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policyUPDATE

1 March, 2014



Girls and Women in Detention, Displacement and Refugee Camps

More than half a million girls and women are held in penal institutions around the world, either as pre-trial detainees or as prisoners convicted of crimes. They represent between two per cent and nine per cent of the global prison population.¹ While the legal status is vastly different among girls and women in prison, refugee camps, and migrant detention centres, all women in detention have needs specific to their gender and are particularly vulnerable to violence while in detention. The needs of girls and women held in detention are overlooked by many health systems and prison authorities, in part because detention systems are designed for men, who comprise the majority of detainees and partly because the proportion of female prisoners is small.² However, providing alternatives to imprisonment for girls and women as well as education, training and counselling for girls and women in detention can offer life-altering benefits to detainees and consequently to the public purse.

Girls and women in prison

On the whole, girls and women are imprisoned for non-violent offenses. They often come from marginalised backgrounds and have suffered family and personal trauma such as physical and sexual violence, loss and separation, or alcohol and drug dependencies.



1. [Women in detention](#), International Review of the Red Cross, March 2010

2. [Women's health in prison: Urgent need for improvement in gender equality and social justice](#), Bulletin of the World Health Organization, 2009

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Poverty as an obstacle to justice

Girls' and women's imprisonment is closely related to poverty, both as the reason for the crime and because women often cannot afford to pay bail, legal services or legal fines. Where girls and women are unable to pay for a lawyer, or where legal processes are extremely slow, they may spend longer in pre-trial detention than for the penalty for the crime itself.³ In many countries the proportion of women held in pre-trial detention is at least equivalent to that of convicted female prisoners.⁴

Girls and women in detention are vulnerable to human rights abuses, including physical and sexual violence by other prisoners and prison guards. IFUW advocates for all prisoners, displaced persons, refugees, prison guards, police and judges to receive human rights education in order to safeguard the human rights of girls and women in prison, detention and refugee camps.

Discriminatory laws and practices

In many parts of the world, girls and women may be detained as a result of discriminatory or customary practices, rather than codified law.⁵ For example, girls and women are disproportionately found guilty of moral crimes and subjected to physical punishment.⁶ Particularly in cases of rape, girls and women may be detained and accused of committing a crime for which they are the victim.

Another discriminatory practice is when a female prisoner can only be released if she has a male guarantor. This means that if a girl or woman reaches the end of her sentence and no male relative comes to collect her, she will not be released. If there is a suspicion that a girl or woman detainee has been raped in prison, she risks becoming a victim of an honour killing after release to rid the family of the shame caused by her detention.⁷

Sexual abuse by public officials and male prisoners is a particular risk for female detainees in many countries, both during the investigation of a crime and after sentencing. Girls and women may be subjected to degrading treatments, such as inappropriate touching, sexually aggressive language, humiliating body searches, sexual harassment and violence.⁸

3. [Women in detention](#), International Review of the Red Cross, March 2010

4. [Handbook for prison managers and policymakers on Women and Imprisonment](#), United Nations Office on Drugs and Crime, Vienna, 2008

5. [Women in detention](#), International Review of the Red Cross, March 2010

6. [Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment \(A/HRC/13/39/Add.5\)](#), United Nations Human Rights Council, 5 February 2010

7. [Women and War](#), International Committee of the Red Cross, February 2008

8. *ibid*



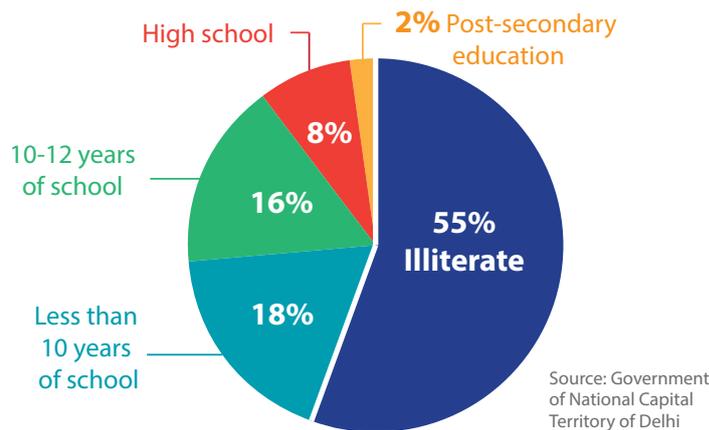
ADVOCACY MESSAGES

Neglecting the special needs of girls and women in detention has a discriminatory impact on females. The following remedial actions are recommended :

- Provide for the special needs of girls and women in detention.
- Ensure that all prison, police and judicial officials undergo gender-sensitive training and human rights education.
- Provide education and skills training courses to female prisoners on all continents, particularly literacy and language training. Literacy classes should include financial, legal, health, language and information technology literacy.
- Provide literacy training and mental health services specifically targeted to girls and women in refugee camps.
- Ensure that girls have the same access as boys, where the Office of the UN High Commissioner for Refugees (UNHCR) provides schooling in refugee camps. Where refugees are enrolled in national school systems, ensure that girls have the same access to schooling as boys.
- Provide treatment and counselling for drug addiction to affected female prisoners to reduce their likelihood of re-offending.
- Offer alternatives to justice officials other than imprisonment for non-violent female defendants, e.g. creative payment solutions for fines, bail and legal services.
- Have female prisoners supervised and searched by female guards. Female prisoners should have separate sanitary facilities, supervised by female guards.

