assistance programmes, mail and visits.³⁴ Children are allowed to visit their mother in prison once a week and there is a special visiting room in the women's prison with children's furniture, toys and books etc. This type of facility is not available in any other prisons holding women. Women are allowed physical contact with their child during visits.³⁵

7. Health

General

Within the prison system the prisoners have access to health care services provided by the medical units of the prisons. In these units there are general practitioners and specialist medical staff. When there is a need for special medical assistance, prisoners are sent for specialist checkups within the prison system or to outside hospitals managed by the Ministry of Health and Family.³⁶

²⁸ Roy Walmsley, *Further Developments in the Prison Systems of Central and Eastern Europe: Achievements, problems and objectives*, (Helsinki: HEUNI, 2003), p. 430. Available at <http://www.heuni.fi/24705.htm>

²⁹ *ibid.*, p. 428.

³⁰ *QCEA questionnaire*, question 31.

³¹ MacDonald, *Country Report for Romania (1-8 February 2004)*, p. 5.

³² *QCEA questionnaire*, question 32.

³³ *QCEA questionnaire*, questions 30 and 37.

³⁴ *Prison Reform International*

³⁵ *QCEA questionnaire*, questions 29, 34, 35 and 36.

³⁶ *Prison Reform International*

Târgsor prison provides twenty-four hour medical cover, and the prison has eight nurses and two doctors, who are also on call at the weekends. According to the Head of Health Care, prisoners have good access to the doctor who they can usually see on the same day as they make the request. Prisoners in a focus group said, however, that they have scheduled days on each section when they can see the doctor and make their appointments on those days.³⁷

The Head of the Social Reintegration Department said that, at Târgsor, the state of health of the prisoners is not very good, and if a prisoner is ill there are not sufficient resources to treat her within the prison.³⁸ Prisoners at the prison hospital had mixed views about the provision of health care in the prison with some considering the health care to be good, and others feeling less satisfied.³⁹

In cases of emergency, pregnancy and surgery the women are sent to hospitals outside the prison.⁴⁰ Rahova prison hospital is one of the hospitals that women from Târgsor may be sent to. However, some women refused to go there for tests due to: the way in which the women are transported to the hospital ('We are transported in very miserable conditions just like animals'), loss of working days (days spent working can mean days taken off the prisoners' sentence) and lack of notice given (sometimes just the night before, making it difficult to reschedule visits expected from family).⁴¹

Prisoners receive regular health checks for establishing their general state of health. Some women prisoners at Târgsor refuse to have check-ups. Participants at a focus group gave reasons such as the fact that they were not able to talk about the results with the doctor who did the test and their reluctance to travel to Rahova prison hospital (as mentioned above). Some women also felt that in the mass screenings they lost control over their own bodies.⁴²

Tuberculosis (TB) is a major problem in Romania and the number of cases is rising. At Târgsor the number of new cases of TB has levelled off. Prisoners are screened for TB and will be sent to the prison hospital if their results are positive. The prison provides information on TB and tries to engage prisoners with the related issues.⁴³

The types of illnesses that are most common among the prisons at Târgsor are respiratory and cardiovascular diseases.⁴⁴ The incidence of infectious diseases in the prison system is high.⁴⁵ The prison health care department arranged for prisoners to have cervical and breast cancer screening from 2005, and finance for this had been allocated in 2004.⁴⁶ At the present time, prisoners are not tested for HIV and Hepatitis C.⁴⁷

Women are able to see a doctor or other health care worker in privacy.⁴⁸

³⁷ MacDonald, *Country Report for Romania (1-8 February 2004)*, p. 14.

³⁸ *QCEA questionnaire*, questions 23 and 24.

³⁹ MacDonald, *Country Report for Romania (1-8 February 2004)*, p. 12.

⁴⁰ *QCEA questionnaire*, question 24.

⁴¹ MacDonald, *Country Report for Romania (1-8 February 2004)*, p. 12.

⁴² *ibid.*

⁴³ *ibid.*, p. 17.

⁴⁴ *QCEA questionnaire*, question 25.

⁴⁵ MacDonald, *Country Report for Romania (1-8 February 2004)*, p. 17.

⁴⁶ *ibid.*, p. 13.

⁴⁷ *ibid.*, p. 25.

⁴⁸ *QCEA questionnaire*, question 39.

Mental health (including self-harm and suicide)

There are women in prison with mental health difficulties and between eight and ten per cent of the prisoners at Târgsor suffer from mental illness (especially personality disorders). Counselling and rehabilitation programmes are available for prisoners with mental health difficulties.⁴⁹

Self-harm is usually seen as manipulative behaviour by prison staff and, in general, it is male prisoners who tend to self-harm more than women prisoners. At Târgsor they have two or three cases of self-harm each year. According to staff, these are never serious cases and usually occur due to arguments amongst prisoners, often involving cutting. This was described as manipulative by staff, who said 'We point out to the prisoners that they will get nothing as a result of self-harming'.⁵⁰

There is a low rate of suicide in Romanian prisons, due in part to educators monitoring signs of suicidal behaviour amongst the prisoners.⁵¹

HIV and sexual health

In December 2002, 9,928 HIV and AIDS cases were recorded in Romania, with most of the cases being teenagers.⁵² In 2000, the number of HIV cases in Romanian prisons was three times higher than in 1999, but this is probably an underestimate since only prisoners with unidentifiable symptoms are tested for HIV.⁵³ Târgsor prison 'is one of the regional centres which worked with the ARAS (Romanian Association against AIDS) programme. Staff trained by the project are now working with groups of prisoners on HIV and drug use, providing information and engaging in other related activities. Prisoners in the focus group at Târgsor felt 'informed about HIV'.⁵⁴

At Târgsor (unlike in some other prisons), only the medical staff know which prisoners are HIV positive; the prison director is only informed if 'the person with HIV is perceived to involve a 'security issue''.⁵⁵

Syphilis is considered to be a problem at the women's prison.⁵⁶

Substance addiction

In 2005, eighty-seven women were held in Târgsor prison for drug-related offences.⁵⁷ At Târgsor, the psychologist runs a programme for those convicted of drug possession and trafficking that lasts three to four months, although it is difficult to maintain the same group for the duration of the course due to high turnover of prisoners. In addition, in 2003 an NGO paid for a psychologist to run a programme for ten to twelve drug users in Târgsor.⁵⁸ There are programmes available to treat prisoners with drug or alcohol addictions, and a small group of ten to fifteen women are enrolled on these in Târgsor.⁵⁹

⁴⁹ QCEA questionnaire, questions 41 and 42.

⁵⁰ MacDonald, *Country Report for Romania (1-8 February 2004)*, p. 14.

⁵¹ *ibid.*

⁵² Romanian Ministry of Health and Family, as referenced in MacDonald (see *ibid.*), p. 17.

⁵³ MacDonald, *Country Report for Romania (1-8 February 2004)*, p. 17.

⁵⁴ *ibid.*, p. 16.

⁵⁵ *ibid.*, p. 13.

⁵⁶ *ibid.*, p. 19.

⁵⁷ QCEA questionnaire

⁵⁸ MacDonald, *Country Report for Romania (1-8 February 2004)*, p. 20.

⁵⁹ QCEA questionnaire

Although staff at Târgsor felt there were currently no drugs in the prison, they expected this to change as more women convicted of drug-related offences enter the prison. This may pose a problem in the future as in 2004 the deputy director of Târgsor thought there had not been enough staff training about drugs.⁶⁰ The Head of Department of Social Reintegration has not noticed any evidence of drug problems within the prison.

Cleanliness and hygiene

The prison regulations state that those prisoners who are working can shower every day, while those not working can shower once per week. In principle, women prisoners are able to shower more frequently than this, but in reality this is not usually possible due to problems with low water in some prisons and lack of hot water. In a focus group at Rahova prison (sex of the prisoners not known), it was said that those who were working could shower once per week and those not working could shower once every ten days.⁶¹

At Târgsor, there are twelve to fourteen beds per room in the modernised section and twenty to thirty beds per room in the older sections. This number of prisoners per room, alongside the restricted use of showers, has negative implications for cleanliness and hygiene. It is hoped conditions will improve when the older sections are modernised and that these rooms will contain ten beds each.⁶²

When the prisoners arrive at Târgsor they are informed about collective and individual hygiene and about an NGO run by a religious group, which provides toothpaste and soap for the prisoners.⁶³

8. Education, work and training

Women receive an equal share of the overall prison budget for educational and work programmes compared to male prisoners, but, according to the Head of the Social Reintegration Department, it is not enough.⁶⁴

A range of vocational training and education is provided by the General Directorate of Penitentiary in cooperation with the Ministry of Education. This is considered particularly important because the educational level of prisoners is poor. Many need basic literacy⁶⁵; for example, 12.6 per cent of the women prisoners are illiterate.⁶⁶ Prisoners who pass training or education courses in the prison receive a certificate that does not indicate that this was achieved in prison.⁶⁷

The Head of the Social Reintegration Department recommends that the programme and activities should be based on the special needs of women prisoners and that in particular, they need programmes for an independent life and addressing criminality: family violence, conflicts and conflict resolution, guilt, shame and atonement, living together and divorce.⁶⁸

⁶⁰ MacDonald, *Country Report for Romania (1-8 February 2004)*, pp. 19 and 23.

⁶¹ *ibid.*, p. 15.

⁶² *ibid.*

⁶³ *ibid.*

⁶⁴ QCEA questionnaire, question 48.

⁶⁵ MacDonald, *Country Report for Romania (1-8 February 2004)*, p. 11.

⁶⁶ QCEA questionnaire, question 43.

⁶⁷ MacDonald, *Country Report for Romania (1-8 February 2004)*, p. 11.

⁶⁸ QCEA questionnaire

Prisoners must choose whether to study or work in the prison.⁶⁹

Education

Educational and cultural programmes and activities in each prison are coordinated by the social education department and organised by the educators. The programmes offered in individual prisons are dependent on the skill mix of the educators, who come from different educational backgrounds and specialise in different areas.⁷⁰

The number of prisoners that an educator is responsible for varies, with one educator per 200 prisoners being around average. The ratio is lower with juvenile prisoners where there is an emphasis on rehabilitation, retraining and education. At Târgsor there were four educators for the prison of 600 prisoners in 2004. The educators felt that this did not give staff sufficient opportunity to get to know the prisoners, so they try to deal with those who do have problems.⁷¹

Thirty-five per cent of women are enrolled on educational and vocational programmes in the prison. Women who are not enrolled are unable to do so, due to courses being unavailable and/or courses being oversubscribed.⁷²

Work

Prisoners do not have to work while in prison but for every two to four days worked they get one day off their sentence. The economic situation in the local community affects the availability of work for prisoners. In Romania there are high levels of unemployment, making it difficult for prisoners to get work.⁷³

At the women's prison, fifty-five per cent of prisoners can work and this increases to between eighty and eighty-five per cent in summertime. About 100 prisoners are unable to work due to age or illness. Prisoners are able to work for outside companies or on the prison farm. The prison also possess a clothing workshop that employs 200 prisoners and provides vocational training for the clothing and agricultural industry. The prisoners from the focus group were mostly working in the clothing workshop and they felt that the certificate they will receive for the training will be useful when they are released.⁷⁴

Both paid and unpaid optional work schemes are available for women at Târgsor. The hours of work are 8.00 - 16.00.⁷⁵

9. *Minority groups*

Juveniles

In May 2006, juveniles accounted for 1.5 per cent of the total prison population (equivalent to 539 prisoners if a figure for the August 2006 total prison population is used).⁷⁶ In 2005, there

⁶⁹ QCEA questionnaire, question 51.

⁷⁰ MacDonald, *Country Report for Romania (1-8 February 2004)*, p. 11.

⁷¹ *ibid.*, pp. 9 and 11.

⁷² QCEA questionnaire, questions 45, 46 and 47.

⁷³ MacDonald, *Country Report for Romania (1-8 February 2004)*, p. 11.

⁷⁴ *ibid.*

⁷⁵ QCEA questionnaire, questions 49 and 50.

⁷⁶ *International Centre for Prison Studies*, available at www.prisonstudies.org

were twenty female juvenile offenders held at the women's prison.⁷⁷ Female juveniles sentenced to a re-education centre are detained in the re-education centre at Gaiestit.⁷⁸

Foreign nationals and ethnic minorities

In November 2005, foreign prisoners made up 0.7 per cent of the total prison population (equivalent to 251 prisoners if a figure for the August 2006 total prison population is used).⁷⁹

Less than one per cent of the prisoners at Târgsor are foreign nationals with the majority coming from Moldavia and Turkey.⁸⁰

10. Staff and management

Prisons find it difficult both to recruit and to retain staff. Working within prisons is not considered to be a prestigious job due to the difficulties of working with prisoners and to attitudes within society. Existing staff are not able to take time off in lieu and also have heavy workloads.⁸¹

In Romanian prisons, psychologists, social workers, educators and section heads are the key staff involved in the care of prisoners. At Târgsor, effective multi-disciplinary working is considered to be dependent on the senior management of the prison; if co-operation between the top managers is seen to be done effectively then other staff will do the same.⁸²

The director at Târgsor, who is female, was described by the Head of the Social Reintegration Department as 'a very good director'. The Head stated that 'all the activities take into consideration the specific characteristics and needs of women', however, she also highlighted the need for special training for staff who work with the women.⁸³

No male members of staff are employed in contact positions in women's prisons (or women's wings in men's prisons).⁸⁴

11. Additional information

Release

There is no formal pre-release programme and prisoners are not helped to find housing. The prison does not liaise with the social workers at the relevant town hall. Prisoners can go to the reintegration department, situated within the prison, where they can get information about work in the area they will be going to following their release. The prison also sends details of the prisoners' progress to the probation service and so far this cooperation has been good.⁸⁵

⁷⁷ QCEA questionnaire

⁷⁸ *Prison Reform International*

⁷⁹ International Centre for Prison Studies, available at www.prisonstudies.org

⁸⁰ QCEA questionnaire

⁸¹ MacDonald, *Country Report for Romania (1-8 February 2004)*, p. 9.

⁸² *ibid.*, pp. 3 and 23.

⁸³ QCEA questionnaire

⁸⁴ QCEA questionnaire

⁸⁵ MacDonald, *Country Report for Romania (1-8 February 2004)*, pp. 20-21.

Bullying

There is not an official policy on bullying at Târgsor and it is not considered to be a problem. According to specialist staff at the prison, there are good relations between prisoners and staff and prisoners are told clearly during the assessment that bullying will not be tolerated.⁸⁶ The Head of the Social Reintegration Department, National Prison Administration, reported no evidence of violence or bullying within the prison.⁸⁷

⁸⁶ MacDonald, *Country Report for Romania (1-8 February 2004)*, p. 9.

⁸⁷ QCEA questionnaire

Country Report: Denmark

On 22 - 23 March 2006, QCEA visited Ringe high security prison and Horserød open prison. This report is principally an account of these visits with an introduction on Danish prisons in general informed by several other sources. This is why the structure of this country report differs from that of the other country reports.

General

According to the International Centre for Prison Studies (ICPS),¹ the prison population in Denmark in October 2005 was 4,198 and there was a prison population rate of seventy-seven per 100,000 of the national population. Prisoners awaiting trial made up 25.1 per cent of the total prison population, juveniles made up 0.6 per cent, foreign prisoners made up 17.5 per cent of the total and female prisoners made up 4.6 per cent of the total prison population.

In Denmark, there are open and closed prisons used for sentenced prisoners and 'local prisons' (which are used for prisoners awaiting trial or prisoners serving very short sentences). These 'local prisons' are often located close to the courts. Sentences are short; more than half are three months or less and only fifteen per cent are one year or more.² Early release is possible. Detention spent awaiting trial is a maximum of four weeks. This can be renewed an unlimited number of times by the courts and does not apply to those charged with very serious crimes that carry a sentence of over six years. Prison sentences are not intended to act as a deterrent.

In Denmark ex-offenders face the same employment difficulties as in other countries. However, a criminal record is only valid for between five and ten years, depending on the crime. Private sector employers can request criminal records from five years back and government employers from ten years back.

Offenders suffering from mental disorders have enforced treatment and monitoring under certain conditions for an unlimited period. According to 'Prison de Femmes', the time spent in detention is generally longer for people with psychiatric disorders.³

Prison management philosophy and staff

A fundamental principle of the Danish prison system is 'normalisation'. The Prison and Probation Service handbook explains: 'experience has shown that the traditional prison situation can endanger attempts to help prisoners.... By establishing conditions which differ as little as possible from those obtaining in daily life outside prison, the grounds for aggression and apathy are reduced and the negative effects of a prison sojourn are limited.'⁴ For example, prisoners do not wear uniforms. 'Normalisation' attempts to cut reconviction by giving prisoners responsibility and operating a humane regime. There is not a reliance on courses and specialists to solve prisoners' problems, 'we don't have a course on cooking - they cook every day' [Governor of Ringe]. The whole day's timetable and way of living is intended to be rehabilitative. Staff at Horserød prison said treatment programmes took attention away from

¹ *International Centre for Prison Studies*, World Prison Brief, Prison Brief for Denmark [on-line], accessed 16 March 2007, available at <http://www.prisonstudies.org/>

² *British Broadcasting Corporation (BBC)*, Lessons from Danish Prisons [on-line], accessed 2 April 2007, available (since 2 July 2003) at <http://news.bbc.co.uk/2/hi/europe/3036450.stm>

³ *Prisons de femmes en Europe*, Observations Danemark [on-line], accessed 2 April 2007, available at <http://prisons.de.femmes.free.fr/danemark.html>

⁴ Denmark Ministry of Justice, Department of Prisons and Probation, *A Programme of Principles for Prison and Probation Work in Denmark*, 1994.

other prisoners as interaction would be focused there. However, pilot projects to run a parental skills programme are underway in a number of prisons. Deputy Director General of the Prison and Probation Service in Denmark, Annette Esdorf, says: 'We make an effort to keep crime down by treating the prisoners in the best way. We have a rather humane regime, not because of the prisoners, but because we think it works better this way.'⁵ Nevertheless, a survey by the University of Greifswald found that 48.1 per cent of women prisoners were in prison for the second time.⁶

The other principles governing the prison service are:⁷

- Openness: contacts between the prison and the community are strengthened.
- Exercise of Responsibility: this principle acknowledges that the 'lodging and service functions' of a prison lessen the prisoners' ability to cope with daily life and states that prison service work should be organised to develop offenders' 'sense of responsibility, self-respect and self-confidence', and motivate them to live a crime-free life.
- Security: protecting the community and prisoners from criminal acts.
- Least Possible Intervention: the problem solving methods that intrude the least in prisoners' lives should be used and early intervention is encouraged to 'prevent the development of unacceptable situations'.
- Optimum Use of Resources: using resources flexibly, effectively and in relation to perceived needs and therefore employing well-qualified, capable staff.
- None of these principles overrule others and all should be used on a daily basis to ensure outcomes that are consistent with all other principles.

These principles could be seen in the atmosphere of the prison and in talking to prison staff. Staff and prisoners appeared relaxed in each other's company. There was far less emphasis on the control of prisoners and less bureaucracy. Operating in this way also eliminates certain issues; for example, time out of cell is not a difficulty because prisoners are always out of their cells; conjugal visits are not complicated for the prison to arrange because they take place as a matter of course during normal visits.

