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International Study on Women's Imprisonment

Current situation, demand analysis and "best practice"



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Introduction to the international study on women's imprisonment

Frieder Dünkel, Claudia Kestermann & Juliane Zolondek

1. Introduction

The point of departure will be to first introduce the International Study on Women's Imprisonment. What was the purpose of the study and against what background did we develop the research tools? How did we proceed and who did we interview?

The long-term goal of the project is to spark a cross-national optimization of women's prisons, in order to promote rehabilitation and tertiary prevention of female prisoners. This was done by means of a multidimensional investigation of the living conditions of women living in prisons in nine European countries. Furthermore, a training course was developed for prison officers (chap. 4). Thus this study attempts to fill the knowledge gap that currently exists with regard to the imprisonment of women.

Since women in Europe only constitute an average of roughly 4.5% to 5.0% of the total prison population (from 2.9% in Poland to 7.8 % in Spain), women in European prisons experience specific problems and structural disadvantages. Prisons are geared towards male prisoners and therefore excessive security measures are implemented, women's educational and work opportunities are (even) more restricted, and the inmate structure reveals that female prisoners show a high incidence of substance abuse, as well as psychological and psychosomatic complaints. In addition to these problems that occur in all the countries surveyed, some countries experience their own unique problems: ranging from the structure of the criminal offence (e.g. drug couriers in Spain) to the historic-political background of the countries that have joined the EU. There is thus an urgent need to evaluate the current situation of female prisoners and their needs.

Under the preconditions of a resource-oriented approach, the 'healthy prison' concept as well as theories of work- and organisational psychology, the aim is to examine women's prisons from a number of different angles in order to promote designs that meet the women's needs and thus promote tertiary prevention. The analysis of the specific situation and actual conditions of imprisonment of female prisoners allows, firstly, the identification of what constitutes 'best practice' and, secondly, – also in terms of gender mainstreaming – the derivation of measures that can be taken to ensure that imprisonment takes place in accordance with the needs of female prisoners.

The current lack of knowledge and cross-border transfer of experiences with regard to female prisoners brings a number of difficulties with it. It is thus more difficult to ensure that penal institutions are properly designed and organised and that the prison officers receive adequate specialised vocational training, which in turn negatively affects the prisoners' rehabilitation. To counter this deficiency, the following project measures will be taken whereby the sanctioning practices of the participating countries will be taken into account:

- a) Examination of female prisons at the organisational level (structural conditions): regard of human rights, accommodation (number of occupants, proximity to home, mother-child facilities), educational and work situation of the imprisoned women, treatment (opportunities for substance abusers, opportunities and facilities specifically geared towards women, etc.) qualification of staff, etc.
- b) Differential analysis of the perceived living conditions and conditions of imprisonment in the participating countries as well as - and with special reference to - the specific

needs of imprisoned women: assessment of the quality of life and the climate in each institution, needs, and experience of stress.

- c) Differential analysis of the subjective concepts of the prison staff regarding imprisoned women, the prison system and in particular their vocational role.

2. Methodology

In addition to the European Rules and Guidelines (see the section below), theoretical approaches and empirical studies on prison climate, concepts such as the „healthy prison“, theories on work motivation, goal-setting theory and last but not least questions regarding resources and empowerment provide the theoretical background for the specification of the areas under investigation.

2.1 Data collection instruments

A multi-method approach will be used to record information collected from theoretical work and to allow for different perspectives to be taken into consideration:

- a) Inclusion of data specific to each institution and country
- b) Written, standardised questionnaire for prisoners
- c) Written, semi-standardised questions for officers (particularly of the general prison officers)
- d) Observations in the institutions

The research instruments - described in more detail below - are based on relevant questionnaires the we devised within the framework of an international study on men's imprisonment (Mare-Balticum-Prison-Survey). They were revised for the female prison system and supplemented with questions that aim to capture the specific characteristics of this study. The instruments were discussed with external experts from the penal system and their contributions and ideas were included in order to improve our understanding.¹

ad a) Basic questionnaire for significant background variables

The first question of the empirical study focused on the structural conditions of the correctional facilities under investigation. The questionnaire that was developed for this purpose was used in the relevant prisons and presented to the prison administration. In addition to obtaining general information on each prison, the focus was on those factors that specifically have an impact on the situation of the prisoners: size of the institution, population density, prison regimes, basic conditions (hygiene, nutrition, detention rooms), medical and psycho-social care, work and programmes for prisoners, number and qualification of the prison officers, etc.

ad b) Questionnaire for female prisoners

The questionnaire for female prisoners is based on the questionnaire that was developed for the Mare-Balticum-Prison-Survey. The questionnaire is based on the same theoretical approaches and concepts mentioned above. In addition, methods and results of existing empirical research were examined and expert knowledge from our international co-partners regarding their national prison systems was consulted. The questionnaire for male prisoners from the Mare-Balticum-Prison-Survey was checked for gender sensitivity and gender-specific questions were added.

¹ Here we would like to thank the Criminology Service of Lower Saxony for their support.

Data regarding the following aspects was collected:

- Socio-demographic data of the prisoners and information regarding their imprisonment (type of imprisonment, length of prison sentence, possibly preparation for release)
- Assessment of the specific prison conditions (e.g. accommodation, food, medical care, opportunities in prisons, transparency of own rights)
- Psychological and physical well-being (e.g. health, problems of addiction) and assessment of the institutional climate
- Opportunities for interactions: intra- und extramural contacts, relationships with staff members
- Opportunities for meaningful activities and assessment of opportunities for personal development: work, education and further education, training and programmes as well as the structuring of free time
- Fear and experience of victimisation, handling conflict situations
- Participation, rights, disciplinary measures

ad c) *Questionnaire on the views of prison officers*

The inclusion of prison officers in the survey allows the identification of central attitudes that affect their behaviour: attitudes towards prisoners, views on the prison system / imprisonment as well as their own vocational role. The questions also examine the motivation for choosing this profession and working in this field, the officers' evaluation of their occupation and subjective goal-setting.

The questionnaire consists of open and closed questions as well as standardised and proven scales for analysing work, for views on sanctioning and professional views on their professional attitude in the prison system, etc.:

- *Professional Orientation Scale* by Klofas and Toch (1982) in the translation of Bucheli (2002)
- *KFZA – Short questionnaire for work analysis* by Prümper, Hartmannsgruber and Frese (1995)
- *Organizational Commitment Questionnaire* by Mowday, Porter and Steers (1982) in the translation of Manzoni (2003) – shortened version
- *Withdrawal behaviour/inner resignation* according to Kleiber (1995) in the version of Lehmann and Greve (2003)
- *Attitude toward the aims of punishment and reparation* according to Kilchling (2002)

The results in total and especially the evaluation of the open questions enable us to draw various conclusions regarding motivation, specific stress factors and attitude-patterns of the prison officers, all of which have an impact on working with inmates. In order to ensure treatment orientated prison conditions that are in concordance with human rights, the subjective assessments and attitudes of officers provide central situational values the examination of which is of special importance.

ad d) *Observations of peculiarities of the prisons*

The conducted participant observations during the data collection period and the insights into the participating institutions that resulted from them are recorded descriptively and serve as a background for the interpretation of data collected by means of the other instruments.

2.2 Implementation of the study

Before implementing the study the women's prisons and women's section in male prisons were selected by our respective co-partners in each country. Permission was obtained to

visit the institutions and interview the women prisoners and prison officers. The stipulations governing data protection in each country were taken into account

The questionnaire regarding the collection of basic data was submitted to the (representative) prison administration with the request to return it. The questionnaires were also distributed (with envelopes) to the prison officers and were either collected later at the institution or returned personally to the corresponding investigating institution. The female prisoners completed their questionnaires in small groups in the presence of a researcher, i.e. the women each had a questionnaire to complete, and at the same time had the opportunity to ask questions to clarify any problems they might have in understanding the questions. In addition, this method was used to enable a certain degree of personal contact and proved therefore to be an opportunity to generate trust.

In preparing for the research, the interviewers who conducted the field research were familiarised with the data collection instruments (in addition to having contributed to their development). They have all had many years of experience with penal institutions which proved to be very useful for the practical implementation of the research.

The number of institutions in each country was not stipulated because in Lithuania, Slovenia and Croatia, there is only one penal institution for instance, whereas in other countries there are more. The selection in these countries was on the one hand guided by trying to find both women who lived in women's sections of men's prisons as well as inmates in separate women's penal institutions. On the other hand, the regional interests of our participating co-partners played a role in the selection.

In the countries with a small female prison population or in the institutions or sections with fewer than 200 female prisoners, all were given the opportunity to participate. Otherwise participants were selected by means of stratified random sampling.

3. Description of the sample

In N=19 women's prisons, i.e. prisons with women's sections in nine countries, a total of N=653 female prisoners and N=243 staff were interviewed. The largest number of participating institutions came from Germany (n=5), followed by Denmark (n=4), and Greece, Poland and Spain each with two institutions. In the other countries women prisoners and officers from one institution took part in the research.

The number of female prisoners varies across the countries and in some instances with less than 30 interviewees, the number was the lowest in Slovenia, Denmark and Croatia. However, the absolute number of the interviewees is of little significance. In these countries there was the aim to incorporate *all* women in prison in the relevant country, and a net sample of 26.9% in Denmark², 51.6% in Croatia and even 89.7% in Slovenia was achieved. In Lithuania the entire female prison population (for criminal offences) was also included in the study. Here a participant quota of 81.4% was achieved. The quotas in the other countries relate to the number of women prisoners in the participating institutions³ and amounted to 25.5% in Germany, 24.8% in Spain and 27.5% in Russia. The Greek sample of n=93 women prisoners was reduced by the (identified) women awaiting trial and thus represents only 23,0% of the female prisoners in the two institutions. Data regarding the prison population in one Polish prison at the time of data-recording are not available.

² In Denmark most of the female prisoners are in an open correctional facility. These women are more difficult to reach because they are more often involved in (external) educational situations or have a job outside the facility. In addition, the sentences are relatively short, and longer sentences correlate positively with participation in the interviews.

³ Since not all women could be reached (due to being on leave, illness, treatment or other appointments) the return rate in this form of calculation is underestimated.

Table 3.1: Selected characteristics of women prisoners

Country	N (= 653)	Age Average (SD)	Previous imprisonment	Number of mothers (percent)
<i>Denmark</i>	29	37,6 (10,8)	48,1%	57,7%
<i>Germany</i>	116	33,3 (10,6)	40,2%	67,8%
<i>Spain</i>	89	31,8 (8,4)	25,0%	75,6%
<i>Greece</i>	74	36,7 (11,2)	21,1%	81,9%
<i>Croatia</i>	32	39,0 (11,1)	16,1%	62,5%
<i>Slovenia</i>	26	39,8 (13,3)	30,8%	61,5%
<i>Poland</i>	61	31,8 (10,3)	29,8%	70,2%
<i>Lithuania</i>	149	35,8 (11,2)	37,4%	68,7%
<i>Russia</i>	77	32,5 (10,1)	36,5%	63,5%

The average age of the interviewees ranged from 31.8 years in Spain and Poland up to almost 40 years in Croatia and Slovenia (Table 3.1). While in Spain a relatively small number, i.e. a quarter, of the interviewees had been previously imprisoned, the highest number of previously imprisoned women came from the two most north-western countries (48.1% in Denmark and 40.2% in Germany) followed by the two most easterly states (37.4% in Lithuania and 36.5% in Russia). Far more than half of the prisoners are mothers of at least one child, and in Spain and Greece over three-quarters of the interviewees were mothers.

Table 3.2: Selected characteristics of the prison officers

Country	N (= 243)	Age Average (SD)	Job experience in prison system in years (SD)	Number of male staff members (percent)
<i>Denmark</i>	17	40,8 (10,6)	9,9 (9,6)	29,4%
<i>Germany</i>	38	40,6 (9,8)	12,6 (8,6)	36,8%
<i>Spain</i>	26	37,2 (5,8)	10,0 (5,3)	19,2%
<i>Greece</i>	24	38,0 (7,3)	12,8 (8,9)	16,7%
<i>Croatia</i>	13	38,3 (6,5)	14,2 (5,6)	15,4%
<i>Slovenia</i>	2	33,0	5,0	
<i>Poland</i>	57	33,3 (6,5)	8,7 (6,6)	62,5%
<i>Lithuania</i>	38	35,7 (4,7)	9,8 (4,5)	31,6%
<i>Russia</i>	28	32,0 (6,6)	7,9 (5,9)	14,3%

When examining the data on the prison officers from the different countries (table 3.2), it becomes apparent that the sample is (naturally) smaller in comparison to the number of surveyed prisoners. In Slovenia only two people were prepared to participate in the study. Slovenia can thus not be taken into consideration in the following international comparisons.

The average age of the total of N=243 staff who were interviewed ranges from 32 to 40 years and is not significantly higher than that of the prisoners. While job experience in Russia, Poland, Lithuania and Spain was the lowest with 8 to 10 years (with a small standard deviation), Croatia's prison officers have the highest degree of job experience with more than

14 years. Regarding gender distribution among prison officers, there is a significant difference between the countries: in Russia, Croatia and Greece only roughly 15% of the employed in the women's prisons prison officers are male, while in Poland the majority of staff (62.5%) are male. This difference will be taken into consideration in the analysis of staff data by examining all findings with regard to gender-influence.

Human Rights and International Minimum Standards in women's prisons

Christine Morgenstern

1. Introduction

As early as the nineteen-fifties the United Nations began to focus their human rights standards⁴ – the point of departure being the Universal Declaration of Human Rights of 1948 - more specifically on the rights of prisoners. The most important aspects were that every person - i.e. also every prisoner - was granted personal dignity, protection from discrimination, a ban on torture and the assumption of innocence. At the European level, in 1950 the *Convention for the Protection of Human Rights and Fundamental Freedoms*⁵ joined in with roughly the same core statements. The *European Court for Human Rights* offers improved possibilities for legal protection, control and monitoring. The United Nations' *International Covenant on Civil and Political Rights* of 1966⁶ made significant amendments to these rights, also with regard to prisoners in particular. For example, it states the central role of resocialisation as key in the administration of imprisonment. Under the slogan „Women's Rights are Human Rights“, the identification of the fact that the rights of women are disregarded particularly frequently has resulted in the development of particular Instruments, for example the *U. N. Convention on the Elimination of all Forms of Discrimination against Women* in 1979 and the *U. N. Declaration on the Elimination of Violence against Women* of 1993.⁷

2. The most important instruments

The most important and best known declaration of the United Nations that refers to imprisonment are the *Standard Minimum Rules for the Treatment of Prisoners*⁸ which were established in 1955. They form the cornerstone for a number of instruments, one of which is specifically for the protection of imprisoned young offenders. In 1973 the European Council developed similar standards, some of them more far-reaching – the *European Prison Rules*⁹.

⁴ Universal Declaration of Human Rights. All UN Human Rights standards can be found on the website of the UNO High Commission council for Human rights, URL: <http://www.ohchr.org/english/law/index.htm>.

⁵ Convention for the Protection of Human Rights and Fundamental Freedoms, CETS No. 005, URL: <http://conventions.coe.int>.

⁶ International Covenant on Civil and Political Rights. See footnote 1.

⁷ Convention on the Elimination of All forms of Discrimination Against Women; United Nations Declaration on the Elimination of Violence against Women; See footnote 1.

⁸ All standards regarding imprisonment can be found on the website of the relevant section of the United Nations at http://www.unodc.org/unodc/crime_cicp_documentation.html.

