



## **EU RESEARCH ON SOCIAL SCIENCES AND HUMANITIES**

***Women, Integration and Prison.  
An analysis of the processes of sociolabour  
integration of women prisoners in Europe  
MIP PROJECT***

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# **EU RESEARCH ON SOCIAL SCIENCES AND HUMANITIES**

## **Women, Integration and Prison. An analysis of the processes of sociolabour integration of women prisoners in Europe MIP PROJECT**

### **Final report**

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<http://improving-ser.jrc.it/default/>, the database of socio-economic projects funded under the 4<sup>th</sup> and 5<sup>th</sup> Framework Programme.

[http://europa.eu.int/comm/research/social-sciences/index\\_en.htm](http://europa.eu.int/comm/research/social-sciences/index_en.htm), Social sciences and humanities in Europa.

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## **PREFACE**

Within the Fifth Community RTD Framework Programme of the European Union (1998-2002), the Key Action *"Improving the socio-economic knowledge base"* had broad and ambitious objectives, namely: to improve our understanding of the structural changes taking place in European society, to identify ways of managing these changes and to promote active involvement of European citizens in shaping their own futures. A further important aim was to mobilise the research communities in the social sciences and humanities at the European level and to provide scientific support to policies at various levels, with particular attention to EU policy fields.

This Key Action had a total budget of 155 Million Euros and was implemented through three Calls for proposals. As a result, 185 projects involving more than 1600 research teams from 38 countries have been selected for funding and have started their research between 1999 and 2002.

Most of these projects are now finalised and results are systematically published in the form of a Final Report.

The calls have addressed different but interrelated research themes which have contributed to the objectives outlined above. These themes can be grouped under a certain number of areas of policy relevance, each of which are addressed by a significant number of projects from a variety of perspectives.

These areas are the following:

- ***Societal trends and structural change***  
16 projects, total investment of 14.6 Million Euro, 164 teams
- ***Quality of life of European Citizens***  
5 projects, total investment of 6.4 Million Euro, 36 teams
- ***European socio-economic models and challenges***  
9 projects, total investment of 9.3 Million Euro, 91 teams
- ***Social cohesion, migration and welfare***  
30 projects, total investment of 28 Million Euro, 249 teams
- ***Employment and changes in work***  
18 projects, total investment of 17.5 Million Euro, 149 teams
- ***Gender, participation and quality of life***  
13 projects, total investment of 12.3 Million Euro, 97 teams
- ***Dynamics of knowledge, generation and use***  
8 projects, total investment of 6.1 Million Euro, 77 teams
- ***Education, training and new forms of learning***  
14 projects, total investment of 12.9 Million Euro, 105 teams
- ***Economic development and dynamics***  
22 projects, total investment of 15.3 Million Euro, 134 teams
- ***Governance, democracy and citizenship***  
28 projects; total investment of 25.5 Million Euro; 233 teams
- ***Challenges from European enlargement***  
13 projects, total investment of 12.8 Million Euro, 116 teams
- ***Infrastructures to build the European Research Area***  
9 projects, total investment of 15.4 Million Euro, 74 teams.

This publication contains the final report of the project "Women, Integration and Prison. An Analysis of the Processes of Socio-Labour Integration of Women in Prison in Europe", whose work has primarily contributed to the area "*Social cohesion, migration and welfare*".

The report contains information about the main scientific findings of this project and their policy implications. The research was carried out by 8 teams over a period of 2 and half years, starting in November 2002.

The research project aimed at identifying the key factors that lead to the social exclusion or the social integration of imprisoned women and to evaluate existing social and penitentiary policies and measures aiming at favouring women ex-prisoners' socio-labour insertion. The project covered France, Germany, Hungary, Italy, Spain and United Kingdom and was implemented through a series of interviews with women and agent prisoners.

The work undertaken included an analysis of the policy and legislative context in each country as well as an analysis of reinsertion measures and programmes run by the different state and non-state agencies during and after prison.

The project indicated three main causes of the problematic conditions of women ex-prisoners: (1) the scarcity of professional training and education when in prison, (2) the cultural stigmatization of women ex prisoners, (3) and the lack of coordination among the various actors involved in the process of social and labour reinsertion of women prisoners. In terms of policy recommendations, it is stressed the need of further analysis of women prisoners' conditions and of a coherent approach between appropriate legislative measures and the implementation of new social policy measures.

The abstract and executive summary presented in this edition offer the reader an overview of the main scientific and policy conclusions, before the main body of the research provided in the other chapters of this report.

As the results of the projects financed under the *Key Action* become available to the scientific and policy communities, Priority 7 "*Citizens and Governance in a Knowledge Based Society*" of the Sixth Framework Programme is building on the progress already made and aims at making a further contribution to the development of a European Research Area in the social sciences and the humanities.

I hope readers find the information in this publication both interesting and useful as well as clear evidence of the importance attached by the European Union to fostering research in the field of social sciences and the humanities.

T. LENNON,  
Director

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The MIP research Project was financed by the European commission Directorate General Research under the key action in Framework Programme 5; Improving the Socio-Economic Knowledge Base. The contents of the Publications produced from the research do not necessarily reflect the opinion or position of the Commission.

The research would not have been possible without the work of the coordinating team and all partners of the MIP project, who carried out the fieldwork and participated fully in the preparation of the national reports and some of the comparative ones.

The MIP project wish to acknowledge with special emphasis **all the women interviewed**, the agents interviewed, and the support provided by different institutions in each country, NGO's, and individuals who were approached during the MIP research. In particular, for the openness of the women's prisons in some countries and the different prison Administrations which in most cases gave support to the research.



## **1- EXECUTIVE SUMMARY**

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The MIP research project has been carried out within the European Union's Fifth Framework Programme "Improving the base of socio-economic research", with the participation of academic research institutions and NGO-s from six European countries: Spain, Germany, England and Wales, Italy, France and Hungary, under the co-ordination of SURT, Spanish partner. The project was launched in November 2002 and will be completed by the spring of 2005.

The objective of MIP has been to develop a comparative research project about the reality of women in European prisons and their life after release – with an emphasis on the efficiency of the social and penitentiary policies which promote their social and labour integration in the six participating countries. The research aimed to identify the key factors that affect the social exclusion or integration of imprisoned women. The evaluation of existing social and penitentiary policies and measures for reintegration of women prisoners was a key objective of MIP. The research aims to contribute to their improvement by formulating recommendations based on the research findings.

The MIP project included an analysis of the policy and legislative context in each country as well as an analysis of reinsertion measures, programs run by the different state and non-state agencies during and after the prison. Reports were produced on the demographic, socio-economic and penitentiary aspects of the national legislation and corresponding policy work in every country. The effectiveness of work, education and training programs, measures in the field of ensuring housing, health -and substance abuse treatment in women's prisons, as well as measures impacting social contacts and family relations as well economic resources were addressed in a separate report. National reports were produced after the closure of fieldwork, based on which this comparative report was prepared.

Secondary sources were used for data collection, yet the core of the methodology consisted of a series of interviews with women in each country as well as agent interviews. The first interviews with the women took place during the last weeks of their prison sentence, and were followed by interviews within 1 and 4 months after their release. The final interviews were recorded about 9 months after the release. Detailed life trajectory interviews with two women in each country were also part of the methodology. Interviews with reinsertion agents added insights from prison personnel, parole officers, NGO-s, penitentiary judges and other decision-makers and professionals involved in reinsertion. Due to national differences, variations in the methodology were unavoidable, and in some countries following up women proved to be difficult, however, most teams conducted first interviews with 20 women, and 25 or more professionals working in the criminal justice and penal systems.

### **Many women in prison are already suffering a degree of social exclusion at the time of their imprisonment.**

The social characteristics of women offenders as reported by all countries are that a high proportion of women sent to prison had no financial security prior to their imprisonment, had either never worked or had only worked in low-paid jobs with no job security, had no secure accommodation, very little education, are foreign

women or women that belong to ethnic minorities, and had been victims of either physical and/or sexual violence from family members or non-family male predators.

### **The primary exclusion of women prisoners has gender-specific aspects**

The main gender specific aspects of the situation of primary exclusion in women prisoners are defined by:

- **The poor economic position** of these women in all countries and their vulnerability to be likely to suffer greater degrees of economic and social deprivation than their male counterparts.
- **The situation of lone parent families** of a high number of the women prisoners is a gender factor which has an important impact in the situation of exclusion, poverty, and precariousness before committing the crime
- **Gender violence;** The frequency and role of domestic violence in shaping many women prisoners' lives has been recorded in most national reports, usually based on secondary research, but also reinforced by women's narratives and agent opinions. Apart from the women's testimonies, some reports indicate the percentages of women prisoners who have been victims of violence around 50% in England and Wales and 38% in Spain; as for victims of sexual abuse as a child, one out of every three in England and Wales and 17% in Spain. The relationship between drug use and violence has been another one of the factors that stand out and a noted reality in Germany, Spain, England and Wales. The percent of drug-dependent women that have been victims of violence are between 30 and 50% in Germany, 59% in a study of a reduced number of women in Spain, and 57% in England, 35% of them being victims of sexual abuse.

It is well known that the problem of gender violence equally affects the entire general population of women, but the MIP project show us the excessive overrepresentation of female victims of violence in the prisons of different Member States; they also give out important data about the consequences they produce:

- The frequent connection between having been victims of violence and drug addiction.
- Women driven to commit a crime by the man who is committing violence against them.
- Young women who feel pushed towards the social exclusion processes.
- Possible repetition of these experiences in the future.

Also, the devastating effects of these women's health, both psychological and physical, and the loneliness in which they live through these experiences have become of utmost importance in the reports.

One of the noted facts in the MIP is that the reality of these women's lives is not dealt with inside the prisons, or in the post-prison policies and supports. On the other hand, it can not be forgotten that it was only recently that this problem of the general population came out into the open and appeared on the European political agendas. There still is a lack of data that would allow us a detailed understanding of the consequences of gender violence in

women, in various spheres such as work, health, drug dependency (addiction), family, crime or education.

- **Dependence;** As for what relates to the analysis about the effects of women's dependency on men at the time the crime is committed, there are two different models that define social exclusion situations. On the one hand, it must be considered that the way in which the guidelines and definitions of gender relationships are culturally set, some women do not recognize the force that certain men exercise over them, nor do they realize the social exclusion consequences that can come from these dependent and unequal relationships. Examples: The cases of women convicted as accomplices in crimes committed by these men, women who might be convicted for something they knew nothing about or were not even aware of, in the case of some women that may cover up for men in their family and carry out the prison sentences themselves; and the influence that violence can have on these complicated situations.

On the other hand, the Spanish report especially emphasized how many of the convicted women should not see themselves as submissive and dependent on men, but rather just the opposite, they should see themselves as women whose partners and children were the ones dependent on them. In many cases it was more appropriate to point out the link between the crime committed and the things the women put up with.

In this case it is more relevant to analyse the women's situation under the concept of **matrifocality**: it is the partners and the children who depend on these women economically as the family's foundation and support. Their partners do not concentrate on economic authority and do not establish themselves as providers. They are women who find themselves in a helpless economic and social situation facing society itself and the Welfare State that does not often direct its assistance to their needs, but not facing the opposition of their partners that have had more of an absent than dominant role in their life.

It is important to highlight how these women, the moment they are imprisoned, trigger a domino effect of social exclusion all around them that affects their most intimate family surroundings owing to the fact that they were individuals who took an active part in the maintenance and structure of their family's economic and social obligations, and of its care. This domino effect becomes increasingly more serious when faced with the absence of social policies directed towards alleviating the consequences produced when a woman is imprisoned and cannot act as caretaker, maintain the family structure, nor provide economic resources for her family members any more.

### **Exclusion and criminalisation processes**

While the MIP research project did not investigate sentencing practices and criminal justice procedures in detail – as secondary data allowed, references were made in the national reports to certain discriminatory aspects of such procedures, e.g. to selective mechanisms. Yet, the National Report of England and Wales addresses several aspects of sentencing practices for women offenders, from which we will only point to one observation which seems particularly relevant; although the majority of women may be actually treated more leniently than men by the courts, this is not true for women who commit drugs or violent offences. Furthermore, women who are seen as lacking family ties - thus discipline – are likely to be punished more severely than both their male and female counterparts. This is likely

to be so for women who have been state reared, who live apart from men (maybe due to domestic violence), are homeless or rootless due to poverty, mental illness etc.

Even if the MIP research did not address the actual workings of the selective mechanisms, nevertheless the analysis of women prisoners' social background, penal characteristics and specifically gendered experiences has convincingly shown that most women prisoners in all countries have experienced multiple forms of social exclusion already prior to their imprisonment. Links between dimensions and factors of exclusion were demonstrated, often enabling the analysis to show tendencies across countries. In general, the criminalization of poverty and in particular, the criminalization of immigrants and Roma women, as well as the criminalization of drug users was found to be valid in several countries. These trends reinforced that especially women with a combination of various dimensions of exclusion (economic, political, cultural) get criminalized. However, reports demonstrated that other, gendered forms of exclusion e.g. violence against women must be taken into account as it disrupts women's lives who earlier may have had socially integrated lives.

Further, it may be argued that agents (and certainly women themselves) are aware of certain dimensions of exclusion while are ignorant about others. For example, most agents do not interpret domestic violence as a gendered form of exclusion leading to prison – and in most cases, not even as a need of imprisoned women. Motherhood remains to be the one and only legitimate gender-specific need of women prisoners named by agents in most countries.<sup>1</sup>

**Imprisonment excludes women who were not socially excluded prior to their imprisonment and excludes already-excluded women still further.**

1 Family:

**Thus, the hardships that a woman's imprisonment entails fall on her entire family and on herself.** This turns out to be especially serious in connection with young children<sup>2</sup>.

Despite the predominant role that families in the social inclusion process play and the path of these women, **all of the countries show the difficulties that women prisoners and their family members face in order to maintain those ties.**

Some of the data from England and Wales (stemming from more diverse sources it is possible to establish a tendency or shared percentage proportionality in the rest of the national contexts) give some objective information about the family situations and **the genders inequalities** that women face:

- 25% of the imprisoned women declared that the father of their children, their husband or partner, was taking care of their children, opposite 92% of imprisoned men who declared that their children were under the care of their mother, wife, or partner.

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<sup>1</sup> With the exception of England and Wales, and possibly, Germany. In Germany while the law continues to focus on motherhood as the only official 'need', agent interviews revealed awareness about various other aspects of women prisoners' needs and lives.

<sup>2</sup> Studies such as Caddle & Crisp (1997) – quoted in Carlen and Worrall (2004) – show that the children of imprisoned mothers suffer diverse behavioural problems as a consequence of being separated from their mother.



- While 12% of the children of women prisoners are with adoptive or foster parents, just 2% of the children of men prisoners are in the same situation.
- Only 5% of the female prisoners' children remained in their homes after their mother had been convicted.

Among the findings on this issue, there is a very relevant gender component: women have more family responsibilities than men and receive less support. The lack of support stems from both institutional and family environments, especially with male figures that rarely assume family responsibility. In Italy, Germany, and Spain it is shown that in the prisons, women are encouraged to take on the responsibility of the children, but while barely being offered any support or resources for it, being presented as a maturity or moral matter, something that does not occur in the case of men. In spite of being a problem shared by all of the EU countries, the gravity of this lack of support from the Welfare State for the family differs depending on the country: in 2000, Spain dedicated 0.5% of its GDP, Italy 0.9%, United Kingdom, 1.8%, France 2.7% and Germany 3.0% (EUROSTAT, 2003).

This lack of support and attention to family ties becomes even more prevalent when we are talking about lone-parent women (especially in Spain, Germany, England and Wales). These families lead by women find themselves in a very complex situation and demand answers that consider their specific needs, their circumstances. They are women who, before imprisonment and committing the crime, found themselves in a situation of exclusion and poverty with difficulties to sustain the family unit by themselves; they receive little support to maintain family ties within the prisons and to recover them once released, they have major difficulties in maintaining themselves economically in a situation of lone-parenthood in the whole process.

The general measures that the European Prison Administrations raise to alleviate the negative effects that imprisonment produces at the bosom of the families are limited to regulating visits and the permits that must allow certain contact between family members and prisoners to be kept, in addition to the possibility that the mother prisoners may have their children with them in prison until the minor has reached a certain age.

These measures have common problems such as the limitations and inflexibilities of the European Prison Administration in connection with the schedules, and the inadequacy of space and facilities.

## 2 The Impact of Imprisonment on Social Skills Needed for Reintegration

The Spanish, the French and the Hungarian reports argue that while obedience/ submission to prison rules is a rather popular strategy among the women – in the end various groups of women benefit or suffer rather differently from imprisonment, depending often on their previous social exclusion, most decisively, on their level of education and perceived social status.

A significant degree of adaptivity – if not submission – is required for survival in prison. However, without a certain degree of power – either education, or status-related power – and good relationships with personnel, such a survival strategy tends to lead to survival only. This situation is largely related to the lack of individualised treatment in many instances and the overload on treatment personnel experienced in many countries. The Italian report points out, that as long as in certain prisons an educator is responsible for hundred inmates on average, individualised treatment is hardly possible. Another crucial difficulty is that

educators' disciplinary and the reintegrating functions are not separated from each other.

The English report argues that many women in prison have low self-esteem when they enter prison but as studies of women's prisons consistently show, the restrictions, petty rules and totalising regimes often reduce their self-esteem still further. Women prisoners are especially distressed and humiliated by the restricted opportunities for maintaining standards of cleanliness which they would maintain outside prison and also by having to tolerate male patrols in cell blocks at night, in-cell sanitation, urine testing and strip searching for security purposes in general and illicit possession of drugs in particular.

In summary, survival strategies built on a certain degree of obedience - and successful strategies on good relationships with prison personnel – do not encourage behaviours linked to initiative-taking, responsibility, autonomy; skills considered to be vital after release.

### 3 The Impact of Imprisonment on Women's Health

The MIP research found that with very few exceptions, integrated approach (physical and mental health together) to addiction or other health problems is not available in most prisons. In fact, emphasis on medicalization in access is mentioned by several reports and so is the lack of emphasis (and resources) dedicated to therapy. There is no therapy for alcohol addicts in Italy, while such therapy comes very late and is mainly medicine-based in Hungary. Victims of domestic violence do not receive any therapy or counselling in many countries – despite the high ratio of women prisoners who were victims of sexual or physical violence, and the known links between such abuse and other phenomena (e.g. drug consumption, lasting psychological trauma, future consequences for repeated abuse or victimisation, etc.)

MIP research findings from several countries confirm that women in prison may suffer from the trauma related to previous domestic violence, but also may experience depression, stress and anxiety, due to prison deprivations (e.g. those related to living conditions, lack of privacy, mixing with others, inappropriate hygiene, ruptures as separation from children). These women's response upon imprisonment is of a serious psychological suffering that, even in the case of England and Wales, it is observed that the imprisoned women commit more suicides and self-harm than men, but on the other hand, among the general population, men commit suicide twice as much as women. A recent French study shows how women attempt suicide at a rate of 60%, a ratio far superior to the 40% of men prisoners. Therefore, this would not have anything to do with an established behaviour because of their sex, because of their "nature," but rather, this is about a way of responding, a way of reacting to prison.

Yet, most interviewed women received no psychological therapy. Among the reasons, in many reports insufficient personnel and financial resources for psychological assistance or straightforward budget cuts are mentioned.