The research undertaken by the University of Greifswald found that average age of staff members is 40.8 years and the average length of their service is 9.9 years. 29.4 per cent of the staff members who work with women are men.⁸ Female staff, especially young female staff, sometimes have difficulties with ethnic minority prisoners who do not respect them; this varies from prison to prison. According to a lawyer working for the Prison and Probation service, "women guards are often better than men at calming down a prisoner who is getting angry".⁹ In Denmark, several women guards note that being a woman is an advantage.¹⁰

⁵ BBC, available at <http://news.bbc.co.uk/2/hi/europe/3036450.stm>

⁶ Dünkel, F., C. Kestermann, & J. Zolondek, 'Internationale Studie zum Frauenstrafvollzug, Bestandsaufnahme, Bedarfsanalyse und 'best practice'', (Department of Criminology: University of Greifswald, 2005), p. 7.

⁷ *Kriminal Forsorgen*, Vigtig information [on-line], accessed on 20 March 2007, available at <http://www.kriminalforsorgen.dk/>

⁸ Dünkel et al., 'Internationale Studie zum Frauenstrafvollzug, Bestandsaufnahme, Bedarfsanalyse und 'best practice'', p. 7.

⁹ BBC, available at <http://news.bbc.co.uk/2/hi/europe/3036450.stm>

¹⁰ Extracts from the report of the Working Party, set up by the Danish Prison and Probation Service to make a detailed study of the nature and extent of present and potential problems arising between groups of prisoners of non-Danish ethnic background (particularly young offenders of under twenty-five) and other prisoners and staff in the Prison Service's institutions and units, p. 47.

Women in prison

The offences most commonly committed by women are drug offences (as is the case in many other European countries). Homicide and robbery are in joint second place.¹¹

The number of ethnic minority women in prison has doubled since 2000. Six per cent of the prisoners with an ethnic minority background are women. More are under probation than in prison, but it is in prisons where the rise has been most dramatic. Women of ethnic minority background tend to come from Europe and Latin America with only a small proportion of Arab origin. This contrasts with men of ethnic minority background who are usually of Arab origin. Ethnic minority women are also somewhat older than ethnic minority men, an average of thirty-five years, whereas for men the average is thirty.¹² The average age of the women in prison surveyed by the University of Greifswald was 37.6 years.¹³ Male prisoners of ethnic minority background tend to stick together and so dominate smaller units to the detriment of the whole unit. This is more problematic with the under-25 group; no such problems have been noted amongst female ethnic minorities.

- Alcohol problems amongst Danish women prisoners are rather high at 15.4% and only 11.5% of these women receive treatment.
- As usual drug problems are more widespread than alcohol problems: 34.5% of women wish to receive treatment for drug problems whilst 27.6% are already receiving help.¹⁴ 11.1% of women are receiving treatment for psychological problems whilst 37% of women need help, showing a large gap in service provision.
- 40.7% show heightened or high symptoms of depression and 17.9% have a heightened or high self-harm risk.¹⁵
- The majority of female prisoners completed between nine and ten years of schooling but only 26.9% finished their education at eighteen.¹⁶
- 57.7% of women in prison are mothers.¹⁷

Fact finding visit to Ringe prison

In March 2006, QCEA visited Ringe high security prison, Denmark.

There are eighty-six places at Ringe. There are not a fixed number of places for women because many of them serve their sentences in the same sections as men. It is the only closed prison holding women in Denmark. The average age for women is thirty-one whereas the average age for men is twenty-one. Most women are serving sentences for drug-related crimes.

¹¹Düinkel *et al.*, '*Internationale Studie zum Frauenstrafvollzug, Bestandsaufnahme, Bedarfsanalyse und 'best practice'*', p. 23.

¹² Extracts from the report of the Working Party set up by the Danish Prison and Probation Service to make a detailed study of the nature and extent of present and potential problems arising between groups of prisoners of non-Danish ethnic background (particularly young offenders of under 25) and other prisoners and staff in the Prison Service's institutions and units, p. 97.

¹³ Düinkel *et al.*, '*Internationale Studie zum Frauenstrafvollzug, Bestandsaufnahme, Bedarfsanalyse und 'best practice'*', p. 7.

¹⁴ *ibid.*, p. 27.

¹⁵ *ibid.*, p. 30.

¹⁶ *ibid.*, p. 21.

¹⁷ *ibid.*, pp. 7 and 21.

There are four places for juveniles (male or female) and the sexes are held together. These are the only closed prison places for juveniles in Denmark. If juveniles break the rules in other institutions they may be sent to Ringe. If juveniles are held at Ringe they get more attention than the other prisoners, such as being provided with their own social worker and more education. The governor could only remember one girl having been sent to Ringe.

There are 120 employees, most of whom are 'prison personnel'. Members of staff do not have any gender awareness training although the three-year prison officer training does touch on this. Prisoners thought that staff members were aware of gender differences, although the social worker appeared more doubtful and said staff could be better. The social worker said that gender made a difference in her work, for example, women have more family problems leading to more frequent liaisons with foster families and arranging of family visits.

The prison

The prison is approached through enormous solid blue gates which have a doorway cut into them. One walks through what looks like a huge parking lot, then outside into a smaller outdoor car park and into a much more human reception area. Prison officers sit behind a glassed-in reception desk where they monitor the CCTV; there are a couple of chairs and free lockers in which to deposit bags and coats. The visiting rooms are through a door to one side of this reception area. A staircase leads up to the main prison.

There is a five metre high wall around the prison. The prison is built on the side of a hill which allows prisoners to see out over the surrounding countryside. There is also a high fence, which is not overly conspicuous and CCTV. The fence is a recent addition and is to stop drugs, mobile phones and weapons being thrown over the wall rather than to stop prisoners escaping. 'Close contact between personnel and detainees' is also cited as a security measure by the Ministry of Justice. There have been a few escapes in the last ten years, but not recently.

Every prisoner has his or her own cell. Cells are a minimum of 7.4m², although this varies. When furnished they feel cramped.

There is an isolation section for disciplinary offences. If caught with drugs prisoners may spend up to seven days in isolation, depending on the amount found. If prisoners are violent to other prisoners they may get seven days in isolation or longer if there is a fear that s/he will be violent again. If prisoners are violent against staff they will normally be sent to another prison. If prisoners refuse to work they will be in isolation between 08:00 and 15:00 while the other prisoners are at work.

There is a hall which is used for sports, external lectures, plays and films (a large projector screen is lowered).

There is a library and a professional librarian comes in once a week. Although the library is small, books can be ordered and there are also magazines.

The prison has an infirmary where sick prisoners stay during work time. The prisoners are not locked up. We did not visit the infirmary but saw a small room where prisoners could rest if they needed. The room contained a TV and sofas but was institutional and not very cheerful. The room was a former classroom which was going to be refurbished, after which it would be used for another purpose. If prisoners are sick for a longer period, they are allowed to stay in their own section.

There is a well-equipped arts & crafts room and a teacher to help the prisoners with painting, glasswork, sewing, modelling etc. This facility is for women only. There were six women there at the time of the visit.

Foreign national and ethnic minority prisoners

In 2005, sixty per cent of the prisoners came from abroad; a recent count showed twenty-four different nationalities within the prison (no gender breakdown available). Most foreign nationals are held for drug trafficking. The prison has its own imam and on Fridays prayers are held in a common room in the prison. Ethnic minority prisoners include foreign nationals who will return to their home country on completion of sentence and foreign nationals who will stay in Denmark after their sentence, e.g. asylum seekers and Danish ethnic minority prisoners. These prisoners require different approaches from the prison.

Recently, staff have been trying to do more with prisoners from an immigrant background, particularly on integration, and the prison has been trying to obtain more resources for this. The prison rules are available in a wide variety of languages. English and Danish classes are offered. One foreign national we spoke to said she had had the opportunity to serve her sentence in her home country, America, but had chosen to stay in Denmark. She told us Ringe was a good prison with good staff who were easy to talk to: “they’re very human” she said. She reported that access to a lawyer had been good and this was a view which was supported by other prisoners and the social worker.

Accommodation

The prison has seven sections. Each section receives a different kind of prisoner. The prisoners are placed on the sections after a visitation is done of the whole prison but not all prisoners can be placed in the most suitable section from the beginning.

All cell doors have two locks; one for the prisoner and one for the staff. The staff have the keys to both locks. At night time all doors are locked with the staff locks. We visited before 15:00 when prisoners were at work/school and the outside doors to the unit were locked. In free time (after 15:00), prisoners can wander freely into the grounds behind their section where they can meet prisoners from other sections. Prisoners have to get permission to visit another section.

Most of the sections look the same: a locked glass door leads off the central corridor. There is a guard’s office with an internal window looking onto the corridor; the office has two locked doors leading into and out of the unit. Whilst we were standing there prisoners came in freely. There is another door so that the unit can be entered without going through the office. Toilets, showers (no baths), washing machine and a telephone are opposite. Next to these there is a large common area with a tiled, well-equipped kitchen with two ovens, stove etc. A second common room leads off this with a TV, sofas and table-football. The rooms felt institutional and were not very cheerful. In some units the walls were painted and there were pictures but not in others.

The drug-free unit has sixteen places and is mixed. Prisoners on this unit said that it was “cosier” and that they “did things together”. They said that theirs was the best unit and attributed this to the lack of drugs: “people are the same people all the time”. There are no more freedoms in this unit than in others but the lack of drugs leads to a more relaxed and supportive atmosphere. A corner of the common room was equipped as a play area with shelves for toys and a rocking horse. The mother we spoke to expressed concern that the dials on the cooker were low enough for her son to be able to turn the electric cooker on.

The male section also has sixteen places. These men are not hard drug users, although cannabis is used. They have to leave the section if they are found to have taken hard drugs or use cannabis frequently.

The women's section (sixteen places) has some hard drug users. Couples are allowed to live there but only if the man is not threatening to women. It is possible to have visits from men as long as they accept the rules of the section. Prisoners on the drug-free unit said that there was 'too much arguing and bitching' on the women's section.

A further sixteen-place, mixed section accommodates hard drug users. Isolation is not used often as a punishment as the prison believes it worsens the problem.

The protected section has eight places; at present two women and six men. This section is designed for those prisoners who are frightened of other prisoners and feel they cannot cope on an ordinary section; they are often those with drug problems. There are more members of staff on this section.

There is a sixteen-place drug treatment section (also called the Contract Section) for those wanting to give up drugs. The philosophy and management are different and the prisoners are kept separate from other prisoners. Teachers go to them if they are taking classes, so tuition is often one-to-one. At the time of our visit there were twelve prisoners on the unit. Prisoners can be sent to a similar unit in another prison if there are not enough places. The social worker said the prison needs more staff with drug training.

The Contract Section is very different to the rest of the prison. There is an emphasis on group responsibility and close personal contact.¹⁸ It is a drug-free unit and prisoners are subjected to random drug tests. One prisoner told us, "we don't fight, we don't take drugs." The prisoners here are quite separate from the rest of the prisoners and do not work or do classes with the others. Prisoners can go out into their garden whenever they want. The Contract Section has its own greenhouse where they grow vegetables in summer and their own little workshop where they make candles and repair bicycles. Next to the workshop is a 'conference room' where meetings, which take place at least three times a week, are held to discuss how things are going in the unit.

The Contract Section is much more homely and less institutional than the other units. There is a large kitchen where the prisoners eat together; they have a rota for cooking. Two corridors run off this with bigger, comfortably furnished bedrooms (TV, fridge, wardrobe etc.); some bedrooms are larger and contain a sofa as well. There is a small room used just as a telephone room, with a table, comfortable chair and photographs on the walls. There is a laundry room and prisoners set their own times for using the washing machine so as not to cause arguments. There is a small computer room; the prisoners earned the money to buy the computers themselves doing construction work nearby. Once a year, a week's sailing trip is organised. At the time of our visit there was only one woman in this section (she was on leave at the time so was unable to talk to us). When asked if she found it difficult being the only woman in the unit a male prisoner replied "She fits in OK, it was better when there were two women to talk to each other, so now we look out for her."

The prisoners can operate alarm bells from within their cells.

Work and education

The educational level of prisoners entering the prison varies greatly.

Prisoners can take classes in work hours: Danish and English for foreigners and Maths, English and History in preparation for the Higher Preparative Exams (taken at age sixteen in the community); over a period of between three and four years it is possible to pass Higher Preparative Exams.

¹⁸ *Kriminal Forsorgen*, available at <http://www.kriminalforsorgen.dk/>

When we asked two prisoners for suggestions for improving the prison they highlighted the school, saying: six computer places are not enough, it is difficult to get a whole education in prison, and that more people wanted self-study programmes. A female prisoner said it would be good to have more classes just for women because 'boys' were disruptive and it was difficult to concentrate. She did acknowledge that this would be very difficult as there were few women and many of them were at Ringe for a short amount of time.

Many prisoners both work and attend classes. The governor told us that motivation is a problem and prisoners find it difficult to sit and concentrate all day, so prisoners break from their work to attend classes for short periods of time. This is expensive as jobs must be held for prisoners who are studying but it is better for prisoners this way. Approximately fifty per cent of prisoners are in some form of education. Educational statistics are questionable as education is not strictly defined, for example, prisoners study current affairs with guards in informal settings.

There is no vocational education although the Governor thought this would be useful. The prison hopes to employ more teachers soon and is trying to obtain more funding for this.

Prisoners may go out of the prison for education but only a few do this. 'If you do, you must be strong', prisoners told us, 'because people ask you to bring stuff in'. Thus prisoners who go out will probably be on the drug-free unit.

There is a cognitive skills programme where 'we learn about ourselves and others', anger, boundaries etc. Prisoners must be able to speak Danish to attend. Female prisoners said this was more useful for men.

Every prisoner is able to work in workshops (woodwork, assembly and production) as well as cleaning and maintenance.

Health and drugs

There are two full-time nurses and a doctor and a dentist are available once a week. The two medical rooms seemed well-equipped with dental equipment, examining tables etc. Children who stay in the prison can also see the doctor. Prisoners go out to hospitals to see specialists or when they have more serious medical conditions.

The prison does not have an HIV/AIDS plan. There is no needle exchange programme. Bleach is available for the prisoners from the guard's office. If a prisoner has HIV it is not common knowledge. One prisoner said that people should know for their own protection.

There is a central secure facility for mentally ill offenders so there should be no severe psychiatric cases at Ringe. There are psychologists attached to the prison. The governor told us that more prisoners should go and see the psychologists but many do not want to and sessions are voluntary. This is often the case with foreign nationals whose cultural traditions do not include psychology as a matter of course. If needed, a psychiatrist can visit from neighbouring hospitals (which are close by) but this seldom happens. The doctor and (very experienced) nurse do take on some cases.

Self-harm is not common in the prison and, unusually, is at the same level amongst men as it is with women (usually it is women prisoners who are more likely to self-harm). The social worker thought this was because women talk about their problems more than men and that male prisoners don't know "how they're supposed to behave, they're mixed up", especially those from immigrant backgrounds who feel family pressures which do not correspond with their reality. There was one suicide around five years ago. A 2005 report by the University of

Greifswald reported that no suicides or suicide attempts occurred in four prisons in Denmark during the year [unknown] they were surveyed.¹⁹

Drugs are a big problem throughout the prison. As in all prisons they lead to violence and intimidation. Although there is a high fence surrounding the prison, drugs can still be thrown over the fence. Injecting heroin is not common practice although prisoners do smoke it. Cannabis is the most common drug and cocaine and ecstasy are also taken. Methadone is available in all sections apart from the contract section.

Although prisoners are strip-searched before and after a visit, the prison does not rely on searches to find drugs but on the close contact between staff and prisoners which leads staff to notice changes in behaviour. This is successful and a lot of drugs are confiscated (cannabis most regularly and harder drugs more rarely).

The governor told us that what was important were the reasons why prisoners were taking drugs and that nothing should be done that would worsen the problem. Although the prison is authorised to carry out internal body searches this is only allowed when the prison has good reason to expect that drugs are being smuggled in at precisely that moment and this occurs less than once per year. The prison used internal searches more in the past but few drugs were found in this way. It is thought that internal body searches are humiliating for the prisoner and will make the security situation worse not better. There is also a commode that can be used to confiscate drugs that have been swallowed. Again, this is almost never used as it requires constant staff surveillance and is humiliating for the prisoner. Thus there is a prisoner and human rights-centred approach to keeping drugs out of prisons.

The governor said that help is available for drug addicts if they are motivated to take it. Sometimes concentrating on drug addicts means other prisoners get left out.

Family contact and children

Visiting children are allowed to see their mother's or father's room once. This is not dependent on which section the prisoner is living in. At the time of the visit, two children were able to visit their parents regularly in the drug-free section. Such a situation could be allowed in other sections as well.

Visits are at the weekends in three-hour slots, and two slots can be booked at a time if there are rooms available and the visitor comes from far away. One prisoner told us that if visitors cannot come at the weekend, staff are flexible in allowing the visit to take place at another time. The visiting rooms are on the ground floor near the entrance. There are two detectors that scan for metal and drugs. Small visiting rooms (off a long corridor) are equipped with a sink, sofa bed, chairs and table; a door leads out onto enclosed grounds and a small play area for children. Chains had been fitted to stop the outside doors opening fully because prisoners had been going outside and threatening each other. There is a much bigger family room which has lots of toys for children's visits. Two prisoners would never be expected to share the room for their visits but this may be allowed if they wanted to.

There is a full kitchen at the end of the corridor. The visiting rooms are institutional and not cheerful; however the whole visiting unit will be refurbished soon. At the time of the visit, the prison was deciding whether to create a space to allow visitors to stay overnight. No special arrangements need to be made for conjugal visits as all visits are in private rooms so there is no difference between conjugal and non-conjugal visits. A guard will only sit in on the visit if staff members have good reason to suspect drugs will be passed. This rarely happens.

¹⁹ Dünkel *et al.*, *'Internationale Studie zum Frauenstrafvollzug, Bestandsaufnahme, Bedarfsanalyse und 'best practice'*, p. 38.

A female prisoner cannot be searched by a male guard and vice versa. The prison is allowed to search visitors down to their underwear but this is only done if a visitor is thought to be a particular risk. Prisoners are strip searched before and after visits. A prisoner told us that the experience of being searched depends on the guard. She said it is better if the guard knows her because she (the guard) will know that she does not take drugs and will chat during the search. If the guard does not know the prisoners they are more suspicious and less relaxed.

The guards' attitude towards children varies; some are friendlier than others. The local authority can prevent children visiting the prison if it is not in the child's best interest to do so. It is sometimes difficult if parents have to be searched.

Prisoners can have their children in prison until the age of three. Children living in the prison will be in the drug-free section or in the women's section. In Denmark, kindergartens only receive children over two years old. Younger children at Ringe are sent to day care, so their mothers are able to work and take classes.

At the time of the visit there was one child in the prison. Both his parents were serving a sentence at Ringe and all three lived in the drug-free unit. Usually a mother can have two cells, one for the child and one for herself. This was not the case for this child as he was at cared for during the day and the administration had not wanted to deprive another prisoner of a place on the popular drug-free unit. The mother had a cot in her room as well as other furniture and the room was crowded.

