



# **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 top 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](http://www.quaker.org/qcea)) or on request from [info@qcea.org](mailto:info@qcea.org)

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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 12<sup>th</sup> 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.<sup>1</sup>

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 CPT<sup>2</sup> reports so require. When necessary, the Committee of Ministers will take measures to up-date the European Prison Rules.’<sup>3</sup>

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

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<sup>1</sup> 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/>

<sup>2</sup> Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

<sup>3</sup> 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.'<sup>4</sup>

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.<sup>5</sup>

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.

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<sup>4</sup> International Covenant on Civil and Political Rights, Article 10(2) b

<sup>5</sup> 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.<sup>6</sup> 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:

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<sup>6</sup> 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'.<sup>7</sup> 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.'<sup>8</sup>

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.

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

<sup>8</sup> 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.<sup>9</sup>

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

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<sup>9</sup> 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.<sup>10</sup> 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.’<sup>11</sup> ‘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.’<sup>12</sup>

### **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.

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

<sup>11</sup> 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.quno.org/>

<sup>12</sup> 10th General Report on the CPT’s Activities (1999) including a section on Women deprived of their liberty para. 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).<sup>13</sup> 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.<sup>14</sup> 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.'<sup>15</sup>

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,**

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<sup>13</sup> Cited in 'Health Care Needs of Women in Prison: The Gap Between Policy and Implementation', MacDonald M, presented 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>

<sup>14</sup> '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

<sup>15</sup> 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.'<sup>16</sup> Furthermore, 'parental separation can be experienced as desertion or abandonment, which can compound distress for children.'<sup>17</sup> 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.**

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<sup>16</sup> '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

<sup>17</sup> 'The Effects of Imprisonment on Families and Children of Prisoners', Murray J, In The Effects of Imprisonment, Liebling A & Maruna S, Uffculme, Devon: Willan, 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.'<sup>18</sup> 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.

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<sup>18</sup> 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 12<sup>th</sup> 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](http://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 974<sup>th</sup> 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.'<sup>19</sup>

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.'<sup>20</sup>

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 Prison<sup>21</sup> and a Motion for a Recommendation on Women in Prison<sup>22</sup>, 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.<sup>23</sup> 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.

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<sup>19</sup> European Prisons Charter Recommendation 1747 (2006) ,Doc.11041 2 October 2006

<sup>20</sup> *ibid*

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

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

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

<sup>23</sup> 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 questionnaire<sup>24</sup>. 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, 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.

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<sup>24</sup> 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 <sup>a</sup>	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)

<sup>a</sup> 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.<sup>25</sup>

## 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, 2005<sup>26</sup>), although this proportion may increase alongside the ageing of the general prison population. As a minority within a minority, the needs of older female prisoners are rarely considered separately, increasing the difficulties associated with imprisonment for many individuals.

<sup>25</sup> 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

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

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 difficult<sup>27</sup>, 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 programmes<sup>28</sup> 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.’<sup>29</sup> 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 <sup>a</sup>	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
Croatia	18	11	11	3		3	22	0		
Cyprus	5		10	5	5		5			70

<sup>27</sup> Aday et al., 2004

<sup>28</sup> Wahidin, 2006 :

[http://www.womeninprison.org.uk/index.php?option=com\\_docman&task=cat\\_view&qid=30&Itemid=67](http://www.womeninprison.org.uk/index.php?option=com_docman&task=cat_view&qid=30&Itemid=67)

<sup>29</sup> The International Covenant on Civil and Political Rights, Article 11

	Property crimes <sup>a</sup>	Drug offences	Fraud and Forgery	Physical Violence	Sexual offences concerning prostitution	Other sexual offences	Homicide	Motoring offences	Debt	Other
Czech Republic	21	6	22	0	1	0	20	0	0	30
Denmark <sup>b</sup>	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 <sup>c</sup>	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 <sup>d</sup>	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 <sup>e</sup>	50	4					10	3		32
Sweden	23	36	8	16		2	5	5		
UK (England and Wales) <sup>f</sup>	29	35	5	18	1 (for all sexual offences)	-		1		10

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

<sup>c and d</sup> Germany and the Netherlands: Prostitution is legal in these countries, hence there are no convictions for prostitution.

<sup>e</sup> Slovenia: Slovenia’s figures apply to convicted prisoners only.

<sup>f</sup> 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).**

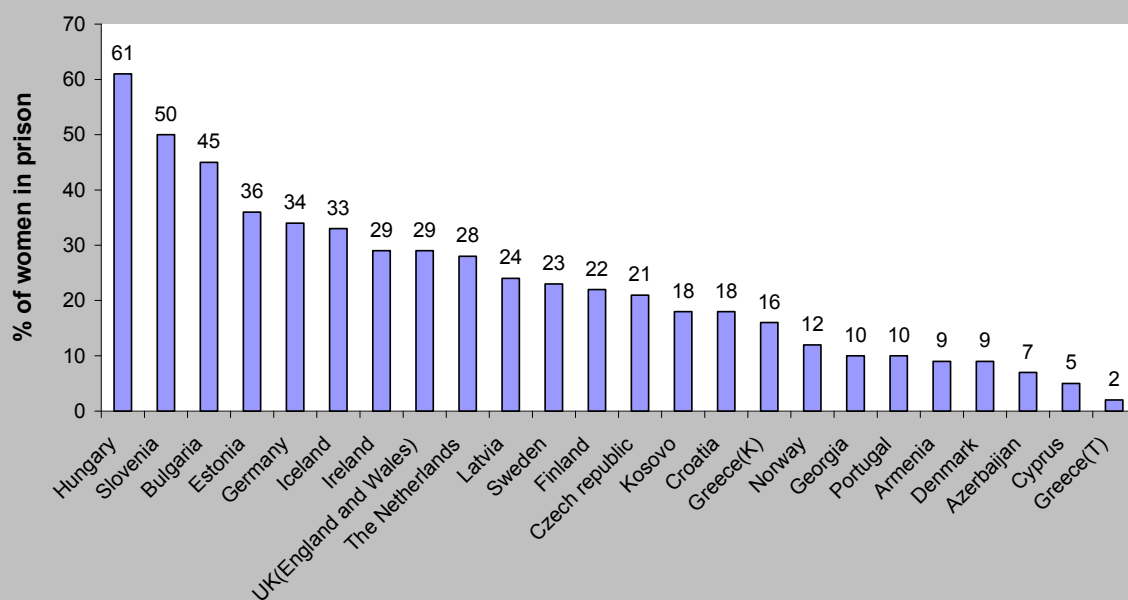
	First most common crime	Second most common crime	Third most common crime
Armenia	Fraud	Homicide	Property
Azerbaijan	Homicide	Fraud & Forgery	Drug offences
Bulgaria	Property	Homicide	Fraud & Forgery
Croatia	Homicide	Property	Drug offences and Fraud & Forgery
Cyprus	Other	Fraud & Forgery	
Czech Republic	Other	Fraud & Forgery	Property
Denmark	Fraud & Forgery	Physical violence	Motoring offences
Estonia	Property	Drug offences	Homicide
Finland	Homicide	Property	Drug offences
Georgia	Jointly drug offences and fraud & forgery	Jointly physical violence, sexual offences and debt	Jointly property crimes and homicide

	First most common crime	Second most common crime	Third most common crime
Germany	Property	Fraud & Forgery	Drug offences
Greece(K)	Drug offences	Other	Property
Greece(T)	Drug offences	Other	Homicide
Hungary	Property	Homicide	Fraud & 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 & Forgery	Homicide & physical violence
Portugal	Drug offences	Property	Homicide
	First most common crime	Second most common crime	Third most common crime
Slovenia	Property	Other	Homicide
Sweden	Drug offences	Property	Physical violence
UK (England and Wales)	Drug offences	Property	Physical violence

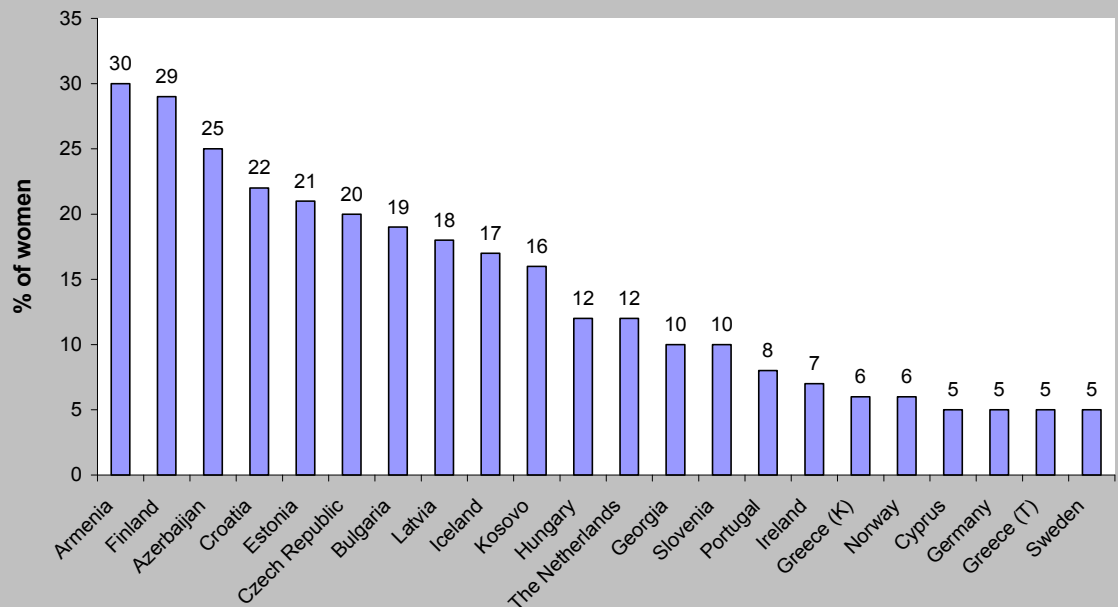
In ten countries, drug offences are the most common offences for which women are imprisoned: in five countries it is property - related offences. Taking the three most common offences for each country into account, property - related offences rank highest (listed as number 1, 2 or 3 in 16 countries),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