⁹ URL: http://www.coe.int/T/E/Legal_affairs/Legal_co-Operation/Prisons_and_alternatives/Legal_instruments/

In Europe the *Convention for the Prevention of Torture*¹⁰ of the European Council of 1987 plays an important role. It was ratified by all members of the European Council¹¹ which, in addition to putting into concrete terms the prevention of torture, offers effective and comprehensive control by means of visits from an independent controlling body (the Committee for the Prevention of Torture, abbreviated to CPT). The presented instruments take the situation of female prisoners into consideration only in passing; only the CPT considers female prisoners in regular reports, which are also consulted for the development of standards for creating an acceptable prison system in terms of human rights.¹² The European Council has in the meantime recognised that this is insufficient, and thus the revised European Prison Rules shall contain a section which deals with the problems of female prisoners in more detail.¹³

3. Background

The practical regulations of the UN minimum standards as well as the European Prison Rules are not binding under international law. In other words, within the law of the member countries they do not have legal status, but merely serve as recommendations. This also applies to the standards developed by the CPT. Nevertheless *minimum standards* can be understood as the codification of the basic conditions for the constitutional and expedient development and implementation of imprisonment and penal institutions. On the one hand they can emphasise regulations of substantive law, particularly with regard to human rights issues (e.g. right of appeal), and on the other hand they can also contain practical regulations in terms of implementation (e.g. for staff). They should play a complementary and important role – for example for purposes of educational and further training – with regard to the legal stipulations, particularly where these are lacking. Another question is of what benefit could *international* standards be in the face of the heterogenous legal reality in the various countries. Here one should keep in mind that despite the differences in cultural and socio-economic background the basic problems in many countries can be compared with one another: overcrowding of prisons and a lack of subsidisation and the resulting effects on the furnishing of buildings, the staff situation as well as training and work opportunities. With regard to the situation of female prisoners the problems are similar: they are merely a small minority of the total prisoner population that the prison system is not geared up for.¹⁴ Against this background internationally accepted minimum standards are important – even when they are not legally binding by international law, they can develop moral authority, and can be used in international collaboration as a common basis for legal reforms and for further training programmes, etc.

¹⁰ European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, all relevant documents can be found at www.cpt.coe.int.

¹¹ There are now 46, of which the latest member, Monaco, has not yet ratified the Convention .

¹² CPT-Standards. They are based on the regular reports of the CPT and describe the yardsticks according to which the CPT measures the institutions visited.

¹³ These are in a final draft before the relevant working groups of the European Council and should be passed in September 2005 at a convention of the relevant Committee of Ministers. Also in the offing is an internationally legally binding resolution of a similar content, Van Zyl Smit, D. „Humanising Imprisonment? A European Project.“ Presentation at the 5th annual meeting of the European Society of Criminology in Krakau, 31.8-3.9.2005.

¹⁴ Compare for example the working paper of the United Nations: Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders; Vienna, 10-17 April 2000: „Women in the Criminal justice System, p. 3 ff. (see footnote 4).

4. With regard to contents

In the following section the relevant standards of the specific instruments (UN standards, European Council principles and CPT standards)¹⁵ for the various angles of the situation of incarcerated women will be described and interpreted with regard to their significance in practice.¹⁶

a) The ban of discrimination and the principle of separation

The ban of discrimination is stated in all instruments: The state – in this case the prison authorities – has to ensure that no imprisoned woman is disadvantaged on gender grounds. A number of guidelines for the special organization and arrangement of women's imprisonment can be derived from this principle. However, in real terms women worldwide only represent a small percentage of the prison population. Their accommodation is therefore often problematic since most prisons are built for men and are occupied by male prisoners. Nevertheless, the principle of separation is expressed in all instruments as a result of the ban on discrimination. Thus women have to be accommodated in their own facilities or at the very least be accommodated clearly separate from male prisoners. In this way issues regarding security measures can be taken into account, while at the same time preventing that female prisoners – as a minority – have reduced access to work, leisure time facilities, etc. The accommodation of women in their own institutions call also bear disadvantages – commentaries on the various international standards correctly point out that women in the few existing special institutions are (geographically) located further away from their families and loved ones which makes visitations more difficult, a situation that need to be compensated for. The CPT points out in their report that attempts to accommodate couples together in order to better approximate the living conditions outside the prison walls, and to allow women and men to participate in common activities may be good policy. However, to ensure the above principles are adhered to, participation in such programmes must be voluntary and take place under professional guidance.

b) Protection against abuse

The separation principle serves among other things to protect female prisoners from forced violent (sexual) abuse of fellow male prisoners. This threat is also posed by male staff members and prison officers. In order to counter this particular threat in the supervisor/subordinate relationship, UN rules stipulate that male staff members may never work alone with female prisoners and that the authority regarding keys to the cells, i.e. sections, should always lie with female staff members.

c) Security measures

Because the correctional facilities are generally conceptualised with male prisoners in mind, there is the danger that women are subjected to the same security measures as men even though this is generally deemed as not necessary. The principle of minimal intervention as well as the ban on discrimination prescribe that the security measures be adjusted to the female occupants. Particular consideration should be given to the situation of pregnant women. For example, detention during birth is not allowed.

¹⁵ These are only a few paragraphs: Regulations No 8, 23, 43 and 53 of the U N Minimum Standards; Regulations No 2, 11 (2) and 28 of the European policies; p. 69 ff. of the CPT-report (extract of the 10th General Report 2000).

¹⁶ See also: Coyle, A. "A Human Rights Approach to Prison Management. Handbook for Prison Staff." International Centre for Prison Studies. 2002, p. 131 ff., downloaded as pdf file from http://www.kcl.ac.uk/depsta/rel/icps/human_rights_prison_management.pdf.

d) Staff

The effects of imprisonment are often different for women than for men, particularly if they have children. Additionally, female prisoners often suffer from a higher degree of stigmatization. Moreover, female prisoners in particular have often experienced physical, i.e. sexual, abuse prior to their imprisonment, an issue that is to find consideration in the institutions by specially trained officers. The instruments thus require specially trained staff members. The main responsibility should be in the hands of female staff as mentioned above, while in general mixed groups of staff members are advocated. The presence of female and male staff is seen to have a beneficial effect on the general climate and also ensures a general degree of normality in daily prison life. At the same time it is taken for granted that searches, particularly when involving the need for women to undress, must be carried out by female staff.

e) Access to activities

A problem that is even more serious in most countries for female prisoners than for male prisoners is access to work, school / further education and leisure-time activities. For example, this access should not be restricted based on the fact that women are accommodated in the annexes of a prison for men. Moreover – and the European instruments underline this – it is important to ensure that women as well as men are given an opportunity to carry out a meaningful activity and that these activities are not restricted to so-called typical women's activities - cleaning, kitchen duties and handiwork. This also applies to sporting activities. If necessary, external organisations and volunteers can be incorporated.

f) Contact to the outside world

Reference has already been made to the problem of accommodation far from home which must be compensated for by more visitation opportunities and leaves/holidays for the female prisoners. This is even more relevant to mothers who have left behind their children. Here the state is obliged to ensure that – in the interest of the mother but especially also in the interest of the child(ren) - there are opportunities to have contact for as often and as long as possible. The state must provide for as much privacy as is possible as well as unrestricted physical contact for example. Dividing windows or other obstacles should be strongly avoided.

g) Protection of pregnant women/mothers and the interests of the children

Pregnant women should only be imprisoned in exceptional circumstances. As a matter of principle they should have the opportunity to give birth in a normal hospital. This is not only desirable from a medical point of view, but also because this would save the mother and child the traumatic and stigmatising experience of giving birth in prison. The prison as a place of birth should not be recognisable on the birth certificate. Before and after the birth there must be sufficient professional medical support for the mothers and the children. The question whether babies and small children should be accommodated with their mothers in prison is a difficult and debatable issue – the instruments do not take a stance on this. The question should be considered whether – in keeping with international instruments regarding the protection of children¹⁷ - in many cases mothers cannot be exempted from their prison sentence. If this is not achievable, and mothers can be accommodated with their children, they should be able to be together on a regular basis. An environment must be created for the children which approximates that of a free life. Correspondingly trained staff and separate rooms etc. should be made available for this.

¹⁷ Convention on the Rights of the Child of 1989 etc.

h) Health

The most detailed provisions and regulations with specific regard to imprisoned women in the above stated instruments can be found in reference to health provisions. On the one hand these refer to the already mentioned circumstances of pregnancy and feeding times (for example appropriate nutrition), and on the other hand to special hygiene standards that seem to be granted to women more readily than to men. For example, women must have access to articles of hygiene for their menstruation, and should also have access to medication that they would also take if outside of the prison. They must also be in a position to continue with any treatment that they initiated prior to their imprisonment.

5. Summary

All of the mentioned international instruments emphasise that women in prisons are a minority whose special needs are given no or merely scant attention in most of the member countries. The ban on discrimination alone means that the authorities, particularly with regard to providing properly trained staff and adequate job opportunities for the women, need to act in order to bring the situation of women into line with that of men. Specific problems such as women with children need to be given special consideration.

Outline of the legal framework concerning women's imprisonment in Europe

Juliane Zolondek¹⁸

1. Introduction

The aim of this section is to present the legal facts regarding the countries participating in this project (Denmark, Germany, Greece, Croatia, Lithuania, Poland, Slovenia and Spain).¹⁹ Not only will the legal regulations be discussed that explicitly affect women in prisons, but also the other basic norms by means of which the correctional facility in each country can be characterised. First the aims of prisons will be discussed and thereafter separation policies and types of institutions / prison regimes will be described. This is followed by a presentation of regulations specific to women be presented and this section concludes with a discussion of some details regarding prisons in the individual countries.

Generally, when comparing imprisonment in and prison systems of different countries one needs to consider not only the specific regulations, but also the constitution, the criminal laws and the historic, social and political frameworks of each country need to be taken into consideration. It is not possible to take such a broad view within the limits of this section, however, some of the new developments with regard to the enforcement laws will be briefly discussed. All of the above countries are members of the European Union, except for

¹⁸ The author wishes to thank all project partners for their reports on their countries regarding women in prison on which this section is based.

¹⁹ This project was also conducted in Russia. However, within the framework of this section the legal regulations in Russia have been omitted. Since there is no translation yet of the Russian Corrections Act of 1997, only sporadic reference can be made to the legal situation in Russia. See also *Lammich* (1997) and (2004).

Croatia, which has been a candidate for joining since 2004. Prior to their membership, however, some countries experienced immense social and political upheaval. Whereas Poland politically changed in 1989 from being a totalitarian, communist state to a democratic nation, the Lithuanian state declared its independence from the former Soviet Union in March 1990. Similarly to other states that emerged from the USSR, at first the old Soviet laws were still in force in Lithuania. Thus, for prison sentences the so-called Improvement Labour Law of 1971 was still in force, which meant that prisons were under the jurisdiction of the Minister of Interior and were organised in a military fashion. Slovenia and Croatia gained their independence only at the beginning of the nineties.

In view of these developments it is not surprising that some of the participating countries have new enforcement laws that in many instances were passed together with new penal laws and criminal procedure laws. Not all countries adopted laws that merely regulated the implementation of a prison sentence. Rather, in several countries (Denmark, Lithuania, Slovenia, Poland) the solution was found in executionary laws. In such laws, not only the execution of prison sentences but also of other criminal sanctions is regulated.

After the political upheavals new executionary laws were adopted in Poland (1998), Lithuania (2003), Croatia (2001) and Slovenia (2000). However, also in Greece (1999) and Denmark (2000) new legal regulations were created. In Denmark the execution of sentence used to be regulated in a merely rudimentary fashion in the penal code, yet the entire practical implementation of the sentence was regulated by means of administrative legal provisions. This method served to ensure flexibility in how the sentence was carried out, but ultimately this was no longer sufficient to serve the rule of law. The idea behind the law was not to change the existing rules, but rather to legitimise them through parliament. However, despite this aim the law has, within 126 paragraphs, no less than 59 stipulations where the Minister of Justice is authorised to lay down more detailed regulations. At the same time, 37 decrees came into effect. A similar situation can be found in Lithuania where the Minister of Justice is empowered to make far-reaching regulations and where there are only few concrete regulations contained in the law regarding the implementation of sentences.

It is important to emphasise that in all participating countries the laws governing the implementation of sentences are flanked by numerous of regulations or administrative stipulations and decrees. Only Germany and Spain have laws governing the execution of imprisonment (obviously with amendments) that were passed in the seventies. The German law governing the execution of a sentence has been in force since January 1977; the Spanish Ley Orgánica General Penitenciaria was passed two years later. The Spanish constitution bears the peculiarity (among the constitutions of the participating countries) that it names the function of imprisonment and disciplinary/security measures. Sect 25 II of the Constitution reads that prison sentences and disciplinary/security measures should serve to ensure re-education and social reintegration and should not result in forced labour.

In Germany the principle of resocialisation is not explicitly mentioned in the Constitution, yet can be inferred from the judgements of the Federal Constitutional Court as an inalienable constitutional principle derived from human dignity and the principle of a welfare state (Sect. 1 I und 20 III, 28 Constitution).²⁰ This brings us to the next point, i.e. the aims of imprisonment.

²⁰ See the (German Constitutional Law) BVerfGE 35, 202; 40, 276; 98, 169; BVerfG ZfStrVo 1998, 180; NStZ 1998, 373; NStZ 1998, 430; NJW 1998, 1133.

2. Aims of Imprisonment

The aim of imprisonment guides and influences all actions and measures taken within the prison system. However, not all countries have decided on a clear formulation of one or more central aims. In the 1970s Denmark turned away from the treatment-orientation as a result of the idea that treatment lead to the increased use of indeterminate prison sentences. Moreover, the question arose as to whether enforced treatment made any sense. Thus, the Danish Corrections laws do not explicitly state the aims of imprisonment. However, according to §3 of the Danish law²¹ the aims of the implementation of a prison sentence are as follows: In serving a prison sentence both the serving of the sentence in itself and the need to assist the prisoner in leading a life without crime (or to influence a prisoner to do so) require an appropriate degree of consideration. This does not imply that imprisonment is merely of a custodial and confining nature. Rather, the time in prison should be used to prepare the prisoner for life after the sentence has been served. The actual aim of serving a prison sentence is in fact just that: serving the sentence. In Greece it is the case too that no normed aims of imprisonment are stipulated in law. While such an explicit formulation was made in the old laws regarding the execution of imprisonment of 1990 (the aim being the education and social reintegration of prisoners (Sect. 1 I of the Greek Prison Law²² (1990)), the current law merely states that in dealing with prisoners human dignity must be taken into account and that awareness of social responsibility be promoted. Germany, Slovenia, Croatia and Lithuania on the other hand clearly promote the concept of resocialisation as the only aim of imprisonment. Even though the laws do not expressly use the term of resocialisation, it is apparent that all aim to re-integrate the prisoners. Poland's focus too is on resocialisation and places particular emphasis on the willingness thereof. For example Sect. 68 I of the Polish Prison Act states that the prison sentence should motivate prisoners to work on their re-integration into society, particularly their sense of responsibility and to acknowledge the legal order of established law. In Spain, there are three central aims. First of all, there is the aim that supports section 25 II of the constitution and promotes resocialisation and social re-integration. The second aim is social work with and support of the prisoners and released persons. The third and final aim is the detention and custody of prisoners, which corresponds to the role of imprisonment in Germany as a provider of security (see § 2 S. 2 dStVollzG (German Prison Act)).

We can thus say that in all countries the central idea of imprisonment is the resocialisation and thus re-integration of prisoners even though this is expressed differently in the various laws. However, the question regarding the actual implementation of treatment is still open for discussion.

3. Separation principles/manner of implementation

Principles and classifications of separation that are implemented by means of accommodating prisoners in various institutions and sections serve to guide individual treatment and to avoid negative influences amongst the prisoners. In all the countries that were surveyed the law stipulates that adult prisoners be separated from juveniles, i.e. young adult criminal offenders. There is also a separation of prisoners awaiting trial and prisoners who have actually been sentenced to serve a sentence in prison.

Except for Denmark, it is obligatory to separate women and men. In Denmark women and men can be/are accommodated together in special departments (see section 4 below regarding rules that are specific to women). Another principle separates recidivists from first-

²¹ Danish Corrections Act.