The decision about whether to have children living in prison with their mother is not made by the prison; if the local authorities say that the mother is fit to look after her child then it is the mother's decision whether to have her child with her or not. All efforts are made to ensure mother and children are not separated when the child reaches her/his third birthday. There is a halfway house in Copenhagen and if possible, depending on the length of sentence, a mother and her child can be transferred there.

Offending couples are allowed to stay on a unit together. If one half of a couple should be in a low security prison he/she can choose to serve their time in a high security prison to be with their partner.

A woman prisoner can only visit a male prisoner if they are a genuine couple and have been together for at least one month. To make sure that they are a genuine couple, members of staff from the men's and women's sections have a meeting and discuss this. This is done to avoid prostitution. The two female prisoners interviewed on the visit thought that this was a very good rule and said it made prostitution (for drugs) by female prisoners less likely although it does still happen.

On admission to Ringe, women are asked whether or not they have children and the information is put on their file. Parental status does not impact on the sentence, e.g. prisoners do not get more leave if they are parents. However, it will be taken into account if prisoners ask permission for leave, such as when a child is ill.

There are phones on all the units and calling time is unlimited. Prisoners are restricted to calling only four phone numbers. Prisoners have to buy their own phone cards. Writing paper is free.

Prisoners with sentences over a certain length can apply for home leave.

Social work and resettlement

Within four weeks of starting their sentence, a prisoner will make a sentence plan which covers issues such as resettlement and leave. Ringe has three social workers for the eighty-six prisoners (the equivalent of 'two and a half social workers' work with the eighty-two adults and 'half a social worker' works with the juveniles). It is not possible for the social workers to have contact with all the prisoners and usually the prisoners have close contact with a contact person who is supervised by the social workers. In this way, the prisoners get much more help than if they had direct contact with only the social workers.

The contact officer also has to fulfil a disciplinary function and some prisoners said this dual role was sometimes difficult as 'the next day you're supposed to be confidential with them'. Also, contact officers may not be available for a month at a time if they are working as activity supervisors. However, prisoners said that, despite this, it was good that staff were 'not there just to lock doors'.

Most of the social worker's job is to do with resettlement; it is her decision whether or not to give parole and she will contact the local authorities to arrange it. Prisoners must have accommodation and a job or education to be eligible. Decisions regarding probation for prisoners serving sentences of eight years or more are the responsibility of the central administration and not the governor.

Prisoners may be transferred to an open prison to serve the last part of their sentence and there are also halfway houses. Young people are usually entitled to parole. Parole often lasts for two years during which time ex-offenders have to meet regularly with a social worker to make sure they are sticking to their plan. There are no set procedures for resettlement and parole and these depend on the individual.

Prisoners in open prisons may be sent to a high security prison as a disciplinary measure.

Fact finding visit to Horserød prison

In March 2006, QCEA visited Horserød open prison, Denmark. Information for this report was obtained both directly from the visit and from an introduction to the prison edited by the educational coordinator at the prison and a special consultant.

General

Horserød is the second largest prison in Denmark (221 beds) and is an open prison which holds women. An open prison in Denmark is one without an external perimeter wall. 1000 prisoners pass through Horserød each year and the average stay is three months. Less than one fifth of the prisoners are women, with approximately 250 men and between thirty and forty women. Women from Greater København and the islands east of the Great Belt²⁰ are placed here. The average age of women prisoners is twenty-three years, and only ten per cent are over forty.

Many juvenile delinquent schools in Denmark have been closed down so there are sometimes juveniles held in Horserød. Juveniles are defined as between fifteen and seventeen years old. At the time of the visit, all the juveniles were boys and staff could not remember any girls being sent there. There are currently discussions taking place to decide whether people under twenty-five, who are in work or education, should be electronically monitored rather than sent to prison. Generally, efforts are made to keep juveniles out of prison.

²⁰ The Great Belt (Danish: Storebælt) is a strait between the main Danish islands of Zealand and Funen. See Wikipedia [on-line], available at http://en.wikipedia.org/wiki/Great_Belt

Prisoners do not have a holistic plan for their sentence, although if a social worker is involved they will have knowledge of other aspects of a prisoner's life. Prisoners do have a key worker, but this poses difficulties as officers are on shift. There are six or seven welfare officers. Welfare officers attempt to build a network between prisoners' relations and social services outside the prison, taking account of the women's situation, but 'it is a struggle'. There are as many female staff members as male.

When prisoners have served two thirds of their sentence they may be released on parole and this happens for eighty per cent of prisoners. Welfare officers organise parole, finding out if prisoners have work and accommodation to go to, although in principle it is the Governor who gives permission. External social workers will be involved when there is already a connection with that prisoner. Prisoners may also be granted leave for leisure activities and are escorted by prison officers. Leave may be cancelled if it is abused.

The prison has 150 staff, including personnel who are employed on an hourly basis. Staff are organised according to the 'AUF model'; for four months staff work as occupational supervisors in prison workshops, for twelve months as security officers (dealing with disciplinary problems). Staff also work as case or liaison officers (dealing with issues concerning individual prisoners) and as instructors in leisure and hobby activities.

Recidivism here is lower than for the high security prisons.

The prison

There is no external fence to the prison and the prison looks more like a university campus. There is CCTV but it is not fully monitored as there are not enough staff to watch the screens. There are approximately 100 escapes per year and 'we have settled for that' senior staff told us. The situation will be reviewed if the number changes. Men escape more than women. Some prisoners have asked to be in a high security prison because they think they would break the rules in a low security prison and get into trouble.

Prisoners have the key to their own cells and are never locked in. The front doors to departments are locked at 21:15. There are morning and evening roll calls. In all parts of the prison frisk searches are carried out and sniffer dogs used. Prisoners can use the well-kept grounds freely during the day. According to staff, the relaxed atmosphere helps with security and suicide risk. An officer told us she had never been verbally or physically assaulted by a prisoner. Dumbbells are used in the gym and knives in the kitchen and the staff were not concerned that these heightened the risk of violence within the prison: 'they will always find something, or use their fists'. Our guide could only remember one case when someone had been attacked with a bread knife. There are some racial tensions in the prison. In harassment cases the harasser will be moved to a closed prison.

The prison has one drug treatment unit for women only and four other mixed sex units. However, men and women resident in single sex units work together. Staff described the mixed sex unit as relaxed as it was more normal. Staff told us the difference in atmosphere between a mixed unit and an all male unit is bigger than that between a mixed unit and an all women unit. Women themselves choose whether to serve their sentence in a mixed or single sex unit. Women who have experienced male violence or abuse often choose a single sex unit.

Bedrooms lead off one side of a corridor (which is rather dark). Bedrooms contain a sink and small cupboard, a fridge, wardrobe, bed, desk, chair and sometimes a chest of drawers. The walls are white. Prisoners can bring radios and TVs in. Prisoners appear to bring quite a lot of personal possessions with them. There are common showers and toilets on the units.

There is a thirteen-bed, all-women drug treatment unit receiving women from all over Denmark who volunteer for drug treatment. There is no compulsory drug treatment. Women in this unit have 'hard histories' and have often been prostitutes prior to imprisonment with histories of abuse. The unit is run according to 'project humanity' principles. The project is half-funded by the Ministry of Social Affairs and run by external workers assisted by guards. Family issues are addressed on the programme. Children are not allowed on the unit. The project includes confidence-building workshops and rehabilitative work, e.g. massage classes, as women on the programme frequently have histories of violence and abuse and have never experienced touch as a positive thing. Members of staff on this unit say they are understaffed.

There mixed drug-free unit with twenty-two places. Prisoners have to sign a no-drugs contract and submit to regular testing. If they are found to have taken drugs they are excluded from the unit. Prisoners who have never taken drugs can be on this unit as well as those trying to stop taking drugs. It is generally a relaxed unit.

There is a mixed, semi-closed unit for 'inmates who cannot manage on an open unit'. As this phrasing suggests, prisoners are not in the semi-open section for disciplinary measures but for their own protection. Sex offenders who are likely to be bullied or ostracised are kept there, also drug-abusers, who may be pushed by others to take drugs. Unlike the rest of the prison there is an obvious fence surrounding the unit; however this is there to keep other prisoners out rather than inmates in. These prisoners are granted leave just the same as the others.

A fourteen-bed family unit provides accommodation for parents with children of less than three years of age and for married couples where both partners have committed a crime. This is for couples who were together before the start of the sentence. There is one cell for a couple with children which consists of a room for the parents and a connecting door to a room for the child.

In Denmark the prison sends a letter to prisoners requesting them to come to prison after the judge passes sentence. This gives prisoners more opportunity to make arrangements for any children they have. At the time of our visit there were only three children residing in the prison. Separation is extremely rare as sentences are so short. Staff could not remember a case where a mother and child had been separated. Women with long sentences do not bring their children to prison.

Whether a baby resides in prison is the mother's choice. Discussions take place with external social services. It is more usual to have a foster family caring for the child than for children to stay in prison. Mothers have cots in the cells with them. Other prisoners are not allowed inside the family unit for the safety of children and it is a drug-free unit. Prisoners told us there is no bullying in this unit as there is in other units and they try to take care of each other. We spoke to one prisoner whose daughter and grandchild were inside and thus she had chosen to be in the family unit.

Mothers are under no obligation to undertake purposeful activity as the other prisoners are, but if they wish to work or study their child (ren) can go to an external kindergarten. There is no qualified childminder or nurse within the unit although, when asked, staff said this would be beneficial. Children can be taken out to visit family members for short visits. Mothers can also be given leave to take children outside the prison for activities, e.g. a children's theatre production. However, this is not particularly promoted by the prison so it rarely happens. Mothers can take their children out of the unit and visit other prisoners with their child. The effects of prison on children are not monitored. There is a gap in service provision for mothers who take drugs, as children are not allowed in the drug treatment unit; but these mothers can be in the family unit if they obey the rules and take no drugs when they are in the unit.

There is a unit holding prisoners awaiting trial, which, unlike the other units, was surrounded by a high barbed wire fence. This is a central government initiative and appears to be out of

keeping with the rest of the prison. Staff were unenthusiastic about the facility and said that prisoners are being held there who could be held in one of the open units. There were no women in the facility at the time of the visit.

Staff members have offices in the main corridors near the prisoners' rooms. This minimises any division between staff and prisoners.

There are large common rooms which contain well-equipped kitchens. Prisoners can use these whenever they want and are able to mix with prisoners from other units. The common rooms varied; some contained books, pool tables and table football, TVs and one had two birds in a cage.

Outside there was a barbecue that prisoners can use.

There is a room set aside for a church with a permanent altar and an organ used for Protestant services. This room is also used for concerts and meditation courses. Muslim and Catholic prisoners go to a mosque and Catholic church. There is also a part-time chaplain.

There is a library with a piano staffed by a librarian. There is a solarium.

There is a reasonably large gym with all the usual equipment. We were told that male prisoners were encouraged to use the gym for health and fitness reasons not for weight-lifting to gain muscle tone.

There are solitary confinement cells which are used for disciplinary purposes. Prisoners spend a maximum of three days there. Prisoners are sometimes confined to their own room if the solitary confinement cells are full. Prisoners are put in solitary confinement if they refuse to work. The other punishment is transferral to a closed prison or fines.

Work, education and training

Prisoners are under obligation to undertake thirty-seven hours a week of purposeful activity; within this, prisoners have a choice of work or education. Some prisoners work and study outside the prison three months before release. In fact, the average length of stay in Hørslev is three months so this is often possible very early on in the sentence. Not many prisoners take advantage of this scheme; it is primarily adapted for those prisoners who were already studying or working close by.

Work and education are in competition for participants. If there were more classes, some workshops would have to be cut. The Head of Education said prisoners seemed to have a positive attitude towards classes and wished for more subjects. Prisoners can combine part-time work and part-time education, although this is not encouraged by the workshops and not many prisoners do it.

Work

Prisoners work for the upkeep of the prison and most rebuilding and renovating jobs are done by prisoners. More women are involved in cleaning jobs than men. Traditionally feminine work is not provided but there used to be sewing which attracted more women. There are four commercial workshops: metal work, laundry, carpentry and assembly work, with places for between fifty and sixty prisoners. A few prisoners are in external work, approved by the prison.

From time to time, unemployment is a problem in the prison but prisoners still get paid as 'this is out of their hands'. Work is paid by the hour and prisoners are given weekly wages. One

prisoner told us she had earned just seven kroner (1 euro) for packing a box of fruit with 110 pieces of fruit. Prisoners can possess, bring in or be sent money up to a value of 1,500 Danish kroner (approximately 200 euros) at a time. Prisoners do their own shopping at the supermarket (where the products are behind glass) and their own cooking.

Education

On average, women prisoners have a higher educational level than men, reflecting the trend in the general population. Upon arrival the prisoner makes an education plan with staff. Teachers are employed by the Ministry of Justice; they thus attend meetings with the rest of the staff. Twenty-five prisoners take classes outside prison and twenty-five inside. There are fewer women than men in education.

It is known that recidivism drops when prisoners undertake education and that when recidivism does occur, there is a longer time lapse before a second crime is committed.

General Adult Education is offered, as it is in the community. Classes are available in Danish, English, and Mathematics and the level is that of sixteen year olds in the community. An external teacher comes in to teach computer science. External exams take place twice a year. Prisoners in education have internet access.

If prisoners were in education when they committed a crime the prison will discuss with them how to keep in contact with the institution. Prisoners may do distance study courses, either continuing studies they started outside prison, or beginning in prison.

Women on the drug treatment unit live separately and do not take classes with the other prisoners.

Training

Vocational training is limited. Prisoners may do apprenticeships in blacksmith work, gardening, and painting and decorating in the workshops; at the time of visit only one prisoner was doing an apprenticeship. More men undertake apprenticeships than women although a woman had recently undertaken one in painting and decorating. Vocational education can take place outside the prison in any subject. Prisoners have to pay something towards courses; they usually get the money from other family members. At the time of visit only a handful of prisoners are taking vocational courses outside prison, several as gardeners, one as a truck-driver and another in commercial business.

The cognitive skills programme is taught to classes of between four and eight people in a small seminar room with tables grouped together, flipchart, whiteboard etc. This room was vacant at the time of our visit, and so it was locked. There is increasing interest in this programme as word spreads and another room is in preparation.

Drugs

There is no needle exchange programme as it is thought to be condoning drug use but there is bleach freely available in the bathrooms for needle sterilisation. Prisoners can be transferred to other prisons for drug treatment. An officer told us that they try to keep hard drugs out but do not do much about soft drugs. Any heroin drug addicts at Horserød Prison are transferred to the closed prison.²¹

²¹ *Prisons de femmes en Europe*, available at <http://prisons.de.femmes.free.fr/danemark.html>

Health care

There are two nurses and one doctor at the prison. An external dentist comes in. Going out of the prison for medical treatment does not present a difficulty as it is an open prison and leave is generous. Like adults, children residing in the prison with their mothers can see the prison doctor but are also registered at an outside clinic where they go for their checkups and injections. We spoke to one pregnant prisoner who said her health care was good and that she had gone out of the prison for all the necessary scans and checks on time.

There is one part-time psychologist which we were told 'is definitely not enough'. Staff said there had been an increase in prisoners with mental illness: ten times more than ten years ago. If prisoners have severe mental health problems they will not be in Horserød, 'it depends if they are more dangerous than ill'. Staff agreed prison was not the right place for the mentally ill but there is a shortage of closed psychiatric hospital places.

There are confined cells for suicide prevention. There is a suicide approximately every five years. An officer told us she did not think there was any self-harm in the prison. Sex-specific health care information is not targeted at women. Abortion can be arranged in an external hospital and information is available. Female contraception is available.

The prison has no HIV reduction plan. There are information leaflets but there is no structured plan for disseminating information. Free condoms and bleach are available as has been said earlier in the report.

The outside world

Prisoners often tell employers they are on holiday when they go to prison; this is possible because of the short sentences. Two prisoners told us they had done this; one said it would probably be hard to get a job with a criminal record and she would have a gap in her employment record so she wanted to go back to her old job after her sentence. The prison may help prisoners engage with their employers and educational institutes. The prison will not lie for prisoners and encourages prisoners to be truthful with their colleagues, as 'people tend to understand if you are open about it otherwise they are suspicious'. However, only one person at an educational establishment needs to know that a student is serving a sentence and the prison will help with this.

Prisoners are given leave for external appointments. On the day of our visit, thirty-seven prisoners were out of the prison for various reasons. The prison will arrange the travel route. If prisoners are caught by the police where they should not be, there will be disciplinary sanctions, including transfer to a closed prison.

Home leave is granted every three weeks for prisoners to go out and see their family from Friday to Sunday. This is cleared beforehand with the police for prisoners convicted for assault, violence, manslaughter and drug trafficking. The staff member we spoke with said he had not come across any prisoners who did not take leave because they could not afford it. There are women who do not take leave. This is the prisoner's decision and the prison does not push visits. Social workers discuss family and domestic violence.

Visits are two hours, twice per week. The visiting rooms are next to the main reception area: small rooms leading off a corridor are equipped with a sofa bed, sink, mirror, chairs; condoms and towels are provided. As in Ringe prison (a closed prison in Denmark), no special arrangements need to be made for conjugal visits as all visits take place in private rooms. Rooms were not very cheerful but were quite spacious. There was a special visiting room for children with toys and this was carpeted (unlike the other rooms). There was also a small, fenced garden with table and chairs and a play house, seesaw and swings. Visitors are allowed

to bring food into the prison but drinks are forbidden as it is too easy to hide drugs in them. Prisoners are allowed to take food back to their rooms.

Other

We asked one officer the differences she found between male and female prisoners. She replied worries about children were much more obvious amongst women prisoners. She said women did talk to her about their problems.

Sexual relations are allowed between prisoners. When asked, an officer told us she would not know if a sexual relationship was exploitative but confirmed that women in the prison did prostitute themselves for drugs.

On pin boards in the units there were adverts for a stress management and prisoner rehabilitation evening and for the Thursday Film Club.

Prisoners have a free hairdressing session every eight weeks and can pay for appointments in between.

Other prisons

The main prison in Copenhagen has approximately thirty-six women prisoners. Approximately half the guards are women. It is an old building with small cells and long corridors. The cells do not have toilets; prisoners have to use a bucket at night. Prisoners are body searched after visits but visitors are not.²²

The prison called Vestre Faengsel, located to the west of Copenhagen, has a total capacity of 430. There were thirty-seven women in the women's unit in 1998. The prison is equipped with a gymnasium, a church, a library, a school and conference rooms for the prisoners. There is a penitentiary hospital with thirty-seven beds. Møgelkær State Prison has 126 places and receives female prisoners from counties west of the Great Belt. There is a thirty-place semi-open unit.

²² BBC, available at <http://news.bbc.co.uk/2/hi/europe/3036450.stm>

Country Report: The Russian Federation

Much of the information in this report is drawn from three sources; a study entitled 'Women and the System of Criminal Justice in the Russian Federation: 2000-2002' by Ludmila Alpern, the report of the Council of Europe's Commissioner for Human Rights on his visit to the Russian Federation in 2004, and the 2001 report by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). Since these reports have been published, it should be noted that conditions have improved both for sentenced prisoners and for prisoners awaiting trial. Legislation has changed and people are imprisoned less frequently for minor offences.¹

1. Introduction

The International Centre for Prison Studies (ICPS) reports that, as of 1 June 2006, the total prison population in the Russian Federation (including prisoners awaiting trial) was 858,900. This is equivalent to a prison population rate of 613 per 100,000 of the national population, based on an estimated national population of 142.2 million. (After the United States, Russia imprisons the greatest proportion of its citizens in the world.)²

The ICPS also states that, in 2006, there were 1,045 establishments or institutions holding prisoners including 765 corrective colonies, 211 SIZOs (pre-trial prisons), seven prisons and sixty-two juvenile colonies. Prisoners awaiting trial accounted for 16.9 per cent of the total prison population at the end of 2003, and in 2002, juveniles and foreign prisoners made up 2.5 per cent and 1.7 per cent of the total prison population respectively.