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

**Fig. 1.01 : Percentage of women in prison for property crimes (by country)**



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

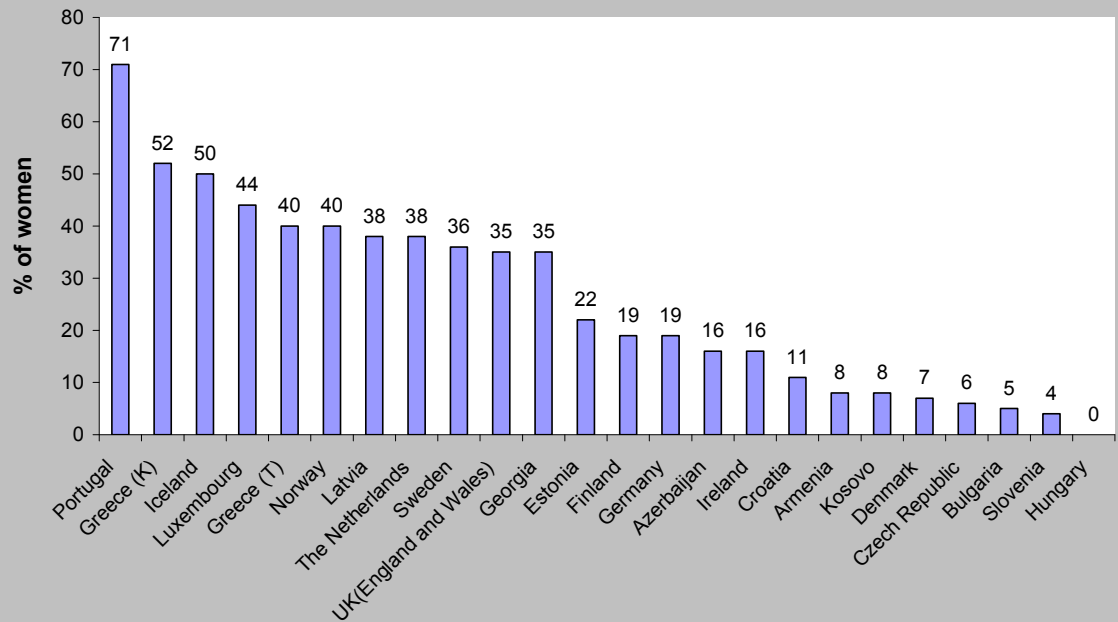


The countries with the highest percentage of women imprisoned for homicide are, in descending order, Armenia, Finland and Azerbaijan. The figure from Finland is verified by the website of the Finnish Criminal Sanctions Agency, where it states that on 1 May 2005, the principal offence of 27% of women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

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.

<sup>30</sup> '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.<sup>31</sup> 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.

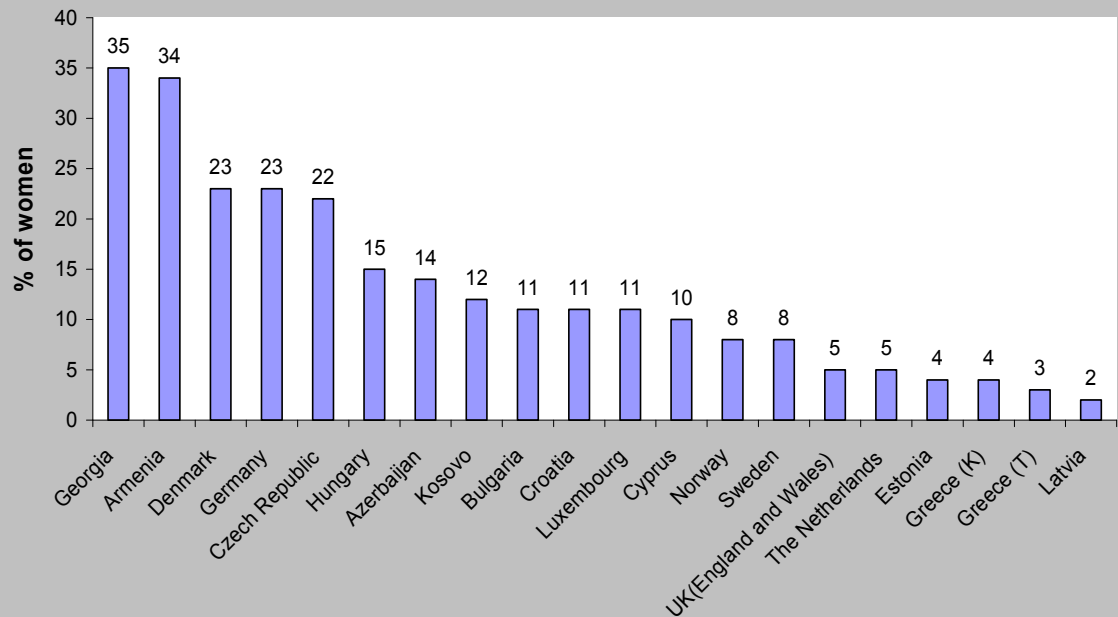
One theme for further research has been identified by the Home Office of England and Wales, which found that sex markets can play a significant role in the development of drugs markets and vice versa.<sup>32</sup>

<sup>31</sup> 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>

<sup>32</sup> 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.’<sup>33</sup>

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 <sup>a</sup>	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 <sup>b</sup>	6.0 years
Slovenia	2.3 years
UK (England and Wales)	For all sentence lengths but less than life: 12.6 months

<sup>a</sup> Denmark: 2.3-4.4 months or an average of 3.4 months.

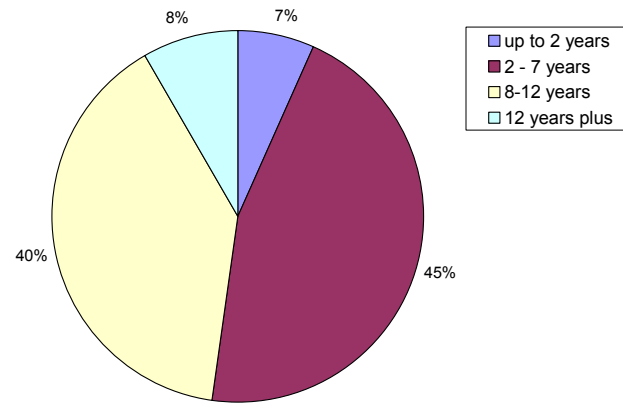
<sup>b</sup> Portugal: 3-9 years.

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.

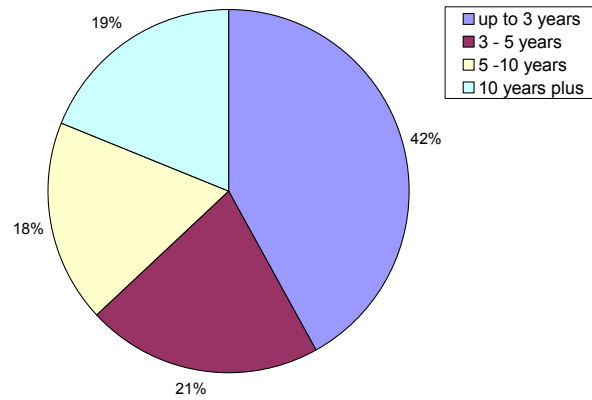
The average sentence length for women varies from a few months to seven years. For example, 33% of women in prison in Germany are in prison for less than six months whilst only 7% of women in prison in Azerbaijan are in prison for less than two years. Denmark and Finland have the shortest average sentences,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

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

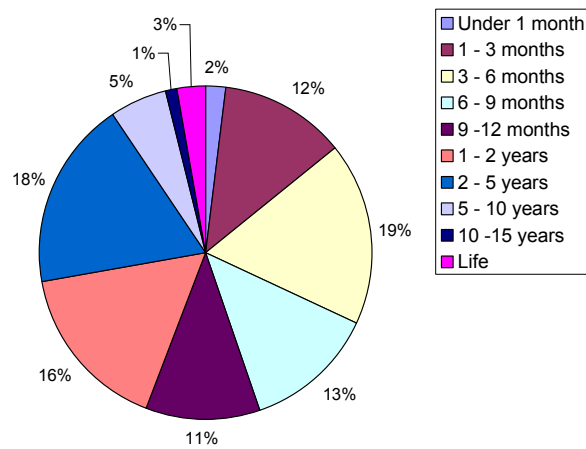
**Figure 1.05: Length of sentence of women prisoners in Azerbaijan  
As at May 2005**



**Figure 1.06 : Length of sentence of women prisoners in Bulgaria As  
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’.<sup>34</sup> 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,<sup>35</sup> 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.

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<sup>34</sup> International Covenant on Civil and Political Rights, Art. 9(3)

<sup>35</sup> 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 <sup>a</sup>	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)

<sup>a</sup> 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 <sup>a</sup>	18
Finland	36 (1 May 2004)
Georgia	5
Germany	---
Greece (K)	42
Greece (T)	33
Hungary <sup>b</sup>	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

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

<sup>b</sup> 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 - 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%.<sup>36</sup> 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.

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<sup>36</sup> 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 <sup>a</sup> (1 April 2005)	1	159	13	311			
Azerbaijan	1	253	0	0			
Belgium <sup>b</sup> (31 Dec 2004)	1	88	6	312	0	0	
Bulgaria	1		0		0		0
Croatia	1	71	0	0	0	0	0
Cyprus <sup>c</sup>							
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 <sup>d</sup>	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 <sup>e</sup>	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 <sup>f</sup>	3	83	4	30	0	0	
Poland <sup>g</sup>	7	---	27	---			No
Portugal	4	715	10	212			There are installations designed for mothers and children
Slovenia <sup>h</sup> (2004)	1	115 (2004)	3	1-3 (2006)			
Sweden (1 Dec 20 04)	4	215	2	58	0	0	Prisons holding prisoners awaiting trial (who are not held in prisons for convicted prisoners).
Switzerland (1 Sept 20 04)	2	149					
UK (England and Wales) <sup>i</sup> (8 Sept 2006)	15	4,566	0	0	0	0	

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

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

<sup>c</sup> 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.

<sup>d</sup> 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.

<sup>e</sup> 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).

<sup>f</sup> 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.

<sup>g</sup> Poland: The seven single-sex women's prisons include four prisons (prison in Krzywaniec, 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.

<sup>h</sup> 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.

<sup>i</sup> 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.<sup>37</sup> 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).