Largely due to the limited possibilities for individual treatment in most prisons, and the generally applied obedience-based survival strategies, there is a tendency for certain patterns of primary exclusion to be reinforced by the prison experience. Women with better educational records or privileged status tend to acquire more attention, better positions and more benefits in prisons. However, in terms of basic health service, women in the least privileged groups may enjoy access to medication or treatment which was not available for them prior to imprisonment. Yet, in terms of mental health provisions, with a few exceptions it must be concluded

that insufficient attention to mental health problems and therapy aggravates existing health problems.

In summary, while many women who enter prison suffer from addiction problems and/or traumas; ruptures due to imprisonment, as well as prison deprivations, and lack of appropriate psychological assistance only further their problems. While it could be argued that prisons are probably not equipped to handle women with very serious mental health problems, for the great majority of women prisons must become places where a degree of personal stability can be maintained or achieved. In the absence of appropriate attention to this, a crucial precondition for reintegration remains unaddressed.

4 Women's prisons are in the position of neglect due to their relatively small numbers of inmates, in comparison with the male population in the prison system. This influences the conditions and consequences of imprisonment.

In general, the small number of women in the prison systems leads to various disadvantages for women prisoners. In fact, earlier research in several countries pointed to the disadvantaged position of women prisons' compared to men's prisons in access to budgets, programs, work and training opportunities, and general attention. Most national reports confirm that the small number of women prisoners - 4-8% of the total prison population in each of the six countries - brings important disadvantages in terms of the attention devoted to them. However, while in most countries women's prisons themselves may be disadvantaged as well, in England this is not the case any more. Yet, important differences were found between women-only prisons and women's units annexed to men's prisons in all countries. Thus, overall, the small number of women prisoners in most cases brings significant disadvantages.

Overcrowding of women's prisons was described as a key problem in all reports, an issue also often to be found in men's prisons. Overcrowding is a problem by itself – due to the lack of privacy, reduced possibilities for individual treatment, poor hygienic conditions - however, if it appears in concentrated and often poorly located women's prisons, it further aggravates women's chances for being transferred closer to their families and also, the availability of already scarce programs and activities. The Report of England and Wales has identified overcrowding in women's prisons to be one of the key barriers against the implementation of integration-related programs.

The issue of women-only prisons versus women's units annexed to men's prisons was addressed in several reports – since in all countries there are examples for both types of women's prisons. Based on the MIP research the conclusion is that women-only prisons generally are more favourable for the women inmates.

5 Work and education

While the current availability of prison work in women's prisons is far from ideal in many countries, there are important barriers to its increase, presented mainly by short sentences. The current profile of work in most countries does not facilitate the acquisition of useful skills or the practice of existing skills – the emphasis still is on housework and light assembly work in most cases. While this certainly should be changed, women's prisons face barriers to significant diversification of work opportunities due to their size and minority status. However, promoting and organising work outside the prison would make a real difference for many women prisoners both during the imprisonment as well as for future reintegration – a move which in most countries is enabled by legislation, but seldom applied in practice.

Women with major educational deficits have access to literacy courses, primary education and increasingly, to basic language training in many women's prisons. Yet due to short sentences and many other barriers, not all women in need of such basic education will actually gain it. If they do so, it will enable a better degree of cultural and social integration – they will be less excluded from everyday aspects of life – however, their labour-market chances will not be improved by that. Women who already possess basic educational qualifications, currently have some - but varied - access to vocational courses or further general education. As noted, the variety of possible courses is limited and often remains to be focused on traditional female jobs. Based on the small sample of women interviewed, those few who gained qualification in marketable skills (e.g. desktop publishing) clearly had better chances to gaining employment. Women with a medium level qualification in some countries may access institutions for higher education; however, this seems to be very exceptional. A word of caution was raised in several national reports – both by agents as well as the authors - about forming realistic expectations regarding the actual possibilities in training and education or prison work. The MIP emphasised that prisons will not be able to compensate for all educational and skill deficits.

## **Preparation for release**

### 1 Supervision and Guidance, Individualised Treatment

While legislation in all countries emphasises the need to prepare individual development plans for the duration of imprisonment in order to enable successful reintegration, in many cases such plans are not prepared or followed through, most often due to overload of personnel. For the same reason, other forms of individual attention from educators or other agents in prison was found to be inadequate – perhaps with the exception of Germany where most interviewed women felt encouraged to talk to their educators. Nevertheless, attention to psychological preparation for release both in its broader sense (processing of crime, handling of traumas etc.) and in its narrower sense (fighting anxiety and stress, working out positive projects etc.) was found inadequate in most countries and most prisons.

### 2 Measures to Aid Gradual Transition

While certain measures as release on license or move to a more lenient measure are available in all countries, these are not applied as part of a conscious transition plan in most cases, but are granted for inmates with 'good behaviour', often based on the evaluation of educators, prison directors and penitentiary judges. Thus the danger is that such decisions are steered by the internal logic of the punishment-reward system of prisons, rather than by any real reintegration-related need of the inmate. While short leaves from prison prior to release are in principle also available, our research found that many of the interviewed women – especially in Hungary and Italy – did not have access to such short leaves. Those women, who were allowed on such visits, highly appreciated their value. Our research supports the notion that women with long sentences especially need a carefully designed transition process – good examples from the English research prove that women with decade long sentences can be prepared successfully for release through gradual adjustments. However, regarding a very powerful 'transitional' measure – daily work/ training activities organised outside the prison with return for the night – we may conclude that its application is very limited, despite the enabling legislation and the widespread notion that women prisoners may be especially good candidates for such measures.

### 3 Pre-Release Courses, Counselling and Arrangements for Life after Release

The MIP concludes that training and counselling measures for release of women prisoners are in most cases insufficient, uncoordinated and not individualised. Insufficient, because in many prisons pre-release courses and counselling are not available on a regular basis and the scope of existing sporadic measures is narrow: focusing mainly on labour-market knowledge and job-search skills. Efforts are uncoordinated among the various state and non-state agencies not just at the practical, but often at the conceptual/ structural level, leaving the issue of 'preparation for release' without real ownership. As a result, even if some agencies provide some services in some prisons, no inmate is likely to receive comprehensive and individualised help in preparing for release and making actual arrangements. While in England and in Germany more comprehensive and numerous programs are available, budget cuts and lack of personnel cause permanent problems in the actual delivery of such programs.

#### 4 Barriers to Preparation for Release

In addition to the insufficient financial and personnel means available for prisons for such purposes, other important barriers to preparation for release were identified by the interviewed agents. Especially prisons with a larger regional or national coverage face the problem of having no contact with the agencies and organisations that operate in the geographical area where the released women will ultimately return. Resettlement work is more effective if the agents, who will ultimately work with the women after their release, are able to go to the prisons and build personal relationships with their future clients.

In many cases the release date of women is unknown or uncertain, or is communicated too late – as mentioned specifically by the German and French Reports as a barrier to preparation for reintegration. Other difficulties addressed by agents in the French research were related to people on remand, women with short sentences and people from different geographical areas or even countries. In addition, women who have an open criminal process against them, feel that they cannot prepare for life after release because of the uncertainty of returning to prison. It is especially women who suffer from drug addiction whose preparation for release is considered to be very difficult by the agents, and also the women themselves are often very pessimistic about their chances for reintegration and believe that they may easily go back on drugs after their release.

#### **Life of Women after Release and the Impact of Prison**

- **Disorientation:** Many women have reported that they were lost and disoriented in the first few weeks if not months after their release, and experienced even basic life situations often as unmanageable challenges. Some women – especially those who served long sentences – had experienced various symptoms related to prisonization - depression, insomnia, a strong desire to return to the daily routine of prison. The notion that many women develop certain mistrust towards others, but especially state institutions, was noted in several countries by the women and agents as well. The impact of prison on women's social skills was also tangible in their accounts recorded a few weeks after their release: many of them discussed difficulties in organising their time, setting priorities, listening to others at length, taking initiatives, making decisions, etc. These are precisely social abilities that are not rewarded in prisons
- **Rebuilding lives;** Upon leaving prison most women have a combination of the following issues to take care of at once: ensure housing, regular income, heal relationships with and provide for children or other dependent family members, and break relationships with drugs, related neighbourhood- and friendship circles. It must be emphasised that several of these issues occur



simultaneously and in combination with each other in women's lives, often forming a vicious circle. As some reports pointed out, as soon as they leave prison, women are overburdened with the gravity and combination of these issues to be solved at once – an unrealistic expectation that would be a heavy burden even for people with much more resources and support.

- **The financial situation;** The financial situation of women released from prison is usually very vulnerable. While during imprisonment it is not possible to produce savings from prison work, some women indeed inherit or increase previous debts. While in many countries a so-called discharge amount is paid upon release, this money is not sufficient to cover living expenses for the first weeks or months or until any revenue – wages or welfare benefits – would arrive. The great majority of women suffers from serious if not everyday financial difficulties in the first few weeks and months after release.
- **The family support;** Often it is the families who must provide for basic necessities of the women – either the parents or in some cases, their partners. In several countries the majority of women named their primary families as the biggest source of support in the first weeks and months after release. Apart from this situation creating or reinforcing a form of dependence, many families are themselves very poor for whom it is not possible to support the women permanently. In some cases women end up moving back to their parents together with their children and even possibly with their partners – a situation which is filled with conflicts due to overcrowding, poverty, lack of independence and intimacy. Women often have to face difficulties and conflicts due to the earlier addressed ruptures and the negative influence of imprisonment on family ties.
- **The housing situation,** Thus in terms of housing solutions, many women go back to their original family, most often to their parents or partners. Although it is known that a number of women leave the prison homeless<sup>3</sup>, and agents in most countries point out that housing must be a key priority to be settled, the number of transitional homes or halfway houses for women ex-prisoners is by far insufficient in most countries.
- **Work searching;** While there could be differences in the timing and intensity of job search, it was clearly shown in all countries that only a few women gained work within 1-2 months after release and even this work was usually low-skilled and -paid, insecure and gendered. Lack of skills and education for the great majority of women prisoners is an objective difficulty; however, the prison did not improve their labour-market position either. Women after release tend to search for jobs that they did inside – as the Italian Report notes. Thus cleaning, domestic work, clothing industry, assembly line work are among the most likely work gained. However, in many cases women are given part-time, temporary or seasonal contracts - or no contract at all and thus they become part of the black economy, which only further reinforces their vulnerable position. Research in Hungary found that several women experienced gender-specific vulnerability; some of them employed as housekeeper or domestic aid were sexually harassed, while other women ex-prisoners were approached with offers for prostitution and surrogate motherhood. Another gender-specific difficulty identified in several reports, was women's struggle to cope with family obligations, especially childcare – while searching for and especially, keeping a job – a situation which often led to a hardly manageable double burden. As the Spanish report notes, the difficulties women faced after release in finding work, are

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<sup>3</sup> Data from other research in the UK indicates that while 10% of women are homeless upon entering the prison, one third of women lose their homes and possessions during imprisonment. According to the prison administration in France, 10% of prisoners who leave the prison do not know where they will live and 18% lost what they possessed before prison.



linked to structurally difficult position of women in the labour market in Spain and in other European countries.

- **Criminal record;** The criminal record formally, and stigmatisation informally caused a varying degree of difficulty for the women in the job search.
- **Institutional Support for the Transition and Issues of Co-ordination;** Several reports listed examples for women experiencing a lack of continuity between in-prison and post-prison services, among others, in the field of education or training, healthcare and drug treatment. Apart from these, the most significant discontinuity is experienced in the lack of arrangements for the time after release: in all countries there are still women leaving prison homeless, without savings, jobs, skills or even documents.
- **The Lack of throughcare;** The lack of throughcare was identified as a key issue in all countries – perhaps in Germany results were slightly better. In general, responsibility for throughcare tends to be lost among the various actors and agencies which results in women being left alone in the critical period of the transition. Prisons ultimately see their duty ending on the day of release, 'at the prison gate' – as some agents put it in the Hungarian research. In most cases, while prisons must enable or encourage preparation for release, it is not considered to be their responsibility that all released prisoners must have at least basic preconditions to start a new life. Prison agents in the Hungarian research argue that throughcare is primarily the responsibility of probation and possibly, that of NGO-s – while the job of the prison is to enable their work as much as possible. In fact prisons and prison personnel often do not even have feedback on prisoners' reintegration – only if the women ultimately return as recidivists.
- **Probation service;** The MIP underlines that 1- Probation agents are too closely associated with prison authorities, women often see primarily their control function. 2- Lack of personnel and lack of funds significantly constraints the operation of probation services. 3- The training of agents is not adequate to their role, at least not to the role of social enabler, resource investigator and networker. 4- Programs often do not correspond with released women's actual needs, since women do not participate in the design of measures and programs. 5- The lack of co-ordination is generally noted between agents active in reintegration, that is, probation and/or other state agencies and NGO-s.
- **NGO's role;** The MIP concludes that lack of funds is a real issue by all representatives of NGOs. In some countries the Centralisation and accreditation of programs and the fragmentation of services were named to be an important barrier to their work and an important cause of frustration. As also noted by the agents in some countries, despite the efforts of the Prison Service, sometimes NGO workers still experience suspicion and obstruction by prison staff.

The MIP research has showed that on the one hand, women after release from prison suffer from the uncoordinated requirements of various agencies and are often unable to gain access to even those services and benefits that they would be eligible for. Especially in the first few weeks and months after release, they suffer from competing serious and simultaneous demands in multiple fields of their lives, as well as disorientation and the impact of prison deprivations - which is only reinforced by the lack of competent and co-ordinated assistance in reintegration by the various agencies. The research also confirms that NGOs and often, state agents are aware of the fragmentation of services, the deficiencies in co-operation among agencies and the lack of coherent strategies for reintegration. Despite the many similarities however, we should point to key differences identified in the national reports. While in the case of England, the largest difficulty was found in the field of

implementation of insertion programs, - and in Germany delivery was halted by budget cuts - in several other countries various basic structural, contextual, infrastructural and institutional conditions as well as a general awareness about women prisoners' needs for reintegration was found to be insufficient.

## **2- BACKGROUND AND OBJECTIVES OF THE PROJECT**

The genesis of the MIP project came through the work of the Catalan NGO SURT, Women's Association for Labour Insertion, which is dedicated to working with women in risk of social exclusion. Through their experience in integration projects with women prisoners, it was realized that there was, in general, a profound lack of knowledge regarding these women and the dynamics of the prison institution, and this made it virtually impossible to explain the failure of integration policy and practice or to propose new alternatives. SURT designed and proposed a major research project under the Fifth Framework programme of the European Union in collaboration with partners from five other European Countries: France, Italy, England and Wales, Germany, and Hungary. The project was approved and initiated in November of 2002.

The object of this project was mainly focused on the identification and analysis of the effectiveness of the mechanisms of socio-labour integration that affect the women's prison population in Europe, in order to obtain a series of political proposals and actions to assure and improve the socio-labour insertion of women prisoners. The research investigation was developed based on a comparative study in 6 Member States of the European Union (Spain, France, Italy, United Kingdom, Germany, and Hungary).

The specific objectives of the project are:

1. To do a normative analysis about the adaptation of the concepts of "Social integration" (and its relationship with the concept of Social exclusion), "domination", "vulnerable group" and "social good" to the group that is the object of study (the female prison population in Europe) for the six countries that the research spans.
2. To develop a comparative study of the reality of women in European prisons and the efficiency of the social and penitentiary policies to promote their social and labour integration among the six participating countries.
3. To identify the key factors: subjective, social and institutional that affects the situation of deprivation of freedom of women; and analyse its interactions and effects in the process of socio-labour integration.
4. To contribute to the formulation and development of the social and penitentiary policies directed at transforming and improving the socio-labour integration of women.



### **3- SCIENTIFIC DESCRIPTION OF THE RESULTS AND METHODOLOGY**

The major outcomes of the MIP project can be structured around the following chapters:

- Theoretical debate
- Methodological issues
- First analysis of the key factors; social, personal and institutional.
- Second analysis of the efficiency of the socio-labour insertion measures for women prisoners and ex-prisoners.
- Policy proposals at the Council of Europe and at the European Union.

The MIP project began with the elaboration of the state of the art of the knowledge, where it was found a lack of comparative studies among different European countries based on the integration and exclusion processes of women prisoners. So it was necessary to develop a comparative analysis in a qualitative way, as it has been done through the MIP project, and specifically through the analysis of key factors and the evaluation of the efficiency of the existing measures directed to the sociolabour integration of women prisoners. The innovative side of the MIP results lie in to have for the first time a comparative overview on the **sociolabour integration processes** of women prisoners in Europe.

The MIP project was designed to identify and analyse the effectiveness of the mechanism of sociolabour integration which affect on the women's prison population in Europe.





# THEORETICAL DEBATE

## SOCIAL EXCLUSION- SOCIAL INTEGRATION, KEY CONCEPTS

Present-day definitions of 'social exclusion' have a long and complex history and a varied nomenclature. In that history, both the causes of, and remedies for, social exclusion are contested. Yet the position taken as to the causes of social exclusion inevitably helps fashion the remedies to be recommended. Nor can it be assumed that social exclusion is always defined by social theorists as regrettable, remediable or an unintended consequence of other, more benign social forces; though this is how it is often presented by modern governments - an example being seen in the definition of the EC Report quoted below, which refers to social exclusion 'by default'. As far as penal law is concerned, it is merely stating the obvious to say that imprisoning lawbreakers necessarily excludes them from at least some of the rights of citizenship, while research in many countries indicates that imprisonment is a punishment which is imposed disproportionately upon the already-excluded. Nor, it seems, would many in the populations of most societies have it otherwise: built into most penal and welfare systems (either legally and explicitly, or illegally and implicitly) is a notion that people should not be better off because they have committed a crime. This is called the principle of 'less eligibility' and at popular, agency and institutional level, it can be one of the greatest -though often unstated - barrier to implementation of measures to decrease social exclusion.

In the theoretical framework of the MIP project, an understanding of the concept of social exclusion was developed on the basis of a mainstream definition of social exclusion. The Commission of the European Communities in its *Background Report: Social Exclusion – Poverty and Other Social Problems in the European Community*, ISEC/B/11/93 defined social exclusion as follows:

**Social exclusion refers to the multiple and changing factors resulting in people being excluded from the normal exchanges, practices and rights of modern society. Poverty is one of the most obvious factors, but social exclusion also refers to inadequate rights in housing, education, health and access to services. It affects individuals and groups, particularly in urban and rural areas, who are in some way subject to discrimination or segregation; and it emphasises the weaknesses in the social infrastructure and the risk of allowing a two-tier society to become established by default.**

Although this appears to be a very comprehensive definition, it ends by implying that social exclusion is an unintended consequence of structural and/or cultural arrangements, rather than a deliberate effect of law and/or politics as in the case of prisoners, asylum seekers, immigrants and refugees. However, the MIP project focuses not only on processes of exclusion which are the effect of market and cultural forces, but also on those, which are the direct result of penal law and political responses to lawbreakers, migrants, asylum seekers and others seen to pose a social or political threat.

Furthermore, the MIP inquiry reflects the conviction that studies and approaches to the matter of exclusion must be examined from a 'gendered' point of view, taking into account **gender** as a fundamental variable in social differentiation. The MIP

research considers gender as a vital factor in producing specific forms of exclusion – and treats dimensions of social exclusion as gendered phenomena, interpreting each dimension through gender as an analytical lens.