The website of the Federal Service of Execution of Punishment of the Russian Federation states that, as of November 2006, the establishments of the criminal-executive systems held 871,200 people, including: 695,800 people in 765 colonies; 161,800 people in 211 SIZOs, seven prisons and 157 premises functioning in a mode of investigatory isolators and prisons; and 13,300 people in juvenile colonies.³

Russia experienced a crime boom during the early 1990s. In 1994, the prison population was more than one million with 21,600 women in labour camps. Sixty per cent were repeat offenders.⁴ There was no satisfactory system for release on bail, leading to overcrowding in SIZOs and prisoners spending more time awaiting trial than the length of their eventual prison sentences. The increase in prisoners led to overcrowding. As a result, prison conditions worsened (for example there was insufficient sanitary provision and isolation wards exceeded their capacity by two to two and a half times). There was a lack of funding and Soviet-style punishment continued to be reported.⁵

¹ Alla Pokras, Penal Reform International, Moscow, personal correspondence, December 2006.

² *International Centre for Prison Studies*, World Prison Brief, Prison Brief for Russian Federation [on-line], accessed 10 December 2006, available at <http://www.prisonstudies.org/> See also *International Centre for Prison Studies*, Entire World, Prison Population Rates per 100,000 of the national population [on-line], accessed 10 December 2006, available at <http://www.prisonstudies.org/>

³ Alla Pokras, personal correspondence, December 2006.

⁴ Photius Coutsoukis, *Russia Prisons* [on-line], accessed 10 December 2006, available at http://www.photius.com/countries/russia/government/russia_government_prisons.html

⁵ *Moscow Centre for Prison Reform (MCPR)*, Work of MCPR [on-line], accessed 10 December 2006, available at <http://www.prison.org/English/mcprwork.htm>

The 1990s, however, were also a time of democratisation and reform in Russia. As in other Eastern European countries, this included large scale reform of the criminal justice system, which continues today. Apart from short term detention centres and a handful of SIZOs, which are still controlled by the Federal Security Bureau, all prisons are now under the control of the Ministry of Justice.⁶



Figure 1: Change in the total prison population of the Russian Federation from 1992 to 2006. Source: International Centre for Prison Studies (ICPS), World Prison Brief, Russian Federation, <http://www.prisonstudies.org/>

All those awaiting trial are held in one of the 211 SIZOs.⁷ According to Russian legislation, prisoners awaiting trial should be held in a SIZO for no more than six months. If convicted, prisoners are transferred to regular prisons in the countryside known as colonies.⁸ Convicted prisoners who have been sentenced for less serious crimes, and who have demonstrated good behaviour, may be allowed to serve their sentence in SIZOs and do jobs such as cleaning, general maintenance and delivering food to cells.⁹

In 2002, reforms were brought in that cut the numbers of prisoners serving time in pre-trial detention. Thus, the numbers of prisoners awaiting trial fell from 199,000 in 2001 to 136,000 in 2004.¹⁰

⁶ **Communication from the Council of Europe:** Council of Europe, Office of the Commissioner for Human Rights, *Report by Mr. Alvaro Gil-Robles, Commissioner for Human Rights, on his visits to the Russian Federation, 15-30 July 2004 and 19-29 September 2004*, CommDH(2005)2 (April 2005), paragraph 153. Available at www.coe.int

⁷ *International Centre for Prison Studies*, available at <http://www.prisonstudies.org/>

⁸ *Eurosurveillance*, Pulmonary tuberculosis in two remand prisons (SIZOs) in St. Petersburg, Russia [on-line], accessed 18 April 2007, available at <http://www.eurosurveillance.org/em/v10n06/1006-223.asp>

⁹ *ibid.*

¹⁰ Council of Europe, CommDH(2005)2.

There is currently a moratorium on the death penalty in Russia.¹¹ Amnesty International classifies the Russian Federation as a country 'that retains the death penalty for ordinary crimes such as murder but can be considered abolitionist in practice in that they have not executed anyone during the past ten years and are believed to have a policy or established practice of not carrying out executions.' However, Amnesty also states that the last execution in Russia was in 1999, meaning that their last execution was carried out less than ten years ago.¹²

2. Women in the criminal justice system/ women in prison

The ICPS reported that, on 1 November 2006, women prisoners accounted for 6.8 per cent of the total prison population. This is the equivalent of 59,239 women; forty women per 100,000 of the national population.

Women may be held in SIZOs and in general regime or half-open regime colonies. Only half open regime colonies (colony-settlements) may hold both men and women, while general regime colonies are single-sex. Since 2004, due to amendments to the criminal code, women prisoners no longer serve sentences in high security regimes.¹³

As of November 2006, there were forty-five general regime colonies for women holding about 40,000 prisoners, about 5,000 women serving their sentence in colonies with half-open regimes and 13,000 women in SIZOs (around 1,000 of whom have been sentenced). In two colonies there are provisions for joint accommodation for mothers and babies.

Data from 2002 show that:

- Theft was the most common offence, for which 13,430 women were convicted.¹⁴ (In 1999 it was reported that over half the women in prison from small provincial towns were in prison for theft, like the majority of men). However increasing numbers of women from large cities were serving time for drug-offences.¹⁵
- The second most common crime was murder/grievous bodily harm, for which 11,427 women were serving sentences.¹⁶
- The third most common crime was robbery for which 6,034 women were serving sentences.¹⁷
- The majority of women prisoners were aged between twenty-five and fifty-five.¹⁸

¹¹ *British Broadcasting Corporation (BBC)*, Terror Verdict for Beslan Suspect [on-line], accessed on 18 April 2007, available (since 16 May 2006) at <http://news.bbc.co.uk/2/hi/europe/4985048.stm>

¹² *Amnesty International*, Abolitionist and Retentionist Countries: Abolitionist in Practice [on-line], accessed 18 April 2007, available at <http://web.amnesty.org/pages/deathpenalty-abolitionist3-eng>

¹³ Alla Pokras, personal correspondence, December 2006.

¹⁴ *ibid.*

¹⁵ *Penal Reform International*, Facts about women's prisons in Russia, from the Penal Reform's research group's preliminary report, September 1999 [on-line], accessed 10 December 2006, available at http://www.penalreform.org/english/vuln_womruss.htm

¹⁶ A. Coyle *et al.*, 'Women in prison in Russia: Overview and Statistics', in *Prison Reform International: Information Pack Women in Prison*, 2002.

¹⁷ *ibid.*

¹⁸ *ibid.*

- 33,707 women were convicted for the first time. 14, 012 had previous convictions.¹⁹
- 6,517 women were imprisoned in order to undergo compulsory drug or alcohol treatment.

The comparatively small number of women's colonies in a state the size of the Russian Federation means that many women have to serve their sentence outside their home region. Often prisoners are simply taken to the least overcrowded colony, regardless of where the woman's home is. Each of the three colonies for juveniles house prisoners from thirty regions of the Russian Federation.²⁰

According to the Moscow Centre for Penal Reform, the majority of women prisoners are from broken or problem families or grew up in orphanages. Many suffered abuse in childhood.²¹ As in many other countries, women are being imprisoned for murdering violent and abusive partners. According to the Ministry of Internal Affairs of the Russian Federation (as cited by Alpern), 14,000 women a year in Russia are being killed by their partners and a further 2000 commit suicide. Domestic violence is not listed under crimes against life and health in the Criminal Code. Women accused of murdering their partners are normally charged with 'regular' murder because 'Homicide Committed in a State of Temporary Insanity'²² requires costly expert testimony to prove it. The ability to pay for a good lawyer is beyond the financial capabilities of most women taken to court and lawyers' fees are quite high.²³

Special legal provisions for women

In the Criminal Code of the Russian Federation the only article referring exclusively to women deals with infanticide.²⁴

There are several articles in the criminal laws of the Russian Federation that govern the treatment of women in the criminal justice system. Some make provision relating to the parental responsibilities and role of women prisoners. Examples, taken from Alpern's paper,²⁵ are given below.

- A woman may not be sentenced to the death penalty.

¹⁹ *ibid.*

²⁰ L. Alpern, *Women and the System of Criminal Justice in Russia: 2000-2002*, Center for Assistance to Criminal Justice Reform [on-line], accessed 19 April 2007, available at <http://www.mhg.ru/english/1F4FF6D>

²¹ A. Coyle *et al.*, 'Psychological and social problems of female prisoners in Russia', in *Prison Reform International: Information Pack Women in Prison*, 2002.

²² *Crimes Against Human Life and Health*, The Criminal Code of the Russian Federation, Article 107 [on-line]; 'Homicide committed in a state of sudden strong mental agitation (temporary insanity), caused by violence, mockery, or gross insult on the part of the victim, or by other unlawful or amoral actions (inaction) of the victim, or by a protracted mentally traumatizing situation caused in connection with the systematic unlawful or amoral behaviour of the victim'. Accessed 19 April 2007, available at <http://www.russian-criminal-code.com/PartII/SectionVII/Chapter16.html>

²³ Alpern, *Women and the System of Criminal Justice in Russia*, available at <http://www.mhg.ru/english/1F4FF6D>

²⁴ *ibid.*

²⁵ *ibid.*

- A sentence may be postponed and then cancelled or reduced for a pregnant woman or a woman with children under the age of fourteen unless her sentence is for more than five years.
- Women with children under three years of age may have improved living conditions, provisions and freedoms.
- Female prisoners relieved from work because of their pregnancy or having recently given birth, and those who have infants at the penitentiary's nursery, may not be placed into punishment wards or wards of a prison cell type. In addition, convicted pregnant women or convicted women who have children with them may not be subjected to an enhanced severity prison regime.

Although women with accommodation may be granted a suspension or cancellation of their sentence if they are caring for children, it is not the courts that usually make this decision. Instead women are sent to prison and the decision is made there. In prison, this option is only available six months after the beginning of sentence and, in reality, is rarely practised.²⁶ The administration at the prison must file the request and doing so involves the prison taking on some level of responsibility for that prisoner's behaviour. This makes the prison less likely to use this deferment.

The standard regime female colony at Kozlovka did not use sentence deferment at all in 2001.²⁷ In 2002, over half of the women with children up to eight years of age did not get suspended sentences because they were charged with theft.²⁸ In Alpern's view, the involvement of the prison administration in sentence deferment leave and parole 'causes irreparable damage to the idea of a humane penal system' and she advises that these decisions should be made by courts.²⁹

3. Women awaiting trial

Conditions in the SIZOs are generally worse than in the prison colonies. In old SIZOs, windows are very small and external blinds on the outside mean there is almost no natural light or ventilation. A report by the Commissioner for Human Rights of the Council of Europe states that in Khabarovsk SIZO, fourteen women were imprisoned in a hot and confined cell with only a small window that did not let in light. The prisoners told the Commissioner that on crowded days they had to sleep in turn.

Prisoners in SIZOs have no form of occupation other than one hour of exercise a day, and exercise yards are often narrow and enclosed spaces.³⁰ In the mixed-sex SIZO No. 1 in Vladivostok, where 123 women are held, outdoor exercise is offered to all prisoners daily. The exercise yards have now been equipped with benches and shelters. However, exercise yards are only fifteen and twenty-five square metres, and are in fact former cells, inside which the

²⁶ *ibid.*

²⁷ *ibid.*

²⁸ *Moscow Centre for Prison Reform (MCPR), Psychological and Social Problems of Female Prisoners in Russia* [on-line], accessed 10 December 2006, available at <http://www.prison.org/English/mcpr.htm>

²⁹ Alpern, *Women and the System of Criminal Justice in Russia*, available at <http://www.mhg.ru/english/1F4FF6D>

³⁰ Council of Europe, CommDH(2005)2, pp. 35-36.

ceilings have been replaced with wire grills. Adult prisoners at SIZO No. 1 were not allowed to use the sports hall.³¹

A visit by the CPT to the mixed SIZO No. 1 in Vladivostok found the worst conditions to be in the quarantine unit where prisoners were taken on arrival.³² Cell furnishings were 'in general dilapidated and filthy. Moreover, no mattresses or blankets were provided to prisoners placed in the unit. In many of the cells, there was no glass in the window, as a result of which the temperature was extremely low.' The 'deplorable state' of the quarantine unit led the delegation to request the Russian authorities to address these problems and report on progress within just three months. Following this, the Russian authorities indicated that the windows had been glazed and bedding provided.³³

However, the Commissioner for Human Rights points out the difference between the old and new SIZOs. In old SIZOs, there are small, overcrowded, badly ventilated cells stained with damp and mould. In the new SIZOs, cells conform to European standards, are not overcrowded and some of them have televisions. The budget for such improvements was increased in 2005.³⁴ A new building for juveniles in SIZO No. 1 in Irkutsk has already been opened and contains classrooms, sports facilities and four-person bedrooms.³⁵

The Commissioner for Human Rights heard no allegations of violence or ill treatment by prison staff but did hear complaints from prisoners of routine police brutality during inquiry proceedings outside of prison. Prisoners awaiting trial may be removed from the SIZOs and questioned by police. This can take place without the presence of a lawyer or prosecutor under Act 144-FZ which dates back to the early 1980s and which was amended in 1995. This piece of legislation is designed to catch serious criminals who are threatening state security and bodies that carry out inquiries under this Act are answerable to the Interior Ministry or other specialist agencies. However, ordinary prisoners are being questioned under this Act when they should be questioned in the presence of a lawyer and prosecutor. It is at this stage, the Commissioner was told by prisoners, that violence towards them and police brutality regularly occurs.³⁶

4. Convicted prisoners

The Commissioner was pleased to note that the administration at Colony No. 12 viewed prisoners' rehabilitation as an important element of the process of serving sentences, and that efforts were made in this direction. In the light of recommendations made by the establishment's psychologists, an individual programme was drawn up in respect of each prisoner following admission. This programme covered the prisoner's correctional process and preparation for release, including family relations, education and work. The Board of Educators assessed the progress achieved by each prisoner at six-monthly intervals.

The Commissioner for Human Rights said of the prison colonies 'I do not wish to imply that the situation is excellent, but of all the establishments visited, the colonies are the ones where the benefits of the reforms and changes were most noticeable'.³⁷ Material conditions vary greatly

³¹ **Communication from the Council of Europe:** Council of Europe, *Report to the Russian Government on the Visit of the Russian Federation carried out by the European Committee for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment (CPT) from 2 to 17 December 2001*, CPT/Inf (2003) 30 (30 June 2003), paragraph 63. Available at <http://www.cpt.coe.int/documents/rus/2003-30-inf-eng.pdf>

³² *ibid.*, paragraphs 54 and 55.

³³ *ibid.*, paragraph 54.

³⁴ Council of Europe, CommDH(2005)2, paragraph 149.

³⁵ *ibid.*, paragraph 150.

³⁶ *ibid.*, paragraphs 158-162.

³⁷ *ibid.*, paragraph 166.

between colonies; most barracks include reading rooms, television rooms and other recreation areas and many prisoners have the use of a communal kitchen in which they can prepare their own meals.

At the time of the CPT's visit to Colony 12 for women in Zaozernyi, its population was 1,080. Although the official capacity was 1,207 the dormitories were still cramped; an example given was some cells measuring 80m² held fifty-six women. The report did note, however, that the most crowded cells were for working prisoners who were occupied with various activities outside their unit during the day and only returned there at night to sleep.

The dormitories were clean and sufficiently airy and most of them were properly heated. In the cells there were double bunk beds, stools and lockers, curtains and colourful blankets. Units for other categories of prisoner such as disabled and pregnant prisoners were more spacious but were cold and dark. There were no staff available to assist elderly or disabled prisoners, and the sanitary arrangements were unsuitable for such prisoners. Although prisoners are allowed a weekly bath, the arrangements for bathing and laundry are inadequate.

According to Alpern, there is a shortage of furniture, meaning that having worked a ten or twelve-hour shift, women have to sit or lie on the floor. They are not allowed to sit on their clean, perfectly made beds which are made up to ensure 'camp beauty' in case of inspections or ministerial visits.³⁸

There was a case of ill-treatment involving three female prisoners at the time of the Commissioner's visit but he was unable to speak with the women involved. Staff appeared 'evasive' on this issue. Several weeks before the Commissioner's visit the prisoners had mutinied but he did not find out why.³⁹

Women can buy foodstuffs and basic supplies, such as toothpaste, from the prison shop but stocks are invariably low, even in prisons where the administration is concerned for prisoners' welfare. Prisoners are supposed to pay for such items out of their wages but they often do not have any money in their accounts. Only twenty-five per cent of women receive reliable parcels of supplies from relatives.⁴⁰

At Colony No. 12 prisoners had suitable winter clothing and shoes.⁴¹

Conditions for female prisoners in transit

Because of the small number of colonies for women in Russia, many women prisoners have to travel long distances when being taken to prison, and if they are transferred from one prison to another. Prisoners consider transit conditions even harsher than in the notorious SIZOs. In part, this is due to the length of time that the transit can take. A journey from Perm to Novy Oskol, which takes two days by passenger train, may take prisoners up to two months because they have to pass through collection stations of the five regions they pass through. In such collection stations cells are dirty and overcrowded with no individual beds, no linen and no normal meals or medical facilities. During transportation, persons with contagious diseases are not separated and prisoners may not get fed every day. Prisoners are fed salted herring, making the body retain water, so that there are fewer toilet breaks in the journey.

³⁸ Alpern, *Women and the System of Criminal Justice in Russia*, available at <http://www.mhg.ru/english/1F4FF6D>

³⁹ Council of Europe, CommDH(2005)2.

⁴⁰ Alpern, *Women and the System of Criminal Justice in Russia*, available at <http://www.mhg.ru/english/1F4FF6D>

⁴¹ Council of Europe, CPT/Inf (2003) 30, paragraph 79.

In 2002, nineteen female prisoners were interviewed about their journey:

- Five had spent more than a month on the road and four more than a week.
- Fourteen said they had received no food, three who had been travelling a long time said they had only eaten bread and salted herring.
- Nine had not had any toilet breaks at all; three had had only one toilet break per day and four twice per day.
- Two had reported being beaten by guards.

Prisoners at Ryazan and Novy Oskol colonies describe their transportation there:

Tamara Ch., seventeen years of age: “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...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 [of] lime⁴² 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.”⁴³

Anastasia P., seventeen years of age: “They put me into a sort of small cell with a toilet and a bench and a thick layer of dirt on the floor. The next morning they transferred me up into a transit cell; there I spent four days in the stale air among a tight crowd of women cursing like sailors; we took turns to sleep and in the four days I slept three times and caught lice from an old woman, but, fortunately, I was promptly treated and got rid of them. On March 9, there was another ‘forwarding’ to Ryazan – that’s where there was real hell – I slept for two months on the floor, then they shut us up for a quarantine for 21 days, and finally they called us up and took us to the colony. Finally, this torture was over.”⁴⁴

5. Contact with the outside world

Correspondence

Contact with family outside is made more difficult for prisoners as envelopes and stationary are always in short supply.