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<sup>37</sup> 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.’<sup>38</sup> \*

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.’<sup>39</sup> \*

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.<sup>40</sup> The 2006 European Prison Rules recommend that prisoners should only be searched by staff of the

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<sup>38</sup> 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

<sup>39</sup> 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

<sup>40</sup> ‘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 gender<sup>41</sup> and the Standard Minimum Rules for the Treatment of Prisoners asserts that women prisoners shall be attended and supervised only by women officers.<sup>42</sup>

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.<sup>43</sup>

**Table 1.08: Male staff working in ‘contact positions’<sup>44</sup> in women’s prisons**

	<b>Male staff employed in ‘contact positions’ in women’s prisons?</b>	<b>Percentage of male staff</b>
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 2 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) <sup>a</sup>	Yes	38

<sup>a</sup> 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.

<sup>41</sup> European Prison Rules, Recommendation Rec(2006)2, Rule 54.5

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

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

<sup>44</sup> 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'.<sup>45</sup> \*

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.'<sup>46</sup> 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.<sup>47</sup> 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.

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<sup>45</sup> 2006 European Prison Rules, Recommendation Rec(2006)2, Rules 40.3 and 40.2

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

<sup>47</sup> 'Health Care Needs of Women in Prison: The Gap Between Policy and Implementation', MacDonald, Morag presented 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.'<sup>48</sup> 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.

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<sup>48</sup> 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. Para 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.<sup>49</sup> 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.<sup>50</sup>

## Birth

International standards state that prisoners should give birth in an ordinary hospital.<sup>51</sup> 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.'<sup>52</sup> '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.'<sup>53</sup>

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.<sup>54</sup> 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'<sup>55</sup> \*

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

<sup>50</sup> 'Barbaric trips endured by pregnant prisoners', The Guardian, 1 February 2006:

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

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

<sup>52</sup> 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/>

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

<sup>54</sup> 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://mip.surf.org>

<sup>55</sup> 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.'<sup>56</sup> 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.<sup>57</sup>

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; their 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.

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<sup>56</sup> 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>

<sup>57</sup> 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 <sup>a</sup>	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

<sup>a</sup> 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.'<sup>58</sup>

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.'<sup>59</sup>

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.<sup>60</sup> 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.<sup>61</sup>

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).<sup>62</sup>

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

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<sup>58</sup> 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>

<sup>59</sup> '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

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

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

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

<sup>63</sup> 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.<sup>64</sup> 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.’<sup>65</sup>

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.

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

<sup>65</sup> *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 <sup>a</sup>	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 <sup>b</sup>	No	No	19	5	11	19
Norway			Yes	Yes	Yes	Yes
Sweden			Yes	Yes	Yes	

<sup>a</sup> 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

<sup>b</sup> 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 standards<sup>66</sup> 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.

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



## Learning disabilities<sup>67</sup>

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.<sup>68</sup> 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 %.'<sup>69</sup>

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.<sup>70</sup> In Estonia, 59.7% of criminal proceedings *within* prisons in 2002 were prosecutions of prisoners for possession of alcohol and narcotic drugs.<sup>71</sup> And the problem is growing - the EMCDDA states that 'in all countries for which data were

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<sup>67</sup> '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/05facts/ld.pdf>

<sup>68</sup> 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>

<sup>69</sup> 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>

<sup>70</sup> Cited in 'Health Care Needs of Women in Prison: The Gap Between Policy and Implementation', MacDonald M, presented 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>

<sup>71</sup> [www.heuni.fi/](http://www.heuni.fi/)

available, with the exception of Portugal, the proportion of all drug law<sup>72</sup> 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.<sup>72</sup>

For women the situation is equally serious. Fowler estimates that 75% of women entering European prisons are problematic drug and alcohol users (2002)<sup>73</sup> 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.'<sup>74</sup>

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.<sup>75</sup> 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.

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<sup>72</sup> 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>

<sup>73</sup> Cited in 'Health Care Needs of Women in Prison: The Gap Between Policy and Implementation', MacDonald M, presented 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>

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

<sup>75</sup> 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.'<sup>76</sup>

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'.<sup>77</sup>

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.'<sup>78</sup>

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'.<sup>79</sup>

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.<sup>80</sup>

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<sup>76</sup> '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>

<sup>77</sup> 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>

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

<sup>79</sup> 'Problematic drug users in prison', MacDonald M, presented 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/crg/presentations/2>

<sup>80</sup> 'Problematic drug users in prison', MacDonald M, presented 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/crg/presentations/2>

Prison drug treatment varies between detoxification -a simple ‘cold turkey’,<sup>81</sup> 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.<sup>82</sup>

A study of six countries<sup>83</sup> 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.’<sup>84</sup>

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<sup>81</sup> 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

<sup>82</sup> 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>

<sup>83</sup> Belarus, Germany, Kyrgyzstan, Moldova, Spain and Switzerland

<sup>84</sup> ‘Taking action to reduce injecting drug-related harms in prisons: The evidence of effectiveness of prison needle exchange in six countries’, Rick Lines, Ralf Jürgens, Glenn Betteridge & Heino Stöver, International Journal of Prison Health, March 2005; 1(1): 49-64, 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?
<b>Andorra</b>	Yes	One
<b>Armenia</b>	There are no women in need of such programmes.	
<b>Austria</b>	Yes, in general	
<b>Azerbaijan</b>	No answer given	
<b>Belgium</b>	No answer given	
<b>Bulgaria</b>	No, programmes in the women's prison in Silven	
<b>Croatia</b>	Yes	Currently, 12 prisoners are on programme for drug addiction and 15 prisoners are on programme for alcohol addiction.
<b>Cyprus</b>	Support is provided from a psychiatrist and a psychologist.	'Figures not available'
<b>Czech Republic</b>	Yes	30
<b>Denmark</b>	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'
<b>Estonia</b>	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.
<b>Finland</b>	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.
<b>Georgia</b>	No	0
<b>Germany</b>	Yes	'No statistics available'
<b>Greece(K)</b>	Yes	35
<b>Greece(T)</b>	Yes	6
<b>Hungary</b>	Yes	14
<b>Iceland</b>	AA once a week. Some prisoners can be sent to a private clinic for drug and alcohol problems.	Currently none.
<b>Ireland</b>	Yes, in the Dóchas centre (where most women are held).	Variable
<b>Italy</b>	Yes	150
<b>Kosovo</b>	No, currently not as numbers of addicts are low but we expect this to increase and are planning to develop programmes.	Not applicable
<b>Latvia</b>	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?
<b>Luxembourg</b>	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.
<b>The Netherlands</b>	Yes	
<b>Norway</b>	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
<b>Poland</b>	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.
<b>Portugal</b>	Yes	28 places available on the drug addiction programme. An alcohol programme is also run (number of places not specified).
<b>Slovenia</b>	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.
<b>Sweden <sup>a</sup></b>	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

<sup>a</sup> 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.<sup>85</sup> 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.<sup>86</sup>

## 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

<sup>85</sup> '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

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

treatment.<sup>87</sup> 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.<sup>88</sup>

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.<sup>89</sup> 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.<sup>90</sup>

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

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

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

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

<sup>90</sup> 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 <sup>a</sup>	10	20	30
Kosovo	21	28	26
Latvia	10	20	27
Portugal <sup>b</sup>	7		
Slovenia <sup>c</sup> (Ig prison)	12	6	6

<sup>a</sup> Ireland: information related to prisoners in the Dóchas centre

<sup>b</sup> Portugal: 66 women have children under the age of 5 (31 January 2005)

<sup>c</sup> Slovenia: Ig 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 on 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.<sup>91</sup>

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.

<sup>91</sup> Internationale Studie zum Frauenstrafvollzug, Bestandsaufnahme, Bedarfsanalyse und 'best practice', Dünkel F, Kestermann C, & 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.'<sup>92</sup> The 8<sup>th</sup> 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.

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<sup>92</sup> 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 <sup>a</sup>	Yes		Yes		Yes	
Kosovo	Yes	Yes	Yes		Yes	
The Netherlands						
Norway	Yes	Yes	Yes			Yes (foster homes)
Poland	Yes	Yes	Yes	Yes	Yes	
Slovenia <sup>c</sup> (lg prison at Aug 2005)			77% relatives including parents, grandparents and other relatives		22%	
Sweden	Yes	Yes	Yes	Yes	Yes	Yes
Switzerland <sup>d</sup>	Yes	Yes	Yes	Yes	Yes	Yes

<sup>a</sup> Italy: Other parent and relatives, with the supervision of control of the social services why is this in bold?

<sup>c</sup> Slovenia: 77% of children are cared for by relatives including parent, grandparents and other relatives.

<sup>d</sup> 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.<sup>93</sup> 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.'<sup>94</sup>

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.)<sup>95</sup>

## 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.'<sup>96</sup> Furthermore, 'parental separation can be experienced as desertion or abandonment, which can compound distress for children.'<sup>97</sup> 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.<sup>98</sup>

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

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

<sup>94</sup> *ibid*

<sup>95</sup> *ibid*, p 40

<sup>96</sup> '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

<sup>97</sup> 'The Effects of Imprisonment on Families and Children of Prisoners', Murray J., In The Effects of Imprisonment, Liebling A. & Maruna S., Uffculme, Devon: Willan, 2005, p 450

<sup>98</sup> 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>

during their first ten years of life in order to track the life-time effects of parental 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 18<sup>th</sup> birthdays. Worse outcomes were shown for boys separated by parental imprisonment during their first ten years of life than any of the control groups.<sup>99</sup>

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.<sup>100</sup>

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.<sup>101</sup> 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.<sup>102</sup> Conversely, in Northern Ireland, the numbers of fathers caring for children was equal to grandparents and female relatives.<sup>103</sup>

'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.<sup>104</sup> 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.<sup>105</sup> Women awaiting trial face the additional uncertainty of not knowing for how long they will be in prison.