²² Greek Prison Act.

time offenders. Prisoners in Croatia, Lithuania, Poland and Spain are separated with regard to this issue. In some countries there are more principles regarding separation²³. In Lithuania in particular there are nine principles of separation, which includes a differentiation according to the severity of the institutions regime. Furthermore, the prison administration may make even further distinctions. For women, however, in addition to the differentiation between open and closed imprisonment there are only two degrees of severity. It is doubtful whether the application of such an extense of separation principles is always sensible. In many cases it can lead to an unbalanced distribution of prisoners so that some sections/institutions become overcrowded and others are not used to their full capacity. In addition, such differentiation can lead to an increased degree of stigmatisation of individual groups of prisoners. However, it is important to stress that this does not apply to female prisoners. It is in fact a problem of women's imprisonment that within the small departments/sections (especially in Germany, Poland, Spain, and also in Greece) it is difficult to adhere to any principles of separation – both in cases of sentenced prisoners but also detainees awaiting trial - due to the small number of inmates. In such scenarios adults are accommodated together with juveniles or young women, and even people in detention awaiting trial are housed together with criminal offenders.

With regard to the practical implementation and forms of institutions where prison sentences are carried out, many different types of institutions can be found in all of the countries, e.g. prisons, arrest houses (Denmark up to 2000)²⁴, reformatories (Lithuania), agricultural prisons (Greece), high security prisons (Spain). What all countries have in common is that they differentiate between open and closed prisons. In addition, the law in Poland, Slovenia and Croatia also provides for semi-open imprisonment. In contrast to the closed prison, the open prisons show a less severe degree of prison security and the prisoners are subjected to fewer restrictions/ increased priviledges. Open prisons rely on the voluntary discipline and a sense of responsibility on behalf of the prisoners.

4. Regulations aimed specifically at women

Statutory regulations that are aimed specifically at female prisoners are few.²⁵ They are primarily aimed at pregnant women and mothers in prison. In all countries beside Slovenia mothers can be accommodated together with their children who have not yet reached the age of three. In Slovenia this is only possible until the child reaches the age of two. The accommodation of mothers together with their children takes place in special mother-child departments so far as it is possible. In Spain the law also contains regulations regarding the protection of mothers during pregnancy and maternity. According to Sect. 29 LOGP women may not work 16 weeks before and six weeks after giving birth. In addition, solitary confinement may not be enforced six weeks after the pregnancy and in cases of mothers who have their children in prison (Sect. 43 LOGP). The Polish law too determines certain privileges for pregnant and nursing mothers and thus the most severe disciplinary measures cannot be applied to them. They have a right to extended periods of yard exercise and are guaranteed special medical care. Similarly, in Greece and Lithuania in the case of mothers and pregnant women the most extreme disciplinary measures such as arrest, i.e. solitary detention, may only be applied under exceptional circumstances.

²³ Greece: Separation of prisoners and alternative sentence; Croatia, Slovenia: Separation of prisoners from other prisoners who have been sentenced due to a breach of an administrative rule; Lithuania, Spain: Separation of prisoners who have been sentenced due to an act committed wilfully i.e. negligently.

²⁴ In 2000 „detention punishment“ was abolished in favour of the standard imprisonment, see. *Cornils* (2002).

²⁵ This is not to say that there is a gap or a disadvantage within the laws. In many cases the legal rules are sufficient to take female prisoners into consideration if the norms are applied and interpreted in such a way that their specific problems are taken into account.

In Croatia the execution of a prison sentence can even be postponed in special cases. Sect. 54 III of the Croatian law²⁶ states nine reasons for such a postponed, four of which benefit convicted women in particular. A postponement may be granted if the convicted person is caring for a child that has not reached the age of one or is responsible for the care of a minor or old, sick or helpless person. Other reasons include risk-pregnancies and (normal) pregnancies where no more than six months remain until the estimated birth date (sect. 54 of the Croatian penal law). In Lithuania pregnant women or mothers with up to three year old children may be released early on probation (§ 152 V Lithuanian Corrections Act²⁷). Factors that are taken into consideration when making such a decision are the interests of the mother and child, the portion of the prison sentence already served, the type of the criminal offence and their conduct in prison. In addition a relevant proposal from the manager of the reformatory is required. In these cases the general regulations regarding early release are to be disregarded.

In some countries there are broader visitation privileges for mothers who have children within and/or outside the institution. In Spain, mothers with children up to ten years of age outside of the institution are entitled to unlimited visits from their children. These visits are not supervised unless it is deemed necessary for security reasons. In the case of women who are in open prisons and cannot find paid work outside the institution, any housework they do in their own family homes is recognised as vocational labour. In Croatia pregnant women as well as mothers with children have a right to weekly visits from family members.

Denmark is an exception. There are no regulations that contain special rules for women in the Danish Corrections Act. There are a few paragraphs which are formulated without reference to any specific gender but in which the existence of both genders is acknowledged. These regulations are usually more relevant to women in prisons. Because the separation of men and women is obligatory in Danish prisons, women may - in accordance with § 33 III of the Danish Corrections Law - demand that their prison sentence be carried out without social interaction with the other gender so far as the circumstances allow it. However, this does not apply to working hours. Furthermore, § 54 I gives prisoners of both genders the right to keep a child up to the age of three with them in prison. However, regulations regarding pregnancy and birth can not be found in the Danish law. These are recorded in ordinance No. 374 (of 17.05.2001) of the Justice Minister. According to this ordinance a doctor must be informed of a pregnancy and pregnant women must be given access as to him/her as quickly as possible. Furthermore, steps must be taken to ensure that the birth does not take place in prison but in a hospital.

Lastly it must be pointed out that the supervisory officers in Greek and Croatian prisons for women are exclusively female. All countries that participated in this study stipulated that when body searches are carried out, staff and prisoners have to be of the same gender.

5. Peculiarities

At this point, and in closing, I wish to mention two remarkable features in the Greek and Danish prisons that are not found in any of the other participating countries: The principle of ‚normality‘ in Denmark, and the so-called ‚charitable credit of working days‘ in Greece.

The principle of normality in the Danish Corrections Act (§ 4) states that the conditions of living in prison should approximate as far as is possible those of living in freedom. Traces of this principle can be seen in other countries, for example in the German Prison Act there is the so-called principle of alignment (§3 I). However, a special feature of the Danish principle

²⁶ Croatian Prison Act.

²⁷ Lithuanian Corrections Act.

is the concept of "self-management". The prisoners themselves carry out daily tasks such as shopping, cooking, washing and cleaning (see § 43 I of the Danish Corrections Act). As a result, every institution has facilities for shopping and communal kitchens. The institution does not supply food but the prisoners buy their groceries themselves and prepare their own meals. Prisoners who do not have work are handed a certain amount for self-catering purposes.

The so-called charitable credit of working days with regard to the prison sentence in Greece can be traced back to 1926 and has its legal base in sect 25 of Act 2058/1952 („On pacification measures“). Thus a prisoner sentenced to more than six months' in prison may have his/her sentence reduced by no more than 2 days for every day of performed work. This can result in a substantially shortened prison sentence, especially in conjunction with a conditional release. The original intention was and still is to relieve the prisons and motivate the prisoners to participate in the aim of the prison through regular work. In the past the charitable credit of working days was only recognised in agricultural prisons - they are now implemented in all prisons in Greece and therefore also apply to working female prisoners.

References

- Alexiadis, St.* (1989): Die Strafvollzugsreform in Griechenland: Eine verlorene Chance. *ZfStrVo* 1989, 206-209.
- Andersen, E.* (1980): Erfahrungen mit dem dänischen Strafvollzug. *ZfStrVo* 1980, 228-233.
- Brodersen, K.* (1980): Die Ausbildungs- und Beschäftigungspläne nach dem Skadhauge-Plan – ein Bericht aus dem dänischen Strafvollzug. *ZfStrVo* 1980, 152-158.
- Cornils, K.* (2002): Neue Strafvollzugsgesetze in Dänemark und Norwegen. *ZStW* 2002, 683-695.
- Flümann, B.* (1982): Einige Aspekte des Strafvollzugs in Skandinavien. *ZfStrVo* 1982, 89-93.
- Frangoulis, S.* (1994): Freiheit durch Arbeit. Die Institution der „wohltätigen“ Anrechnung von Arbeitstagen auf die Freiheitsstrafe in Griechenland. *Kriminalwissenschaftliche Studien Marburg*. Elwert.
- Giménez-Salinas, E. & Marteache, N.* (in press) (2005): Spain – National report on women's imprisonment.
- Grozđanić, V./Karlavariš -Bremer, U.* (in press) (2005): Kroatien – Bericht zum Frauenstrafvollzugsprojekt.
- Grzywa, J.* (2003): Der Strafvollzug in Polen und Deutschland im Vergleich. Unpublished Master's dissertation, University of Greifswald.
- Grzywa, J./Stańdo-Kawecka, B.* (in press) (2005): Polen – Bericht zum Frauenstrafvollzugsprojekt.
- Jensen, M. F./Greve, V./Høyer, G./Spencer, M.* (2003): *The Danish Criminal Code and The Danish Corrections Act*. 2nd Edition. DJØF Publishing Copenhagen.
- Lammich, S./Piesliakas, V.* (1994): Strafrechts- und Kriminalitätsentwicklung in Litauen seit der Unabhängigkeitserklärung vom März 1990. *Monatsschrift für Kriminologie und Strafrechtsreform* 1994, 377-387.
- Lammich, S.* (1995): Einige aktuelle Probleme des Strafvollzugs in Litauen. *Zeitschrift für Strafvollzug und Straffälligenhilfe* 1995, 138-141.
- Lammich, S.* (1997): Das neue russische Strafvollzugsrecht. *ZfStrVo* 1997, 266-271.
- Lammich, S.* (2004): Russland – Die aktuelle Situation des Strafvollzugs in der Darstellung des russischen Justizministeriums. *ZfStrVo* 2004, 218-221.
- Lampropoulou, E.* (1990): Das neue griechische Strafvollzugsgesetz. *ZfStrVo* 1990, 152-160.
- Lehmann, M. K.-H./Faundez-Aranda, R.* (2001): Modernes spanisches Vollzugsrecht. *ZfStrVo* 2001, 85-90.
- Petrovec, D.* (in press) (2005): Report on Women in Prison Institutions in Slovenia. Bericht zum Frauenstraf-vollzugsprojekt.

- Pitsela, A.* (1995): Die Rechtsstellung der Gefangenen in Griechenland – Vollzugsnormen und Vollzugswirklichkeit. In Müller-Dietz, H./Walter, M. (Hrsg.) (1995), *Strafvollzug in den 90er Jahren. Perspektiven und Herausforderungen*. Festgabe für Karl Peter Rotthaus, 159-179.
- Pitsela, A.* (*in press*) (2005): *Frauenkriminalität und Frauenstrafvollzug in Griechenland*. Bericht zum Frauen-strafvollzugsprojekt.
- Platek, M.* (1998): Penal practice and social theory in Poland before and after the events of 1989. In Weiss, R. P.; South, N. (1998), *Comparing Prison Systems. Toward a comparative and international penology*, Australia, Canada (pp. 263-285).
- Sakalauskas, G.* (*in press*) (2005): *Landesbericht zum Frauenstrafvollzug in Litauen*.
- Sakalauskas, G.* (*in press*) (2005): *Strafvollzug in Litauen – Kriminalpolitische Hintergründe, rechtliche Regelungen, Reformen, Praxis und Perspektiven*. Dissertation, Universität Greifswald.
- Storgaard, A.* (*in press*) (2005): *Women in Danish Prisons*. Bericht zum Frauenstrafvollzugsprojekt.
- Stańdo-Kawecka, B.* (1997): Die Strafvollzugsreform in Polen nach 1989. *ZfStrVo* 1997, 271-274.
- Szczygiel, G. B.* (2005): Die verschiedenen Formen des Vollzugs der Freiheitsstrafe nach dem polnischen Strafvollstreckungsgesetzbuch. *ZfStrVo* 2005, 145-147.
- van Zyl Smit, D./Dünkel, F.* (1991), *Imprisonment today and tomorrow. International perspectives on prisoners rights and prison conditions*. 1. Ed., Deventer, Boston.
- van Zyl Smit, D./Dünkel, F.* (2001), *Imprisonment today and tomorrow*, 2. Ed., Deventer, Den Hague, London, Boston.
- Weiss, R. P./South, N.* (1998): *Comparing Prison Systems. Toward a comparative and international penology*. Amsterdam.
- Winchenbach, K.* (1997): *Strafvollzug in Griechenland*. *ZfStrVo* 1997, 275-277.
- Zolondek, J./Sakalauskas, G.* (2005): *Strafvollzug und Strafvollzugsrecht in Litauen*. *ZfStrVo* 2005, 151-157.
- Zupančič, M.* (2004): *Der Strafvollzug in Kroatien; Slowenien und Deutschland im Vergleich*. Unpublished Master's dissertation, Universität of Greifswald.

Training curriculum for women's prisons – health aspects

Claudia Kestermann

1. Introduction

Because women only make up about 2% to 8% of the prison population in the respective countries, their specific needs regarding accommodation, security, health or relationships are seldom taken into consideration. The organisation and implementation of the prison sentence in respect of care and security is based on the needs and requirements of the male inmates.

Female Prison Population Rate in different European Countries									
World Prison Brief (International Centre for Prison Studies, June 2005)									
	Slovenia (02/2005)	Croatia (06/2004)	Denmark (10/2004)	Germany (08/2004)	Greece (12/2004)	Poland (10/2004)	Lithuania (01/2004)	Spain (05/2005)	Russia (05/2005)
Prison population total	1.129	3.010	3.774	79.329	8.760	79.807	8.063	60.649	786.900
Female Prisoners % of prison pop.	4.1 %	3.9 %	4.6 %	5.1 %	5.9 %	2.9 %	3.0 %	7.8 %	6.0 %
Prison population rate female (per 100.000 w.)*	ca. 4-5	Ca. 5	ca. 6-7	ca. 10	ca. 10	ca. 12	ca. 14	ca. 22	ca. 66
male (per 100.000 m.)*	ca. 108	ca. 130	ca. 133	ca. 182	ca. 155	ca. 406	ca. 453	ca. 260	ca. 1033
total (per 100.000 inh.)	56	68	70	96	82	209	234	141	550
Recent prison population trend (prison pop. rate)	1992 42	29	66	71	61	153	245	90	478
	1995 41	51	66	81	56	163	344	102	622
	1998 38	46	64	96	68	148	368	114	688
	2001 58	59	59	96	79	183	257	117	638
* own calculation on the basis of 50% of the estimated national population									

This curriculum aims at sensitising prison officers to the situation of female prisoners and in doing so making them more aware of the prisoners' life situations and their needs. A gender specific perspective can ease relationships with female inmates and improve their understanding of their specific behaviour patterns and reactions.

The following discussion targets not only those staff members who are directly involved with the female inmates, but also other persons who work in the field of women's imprisonment and who can benefit from a broader knowledge of the background and needs of female prisoners. This is not to say that delinquent behaviour of women's prisoners is to be excused, for example in discussions concerning biographical background and traumatic experiences of violence, but rather to provide additional knowledge and sensitise staff members to specific problems and their effects.

The presentation of the various themes is based on the one hand on existing training modules and recommendations^{1,2,3}, and on the other hand on the results of the international project on women's imprisonment, which has already been broadly outlined (chap.1).

Furthermore, findings from science and research are also considered in order to present a well-founded – albeit limited – overview of selected and important themes in this field.

Being gender responsive in the criminal justice system requires an acknowledgment of the realities of women's lives, including the pathways they travel to criminal offending and the relationships that shape their lives.¹

The following fields have been specified:

- Imprisoned women: situation and background
- Alcohol and drug abuse among female offenders
- Psychological problems and illnesses, health problems
- Vulnerable groups: risk factors and opportunities for prisoners' influence

The reader can be used in different ways. One way is to distribute it among the prison officers. In this case a discussion on the content within a structured framework should take place so that individual points can be critically evaluated and in the best case scenario lead to joint action plans.

Apart from the situation of women offenders, officer-attitudes should be discussed since this would offer a starting point for ensuring quality assurance/improvement and also offer an opportunity to reflect on their own positions.

Another possibility would be to organise a number of seminars where the content is presented and discussed. In this case the principles and methods of adult education should be considered.

Adults learn more easily...²

- *The more reference is made to practice and practical application*
- *Through experience and using their knowledge in their work*
- *By self-directed work and analysis*
- *Using different methods and ways*

The trainer should be equipped with the required presentation material and motivate the participants to actively participate and contribute to the process. The trainer's primary responsibility is the provision of information as well as initiating and leading the discussions. Not only is an empathetic attitude required, but a certain degree of technical competence and credibility with regard to gender specific measures is required to present these themes in a professional manner.