Visits

Some of the prisoners that the Commissioner for Human Rights spoke to, while on his visits to three SIZOs, complained that their families had to obtain authorisation prior to being able to

⁴² A white powder comprised of calcium hydroxide, chloride and hypochlorite used to bleach and/or disinfect

⁴³ Alpern, *Women and the System of Criminal Justice in Russia*, available at <http://www.mhg.ru/english/1F4FF6D>

⁴⁴ *ibid.*

visit. This is unlike the situation in most Council of Europe member states where there is a presumption of authorisation; visits are considered to be authorised but may be restricted by order of the authorities or a judge.

Prison leave

Women prisoners have particular privileges relating to short and long-term leave, which are 'completely erased by subordinate regulations and circulars, and the existing practices'. This is because the prisoner is still the responsibility of the prison when on leave and should the prisoner fail to return to the prison it is the prison that would have to search for and bring back the prisoner.⁴⁵ Release on parole is subject to the same problems.

A second factor is work targets: when the production targets rely on the number of prisoners on shift 'the administration may resort to hampering parole on a mass scale'.⁴⁶

6. Motherhood in prison

The state did not keep any statistics on the parental status of female prisoners until the late 1990s when a census was done. This showed there to be 250 pregnant prisoners and 515 mothers with children under the age of three in penal colonies. 635 women had children under the age of three who did not live in prison with them.⁴⁷ Eighty per cent of convicted women are mothers.⁴⁸ In 2003, there were 528 children under the age of three kept in children's homes at female colonies.⁴⁹

Mothers can keep their children with them in SIZOs. In the case of sentenced prisoners, young children must go to a nearby 'children's home', and women can visit for several hours a day. The Human Rights Commissioner was 'very impressed' by the material conditions and the care children are given in the children's unit at the women's colony IK-6 in Nizny Tagil. Mothers visit the children's unit daily and can breastfeed.⁵⁰

The children's unit at Colony No. 12 is in a separate building a kilometre away from the colony's perimeter. At the time of the CPT's visit the children's unit was well under capacity with fifteen children living there. The unit is divided into three sections according to children's ages. There are several big playrooms with a variety of toys. The large rooms were clean and cheerful with good natural light. There are thirty-six staff members in this unit including three doctors, as well as nurses and teachers. The unit has a separate kitchen as well as a garden and small farm.

The CPT delegation, who visited Colony No. 12 in Zaozernyi, found that prenatal care was adequate. The colony's gynaecologist informed the delegation that all babies were born in city hospitals and that women were not handcuffed or restrained during labour. The director of the colony said that breastfeeding mothers were accommodated with their infants. However, all but one of the prisoners interviewed by CPT inspectors said that they had been separated from their children after the birth.

⁴⁵ *ibid.*

⁴⁶ *ibid.*

⁴⁷ *Penal Reform International*, available at http://www.penalreform.org/english/vuln_womruss.htm

⁴⁸ Alpern, *Women and the System of Criminal Justice in Russia*, available at <http://www.mhg.ru/english/1F4FF6D>

⁴⁹ *MCPR*, Information about the Penal System [on-line], accessed 19 April 2007, available at http://www.prison.org/English/ps_data03.htm

⁵⁰ Council of Europe, CommDH(2005)2.

Alpern writes that women 'who are lucky enough to give birth in outside hospitals' are escorted back to their cells only two hours after delivery because the prison administration cannot afford to keep prison guards in the hospitals.⁵¹ All but one of the mothers interviewed by the CPT visitors said they had not been allowed to breastfeed. There were different reports from staff and prisoners as to the frequency of visits by mothers to the mother and baby unit. Some mother alleged that there had been periods of up to two months when mothers had not been escorted to the unit.

In 1999, there were ten colonies that had accommodation for children.⁵² In 2002, one of these colonies began a pilot project which enabled women to live with their children. Alpern writes that the head of this project was 'almost the only one in the system who can see a difference between the needs of the child and the needs of the prison and who appreciates that no normal development of a child is possible without a mother'.⁵³

7. Health

General

'Prisoners' state of health continues to be a worrying problem', according to the Commissioner for Human Rights, and both colonies and SIZOs lack modern equipment. Although the supply of medicines has increased it is still not adequate, despite the 'courage and devotion' of prison doctors. Tuberculosis is a serious problem, although there has been some progress in recent years which has mostly come about because of aid resources from international agencies such as the World Health Organisation and Médecins Sans Frontières.

An elderly woman who had recently been in Rybinsk hospital, a mental hospital servicing the penitentiary system was interviewed in 2002. She said she had been expected to spend one year in hospital but had returned after three months because she could not bear the treatment any longer. She said the hospital had used Haloperidol (a powerful antipsychotic drug) to treat all conditions but without the usual corrector drugs to lessen the severe side effects. The head of the colony's medical service confirmed this and said he would only send patients to Rybinsk under extraordinary circumstances. Patients who had been sent to Saratov prison hospital often returned untreated because they had no money to pay for medical care. Withholding treatment until payment is made is an increasingly common practice in the penitentiary system.⁵⁴

It is difficult for prisoners to go to a normal public hospital as guards do not wish to disturb the running of the prison by escorting prisoners to hospital. When prisoners do arrive at a public hospital, members of hospital staff do not always wish to spend time and medicine on treating patients from a prison colony.⁵⁵

Overcrowding presents a serious health risk, as many women's colonies hold twice the maximum capacity. The international standards for minimum space are not adhered to. Wooden boards are often propped between top bunks in order to provide another sleeping place.⁵⁶

⁵¹ MCPR, available at www.prison.org/english/mcprwork.htm

⁵² *Penal Reform International*, available at http://www.penalreform.org/english/vuln_womruss.htm

⁵³ Alpern, *Women and the System of Criminal Justice in Russia*, available at <http://www.mhg.ru/english/1F4FF6D>

⁵⁴ *ibid.*

⁵⁵ *ibid.*

⁵⁶ *ibid.*

The health care resources at Colony No. 12 consisted of sixteen full time staff; however, the CPT expressed concern that the nursing complement of four nurses was not sufficient for an establishment holding over 1,000 prisoners. The establishment's baby unit had separate health care staff and the unit was well resourced in this respect.

Figures given below on the health of women prisoners are estimates as precise data on diseases of women prisoners are not available.

Diet and hygiene

Although the situation has improved, prisons have only twenty roubles a day (less than sixty euro cents) to spend on food for each person.⁵⁷ Despite small scale farming within the prisons, problems remain in a large number of establishments.⁵⁸ Prisoners may receive food parcels from home.

On their visit to Colony No. 12, the CPT found that prisoners are provided with only one litre of drinking water a day because of the prison's antiquated equipment for producing fresh water. There is a problem with the quantity and quality of food and there were complaints from prisoners about the lack of vitamins. At Colony 12, special diets are provided to sick prisoners, those with TB and HIV and pregnant prisoners.

Alpern reported that women are not issued with any feminine hygiene products, nor are such items always on sale. Even when such products are on sale the women do not always have the money to buy them. Women tear up clothes or mattresses to use and at one prison stole industrial cotton from their factory to use as tampons; this presented a serious gynaecological health risk. One prisoner reported 'laundry can only be done once a week in the laundry facility, no matter what your menstrual cycle is. You cannot do your laundry in the sinks at the barracks - you'll be reported and punished'.⁵⁹ However, according to Penal Reform International, changes made by the order of the Ministry of Justice mean that since 2005, imprisoned women must receive ten feminine sanitary products a month, as well as other hygiene products such as soap, toilet paper and toothbrushes.⁶⁰

Showers/baths are available once a week at the most, clothes can also be washed then, and bed linen is washed every ten to fourteen days.⁶¹

Mental health (including self-harm and suicide)

The CPT expressed concern that both male and female seriously mentally ill prisoners are imprisoned at colonies without adequate facilities, and that they should be transferred to a hospital facility where there are appropriate facilities and trained staff.

Precise statistics for women prisoners are unavailable but Alpern estimates that twenty per cent of women prisoners suffer from a mental disorder.⁶² There are a few inter-regional prison

⁵⁷ For comparison, the monthly gross statutory minimum wage in the Russian Federation in 2006 is 1100 roubles, which is the equivalent of between 31 and 32 euros (on 1 May 2007).

⁵⁸ Council of Europe, CommDH(2005)2, paragraphs 169-171.

⁵⁹ Alpern, *Women and the System of Criminal Justice in Russia*, available at <http://www.mhg.ru/english/1F4FF6D>

⁶⁰ Alla Pokras, personal correspondence, December 2006.

⁶¹ *ibid.*

⁶² *ibid.*

hospitals, including one, Rybinsk, for the mentally ill, where prisoners from across Russia are sent.

During their visit to Colony No. 12, the CPT were told that prisoners who are agitated or suicidal are normally placed in the unit's disciplinary units (ShiZOs) 'until they calm down' and the delegation witnessed evidence of such an approach adopted in respect of one mentally disturbed prisoner. The CPT recommends that Colony 12 find other, more suitable accommodation for the purpose of holding temporarily mentally disturbed prisoners as ShiZO cells are totally inappropriate and can only exacerbate the condition of the persons concerned. For a full description of ShiZOs see section on Security and Discipline below.

HIV and sexual health

More than 3,000 women are infected with HIV and are often co-infected with hepatitis C. The Commissioner for Human Rights said that he had the impression that medical services were totally unprepared for HIV/AIDS and that nothing is being done to treat those patients who are HIV positive.⁶³ In Colony No. 12, HIV positive patients are separated and have their own dormitory.⁶⁴

Between a third and one half of women arrive at penal colonies with sexually transmitted diseases, particularly syphilis and trichomoniasis.

8. Education, training and work

Work

Work is no longer obligatory for prisoners and is a paid activity. The majority of prisoners that the Commissioner for Human Rights spoke to on his visits said they were glad to have some activity and earn some money.

Out of the 123 women held at SIZO No. 1, twenty women were provided with work sewing mattresses and sacks. The remainder of the adult prisoners spent twenty-three hours a day locked up in their cells with hardly anything to occupy their time.⁶⁵

At Colony No. 12 for women, the CPT was told that fifty-two per cent of the prisoners who were fit to work had jobs. The majority of the workplaces were provided at the colony's factory which specialized in the production of work clothing, sportswear and uniforms. In addition, seventy women were employed on maintenance duties and twenty-five worked outside the colony.⁶⁶ Prisoners worked from 08:00 to 21:00 and occasionally as late as 01:00. Staff told the delegation that prisoners had signed a declaration agreeing to such hours. However prisoners said they were unable to exercise free choice and that the targets they were expected to meet were unrealistically high.⁶⁷

According to Alpern many women prisoners work in garment factories located in penal establishments, often for between ten and twelve hours per day, with no days off and with remuneration amounting to 300 roubles each month (approximately eight and a half euros) or less. Contracts for these garment factories are set up by middlemen demanding tight deadlines

⁶³ Council of Europe, CommDH(2005)2, paragraph 156.

⁶⁴ Council of Europe, CPT/Inf (2003) 30, paragraph 77.

⁶⁵ *ibid.*, paragraphs 50 and 61.

⁶⁶ *ibid.*, paragraph 82.

⁶⁷ *ibid.*

and paying so little that normal factories do not even bid for such orders. Workers do not choose their jobs but are assigned tasks that they may not be qualified to do. Equipment is often old and obsolete and so makes the work even harder. Prisoners who refuse to work may be punished by being sent to the punishment ward (ShiZO) (see section on Security and punishment below). Such working conditions, Alpern believes, 'constitute a direct violation of Russian laws and international human rights standards'.⁶⁸

A large part of the money earned by prisoners, up to seventy-five per cent, goes back into the running and improving of the prison, and some prisoners complained to the Commissioner for Human Rights on his visit that this was too much.⁶⁹

Training and education

Colony No. 12 for women, visited by the CPT, had a vocational training school in which prisoners could qualify as seamstresses, cloth-cutters and sales assistants. 150 women were enrolled on these courses and another eighty-one were in general education in the colony's secondary school.

There were also interest groups for prisoners such as music, theatre, dance, painting, poetry, aerobics, English language and others; the library was also well stocked. Some social activities were organised by the regional prison administration.⁷⁰ The CPT surmised that the majority of the prisoners at Colony No. 12 could spend a reasonable part of the day engaged in various activities.

9. Minority groups

Juveniles

There are three colonies for juvenile girls.⁷¹ There are known to be about 21,000 juveniles in custody; of these, 1,300 are girls, or over 6.2 per cent of the total number of minors. This is around two per cent of the female prison population.

10. Security and punishment

The security and discipline situation in female colonies is fundamentally different from that in male colonies. One guard describes the difference between male and female colonies in this way: 'in a male colony, you must have an eye on the back of your head to watch the situation, listen to conversations, pick up any sounds and even thoughts of the inmates, as you are in danger at all times. Women are much easier; they are not such a threat to us.' However male and female prisons have the same rigorous rules and staffing.⁷²

There are various standards of regime and women may be sent down a level as a disciplinary measure. Strictures include limited walks, being kept in a continuously locked cell, reduced

⁶⁸ Alpern, *Women and the System of Criminal Justice in Russia*, available at <http://www.mhg.ru/english/1F4FF6D>

⁶⁹ Council of Europe, CommDH(2005)2, paragraph 174.

⁷⁰ Council of Europe, CPT/Inf (2003) 30, paragraph 77.

⁷¹ Alpern, *Women and the System of Criminal Justice in Russia*, available at <http://www.mhg.ru/english/1F4FF6D>

⁷² *ibid.*

rations if outputs are not met (women in confined conditions usually work at weaving nets), no leniencies and no early release. Transfer to a more lenient regime is rare.

Women may be put under strict conditions of confinement for cursing, arguing with other prisoners, fighting with other prisoners, theft, refusal to work, smoking outside the smoking area, visiting other barracks within the camp, and for self-harm or attempted suicide.⁷³

A survey of thirty-one women who were among prisoners subjected to strict confinement found that:

- Nine women reported that they had been sent there after two violations
- Six after three violations
- Three after multiple violations
- Three from the very beginning of their sentence
- All had been familiarised with the rules of the colony but not in full
- Seventeen women had not had a medical examination before being sent there
- Three had been beaten by prison staff.

ShiZOs

A ShiZO is a punishment cell or a colony section where punishment cells are located.⁷⁴ According to Alpern, ShiZOs are the most inhumane part of the Russian penitentiary system. By 1992, many limitations were abolished. Maximum terms were introduced of not more than fifteen days at a time and not more than two months in the course of a year. However, it is quite normal for prisoners to spend as long as that there.

Prisoners can be placed there for refusing to work, failure to meet work targets, for being rude, for smoking outside the smoking area and for homosexuality (it was not specified whether this was the case for women as well as for men). Decisions on punishment lie with the head of the penal colony. Cells are for between two and four people with 'benches' that are raised and held against the wall during the day, and a prison toilet bowl. In some prisons, these benches do not have mattresses or bed linen and the benches are only unlocked for six hours each night. There is no other furniture so women have to sit on the floor, which may be concrete, during the day. Women's clothes except underwear are taken away and they are issued with dresses with ShiZO written on them. This is the same both in winter and summer. The psychological effect of such punishment may be severe. A head of a prison colony said he could not issue women with tights to wear with their inadequate dresses or they would hang themselves.⁷⁵

⁷³ *ibid.*

⁷⁴ *MCPR*, Abbreviations and Glossary [on-line], accessed 6 October 2006, available at <http://www.prison.org/English/rpprabb1.htm#ShiZO>

⁷⁵ Alpern, *Women and the System of Criminal Justice in Russia*, available at <http://www.mhg.ru/english/1F4FF6D>

Alpern writes that when administrators were questioned about the excessive brutality in ShiZOs 'even people who were not otherwise ferocious were used to this practice, and were hard-pressed to even imagine something more humane.'⁷⁶

The use of ShiZOs in SIZO 1 in Vladivostok was frequent and disciplinary cells used for women were less than five square metres. The CPT recommended that Russia review its use of such cells to ensure that usage was proportionate to the offence and was not overused.

Other disciplinary measures

On visits to SIZOs, the CPT delegation 'noted the presence of a number of extremely small cubicles (some 1m²) scattered around the establishment. The cubicles were deprived of any form of lighting or ventilation (other than two holes near the ceiling). Some of them were fitted with a narrow bench, while others were completely empty.'⁷⁷

Such cubicles are not used for disciplinary measures, but newcomers or prisoners waiting for a meeting with a lawyer or investigator may be placed in one for some time in order to avoid contact with other prisoners.⁷⁸

⁷⁶ *ibid.*

⁷⁷ Council of Europe, CPT/Inf (2003) 30, paragraph 58.

⁷⁸ Alla Pokras, personal correspondence, December 2006.

Country Report: Scotland

The information for this country report is largely gathered from sources published by the Scottish Executive Justice Department. These include prison inspections carried out by HM Inspectorate of Prisons, statistical bulletins and ministerial reports. The latest available information has been used wherever possible. Other important sources include the July 2006 Briefing paper of the Scottish Consortium on Crime and Criminal Justice (SCCCJ), which is entitled 'Women in Prison in Scotland: An Unmet Commitment', and information provided by a variety of non-governmental organisations and interest groups.

1. Introduction

The prison population in Scotland has been growing steadily over recent years. In his latest annual report, HM Chief Inspector of Prisons in Scotland highlighted the dangers posed by overcrowding in prisons, a serious problem that continues to threaten Scotland's justice system.¹ There are sixteen prisons and young offenders' institutes in Scotland.² The majority of these are for male adults while most female prisoners are held in one establishment, HMP Cornton Vale.³ Two other institutions cater for young, male offenders.

In 2005/06, the average daily population in Scottish prisons was 6,857, representing an increase of one per cent when compared with the corresponding figure for 2004/05 (6,779).⁴ This is the highest annual level ever recorded in Scotland.

The ten year period between 1996/97 and 2005/06 saw the average daily prison population rise by fourteen per cent.

In 2005/06, the average daily remand population was 1,242 (including 1,159 males and eighty-three females), representing an increase of two per cent when compared with the corresponding figure for 2004/05 (1,216). The number of young offenders held on remand increased by nine per cent from 260 in 2004/05 to 284 in 2005/06. Adult remand numbers remained largely unchanged, numbering 956 and 958 in the same two periods.⁵

Figure 1, below, shows an increase of twenty per cent in the adult sentenced prison population over the last ten years. The under twenty-one sentenced population can be seen to decrease by thirty per cent between 1996/97 and 2004/05, before increasing again in 2005/06. The remand population since 2002/03 has been noticeably higher than in the previous six years.⁶

¹ Scottish Executive, Publications, *HM Chief Inspector of Prisons in Scotland: Annual Report 2005 - 2006* [on-line], accessed 20 February 2007, available at <http://www.scotland.gov.uk/Publications/2006/10/26121221/3>

² These are; Her Majesty's Prison (hereafter HMP) Aberdeen, HMP Barlinnie, HMP Castle Huntly, HMP Cornton Vale, HMP Dumfries, HMP Edinburgh, HMP Glenochil, HMP Greenock, HMP Inverness, HMP Kilmarnock, HMP Open Estate, HMP Perth, HMP Peterhead, HMP Shotts, Her Majesty's Young Offenders Institution (hereafter HM YOI) Cornton Vale and HM YOI Polmont.