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<sup>99</sup> '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

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

<sup>101</sup> '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>

<sup>102</sup> Justice for Women: The Need for Reform, Prison Reform Trust, 2000, p 9

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

<sup>104</sup> 'The Effects of Imprisonment on Families and Children of Prisoners', Murray J, in The Effects of Imprisonment, Liebling A & Maruna S, Uffculme, Devon: Willan, 2005, p 445

<sup>105</sup> 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



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.'<sup>106</sup> 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

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Challenge, Women Offenders and Mental Health Issues, Kesteven, S., NACRO Policy Report, April 2002, pp 19 & 21 and Justice for Women: The Need for Reform, Prison Reform Trust, 2000, p 9

<sup>106</sup> 'The effects of imprisonment on families and children of prisoners', Murray J., in The Effects of Imprisonment, Liebling A, & Maruna S, Uffculme, Devon: Willan, 2005, p 450

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.

**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 1.12 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 1.12 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.'<sup>107</sup>

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.'<sup>108</sup>

**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 <sup>a</sup>	Yes	Yes	Yes
Greece	Literacy	No	Yes
Hungary	Yes		Yes
Iceland	Yes		No
Ireland	Yes	Yes	Yes
Italy	Yes	Yes	Yes

<sup>107</sup> QCEA questionnaire from the German government

<sup>108</sup> 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 (Engl. and Wales)			

<sup>a</sup> 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 1.19: 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 1.18: Percentage of women prisoners enrolled on educational programmes.**

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

<sup>a</sup> Cyprus: 4 prisoners

<sup>b</sup> Greece (K): in a programme for illiterate prisoners

<sup>c</sup> Portugal: 25% school education + 14% professional training

<sup>d</sup> 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 1.19: 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 <sup>a</sup>			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) <sup>b</sup>	Yes, sometimes	Yes, sometimes	Yes, sometimes	

<sup>a</sup> Cyprus: Small numbers of women prisoners on short sentences do not facilitate the application of educational programmes.

<sup>b</sup> 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](http://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 1.20: 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 1.21: 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 <sup>a</sup>	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 <sup>b</sup>		For a maximum of 2 hours a day.	No	Yes
Sweden		Yes		Yes

<sup>a</sup> Georgia: said that employment is not provided, but it is necessary.

<sup>b</sup> 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 1.22: New initiatives on women in prison**

	<b>Comments on new initiatives</b>
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"> <li>- Revision of the penal code</li> <li>- Development of prison hospitals to take account of the needs of those prisoners with illnesses resulting from drug dependence</li> <li>- Reform of the prisons service with respect to the reinforcement of personnel in the areas of security, education and support</li> <li>- Reinforcement of the policy to combat overcrowding in prisons and making the conditions of imprisonment more humane</li> <li>- Rationalisation of the management of prisons so as to make a distinction between prisoners according to the level of danger they present</li> <li>- Development and perfecting of the systems of electronic surveillance of prisoners.</li> </ul>
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><b>Women's Offending Reduction Programme</b></p> <p>The Government is concerned about the <b>increase in the female prison population</b> 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 <b>Women's Offending Reduction Programme (WORP)</b> 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><b>Together Women Programme</b></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 <b>Together Women Programme</b>. 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 &amp; Humberside and the North West - and will build on the good practice already taking place in existing services.</p>

	Comments on new initiatives
UK (England and Wales) cont.	<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><b>Wider Government commitment to improve gender equality</b></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><b>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.</b></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 04)	2,604 (of which 766 under investigation) (1 Dec 04)	'No info'
Austria	1 April 05	8,500,000		450	8,304	20
Azerbaijan		8,367,000	2,897,006	253	Data unclear	4
Belgium	31 Dec 04	10,379,067*		400	8,798	
Bulgaria		7,385,376*		331 (31 Dec 04)	10,556 (1 March 05)	6 (31 Dec 04)
Croatia	31 Dec 03	4,437,460		112	2,563	14
Cyprus		749,200		101	1,146	5
Czech Republic	31 Dec 04			810	17,352	
Denmark		5,397,640 (1 Jan 2004)	2,143,543 (1 Jan 2004)	169 (30 Nov 04)	3,714 (30 Nov 2004)	0 (30 Nov 04)
Estonia	1 Jan 05	1,392,000	610,000	217	4,348	5
Finland		5,238,278 (31 Dec 04)	2,124,313	206 (2004)	3,364 (2004)	0
Georgia <sup>a</sup>		4,677,401	2,451,206*	243	8,271	119
Germany		82,531,700 (31 Dec 03)	42,175,000 (31 Dec 03)	3,111 (31 March 04)	60,566 (31 March 04)	44 (31 March 04)
Greece (K)						
Greece (T)	18 May 05	10,688,058*		105	1,306	3
Hungary	17 Feb 05	9,900,000	Data not clear	1,015	15,697	8
Iceland <sup>b</sup>	31 Dec 04	293,577	107,866	9	103	0
Ireland	10 Aug 05	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 04)	25,009,990 (1 Jan 04)	2,858 (30 June 05)	56,267 (30 June 05)	43 (31 Dec 04)
Kosovo		2,500,000		39 (4 March 05)	1,177 (04 March 05)	2
Latvia		2,319,200 (31 Dec 04)	1,250,867 (1 Dec 04)	418 (28 Jan 05)	6,958 (28 Jan 05)	9
Luxembourg		455,000 (1 Jan 05)		27 (1 Jan 05)	552 (1 Jan 05)	3 (24 March 05)
Netherlands	30 Sept 04	16,284,613	6,452,416	914	13,923	0
Norway <sup>c</sup>		4,599,202 (1 Oct 04)		161 (20 Jan 05)	2,882 (20 Jan 05)	0 (20 Jan 05)
Poland		38,536,869		2,309 (31 Dec 04)	78,059 (31 Dec 04)	
Portugal		10,605,870		980 (2003)	12,855 (2003)	6
Slovenia		1,997,590 (31 Dec 04)	1,020,538	68 (2004)	1,593 (2004)	
Sweden		9,016,596*	4,600,000	360 (1 Oct 03)	6,360 (1 Oct 03)	0
Switzerland		7,339,002 (end of 2003)	3,045,912 (end of 2003)	373 (1 Sept 04)	5,648 (1 Sept 04)	5 (1 Sept 04)
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>

<sup>a</sup> Georgia: Figure for the total adult population of country is taken from the CIA World Factbook, 2005

<sup>b</sup> 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

<sup>c</sup> 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

	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

	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

	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

	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

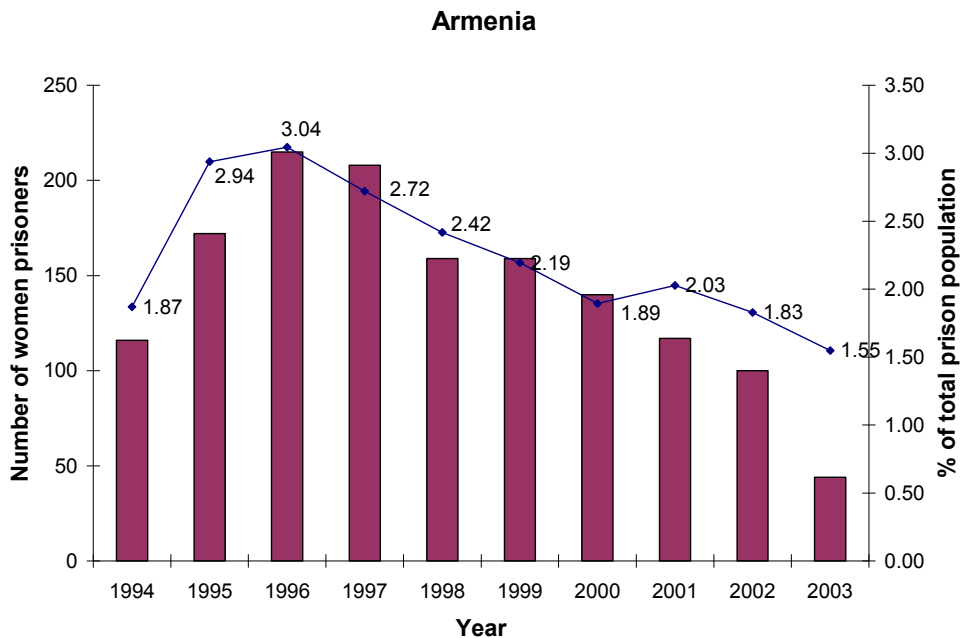
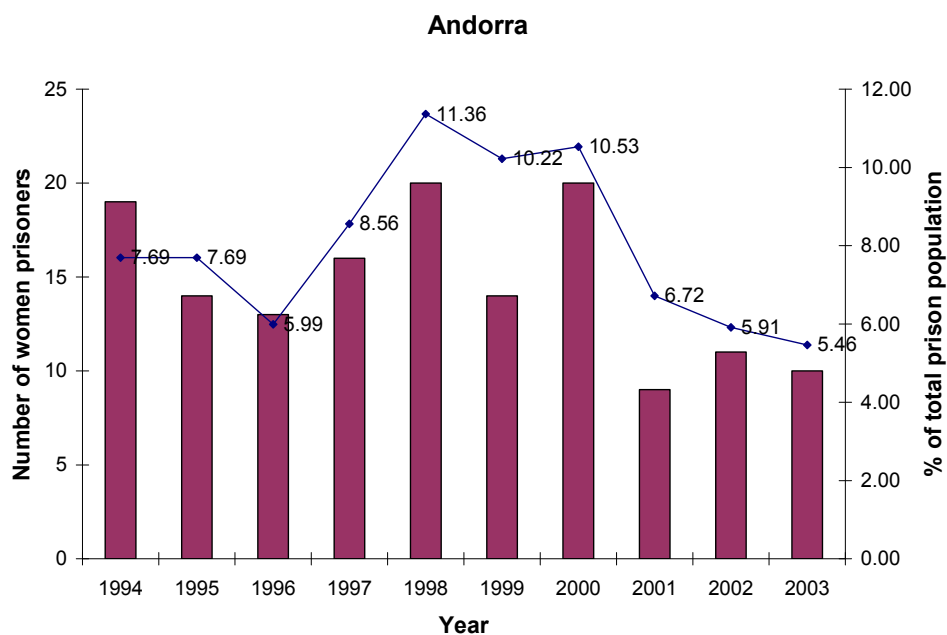
	Year	Female prison population	Male Prison Population	Total prison population	Female prisoners as % of total prisoners
Kosovo	2000	6	514	520	1.15
	2001	17	717	734	2.32
	2002	18	971	989	1.82
	2003	30	1220	1250	2.40
	2004	30	1165	1195	2.51
Latvia	1994	382	8937	9319	4.10
	1995	432	9201	9633	4.48
	1996	443	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