2. Female prisoners: situation and background

Main questions:

- What pictures/views are there of female offenders and working with them?
- How many women with which backgrounds have been sentenced to prison for what offences?
- What defines the development of female prisoners?

Theme: Preconceptions/sensitisation

The clarification of one's own views or experiences with female prisoners as well as the conceptions that officers have of the women and their background is a suitable starting point to discuss the relevant themes.

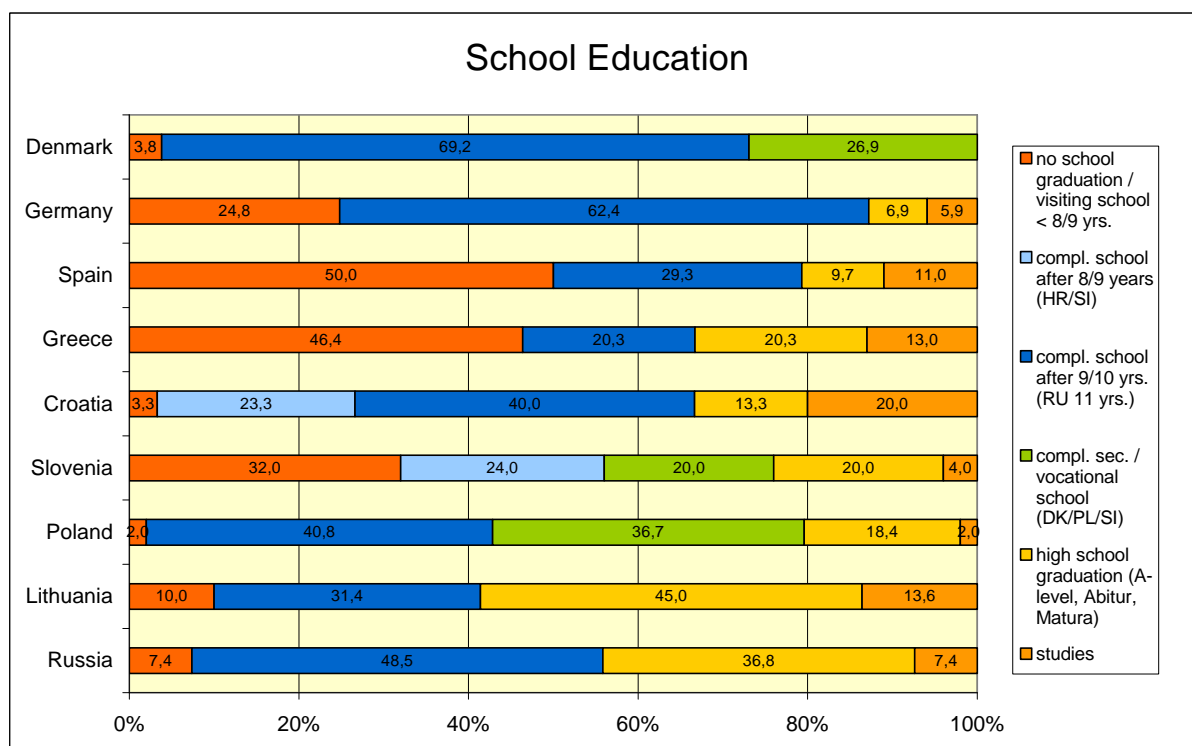
There are no „right“ or „wrong“ answers (see insert). The point is to become aware of one's own attitudes that ultimately affect how we deal with female prisoners. In addition, one should reflect on what conceptions of female offenders are predominant.

The situation of female prisoners: socio-demographic data

The educational background of female prisoners varies considerably across the total sample. Whereas 21,7% had no school-leaving certificate or had been to school for less than eight, i.e. nine years, 22,7% of women have a technical college certificate or A-levels and 9,5% have completed a degree.

Do you agree or disagree with the following statements? ²

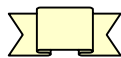
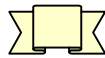
- *Working with women is more difficult than with men.*
- *Women should get the same punishment for their acts as men.*
- *Women are sent to prison for the same or similar offences as men.*
- *The criminal career of women is very different to that of me*
- *Women are more emotional than men*



As can be seen in the diagramme above, there are significant variations between the countries. The two countries with the highest number of female prisoners with low levels of education, i.e. Spain and Greece, show a peculiarity. In these countries students can leave school after six years with a school-leaving certificate (37,8% of Spanish and 10,2% of Greek female prisoners are in this group). The highest formal educational levels are found amongst the Lithuanian and Russian prisoners, followed by Croatia where one-fifth of the interviewed women had completed a degree.

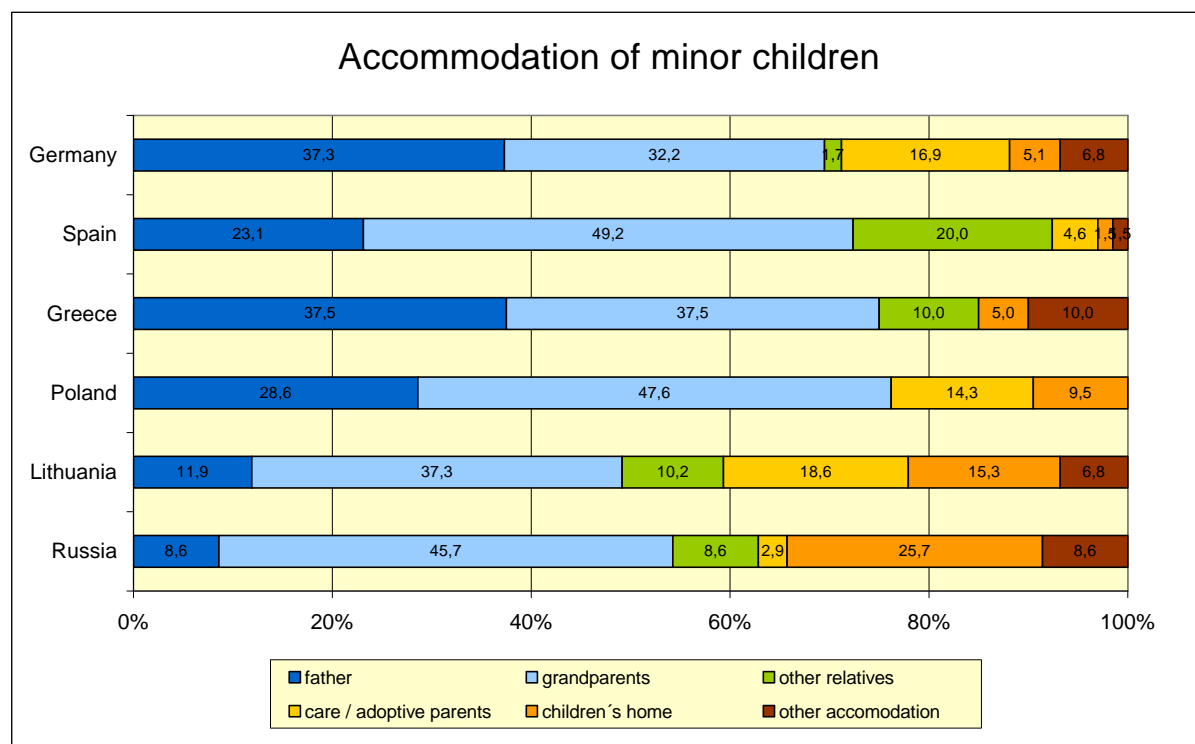
Altogether 40% of the prisoners of our international study on female prisoners are between 18 and 29 years old. This age group was the largest in Poland (50,9%) and Russia (50%) and by far the smallest in Denmark (25%) followed by Croatia (30%) and Slovenia (32%). In Slovenia and Croatia, on the other hand, there are many female prisoners over the age of 50

years (24% and 23,3% respectively). In the older age group of our sample there were only very few Spanish women (2,4%).

AGE	Valid percent		FAMILY STATUS	Valid percent		MOTHERHOOD
18-29 years	39,9%		Single	41,5%		altogether 69,4% mothers of whom 79,6% have (also) minor children
30-39 years	29,3%		Divorced/ widowed	30,6%		
40-49 years	19,1%		Married	27,9%		
50-59 years	9,6%					
≥ 60 years	2,1%					

If one considers the family status of female prisoners, one can see that the majority of them are single and that almost one third are divorced or widowed. Again there are significant differences amongst the various countries. The number of married women is highest in Greece (over 50%). Of the German and Russian prisoners interviewed, about every fifth woman was married. Compared to male prisoners, women in prison are generally more often divorced or widowed.

The situation of mothers in prison becomes evident here. In all of the participating countries the responsibility for children lies traditionally with the mother. Whereas the children of imprisoned fathers predominantly live with their mothers, the contrary does not apply to children whose mothers are in prison. Similarities and differences in the countries with a higher number of mothers can be seen in the following graph.



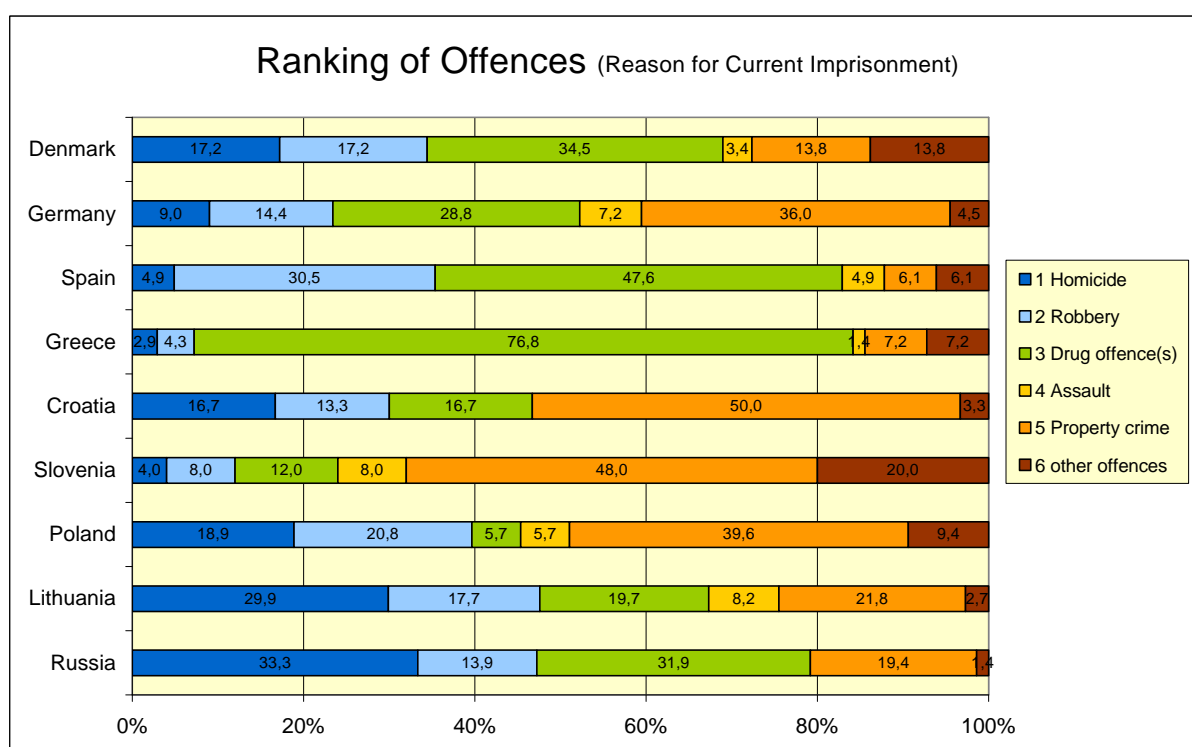
In our survey almost 80% of them had minor children. The majority of the children that were accommodated outside the prison lived with their grandparents (40,2%) and almost one-quarter with their fathers. With slightly more than 9%, other relatives played an important role in caring for the child(ren). Every fifth child is either in foster care, with an adoptive family or in a children's home.

Most of the mothers are in contact with their own children during their incarceration (71,7%). However, 13,8% of the mothers reported that currently they did not have any contact to their children, and 14.6% reported having contact to some of their children but not to all of them. When asked when their contact with their children broke off, about 70% replied that their contact only broke off after their incarceration.

Particularly in the case of minor children, the question arises regarding the maintenance and promotion of contact with the child (insofar as it is not in conflict with the welfare of the child). In general, the number of visits plays a role as well as the conditions under which the visits of the children take place. Only about half of the mothers in prison are visited by their child(ren) and only about 20% receive visits more often than every second week. The opportunity of a visit outside the prison is only available to every fifth mother whereby the chances of this happening are much higher in Denmark and Germany than in any of the other countries.

Offences of the female prisoners

For which offences are women predominantly imprisoned? Not only do we need to consider the offences most frequently committed by women, but also the sanctioning practice in the various countries. In other words, if a country has very strict drug laws for instance, more women will be imprisoned for such crimes and for longer than in other countries with a more liberal drug policy. An important factor that plays a central role in the increase of female prisoners are infringements of narcotics laws.



The previous chart illustrates the offences for which the women we interviewed were sentenced to prison. Where more than one offence was listed, only the most serious one was recorded. The distribution of offences for all countries is as follows:

1. Homicide:	17,0%	4. Assault:	5,0%
2. Robbery:	16,5%	5. Property crimes:	23,9%
3. Drug offences:	31,9%	6. Other offences:	5,7%.

Altogether almost one third of the women were imprisoned for drug offences whereby the differences between the countries are enormous. Drug offences by women play an

insignificant role in Poland (5,7%), whereas in Greece they are grounds for imprisonment for more than three quarters of all interviewees and almost half in Spain. On the other hand, property crimes take first place in the case of Polish female prisoners, as well as in Slovenia, Croatia and Germany.

In the USA, of those women who were sent to prison as a result of violent crimes, three-quarters were sentenced as a result of simple physical assault.⁴ This number is much lower in the European countries that participated in the research and the number of serious violent offences much higher.

Thus, are European women more violent? Or can this difference be attributed to the possibility that the US justice system is quicker to sentence people to prison who have committed crimes of much lesser magnitude? This last point is supported by the extremely high gender specific prisoner ratio of 126 women prisoners per 100 000 of the female population, compared to European countries (see chart on p. 19).

When looking at the data it becomes evident how laws and sanctioning practice co-determine the distribution of offence groupings in the prisons. It also points to the fact how difficult it is to generalise the situation of female prisoners across countries.

Biographical background and development of female prisoners

If one looks at the biographical background of prisoners, it becomes evident that many of them have already had a number of negative and possibly traumatic experiences.⁵ This is

More than half were witnesses of violence between parents, many had experienced psychological and physical abuse in their childhood by parents and educators. Women prisoners were much more often victims of sexual abuse in their childhood than the average female population and experienced serious forms and expressions of abuse. (...).⁸

even more so in the case of imprisoned women. The latest research from various countries shows 40% to 48% of women prisoners have experienced sexual abuse which is about five times higher than in the general female population.^{6,7,8} In comparison to other very vulnerable groups (i.e. prostitutes or women refugees) women in prison often experienced an unstable and violent childhood / youth.⁸

For a proportion of the women the experiences of violence are not limited to childhood alone but are carried over into adulthood. Especially in the

context of (ex)partners the women continue to experience physical and/or sexual violence. This finding has already been sufficiently substantiated. However, here again international comparative studies are needed to underline and explain commonalities and differences between the countries. There is hardly any knowledge of studies from eastern and middle European countries that focus on delinquent women's experiences of violence.

In addition to this problematic background, a large number of female offenders have no or unstable employment and experience emotional and material dependency on male partners.⁸ Economic and social marginalisation are common among women who come into conflict with the law.