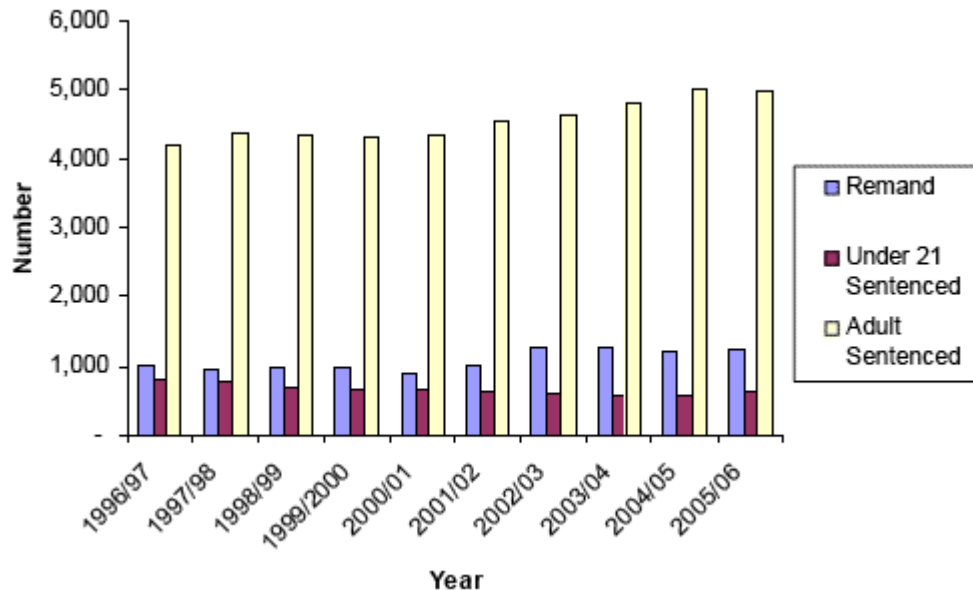
³ At the time of writing, all female prisoners in Scotland are held in HMP Cornton Vale.

⁴ Scotland Executive, Publications, *Prison Statistics 2005-06* [on-line], accessed 20 February 2007, available at <http://www.scotland.gov.uk/Publications/2006/08/18103613/3>

⁵ *ibid.*

⁶ *ibid.*

Figure 1: Average daily prison population, by category of prisoner⁷



2. Women prisoners in Scotland

The Scottish Executive has made clear its concern over the rising number of female prisoners. In December 2002, the Executive established 'The Ministerial Group on Women's Offending' in order to 'take forward and implement a package of measures designed to reduce significantly the numbers of women held in custody in Scotland.'⁸ This report was commissioned to build on a report made in 1998 by the Prisons and Social Work Inspectorates, *A Safer Way*, which concluded that 'the number of women offenders who are sent to prison could and should be reduced.'⁹ [*Emphasis in original*]

The Ministerial Group's report noted on the one hand, a policy commitment from Scottish Ministers to reduce the use of imprisonment, and on the other, that the number of female prisoners in Scotland continues to rise. Many of the women sent to prison posed 'very little risk to the communities in which they live'.¹⁰

Profile of Women Prisoners

In the period between 1996/97 and 2005/06, the female prison population increased by seventy-seven per cent while the male prison population grew by twelve per cent. In 1996/97,

⁷ *ibid.*, Chart 2.

⁸ Scottish Executive, *A Better Way - a report of the Ministerial Group on Women's Offending*, 2002, p. 2 [on-line], accessed 20 February 2007, available at <http://www.scotland.gov.uk/Resource/Doc/158858/0043144.pdf>

⁹ Scottish Executive, Publications, *Women Offenders: A Safer Way - a Review of Community Disposals and the Use of Custody for Women Offenders in Scotland*, 1998, Ch. 6 [on-line], accessed 20 February 2007, available at <http://www.scotland.gov.uk/library3/law/wosw-10.asp>

¹⁰ Scottish Executive, *A Better Way*, p. 3, available at <http://www.scotland.gov.uk/Resource/Doc/158858/0043144.pdf>

the average number of women in prison on a given day was 189, rising to 334 in 2005/06. Due to the nature of the sentences received by women, i.e. very often short (less than four years), the number of women who experienced prison in 2004/05 was 3126, compared with 2280 in 1996/97.¹¹

Prisons

The vast majority of women in prison in Scotland are held in one prison, Cornton Vale Prison for Women.¹² This prison is located in Stirling, in the centre of Scotland, and has 330 places. A small number of places are available for women in Aberdeen and Greenock.¹³ These are both male prisons which currently hold small numbers of women. The availability of these places enables those female prisoners to stay nearer their homes, although facilities in these prisons are inadequate in catering for them.

Scottish prisons are inspected in full by HM Inspectorate of Prisons every four years. In the years between inspections, a follow-up report is made to review progress in the areas highlighted by the latest full inspection. Examples of good practice, areas which need addressing and responses to previous reports are examined particularly thoroughly. The last full inspection of Cornton Vale Prison took place between 27 February and 3 March 2006.

The options for prisoner care, such as the 'Care Orderly Room',¹⁴ were highlighted as one example of good practice; an improvement in access to toilet facilities, where the introduction of CCTV has reduced prisoners' waiting times in the Younger and Skye House Blocks,¹⁵ was noted as an improvement following the 2005 follow-up report; however, the Inspectorate also noted that 'The visit room is no better than it was last year. And the condition of women coming in to the prison is at least as bad as before.'¹⁶

Crimes

In 2005/06, the most common offences for women in prison were related to drugs; their illegal possession, use and trafficking. Following this, the next most common offences were ones of serious assault.¹⁷

Women are more likely to be imprisoned for both drugs offences and dishonesty offences than men (twenty-eight per cent and twenty-seven per cent compared with fourteen per cent and fourteen per cent). Female prisoners are less likely to have committed violent offences than

¹¹ The Scottish Consortium on Crime and Criminal Justice (SCCCJ), *Women in Prison in Scotland: An Unmet Commitment*. A Briefing Paper of the Scottish Consortium on Crime and Criminal Justice, July 2006 [on-line], accessed 20 April 2007, available at <http://www.scccj.org.uk/SCCCJpublicationspage.htm>

¹² In August 2006, all women in prison in Scotland were being held in HMP Cornton Vale.

¹³ HMP Dumfries and HMP Inverness recently discontinued holding a small number of female inmates (in the last two years).

¹⁴ See Section 9, 'Security and punishment', p. 8.

¹⁵ Scottish Executive, Publications, *HM Inspectorate of Prisons: Full Inspection Report of HMP and YOI Cornton Vale*, August 2006, Chapter 2 [on-line], accessed 15 February 2007, available at <http://www.scottishexecutive.gov.uk/Publications/2006/07/18095811/3>

¹⁶ Scottish Executive, Publications, *HM Inspectorate of Prisons; Cornton Vale Inspection: 2-3 February, 2005* [on-line], accessed 15 February 2007, available at <http://www.scotland.gov.uk/Publications/2005/05/09144207/42090#2> this view was reaffirmed in the Full Inspection Report, 2006.

¹⁷ Scotland Executive, *Prison Statistics 2005-06*, available at <http://www.scotland.gov.uk/Publications/2006/08/18103613/3>

men (thirty-one per cent compared with forty-one per cent for men),¹⁸ although there is concern that this proportion is increasing.

It is also noticeable that women are often imprisoned for failing to pay a fine. In 2004/05, 442 women were imprisoned for this reason, of which 331 were sent to prison for fourteen days or fewer and 230 owed less than 200 pounds sterling each in unpaid fines.¹⁹

3. Women on remand

The number of individuals being held on remand since 2002/03 has risen significantly when compared with the previous six years (see Figure 1 above). A high, and growing, number of women are remanded to prison before their cases come to trial. In 1996/97, the average daily population of women on remand was forty-six. This had grown to eighty-three by 2005/06.

Between 1996/97 and 2003/04, the total number of women remanded during the course of a year rose from 1009 to 1807, an increase of nearly eighty per cent.

4. Contact with the outside world

The conditions for visiting people in prison vary depending on whether that person is an untried prisoner awaiting trial or a convicted prisoner whose case has been decided. An untried prisoner is usually allowed one thirty minute visit each week day. A convicted prisoner will normally be allowed one thirty minute visit each week or a two-hour visit every twenty-eight days. Special arrangements can be made in the case of a prisoner being very ill or should a 'family crisis' ensue.

HMP Cornton Vale

HMP Cornton Vale (which houses almost all female prisoners in Scotland) has improved in some areas relating to prisoner contact, but others have not improved and continue to be a source of frustration for prisoners.²⁰

In his follow-up report in 2005, HM Chief Inspector was impressed by the newly opened family centre which had been in operation since late 2004.²¹ The St. Margaret Family Centre provides a place where children can play while visiting their mothers in prison and provides an improved atmosphere for family visits. There is a brightly decorated 'play area' as well as quiet rooms, some of which display the inmates' artwork.²² An arranged 'Partners Day' here provided an opportunity for prisoners and their families to meet with outside organisations which offer them support.²³ Ninety-seven prisoners attended the day.

Conditions for visits are still far from ideal, however. The follow-up report in 2005 noted that the waiting room for visitors is small, and is 'at best functional and struggles to meet current

¹⁸ SCCCJ, *Women in Prison in Scotland: An Unmet Commitment*, available at <http://www.scccj.org.uk/SCCCJpublicationspage.htm>

¹⁹ *ibid.*

²⁰ Scottish Executive, *Cornton Vale Inspection: 2-3 February*, available at <http://www.scotland.gov.uk/Publications/2005/05/09144207/42090#2>

²¹ *ibid.*

²² Dr. A. Elliott, *Barclay Lecture*, 2nd November 2005, p. 3 [on-line], accessed 17 February 2007, available at <http://www.william-barclay.com/barclay-elliott.pdf>

²³ Including; 'Families Outside' and 'Hope'.

visitor needs.’²⁴ Furthermore, convicted prisoners still book visits themselves, a system which is inconsistent and one which many prisoners find dissatisfying.

HM Chief Inspector made clear that the facilities for visits in the prison were designed when the prison population was 100, rather than over 300 as is the case now. This will continue to be a major source of grievance for prisoners and staff alike until major changes are carried out.

5. Motherhood in prison

Most women in prison are mothers or primary carers.²⁵

Babies in prison

There is one mother and baby unit in HMP Cornton Vale, the only unit of its type in Scotland. Independent Living Units, which can house a mother and baby, do exist outside the prison. In May 2005, there were two mothers with a baby in HMP Cornton Vale; one mother was in the Mother and Baby Unit and the other in an Independent Living Unit. Work to comprehensively upgrade the Mother and Baby Unit has recently been completed which will improve the quality of life for those who live there. Plans are in place to have two members of staff, who are trained in childcare and child development, responsible for mothers and their babies who use these facilities.

6. Characteristics of women in prison

HM Chief Inspector commented on some characteristics of women in prison in Scotland. He observed that ‘Most women who come to prison are in a desperate state...Their life stories are consistently and overwhelmingly sad’.²⁶

The vast majority of women in HMP Cornton Vale have both mental health problems and at least one drug addiction. Eighty per cent of women in this prison have a history of mental illness, while over ninety per cent have an addiction to drugs. In one period of assessment, HM inspector notes, the figure for addiction was 100 per cent. As mentioned in his report, the statistics ‘make grim reading’.²⁷

In addition to these problems, seventy-five per cent of women have a history of abuse and very poor physical health.²⁸ The women in HMP Cornton Vale do not represent a cross-section of Scottish society; they are much damaged women, many of whom are not suited to prison and would benefit from other provisions.²⁹

²⁴ Scottish Executive, *Cornton Vale Inspection: 2-3 February*, available at <http://www.scotland.gov.uk/Publications/2005/05/09144207/42090#2>

²⁵ Approximately seventy per cent. See Scottish Executive, *A Better Way*, p.42, available at <http://www.scotland.gov.uk/Resource/Doc/158858/0043144.pdf>

²⁶ Scottish Executive Justice Department, *HM Chief Inspector of Prisons for Scotland: Report for 2003-04*, 2004, p. 16 [on-line], accessed 18 April 2007, available at <http://www.scotland.gov.uk/resource/doc/1102/0004842.pdf>

²⁷ *ibid.*

²⁸ SCCCJ, *Women in Prison in Scotland: An Unmet Commitment*, available at <http://www.scccj.org.uk/SCCCJpublicationspage.htm>

²⁹ Scottish Executive Justice Department, *Report for 2003-04*, available at <http://www.scotland.gov.uk/resource/doc/1102/0004842.pdf>

7. Education, work and training

Facilities for female prisoners' education, work and training are generally good in Scotland, both in HMP Cornton Vale, and in other prisons which hold women prisoners. In a thematic study conducted by the Scottish Office, the education facilities in HMP Cornton Vale were described as 'laudable',³⁰ while HM Chief Inspector of Prisons was highly positive with regard to conditions in the female unit of HMP Aberdeen in 2003.³¹

HMP Cornton Vale

Education and work facilities are good in HMP Cornton Vale, although there is room for improvement. A good relationship between staff and prisoners in education, work and training areas is reported³² and prisoners have some choice as to the courses of education and work they participate in. During their induction to prison practices, prisoners are informed of all classes on offer. The learning provider publicises courses with attractive posters, displayed in all of the accommodation blocks. A range of 'clear and well-presented'³³ leaflets also provide helpful information to prisoners on available learning opportunities. HM Chief Inspector reports that the range of courses offered in core skills does not meet the needs of all prisoners.³⁴

Education

The Education Unit in HMP Cornton Vale is formally linked to Clackmannan College, an educational institution in the region. At the time of the Scotland Office report in 1995/96, the unit was staffed by one full-time lecturer, who was head of the unit, and ten part-time lecturers, who teach prisoners in a variety of fields.³⁵

The Education Unit covers all sections of the prison, including young offenders, adult prisoners and prisoners on remand. Prisoners can receive tuition during the day for special needs, modern languages, basic literacy and numeracy. Recognised certification is offered to prisoners who participate in day classes in various fields. These include classes in art & crafts, communication, computer studies and cookery. An employment focus course is run quarterly for 'pre-release' prisoners, which contains advice on preparing a CV, interview & telephone techniques and how to start and keep a job. Evening classes are also held in computer studies, pottery, art & design and guitar playing at different times throughout the year.³⁶

³⁰ The Scottish Office, *Thematic Study: Custody and Training of Female Prisoners and Young Offenders in Scotland*, Conclusions, paragraph 8.2 [on-line], accessed 25 February 2007, available at <http://www.scotland.gov.uk/library/documents/fep8.htm>

³¹ Scottish Executive, Publications, *HM Inspectorate of Prisons; Aberdeen Inspection: 19-20 June, 2003* [on-line], accessed 20 April 2007, available at <http://www.scotland.gov.uk/Publications/2003/09/18238/26844>

³² Scottish Executive, *Full Inspection Report of HMP and YOI Cornton Vale*, Chapter 7, available at <http://www.scottishexecutive.gov.uk/Publications/2006/07/18095811/8>

³³ *ibid.*, paragraph 7.9.

³⁴ *ibid.*

³⁵ The Scottish Office, *Thematic Study*, paragraph 3.7, available at <http://www.scotland.gov.uk/library/documents/fep8.htm> The number of staff in the unit may have changed since this date.

³⁶ See *ibid.*, paragraph 3.8.

Work

The employment structure at HMP Cornton Vale means young offenders and convicted prisoners share the same area for work purposes. The nature of the work undertaken by the prisoners is largely focussed upon what might be described as a stereotypical female model, often involving duties of a domestic nature such as textile operations, food preparation and cooking (amongst others). There are limited places for prisoners who want to do other work, including hairdressing and gardening, although the availability depends on the season and other variable factors.

In his 2004 inspection, HM Chief Inspector reported that 'employment in Cornton Vale is in transition'.³⁷ Management at the prison has made plans to introduce new opportunities for prisoners to receive more certificated work opportunities, including BICS certification in Industrial Cleaning and SVQs in Housekeeping and Food Preparation. In general, these plans are being followed. Other courses, such as training in first aid and in health & safety, are already incorporated within the prisoners' induction programmes and are certificated.³⁸ The work strategy of HMP Cornton Vale seems to be one focussed upon the development of prisoners' life skills.

Prisoners in the Independent Living Units, which cater for prisoners towards the end of their sentences, mothers with babies and some other cases,³⁹ have a range of opportunities to find employment in external organisations. Many employers are very willing to participate in arrangements with the prison and cases where prisoners, upon release, continue their employment with these organisations, are not uncommon.⁴⁰

Other

Women held in other prisons, all of which are predominantly for male prisoners, are well catered for in terms of work, education and training facilities. In the report on HMP Greenock in 2004, HM Inspectorate considered the education and work opportunities to be very positive having overviewed the transfer of women prisoners from HMP Cornton Vale with some concern. Women prisoners are reported to have spoken 'very positively'⁴¹ about their experience of HMP Greenock, and all participated in 'a full programme of work and activities'.⁴²

There were ten women housed in HMP Aberdeen when the HM Inspectorate conducted its report in 2003. The report was entirely positive of the conditions for the women, who were reported as being 'happy with conditions in the unit [in general]'.⁴³ Of the ten women in the unit, four were attending education classes, five were working in the unit and one was

³⁷ Scottish Executive, Publications, *HM Inspectorate of Prisons; HMP and YOI Cornton Vale Inspection; 4-6 February, 2004*, paragraph 13.14 [on-line], accessed 20 February 2007, available at <http://www.scotland.gov.uk/Publications/2004/05/19329/36710>

³⁸ *ibid.*

³⁹ Prisoners needing low levels of supervision may be considered; for example, those with a strong record of 'good behaviour'.

⁴⁰ Scottish Executive, *Full Inspection Report of HMP and YOI Cornton Vale*, paragraph 7.8, available at <http://www.scottishexecutive.gov.uk/Publications/2006/07/18095811/8>

⁴¹ Scottish Executive, Publications, *HM Inspectorate of Prisons: HMP Greenock Inspection: 10-11 March, 2004*, paragraph 2.3 [on-line], accessed 25 February 2007, available at <http://www.scotland.gov.uk/Publications/2004/07/19524/39219#1>

⁴² *ibid.*

⁴³ Scottish Executive, Publications, *HM Inspectorate of Prisons: HMP Aberdeen Inspection: 19-20 June, 2003*, paragraph 3.27 [on-line], accessed 25 February 2007, available at <http://www.scotland.gov.uk/Publications/2003/09/18238/26844>

attending a visit. Of those working, some were cleaning; some attending to laundry and one was filling breakfast bags.⁴⁴

8. Minority groups

There are two institutes for young offenders in Scotland, HM YOI Polmont and HM YOI Cornton Vale.

Young Adults

All female prisoners under the age of twenty-one were held in HMP Cornton Vale when the last inspection took place.⁴⁵ All convicted women under the age of twenty-one were housed in the same block, Skye House, which also holds the majority of non-convicted young women. Prisoners in Skye can play bingo and watch DVDs and television during recreation time. There is opportunity for the prisoners to make telephone calls with a degree of privacy, and HM Inspectorate's latest report described the rooms in the house block as 'clean, tidy and well appointed'.⁴⁶ Young women, as appears the case with the vast majority of women in prison in HMP Cornton Vale, do complain of boredom in the evenings. These women in particular are often inexperienced in managing their own time and unable to entertain themselves.