	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

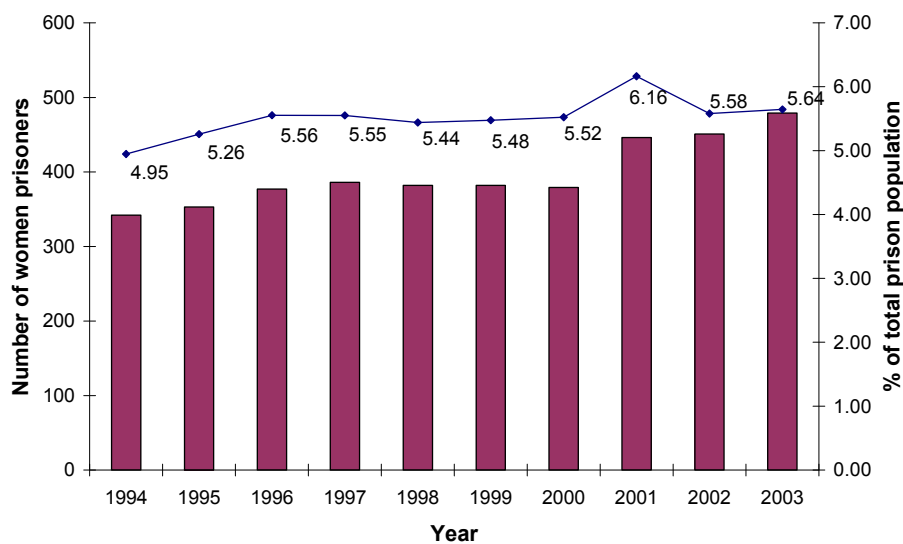


	Year	Female prison population	Male Prison Population	Total prison population	Female prisoners as % of total prisoners
Slovenia	1995	54	916	970	5.57
	1996	47	907	954	4.93
	1997	40	976	1016	3.94
	1998	44	1118	1162	3.79
	1999	42	1389	1431	2.94
	2000	64	1565	1629	3.93
	2001	84	1672	1756	4.78
	2002	65	1632	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

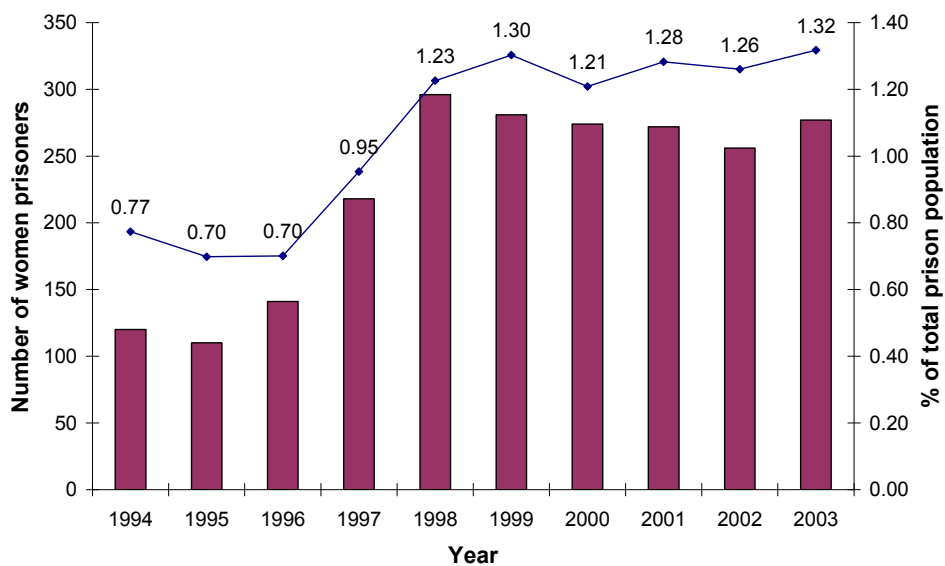
### Appendix 3: Female prison population - numbers and percentages

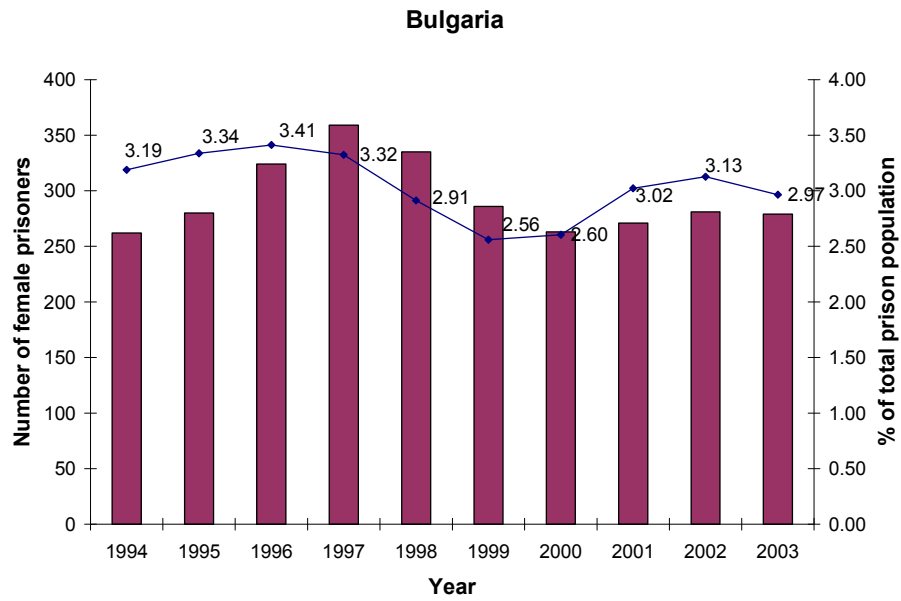
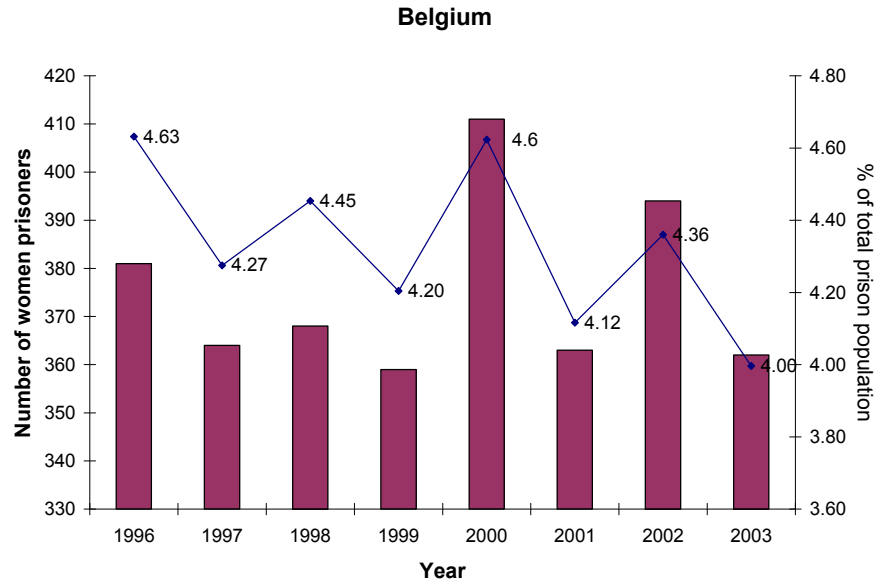


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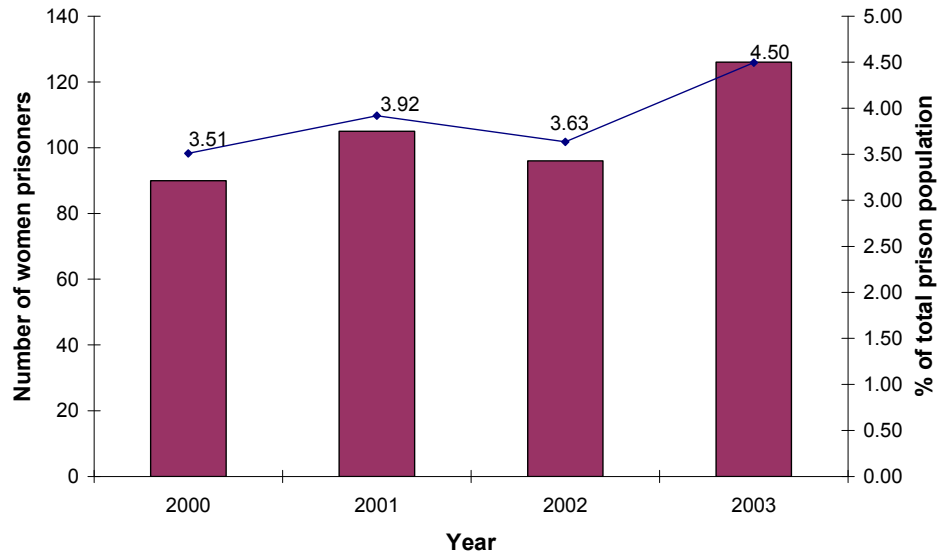


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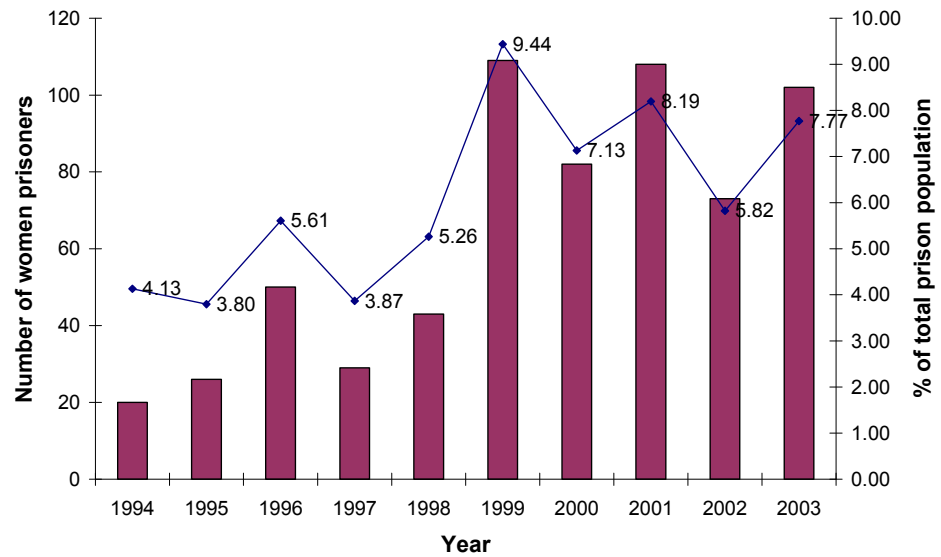