Empirical research has established that female offenders have histories of sexual and/or physical abuse that appear to be at the root of subsequent delinquency, addiction and criminality. Abusive families and battering relationships are also strong themes in the lives of female offenders.¹

Experiences of violence and problematic dependencies do not only affect potential delinquent behaviour but also affect how they deal with other people. Female prisoners with (sexual) experiences of violence behave differently in the company of fellow prisoners or prison officers (and in particular with male officers). It is of vital importance for officers in women's prisons to have an in-depth knowledge of the frequency of traumatic experiences and their consequences in order to be able to comprehend the behaviour patterns of affected women and so that they themselves can act in a more confident and competent manner. In this way they can support the coping and resocialisation processes of the female prisoners.

3. Alcohol and drug abuse among female offenders

Main questions:

- Are female substance abusers different from male substance abusers?
- How great is the need for treatment programmes and how many such programmes are available?
- What is important for the treatment of dependent women in prison?

When taking into consideration the various offences for which women receive a prison sentence, it was found that almost one third of the women were sentenced as a result of drug offences. This clearly shows that drugs are a significant (and increasing) problem in the life of delinquent women. The largest portion of women found guilty of transgressing drug laws were sentenced for drug possession.² The possession of illegal drugs and drug dealing are sometimes termed "survival crimes" that serve to support their own drug habits and /or to earn money (escape from the brutality of daily life). This last aspect – that of suppressing emotions through drugs and alcohol – plays a crucial role in the development of drug addiction in women who have experienced violence.²

Thus the first of the three questions in the box below has been answered with regard to the background and influencing factors on drug dependence. All the other answers apply to a certain degree, however, the third one is the most frequent reason for alcohol and drug abuse.

SUBSTANCE ABUSE AND FEMALE OFFENDERS ²

- I. Women offenders are likely to use alcohol and/or drugs because ...*
 - a. They are so readily available.*
 - b. They want to please their husbands and/or boyfriends.*
 - c. They need to dull the emotional pain from a history of abuse and other traumas.*
 - d. They lack an emotional support system.*
- II. Women are more likely than men to ...*
 - a. Drink in social setting and binge more.*
 - b. Begin to drink at a younger age and take longer to become addicted.*
 - c. Seek treatment for their substance abuse problems.*
 - d. Use heroin and cocaine and experience health problems sooner.*
- III. Women who have recovered from substance abuse addiction list the following issues as most important for them in recovery and relapse prevention:*
 - a. Awareness of self, healthy relationships, healthy sexuality, spiritual connection.*
 - b. Money, family support, marriage and friends.*
 - c. Vocational training, good job, healthy relationships, money.*
 - d. Education, vocational training, spiritual connections, support groups.*

In the second question (Q II) of this section from an American further-training quiz² gender specific differences become apparent. For the Americans answer d) applies. Women use heroin and cocaine earlier than men and also experience health problems much earlier.

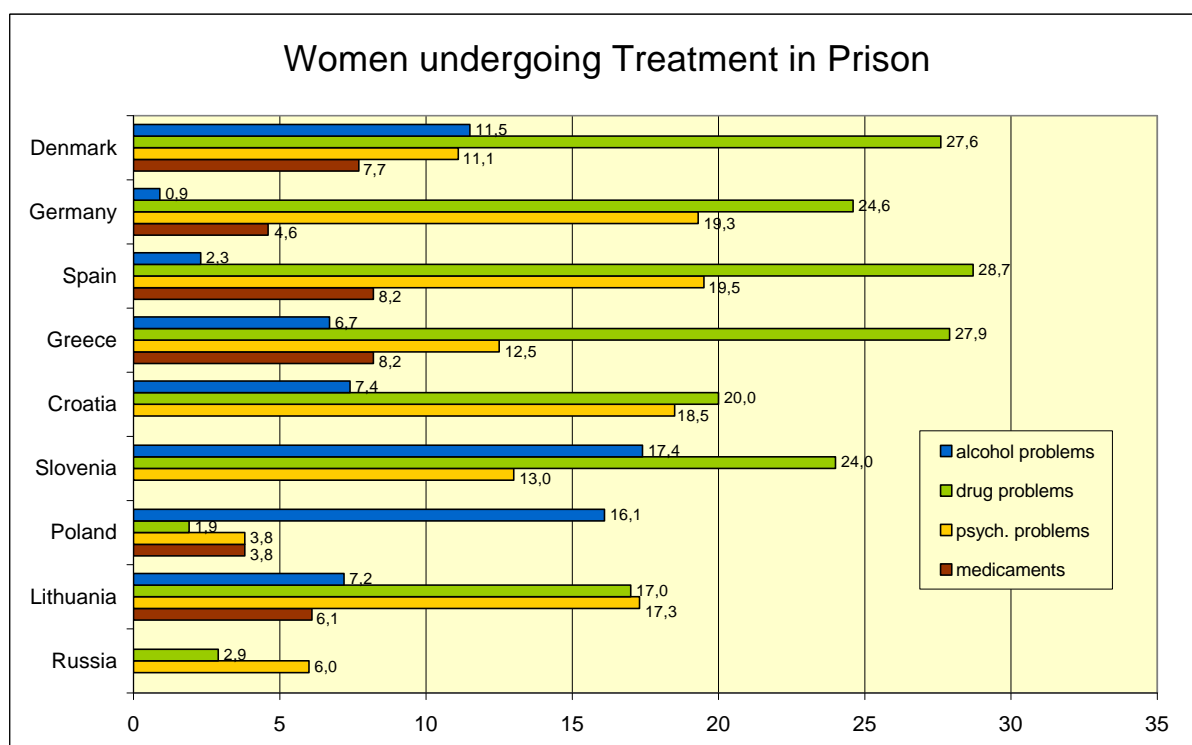
In all the other answers the behaviour described is much less likely in women than in men. For example women tend to drink alone, usually start drinking much later, and become dependent more quickly. However, if women seek professional help, it is because they have a dependent partner. They seek help much less quickly if they are affected themselves. Women rarely enter drug treatment directly. They initially have other complaints (physical ailments or illnesses) that may be connected to a substance abuse problem, and the actual dependence only becomes apparent later.

The third question (Q III) lists the issues stated by previously dependent women that they see as significant for a drug-free life. Those interviewed felt that rather than education, the important issues are self-examination, relationships with others, with your own body and with your own spirituality.⁹ Thus answer a) applies. Even if there are national and/or cultural differences that affect this hierarchy of significant themes, the experiences of drug dependent women can be useful in treating women in other countries.

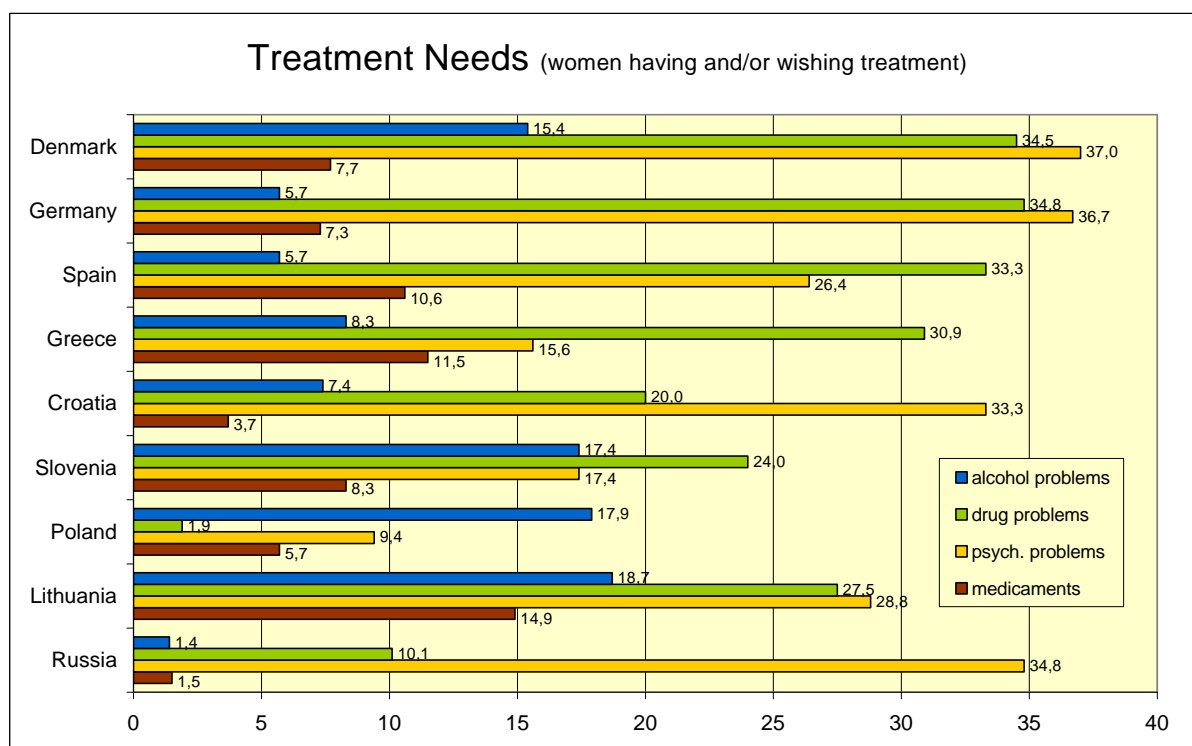
To summarise, the following assumptions can be made that apply to all countries:

- ... drug dependent women prisoners often have low self-esteem
- ... they have experienced a number of different sexual and/or physical forms of violence
- ... they often suffer additionally from mental illnesses
- ... their substance abuse has run a serious course and has seriously affected their delinquent behaviour¹⁰

The following graph shows the degree of need for treatment in each country.



It is disturbing to note the difference between the number of women who are currently in a programme and the number who would like to have treatment in some cases.



While most of the institutions cover most of the need for drug rehabilitation programmes relatively well, the treatment options for alcohol and prescription-drug-abuse lag considerably behind the extent of the reported problems. The difference between demand and supply of psychological advice or treatment is most clearly illustrated.

So what are the most important aspects when putting opportunities for treatment into practice? In this regard there are two further questions:

SUBSTANCE ABUSE AND FEMALE OFFENDERS ²

IV. Components of a comprehensive treatment model for women include:

- a. Daily meetings, drug education, vocational training*
- b. Well-trained staff, strictly enforced rules, vocational training*
- c. Connections with community treatment programs, visits with children, clearly defined rules*
- d. Education on: addictions and consequences, relationships with family and significant others, child care and custody*

V. When working with women with substance abuse problems it is important that staff

- a. Enforce rules consistently and fairly.*
- b. Model appropriate relationship behaviors.*
- c. Communicate well with each other.*
- d. Help women bond and develop trust.*

In question four (Q IV) answer d) is particularly relevant. This is the view of the Center for Substance Abuse Treatment (CSAT), which has developed the *Forever Free Program*, a programme for the treatment of drug dependent female prisoners.

This cognitive-behavioural programme contains detailed treatment plans, single and group therapy as well as the 12-step programme and also deals with the following topics, among others ¹¹:

- Teaching conflict resolution and coping skills
- Working through the (gender specific) origins and factors that sustain the dependency ,and its consequences
- Self-esteem, self-confidence
- Self-assertion training, anger/aggression management
- Healthy and unhealthy relationships: analysis of problematic relationship-patterns, co-dependency
- Sexual and physical experiences of violence, posttraumatic stress disorder
- Sexuality and health
- Bringing up children

How can prison officers support this treatment with their behaviour? How can the fifth and last question above be answered? In this case all of the answers apply. All of the described behaviours will help dependent women on the path to a safe and healthier life.

4. Psychological problems and disorders, health problems

Main questions:

- Which psychological problems are particularly prevalent among female prisoners?
- Why do they suffer frequently from post-traumatic stress disorder?
- To what extent are there other health problems?

In this very vulnerable group of female prisoners there is a very high prevalence of traumatic experiences while positive, supporting factors are limited. A number of psychological problems are brought into the institution which are negatively reinforced through the prison experience.

A large number of studies point to the fact that women in prison have a much greater prevalence of depression, post-traumatic stress disorder, psychosis, personality disturbances or other psychological illnesses than women in the general population.

In our study a number of different symptoms are listed (see box). However, no clinical questionnaires were used, i.e. the results do not represent clinical psychological diagnoses.

As already mentioned, experiences of violence in childhood, youth and adulthood can lead to long-term psychological problems.¹² A frequent disorder that occurs as a result of traumatic experiences is post-traumatic stress disorder (PTSD). Sexual abuse victims, rape victims or women who experience violence in relationships show a high degree of PTSD symptoms which can be categorized as follows:

Intrusions – recurring, unwanted thoughts of the event, also in the form of flashbacks or nightmares.

Avoidance behaviour – avoidance of situations that could trigger memories and a general emotional flat affect.

Hyperarousal – sleep disorders, irritability (also temper outbursts), heightened alertness.

DEPRESSION

1. *I often feel dejected.*
2. *I feel lonely.*
3. *I spend a lot of time brooding.*
4. *I often feel tense.*
5. *I feel of being at the situations mercy.*

SELF-HARM RISK

1. *I feel as though I cannot bear another day here.*
2. *My life seems to be pointless.*
3. *I sometimes consider doing myself harm.*

IRRITABILITY/HYPERAROUSAL

1. *I am often irritated and angry..*
2. *I am often so enraged that I could break something.*

Green et al. (2005)⁵ have found a prevalence rate of 22% amongst women prisoners for actual PTSD (point prevalence). In the general population, the rate of PTSD among women is much lower with 3-10% (life prevalence).¹³

Comorbid disturbances in PTSD¹³:

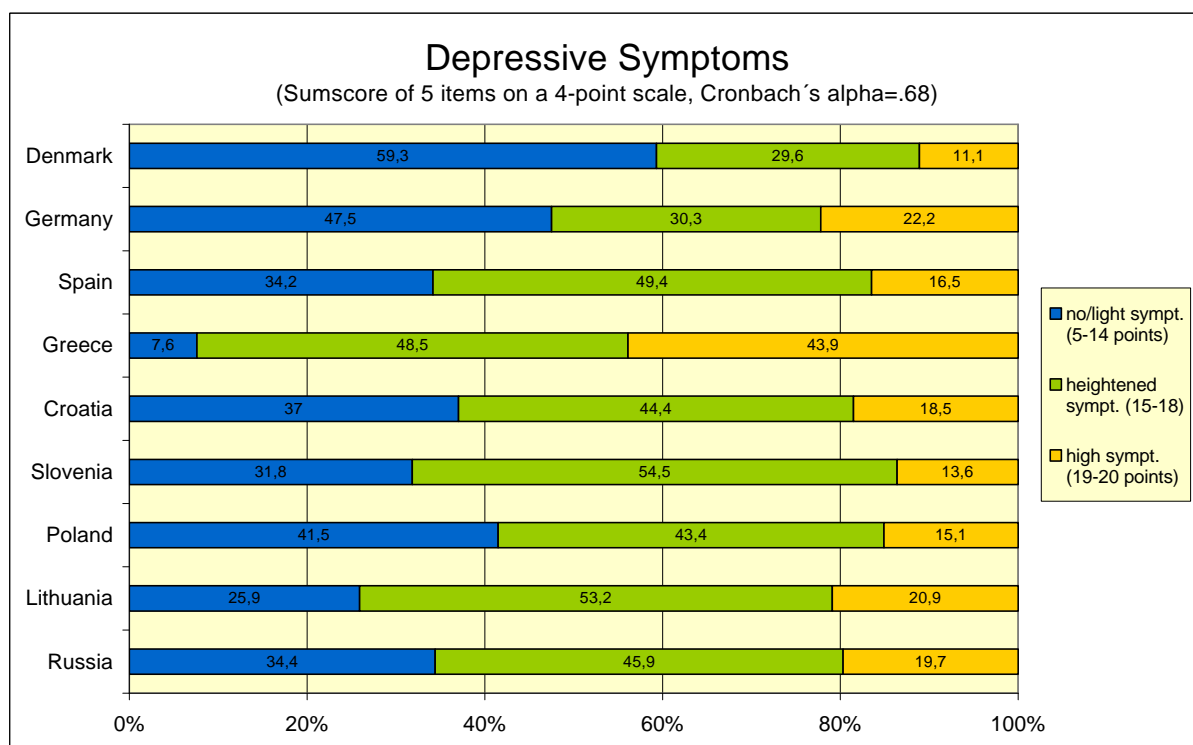
- *Fears*
- *Depression*
- *Suicidal thoughts*
- *Abuse of/dependence on prescription drugs, alcohol and drugs*
- *Somatisation disturbances*
- *Cardiac disease*