IFUW believes that secondary, tertiary, continuing and non-conventional education for girls and women can prevent incarceration in the first place by protecting them from poverty and marginalization.

EDUCATIONAL LEVELS OF FEMALE PRISONERS IN DELHI



“Incarcerated girls are “one of the most vulnerable and unfortunately invisible populations”. Girls tend to enter detention at earlier ages than boys and be held for less serious violations... Yet, on average, girls stay in detention longer than boys. Detention facilities do not understand enough about [girls’] history of victimisation.”

“IN JUVENILE DETENTION, GIRLS FACES HEALTH CARE DESIGNED FOR BOYS”, KAISER HEALTH NEWS, NOV 2012

Devastating impact on families

Many imprisoned girls and women are mothers who are usually the primary or sole caregiver for their children.⁹ Alternative care for children of imprisoned mothers results in large numbers of children being institutionalised in state care. The separation of imprisoned mothers from their children is traumatic for everyone and can cause long-term developmental and emotional harm for the child and affect the mothers’ physical and mental health.

In many countries, young children can stay with their mothers in prison. However, the health services and social environments of prisons are inadequate for the needs of babies and small children.¹⁰

Education for displaced and refugee girls and women can mitigate the risks of violence and mental illness.

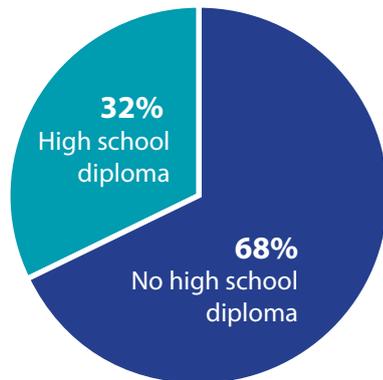
Few adult or juvenile jurisdictions provide policies or programmes which aim to assist females. Girls involved in the juvenile justice system have more frequently been subjected to physical and/or sexual abuse than boys. For those forced to live independently at an early age, institutions rarely provide the necessary living skills.”

“ALTERNATIVES TO SECURE DETENTION FOR GIRLS”, ELIZABETH MOORE, AUSTRALIAN INSTITUTE OF CRIMINOLOGY

9. Women’s health in prison: Urgent need for improvement in gender equality and social justice, Bulletin of the World Health Organization, 2009

10. Handbook for prison managers and policymakers on Women and Imprisonment, United Nations Office on Drugs and Crime, Vienna, 2008

EDUCATIONAL ATTAINMENT OF STATE PRISON INMATES IN THE USA



Source: Rand Corporation

Women in displacement and refugee camps

During a sudden and chaotic displacement, a girl or woman may become separated from her family. Aside from the risks for a female alone in a chaotic environment, in some cultures girls and women may not travel unless unaccompanied by a husband or a male family member. Many do not have the necessary personal documentation to cross checkpoints or international borders. They may be stopped, harassed, or subjected to humiliating body searches and violence.¹¹

When a girl or woman arrives at a refugee camp, she faces a continual risk of violence, both from her family as well as from others. She may also bear the heavy daily burden of ensuring her family's survival.¹²

The trauma that brings people to refugee camps, in addition to the psychological strain of living there, predisposes these girls and women to suffer from mental illness. Women with mental illnesses are more likely to neglect their children, who may themselves exhibit symptoms of depression and anxiety. Many women fail to get help due to unavailability of services, cost, ignorance of possibilities of help or shame associated with mental illness.¹³

11. [Women and War](#), International Committee of the Red Cross, February 2008

12. *ibid*

13. [Pakistan: Conflict and Women's Mental Health](#), Safe World for Women, October 2013



RESOURCES

[Handbook for prison managers and policymakers on Women and Imprisonment](#), United Nations Office on Drugs and Crime, Vienna, 2008

[Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment \(A/HRC/13/39/Add.5\)](#), United Nations Human Rights Council, 5 February 2010

[United Nations Resolution 2010/16, United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders \(the Bangkok Rules\)](#)

[Women and War](#), International Committee of the Red Cross, February 2008

[Women in detention](#), International Review of the Red Cross, March 2010

[Women's health in prison: Urgent need for improvement in gender equality and social justice](#), Bulletin of the World Health Organization, 2009

"The experience of physical, sexual or emotional abuse is almost universal among girls who break the law. In addition to childhoods marred by violence, failure at school is a "nearly universal characteristic" of girls in detention. School failure is more closely associated with delinquency for girls than for boys."

"OUTSIDE/INSIDE - THE VIOLATION OF AMERICAN GIRLS AT HOME, ON THE STREETS AND IN THE JUVENILE JUSTICE SYSTEM," LESLIE ACOCA, FOUNDER, NATIONAL GIRLS HEALTH AND JUSTICE INSTITUTE

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