Thus the three main inter-related and overlapping sources/dimensions of social exclusion – already seen through a gendered lens – are the following:

**I. Economic:** global changes in markets and major cutbacks in welfare have led to large-scale male exclusion from the workforce; the feminisation of poverty through the increase in the numbers of female headed, single-parent households and the increased casualisation of female labour; and in many countries greater inequalities of income. Especially affected groups are: the unemployed; women heading single parent families; families in deep and permanent poverty; itinerant workers and families; the homeless and the physically and mentally ill; ex-prisoners. The exclusion takes the form of: unemployment; homelessness or insecure housing; low income and/or low pay; increasing debt at exploitative rates; consumption inadequate to basic needs; and effective exclusion from certain areas: for example, better residential areas with superior schools and medical care and adequate leisure facilities.

**ii. Cultural:** the excluded groups mentioned above sometimes suffer further from the operation of exclusionary laws, bureaucracies, or social mores (that is, discrimination on the grounds of gender, race, class and status – for example, age, or situation, such as being a victim of domestic violence or sexual abuse). Especially affected groups are: women, especially single mothers, lesbian women, female workers unprotected by labour laws and victims of domestic violence and sexual abuse; minority groups, especially ethnic groups or people with a non-heterosexual orientation); young people in state institutions or accused of ‘status’ crimes (that is, offences punishable at law which would carry no criminal sanction if committed by an adult – for example, truancy, staying out late at night), and immigrants.

**iii. Political:** Certain groups (who usually suffer a concomitant economic and cultural exclusion) are excluded from full rights of citizenship either because of their social status, for example young people whose age makes them ineligible to vote or have consensual sexual relations with their own or the opposite sex; prisoners who become ineligible for certain welfare benefits while in prison; and people working in legally marginal occupations – for example, women engaged in prostitution; or: because they are in stereotyped categories of people seen to pose a risk to a populace itself already exhibiting many of the above indicators of social exclusion. The groups thus seen as other and therefore creating a perceived risk include: immigrant workers, refugees, asylum seekers, illegal immigrants; people legally living unconventional lives of all kinds; and ex-prisoners.

In relation to the specific social exclusion of women’s prison populations, studies of the demographic characteristics of women prisoners from a range of countries round the world suggest that, in relation to the indicators of social exclusion discussed above, a high proportion of women ex-prisoners were already suffering some degree of social exclusion prior to their imprisonment (see Carlen 1988 and Social Exclusion Unit 2002 for UK; Almeda 2002, for Spain; Platek 1999 for Poland; Owen 1988 for US; Cipollini, Faccioli and Pitch 1989 for Italy; Lagree and Fai 1989 for France; Kersten 1989 for Germany).

An additional consideration of exclusion produced by **penal characteristics and processes** may have been explicitly added to the above three dimensions of social exclusion – despite some overlaps with the above dimensions. Already at the start of the MIP project it was clear that an earlier ‘penal career’ substantially contributes

to the risk of imprisonment thus further exclusion, and that the selective nature of penal processes may further disadvantage vulnerable groups. Imprisonment itself may increase the risk of social exclusion further, however, according to national legislations, a number of in-prison measures are targeted at the reintegration of prisoners. One of the objectives of the MIP research was to investigate whether and how social exclusion is reinforced and produced by the prison – and also to assess the existing integration-oriented measures in prisons.

## THE WORKING CONCEPTS

The comparison among six different countries of the EU showed that there are some specific concepts which can be adopted at European level on the normative and analytical framework when studying and analysing the situation of women prisoners. These concepts are the working concepts; by working concepts, it was meant concepts which were not specified in the original research proposal (*social exclusion, social inclusion, vulnerable group, and social good*) but which, in discussing the initial theoretical framework partners thought might be of equal importance in informing both the research design and the final analyses. At the final analysis, both the foundational and the **working concepts** were called into question and new ones were used or developed.

**I. Resettlement:** a concept that may usefully be developed in support of the analysis of **reintegration** if its meaning is limited to the more tangible material criteria of 're-entry' such as housing, job, education etc. **Reintegration** is retained as the more comprehensive concept referring both to material criteria and the more subjective and abstract such as rights acquisition, loss of stigma, less depression, sense of full citizenship etc.

**II. Stigma:** As used in criminology, the term **stigma** usually refers to the negative identities socially attributed to people perceived to be deviant in some way, and the ways in which such stigmatisation marks the stigmatised out for further exclusion or negative discrimination. For the classic sociological statement on stigma see Erving Goffman, *Stigma* (1958).

**III. Responsabilisation:** A concept first used Pat O'Malley (1992 and 1996) to identify the trend 'to responsabilise' i.e. to shift responsibilities previously attributed to the state on to individuals or 'the market', and later used by David Garland (1996) to identify the displacement of responsibility for crime control from the state to the 'community'. Most recently used by Kelly Hannah Moffat (2002) to conceptualise the penal policy of representing Canadian prisoners as being 'responsible' for their own 'empowerment' by claiming that prisoners who do not respond positively to in-prison programmes for their 'resettlement' or 'reintegration' are not being 'responsible' and are therefore 'unempowerable'.

**IV. Labour competencies: (SURT).** Labour competence refers to a specific combination of personal resources used by the person in order to act effectively in front of labour situations with different complexity. Specifically, labour competence is the set of verifiable knowledge, skills and attitudes that are applied for the execution of one productive function in a specific labour context.

Starting from the set of person's resources (that are individual and transferable to more than one occupation), professional competence will be the combination and mobilization of these resources in concrete labour conditions and in a concrete labour context, being its results suitable for expected standards. Labour competence implies to act, in a concrete labour situation, in a competent way, mobilizing personal and environmental resources. This means that labour competence always implies action. It is continuously built as the result of an

adequate combination of personal resources (knowledge, skills, virtues, emotional resources...) and environmental resources (network of contacts, resources of information and documentation, databases, team work...). This adequate combination of personal resources allows acting competently in different workplace situations.

**v. Labour Insertion** Labour insertion is the access of the women to the labour market, the fact that she gets an ordinary and permanent job. This labour insertion is not possible if it is not done at the same time accompanied by a process of social resettlement, that allows the intervention on other factors of exclusion that affect together the woman, such as the lack of a job, the lack of housing, problems of physical and sexual abuse, health problems, etc.

**vii. Employability** This concept permits greater understanding of the concept of reinsertion and professional competencies. The employability is an indicator of the relation that the woman has with the labour market, of individual factors (training, motivation, availability, etc.) and of structural factors (structure of the labour market, demands, segregation, etc.). This concept is far away from an individualistic concept that understands employability as personal factors of adaptation to the labour market.

**vii. Gender as Method** the concept of gender employed in this Project becomes a fundamental and orientational analytical tool to show the socio-cultural and historical nature of inequalities between men and women. Gender goes across all the other categories (ethnic group, young people, and lack of education). In this sense gender is not a category, not even a privileged one.

**viii. Less Eligibility:** A concept from the nineteenth century poor laws which is often still informally operative today: the principle that criminals should never be better off than they would have been if they had not committed a crime. (This principle, nowadays often an unspoken ideology, will, when operative, undermine rehabilitation attempts.)

**Ix. Carceral Clawback:** a theoretical concept developed by Carlen (2002) the set of constantly changing discursive and security strategies which ensure that prisoners are kept in prison. Because prison **logically** involves the notion that prisoners must be **kept in**, a necessary condition of the prison's continued existence is that reforms which erode prison security be suppressed or modified. This suppression tends, in modern times, to be achieved discursively and physically.

## METHODOLOGY ISSUES

Apart from the theoretical framework, the research was also based on the following major hypothesis agreed by all national teams:

- Many women in prison were already suffering a degree of social exclusion at the time of their imprisonment.
- Imprisonment excludes women who were not socially excluded before their imprisonment and excludes already-excluded women still further.
- Present measures and programmes for the social integration or reintegration of women ex-prisoners are inadequate.
- Several barriers to the social integration/reintegration of women ex-prisoners remain.

The methodology adopted in the MIP project had two basic sources of knowledge:

- The use of secondary sources in the six EU countries to establish comparable frameworks.
- The implementation of a similar fieldwork in the six EU countries to allow further comparison and common conclusions. The choice was a qualitative fieldwork that will give an active part to the women's voices and permit a temporal analysis of the processes of socio-labour integration of these women.

The core of the fieldwork consisted of a series of interviews with women in each country as well as agent interviews. Due to national differences, variations in the methodology were unavoidable, and in some countries following up women proved to be difficult, however, most teams conducted first interviews with 20 women, and 25 or more professionals working in the criminal justice and penal systems.

The analysis of all the information obtained with the data collected through the secondary resources and with the analysis of the fieldwork resulted in six national reports. These reports followed the areas of research indicated by the initial hypothesis, and allowed a cross-national comparison of the main key factors, social, personal and institutional, operating in the processes of socio-labour integration of female prisoners.

### 1. Secondary data

It was first necessary to gain more in-depth knowledge about what had already been studied on women in prisons through secondary sources, and this knowledge was complemented by extensive research in other related and relevant fields such as inclusion policy and gender studies

The first area of study was to review and **compare the national criminal justice legislation and practice of each partner country**. In the European context it is important to note that the legal tradition and practices are very heterogeneous in regards to basic areas such as policing, criminal codes, prosecutor's roles, judicial system functioning, as well as in the organization and practice of penitentiary

institutions. One example of this diversity is seen in the case of Spain where the Constitution states that the objective of imprisonment is the reintegration of offenders, in contrast with England and Wales where the primary objective, by law, is simply the custody of condemned persons.

A comparative analysis of the functioning of the different criminal justice and penitentiary systems was made in order to determine if different variables have different effects on the women prisoners and the process of reintegration. Although important differences were found, it was also interesting to see that in many ways the experience of the women's lives in prison and their life trajectories upon release share many common aspects and dynamics. And one very important conclusion is that much of the criminal justice tradition, laws, norms and practice are gender blind.

The initial comparative study on criminal justice and penitentiary systems was complimented by a detailed analysis of quantitative data on the crime, judicial treatment and, in particular, quantitative data on the prisons and other penal measures. How many women are imprisoned, for what kinds of crimes, what sentences, the number and types of prisons, amount of budget and prison personnel, number and types of activities and programmes, recidivism rates, etc? **Again it was found that in almost all countries there is insufficient data or studies on persons in conflict with the law, but there is an even greater lack of data and knowledge of women in the criminal justice and penal system.**

Another area of secondary sources was reviewed in regards to exclusion dynamics and social inclusion policy in all the participating countries. It is well known that a very large percentage of imprisoned women suffer exclusion and often to an extreme. Inclusion measures, social services and other types of social policy oriented to disadvantaged persons were analysed in order to identify variables that can affect women in prison. This analysis once again paid particular attention to introducing a very strong gender perspective in regards to social inclusion policy.

## **2. Fieldwork**

The second part of the methodology was field work carried out in all countries and which consisted of observing two principal collectives of people: women ex-prisoners and agents from the penal administration of justice, penitentiary institutions, and community resources in direct relation to the inclusion processes of these women.

For the study of the women in prison, detailed questionnaires, which permitted open responses, were prepared that attempted to reveal three periods in their lives. The first period studied was their lives before entering prison, in order to identify some factors that could help explain why and how they had offended. The second period to be studied was their life in prison in order to better understand how this experience had affected them, both positively and negatively, in terms of health; family ties, acquiring new skills, etc. The third period that was studied was upon their release in order to understand what the factors are that affected both positively and negatively, their integration processes. A fourth period was further analyzed to discover how much the women's ability to successfully integrate depends on their experience in prison and how much depends on other social and personal factors that have little to do with their time in prison.

The fieldwork began while the women were still in prison. After receiving permission from the respective prison authorities, women prisoners that were scheduled to be released in the near future were asked if they would like to take part in a study on



their lives. Almost all the women approached agreed to take part. It is believed that the selection was sufficiently representative of imprisoned women.

The fact that the first interviews were carried out in prison had some important advantages. First, it gave time for thorough interviews, sometimes done in two sessions, which, although long, were not tiring for the women. It thus gave an opportunity to gather much information about the women before they had been imprisoned, knowledge of their childhood, their education, family life, work experience, and many other important facets of their lives. It also provided much information on their time and experience in prison: the effects of the sudden ruptures in their lives, family ties, work, loss of material resources, their subjective perceptions about themselves and their future, as well as contributing information on programmes and resources that they had accessed in prison, or problems and difficulties that they had faced. In addition, they discussed their hopes, plans, and the resources they counted on for their efforts to reconstruct their lives once released.

A final advantage of the initial interviews being carried out in prisons was to establish a relationship of confidence with the women that helped them feel more comfortable talking about some intimate or painful things. This confidence was also important for maintaining contact for the follow up interviews once they were free, which were quite successful, keeping in mind that many women, upon leaving prison, face very precarious and vulnerable situations.

A second questionnaire was applied in the first month upon the women's release, then again four months later, and again eight months later. Specific questions were asked about housing, money, jobs, family and children, personal relations, emotional well being, participation in social programmes, health, and all aspects that might be important for the women's present and future. The responses were very important for measuring the women's ability for integration, the problems they faced, how they tried to solve them, the availability and usefulness of resources, or the lack of them, needed for successful integration, their decisions regarding priorities, as well as other factors and variables that influenced their trajectory.

In each country a couple of women were selected for even more in depth interviews that were used for constructing **life histories**. There were some variations in the application of the methodology in each associate country. In some cases it was difficult to conduct follow up interviews with the same women, and thus, some women were interviewed in prison, and other women were interviewed as ex-prisoners. However, in all countries, a great wealth of information was gathered, which permitted profound analysis and conclusions regarding the initial hypothesis.

The second area of fieldwork was carrying out through **in-depth, semi-structured interviews of agents** working in the criminal justice and penitentiary system as well as other persons who were involved in social integration programmes, both from diverse public administrations and different NGOs.

In each country, a minimum of 25 interviews to agents were carried out. The objective of these interviews was twofold. In the first place, objective information was gathered regarding types of programmes and resources that were available for the socio-labour integration of women prisoners. On the other hand, the subjective opinions of these agents revealed much in regard to the functioning of the processes of socio-labour integration and the limits of integration dynamics. The functioning of these processes are not simply determined by structures, norms, and regulations, but an important, and often determining factor is the subjective perceptions of the agents regarding their work, their ideology, their beliefs about how they think the institution functions, or should function, or their vision of the

women that they deal with. The agents' world view, attitudes, conceptualization and consequent practises were seen to be very important in moulding the reality of the women's lives in prison, and after they are released

Much of the agents' evaluations sharply contrasted with the women's ideas in regards to how they see the penitentiary system and its stated objective of being able to integrate women. Often, the agents themselves expressed contradictory ideas regarding the systems, their work and in regards to the women. The results of these interviews permitted a much more profound and multi-dimensional understanding of the workings of the prison system and the effects on the women under its responsibility.

# **FIRST ANALYSIS; IDENTIFY THE KEY FACTORS; SOCIAL, PERSONAL AND INSTITUTIONAL. MAIN PROJECT RESULTS**

## **1. Key Dimensions of Primary Exclusion**

### **Poor economic conditions**

Starting with the economic dimensions of social exclusion, national reports clearly indicated a range of evidence regarding the (pre-prison) poverty and poor labour-market integration of many of the women prisoners as shown in the secondary literature, and in most cases, illustrated by the sample of women prisoners in this MIP research as well. Thus, even though the following information cannot be considered as quantitatively valid evidence, its value lies in its illustrative power.

The dominant majority of women interviewed during the German research indicated a subjective experience of poverty, and also the majority suffered from indebtedness. The great majority of the women received welfare payments from the state, and many lived exclusively on such state support. The German report emphasises that in the German system this is proof to the fact that they had been already excluded from the labour market several years earlier.

The dominant majority of women interviewed during the research in Spain, lived in circumstances characteristic of exclusion or economic vulnerability – either living below the poverty line or in situations determined by low economic income.

The French and the Italian reports found that only the minority of imprisoned women were employed prior to their imprisonment, while many of them were unemployed in both countries or did not have registered employment.

Regarding the gendered aspects of poverty of the women in prison, the Social Exclusion Unit of the UK reported that at least a fifth of the women lived as single parents before their imprisonment. The Spanish report found that in their research single mothers addressed the difficult economic conditions experienced by them. Recent statistics and studies in Catalonia regarding the links between lone parent families and labour market, as well as lone parent families and level of education, suggest the growing problem. The report emphasises that the Spanish state has been one of the countries where - compared to other European countries - these realities were largely ignored and the state only recently started to address the necessity to promote new public policies to minimise the exclusion risk. The French report also makes a reference to lone mothers; however it also remarks that the majority of imprisoned women actually declare to live alone and without a child.

Most reports emphasise the close links between poverty and other dimensions of primary exclusion - most often education, drug abuse, or ethnicity/ foreign nationality – as well as its links to selection mechanisms in the penal systems. Both the interconnections of these factors and selective mechanisms will be addressed in later sections as well.

### **Education**

The generally poor level of education of imprisoned women was reinforced by all country reports unequivocally.

During the German fieldwork it was found that a significant number of the interviewed women have not completed school, while many others have only completed only the basic, elementary education. In terms of vocational training, the great majority of women either dropped out of vocational training or did not start it. The fieldwork in Hungary reflected very similar ratios: the great majority of the interviewed women did not have education above the level of basic education. Dropping out of school was found to be very frequent in both countries among the women. While in both countries among the reasons women mentioned early pregnancies and other family reasons, in Germany the most frequent cause was early drug consumption. In fact, the French research also confirms early school leaving for both reasons: due to 'life needs' brought by family situations on the one hand; and, leaving the difficult/ violent family situations and starting a drug career on the other hand.

National statistics on women prisoners' educational level also suggest a generally low level of education in other countries as well. The Social Exclusion Unit in UK reports that the educational achievements of women in prison are significantly lower than for women in the general population. The French report also refers to the generally low level - primary - education among women entering prison and notes that the high ratio of women who are declared illiterate or whose level of education is not measurable, is related to the significant number of foreigners among women prisoners.

In fact, data from Italy and Hungary suggests that women prisoners' level of education is generally poorer than men's in prison – at least, significantly more women than men are illiterate and have not completed any school. In both reports there is an indication to the presumably high number of Roma women without formal qualifications; however, such indication only relies on the limited samples and fieldwork experience, rather than on officially published data or research. In addition, poor qualifications and illiteracy among Roma women inmates in the research in Catalonia has also been mentioned. In fact, Spanish research quoted in the report indicates, that 32% of Roma women in prison are illiterate, 28% can read but cannot write and additional 25% of them have started but not finished primary education – altogether above 80% of Roma women in prison have a very poor level of education.

Despite the fact that on average women inmates' poor educational level was clearly indicated across the national reports, it must be noted, that women prisoners are not a homogenous group – and despite such general truth, some women in prison have very high-level educational achievements.

### **Foreign Nationals**

The very high ratio of foreigners among women prisoners was shown in most national reports both on the basis of national statistics as well by the actual research samples – the only clear exception was the case of Hungary, where foreigners' presence in prisons is insignificant.

Almost half of the Italian women prisoners' population is a foreigner. In France, more than one third of imprisoned women are foreigners, while in Spain they represent a quarter of women prisoners and in England and Wales every fifth woman in prison is a foreign national. As an agent in the English research revealed, many of them are convicted for the illegal importation of drugs.

