

# GENDER EQUALITY IN THE PENITENTIARY SYSTEM

## GOOD TO KNOW

In around four-fifths of prison systems around the world, female prisoners constitute between 2 % and 9% of the total prison population. In Europe, this percentage is 6.1% and is one of the lowest after Africa. See for data: [World Female Imprisonment List \(2017\)](#)

- The female prison population has increased by 50% since 2000, against 18% for the male prison population.
- 24.2% of female inmates are in pre-trial detention.
- In 2016, female probation clients represented 12.9% of the total probation population. 3.9% minors and 16.8% foreigners. See the [Council of Europe Annual Penal Statistics \(2016\): SPACE I - Prison Populations, Final Report](#).
- Women are more often imprisoned for acquisitive/monetary crime and are less likely to be found guilty of serious violence and criminal damage. This is reflected in the sentences.
- As female prisons are fewer, the distance to home community might be larger for women prisoners which can affect their family relations, including a huge impact on their children.
- Many female inmates have been victims of violence and abuse prior to the imprisonment.
- Women in detention are more prone than men to self-destructive behavior, including suicide.

# WHAT DOES THE COUNCIL OF EUROPE DO ABOUT IT?

- European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment – CPT (2000), [CPT/Inf\(2000\)13-part: Women deprived of their liberty](#)
- CPT Factsheet (2018), [CPT/Inf\(2018\)5: Women in prison](#)
- European Court of Human Rights case law: [Gender equality](#), [Gender identity issues](#), [Homosexuality: criminal aspects](#), [Sexual orientation issues](#)

## GENDER EQUALITY ASPECTS

### ► Assessment

The initial assessment is the correct and best place to consider an appropriate, proportionate, woman centered and integrated approach, which takes into account gender-specific requirements and this can therefore reduce the risk of reoffending and lessen the likely impact on the woman prisoner's family and children. Ad hoc activities can be implemented if needed. The assessment reports should provide a specific focus on the situation of women prisoners, the existing legal framework and the practical implementation of initiatives according to their needs.

For example, provision of hygiene needs, involvement in targeted reintegration programmes, regime, family visits, provision of special health care for women and relevant equipment and especially if a proper mechanism of complaints is in place so that their problems are properly addressed. The reports that focus on capacity building should also include the working conditions and access to training, their professional level and the ratio of women prison staff and the training of prison officers in areas such as violence against women and girls. All these reports should emphasise recommendations on how to properly address the identified shortcomings regarding gender mainstreaming.

Furthermore, it should be indicated to consultants to take into account the gender mainstreaming, for example while drafting legal analysis of pieces of legislation or in assessment reports following thematic assessment visits to the countries.

### ► Women's specific needs related to health and hygiene

Introduce a gender-specific framework for health care in women's prisons, which emphasises reproductive and sexual health, mental health, treatment for substance abuse and counseling victims of violence. Women's needs related to reproductive health (access to gynecologist) and hygiene (free sanitary pads) have to be adequately addressed. Pregnant and breastfeeding women have particular needs including nutrition. Mental health problems are common among those female inmates who have been victims of violence and abuse in their earlier life. Medical assistance should be available to women not just on admission and different specialists' need to be available on-call (not only gynecologists). In particular, they should have unhindered access to prison psychologists' support to help them bridge the separation from their children.

### ► The family responsibilities of inmates

A very high percentage of female inmates are single parents which increases their own and their children's vulnerability. Reasonable time should be allowed to decide on the child care and other family arrangements. The contact with the outside world is a key component for future reintegration in the society; therefore, adopting measures and rules that match the particular

needs of women for contact with their families and children is important. Special consideration needs to be paid to women who have their child(ren) in prison with them.

### ► **Reintegration and preparation for release and post-release support**

Co-operate with probation services, social welfare agencies and NGOs to design comprehensive and co-ordinated pre- and post-release reintegration programmes for women. Furthermore, when providing vocational and educational training opportunities for inmates, consider different interests and needs of women and men, including non-stereotypical training opportunities. In many cases women face more challenges (stigmatisation) when reintegrating into their communities after the release. Provide female prisoners equal access to work, vocational training and education as men.

### ► **Gender-balanced and gender-sensitive staff**

Develop a clear policy against discrimination and sexual harassment in the workplace. Equal treatment and participation of women and men as penal system staff should be promoted. The penitentiary system should have gender-sensitive employment and other policies. Staff working in the penitentiary system should be trained on gender sensitiveness, including cultural sensitiveness, sexual misconduct and discrimination issues.

Practice in developed European prison systems (such as Sweden, Norway, Scotland etc.), suggesting staff of mixed gender in female prison wings achieves better results in working towards changing offending behavior in women.

### ► **Concentration vs. dispersal**

Since there are fewer prisons for women in the majority of European jurisdictions, most women are referred to serve imprisonment far from their place of residence and their families. Prison authorities should consider all contributing factors when adopting decision on whether to concentrate female prisoners in facilities specifically built for them (to better meet their physical needs) or to disperse them in specialised wings for women in male-dominated prisons (to better meet their needs, to remain in contact with family and children).

### ► **Monitoring prisons**

Ensure that the membership of the monitoring bodies includes women whenever women's prisons are being assessed and that they receive specialised training on gender-specific issues.