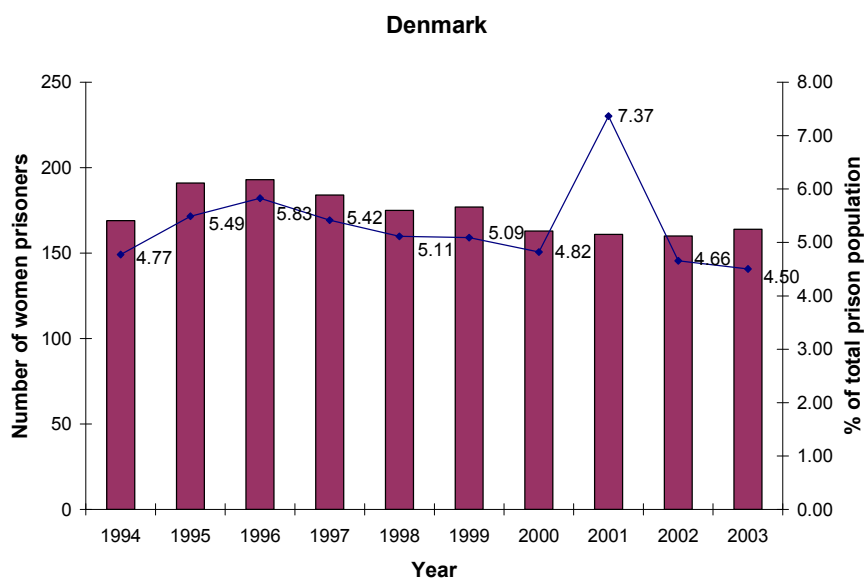
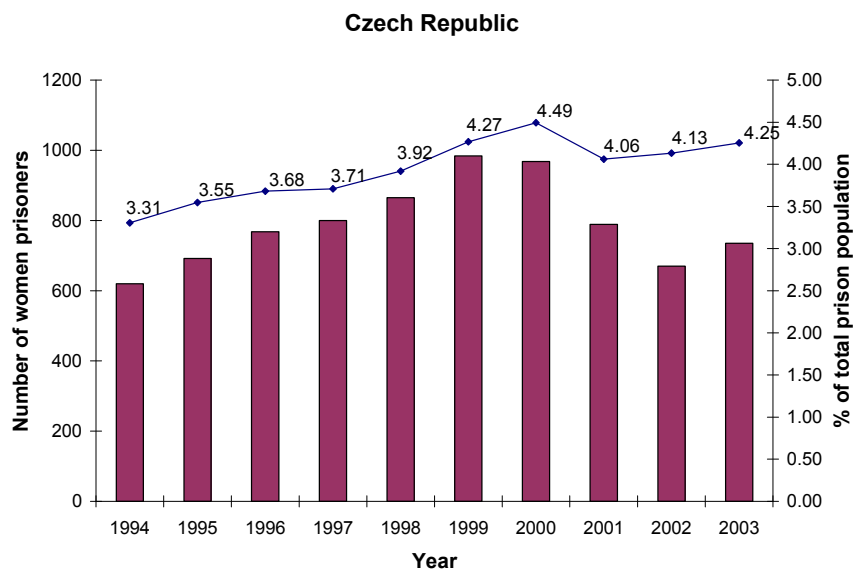


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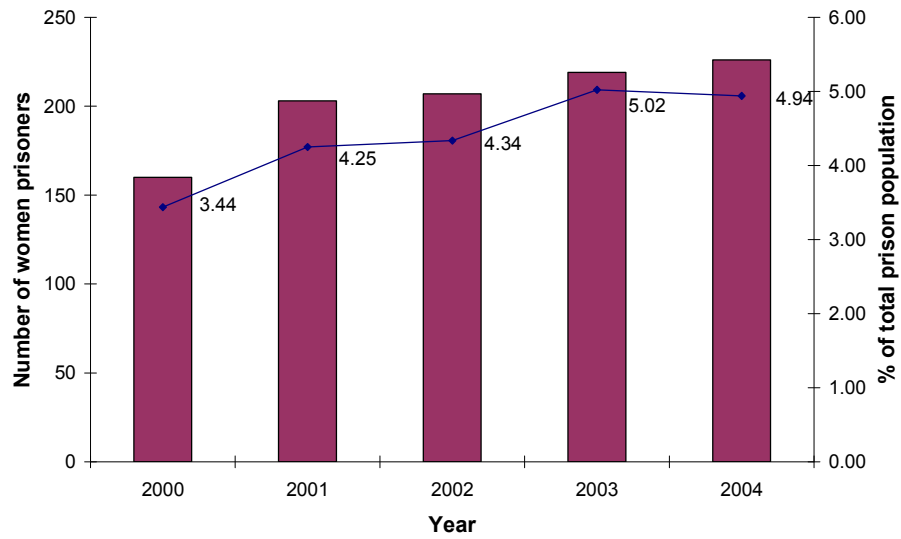


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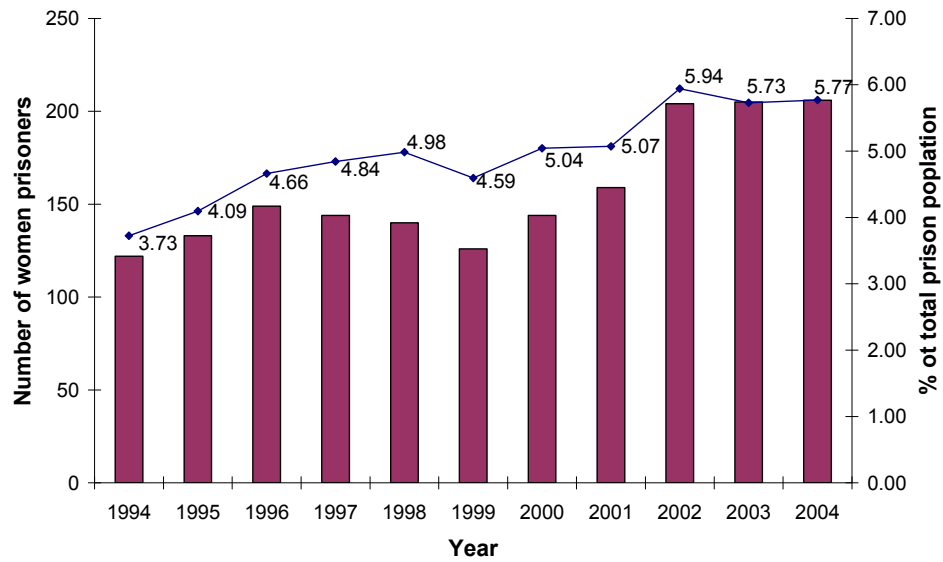




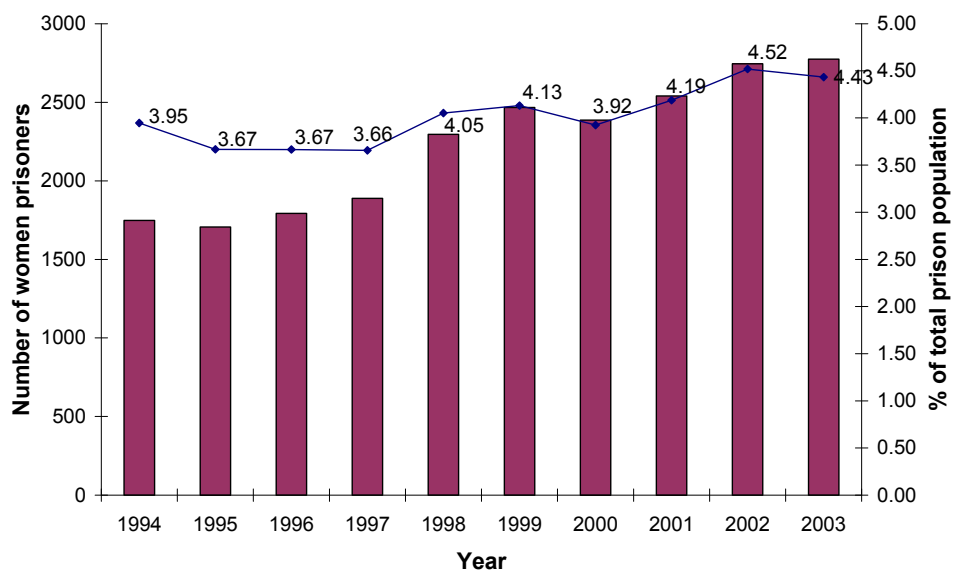
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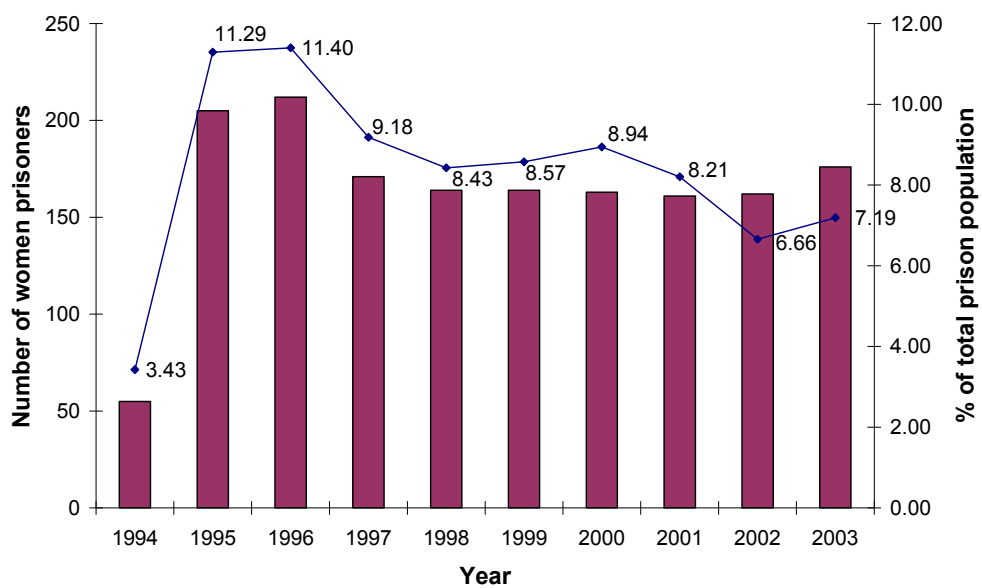
### Finland