The Italian report argues that being a foreign national in Italy represents a disadvantage that is translated through various selection mechanisms into a likelier and more difficult penal and penitentiary path – compared to Italians. Due to new immigration policies, access to Italian citizenship is strictly regulated and difficult, without appropriate housing and employment – hardly a realistic perspective for many foreigners. Immigration quotas also increase the number of people expelled from the country. If foreigners stay in Italy despite the expulsion, they can be charged with illegal immigration and thus can be arrested. Yet, the Italian report points out that not only immigration policies, but the culture of control and actual crime control practices also encourage the arrest and criminalisation of immigrants: the focus on street crimes makes immigrants especially good targets. Indeed, foreigners in Italy are most often persecuted for minor offences. Once the criminal procedures are launched, foreigners face a further disadvantage: due to lack of financial means and language abilities, their access to adequate defence is much reduced. Lastly, racial prejudice against foreigners was documented during this particular research by the Italian team, on the basis of the interviewed women's experiences with their lawyers, employers etc.

In fact, some of the most marginalized and 'excluded' women in our research came from among the foreigner women: especially those who – on top of other exclusionary factors as poverty - did not possess any identity card or any other official document, were therefore not eligible for allowances, healthcare, etc.

Their cases and the detailed Italian argument clearly shows the ways in which political sources of exclusion, cultural dimensions of exclusion and penal and penitentiary selection mechanisms – on top of poor economic conditions – escalate and produce extreme marginalisation on the one hand, and the image of immigrants as criminals on the other hand. In fact, as the Italian Report points out, due to such mechanisms immigrants (in particular, the Roma) and drug addicts are criminalized in that the foreign nationality and drug addiction are seen causes of deviancy by themselves.

## **Ethnicity**

Although in some countries there is a considerable overlap between foreigners and ethnic groups – especially the Roma – among women prisoners, the two categories should not be treated as identical. It will be shown, different dimensions of exclusion are dominant regarding the two and there are significant differences between the researched countries in both aspects.

In Hungary, despite the lack of official data due to reference to data protection regulations, estimates from several sources suggest that up to 50-70% of women in prison are Roma women. Apart from the long-term poverty experienced disproportionately by Roma families, cultural stereotypes linking Roma people with delinquency are strong. Recent studies document the police profiling of the Roma, e.g. the Roma are likelier to be checked by police on the streets, or Roma convicts spend significantly longer time on remand, etc. Interviews with the Roma women in the MIP research revealed that many of them experienced ruptures very early in their lives, dropped out of school thus often did not complete primary education, or had early pregnancies and thus family responsibilities. This often included committing of petty crimes – most often thefts. Most agents were aware of the social, economic etc. factors, and some spoke about the selective mechanisms in place in the crime control and criminal procedures.

In Spain, a quarter of women in prison are believed to be Roma. The Spanish report addresses the economic, political and legislative changes that caused the

increased social exclusion of Roma communities and led to the strong overrepresentation of Roma women in prison. From the late 70-ies the industrialisation and formalisation of the economy, together with the inflow of immigrants gradually narrowed the economic space available for traditional professions of the Roma. Yet, their opportunities were limited in the regular labour market as well, partly due to poor educational qualifications and also, to discrimination against them. Not only economic and labour-market factors, but also town planning and the arrival of immigrants to the cities contributed to the emergence of slum neighbourhoods. Even if efforts against shantytowns were implemented from the late 70-ies, segregated gypsy settlements and urban ghettos continued to exist in the 80-ies – more and more associated with the dealing of drugs. The drug trafficking often serves the drug consumption of family members. In fact, 60% of Roma women are imprisoned for drug trafficking and 40% for crimes against property. The narratives of Roma women interviewed during the research in Catalonia, describe both the phenomena of supplying family members with drugs, as well as the responsibility for providing subsistence for the family. Despite the high ratio of Roma women among women prisoners, interviewed agents did not address ethnicity as a relevant exclusionary factor.

In Italy, there is a significant overlap between foreigners and Roma women in prison. About a quarter of foreign women in prison are Roma – the Italian Report suggests that they are mostly from the former Yugoslavia and Romania. The Italian Report indicates that in Roma communities women's role in providing resources for their families through thefts is accepted – thus they do not face stigmatisation in their own communities, but certainly are heavily stigmatised in the larger society. As mentioned in the above section on foreigners, even among foreigner women, it is especially the Roma women in Italy who are criminalized.

The French research refers to ethnicity when describing people coming from a traveller's milieu: gypsies, Romanians, travelling showmen and booksellers. The report points out that even if some women were well integrated into such communities, the communities themselves are marginalized in the larger society. The research found that also in France, agents associate the most disaffiliated, the most excluded, women with the juvenile Rumanians (who steal), and girls from the Eastern European countries (who are prostitutes). Thus there seems to be a degree of overlap and certainly, association here between the Roma / Eastern European girls and extreme social marginalization as well as criminalization.

Under ethnicity, in all of the above reports, Roma women's issues were addressed – however, there may have been other ethnic minorities among the women in the particular research and among the women prisoners. In the English Report racism as a factor of exclusion was emphasised throughout. In the German Report the role of ethnicity in primary exclusion as such was not emphasised as a separate dimension.

If it was said that some of the most vulnerable and excluded women in the research were found among the foreigners, we may add, that in those countries where there is an overlap between foreigners and Roma women in prison, those 'some' were likely to be Roma. Apart from the political dimensions of exclusion addressed in the above section, cultural dimensions of exclusion seem to be especially relevant in the case of Roma. Historically, as the Spanish argument has shown, it is clearly observable how certain activities and occupations performed by certain Roma groups previously in full legitimacy were gradually redefined as informal and perhaps illegal with changes in the economy and economic policy. Powerful cultural conceptions link together the Roma and delinquency in several countries, often very specific conceptions are developed, e.g. regarding their recidivism, or linking them to specific crime (theft/ prostitution/ drugs) – which are then reinforced by the



corresponding selective mechanisms in crime control, and during the criminal proceeding.

## **Substance abuse**

The role of drugs in the life of many of the women in our research was found to be very significant in several countries – and was supported by national statistics and expert opinions as well.

The dominant majority of women in the research in Catalonia were imprisoned related to the consumption or trafficking of drugs: some of them were convicted with drug-related charges, others with crimes against property. In either case, the majority of them were addicted to drugs at the time of committing the crime. They consumed heroine, although many used other drugs as cocaine, alcohol or pharmacology etc. The great majority of the drug addict women were HIV positive. The Spanish Report points to a multitude of other exclusionary factors experienced by these women, but especially to the role of segregated neighbourhoods, ghettos in the 'production' of drug addiction of family members and thus the importance of multigenerational exclusion. According to national statistics, 41% of women in prison are there due to drug related crime – as mentioned above, among Roma women in prison, this goes up to 60%. Yet, recently a significant part of foreign women in prison are there due to international trafficking in drugs, especially from South-America. In addition, women involved in prostitution and small robberies are often found to engage in crime in order to cover their drug consumption. The Spanish Report argues that the focus on prohibitionism, punishment and repression which has been applied in relation to the problem of drugs in Spain since the 80-ies, contributed to the criminalization of drug-related issues and has filled and continues to feed prisons.

In the German MIP research it was found that the majority of the interviewed women consumed drugs prior to their imprisonment and actually, most of them were involved in a 'drug career' marked by polytoxic use: cocaine and/ or heroine for daily use often accompanied by daily consumption of cannabis or alcohol. Most women started their drug careers as early as 13 and 14 years of age – many have used drugs for 10 years or more. Other research in Germany had revealed connections between drug career and poverty, violence, auto-aggression and a lack of resources. It was found that those women are at particular risk of starting a drug career, whose parents are addicted, who have been neglected, rejected, or sexually abused: 30-50% of women who are treated in institutions due to drug addiction, were sexually abused in their childhood/ adolescence. Based on national statistics, the German Report concludes, that while 18% of women prisoners are there due to the use or trafficking of drugs, it seems that many more consumed drugs and – usually imprisoned for theft – committed actually drug-related crime in order to secure their needs. Agents in the MIP research stated that about 60-80% of women in prison have a drug problem.

According to data from the Social Exclusion Unit in the UK, over 50% of women prisoners are likely to have used drugs (including alcohol) in the year before their imprisonment. Another research found that women with drug dependency experienced violence at home in great numbers (57%) and sexual abuse (35%). Agents interviewed in the course of the MIP research named addictions among the top three reasons for women's crime – many placed it in the first place. The life-story interviews in the MIP research also illustrated the importance of drug use in the two women's life paths, especially its links to prostitution/ sexual abuse and dependence on men. In fact, another research quoted in the Report found that social networks and neighbourhood have an especially strong relationship to

prostitution and drug-related crimes: in both cases, returning to the same neighbourhood brings with it a great risk of recidivism. The Report of England and Wales found that in fact sentencers are nowadays more likely to send drug-user women to prison (instead of giving them a community-sentence) precisely because they believe that women need the drugs treatment available in prison.

The French Report also notes the strong overrepresentation of women with combined addictions (alcohol, drugs and psychotropic drugs) among women in prison. Especially the profile of 'deviant penal customers' – women particularly disaffiliated and excluded - features often drug consumption and addiction – as also supported by examples from interviewed women's life trajectories.

As already mentioned in previous sections, the Italian Report notes the strong criminalization of immigrants and drug-addicted people, while the Report of England and Wales makes a special note on foreign, drugs' couriers women and their responsibilities in ensuring their families' subsistence.

In Hungary the role of drugs in the primary exclusion of women - or in actual imprisonment due to committing drug-related crime – is exceptionally low so far, both based on national statistics, and on interviewed women's narratives. However, most interviewed agents expect a clear increase in drug-related crimes and drug-consumption in prisons.

Especially the Spanish and German Reports convincingly support the notion that many of the women actually imprisoned for thefts or other crimes, are addicted to drugs and their crimes are related to this – thus the magnitude of drug-related problems would be greatly underestimated if only national crime statistics were taken into account. In both countries the number of women in the MIP research who developed a drug career, is alarmingly high. A potentially strongly related factor to this seems to be the role of the immediate neighbourhood – a point illustrated by the Spanish Report best, yet also noted by the French and English research as well. Another striking point across several country reports is the role of previous sexual abuse in developing a drug addiction – as suggested by secondary sources in various countries.

Even though the section did not address alcohol abuse separately, as it was mentioned, multi-addiction emerged in several reports as an important pattern, which involved the consumption of alcohol in addition to the use of drugs.

## **Neighbourhoods, Family and Social Networks**

Above, in relation to substance abuse, the role of neighbourhood was discussed based mainly on the research findings in Catalonia. It was also noted that research in the UK suggested that the role of neighbourhood is especially strong in the case of drug-related crime and prostitution: return to the same neighbourhood increases strongly the risk of recidivism.

In various reports the role of the family was addressed as well. The Italian research found that the majority of interviewed women have had at least one relative in prison. About every other woman in the research in Catalonia have had drug-addicted brothers or sisters – in some cases even death by overdose. Examples for multigenerational influence also in the research in Catalonia include the alcohol-abuse of fathers and sons / parents in prison – yet such examples were found in other reports as well. A special example for the role of family and social networks is presented by the Mafia related crimes in the Italian report.

## **1/1. Gender and Exclusion**



## Gendered violence

The frequency and role of domestic violence in shaping many women prisoners' lives has been recorded in most national reports, usually based on secondary research, but also reinforced by women's narratives<sup>4</sup> and agent opinions. Recent research in England and Wales indicates that over half of the women in prison reported about having suffered domestic violence, and one in three has experienced sexual abuse. The English report points out that criminal careers of many young women are launched when they leave home after having had experiences of physical or sexual abuse. Other research in the UK suggests that young women who run away from state care are especially vulnerable to sexual abuse as children in prostitution<sup>5</sup>. Both life-story interviews recorded in the English MIP research are dramatic illustrations for the life-long affects of early violence on the women's lives and criminal careers. Agent interviews emphasise the critical importance of experiences of violence in many women prisoner's lives – in fact, many agents named domestic violence and/ or sexual abuse as one of the two most important reasons for women's crime. Some agents referred here to the role of abuse in provoking violent crime (e.g. against the violent partner), while others pointed to examples when violence was used to force women into crime. The MIP research conducted in France also found various examples for domestic violence among the women interviewed – for both 'types' of connections: women imprisoned due to violent crime against their former abuser, and women imprisoned as accomplices of a violent partner in e.g. drug-related crime.

Both the Spanish and the Hungarian report point out that such experiences of severe violence have influenced many women's lives decisively. In both countries during the interviews several women revealed various forms of such violence including abuses by father and male relative in childhood, rape, battering by male partner etc – often in a strikingly detached and factual way, interpreting it as an individual problem. In both countries the public discourse on domestic violence was started relatively recently – after the mid 90-ies – and in both cases the research found that the women received no assistance from relevant state actors (e.g. social or health services) prior to the perpetration of crime. Also, in both countries agents showed very different degrees of awareness regarding the importance of gendered violence. The Hungarian research argues that apart from the high ratio of women imprisoned for rather obvious examples of domestic violence related crime (e.g. murder of violent partner/father), several other women revealed domestic violence experiences, which may indicate a particularly high number of victims of domestic violence among imprisoned women in Hungary.

Patterns developed in the French and Hungarian reports associate the paths of victims of domestic violence with a degree of social integration in their lives prior to committing a usually serious crime. While both reports argue that most women in this pattern were not socially excluded prior to their crime/ imprisonment – many possessed educational qualifications, were integrated either in their work or at home or both. The Hungarian report describes the details of domestic violence influencing and ultimately interrupting these women's lives, who in some cases complied with more traditional gender roles, while in other cases developed rather subversive or not typically traditional gender identities.

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<sup>4</sup> The only exception here is the Italian research where interviewed women did not reveal domestic violence experiences and there were no women in the research imprisoned for domestic violence related crime. In Germany, domestic violence experiences were revealed in a life-story interview.

<sup>5</sup> A woman's story in the research in Spain revealed the direct link between her experience of sexual abuse and her involvement in prostitution.

## **Dependence**

Conceptual interpretations of women's dependence on men varied across the country reports. The National Report of England and Wales introduced various types of women's dependence on a man: not only financial and emotional, but also cultural dependence. The latter refers precisely to the above-discussed phenomena: to women not challenging the culturally accepted dominance of men in male-female relationships. The Spanish report challenges whether women responsible for the livelihood of entire families should be pushed into the oversimplified discourse over dependence. One particular example for women's dependence on male partners was already mentioned above: victims of domestic violence are usually (made) dependent on their partners – and as mentioned above, may be forced into crime or used 'voluntarily' as accomplice.

Not only women who are victims of domestic violence are used for such a purpose: many reports list examples for women acting as accomplice and often, covering up for their male partners. The fieldwork in England presented plenty of examples for women's emotional dependency; male domination manifested in blackmail and even threats of violence in increasingly demoralising women and leading them into criminal careers. Sometimes women in such situations are aware of being used – several women in the German and Hungarian reports discuss their male partners' responsibility for the crime openly. However, as found in the Italian research, sometimes women are not aware of being used – or only women with better education or agents with plenty of experience address the dependence in such cases. In fact, agents in several countries very explicitly discussed women being used by their male partners in most cases.

The Spanish Report argues against the general underlying notion of women's dependence; against the perception of women as passive, dependent, submissive or victim. In particular, the Spanish Report emphasises that women in prison share values similar to mainstream society. As their possibilities for economic autonomy and independence are very limited, they must secure income from various sources. The Report draws on the example of the many women, who are responsible for the subsistence of their entire families due to absent or passive (alcohol/ drug addict/ unemployed) men. The report points out that the matrifocal model better describes the actual reality of life in such families, than the adherence to stereotypical images about passive or dependant women. The authors argue that even though economically these women are responsible for the survival of their families, they do not dominate in the power domain necessarily: a distinction should be made between the power exercised and the responsibility carried. In summary, it must be noted that the patterns and phenomena discussed under emotional dependency/ coercion in various reports and the notion of (economic) responsibility do not necessarily contradict each other.

## **Motherhood and Women's Needs**

The role of motherhood was very strongly emphasised sometimes in women's narratives, and certainly so in agents' perception about women's identities and women's needs. During the research in Hungary, the great majority of interviewed women – regardless of their life paths, crime etc. – referred to motherhood and children as an issue of foundational importance in their lives. Good mothering was defined above all as not letting children into state care, and it involved mother's responsibility for providing subsistence for the family by all means. Even some of the women who otherwise developed 'subversive' gender identities, continued to address motherhood as the first and foremost responsibility. In agents' discourse

motherhood was perceived to be by far the most often mentioned – and often the only - distinguishing factor between women and men prisoners.

While the majority of women in the Hungarian research had children, this is not the case in some other countries: in Germany the majority of women interviewed in the MIP research did not have children, and in France the majority of interviewed women declared to live alone and without children. As pointed out by the French Report, this relativizes agents' discourse about the significance of motherhood among women in prison.

While in some countries agents' discourse on women's needs was mainly related to motherhood, the National Report of England and Wales emphasises that the various aspects of women prisoners' primary exclusion and women prisoners' needs had been recognised in a range of research studies and also in official reports largely from the 90-ies. However, the Report adds, that recognition of such needs does not mean that they had been adequately addressed (in prison). In fact the authors of the Report are critical with the focus on psychological reprogramming, which puts the emphasis on the individual's 'beliefs', e.g. about her constraining social circumstances and thus focuses on achieving change at the level of her 'beliefs'. It also argues that the faith in the ability of psychological programming to reduce recidivism may convince sentencers that prisons are able to help women with multiple problems and thus increase their willingness to send such women to prison.

## **1/2. Dimensions and Patterns of Social Exclusion**

While the MIP research project did not investigate sentencing practices and criminal justice procedures in detail – as secondary data allowed, references were made in the national reports to certain discriminatory aspects of such procedures, e.g. to selective mechanisms. Yet, the National Report of England and Wales addresses several aspects of sentencing practices for women offenders, from which we will only point to one observation which seems particularly relevant. Although the majority of women may be actually treated more leniently than men by the courts, this is not true for women who commit drugs or violent offences. Furthermore, women who are seen as lacking family ties - thus discipline – are likely to be punished more severely than both their male and female counterparts. This is likely to be so for women who have been state reared, who live apart from men (maybe due to domestic violence), are homeless or rootless due to poverty, mental illness etc.

Even if the MIP research did not address the actual workings of the selective mechanisms, nevertheless the analysis of women prisoners' social background, penal characteristics and specifically gendered experiences has convincingly shown that most women prisoners in all countries have experienced multiple forms of social exclusion already prior to their imprisonment. Links between dimensions and factors of exclusion were demonstrated, often enabling the analysis to show tendencies across countries. In general, the criminalization of poverty and in particular, the criminalization of immigrants and Roma women, as well as the criminalization of drug users was found to be valid in several countries. These trends reinforced that especially women with a combination of various dimensions of exclusion (economic, political, and cultural) get criminalized. However, reports demonstrated that other, gendered forms of exclusion e.g. violence against women must be taken into account as it disrupts women's lives who earlier may have had socially integrated lives.

Further, it may be argued that agents (and certainly women themselves) are aware of certain dimensions of exclusion while are ignorant about others. For example,

most agents do not interpret domestic violence as a gendered form of exclusion leading to prison – and in most cases, not even as a need of imprisoned women. Motherhood remains to be the one and only legitimate gender-specific need of women prisoners named by agents in most countries.<sup>6</sup>

## **2. Exclusion by Prison – Institutional Context**

### **Introduction: Agents on Prison's Dual Function**

Before analysing the findings from agents' interviews, it must be noted that penitentiary legislation is generally very supportive of reintegration-related principles and activities. Legislation on prisons in each of the six countries contains frequent references to prison's mission in aiding reintegration generally and specifically through activities as education, training, work, preparation for reintegration, personal development etc. While there is usually also reference in the legislation to the protection of the public, the contradiction between the two objectives is certainly not addressed by the legislation.