### ► **Prison staff**

Encourage the prison administration (during capacity-building activities on management of human resources in prison) to pay attention not only to gender-sensitive employment, but to revise as well the criteria of promotions in order to ensure that women are represented at all levels, including senior managerial levels. Build the capacity of female staff and provide them and male prison officers with special training on the needs of female prisoners.

Also encourage female prison staff to take up key positions. Encourage participation of women prison staff in the working groups assigned to develop standards/training and curricula/procedures and their preparation and involvement as trainers, to play an important role in the development of the prison system and show high personality and integrity in the whole prison staff community.

## ► Access to legal assistance

Taking into account the particular challenges faced by many women in accessing justice, ensure that assistance is provided to female prisoners to contact lawyers, paralegal services and relevant NGOs, as well as provide facilities for meeting with them.

## Particular attention should be paid to three categories of especially vulnerable groups of women

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### ► Transgender persons

they should be taken into account – for example when transferring prisoners from a prison to another (a transgender women to a men prison and vice versa) – to avoid violence or bullying from other inmates or placement in solitary confinement and no interaction with other inmates; or treatment programmes reflecting gender mainstreaming for this vulnerable category of prisoners.

### ► Pregnant women and women with children

ensure activities that will improve the provision of pre- and post-natal care equivalent to that available in the community. Ensure that the development of children in prison is supervised by primary health-care providers and a prison psychologist, and monitored by specialists in child development.

### ► Girls

separate strategies and policies in accordance with international standards need to be designed for the treatment and rehabilitation of children, including girls in conflict with the law.

## DO NOT FORGET

- Intersex and transgender persons are among the most vulnerable inmates, particularly when it comes to their accommodation, contacts with other inmates and participation in collective actions.
- Men may have family responsibilities as well and the relationship with their children is important to them.
- Consider alternative sentences in cases of dependent children.
- Oversight and complaints mechanisms for the staff and inmates should address gender issues as well as (sexual) harassment by other inmates and prison staff.
- Need to put gender mainstreaming in context, in particular given religious and socio-cultural factors that may overrun legal standards and practices, typically at the local level. The need to overcome resistance by certain local communities becomes particularly relevant in cases of domestic violence and serious violations of women's rights.

## **Gender equality considerations need to be tailored to the different types of interventions carried out through co-operation projects:**

- Assessment and identification of needs
- Awareness raising
- Legal analysis
- Capacity building/Institution building
- Regulatory framework
- Improvement of material conditions

## **EXAMPLES**

In a project in a member state, during the training sessions aimed to reduce the stereotypes against Roma detainees, the consultant emphasised the cultural issues in Roma community where women are more vulnerable. It is always important to raise awareness of the more vulnerable women categories who might suffer discrimination or violence from other women inmates or from prison guards.

In another project, a specific offender behavioral treatment module for female offenders was developed and applied in the national penitentiary system for the first time. A group of psycho-social staff was trained under this module, which was piloted in the only prison in the country for female offenders in the period April - June 2017. The evaluation of the pilot phase showed that the facilitators demonstrated a good awareness of the treatment needs and targets for each group member and were adapting the sessions responsively, to accommodate for the needs of the female offender who participated in the programme.

### **Legal analysis and publications**

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- In one of our recent publications there was a language disclaimer, saying that terminology used in this publication, although written in the most gender neutral manner, refers to both genders with no discrimination.

### **Capacity building**

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- One of the projects provided for purposeful activities in the female prison wing when female prisoners sew tote bags (carrier bags with project logo imprinted) for promotional purposes at the final conference. In addition, one of the seamstresses/inmates, gave an interview on her experiences in prison and importance of work and availability of a range purposeful activities in general. This work experience provided her with necessary qualifications to support the law-abiding life upon release.
- In one of the prison staff local training teams supported during a series of Council of Europe - implemented projects, female trainers are expected to and do deliver sessions on control and restraint, escorting, searching, etc., having a background in treatment work with prisoners. Equally, male colleagues deliver topics traditionally considered being more "in competence" of women such as medical care, purposeful activities etc. The experience shows that participants react more attentively when faced with "unexpected" gender of presenters.

- A member state training curricula for medical and non-medical staff addressed gender in many aspects of health care promotion and medical ethics (admission to prison, medical consultations, medical screening for ill-treatment).

## Regulatory Framework

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- In a project in a member state, two sets of guidelines on health care provision issues for prison population, particularly targeting women (as well as juveniles and life sentenced inmates) were developed by the project working group.
- The improvement of sanitary, hygienic and epidemiological supervision (addressing women as well) and related guidelines was also carried out in a member state.

## Improvement of material conditions

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- Procurement for a project in the same member state provided for new medical equipment covering the health care needs of women.
- Procurement for another project in provided for new beds in a female prison in order to improve their conditions.

### GOT INTERESTED?

- United Nations Office on Drugs and Crime – UNODC (2011), The Bangkok Rules: United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders with their Commentary
- Geneva Centre for the Democratic Control of Armed Forces - DACF (2008), International Centre for Prison Studies. “Penal Reform and Gender”. Gender and Security Sector Reform Toolkit.
- United Nations Office on Drugs and Crime – UNDOC (2008), Handbook for prison managers and policymakers on Women and Imprisonment
- World Health Organization – WHO (2009), Women’s health in prison: Correcting gender inequity in prison health
- Penal Reform International and the Association for the Prevention of Torture – APT (2015), Women in detention: a guide to gender-sensitive monitoring. A Detention Monitoring Tool resource.