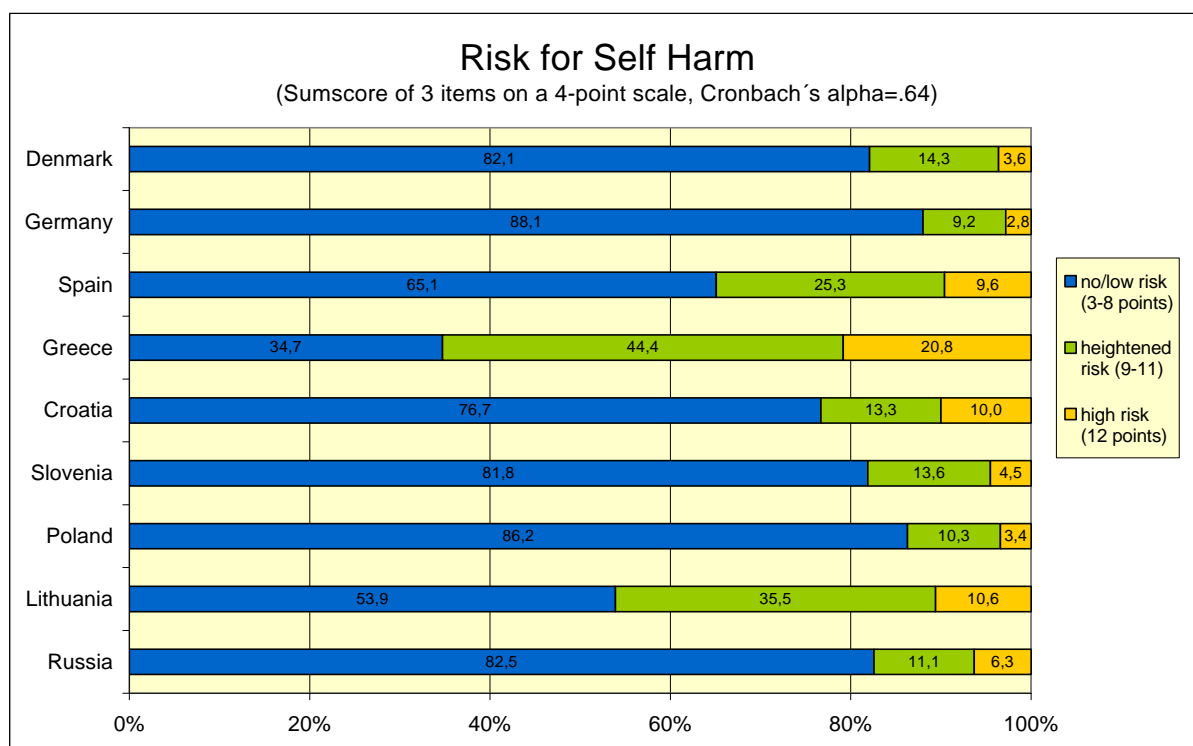
If one looks at the frequency of PTSD that results from sexual abuse in childhood, the percentage rises to 27 – 35%; and if the women were raped the percentage increases to 52-55%¹³. It is these experiences of violence in particular that often constitute the biographies of female prisoners.

If there is PTSD, then other psychological problems frequently also arise. These are listed in the box.

In our study we did not establish to what degree women suffer from PTSD. Taking the findings of other studies into account, one can assume that there would be a high rate of PTSD sufferers.

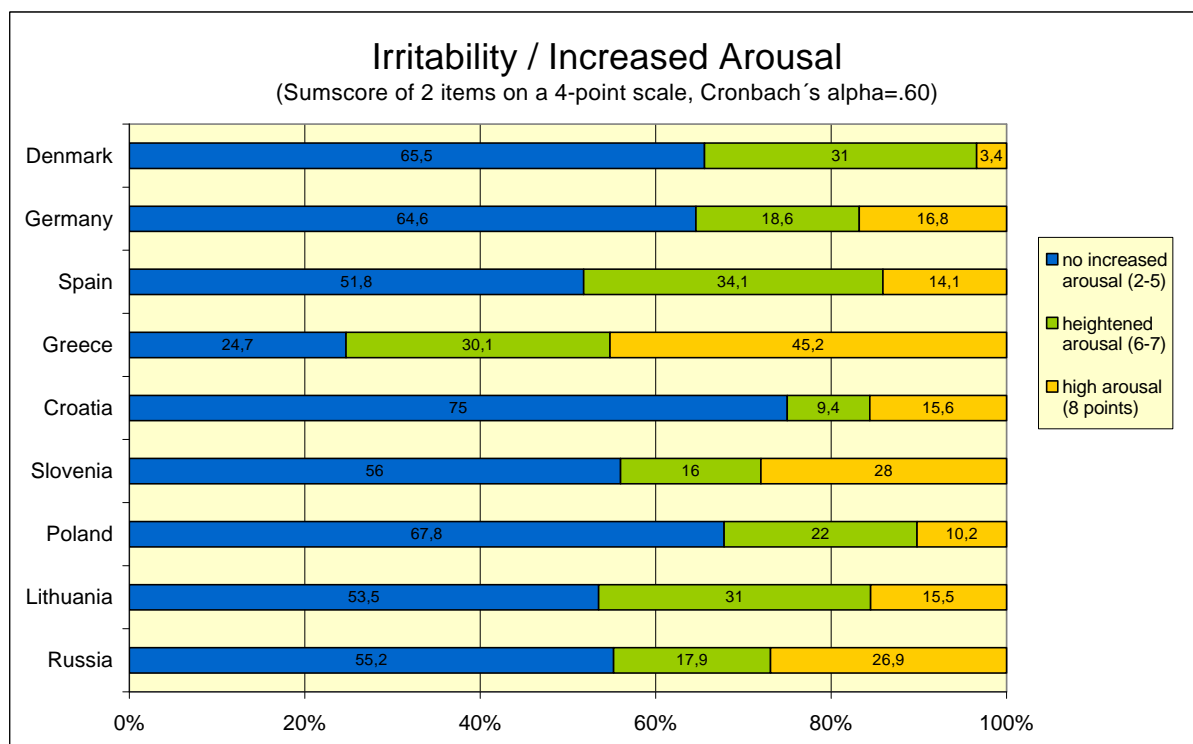
The graphs below illustrate the extent of depression among the imprisoned women in each country. If one looks only at the group that stated to be suffering from high levels of symptoms, then 11,1% of the women in Denmark and 43,9% of women in Greece suffer from depression. The number of Greek women is unusually high, but is also expressed in other psychological problems. Across all countries 21,6 % of all interviewed women have a depressive symptomatology. These findings correspond with the findings from Nicholls et al. (2004)¹⁴ They found in a group of Canadian women prisoners that 17,2% suffered from severe depression and the research of Green et al. (2005)⁵ established that 25% of female prisoners in the USA were suffering from severe depression.





The self harm risk shows a similar pattern, only that the extent is much less severe. Across the whole sample the percentage of the high-risk women lies at 8,6%. As in the case of depression, it ranges from 2,8% in Germany to 20,8% in Greece. The findings show that female prisoners view themselves as highly likely to harm themselves.

Hyperarousal (in the form of irritability) is experienced by 19,7% of the surveyed prisoners. Here the distribution is different in the various countries: Again, the Greek women have the highest rate with 45%, followed by women from Slovenia and Russia with 27-28%.



There is thus a clear indication that a significant number of women in prison have psychological problems or are mentally ill. In how far these problems can be put into

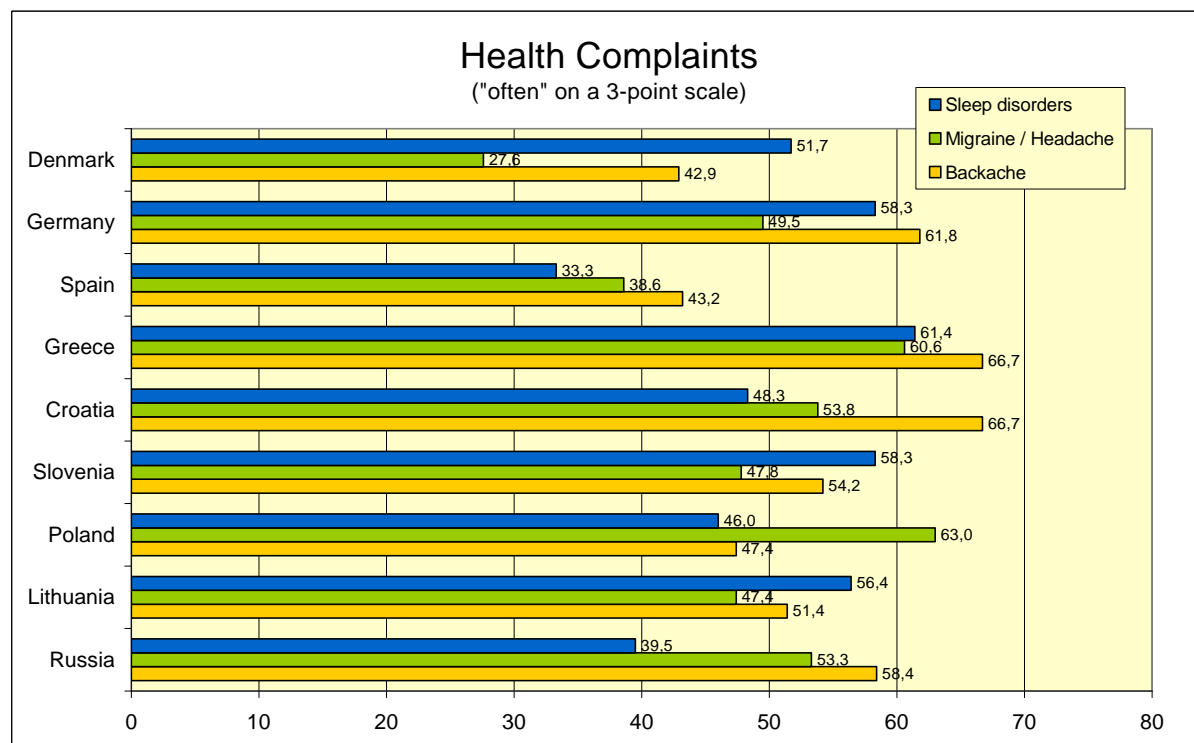
connection with imprisonment and which factors influence the severity will be discussed in the next chapter.

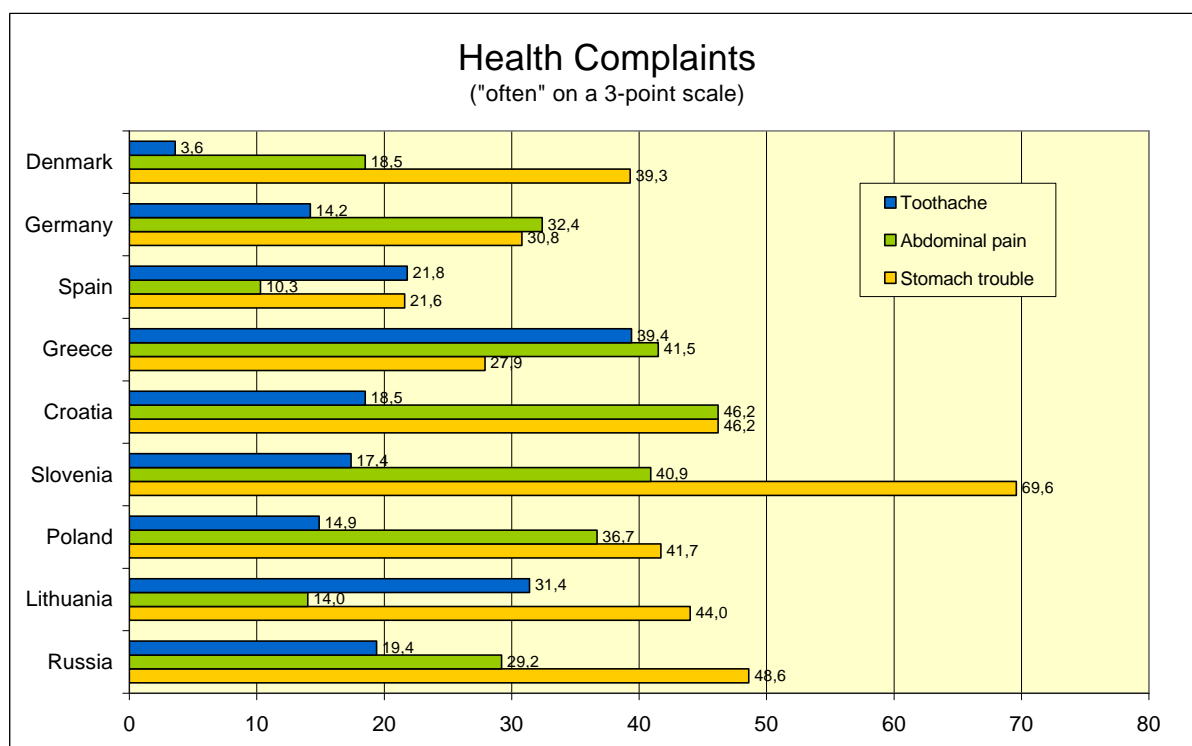
The stress that female prisoners experience will be discussed below by looking at other health complaints. Below is an overview of our findings compared with other findings.

HEALTH COMPLAINTS	Women's Prison Project (9 countries), N=653	Imprisoned women, N=88 ⁽⁸⁾	Community sample, N=10.233 ⁽¹⁵⁾
Sleep Disorder	50,6%		
Headache / Migraine	49,5%	50%	17%
Backache	54,7%	31%	28%
Toothache	22,6%		
Abdominal pain	26,3%	16%	3%
Stomach trouble	37,8%	22%	8%
<i>Frequency</i>	<i>("often" – 3-point scale)</i>	<i>("often" – 4-point scale)</i>	

The higher percentages in our research compared with those of the other (German) women's prison research project can be explained by the different scales that were used (never-seldom-often compared to never-seldom-sometimes-often). In other words, in our study the severity of the complaints may be overestimated.

Compared to the general female population, female prisoners suffer significantly more frequently from these physical complaints (which in part are strongly linked to psychosomatic complaints).





In summary, it has been shown that female prisoners not only suffer more often from psychological problems but also from other health complaints. Some of the psychological and physical problems are most probably the result of traumatic experiences in the history of female offenders.^{6,8} Post-traumatic stress disorder in particular is directly linked to traumatic experiences in childhood, youth or adulthood.

5. Vulnerable groups: Risk factors and opportunities for prisoners' influence in prison

Main questions:

- Which factors influence the psychological problems of female prisoners?
- To what extent can particular risk groups be identified?
- What opportunities does the institution or a prison officer have to have a positive influence?

Even if – as described above – the causes for many problems can be found outside the prison or the institution, the prison conditions can exacerbate or relieve the existing problems.

With this in mind, it would be interesting to know which factors influence depression and incidence of self-harm. Below we will examine the links between some factors and depressive symptoms or the degree of the self-harm risk. The table shows the correlations (these can have a value between 0 and 1, i.e. –1; the sign before the number indicates the direction of the correlation) and significant correlations are marked.