However, most interviewed agents were aware of the dual and often contradictory function of prisons, as well as of the damages, pains and deprivations people suffer during imprisonment. In fact, many agents believed that prison should be the 'last resort' and expressed support for broadening the scope and application of alternative measures, open regimes, etc. In terms of the mission of prisons, many agents named reintegration as either the first and foremost priority of prisons, or expressed that reintegration and the protection of society should both be aimed at by prisons. Generally, agents seemed to be aware of the tensions between their dual institutional objectives – reintegration and security. Yet many believed that it was possible to reconcile the two in general, and in case of women's prisons in particular – due to a lesser emphasis on security needs. The English report especially emphasises the recently launched initiative in order to review which security measures in women's prisons are really necessary. However, the notion that even women's prisons are becoming more and more security oriented and similar to men's prisons, also appeared in agents' accounts.

Many agents – in all countries - shared the opinion that prisons often fail in their reintegrating function, and as to the reasons of the failure, a number of factors were named; some theoretical-structural, but mostly rather pragmatic reasons. Among the more abstract reasons, the increased requirement for safety by the public was mentioned by several agents or an increase in social punitiveness - a requirement that is actually channelled through the media and politicians. The principle of "less eligibility" was also addressed in some cases as a barrier related to the public's image and expectation regarding prisoner's status. The recent hardening of penalties in some countries, or related changes in sentencing was also linked to actions of politicians and public opinion. Some reports noted that especially higher level penitentiary experts discussed such structural limits to the reintegrating function of prisons and pressures for the security imperative.

Many believed that prisons should do more for reintegration, however, were often to some extent disillusioned or pessimistic and pointed to the lack of financial resources and personnel as a key barrier to such work. Agents' discourse showed strong similarities across the countries, perhaps agents in England and Germany were more explicit about airing their critical opinion about the sufficiency of

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<sup>6</sup> With the exception of England and Wales, and possibly, Germany. In Germany while the law continues to focus on motherhood as the only official 'need', agent interviews revealed awareness about various other aspects of women prisoners' needs and lives.

reintegration efforts in women's prisons and detailed knowledge about women's needs and imprisonment.

However, National Reports often went beyond agents' discourse and presented the unfavourable ratios between personnel employed and budgets spent on security vs. reintegration in prison. With these arguments, national reports demonstrated that while national legislations in all cases and even agents' discourse very often remains very supportive of the principles of reintegration, in actual reality the security imperative controls most of the budgets and personnel in prisons.

## **2/ 1. The Impact of Imprisonment on Women and their Perspectives on Reintegration**

As the French report notes, imprisonment leads to certain losses and deprivations that are not gendered – they impact both imprisoned women and men in similar ways. However, the MIP research aimed at understanding women prisoners' experiences and the various types of exclusion they suffer prior to, during and after imprisonment and the connections between these. Therefore, the findings are necessarily 'gendered'. Thus, instead of arguing that women suffer more than men from e.g. the loss of contact with their children, it focus on showing women's experiences, the differences in women's experiences related especially to their primary exclusion, and on the impact of various prison regulations and initiatives on their experiences.

### **2/1.1 Ruptures and Losses**

#### **Entry to Prison and Basic Aspects of Prison Life**

Based on the experiences of the women interviewed in the French research, for some women especially, the court trial and entry to the prison constitutes a real shock. The report points out that especially for women with higher social status, involvement in criminal proceedings represents a sudden drop in social status – while others, e.g. the least educated women, may experience it with incomprehension. Both the French and the Italian reports mention that racist behaviours were reported by the women especially from encounters with the police. Arrival to prison means eventually a degree of safety and certainty – bad treatment, physical harassment by prison personnel was typically not reported. A unique perception of prisons as 'safe heavens' was actually stated by several women victims of domestic violence who either 'escaped' into the prison or enjoyed the fact that no unwanted visitor could have access to them while they were in prison.

Yet, difficulties of life in prison and inappropriate living conditions were often recalled by the women, especially fears and difficulties related to mixing with others: murderers or child abusers – as mentioned by women interviewed in France and Germany. The report of Spain/ Catalonia emphasises the failure to comply with the principle of separated modules by age/ penal situation in women's prisons. While women prisoners' needs vary according to age, type of crime, length of sentence etc. – such needs cannot be addressed due to the absence of separated modules. A very general related problem was the loss of privacy, emphasised in most reports – made especially difficult by large cells and overcrowding in the case of Hungary.

#### **Loss of Social Status, Ruptures in Family and Motherhood Responsibilities**

The French report argues that loss of work with imprisonment was especially a significant rupture for those women who enjoyed a high degree of professional



integration and success previously. Similarly, imprisonment often meant a drastic rupture of a training formation for some of the young women in the French research. Even if such losses were less frequently emphasised by the women and agents, they were indeed present also in the Hungarian research, mentioned by the few more successful and educated women, who e.g. run their own business and suffered especially from lack of stimulus, action and achievement in their lives. The Report of England and Wales also reinforces that through the rupture of education or employment (and other factors) the prison narrows the social options available for prisoners.

Losses and ruptures due to separation from family members and especially, children were very much emphasised by all country reports as a major source of pain in prison for the women. In fact, many of the women understood primarily their children and possibly parents under 'family', only in fewer cases, their partners. As mentioned above, many imprisoned women are actually mothers, and motherhood featured as a topic of foundational importance in many of the interviewed women's narratives about their lives, and especially, in their discussions about the pains of imprisonment. The feeling of failure as mother, and guilt feeling were especially strong, as evidenced by all national reports. Mothers usually continued to see themselves responsible for their children, some of them actually saved up from the very small earnings made in prison to send money home to the children in need. Fears that children would turn away from their criminal mother, were also discussed in some cases. Many women feared that not only them, but especially their children would suffer from the separation. Actually, women feared that children would also suffer if they are allowed to stay with them in prison. Among women facing special difficulties in the field of motherhood while in prison, problems of (illegal) immigrant mothers in contact keeping were addressed. Also, difficulties in access to children in case of domestic violence incidents were reported, as well as Roma drug-addicted women who are caught between the role required by Roma women to be fulfilled in providing for the families and the negative, bad-mother image associated with drug addicted women. Lone mothers and mothers with exclusive responsibility for family subsistence were also in a difficult position, due to fear of loss of children, inability to help and thus accelerated guilt feelings.

In summary, it must be emphasised the very straightforward conclusion based on women's accounts in most countries: imprisonment causes serious ruptures in the life of women due to separation from their children, which becomes a key source of everyday stress, guilt feelings, worrying and experience of failure – despite which most women continue to feel and act with responsibility for their children.

## **2/1.2. The Impact of Imprisonment on Social Contacts, Networks**

All reports emphasise that generally during imprisonment the social contacts and networks of imprisoned women are weakened. Internal contacts among prisoners do not replace family ties or other contacts. Several agents emphasised that especially women with lengthy sentences suffer from a loss of contacts.

Women received most support from their immediate families, especially from parents and in some cases, from their partners. Even though family ties were in some cases reinforced during imprisonment, as a matter of fact, in general social ties became weaker. Immigrant women faced especially serious barriers in keeping contact with their families and others – also, women with long sentences usually experienced more damages to their social network. The application of special measures makes a difference to women's ability in maintaining social contacts: even one-day leaves, but especially access to regular leaves or open sections has a

positive impact on social contacts. Unfortunately many women - in some countries, the majority of women prisoners - do not benefit from such measures.

### **2/1.3 The Impact of Imprisonment on Social Skills Needed for Reintegration**

National reports addressed this topic in rather different ways. The following analysis introduces the survival strategies / resistance strategies developed by the women during their imprisonment – a logic of analysis used by the Spanish, the French and the Hungarian Report. All three reports argue that while obedience/ submission to prison rules is a rather popular strategy among the women – in the end various groups of women benefit or suffer rather differently from imprisonment, depending often on their previous social exclusion, most decisively, on their level of education and perceived social status.

The Spanish Report argues that women with a better educational background who know prison rules well and are able to play according to these rules, are usually given better opportunities in prison and also benefit from their external resources. The Hungarian Report also reinforces that better educated women are able to acquire the best prison jobs, build a certain respect with staff and other inmates, and employ good survival strategies. Such strategies are either based on collecting as many rewards as possible, or on building good relationships with personnel. In either case, these women usually had very conscious survival strategies focused on long-term benefits and plans, including reintegration. The French Report also mentions the importance of legal knowledge, symbolic and linguistic capital for some of the women in prison, in building their status. In fact, such a status can be achieved through other means than education/ middle class position, e.g. in France, the high-risk political-prisoner profile of Basque women ensures them a certain power and status that is used to gain benefits.

The French Report points out that the most excluded women, the so-called 'penal customers' adopt a strategy that focuses only on survival from one day to another, thus women may be involved in various deals and trafficking, and sometimes may get locked up due to disciplinary failings. The Spanish report describes a similar pattern– usually drug addicted women with poor health condition from marginalized social groups – who have very little contact with e.g. treatment personnel, and are sanctioned more often than others. While in Hungary no such pattern was identified, it was found that the full passivity, full invisibility and obedience adapted by many women, led to being forgotten among the hundreds of other prisoners and thus was not sufficient to gaining benefits. A strategy of withdrawal/ submission was identified also among women in the 'normal criminal' pattern in the French research.

In short, a significant degree of adaptivity – if not submission – is required for survival in prison. However, without a certain degree of power – either education, or status-related power – and good relationships with personnel, such a survival strategy tends to lead to survival only. This situation is largely related to the lack of individualised treatment in many instances and the overload on treatment personnel experienced in many countries. The Italian report points out, that as long as in certain prisons an educator is responsible for hundred inmates on average, individualised treatment is hardly possible. Another crucial difficulty is that educators' disciplinary and the reintegrating functions are not separated from each other.

Women prisoners tend to accept the disciplinary role of prison and most of them aim at building workable relationships with personnel – it is apparently a key condition for survival. In many cases, women talked rather appreciatively about



personnel and emphasised that prison staff reacts the same way to prisoners as they approach them. In particular, the German research reflected rather positive relationships between women inmates and personnel: women felt that staff members were available and helpful; communication was open and based on partnership. In a German prison efforts were made to integrate women's opinions into the shaping of prison life. Yet, examples for long-remembered humiliations were mentioned even here and certainly in most other reports as well. While only a few women filed complaints, most of them did not think they could assert their rights, and many were not fully familiar with their rights.

In summary, survival strategies built on a certain degree of obedience - and successful strategies on good relationships with prison personnel – do not encourage behaviours linked to initiative-taking, responsibility, autonomy; skills considered to be vital after release.

## **2/1. 4 The Impact of Imprisonment on Women's Health**

### **Physical Health**

The prison's impact on health is an area where according to most reports; a differentiation has to be made between various groups of women. For some women who suffered from poor health either due to lack of resources/ insurance or led a lifestyle which destroyed their health (e.g. drug users), the prison was found to offer health services and potentially, treatment that led to an improvement or stabilisation of their health condition. But, it must be noted that drugs are available in prisons and that some women may actually start using drugs or switch to more serious drugs while in prison. Furthermore, agents in various countries agree that even if some women stop or reduce their drug consumption while in prison, this is often temporary; to be continued after their release, especially if they return to their original neighbourhood and lifestyle. Some of the women interviewed expressed the same concern about a potential return to drugs after their release.

### **Differentiated Impact**

Largely due to the limited possibilities for individual treatment in most prisons, and the generally applied obedience-based survival strategies, there is a tendency for certain patterns of primary exclusion to be reinforced by the prison experience. Women with better educational records or privileged status tend to acquire more attention, better positions and more benefits in prisons. However, in terms of basic health service, women in the least privileged groups may enjoy, in some countries, access to medication or treatment which was not available for them prior to imprisonment. Yet, in terms of mental health provisions, with a few exceptions it must be concluded that insufficient attention to mental health problems and therapy aggravates existing health problems.

## **3. The Impact of Women Imprisonment's Weak Structural Position on Women's Perspectives for Reintegration**

In general, the small number of women in the prison systems leads to various disadvantages for women prisoners. In fact, earlier research in several countries pointed to the disadvantaged position of women prisoners' compared to men's prisons in access to budgets, programs, work and training opportunities, and general attention. Most national reports confirm that the small number of women prisoners - 4-8% of the total prison population in each of the six countries - brings important disadvantages in terms of the attention devoted to them. However, while in most countries women's prisons themselves may be disadvantaged as well, in England this is not the case any more.

Distance from home constrains women's ability to maintain family and other ties due to the excessive financial, time and physical burden. This problem is linked to the fact that there are fewer women's prisons, thus distance from home is often considerable. Women in some cases prefer to stay in a prison near to their family, even if they have to sacrifice better conditions that they would be entitled for in a more distant penitentiary institution. Another difficulty resulting from the small number of women's prisons and their larger, regional or even national responsibility is that this contradicts the necessarily local nature of reintegration-related work - as shown in the French and Hungarian fieldwork. Most organisations and individuals involved in reintegration after release (local authorities, NGO-s, employers, etc.) work at a local level, thus in case of a national prison, women can hardly meet with the appropriate agencies and individuals prior to their release.

In some cases women prisoners are located in dedicated units within men's prisons. In fact, there are prisons with a small group of women prisoners - who are often in a fully ignored position in terms of access to activities, services, and attention. In these cases even within the small group among the women there are different penalties, needs etc. in the same institution. Thus women not only suffer from being locked up with "child murderers and drug addicts", but in effect, targeted treatment becomes impossible due to the large variations in needs and small group sizes. Very often, the more limited education programs and activities available for women stem from this 'lack of economies of scale'.

In several cases the reports found that women's prisons are inappropriately located or distributed which further aggravates the above-mentioned numerical problem. Another problem noted by the German, Hungarian and Spanish Reports is that several women's prisons are **located faraway from urban centres**, sometimes in locations not accessible by public transport and not offering opportunities for work outside the prison, social contacts etc. This is highly problematic in case of low-security regimes, or open regimes – since such a location fully contradicts the objective of reintegration emphasised in case of open or light regimes.

Overcrowding of women's prisons was described as a key problem in all reports, an issue also often to be found in men's prisons. Overcrowding is a problem by itself – due to the lack of privacy, reduced possibilities for individual treatment, poor hygienic conditions - however, if it appears in concentrated and often poorly located women's prisons, it further aggravates women's chances for being transferred closer to their families and also, the availability of already scarce programs and activities. The Report of England and Wales has identified overcrowding in women's prisons to be one of the key barriers against the implementation of integration-related programs.

Agents in general pointed to such pragmatic reasons behind the failure to deliver the reintegrating function of prisons: lack of sufficient means, budgets, and personnel were among the most frequent reasons identified by professionals. Overcrowded prisons were also very frequently named as a key difficulty in reintegration-related efforts. Such budgetary and personnel constraints to reintegration-related work were mentioned by agents in all countries with a strong emphasis. Some agents – although not all of them - discussed the difficulties related to the minority position of women prisoners and women prisons explicitly.

The issue of women-only prisons versus women's units annexed to men's prisons was addressed in several reports – since in all countries there are examples for both types of women's prisons. Based on the MIP research the conclusion is that women-only prisons generally are more favourable for the women inmates. As the Italian report argues, women-only prisons take advantage of their independence in

organising activities according to women's needs and also in attracting attention from the outside world. German experts also point to the ability of women-only prisons to direct their budget planning, to adjust social and vocational reintegration to women's needs, as well as to use the possibilities offered by the lower security standards often associated with women's prisons. The French Report underlines the ability of such women-only prisons to engage in innovative projects targeted at women's needs – while also emphasises women's limited access to services in men's prisons. The disadvantages of women's units annexed to men's prisons are presented by the Spanish Ombudsman Report: poorer infrastructures, limited activities, less jobs, poorer medical treatment.

Yet, there are large differences among the various prisons within the same country – as many reports point to the consequences of decentralised management. For example, an open and active prison management in the smallest unit in Hungary was able to create a range of reintegration-related activities for a small group of 70 women annexed to a men's unit. The Italian Report notes the prison director's role in achieving co-operation with local authorities and other agents. The French Report actually concludes that differences among women's prisons are so significant and women prisoners in certain cases enjoy such advantages (compared to men, e.g. in terms of security), that altogether the issue that women prisoners are disadvantaged cannot be declared. Even though other reports noted the importance of these factors – e.g. the more lenient security standards in case of women's prisons in Germany – most still argued that women prisoners' position is disadvantaged.

The Report of England and Wales argues that due to the past years' efforts invested in research, awareness raising and projects by specialised units as the Women's Policy Group, and the Prison Service's Women's Team, women's prisons are less disadvantaged than they were previously. Generally, there is an official recognition that women prisoners' needs are different and targeted projects and efforts are launched to improve the position of women prisoners – including even e.g. advertising campaigns to attract women into the Prison Service. An innovative new initiative of the Prison Service's Women's Team is to examine security aspects to assess which security measures are really necessary in women's prisons. However, mainly due to women's small numbers, they are still largely in a disadvantaged position. While agents' discourse, as well as official documents, program proposals etc. in England show a significant degree of awareness regarding women prisoners' disadvantaged positions and women's needs, this is not reflected in other countries' experience.

As the French Report points out, women prisoners are never defined as a target group of penitentiary policies, in fact, women are not mentioned in most recommendations or policy proposals. Statistics are hardly available on women prisoners, and generally the French research found that this silence results in the ignorance of women prisoners' needs. However, apart from their small numbers this is supported by the powerful universalistic and egalitarian principles applied in France for adult populations. There is insufficient attention to women prisoners' needs in Italy: specifically female needs are not addressed by the penitentiary administration. The Spanish Report argues that the state's failure to address women prisoner's needs pushes the responsibility to the families and individuals. The Hungarian Report also points to the lack of official recognition of, as well as a lack of discourse on, women prisoners' needs.

Needs of women prisoners appear mainly as those related to motherhood in the official discourse – the exclusive focus on motherhood is clearly supported by most reports. Yet, as the Spanish report emphasises, this is already tangible in penitentiary laws: those are the only specific articles as regards to women prisoners

in Spain. In terms of agents' discourse, the French research concluded, that the concept of maternity tends to entirely define the 'specificity' of the problems met by the women inmates in general. In fact, even attention to mother-child relationships is often supported by arguments which emphasise the child's socialisation, the higher interest of the child, the rights of innocent children versus criminal mothers etc. In some cases women in mother-child units were considered to be privileged compared to other women - yet women themselves often worried about the impact of imprisonment on the children. The conditions in mother-child facilities are often more favourable than general conditions. However, conditions vary greatly among countries and also within countries, as found in France, - where 25 penitentiary institutions are assigned to offer places for women and their children – or Italy, where the lack of day nurseries is one of the key problems. In Hungary there is one such unit in the country, in the middle of a men's prison, in Catalonia there is also one such unit only - while in Germany also mother-child units are concentrated to very few locations, raising problems of access and distance.

In summary, exclusive attention to motherhood as women's needs found in agents' discourse is problematic for various reasons. In some countries most imprisoned women do not have children, and even where they do, many of the actual needs of mothers are not addressed. This is partly because in reality the consideration of child welfare is often a priority over women's needs as showed above, and partly because women have other identities and needs apart from motherhood. In some cases attention to motherhood at the level of agents' discourse does not translate into actual measures at all. Yet the greatest problem is that through some attention paid to motherhood, women prisoners' many other specific needs can be considered to be dealt with.