### Germany

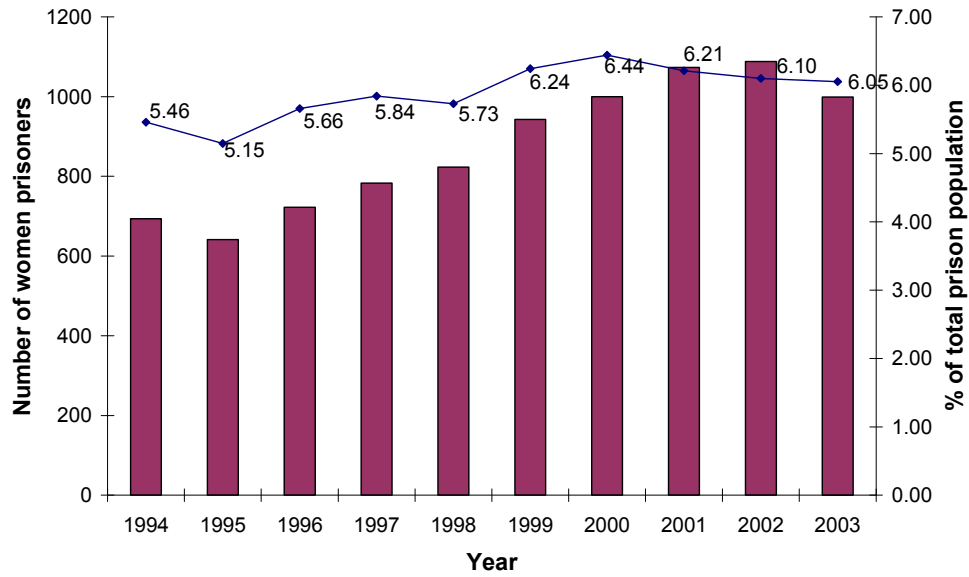


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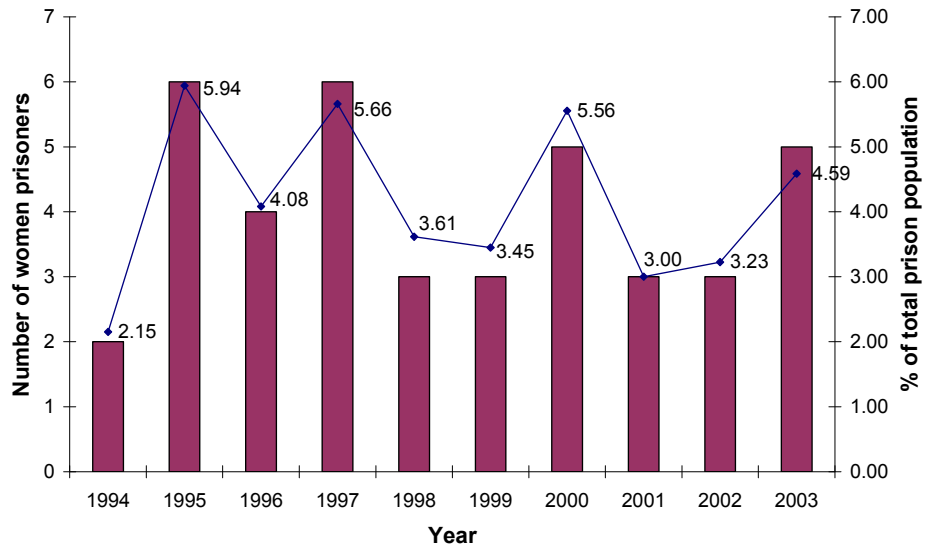




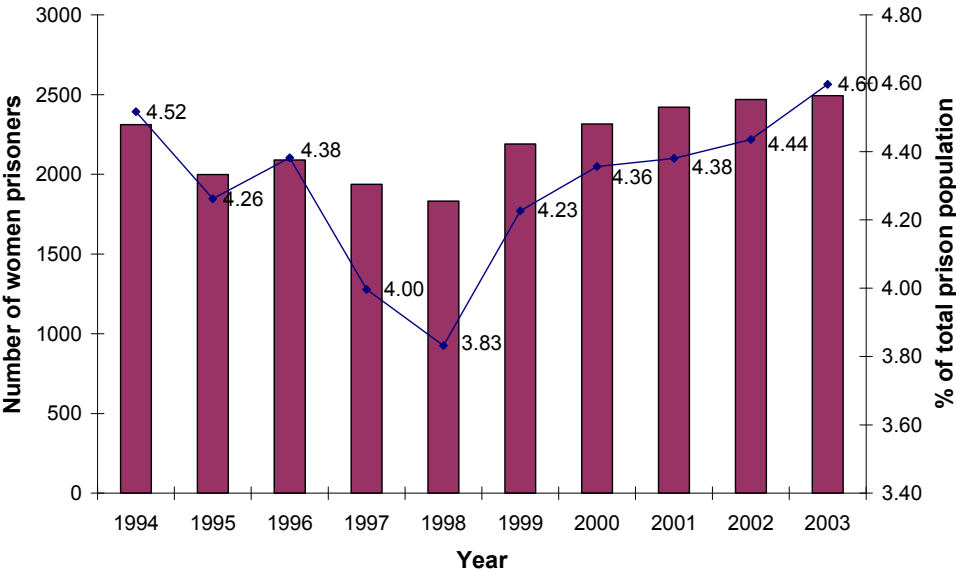
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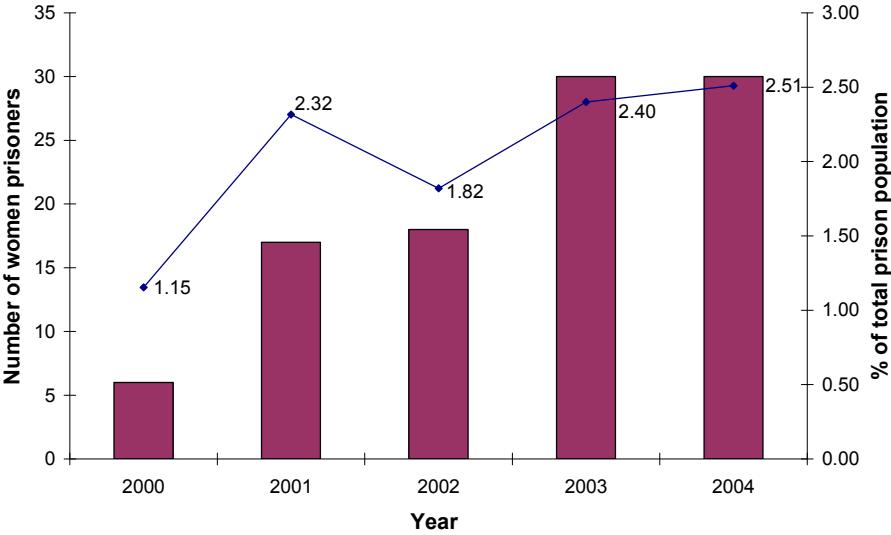
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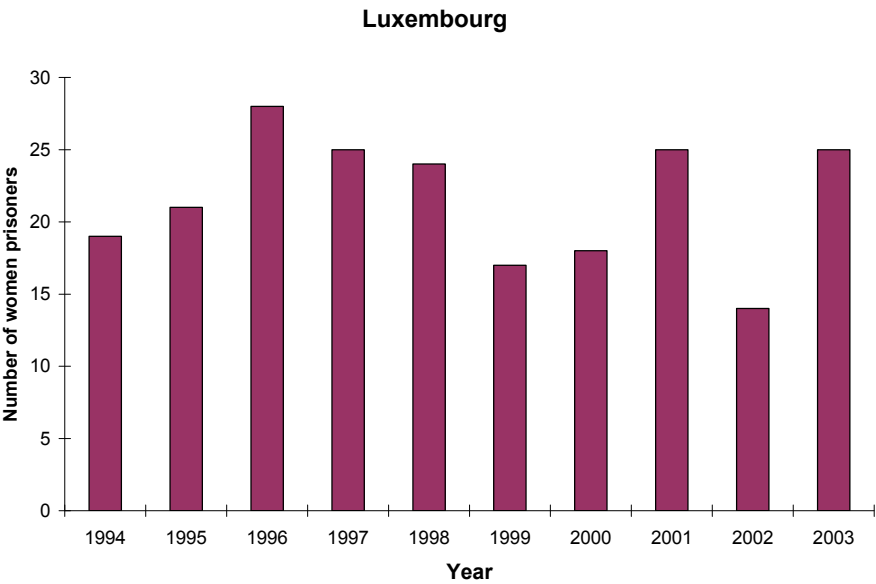
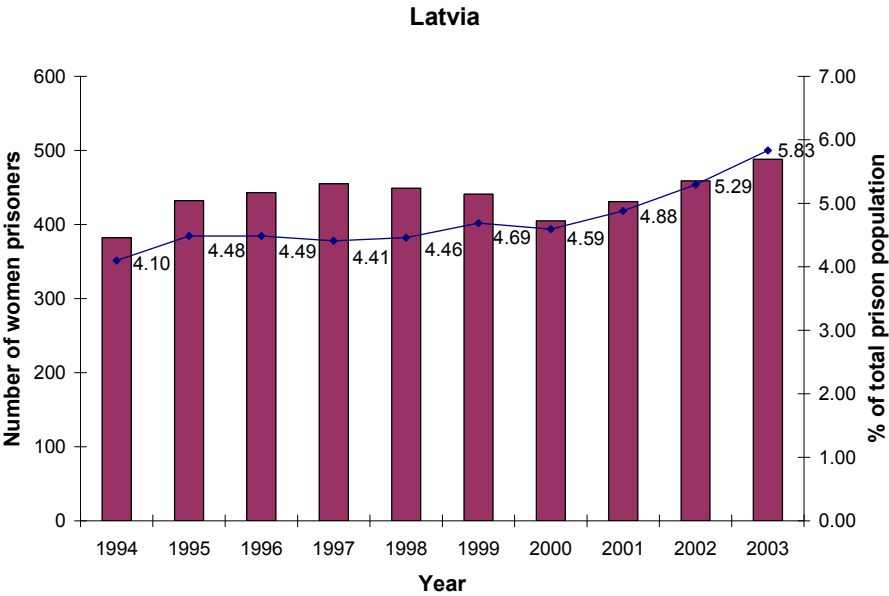