Juveniles

In 2005/06, no girl (under sixteen years old) had been detained, although eighteen boys in the same age group had been held in YOI Polmont. Juveniles are treated differently to adult prisoners, members of staff wear polo shirts instead of uniforms in YOI Polmont,⁴⁷ for example, but prison is not a suitable place for children, whether or not it is used as a last resort.

9. Security and punishment

Security in HMP Cornton Vale is the responsibility of the Custody and Order Manager. He is responsible for the prison gate, visiting security, escorting arrangements, physical security and operational and readiness management. No female prisoners have escaped in recent years.

In 2005/06, as in 2004/05, there were two incidents of serious assaults. Both assaults in 2005/06 were prisoner-on-prisoner assaults, whereas one serious assault in 2004/05 was prisoner-on staff. HM Inspectorate reported an increase in the number of minor prisoner-on-prisoner assaults over the same period. The management of the prison was alerted to this and encouraged to examine the reasons behind this increase.⁴⁸

The conditions under which prisoners are escorted between prison and other institutions, such as a hospital or a court, have been heavily criticised. It is common practice for all prisoners to be 'double-cuffed', where hands are cuffed together as well as a second pair of cuffs attaching the prisoner to the escorting officer. Pregnant women are handcuffed to a custody officer

⁴⁴ See *ibid.*, paragraphs 3.26, 3.27 and 3.28.

⁴⁵ Scottish Executive, *Full Inspection Report of HMP and YOI Cornton Vale*, paragraph 1.1, available at <http://www.scottishexecutive.gov.uk/Publications/2006/07/18095811/2>

⁴⁶ *ibid.*, paragraph 2.23.

⁴⁷ Scottish Executive, Publications, *HM Inspectorate of Prisons: Report on HM Young Offenders Institute Polmont*, August, 2004, paragraph 2.19 [on-line], accessed 25 February 2007, available at <http://www.scotland.gov.uk/Publications/2004/08/19688/40570>

⁴⁸ Scottish Executive, *Full Inspection Report of HMP and YOI Cornton Vale*, paragraph 3.2, available at <http://www.scottishexecutive.gov.uk/Publications/2006/07/18095811/4>

throughout labour, almost to the point of childbirth, and are usually re-cuffed within an hour of the birth. This is a humiliating experience for the women. HM Inspectorate reports that male officers are sometimes present throughout this process, as they have been when prisoners have attended 'an intimate gynaecological examination'.⁴⁹ These practices do not treat prisoners with an acceptable standard of decency or dignity.

Prisoners are punished for disobeying the prison rules. Assaulting other prisoners, insulting staff and drug offences can all lead to a prisoner being placed on report for a disciplinary offence, for example. When reported, the normal cause of action is to refer the offence to the 'Orderly Room'. The charge will then be dealt with and any disciplinary action taken. If a prisoner is reported for a drug offence, the case may be referred to the 'Care Orderly Room'. Here the incident is discussed and the outcome will usually be an action plan for the prisoner. If this plan is followed, the charge will be dealt with more leniently than otherwise.⁵⁰

Other restorative measures are practised by the prison when other offences have been committed.⁵¹ Trained facilitators look at an issue with the prisoner concerned, for example, in an attempt to agree on an outcome that must be adhered to. HM Inspectorate was highly satisfied with disciplinary measures currently in place in HMP Cornton Vale, stating in their report that the options given to prisoners 'try as far as possible to remove the individual from formal disciplinary sanctions, concentrating on reaching workable solutions or outcomes. This is an area of innovation and good practice.'⁵²

10. Staff and management

Reports of staff-prisoner relationships in HMP Cornton Vale are positive. Members of staff are qualified and often very experienced in their roles throughout the prison. The Governor of the prison, Ian Gunn, has spent fourteen years working in the prison service,⁵³ although he has been in his current role for less than a year.

The structure of the senior management team is displayed below in Figure 2.

Despite some very positive reports of relationships between prisoners and staff, some concerns have been raised regarding the relationship between members of staff. These relationships have been held back as certain staff groups feel others do not understand or appreciate the work undertaken by their particular group. This has caused some distress and feelings of resentment among some staff members. These problems are familiar to many prisons, and other organisations, and should be addressed in order to focus attention on their working towards a common goal.⁵⁴

⁴⁹ *ibid.*, paragraph 3.4.

⁵⁰ See *ibid.*, paragraph 3.13.

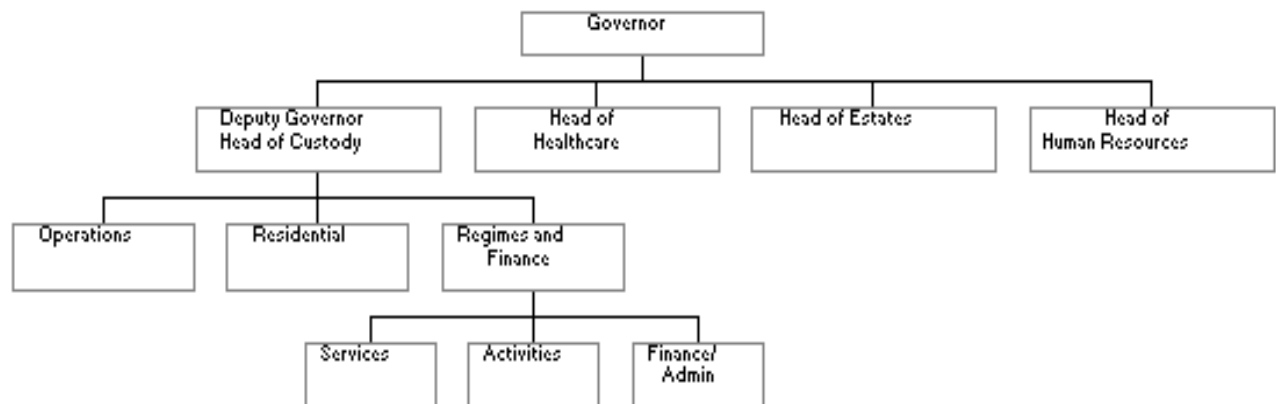
⁵¹ When there has been conflict, for example.

⁵² Scottish Executive, *Full Inspection Report of HMP and YOI Cornton Vale*, paragraph 3.15, available at <http://www.scottishexecutive.gov.uk/Publications/2006/07/18095811/4>

⁵³ Including six years spent as Governor of HMP Peterhead.

⁵⁴ See *ibid.*, paragraph 10.31.

Figure 2: Organisation of Senior Management Team at HMP Cornton Vale⁵⁵



11. Additional information

The 218 Centre in Glasgow

Following recommendations made by an Inter-Agency Forum, a forum established with the aim of creating services for women in the criminal justice system, a 'Time Out' Centre was created in Glasgow. This Centre was designed to address the needs of female offenders in Glasgow in order to reduce re-offending and, as a consequence, reduce the number of women who end up in custody.⁵⁶ The Centre provides both residential and non-residential support for female offenders, offering them time away from their normal lives without spending time in prison. This Centre is called '218' and opened for women in December, 2003.⁵⁷

Between April 2004 and March 2005, 143 women engaged with the 218 project. The women who took part in the project, over this time period, had a variety of past offences which included: Shoplifting and theft (seventy per cent of the women); violence (forty-eight per cent); and drug offences (thirty-six per cent).⁵⁸

The profile of the women who have engaged with the services at 218, including their lifestyles, characteristics and criminal records, is the same as those imprisoned in HMP Cornton Vale. It can be seen as likely, therefore, that the women in the Centre could have been incarcerated had 218 Centre not been in operation.⁵⁹ In the report made by Louks *et al.*, a highly positive appraisal of the Centre was given:

⁵⁵ HM Inspectorate of Prisons for Scotland, *Report on HMP and YOI: Cornton Vale 2001*, paragraph 10.2 [on-line], accessed 6 March 2007, available at <http://www.scotland.gov.uk/hmip/docs/corntonvale-12.asp> Elements of the management structure may have changed since this publication.

⁵⁶ Nancy Louks, Margaret Malloch, Gill McIvor and Loraine Gelsthorpe, *Evaluation of the 218 Centre*, Scottish Executive Justice Department, 2006 [on-line], accessed 7 March 2007, available at <http://www.scotland.gov.uk/Publications/2006/04/24161157/0>

⁵⁷ For information on the 128 Centre, see *218 the alternative* [on-line], available at <http://www.218.org.uk/index.htm>

⁵⁸ SCCCJ, *Women in Prison in Scotland: An Unmet Commitment*, available at <http://www.scccj.org.uk/SCCCJpublicationspage.htm>

⁵⁹ Although, of course, we cannot say for sure if these women would have ended up in prison.

'All respondents viewed 218 as being exceptionally good at engaging with women, and workers (within 218 and external service providers) gave anecdotal evidence of women they had encountered in other community settings who continually failed to engage with services, but who had come to 218, appeared to be making good progress, and who were attending regularly.'⁶⁰

The successes of the 218 Centre in Glasgow should be built upon as the Scottish Executive seeks to find ways of reducing the number of inappropriately incarcerated women.

⁶⁰ Louks *et al.*, Evaluation of the 218 Centre, available at <http://www.scotland.gov.uk/Publications/2006/04/24161157/0>

Country Report: Sweden

Most of the information in this report comes from Swedish government reports. One source used is a research paper on women prisoners from 1994, which was commissioned by the government and written by Lis Somander.¹

Some information was gained from the questionnaires QCEA sent out to female ex-prisoners. However due to the very small number of respondents (two), such information is anecdotal and we have only used it to illustrate more general points.

1. Introduction

The total prison population in Sweden was 7,054 as of October 2005.² There were eighty-seven establishments (fifty-seven prisons for sentenced prisoners and thirty prisons for prisoners awaiting trial). The occupancy rate in the ordinary prisons during 2005 was ninety-six per cent of the certified accommodation. In the prisons for prisoners awaiting trial it was 104 per cent of the certified normal accommodation, but ninety-two per cent if extra occasional places were included.³ In October 2005 there was a prison population rate of seventy-eight per 100,000 (based on estimated national population of 9.04 million) and pre-trial detainees and remand prisoners accounted for 20.3 per cent of the total prison population.⁴

According to the Swedish Prison and Probation Service; arrest, detention and remand are the three most important coercive measures.⁵ Section Four of the Prison Treatment Act states that imprisonment should be carried out to promote the adjustment of prisoners into the community upon release. The section affirms that the detrimental consequences of prison treatment should be counteracted by directing efforts towards measures that prepare each prisoner for life outside prison from the outset. This must only be achieved without neglecting the need to protect the community. Furthermore, a prisoner's release from prison should be prepared for in good time.

There is no legislation limiting time on remand. However, if a person is not charged within two weeks, there is usually a further remand hearing.⁶ Although occasionally an accused person may be held in a remand prison for several years in the case of complex investigations, this is rare and time on remand is usually short.⁷

¹ L. Somander, *Women prisoners*, Research paper No. 4, Swedish Prison and Probation Administration 1994, translated by Norman Bishop (Norrköping: 1994), ISSN 1102-5891

² *International Centre for Prison Studies*, World Prison Brief, Prison Brief for Sweden [on-line], accessed 16 March 2007, available at <http://www.prisonstudies.org/>

³ Kriminalvård och Statistik 2005, (Swedish Prison and Probation Service annual official statistics publication)

⁴ *International Centre for Prison Studies*, available at <http://www.prisonstudies.org/>

⁵ *Swedish Prison and Probation Service*, Basic facts about Prison and Probation Service in Sweden: 2006 [on-line], accessed 16 March 2007, available at http://www.kvv.se/templates/KVV_InfoMaterialListing_4022.aspx

⁶ *ibid.*

⁷ *Swedish Prison and Probation Service*, On Remand [on-line], accessed 16 March 2007, available at http://www.kvv.se/templates/KVV_InfopageGeneral_4041.aspx

2. Women prisoners in Sweden

Recent Developments in Criminal Justice in Sweden relating to women

The 1998 bill on Violence against Women introduced gender-neutral language into the Penal Code. It also marked the beginning of an improvement in official crime statistics including the recording of the sex of both perpetrator and victim in violent crime, their ages and the relationship between them.⁸

The National Council for Crime Prevention now has a duty to incorporate a gender perspective into its research and development work and a remit to develop research on violence against women.⁹

Profile of Women Prisoners

The Swedish Prison and Probation Service report that, during 2005, there were 717 women in Swedish prisons – accounting for 6.7 per cent of all prisoners.¹⁰ According to the International Centre for Prison Studies, women prisoners accounted for 5.2 per cent of the total prison population in October 2005.¹¹ Women prisoners are held in four prisons solely for women in different parts of the country, as well as one wing of a prison that also holds male prisoners in the south.

Of the women appearing before a court each year, just over 500 receive prison sentences. The majority of these sentences are for less than one year. Most women in prison are between thirty-five and forty-four years of age.¹²

Table 1: Crimes for which women have been imprisoned in Sweden
Source: Basic facts about Prison and Probation Service in Sweden 2005.
(http://www.kvv.se/templates/KVV_InfoMaterialListing_4022.aspx)

Crime	Number of women
Drug offences/smuggling	172
Theft	155
Traffic offences	91
Violent crime	74
Drunken driving	64
Fraud, embezzlement	62
Public order	55
Robbery	11
Sexual offences	5
Total	689

⁸ *Prostitution Research and Education (PRE)*, The 1999 Swedish law on prostitution: Fact sheet on violence against women [on-line], accessed on 16 March 2007, available at <http://www.prostitutionresearch.com/laws/000024.html>

⁹ *ibid.*

¹⁰ *Swedish Prison and Probation Service*, available at http://www.kvv.se/templates/KVV_InfoMaterialListing_4022.aspx

¹¹ *International Centre for Prison Studies*, available at <http://www.prisonstudies.org/>

¹² *Swedish Prison and Probation Service*, available at http://www.kvv.se/templates/KVV_InfoMaterialListing_4022.aspx

Table 1, above, shows a total of 689 women who have committed crimes, although the Prison and Probation Service also report that the number of women in prison was 717 in 2005. This discrepancy may be due to the fact that twenty-eight women were sentenced in 2004 but did not commence serving their sentence until 2005.

Since 1999, the buying of, or attempting to buy, sex is punishable by fines or imprisonment of up to six months. There is no criminal sanction against the person who is selling sex.¹³

3. Women on remand

In 2005, there was an average of ninety-four women awaiting trial in prisons. In addition, sixteen women had been sentenced but were awaiting transfer to an ordinary prison. In principle this transfer should occur directly after sentencing but there is currently a shortage of space in ordinary prisons, and so delays sometimes occur.

4. Convicted prisoners

Figure 1 shows the sentenced women prisoners received into prison between 1970 and 1991. With some small fluctuations, the numbers increase from 172 in 1970 to a maximum of 784 in 1988. From then until 1991 the numbers of women decreased to 624. Table 2 gives corresponding figures for the period between 2001 and 2005.

Table 2: Sentenced prisoners received into prison during the year for the period 2001-2005

Year	Number of women prisoners	% of total prison population
2001	554	6
2002	681	7
2003	730	7
2004	775	7
2005	717	7

Table 3: Sentenced prisoners in prison on 1 October each year for the period 2001-2005

Year	Number of women prisoners	% of total prison population
2001	262	6
2002	268	5
2003	277	5
2004	326	6
2005	280	5

Figure 2, below, shows sentenced women prisoners received into prison as a proportion of all prisoners. These figures also increased steadily (with small fluctuations) between 1970 and 1988. There then appears to be a small decrease until 1991, but the incline is less sharp and evident than the corresponding decrease in the actual number of sentenced women prisoners (see figure 1, below).

In February 2006, three of the 142 prisoners serving a life sentence were women.¹⁴

¹³ *Prostitution Research and Education (PRE)*, available at <http://www.prostitutionresearch.com/laws/000024.html>

¹⁴ *Swedish Prison and Probation Service*, available at http://www.kvv.se/templates/KVV_InfoMaterialListing___4022.aspx

Sentenced women prisoners received into prison, 1970-1991

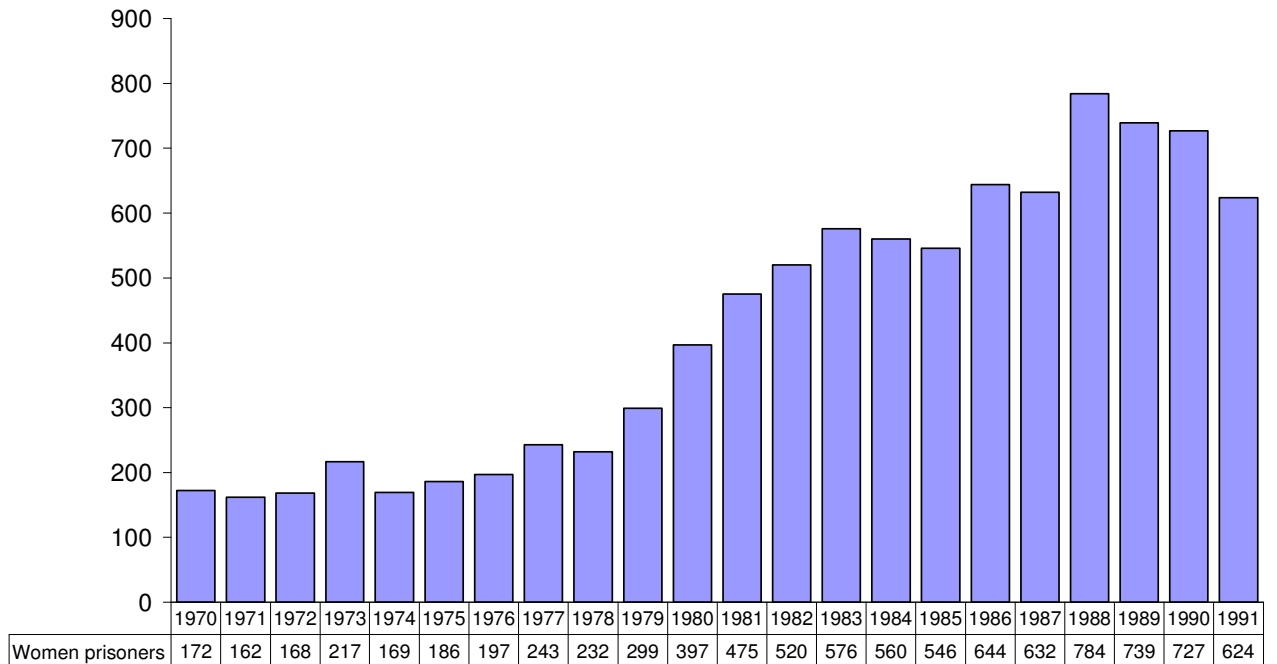


Figure 1: Sentenced women prisoners received into prison 1970-1991. Source: Swedish Prison and Probation Administration (cited by Somander).