#### **4. Preparation for Release**

##### **Supervision and Guidance, Individualised Treatment**

'Preparation for release' in the broadest sense includes all reintegration-related activities addressed a process that is meant to start at the time of entry to prison. In fact, legislation in several countries reflects this broad interpretation of preparation for release through e.g. introducing the requirement of drawing up development plans for inmates. Such plans should be based on the prisoner's personality, needs- and skills assessment, and would draw up targets and concrete plans. Development plans should be prepared with the involvement of the prisoners. However, according to research findings in several countries, such plans are often not prepared or followed through in practice. In England the above described, so-called sentence plans should be prepared in co-operation with probation, also taking into account pre-sentence reports and an informed risk-assessment carried out by prison and probation staff. The sentence plan should also provide the basis for the so-called supervision plan that covers prisoners who are released on license. Unfortunately recent reports indicate large variations in the actual preparation of sentence plans covering 10-100% of eligible prisoners. During the Hungarian research, none of the interviewed women was aware of the existence of development plans, and agents also confirmed that plans are often neglected or not prepared at all due to the overload of personnel. In a German prison, Hanhöfersand, a so-called profiling is carried out through which skills and educational background of the women are assessed and further development needs are identified for the duration of imprisonment – which also facilitates building bridges between internal programs and employment. However, apart from such exceptions, generally our research found a significant lack of individual attention to women's development needs during imprisonment. Overload of personnel was named to be the biggest reason for this failure in all countries – with often as many

as 60-80 or more prisoners belonging to the responsibility of a single contact person or educator.

Such lack of individual attention to women and their resettlement-related needs is reflected in women's assessment as well. The great majority of the interviewed women stated that they did not receive support from the prison in preparation for release. Support in preparing for release was evaluated to be better in Germany by the interviewed women, especially women who were released from the social-therapeutical institution appraised positively the help received. They emphasised the individual attention received from therapists and social workers as well as the gradual release from the institute. In the past seven years the Berlin institute has only reported about one woman's return to prison.

However, many others did not receive support in the psychological preparation for release. At its broadest interpretation, such psychological preparation should include the processing of the crime, and treatment of domestic violence or other traumas. While regarding the first, in English prisons 'offending behaviour programs' are available – recently a woman-specific version of the program was rolled out – these are criticised for their exclusive focus on psychological (re) programming. In other countries no organised efforts were identified to support coping with crime-related processing, domestic violence traumas or other damages related to e.g. deprivation or family ruptures. Psychologists, even if available, are not able to tackle such issues at the individual level. Psychological preparation for release in the narrower sense, would help women overcome fears, anxieties, help them identify positive projects for the future, etc. – which was found missing as well.

In summary, while legislation in all countries emphasises the need to prepare individual development plans for the duration of imprisonment in order to enable successful reintegration, in many cases such plans are not prepared or followed through, most often due to overload of personnel. For the same reason, other forms of individual attention from educators or other agents in prison was found to be inadequate – perhaps with the exception of Germany where most interviewed women felt encouraged to talk to their educators. Nevertheless, attention to psychological preparation for release both in its broader sense (processing of crime, handling of traumas etc.) and in its narrower sense (fighting anxiety and stress, working out positive projects etc.) was found inadequate in most countries and most prisons.

### **Measures to Aid Gradual Transition**

The range of possible measures, through which imprisonment can be 'moderated', is rather broad in all countries. Very often the possibility to gain access to such measures determine women's desires, survival strategies, and their actual chances and efforts for reintegration. One of these measures, release on license, is practised in all countries, usually on the basis of 'good behaviour' – indeed a powerful tool in the punishment-benefit treatment regimes to achieve compliance with rules and steer women's behaviour in the appropriate direction. Move to a lighter security regime is another frequently used measure in many countries. In Hungary, women who serve long sentences in a high-security regime are often moved to a mid-security regime – if their behaviour allows such a move. Also, women who serve long sentences are transferred to a so-called transition group for the last two years of their sentence, where living conditions are less controlled and a few visits for home are allowed. Interviewed women confirmed that a move to the transition groups was vital in allowing a gradual readjustment. While their first visits home after years were shocking, through repeated visits by the time of their actual release the women felt more prepared. In England, women prisoners with long



sentences may go out to training or work and return when they have finished. Yet not only women with long sentences can be moved to a more lenient regime. In Germany, a move to an open regime is enabled as part of preparation for release, while in Spain/ Catalonia, women can be moved to 'third degree' – including a move to open regime.

Women in some cases had access to programmed leaves, during which, accompanied by prison personnel, they could familiarise themselves with the environment or engage in activities with organisations. Short leaves home in order to facilitate women's gradual readjustment, as well as the reestablishment of social contacts and practical preparation of release, are also available in most countries. Day-releases practised in Germany, or weekend-releases available for women in a lenient regime (LER) in Hungary, were considered to be very useful by the women and helped them maintain social contacts, visit authorities, or start organising other aspects of life after release. In England prisoners may ask for day release in order to attend housing or job interviews. In Catalonia similar one-day permits issued at the end of the second-degree period, were critically evaluated by agents, as they do not effectively allow for e.g. taking up jobs due to conditions of imprisonment. Agents emphasised the need to have follow-up and ongoing support for women who acts as a 'bridge' between the period in prison and that after release. In Italy and Hungary, it must be noted that only a minority of interviewed women were given short leaves prior to their release. Thus, most women in these countries had to satisfy with no or very limited preparation for release.

In short, while certain measures as release on license or move to a more lenient measure are available in all countries, these are not applied as part of a conscious transition plan in most cases, but are granted for inmates with 'good behaviour', often based on the evaluation of educators, prison directors and penitentiary judges. Thus the danger is that such decisions are steered by the internal logic of the punishment-reward system of prisons, rather than by any real reintegration-related need of the inmate. While short leaves from prison prior to release are in principle also available, our research found that many of the interviewed women – especially in Hungary and Italy – did not have access to such short leaves. Those women who were allowed on such visits, highly appreciated their value. Our research supports the notion that women with long sentences especially need a carefully designed transition process – good examples from the English research prove that women with decade long sentences can be prepared successfully for release through gradual adjustments. However, regarding a very powerful 'transitional' measure – daily work/ training activities organised outside the prison with return for the night – we may conclude that its application is very limited, despite the enabling legislation and the widespread notion that women prisoners may be especially good candidates for such measures.

### **Pre-Release Courses, Counselling and Arrangements for Life after Release**

In most countries no evidence was found during the MIP project on the consistent delivery of pre-release courses to that would help women plan for housing, employment, health, benefits, drugs, alcohol and family issues. As the Italian report points out, the Council of Europe has suggested from 1992 to organise courses in order to prepare prisoners for release – however, no such strategy was tangible in the Italian prisons covered by the MIP research. In Hungary, only in one of the three women's prisons was a course organised on job search techniques. In Spain no orientation about the labour market or job search was organised for the women as part of the vocational training courses (with the exception of a special DAE unit). On the contrary, in Germany social competencies are integrated into vocational training courses in prison Vechta, and in some prisons courses are available on job search skills. However, prison agents argue that still not enough social training

programs are run due to budget cuts. Indeed, the German Report emphasises the lack of adequate number of social training courses. In the UK more comprehensive programs are in place: in addition to pre-release courses on topics including housing, employment, health, benefits, drugs, alcohol and family issues; prisoners may ask to attend groups if they have behaviour/ drug/ alcohol/ sexual problems, and in some prisons job clubs are organised to assist prisoners in looking for jobs, and prepare for interviews. However, despite the generally good provisions, interviewed agents pointed to several shortcomings also in England. There are not enough gender-specific programs for women, and generally there is not enough in-prison resettlement provision. In particular, foreign women do not get equal access to courses. Several agents pointed to the frequent mismatch between women's needs and content of resettlement courses, as well as to the impact of budget cuts.

In terms of practical advice and actual arrangements for life after release, most women prisoners receive little help. Such a work is often perceived to be not the responsibility of prisons, but that of other agencies, e.g. parole officers, NGO-s, job centres etc. – and mainly, that of the prisoner. Prisons often see their role in providing information, contact and meeting opportunity for the various actors. In Hungary for example, probation officers organise general lectures on what to expect after release, yet no individual practical help and problem solving is available. Thus, despite the increasing openness of prisons for co-operation with probation and other agencies including NGO-s, the important period of transition and preparation for release remains to be a 'grey area' in terms of responsibility and ownership among the various agencies. Yet, in the case of Germany, the co-operation with probation and 'external advice services' worked well according to most agents. However, some agents pointed to the consequences of budget cuts resulting in less frequent visits to prisons, and interviewed women confirmed that probation officers are overloaded by case numbers as high as 200. Yet, a number of interviewed women in Germany believed that it was possible to get help in prison and secure access to flats and jobs. This was not the experience of the overwhelming majority of women in the Hungarian, Italian and Spanish research, who did not gain access to or orientation on jobs and housing from the prison. In many cases not even basic personal documents are settled for the women, documents without which services or benefits can be denied. In addition to problems of responsibility and co-ordination among the various state and non-state agents, in some cases the available infrastructure (e.g. halfway houses, appropriate shelters etc.) was considered to be insufficient.

Only in a few cases did the research identify agents in prison with a definite mission to help reintegration. In principle in England in every prison there should be a person to give housing advice – yet the quality of the service still needs more attention. In France, while theoretically so-called reintegration agents are at work in prisons, due to their very small numbers and large overload, they often fail to deliver effective individual help in reintegration.

It must be noted, that the women themselves have often limited possibilities to make practical arrangements from the prison: they may lack the necessary information on jobs, housing, benefits etc., as well as the authorisation for making arrangements. Women who are not granted one-day leaves, and have no access to internet (as is the case in many prisons), neither the ability to communicate freely with any individual or agency they wish to, can hardly organise their life after release from the prison.

In summary, training and counselling measures for release of women prisoners are in most cases insufficient, uncoordinated and not individualised. Insufficient, because in many prisons pre-release courses and counselling are not available on a regular basis and the scope of existing sporadic measures is narrow: focusing



mainly on labour-market knowledge and job-search skills. Efforts are uncoordinated among the various state and non-state agencies not just at the practical, but often at the conceptual/ structural level, leaving the issue of 'preparation for release' without real ownership. As a result, even if some agencies provide some services in some prisons, no inmate is likely to receive comprehensive and individualised help in preparing for release and making actual arrangements. While in England and in Germany more comprehensive and numerous programs are available, budget cuts and lack of personnel cause permanent problems in the actual delivery of such programs.

### **Barriers to Preparation for Release**

In addition to the insufficient financial and personnel means available for prisons for such purposes, other important barriers to preparation for release were identified by the interviewed agents. Especially prisons with a larger regional or national coverage face the problem of having no contact with the agencies and organisations who operate in the geographical area where the released women will ultimately return. Resettlement work is more effective if the agents, who will ultimately work with the women after their release, are able to go to the prisons and build personal relationships with their future clients.

In many cases the release date of women is unknown or uncertain, or is communicated too late – as mentioned specifically by the German and French Reports as a barrier to preparation for reintegration. Other difficulties addressed by agents in the French research were related to people on remand, women with short sentences and people from different geographical areas or even countries. In addition, women who have an open criminal process against them, feel that they cannot prepare for life after release because of the uncertainty of returning to prison. It is especially women who suffer from drug addiction whose preparation for release is considered to be very difficult by the agents, and also the women themselves are often very pessimistic about their chances for reintegration and believe that they may easily go back on drugs after their release.

## **5. Life after Release from Prison**

### **5/1. Life of Women after Release and the Impact of Prison**

While most women looked forward to their release and were convinced that they would never return to prison, a minority of them was less confident about this: especially recidivists, or women who had permanent drug-problems. Most women did not have comprehensive plans for various aspects of life. Experts in several countries asserted that women often have unrealistic expectations about their actual possibilities - yet it must be noted that planning and making arrangements is increasingly difficult in the absence of information and guidance.

Many women have reported that they were lost and disoriented in the first few weeks if not months after their release, and experienced even basic life situations often as unmanageable challenges. Some women – especially those who served long sentences – had experienced various symptoms related to prisonization - depression, insomnia, a strong desire to return to the daily routine of prison. The notion that many women develop a certain mistrust towards others, but especially state institutions, was noted in several countries by the women and agents as well. The impact of prison on women's social skills was also tangible in their accounts recorded a few weeks after their release: many of them discussed difficulties in

organising their time, setting priorities, listening to others at length, taking initiatives, making decisions, etc.

Nevertheless, this is not meant to suggest that women remain passive after their release – on the contrary, they often start to rebuild their life at various levels simultaneously. Upon leaving prison most women have a combination of the following issues to take care of at once: ensure housing, regular income, heal relationships with and provide for children or other dependent family members, and break relationships with drugs, related neighbourhood- and friendship circles. Before addressing the items on the list, it must be emphasised that several of these issues occur simultaneously and in combination with each other in women's lives, often forming a vicious circle. As some reports pointed out, as soon as they leave prison, women are overburdened with the gravity and combination of these issues to be solved at once – an unrealistic expectation that would be a heavy burden even for people with much more resources and support.

Agents in many countries encourage women to focus on finding a job and ensuring housing – while women's priorities after release proved to be different to some extent. Many women actually focused in the first weeks after release on coping with everyday life challenges, and on starting to rebuild the often-damaged relationship with children and family members. As several reports found, such family relationships may have been idealised during prison and women may not be fully aware of the damage done either. Often there is some explaining that needs to be done and/ or a gradual readjustment to be achieved with the children. Women in prison often develop a strong guilt feeling due to their failure as mothers – and face it only with difficulties if their relationship with their children is less than ideal after release. Or, even more challenging is the situation if the women first have to reclaim their children from family members or from institutions – this may prove to be impossible or delayed until other issues are settled. The research confirms that even if family ties are maintained during imprisonment and the women are thus 'lucky', such relationships are influenced by the imprisonment. Thus, after their release, often a significant part of women's energies goes into repairing such ties. Thirdly, women often have to spend a considerable time on arranging expired personal documents, locating organisations, familiarising themselves with application forms, updating registries, filling in forms at various offices. Such a background work costs time and money, mainly related to travelling or fees to be paid for documents, which women have often difficulties financing.

An important additional burden for the first few weeks was to manage the control and limitations imposed by authorities on the women straight after their release. As recorded by the research in Italy, in some cases they were not allowed to leave their house for weeks or had to report with weekly regularity at the police. Reporting at larger regular intervals to probation officers was required in Germany and Hungary, which was experienced by some of the women in Germany and by the great majority of women in Hungary as a control function primarily. In Hungary many women had difficulties with financing the trips and worried permanently about being sent back to prison if they fail to meet the requirements set by parole officers. The Italian report argues that the control in some cases was not only intrusive, but caused difficulties for the women in e.g. job search.

The financial situation of women released from prison is usually very vulnerable. While during imprisonment it is not possible to produce savings from prison work, some women indeed inherit or increase previous debts. While in many countries a so-called discharge amount is paid upon release, this money is not sufficient to cover living expenses for the first weeks or months or until any revenue – wages or welfare benefits – would arrive. The great majority of women suffers from serious if not everyday financial difficulties in the first few weeks and months after release.

Yet there are important differences among countries. In Spain and in France ex-prisoners can at least apply for targeted financial assistance if they fulfil certain criteria (e.g. minimum length of sentence, type of sentence etc.) and in Germany prisoners who worked in prison, can apply for unemployment benefit. In Hungary ex-prisoners received no targeted financial assistance and the work done in prison does not entitle them for unemployment benefit either, since it is not recorded in the social security system.

Often it is the families who must provide for basic necessities of the women – either the parents or in some cases, their partners. In several countries the majority of women named their primary families as the biggest source of support in the first weeks and months after release. Apart from this situation creating or reinforcing a form of dependence, many families are themselves very poor for whom it is not possible to support the women permanently. In some cases women end up moving back to their parents together with their children and even possibly with their partners – a situation which is filled with conflicts due to overcrowding, poverty, lack of independence and intimacy. Women often have to face difficulties and conflicts due to the earlier addressed ruptures and the negative influence of imprisonment on family ties. Generally, many women consider the family support as temporary and wish to start their independent life as soon as possible – a project that is very difficult to realise. Women without family ties, or with seriously damaged family relationships, obviously cannot rely on this crucial family support in the first period after release, thus they are often in the worst situation.

Thus in terms of housing solutions, many women go back to their original family, most often to their parents or partners. Although it is known that a number of women leave the prison homeless<sup>7</sup>, and agents in most countries point out that housing must be a key priority to be settled, the number of transitional homes or halfway houses for women ex-prisoners is by far insufficient in most countries. Homeless shelters are not considered to be real options – partly because the institutional setting, the rules etc. are likely to remind women of the prison – as indicated by the French research - partly because of the pride and the perception of homeless shelters to be a place for people at the bottom end of society, as found by the Hungarian research. Housing solutions were found to be inappropriate in Catalonia: the lack of housing measures was emphasised in the report. The available few places are offered by three shelters, yet only for women on third degree or probation. Some of the shelters apply various selection criteria for admittance. On the positive side it must be noted however, that the (external) mother and child unit provides appropriate service for women leaving prison with children. Germany should be mentioned as one of the few positive examples in housing solutions: a regulation ensures that the rent of the imprisoned is paid for one year, and also, housing departments seem to offer tangible help for those released in finding affordable accommodation. Several women in Germany reported that their flats were maintained during imprisonment or that they found flats quickly after their release with the help of social services, NGO-s or the housing department. Yet it must be noted that currently a major reform takes place in Germany from January 2005 and its potential impact on such welfare benefits is unclear. In summary, housing is proved to be one of the most neglected aspects of resettlement – while it is considered to be an absolute precondition for reintegration. Without housing, women can hardly get a job, education, attend drug programs and last but not least: even think about regaining their children.

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<sup>7</sup> Data from other research in the UK indicates that while 10% of women are homeless upon entering the prison, one third of women lose their homes and possessions during imprisonment. According to the prison administration in France, 10% of prisoners who leave the prison do not know where they will live and 18% lost what they possessed before prison.

All in all, getting employment was not the first priority for some of the women in the research in the first weeks after release. Quite a few women consciously postponed looking for a job because they did not feel ready for employment until more important things are settled. This was especially emphasised in the research findings of the National Reports of Germany and England/ Wales. While in Hungary on the other hand, the majority of women attempted to find work in the very first weeks after release. Also in the Italian research some women were very motivated to find work immediately after release. The French Report points out that women belonging to the three different patterns approached the issue of work and reintegration differently. For 'penal customer women' due to their lack of skills and multiple disadvantages, stable and regular work was not a realistic target, while 'normal criminal women' believed they would be able to find work without much difficulty.

While there could be differences in the timing and intensity of job search, it was clearly shown in all countries that only a few women gained work within 1-2 months after release and even this work was usually low-skilled and -paid, insecure and gendered. Lack of skills and education for the great majority of women prisoners is an objective difficulty; however, the prison did not improve their labour-market position either. Women after release tend to search for jobs that they did inside – as the Italian Report notes. Thus cleaning, domestic work, clothing industry, assembly line work are among the most likely work gained. However, in many cases women are given part-time, temporary or seasonal contracts - or no contract at all and thus they become part of the black economy, which only further reinforces their vulnerable position. Research in Hungary found that several women experienced gender-specific vulnerability; some of them employed as housekeeper or domestic aid were sexually harassed, while other women ex-prisoners were approached with offers for prostitution and surrogate motherhood. Another gender-specific difficulty identified in several reports, was women's struggle to cope with family obligations, especially childcare – while searching for and especially, keeping a job – a situation which often led to a hardly manageable double burden. As the Spanish report notes, the difficulties women faced after release in finding work, are linked to structurally difficult position of women in the labour market in Spain and in other European countries.