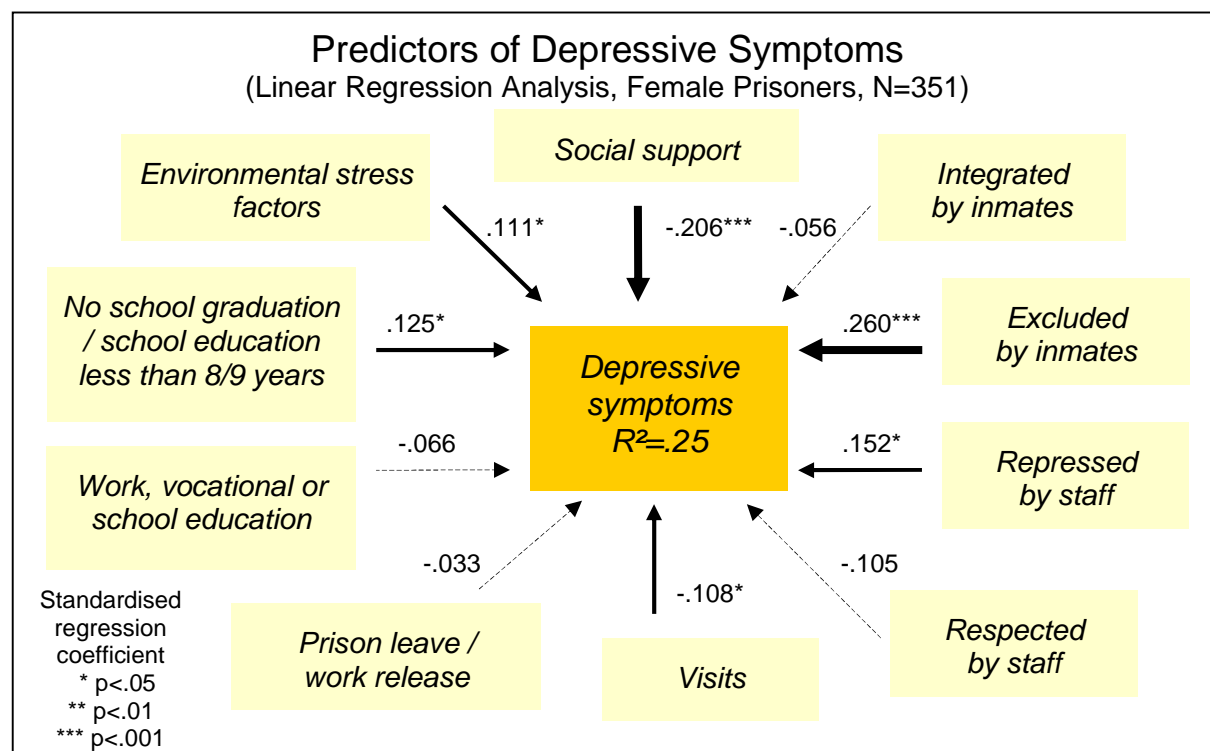
SOCIAL SUPPORT

- 1. I have someone on whom I can rely.*
- 2. I can speak to someone when I have problems.*
- 3. When I feel down there is someone who will comfort me.*
- 4. If I need help I know who can give it to me.*

<i>Correlations between depressive symptomatology / risk harm and different factors (N=351)</i>		
FACTORS	Depressive Symptomatology	Self Harm Risk
1. No school graduation / visiting school < 8/9 years	.16*	.28**
2. Environmental stress factors (lack of privacy, noise, uncomfortable temperatures, poor air quality)	.25**	.26**
3. Social support (4 items)	-.29**	-.23**
4. Feeling of being integrated by inmates (5 items)	-.21**	-.26**
5. Feeling of being excluded by inmates (3 items)	.38**	.37**
6. Feeling repressed by staff (5 items)	.29**	.36**
7. Feeling respected by staff (6 items)	-.08	-.17*
8. Frequency of visits	-.15*	-.19**
9. Prison leave / work release	-.12	-.13
10. Work, vocational or school education in prison	-.02	.03
	*p<.01; **p<.001	

A negative correlation can be interpreted as follows: the higher for instance the social support (3/see box) the lower the depressive symptomatology ($r = -.29$) and the self-harm risk ($r = -.23$).

In order to find out exactly how these factors directly influence psychological problems, they were examined together in a model.



Even if one interprets the data cautiously, interesting facts emerge.

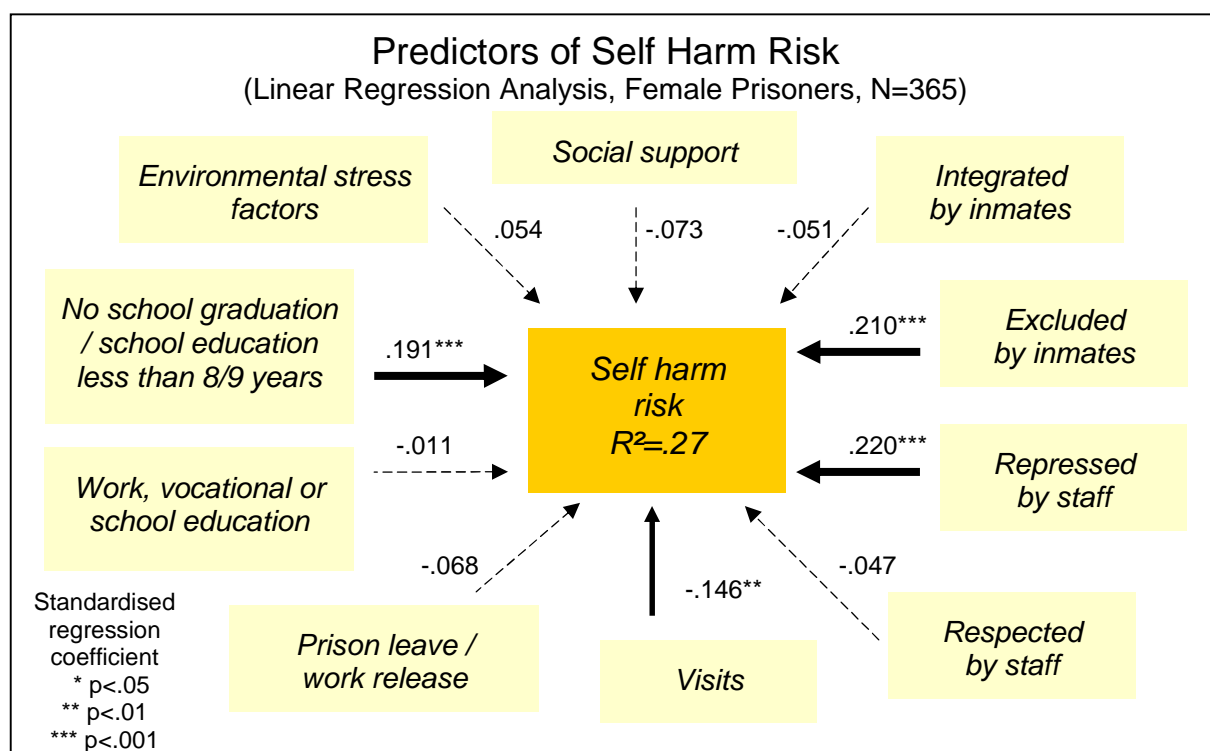
A significant influence is the presence of social support. A lack of social support, a sense that there is nobody when one really needs someone, can lead to a distinctively higher level of depressive symptomatology. On the other hand, two other positive human relations factors –

being integrated with the other prisoners or being respected by staff – do not have a significant effect. One possible explanation is that most women feel integrated and respected. Another explanation is that it appears to be more important for women to have people to whom they are close than to feel recognised by all the female prisoners or staff. This explanation is not supported by the fact that exclusion from fellow prisoners has a strong effect. Rejection and subjugation by staff also lead to an increase in depression.

As other studies have also found, contacts to the outside world in the form of visits have a protective effect. In contrast to a study we carried out in men's prisons, work-leave, prison leave or free access hardly have an effect on women prisoners. However, it should be noted that in some countries these opportunities hardly exist and thus cannot have an effect. Participation in meaningful activities such as work, school or vocational education also have no significant effect on psychological wellbeing.

Poor school education seems to have an influence on depressive symptomatology. One thus needs to examine whether there are other factors that could be responsible for this: for example, there may be problematic biographical experiences or difficult social conditions that could affect depression. However, together with the findings of other research¹⁵, it can be said that poor prison conditions tend to lead to an increase in the degree of depression among prisoners.

When examining the effect of the same factors with regard to the self harm risk, four variables with a strong effect can be distinguished. Firstly, poor school education as above can be mentioned. This might conceal unfavourable socialisation processes in the past. A factor that has an extremely strong influence is that of perceived rejection from fellow inmates and staff. The last, seemingly protective, factor are visitations – more visits lead to a decrease in the self harm risk among women.



How can those groups be described in more detail that have a particularly high incidence of certain problems and therefore belong to a particularly vulnerable group or risk group?

In the following, three different groups shall be investigated separately (for reasons of comparison, the other female prisoners are analysed as a separate group):

1. Women with drug problems
2. Women with high depressive symptomatology (see chapter 4)
3. Women with high self-harm risk (see chapter 4)

CONTEXT VARIABLES	Female inmates with ...			Other inmates (n=281)
	Drug Problems (n=159)	high Depressive Symptoms (n=124)	high Self Harm Risk (n=52)	
Low school education	24,8%	29,7%	34,7%	15,7%
High school education	26,8%	31,5%	30,6%	36,1%
Imprisoned before	51,3%	27,3%	23,1%	25,7%
Disciplinary punished	44,9%	28,0%	30,0%	27,8%
Visits (almost never)	33,4%	29,7%	39,2%	26,1%
Programme participation	57,5%	29,3%	26,5%	22,1%

The above table as well as the tables below provide a good insight into the various problems and co-factors within the three groups. The three risk groups overlap, whereas in the fourth group nobody experienced drug problems, exhibited high depressive symptoms or a high risk for self-harm. The fourth group, however, presented other problems that are not considered here (e.g. alcohol abuse or abuse of prescription, other psychological illnesses).

The group with drug problems had a considerably higher rate of previous convictions as well as of disciplinary punishments within prison than any of the other groups. At the same time, more than half of the women from this group participated in programmes offered by the institutions. This can be explained largely by the anti-drug programmes that are often offered. What is interesting in the table above is the very high number of women in the group with a high risk for self-harm who do not receive any or hardly any visitors.

HEALTH ISSUES	Female inmates with ...			Other inmates (n=281)
	Drug Problems (n=159)	high Depressive Symptoms (n=124)	High Self Harm Risk (n=52)	
Hepatitis	43,9%	13,3%	8,9%	10,2%
HIV / AIDS	11,9%	3,5%	2,2%	5,4%
Women often suffering from... sleep disturbances	56,2%	72,3%	81,3%	42,8%
Headache / migraine	45,2%	66,9%	73,5%	43,2%
Backache	55,9%	65,3%	63,3%	52,6%
Abdominal trouble	25,3%	34,9%	52,2%	23,7%
Suffering severely/very severely from a lack of privacy	52,3%	60,5%	80,4%	49,8%

Regarding the health issues that accompany the relevant risk factors, a high number of women who are addicted to drugs have hepatitis or HIV/AIDS. Especially those women who are very depressed and (even more) those with a high risk for self-harm suffer from other

health complaints (in particular from psychosomatic complaints). This pattern can also be observed regarding the prison climate (see below). With regard to the tension that is experienced and feelings of victimisation in the institution there is a significant increase from the fourth group to the group with drug problems to the group with a high risk for self-harm.

PRISON CLIMATE	Female inmates with ...			Other inmates (n=281)
	Drug Problems (n=159)	high Depressive Symptoms (n=124)	High Self Harm Risk (n=52)	
extremely tense	42,7%	61,7%	68,2%	34,0%
extremely hostile	19,7%	40,0%	58,1%	11,5%
being victimised during imprisonment	74,8%	77,6%	77,1%	60,1%
Feeling excluded (inmates)	5,3%	23,6%	32,0%	6,2%
Feeling included (inmates)	59,6%	52,8%	40,4%	55,0%
Feeling repressed (staff)	19,9%	30,1%	48,1%	11,9%
Feeling respected (staff)	43,2%	49,6%	46,2%	50,7%

Another factor that arises is that negative feedback or rejection from others has a much stronger effect than positive human interactions. On average one-quarter of the depressed and one-third of the women at great self-harm risk feel excluded by the other prisoners and rejected (even repressed) by staff.

Finally, the psychological factors show that less than one fifth of the drug-dependent women are also severely depressed, whereas almost two-thirds of the women with a high risk for self-harm show manifest depressive symptoms. Conversely, one quarter of the depressive group shows a risk for self-harm. High rates of irritability and heightened arousal (which may also be a symptom of post-traumatic stress disorder) can be found mostly amongst the women who are at risk for self harm. This group and the group of severely depressed women experienced the highest rate of lack of social support.

In all three risk groups there is a considerable need for treatment of psychological problems. The need for treatment is the highest amongst those women who are at the most risk of harming themselves. This need for help and support should therefore be taken seriously by the prison officers and the institution.

MENTAL HEALTH	Female inmates with ...			Other inmates (n=281)
	Drug Problems (n=159)	high Depressive Symptoms (n=124)	High Self Harm Risk (n=52)	
high depressive symptoms	17,7%	-----	63,8%	-----
high self harm risk	6,5%	24,8%	-----	-----
high irritability / increased arousal	20,1%	41,5%	64,7%	11,0%
Suffering from a lack of social support	15,3%	20,5%	26,5%	7,5%
need for psychological treatment	45,5%	37,1%	56,0%	19,1%

In order to reduce the risk of psychological problems and self-harm, the physical prison conditions should be improved and human contact should be actively and positively promoted. For example, contacts outside the institution should be promoted in the form of more opportunities for visits and leave from prison. Contact within the institution can be promoted by facilitating and supporting social contacts, and creating a safe and positive prison climate. In addition, depending on the institution, there is a need for more programmes and more psychotherapeutic treatment.

What can the prison officers do? How can they properly evaluate behaviour, recognize risks and react appropriately?

First of all staff need to know the background and the consequences of certain experiences, i.e. it is essential for them to understand what trauma is and how it can affect behaviour. The more the prison officers are able to recognise certain symptoms or to identify behaviour as patterns of learned behaviour, the more self-confident they will be in their own behaviour. Certain behaviour patterns can be more readily classified and dealing with them thus becomes easier. The more knowledge staff have the easier it is for them to estimate the needs of the women.

The two needs that are rated as very important are „safety“ and „respect“. Safety for many women is the most basic need and in addition to a protective environment, also refers to the absence of any manner of physical, sexual or verbal abuse.¹⁷ A safe and supportive environment is the foundation of a positive resocialisation process.¹⁸

However, what if somebody finds themselves in a crisis and the urgent question arises whether there is the danger of suicide?

In our research we requested the institutions to supply data on the number of suicides and attempted suicides within a certain year. No successful suicides were reported from any of the institutions. However, the reports on attempted suicides varied considerably between the different countries. One report from a Greek institution was interesting in that no suicide attempts were reported, but it reported that women harmed themselves. Whether some self-harm injuries should be classified as suicide attempts shall not be further discussed here, nor shall the lack of data from other institutions.

Country / Prison (number of inmates)	Suicide Attempts	Country / Prison (number of inmates)	Suicide Attempts
<i>Denmark</i> 4 Prisons (108)	no attempts	<i>Lithuania</i> 1 prison (183)	no attempts
<i>Germany</i> 4 Prisons (411) 1 prison	no attempts n/a	<i>Poland</i> 1 prison (438) 1 prison	15 attempts n/a
<i>Spain</i> 1 prison (160) 1 prison (199)	some attempts 3 attempts	<i>Russia</i> 1 prison (280)	no attempts
<i>Greece</i> 1 prison (300) 1 prison (22)	17 attempts no attempts but self harm behavior	<i>Croatia</i> 1 prison (62)	no attempts
		<i>Slovenia</i> 1 prison (29)	1 attempt

The data provided by the respective prison administration show that most of the suicide attempts were in one of the Greek and one of the Polish institutions. In Spain there were a „few“ suicide attempts in the year under consideration. Apart from one other suicide attempt in Slovenia, no others were reported by the other countries.

In total, the data shows that the danger of self-harm and suicide attempts plays an important role in the work with female prisoners, even though their extent differs from institution to institution.

The Ortiz workgroup, which examined the health of imprisoned women for the National Institute of Corrections in the USA, lists the following (situational) risk factors that increase the risk of a suicide attempt ²:

- Authoritarian environment (problems in meeting expectations, not willing or able to conform to clear rules)
- Isolation from family and friends (loss of social support system, regardless of how weak it might have been)
- Degrading factors of imprisonment
- Fears
- Recent consumption of drugs or alcohol
- Guilt or shame regarding the prison sentence (particularly when imprisoned for the first time)
- Mental illness
- Overpowering worry about family and children
- Leave/ public holidays (seeing that others are with their families, increases depression)

In addition to these factors which in part only apply to the time spent in prison, factors that influence the thoughts and feelings that dominate female prisoners should also be considered (see box).