Italy

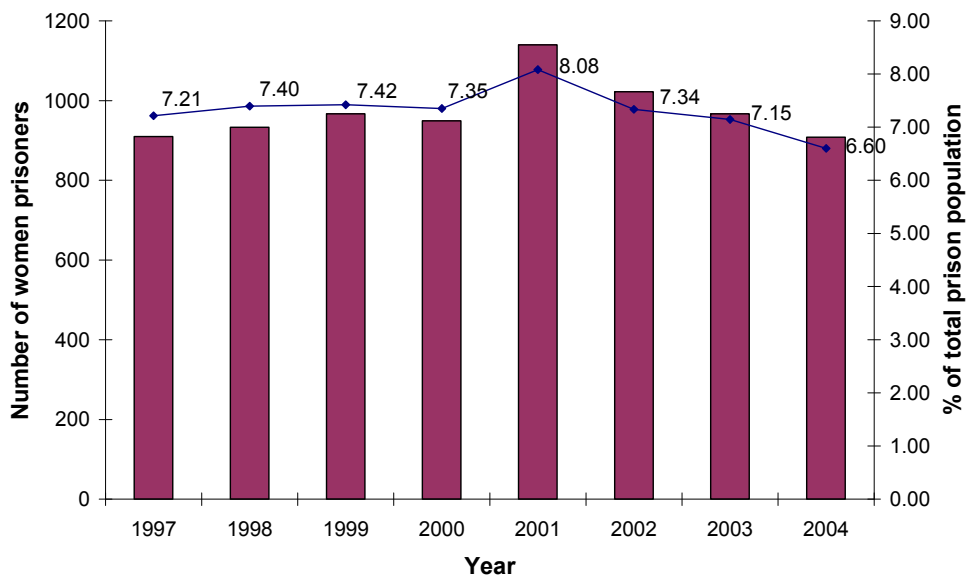


Kosovo

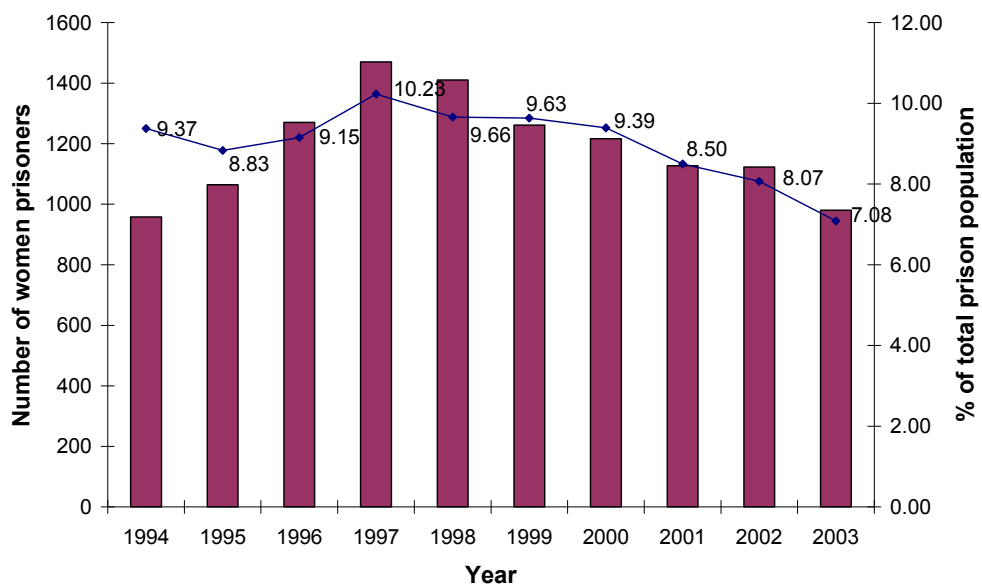




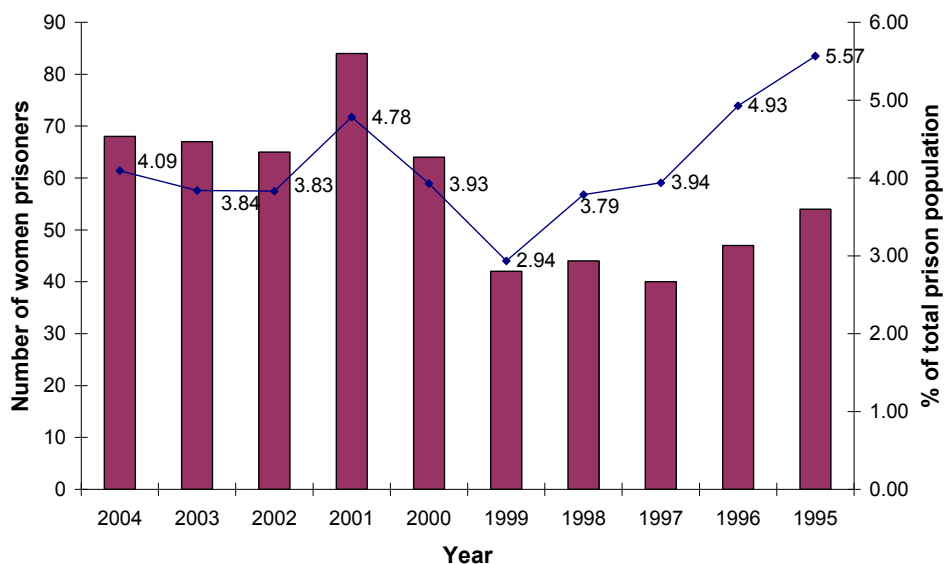
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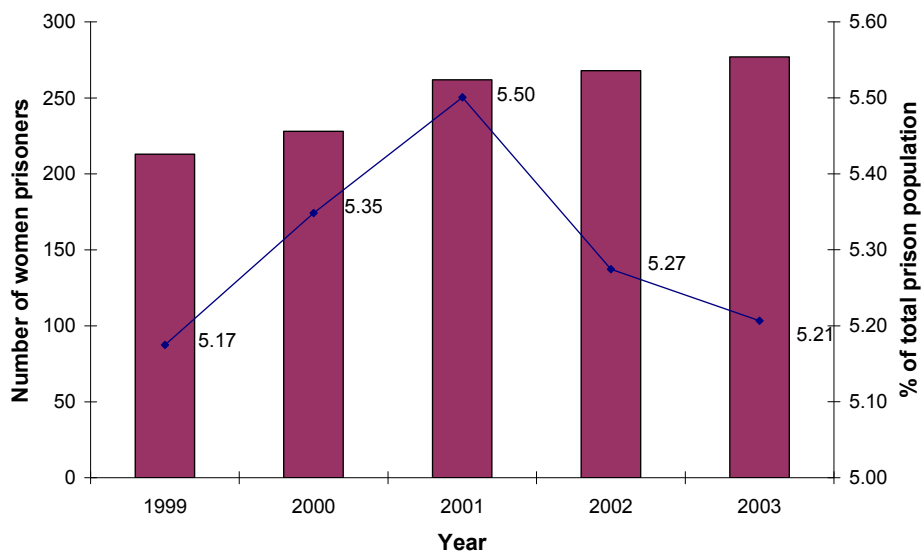
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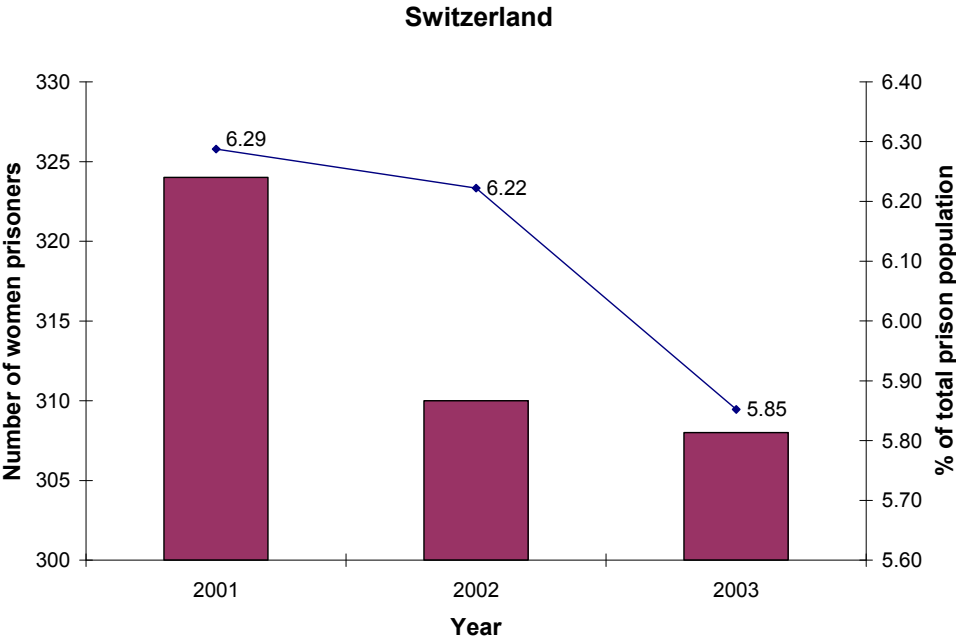


### Slovenia



### Sweden





## Part Two: Country Reports<sup>109</sup>

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- Section 2 - Estonia
- Section 3 - France
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- Section 7 - Latvia
- Section 8 - Norway
- Section 9 - Romania
- Section 10 - Russia
- Section 11 - Scotland
- Section 12 - Sweden
- Section 13 - UK (England and Wales)

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

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