The criminal record formally, and stigmatisation informally caused a varying degree of difficulty for the women in the job search. Especially in Hungary the criminal record was found to be a major barrier: all interviewed women named it as the key problem, since most women were asked to present it as part of the recruitment process at both public and private employers. The criminal record was thus a very real, practical barrier yet in some cases women did not apply for jobs fearing that the 'certificate of no criminal record' would be anyway asked for – this way the criminal record also acted as a barrier against further job-search. Yet in other countries as well the criminal record presented a barrier to employment for some women: in France, due to a differentiated regulation of the criminal record, ex-prisoners especially for public jobs may be refused, as it happened to one of the women in the French research. Many women in the German research mentioned stigmatisation against ex-prisoners as a real difficulty, although the German regulations require the applicant to inform the employer only in certain cases about their record. In the UK there are legal and insurance company prohibitions against employing people convicted of certain crimes in certain jobs, however, the informal stigma 'works' in other cases as well. In fact, the ex-prisoners' stigma, according to several reports, became an important determinant of women's self-perception.

The few women who were successful in gaining employment contracts due to their own initiative, usually did not reveal their ex-prisoner status to the employers. A

few other women started to work in the family business, and yet others found employment through contacts made in prison (e.g. through NGO-s<sup>8</sup>) and through official job schemes specifically designed for ex-prisoners or for marginalized people in the labour market (e.g. in France, Germany and Italy). As the Spanish Report points out, those schemes were considered successful where only 1 or 2 ex-prisoners were employed together with other employees at so-called insertion companies – in contrast to projects only employing ex-prisoners or people in third degree which often reproduced the dynamics and problems of the prison setting. All in all, it must be emphasised that only very few women succeeded in gaining any income from employment – and the majority of these few who did, often could not cover all their expenses from the part-time/ temporary and underpaid jobs.

Once again, for some women the labour-market integration is not a realistic target, given their responsibility for their 'matrifocal' families or the long list of their other needs and problems which disables any engagement in work. This is especially problematic since according to the Report of Spain/ Catalonia, access to jobs increasingly defines citizenship – and if the unemployment benefit is considered to be the main social benefit offered by the welfare state, these women will remain to be completely marginalized. The Italian Report argues that in the recently transformed labour market in Italy, even temporary interruption of the labour activity may lead to an inability to return to this crucial context of social integration. In fact, repeated reflections on the underlying transformation and deficiencies of the welfare state were included in most reports.

Access to welfare benefits varied greatly among the countries as well as among the women. While in Germany many women gained benefits from the job centre (e.g. unemployment benefit) or social welfare benefits, in Hungary only very few women gained access to any meaningful benefit – in most cases, to childcare benefits. In Hungary there are no benefits targeted at helping ex-prisoners' reintegration. Even prisoners who worked are excluded from unemployment benefit due to prison work not contributing to social security. Also, most interviewed women in Hungary were not fully aware of all welfare options – and felt especially lost in the various bureaucracies. Ex-prisoners in some countries e.g. France and Spain are entitled for release benefits if they meet the selection criteria, from which often prisoners with short sentences or drug addicts may be excluded. Yet, access to all benefits requires official documents – thus illegal immigrants are often excluded – and in some cases, also homeless people. In several cases women talked bitterly about the number of application forms to be filled out, or about their confusion and lack of ability to navigate among the agencies. Some women actually felt that there was too much talk about helping and too little actual assistance for them.

In some cases agents interpreted women's ability to cope with difficult circumstances in a gendered way, sometimes attributing special value to women's ability to maintain their social networks or benefit more easily from the help of family – e.g. mentioned as a reason for women's reluctance to use the assistance of state institutions (e.g. in France). However, in some cases agents actually use the discourse about women's natural abilities and resourcefulness without realising the danger of justifying the enormous pressure on women who have to cope with the above-detailed list of serious challenges simultaneously, as pointed out by the Spanish report.

In summary, upon leaving prison most women have to face an extraordinarily long and broad range of crucial problems simultaneously, in a period when they suffer from very real symptoms of post-prison disorientation. In this period an attitude of

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<sup>8</sup> There are several examples for women working in third degree in Catalonia for ARED, a private foundation – and also in the French Report women who found work through associations met in prison.



mistrust was found to be characteristic for many women, especially towards state institutions. Many of them can at best rely on the support from the family, despite the often deep damages and conflicts such relationships suffered due to imprisonment. The research supports the view that in most cases prisons do not give vocational skills and training that would improve women's labour-market opportunities, and do not prepare women for the realities of the labour-market e.g. with the much needed job search skills. In the field of housing support, major deficiencies were found in most countries. In terms of financial assistance, the first few months proved to be critical for many women – and lacking a comprehensive funding strategy practically in all countries. Apart from one or two exceptional success stories, many other women – perhaps the majority – struggle in one or more key aspects of their life, while a few women find themselves in fully marginalized, excluded positions. The French, the Hungarian and the Italian Reports point out that patterns of primary exclusion tend to be reinforced by the prison and during the period after prison.

## **5/2. Institutional Support for the Transition and Issues of Co-ordination**

In most countries agencies such as probation service play theoretically a key role in ensuring transition from prison into life after release. Also, NGO-s increasingly are seen to provide the role of 'bridge' between the two worlds.

Several reports listed examples for women experiencing a lack of continuity between in-prison and post-prison services, among others, in the field of education or training, healthcare and drug treatment. The latter was especially emphasised by the National Report of Spain/ Catalonia, where the discontinuity and difficulty of harmonisation was due to the different approaches and aims of treatment of drug addiction as exercised within the prison on the one hand and by the public health network after prison on the other hand. In other instances healthcare treatment of even severely ill women could not continue immediately after release due to lacking access to social security, medical certificates or personal documents as preconditions to treatment. The importance of pre-release measures in ensuring continuity between in-prison and post-prison services was reflected in the findings of the German research. Women who had access to outside contacts and services during their imprisonment through e.g. day-releases or open regime, experienced a smooth transition, since the needed contacts were already established and continued to assist them with supervision after release. On the other hand women who had no special measures for preparation, experienced a lack of continuity. And women certainly need the continuity not only in order to gain vital medication, but also to make years of training meaningful: a woman interviewed in France actually wrote to the public prosecutor to enable her to stay longer in prison so that she can finish the last unit of her course. Apart from these examples, the most significant discontinuity is experienced in the lack of arrangements for the time after release: in all countries there are still women leaving prison homeless, without savings, jobs, skills or even documents.

### **Probation Service and Throughcare**

The MIP research shows that the probation service<sup>9</sup> does not deliver adequate throughcare in most cases. Firstly, 'throughcare' would indicate that the relationship of the women and the probation officer/ social service agent starts prior to the women's release and lasts until after release. None of these two conditions is secured in most cases. As to the start of the relationship, it is not ensured by legislation in all countries that the probation officer has to meet the person prior to release – and often this is disabled by the geographical mismatch between regional/ national women's prisons and the actual residence of the women. As to the end of the relationship, in most countries probation officers' responsibility lasts until the end of the penal sanction: thus, mostly as long as women are on conditional release. However, if someone is released after the full delivery of the penal sentence in prison, usually no probation officer is assigned for the time after release.<sup>10</sup> These women may not even be in touch with the probation service at all. However, the research identified other problems in the working of post-prison probation/ prison social services.

Based on the findings of National Report of Italy, these can be summarised as the following:

- Probation agents are too closely associated with prison authorities, women often see primarily their control function. The interviewed women in Italy and Hungary emphasised the control function of probation agents, and many feared that they could be returned to prison. The Italian Report argues that as the service also belongs to the Ministry of Justice, the unity and shared ways of working between the agency and prisons are especially tangible. The Report of Spain/ Catalonia also notes the mistrust and hierarchy which characterise women's relationship to their social agents in third degree and argues that these relationships are very corrupted since both parties know what the other expects to hear and what is at stake.

- Lack of personnel and lack of funds significantly constraints the operation of probation services. In case of Italy and Hungary, agents work on average with 90 people or more, yet financial constraints and staff problems in reintegration-related services were repeatedly emphasised in all other reports as well.

- The training of agents is not adequate to their role, at least not to the role of social enabler, resource investigator and networker. The findings of the German research indicate that it is not impossible to reconcile the control function of probation officers with an effective support function: at least some of the interviewed women considered probation agents to be useful as sources of information and yet others developed a closer, trusting relationship with their probation officers.

- Programs often do not correspond with released women's actual needs, since women do not participate in the design of measures and programs.

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<sup>9</sup> The MIP research did not address the time on probation in Spain/ Catalonia. However, for the women in third degree, the so-called educator fulfils a similar function and the findings of the report are very similar to the conclusions presented above, thus references to the report of Spain/ Catalonia will be made where appropriate. In case of France, members of the prison administration, the so-called insertion and probation councillors are responsible for in-prison preparation for release and orientation, however they do not have responsibility after the release. The National Agency for Employment setup an office, which, through partnership with other public and private institutions helps ex-prisoners in their reintegration efforts.

<sup>10</sup> In England all prisoners who had more than a 12 month sentence have access to supervision by the National Probation Service after their release. For some, it may be a condition of their supervision that they attend cognitive behavioral programmes designed to reduce their risk of re-offending (for example, sex offender treatment, cognitive skills). Others may be required to reside in 'approved premises' or hostels run by the National Probation Service. However, in both these examples, provision for women is very limited. For prisoners serving less than a 12 month sentence, there is no state provision of programmes on release. Many women serve short sentences, so have no access to programmes.



-The lack of co-ordination is generally noted between agents active in reintegration, that is, probation and/or other state agencies and NGO-s. Individual programs are launched without co-ordination with other agencies, thus efforts are not as efficient as they should be, which is especially problematic in an underresourced system. A lack of general reinsertion strategy is also responsible for poor co-ordination among agents. The discontinuities in the operation of the large network of institutions that women face after release, was addressed by the National Report of France as well. However, the German Report emphasises that most agents in their research talked appreciatively about the co-operation among in-prison and post-prison agencies despite the generally tightening financial means.

## **NGO-s and Throughcare**

Although the development level of NGO involvement in reintegration-oriented work both in-prison and after prison is very different among the countries, the research shows a number of similar findings regarding the involvement and problems of NGO-s.

Interviewed women often find any contact with NGO representatives not only useful but refreshing during imprisonment – which has a lot to do with their 'civic' status and women's ability to engage in a relationship not fully determined by the penitentiary. However, such contacts are often especially rewarding during the difficult time of transition from prison to liberty – there are a number of examples for women gaining access to continued employment, housing, cash, supportive words etc. through their former contacts, perhaps teachers, trainers or any other function. Certainly due to their civic status, women can develop a non-hierarchical and trusting relationship with them already during imprisonment and maintain these contacts after their release.

However, in many countries there are NGO-s explicitly created to help ex-prisoners' reintegration after their release. The Italian research indicates that many of the interviewed women used the services of a volunteer agency after their release in e.g. finding a job. The French Report points to the innovative solutions developed by associations, and contrasts it to women's unwillingness to work with state agencies. In Catalonia, only very few NGO-s are directly linked to the closed prison regime – and the report warns that too close operation with (in) the closed prison regime may lead to even an NGO taking over a quasi-prison culture, while the different aims and principles of working may lead to a mismatch and conflicts between prison authorities and NGO-s. While in England many NGO-s offer services for female ex-prisoners, the interviews with NGO experts contributed to a better understanding of the difficulties of NGOs work.

Due to the high level of development of NGO activities in-prison and post-prison integration services, the experiences of agents in England may prove to be especially relevant, thus the research findings are summarised below and complemented by the experience of NGO-s in other countries:

**-Lack of funds** was mentioned to be a real issue by all representatives of NGOs. A related phenomenon is the tendency of prisons to exploit NGOs: by requesting their help and not paying for it. The very few Hungarian NGOs also confirmed that prisons require their assistance more and more yet often fail to offer any compensation for the services referring to their own poor financial position. This however, may be interpreted as an overresponsibilization of NGO-s, without matching adequate funding to their work.

-**Centralisation and accreditation** of programs was mentioned by NGO experts in England to be a significant barrier to their work and to flexible services. However, the lack of accreditation or standardisation was addressed by some Hungarian and Spanish agents who talked about lack of standardisation of integration measures and programs, as well as lack of quality control, and evaluation of programs. These contrasts may reflect the different development of NGO involvement and different operation of management models, however, clearly both situations can form barriers to work.

-**The fragmentation of services** was named to be an important barrier to their work and an important cause of frustration. Most projects only offer services to e.g. drug addicted women or only to mentally ill women – yet most women ex-prisoners have a combination of several problems. It must be noted that lack of strategy and co-ordination was emphasised by these agents, despite the fact that the Prison Service for England and Wales – compared to all of the other countries – has demonstrated the highest level of recognition of women prisoners' needs. Agents argue for the need to organise 'one-stop provision' for the women – where they can have access to services corresponding to all of their various needs.

-As also noted by the agents, despite the efforts of **the Prison Service, sometimes NGO workers** still experience suspicion and obstruction by prison staff. This was also reinforced by some of the interviewed NGO agents in Hungary as well.

-**Prejudice against prisoners** in general, and against foreign, ethnic minority and women prisoners in particular was named as a barrier in their work by several agents. Such prejudice against illegal immigrants was also repeatedly addressed by the National Report of Italy.

Thus it may be concluded that while NGO workers are able to develop a trusting relationship with the women, and while certainly there are many other benefits in having more NGO-s work in prisons and in post-prison reintegration, several difficulties are only reproduced by a more intensive involvement of NGOs – in the absence of more strategic co-ordination or funding. That is, lack of funds and personnel, prison overcrowding, and the fragmentation of services (linked to lack of reintegration strategy) tends to threaten their work as well.



## **SECOND ANALYSIS; ANALYSIS OF THE EFFICIENCY OF THE EXISTING SOCIO-LABOUR INSERTION MEASURES MAIN CROSS-NATIONAL RESULTS**

Added results on the analysis of the efficiency of the sociolabour integration measures directed to women prisoners has been developed by the MIP project through a deep analysis of existing measures in the areas of housing, work, education, economic resources, family, health, and drug dependency and a cross-analysis of these measures in the six European countries.

This analysis and main results offers a global vision of common problems and different measures adopted by European prison Administrations to combat them. **As a innovative aspect with respect to the state of the art is that the MIP analysis also offers a common European framework to determine a common basis of intervention, not just limited to the issue of human basic rights, but also to social integration and social and penal policies**, that will allow us, in the final instance, to better approach the processes of integration and social cohesion that Europe has been carrying out in the past few years. Nevertheless, it should not be forgotten that the processes for social cohesion and integration within the EU have had a relatively weak (and in some cases non-existent) impact in terms of prison systems, due to the fact that each Member State reserves the right to act according to their own internal criteria in this area of intervention.

For further elaboration of policy proposals directed to improve the effectiveness of the sociolabour integration processes of the women prisoners in Europe the MIP has elaborated during this last year a qualitative evaluation of the measures directed to the insertion. These local and national evaluations permit the opportunity to redraft more concrete and adjusted policies in each national context, and contribute with an explanatory view over the existing problems and opportunities in the implementation of the measures directed to the insertion. All the national analysis allows a comparative view of the effectiveness and the influence of the European context in these national applications.

The general conclusions that will have an impact on the different policy proposals are:

- The prisons and all the implemented measures in the penal systems can not guarantee by itself an effective intervention for the sociolabour integration of the women prisoners. It is needed in a much greater extent an intervention from the community and a greater coordination among ministries and government departments.
- There is a lack of intervention in a greater or less degree with a gender sensibility in the analyzed areas. This lack of attention to the gender specificities, as it is in the structural processes that affect nowadays to the women prisoners, causes a deficit in the efficiency of the social inclusion. There is also a lack of basic measures intervening in the risk factors of the women prison population in Europe as for example: there is a lack of

intervention over violence against women, lone mother situation, inequalities on the labour market and on the labour insertion processes, specific problems of the women in access to housing, education, care of dependent persons, etc.

A part from these general conclusions the national and comparative reports develop a more wide analysis and concrete conclusions, and goes through the impact on the policy proposals and the situation and influences of the EU policy implementation in the different areas of the social inclusion processes. **The main comparative conclusions of the areas are;**

## HOUSING

Today, throughout Europe, housing is considered one of the key and determining factors in the social inclusion processes of our modern societies, due to the enormous consequences of social disadvantage which can mean, nowadays, living in poverty, in unstable housing conditions, in residential segregation, which is, in many European cities, provoking the placement of public and social housing, or a lack of aid and support by the states to alleviate the situations of marginality and social exclusion in terms of housing. One constant which is repeated in all the countries, to a greater or lesser degree, is that part of the general population cannot have access to housing, or it also happens that access occurs in conditions of great instability, due to the poor state of the housing.

This general framework in which this right is accompanied by enormous difficulties in order to be attained, and in which there is no universal guarantee to make it effective, the women prison population finds itself in a situation of disadvantage. It is in this way that in all the participating countries, this factor is detected as one of the most relevant to the processes of recidivism, processes which nowadays happen in close connection with the lack of resources and basic rights which places certain people at a very high level of social disadvantage. The housing situation of the women who are released from prison is seen, at this moment, in these countries by the penal system and the agents that comprise them, as an essential matter, however, this perception is rather far from the specific legal obligations to guarantee it, as well as the sufficient resources and measures which allow one to face up to it in the daily practice of the penitentiary centres and the available EU resources. With regard to work, which is carried out in the form of social integration of the women prisoners and ex-prisoners, there exist common problems, shared by the different participating European countries, as well as important differences as far as the availability of resources set aside to alleviate this situation and the penitentiary or social policies of the different Member States are concerned<sup>11</sup>.

One of the most relevant points that is repeated in these countries is that **the entry into the penitentiary system supposes the loss of housing on the outside** due, in part, to the lack of economic resources which occurs upon entering prison, or due to the impossibility to contact the owners of the houses and be able to resolve the situation and, in part, in the case of England and Wales, the women lose their housing as a result of the housing Benefit policies and their management. The rules of the housing assistance allow the women prisoners to retain their housing for a very limited period of time. The women prisoners who were alone

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<sup>11</sup> In the year 2000, Italy set aside 0.0% of its GDP to housing benefits, Spain and Germany set aside 0.2%, France 0.9% and England and Wales 1.5% (EUROSTAT (2003). Navarro, V.: *‘La protección social en España y su desconvergencia con la Unión Europea’*, (Social protection in Spain and its divergence from the EU) in Navarro, V.: *“El Estado de Bienestar en España”* (The Welfare State in Spain). Universidad Menéndez Pelayo, 2003.

were able to claim the assistance during a period of up to 52 weeks of absence from the housing, but in 1995, this policy changed course, restricting anyone sentenced to more than 13 weeks without exception. It is also a reality in the majority of the countries that the housing situation before the perpetration of the crime is characterized by the women lacking their own housing, due to living in a house of official protection or in a private house but with friends or relatives, or in the street. Concerning this alarming effect of social exclusion which produces imprisonment, only Germany, thanks to a right originating in the German welfare system, which guarantees those women with less than 12-month sentences, guarantees by law the payment for their housing on the outside during this period of time.