Together with the problems stated above that are linked to a high risk for self-harm, the reader can get a general idea of the feelings of women in danger of committing suicide.

Finally, some guiding principles from Bloom, Owen and Covington are quoted that are aimed at the officers as well as at the management of institutions.

SYMPTOMS OF A PERSON IN DANGER OF COMMITTING SUICIDE¹⁹

1. *Feels hopeless (in fact, the level of hopelessness is the best predictor of suicide)*
2. *Has constricted „tunnel vision“ and can't see any alternatives (black/white thinking)*
3. *Shows rigid thinking and an inability to develop alternatives*
4. *Demonstrates poor problem-solving abilities, particularly with regard to interpersonal relations, does not think through own ideas and actions and their consequences*
5. *Overestimates the unsolvability of own problem*
6. *Demonstrates little sense of personal control and low self-esteem (low self-efficacy)*
7. *Feels that the current stress will never end*
8. *Is preoccupied with the present*
9. *Sees suicide as the most desirable (or only) solution*

GENDER RESPONSIVE STRATEGIES – GUIDING PRINCIPLES:¹

1. **Gender**
Acknowledge that gender makes a difference.
2. **Environment**
Create an environment based on safety, respect, and dignity.
3. **Relationships**
Develop policies, practices and programmes that are relational and promote healthy connections to children, family, significant others, and the community.
4. **Services and supervision**
Address substance abuse, trauma, and mental health issues through comprehensive, integrated and culturally relevant services and appropriate supervision.
5. **Socioeconomic status**
Provide women with opportunities to improve their socioeconomic conditions.
6. **Community**
Establish a system of community supervision and reentry with comprehensive, collaborative services.

References

- ¹ Bloom, B., Owen, B. & Covington, S. (2003). Gender responsive strategies – Research, practice, and guiding principles for women offenders. Legal Consultant: M. Raeder. *National Institute of Corrections, Acc.-No. 018017.*
- ² National Institute of Corrections (Ed.)(2001). Prison Health Care: Women Offenders [Lesson plans and participant's manual]. Program Coordination by M. Ortiz; Contributions by K. McVey, A. Schmidt, R. Jackson & C. Newkirk; Technical Assistance by B. Gurnell. *National Institute of Corrections, Acc.-No. 016721.*
- ³ Cicero, J.H. & DeConstanzo, E.T. (2000). Sentencing women offenders. A training curriculum for judges. A project of the National Association of Women Judges. *National Institute of Corrections, Acc.-No. 016419.*
- ⁴ Bureau of Justice Statistics (1999). *Special report: Women offenders.* Washington, DC: US Department of Justice.
- ⁵ Guthrie, R.K. (1999). *The prevalence of Posttraumatic Stress Disorder among federal prison inmates.* Morgantown: Unpublished doctoral dissertation.
- ⁶ Green, B.L., Mirinda, J., Daroowalla, A. & Siddique, J. (2005). Trauma exposure, mental health functioning and program needs of women in jail. *Crime & Delinquency, 51,* 133-151.
- ⁷ Islam-Zwart, K.A. & Vik, P.W. (2004). Female adjustment to incarceration as influenced by sexual assault history. *Criminal Justice and Behavior, 31,* 521-541.
- ⁸ Schröttle, M. & Müller, U. (2004). Lebenssituation, Sicherheit und Gesundheit von Frauen in Deutschland: Teilpopulation 3 – Erhebung von Inhaftierten. In: Bundesministerium für Familie, Senioren, Frauen & Jugend (Hrsg.), *Lebenssituation, Sicherheit und Gesundheit von Frauen in Deutschland – eine repräsentative Untersuchung zu Gewalt gegen Frauen in Deutschland.* Berlin: BMFSFJ.
- ⁹ Covington, S. (2002). A women's journey home: Challenges for female offenders. Washington, DC: The Urban Institute.
- ¹⁰ Hall, E., Prendergast, M.L., Wellisch, J., Patten, M. & Cao, Y. (2004). Treating drug-abusing women prisoners: An outcome evaluation of the forever free program. *The Prison Journal, 84,* 81-105.
- ¹¹ Prendergast, M.L., Hall, E. & Wellisch, J. (2003). Outcome Evaluation of the forever free substance abuse treatment program: One year post-release outcomes. *US Department of Justice, No. 199685.*

- ¹² Kestermann, C. (1995). *Posttraumatische Belastungsreaktionen bei Kindern. Eine theoretische und empirische Annäherung*. Bonn: unpublished dissertation
- ¹³ Maercker, A. (2003). Besonderheiten bei der Behandlung der Posttraumatischen Belastungsstörung. In A. Maercker (Hrsg.), *Therapie der Posttraumatischen Belastungsstörungen* (S. 37-52). 2. Aufl. Berlin, Heidelberg: Springer.
- ¹⁴ Nicholls, T.L., Lee, Z. Corrado, R.R. & Ogloff, J.R.P. (2004). Women inmates' mental health needs: Evidence of the validity of the Jail Screening Assessment Tool (JSAT). *Inter-national Journal of Forensic Mental Health*, 3, 167-184.
- ¹⁵ Bundesministerium für Familie, Senioren, Frauen & Jugend (Hrsg.), *Lebenssituation, Sicherheit und Gesundheit von Frauen in Deutschland – eine repräsentative Untersuchung zu Gewalt gegen Frauen in Deutschland*. Berlin: BMFSFJ.
- ¹⁶ Cooper, C. & Berwick, S. (2001). Factors affecting psychological well-being of three groups of suicide prone prisoners. *Current Psychology*, 20, 169-182.
- ¹⁷ McCampbell, S.W. (2005). Gender responsive strategies for women offenders – The gender-responsive strategies project: Jail applications. U.S. Department of Justice, *National Institute of Corrections, Acc.-No. 020417*.
- ¹⁸ Bloom, B., Owen, B. & Covington, S. (2005). Gender responsive strategies for women offenders – A summary of research, practice, and guiding principles for women offenders. *National Institute of Corrections, Acc.-No. 020418*.
- ¹⁹ Ellis, T.E. (1986). Towards a cognitive therapy for suicidal individuals. *Professional Psychology: Research and Practice*, 17, 125-130.

Remarks:

The articles and essays that are published by the *National Institute of Corrections* can be obtained from www.nicic.org as pdf files. More literature is available under the section "Women Offender Issues".

The report *Untersuchung zu Gewalt gegen Frauen in Deutschland* can be obtained from www.bmfsfj.de/RedaktionBMFSFJ/Abteilung4/Pdf-Anlagen/langfassung-studie-frauen,property=pdf.pdf in the German long version and the short English version can be obtained from <http://www.bmfsfj.de/RedaktionBMFSFJ/Abteilung4/Pdf-Anlagen/kurzfassung-gewalt-frauen-englisch,property=pdf.pdf>.

Outlook – 5 Theses on Women's Imprisonment

Frieder Dünkel

The presented international comparative study on imprisoned women shows that the living and prison conditions for women are in many respects problematic and in need of reform. The situation is not entirely satisfactory in any of the examined countries. In fact, in some countries there are particular and specific problems that are not in line with international human rights standards.

The design of the study and the experiences from earlier projects of the research group of the Department of Criminology in Greifswald made it possible to make at least a partial comparison with the experiences of male prisoners (see *Dünkel/Kestermann/Morgenstern* 2006). In addition to the mutual aspects that result from life in a total institution, there are needs and problems that are specific to female prisoners and that need to be addressed.

The study also showed that the inmates in a woman's prison present much less of a security risk than male prisoners, due on the one hand to the structure/distribution of the committed offences that resulted in the prison sentence, and on the other hand to their legal biography

(criminal records, etc.) (see *Zolondek* 2005 and this volume). This fact is hardly taken into consideration particularly when women are accommodated in departments of men's prisons. There is thus a general sense of „oversecurity“ in women's prisons.

The first thesis is thus as follows:

(1) Women's correctional facilities could be managed in „predominantly in free forms“²⁸. The current structure of correctional facilities overestimates safety and security needs.

The importance of broader visitation rules, work-release, prison leave and home-release both for the prisoners' mental wellbeing (see *Kestermann* in this volume) and for social re-integration is also confirmed in this study.

The following specific problems have emerged that need to be considered within the framework of correctional facilities (see *Carlen* 2002; *Carlen/Worall* 2004; *Green et al.* 2005; *Kestermann/Zolondek* 2005; *Kestermann* and *Zolondek* in this volume):

- Mothers with minor children outside or within the institution (possibly in mother-child facilities in the institution)
- Family relationships and bonding problems (divorce, separation, dependence, etc.)
- Psychological and health problems
- The increased proportion of women with depressive symptoms
- Experiences with suicide attempts; increased risk regarding self-harm tendencies
- Alcohol/drug/prescription drug dependence
- Early experiences of victimisation (violence, possibly child abuse, rape), humiliation and the resulting traumatisations
- Problems regarding low self-esteem
- Experiences of stigmatisation during criminal prosecution
- Problems as a result of being incarcerated.
- Inadequate accommodation (cramped space, overcrowding and other stress factors, lack of activities, work, training, etc.)
- Accommodation far from home, making it difficult to remain in contact with families and significant others

The second thesis is as follows:

(2) These problems must be addressed by means of sensitizing and specially training/educating the prison staff/officers (see *Kestermann* in this volume).

Third thesis:

(3) The responsibility for removing structural deficits with regard to humane accommodation (overcrowding, inadequate spatial and personnel situations in women's prisons, etc.) lies with the administrations of justice. Omitting to make possible structural improvements is a violation of human rights..

The Anti-Torture Committee of the European Council deems constant overcrowding as inhumane treatment. It is also contrary to the international human rights standards mentioned by Morgenstern in this volume, such as the ECHR. The Council of Europe has drawn explicit attention to this issue in Recommendation (Rec. 1999 (22)).²⁹ However, overcrowding is not a problem in all of the countries examined here (e.g. not in Denmark or

²⁸ This is formulated in this way by the German Juvenile Justice Act for young offenders, see. § 91 Sect. 3 dJGG)

²⁹ See Council of Europe: Rec.1999 (22) concerning prison overcrowding and prison population inflation, www.coe.int.

Slovenia), nevertheless in all countries female prisoners complained about inadequate prison conditions like too little space, inadequate lighting and temperatures in the cells, etc.

When designing the conditions in and the treatment with which women are imprisoned *the principles of successful treatment of criminals* should be taken into account in order to increase the chances of successful re-integration back into society in an evidence-based approach.

Meta-analyses of treatment-oriented research have primarily been conducted with male prisoners (see *Andrews et al.* 1990; *Dünkel/Drenkhahn* 2001). Preliminary meta-analyses on female prisoners fundamentally confirm that imprisonment conditions that are oriented towards the prisoners' needs (i.e. conditions that consider the inmates' problems), as well as the concentration of treatment on criminogenic factors (see the so-called *needs principle*), adequate risk-assessment and reaction for different groups („*risk classification*“; „*risk principle*“) as well as regard of the „*responsivity principle*“³⁰ can achieve considerable successes in the context of womens' imprisonment (see *Dowden/Andrews* 1999).

In adequately implemented programmes that focussed on either anti-social attitudes and deficits in the ability to act (.31), self-control deficits (.22), deficits in the ability to resolve innerfamily or interpersonal problems (.30), process-oriented family-conflict resolution and relations to delinquent persons or groups (.35), values of between .22 and .38 were measured. The cumulative effect strength of $r = .14$ means that if the recidivism rate of the treated group is 43%, then the recidivism rate for those women who were not treated is 57% (see *Dowden/Andrews* 1999). Higher than average success is achieved by programmes that focus on interpersonal problems and specifically on family-process variables. Moreover the treatment of past experiences of victimisation, traumatisations and building up self-esteem proved to be of significance to the rehabilitation process (see *Green et al.* 2005).

Thus the more recent and cautiously optimistic research findings regarding treatment („*something works*“, see *Dünkel/Drenkhahn* 2001) also apply to female prisoners.

The fourth thesis on women's imprisonment that emerges is as follows:

(4) Women's correctional facilities should be organised according to the principles of successful treatment of prisoners as is the case in Germany within the framework of social-therapeutic institutions.

Important elements of a social-therapeutic approach are, in addition to the therapeutic services, the following:

- The reformation of communal life through allocation to living-groups / units that enables intensive communication among inmates as well as between inmates and prison officers
- The continued allocation of well-trained, motivated and empathetic officers to the groups of prisoners living together
- A gradual opening of the prison regime through relaxations, long-term (family) visits, prison leave, work-release as well as the accommodation in halfway houses and aftercare after the final release

This study has uncovered that regarding the opening/relaxation of imprisonment regimes through the promotion of outside-contacts outside of the institution, some countries have great deficits. With the exception of Slovenia (36%), about two-thirds of all imprisoned women in Denmark, Germany, Croatia and Spain and even 85% in Poland and up to more than 90% in Greece, Lithuania and Russia had no opportunity to leave the institution

³⁰ The treatment methods must be adjusted to the learning ability and style of the sentenced person, i.e. for example clearly formulated learning forms as defined by social training are preferred.

temporarily either through prison leave or work-release. These opportunities are however essential for social re-integration of the inmate.

The resulting fifth thesis:

(5) The preparation of female prisoners for release from prison by means of a wideranging relaxation and opening of detention conditions is being widely neglected. This is not justifiable in light of the low security risk that female prisoners present.

In closing it should be mentioned that the conditions of women's imprisonment need to be consistently treatment-oriented (predominantly of an open nature, i.e. without the increased degree of security measures that are characteristic of men's prisons). In any case it should serve as an example for a less repressive and more humane prison system which in the long term will overcome the classic idea of punishment and imprisonment by favouring other forms of government reactions to criminal behaviour. The thought of achieving the creation not only of better prisons but also of something that is better than prison itself, appears to be a realistic utopia.

References

- Andrews, D. A., et al. (1990): Does Correctional Treatment work? A Clinically Relevant and Psychologically Informed Metaanalysis. *Criminology* 28, S. 369-404.
- Carlen, P. (2002) (Hrsg.): *Women and Punishment*. Cullompton: Willan Publishing.
- Carlen, P., Worall, A. (2004): *Analysing Women's Imprisonment*. Cullompton: Willan Publishing.
- Dünkel, F. (1992): *Empirische Beiträge und Materialien zum Strafvollzug: Bestandsaufnahmen des Strafvollzugs in Schleswig-Holstein und des Frauenvollzugs in Berlin*. Freiburg i. Br.: Max-Planck-Institut für ausländisches und internationales Strafrecht.
- Dünkel, F., Drenkhahn, K. (2001): Behandlung im Strafvollzug: von „nothing works“ zu „something works“. In: Bereswill, M., Greve, W. (Hrsg.): *Forschungsthema Strafvollzug*. Baden-Baden: Nomos, S. 387-417.
- Dünkel, F., Kestermann, C., Morgenstern, C. (in press) (2006): *Strafvollzug und Menschenrechte – Lebens- und Haftbedingungen in Ländern des Ostseeraums*. Mönchengladbach: Forum Verlag Godesberg .
- Dowden, C., Andrews, D. A. (1999): What Works for Female Offenders: A Meta-Analytic Review. *Crime & Delinquency* 45, S. 438-452.
- Green, B. L. et al. (2005): Trauma exposure, Mental Health Functioning, and Program needs of Women in Jail. *Crime & Delinquency* 51, S. 133-151.
- Kestermann, C. (2005): *Prison Life – Factors affecting Health and Rehabilitation*. Vortrag bei der 15. European Conference on Psychology and Law, Vilnius, 29. Juni – 2. Juli 2005.
- Kestermann, C., Zolondek, J. (2005): *Women's Imprisonment in Germany and in Europe*. Unpublished manuscript Greifswald.
- Zolondek, J. (in press) (2005): Landesbericht Deutschland. In: Dünkel, F. et al. (Hrsg.): *Frauenstrafvollzug in Europa – eine empirische Bestandsaufnahme*. Mönchengladbach: Forum Verlag .