Sentenced women prisoners received into prison as a proportion of all prisoners, 1970 - 1991

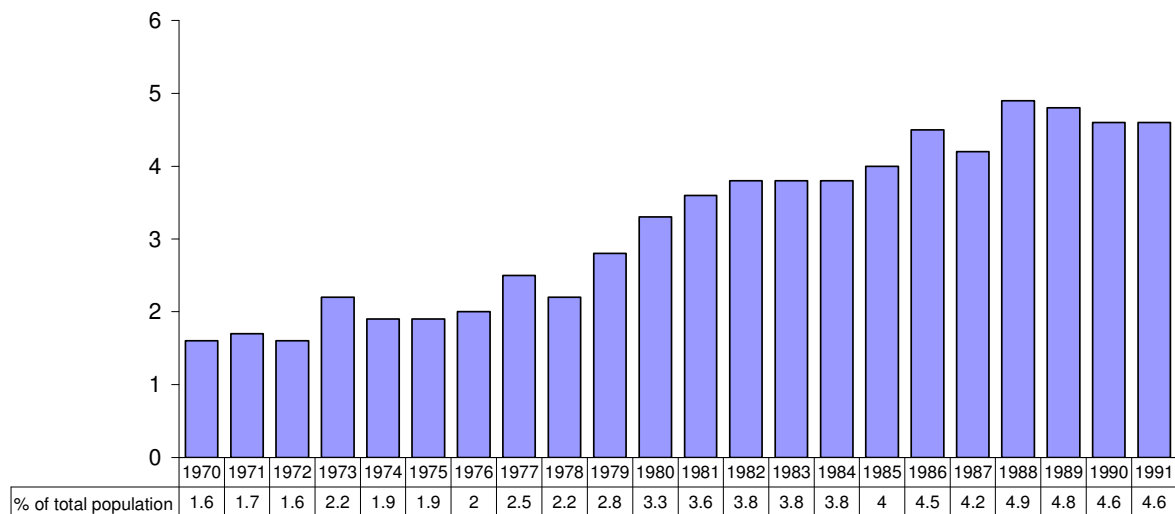


Figure 2: Sentenced women prisoners received into prison as a proportion of all prisoners, 1970-1991. Source: Swedish Prison and Probation Administration (cited by Somander).

5. Contact with the outside world

Visits

Under Swedish law, prisoners may receive as many visits as it is possible to arrange. In reality, limitations may be placed on this by small visiting facilities or a small number of staff. Prisoners may be visited by their children, other relatives and friends. Children under eighteen may visit if the person who has custody of them gives their written permission. Children under the age of fifteen must be accompanied by an adult. All visitors must be approved by the institution and are subject to checks carried out by the institution before the visit. Prisoners may also receive visits from their lawyer or probation officer, a police officer investigating a crime, a potential employer or others whom it might be important for the prisoners to meet.

Visitors may come at special visiting times and visits last for one or two hours. Visitors who come from longer distances may visit a prisoner for up to a whole day. At open institutions prisoners may receive visits in their cell.

Most closed institutions have child-friendly visiting rooms, and at some of the larger institutions there are special visiting apartments where prisoners can be with their family for longer periods. Staff may remain present and supervise proceedings throughout the entire visit.¹⁵

The visiting facilities at her prison were described by one ex-prisoner as of average cleanliness but as unattractive/depressing and as too small.¹⁶

Leave

The opportunity for prisoners to go 'on leave' is very important for the maintenance of family ties, and for other specific purposes (work interviews, arranging accommodation, etc.). Swedish penal legislation provides for leaves of this kind and considerable use of these prison leaves is made.¹⁷

6. Motherhood in prison

Babies in prison

Women prisoners who have a child aged up to twelve months may have their child with them at the institution. The social welfare committee in the municipality decides in conjunction with the National Prison and Probation Service whether or not the child may stay in prison. Things are arranged in a way that provides the best possible situation for the child.¹⁸ Five children were together with their mothers in 2005. The average time for children in prison was five months.¹⁹

¹⁵ *Swedish Prison and Probation Service*, Visits [on-line], accessed 16 March 2007, available at http://www.kvv.se/templates/KVV_InfopageGeneral___3987.aspx (it was not specified if overnight visits, as well as daytime visits, are supervised by staff)

¹⁶ *QCEA questionnaire*

¹⁷ *Swedish Prison and Probation Service*, Leave of absence [on-line], accessed 15 March 2007, available at http://www.kvv.se/templates/KVV_InfopageGeneral___3977.aspx

¹⁸ *Swedish Prison and Probation Service*, Children [on-line], accessed 16 March 2007, available at http://www.kvv.se/templates/KVV_InfopageGeneral___3975.aspx

¹⁹ *Swedish Prison and Probation Service*, available at http://www.kvv.se/templates/KVV_InfoMaterialListing___4022.aspx

In the 1994 report by Somander, women prisoners were asked their opinion on, *inter alia*, children in prison. Of the ninety-five women who responded to this question, 'nearly a quarter were favourably inclined to allowing children to be in prison with their mother and nearly a further one quarter were favourably inclined, providing the child was very young (opinions differed on the definition of 'young' but in no case was the age more than three years). One third of the women were unfavourably inclined. Finally, twenty women were ambivalent, seeing both advantages and disadvantages'.²⁰

Reuters recently reported that male prisoners may be given custody of their babies. The prison administration was clear that this would be granted only in rare cases where social services found it to be in the child's best interest (and not as of right) – minimising the effects of parental imprisonment - rather than for the sake of gender equality.²¹

Children on the outside

The Swedish Ministry of Justice reports that on arrival at prison all prisoners are asked whether they have any children and who has custody of them. This is done so that the staff can plan for the period of the prisoner's sentence.²²

In 1994, of the women prisoners who took part in the survey and who were mothers, twenty-seven per cent said their children were with their father and twenty-one per cent were in foster homes. In three cases (5.7 per cent), the children were with a present or past partner of the woman and in ten cases (nineteen per cent), with friends or relatives.

Hinesberg, a large closed prison solely for women, has an equipped flat with a small garden where children can have overnight visits. Members of prison staff were reported to be friendly to visiting children.²³ One ex-prisoner said she did not think her imprisonment had had a particularly negative effect on her children because they were eighteen and nineteen years old at the time.²⁴

7. Health

General

Both ex-prisoners who responded to our questionnaire said that they were able to see a doctor in private. One said that she did not think that the medical treatment she had received in prison was as good as the treatment available outside (ex-prisoner from Hinesberg prison). The other thought that the medical treatment she had received in prison was good compared to that available outside (ex-prisoner from several different prisons).²⁵

Substance addiction

Both respondents to our questionnaire had been imprisoned for drugs-related offences and both had been addicted to drugs (amphetamines and cannabis in both cases, and heroin in one of the cases). One said that she had no treatment or help with drug addiction while in prison (this may have been due to her sentence being for a period of less than eighteen months). The other ex-

²⁰ L. Somander, *Women Prisoners*, p. 15.

²¹ Swedish Dads May be Able to Keep Babies Behind Bars, Stockholm, Reuters, 27 October 2005

²² *Swedish Prison and Probation Service*, available at http://www.kvv.se/templates/KVV_InfopageGeneral___3975.aspx

²³ *QCEA questionnaire*

²⁴ *ibid.*

²⁵ *ibid.*

prisoner praised the twelve-step programme she had undergone to treat an addiction to cannabis and amphetamines as “wonderful”, and said that it had “taken care of my mental health”.²⁶

Of the 717 women prisoners received into prison during 2005, 398 (fifty-six per cent) were drug misusers. Of this number, 349 (eighty-eight per cent) were classified as grave misusers. The corresponding percentage proportions for male prisoners were sixty-three per cent and seventy-eight per cent.²⁷

Twenty per cent of the women sentenced to prison in 2005 were sentenced under the Narcotic Drugs Punishment Act, and four per cent under the Smuggling Punishment Act, mainly for acting as couriers with drug smuggling. The corresponding proportions for male offenders were nineteen per cent and three per cent respectively.

Prisoners awaiting trial frequently enter prison under the influence of drugs. These prisoners are detoxified upon entry. The detoxification is done with or without medical assistance. The provision of medical help to offset abstinence symptoms is not a programme as such, but the help given is important. In 1998, 1,100 prisoners took part in detoxification programmes.²⁸ The most commonly used drugs were amphetamines, either alone or in combination with medicinal pills or cannabis.²⁹

On 1 October 2005, there were eight women prisoners in prison who were classified as alcohol misusers, and a further eleven who misused both drugs and alcohol. The corresponding figures for male prisoners were eleven and seventeen. These small numbers are influenced by the short length of many prison sentences.

Of the prisoners surveyed by Somander in 1994, sixty-three per cent said they had used alcohol occasionally or not at all outside prison and 102 (eighty-six per cent) had smoked.³⁰ Out of the thirty-five women who wanted help for their drug or alcohol dependence, forty per cent thought that the prison could help them; more of the positive respondents were in open rather than closed prisons.³¹ There is a stated intention on the part of the central administration to prohibit smoking in all prisons (possibly with the exemption of some small areas) by 2008.

Section 34 of the Prison Treatment Act allows for prisoners to reside in places other than prison, e.g. in a therapeutic community or a foster family, if this will help their re-integration into society. This is an innovative policy that QCEA has not observed in any other country. In 1998, 674 prisoners commenced a Section 34 treatment. In 1998, thirty-five per cent of known drug-misusing prisoners engaged in some form of programme focusing on drug misuse, both within and away from the prisons.³²

²⁶ QCEA questionnaire

²⁷ Swedish Prison and Probation Service, available at http://www.kvv.se/templates/KVV_InfopageGeneral_4152.aspx

²⁸ L. Somander, *Women Prisoners*, p. 17.

²⁹ *ibid.*, p. 10.

³⁰ *ibid.*, p. 17.

³¹ *ibid.*

³² Ekstrom *et al.*, *Drug Misuse and Countermeasures in the Swedish Prison and Probation System*, Swedish Prison and Probation Service, translated by Norman Bishop, (Norrköping: 1999), p. 14.

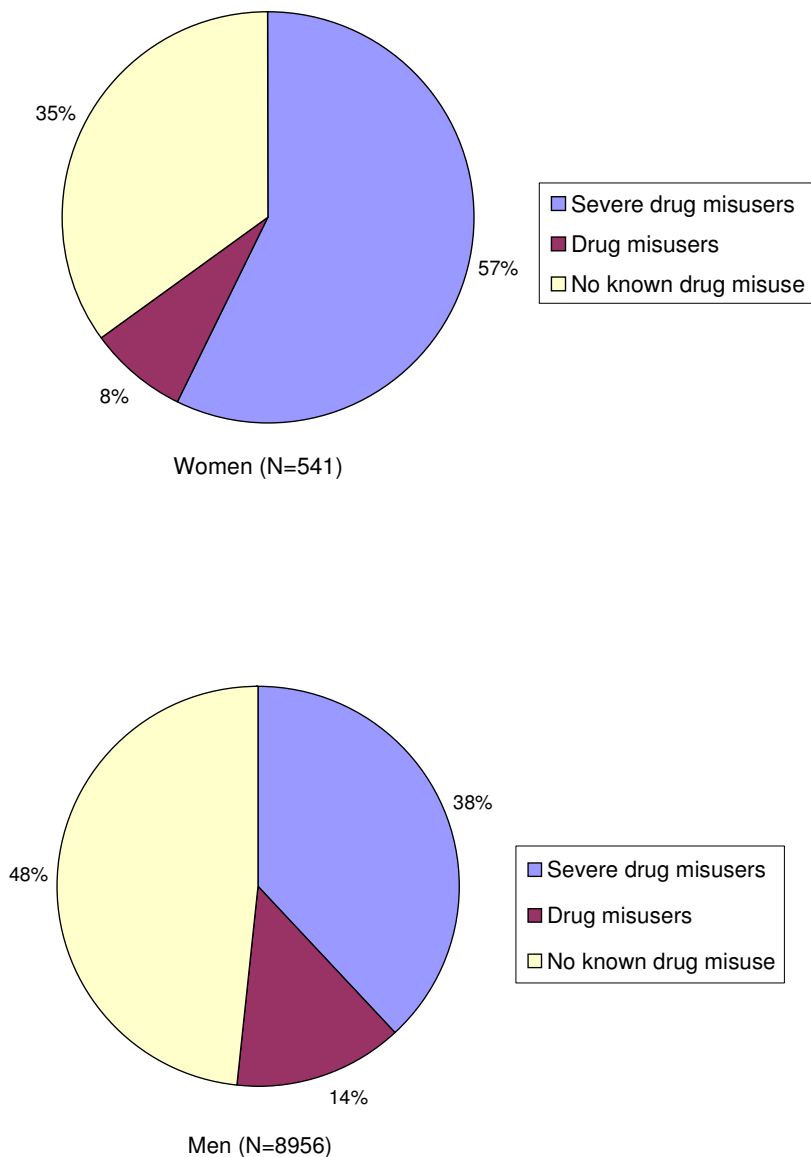


Figure 3: Drug problems of sentenced prisoners received into Swedish prisons, 1998, female prisoners (top pie chart), and male prisoners (bottom pie chart). Source: Drug Misuse and Countermeasures in the Swedish Prison and Probation System, Swedish Prison and Probation Service, 1999, p. 9.

Of the 119 women prisoners surveyed by Somander in 1994, nearly sixty per cent had used drugs daily or almost daily prior to imprisonment. Sixty per cent of the 119 women considered that they had a drug problem. Women imprisoned in closed prisons had previously used drugs significantly more than those in open prisons.

Some treatment programmes take place in prison with prisoners living together in strictly drug free wings. Drug dependency may therefore affect the decision of where prisoners will serve

their sentence. A lack of motivation on the part of drug-abusing prisoners or smuggling drugs into prisons may then result in a transfer between different kinds of prisons.³³

Contract treatment is used as a form of probation with a condition of treatment attached. This form of probation can be ordered by a court where drug or alcohol misuse is considered to be directly associated with the offence committed. Of slightly more than 6,000 sentences to probation passed during 2005, a total of 1,372 were to contract treatment. This figure is for both men and women.

Contract treatment is primarily for long-term substance abusers where there is a clear link between the crime and substance abuse. Instead of serving a two-year sentence, a contract is made between the court and the client on institutional care, at an open clinic, or in a home. During 2005, 1,275 persons were sentenced to contract treatment including 150 women.³⁴

8. Education, work and training

In the Somander report, forty-three per cent of the women prisoners surveyed worked and thirty-nine per cent combined work and study. The proportion of women working was greater in the open prisons. Forty-five per cent thought that the work offered was good and fifty-eight per cent wished to see other forms of work offered. More 'womanly work', such as sewing, nursing, handicrafts, furnishing fabrics was requested, as well as assembly of electronic apparatus and light engineering.³⁵

In 1994, just over one quarter of women surveyed had completed secondary school studies, whilst eighteen per cent reported difficulties with reading and writing. Just over forty-one per cent of women were studying in prison, and eighty per cent of these considered their studies useful and good/very good.³⁶

9. Minority groups

Juveniles

According to the International Centre for Prison Studies (ICPS), juveniles accounted for 0.2 per cent of the total prison population in 2005.³⁷ In 2005, one girl aged between fifteen and seventeen years was in prison.³⁸

Since 1999, fifteen to seventeen year olds committing serious offences serve time in closed youth detention in order to reduce the harmful effects of time spent in prison. They are the responsibility of the National Board for Institutional Care (NBIC). Sentences are between two weeks and four years with no conditional release.³⁹

During 2005, a total of ten offenders under eighteen years were sentenced to imprisonment; seven of them were for less than two months, one for less than six months, one for more than

³³ Ekstrom *et al.*, *Drug Misuse and Countermeasures in the Swedish Prison and Probation System*, p. 10.

³⁴ Swedish Prison and Probation Service, available at http://www.kvv.se/templates/KVV_InfoMaterialListing_4022.aspx

³⁵ L. Somander, *Women Prisoners*, pp. 10-11.

³⁶ *ibid.*, p. 11.

³⁷ International Centre for Prison Studies, available at <http://www.prisonstudies.org/>

³⁸ Swedish Prison and Probation Service, available at http://www.kvv.se/templates/KVV_InfoMaterialListing_4022.aspx

³⁹ *ibid.*

two years, and one for more than four years. Five of these young offenders were sentenced for robbery or aggravated robbery. It is rare for juveniles to be sentenced to imprisonment and the more usual form is to order a period in an institution run by the NBIC.

Foreign nationals

Figures given for the proportion of prisoners who are foreign nationals are around twenty-five per cent. According to the Swedish government, in 2005, 2,976 prisoners were foreign citizens, accounting for 28.5 per cent of all persons given custodial sentences. 158 (5.3 per cent) of these foreign nationals were women.⁴⁰ According to ICPS, foreign prisoners accounted for 26.2 per cent of sentenced prisoners in October 2005.⁴¹

Foreign clients are from 107 countries.⁴² One fifth of foreign national prisoners have deportation orders as part of their sentence, i.e. they will be deported to their country of origin after they have completed their sentence.⁴³

10. Security and punishment

Both respondents to our questionnaire said they had been strip searched more than once per week whilst in prison. One said that it was better to have dogs to search for drugs.⁴⁴

One fifth of women prisoners surveyed in the Somander report said that they had been victims of harassment, threats of violence or actual violence while in prison (twenty-two per cent had been victims of actual violence). No prisoners complained of having been subjected to any form of sexual violence or threat.⁴⁵

One respondent to the QCEA questionnaire reported having suffered physical or sexual assault from another female prisoner. The same ex-prisoner had experienced being put in an isolation cell and described the experience as making her feel “full of hate towards the system”.

11. Staff and management

8,655 staff members are employed in the Prison and Probation Service. Forty-four per cent of these are women.⁴⁶

12. Additional information

When asked for ideas for better ways of dealing with women offenders, one ex-prisoner wrote: ‘programmes for drug addiction (that work!), programmes for crime (how to stop doing them etc.),

⁴⁰ Swedish Prison and Probation Service, available at http://www.kvv.se/templates/KVV_InfoMaterialListing_4022.aspx

⁴¹ International Centre for Prison Studies, available at <http://www.prisonstudies.org/>

⁴² Swedish Prison and Probation Service, available at http://www.kvv.se/templates/KVV_InfoMaterialListing_4022.aspx

⁴³ Swedish Prison and Probation Service, available at http://www.kvv.se/templates/KVV_InfopageGeneral_4050.aspx

⁴⁴ QCEA questionnaire

⁴⁵ L. Somander, *Women Prisoners*, p.12

⁴⁶ Swedish Prison and Probation Service, available at http://www.kvv.se/templates/KVV_InfoMaterialListing_4022.aspx

programmes for the life after prison'. She described her biggest worries as her family, her drug problem and the future.⁴⁷

Women on probation

In 2005, 1,505 women commenced probation which accounted for 11.9 per cent of the total number of people who started probation.⁴⁸

Intensive supervision with electronic monitoring

Intensive supervision means that a person sentenced to a maximum total of six months can serve their sentence at home wearing a so-called electronic tag. In 2005, 10.5 per cent of people under electronic supervision were women.⁴⁹ This represents a higher proportion than the percentage of women in prison.

Conditional Sentences

During 2005, a total of 3,279 conditional sentences were passed of which 258 (eight per cent) concerned women offenders.

⁴⁷ *QCEA questionnaire*

⁴⁸ *Swedish Prison and Probation Service*, available at http://www.kvv.se/templates/KVV_InfoMaterialListing_4022.aspx

⁴⁹ *ibid.*