Another moment worthy of being pointed out in this social integration process during imprisonment which is emphasized in the majority of the countries (Spain, Italy, Hungary, England and Wales) is that there is **a lack of support and aid that would make the process of resettlement in the community effective.** This lack of support is formalized in different ways in each country, the case of Italy being, for example, one of absolute lack of support; in the case of Hungary there is also a very strong lack of support due to the fact that, even though the prisons and the probation officer should attend to women prisoners in order to prepare them for release and assure them housing on the outside, it is actually considered the responsibility of each woman and no help is offered with regard to it; or in the case of Spain where this work is carried out when the women accede the third degree, but not on the inside of the centres, and in a very weak way, due to the lack of resources and to the serious housing situation of the general population. In the case of England, the fundamental problem is in that the women go to prisons which are many kilometres away from their place of residence, with which the support that can be offered on the inside of those prisons is not appropriate for their reality. In the case of Germany, in this period, a minimum search for housing is offered which is later transferred to the outside by a service, which exists specifically for it. Some agents believe this service and the coordination with the outside to be insufficient.

At the time of release, whether under third degree or conditional or definitive liberty, the existing measures in each country are brief, since in all the countries the lack of access to these measures for many women is stressed, and in other cases they are measures implemented in such a way that the women do not want to make use of them. In Hungary, for example, there are no shelter houses for women prisoners, which means that the women can go to the shelter for homeless people, but in practice they reject this option. From the lack of existing measures, France points out two important phenomena in order to understand the additional problems of the imprisoned women upon their release from prison: one phenomenon is the consequences of the housing situation, which occur through the degradation of the family ties which provoke imprisonment in many women; and the other is the consequences of the poverty of the women inmates while they are in prison.

As for the **penitentiary policies** in connection to housing, clear differences exist in the strategies used by the governments: Italy, Spain, and Hungary being those which are out front working to establish shelter houses, whether through city competitions in the case of Italy or by the administration through already established agreements as alternative measures in the third degree in Spain, and in the case of Hungary, which is still being processed, the formation of a plan for this residential policy. In these three countries detailed alternative measures for mothers with children are also being implemented. In the three countries, it could also be pointed out, that there are few existing places in these resources in relation to the number of women imprisoned, and it is upsetting to observe the limited

access that exists when these measures suppose a great support for the few women that can gain access to them, since, on the one hand, it facilitates the release from prison of the mothers with children in prison, improving their possibilities of insertion into the community of this family nucleus and, in addition, it supposes a great deal of advantages for reducing the effects of social exclusion that prison produces not only on the mother, but also on the children. In France, on the other hand, a few hostels can be counted on, with emergency residential measures and with different assistance set aside for the general population and for low income groups, but not specifically for women prisoners or ex-prisoners.

The exceptional nature of this type of measures occurs in England, whose policies are not so much based on shelter houses, but on implementing a network of hostels throughout the country to which 221 women can accede. Among these hostels, only five are exclusively for women and they are located in the main cities and the rest are mixed centres with 3-4 beds for women and a majority of men. Children under 18/minors are not able to accede to a single one of these.

Another latent problem in all these measures is that they may be set up as or become a new restriction to liberty under a structure of strong supervision, as is the case with England and Wales<sup>12</sup>, in one of the shelter houses in Catalonia. It also happens that the processes of entry selection are sometimes not in agreement with the most urgent housing needs, which women may have upon release from prison, if not based on other criteria such as the best prospects for insertion, or some previously established requirements of good conduct. Regarding the women's perception of the control and authority in these resources or, in the case of Hungary, before the probation officer as a figure of authority, also causes the women not to want to accede these resources offered.

Another problem that stands out in these measures is that it is not thought about or acted upon with effectiveness in order to **look after the needs of the women** to the extent that, in many of these offered measures, it is not allowed for mothers and children to live together; neither do they take responsibility for the difficulties that a women with a past marked by violence may have, who may have to live with almost no privacy in housing resources mainly set aside for men, nor are the following added difficulties acted upon: the distance and family separation and the social network that these women may have because they are in one of these houses or residential options.

Another aspect worthy of being highlighted is the **parallel work that is established in some of these measures in order to promote the insertion process** and the well being of the women who gain access to them, which is all the work that concerns the contribution of facilities for work in important aspects and key for these women upon their release from prison, such as health, drug addiction, work, etc., being important for this support of the European Union's network to be independent from the penal system as has been pointed out in the national setting. The measures which look at this wider and more integral work of the insertion process supposes, for the women, a support considered necessary which they are thankful for, especially upon their release. In this field, but more in a psychological and pedagogical line, an existing measure is also established in Germany in which the socio-therapeutic aspect is worked on with a capacity for 35 women in Berlin, Alfeld and other places in mixed atmospheres.

## EDUCATION

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<sup>12</sup> Worrall, A and Hoy, C: *Punishment in the Community: Managing offenders*, 2<sup>nd</sup> Edition, Cullompton, Willan Publishing, 2005.



The women inmates' education profile in all the participating countries in this investigation is characterized by being at a very low level. Among the prisoners we find numerous cases of illiteracy and, to a very significant degree, with primary school studies, often without having completed them. The European Commission has warned of the new exclusions that could appear in the new economy and society of knowledge, since they may create relevant differences between *"those who possess the required abilities, qualifications, and aptitudes, and those who lack them"* (EC White Paper 1995).

Also, in all the European penitentiary legislations, the importance of education and vocational training for the sake of their future socio-labour insertion is emphasized. In all of them we find the obligation by the penitentiary Administrations to offer the above training and education to the inmates. In Spain, for example, the only right that the inmates have restricted by law is that of liberty, therefore, the penitentiary institutions must guarantee the exercise of all the rest of the rights that they maintain as citizens, in this case, the right to an education. The education offered on the most basic levels (primary and literacy) is generalized in all the prisons of the countries that have participated in this investigation. However, in the implementation of the measures that must guarantee the right to education and formation of the prisoners on other levels, we observe many restrictions and limitations in all the countries. Some of them are specific to each national context, others occur to a greater or lesser degree depending on the country. Before presenting the most relevant ones, we will only point out that it is important to understand as it is explained in the French report, that prison is neither a school nor a training centre, and that it could never become one.

**The overcrowding** that is characteristic of European prisons brings about an unfavourable climate for studies and training. If we also add that the majority of the prison population does not have any prior studies or training experience, or if they have any, it is brief and precarious, this overcrowding becomes a very serious difficulty when it is time to motivate the inmates to participate in the above activities and also so that those who decide to participate have satisfactory experiences, actually acquire knowledge and abilities, finalize their studies, etc. As we pointed out, it is about one sector of the population that originates from social disadvantage, in this case, also specifically educational disadvantage and, therefore, if they are actually trying to promote effective measures in this field, they must implement them keeping in mind this deficit they have from the beginning, creating the necessary preconditions. But the reality in the European prisons is far from promoting these preconditions that compensate the educational deficit, which it originates from; this reality is not even about equality with respect to the rest of the population.

Therefore, the fact that the quality of education in the penitentiary centres is very inferior to the offer that the rest of the citizens have, it is doubly harmful because it is a disadvantage that comes in addition to what the majority of the inmates bear. Among these necessary preconditions, we can point out the small study and training groups with professionals trained to work with adults with social difficulties who can offer effective support in the inmates' learning process. The overcrowding of the prisons along with the **shortage of human and material resources** make the availability of appropriate space for schooling and of teaching material, in many cases as basic as office material or text books, to not permit a minimally qualitative development of the educational and training activities. In several countries, the lack of human resources forces the training and schooling, especially at the secondary level, to be carried out and compensated for by volunteers. In the case of France, there has been a slight increase in education personnel inside the centres going from 575 teachers in 2002 to 587 in 2003. This progression is related to the evolution and changes that have occurred since the creation of Regional

Pedagogical Units (UPR) in this country. However, it seems clear that as basic a right as education is a state responsibility that cannot be left to the discretion of volunteers. In addition to this, in many cases, the number of places in the courses is not enough for all the prisoners who are interested in participating in the educational and training activities. It is also worth noting in this sense how in France, despite the increase in prison population, in the past two years, thanks to the creation of new classes, there has been an increase in participation going from 18 to 20.1%.

Another difficulty repeatedly observed in the participating countries of the project is the situation of the women who are serving **short sentences**. These women do not stay in the centres for the minimum amount of time in order to complete any type of training, and, for this very reason, starting any course makes no sense at all and, in the majority of the cases, they are denied access to them. Evidently, there would be room for many more possibilities in order to face up to the limitation that a short sentence poses to begin and continue studies and training: the possibility of studying in education centres on the outside with the corresponding permits; to establish a solid coordination between the education inside the penitentiary centres and the education offered on the outside, in a way that, once in liberty, they could join centres where the same training would be offered which they had begun inside prison; and promote and provide with resources to long distance education. Even in the cases where there is a possibility to continue on the outside the studies already initiated in prison, there exists a high drop out rate. This is due to the enormous difficulties that the prisoners have when facing liberty. Logically, studies are not found among their top and basic priorities, therefore, an actual and effective support is necessary, to offer several minimum conditions, also in liberty, that make the organization of their life and their own means of support compatible with their studies. Another difficulty originating in the very operation of the prison, which the inmates face in order to have a continuation in their studies, are the transfers, which their training undergoes and is interrupted by. Just as the French report has pointed out, on occasion difficulties can appear when the training agents leave; in some prisons, especially in the most important ones, numerous changes occur within the staff.

Among the countries that offer the possibility of continuing a **long distance education**, we also find some common problems: the limitations in the use of telematics which would make communication with the teachers possible, and other ways of communication for security reasons or the lack of technological and bibliographic equipment.

The model of prisons, **the placement, size, classifications and the number of prisoners**, has a great importance on the effectiveness of the educational measures. Therefore, the fact that the prisons are located far away from urban centres, which occurs in a number of European countries, seriously complicates the possibility for some inmates to attend educational activities on the outside, which we consider very good because it is a non-segregationist measure, which guarantees equality opposite the rest of society in exercising the right to access and quality education, and because it is an experience which establishes bridges between the closed regime and the open regime, all in all, because of its "normalizing" capability. In this direction, in Catalonia, we find a very positive measure. It has to do with applying article 100.2, which permits inmates under a closed regime to go outside in order to participate in educational and training activities. Unfortunately, in practice, the application of this measure is very exceptional.

The location of the prisons far away from urban centres also complicates the participation of volunteers willing to offer any educational activity. As we have

noted, the responsibility of the education cannot be dependent upon a volunteer force, especially regulated education, but their participation, complementary to the administration's offer, is always positively valued.

The female prisoners suffer another important disadvantage with respect to the male prisoners because of the small specific weight they have. In various European countries, women are placed in wings annexed to the men's prison. Because they represent an inferior percentage to men, they receive fewer resources. Therefore, the training and educational offers are much more diverse in the case of the men than in the case of the women. The reduced number that the women represent in connection with the whole prison population also often makes them stay all together without differentiating between them in terms of ages or type of crime. Neither does this situation facilitate an appropriate and planned out educational offer for the different situations and needs of the prisoners, nor the quality of these; at the same time it discourages the inmates' participation. The size of the prisons also determines to a great extent the amount and diversity of the educational offers creating inequalities between the women prisoners according to the centre where they are located.

As for complimentary education, many prison centres offer language courses of the country's language for the foreign prisoners, but there are not many centres that offer training in other languages or in fields whose value is also high on the outside, for example in new technologies. With the exception of France, the authors have found that an introduction to basic technological skills was integrated in all the vocational training programmes, covering administrative programmes, and introduction to the Internet and multimedia.

Another important aspect is that in some countries, the education in the prison centres does not depend on the respective Ministries of Education, but rather on the prison Administration or on agreements between both Administrations. This organization chart demands an extra effort of coordination that often slows down the task of the educational activities and constitutes a comparative worsening at many levels (quality of teaching, not exactly following the educational plans, etc).

Finally, in many European prisons a division is observed between vocational training and the demands of the labour market. On the one hand, in the majority of the penitentiary centres, a much feminized job training is offered, which claims to develop the skills and abilities traditionally attributed to women in the cultural and societal female role (dressmaking, hairdressing, cleaning, textiles, embroidery, etc.). Also, because these measures may favour the perpetuation of social inequalities, which occur according to gender, they are skills that do not receive a highly valued response in the labour market, where even in some practices, they are not in high demand. And, in the case of there being a job opening, it is always in feminized sectors, that is, in very precarious labour conditions. Sometimes this training offer responds to the needs of companies where inmates work while they are imprisoned but that have no continuation on the outside. In other cases, it responds to the objective of maintaining the internal order of the penitentiary centres, since they are activities that require a minor motivational effort because they connect with gender identity, because it is useful to them (hairdressing, dressmaking, etc.), or because for the inmates, they require little effort and they relate them to leisure time.

A relevant difficulty in the dissociation between the training in prison and the labour market is determined by the educational deficit that the majority of the inmates have. Often, this deficit is so great that the prison cannot offer the qualifications necessary that establish the link to the labour market. In these cases, labour insertion requires a longer process, a longer planning period with the follow up and

support necessary so that the woman can develop it successfully. But what we find in the prisons is that the sentences mark the times, not the inmates' needs or the exercising of their rights.

We find, however, some interesting detailed initiatives in the field of vocational training. It is the case of the course on desktop publishing that the Vechta prison offers (Niedersachsen, Germany). The course is framed in the field of system configuration, graphic processors, photography and drawings, composition and text processors. On top of being an interesting course because of its specialization and because it is not assigned to gender roles, it is of great use because it coincides with a demand on the labour market and a high number of participants have found employment in this field.

In some countries, as, for example, Hungary and Germany, the inmates receive a grant for participating in certain training courses. While this could encourage the participation of women, there are still different barriers to education, such as short sentences, a limited variety on offer, and the overlapping of educational with work activities.

## **WORK**

In the processes of intervention for the social and labour integration of women prisoners and ex-prisoners there is a common denominator in all the countries of Europe based on the fact that work supposes nowadays one of the key elements for social inclusion of women of our society. This common denominator is very marked by the European tendency to establish access to the labour market as the main engine of social inclusion. In the case of women, it is accentuated even more because of the marked objectives in the Strategy of Lisbon in which it is established for 2010 that *"the European economy be the economy based on the most competitive and dynamic knowledge of the world, with the ability to have sustainable economic growth, with more and better employment and greater social cohesion"*, and for this it is necessary and essential the participation of women in the labour market, being the level of 60% in female employment a concrete objective to reach by 2010.

This participation of women in the labour market is accompanied by important difficulties such as the greatest unemployment figure of women in the Europe 25 (Eurostat 2004), as well as a difficult combination of the double presence of women in the household and work environments, the tendencies toward segregation and sectorization of feminine employment, as well as the existing salary differences in all the European countries.

Through the fieldwork carried out in the six participating countries, we have been able to observe that the profile of the women who are in prison is mainly determined in the formal work environment due to inactivity, unemployment, and temporary employment. They are women who, apart from this work trajectory prior to their crime, they also mainly have a lower level of education and, in many cases, they are women whose income is at or below the poverty line. This combination, together with the speed of the prison, makes them more vulnerable to unemployment, temporary work, partiality and economic inactivity upon release from prison<sup>13</sup>. In this direction we also highlight<sup>14</sup> that the obstacles that the

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<sup>13</sup> See comparative data among the different Member States of the European Union about the percentages of men and women with unstable work. There is an overrepresentation of women with unstable employment, unemployment, or job inactivity in the countries analyzed. See Javier Ramos Díaz: *"El empleo precario en España: una asignatura pendiente"* (Unstable employment in Spain: a pending

women and men find and the differences between ones and others upon accessing employment, the low-income groups stand out. While the majority of people with a shortage of income who work are men, women constitute the majority of people economically inactive and are, therefore, especially vulnerable to fall further into poverty and social exclusion.

Before this framework, the different penitentiary systems have to face the intervention policies for labour inclusion of imprisoned women with many difficulties, due to, on the one hand, the existing legislations in the penal and penitentiary context, and, on the other hand, due to the practices and strategies used in each one of the member states.

**The legal framework** that maintains the possibility for the prisoners to work is established as an obligation and a right in Spain, Italy, and Hungary, as a right in France, and as an obligation in England and Germany, but in all of them, work is part of the treatment and intervention for an improvement of the social insertion of the prisoners. France being the country that establishes work only as a right, which has been stressed by the authors of the research how in practice the action of working has its influence on obtaining penitentiary benefits.

The possibilities in employment offers are in the service and maintenance of the facility (laundry, cleaning, kitchen work, etc.), as well as productive work facilitated by private or public companies of a different kind depending on the country and the prisons. The classification of the type of work done in the prisons of each country differs between each one, the division of work being, for example, in England and Hungary, internal maintenance or external offers but with greater or lesser complexity and requirements of abilities, or in the case of Germany, which is included in therapeutic or suitable work. In this outside work offer there are countries, like Italy, who still do not have an intermediary outside the penitentiary centre who is in charge of the work relations between the employee and the company, with the negative consequences that this fact implies, such as the prison director can hire or fire someone when he likes and that the prison can act as an intermediary work agency.

One of the problematic points that has come up in all the countries is that **the available job offer** in the penitentiary centres is not sufficient for the number of imprisoned women. Being the case of Germany, concretely in Bavaria, where in one prison 23% of the women obligated to work were in their cells and without work, and it is estimated that in the rest of the prisons there is a great number of women without work or in the case of England and Wales in which work in prison is of low qualification with activities organized at a low cost where the greatest number of prisoners are in one location—one recent study found that around two out of every five prisoners worked in these activities at some point in their sentence. In this same country, in one study done in 1999, it was shown that 90% of the women interviewed had worked at least once over the course of their sentence. In Italy, 33.1% of the women inmates are working in facility maintenance positions or on the outside; in Hungary, 58% of the women work in prison and in France; the ratio of working inmates in 2003 (men and women) was 40%.

To the lack of access we can add, in terms of integration, that these countries also maintain in penitentiary centres a **segregation of feminine employment** which later, upon release, has repercussions in the inequality of opportunities for these

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subject”), in Navarro, V: “*El Estado de Bienestar en España*” (The Welfare State in Spain),” Universidad Menéndez Pelayo, 2003.

<sup>14</sup> Report on the equality between men and women, from the Commission of European Communities 2004 to the European Council. Brussels 19-2-2004. COM 2004, 115 Final.



women as for their wages, possibilities of improvement and greater opportunities to lessen their situation of vulnerability and exclusion in which many of these women find themselves upon release. Spain and Hungary are two countries whose training and job offers are very feminized in manufacturing in the industrial sector. It also happens that in all the countries, the job offers from companies on the outside have to do with very low qualification assembly line work, such as the packaging of bags, labels, putting nails in place, putting sheets about electoral candidates into envelopes, etc. These jobs are of low value and very feminized also on the outside. On the other hand, the jobs on the inside of the prisons are in every country principally laundry, kitchen work, cleaning, etc. (Italy has 90% of the women working in these tasks), in a few cases they also work in the book store, garden, or even in several countries, except in Spain, hairdressing as a job inside the prison. This type of jobs face, with the possibilities of working in maintenance and repair (painting, electricity, etc.) that are considered for the modules or men's prisons (Spain and Hungary). We must point out, in comparison with this type of feminisation that occurs in women's prisons, the case of the prison in Hamburg, Germany that distances itself from this kind of offer, both in vocational train and in employment, being the job offer in horticulture, gardening or landscape gardening, etc.; and in vocational training in woodworking, metals, painting and the construction industry.

All these jobs that are done in the centres come with **wages** as well, which are subject to the specific legal decisions of each country and can be established through the Secretary of State without the minimum wage being considered (England), or by being gauged through the minimum wage in a third of cases (Hungary), or progressively approaching this minimum wage (Spain), or being gauged by how they must be at an adequate level between the work effort and the subsistence funding (Germany). In France, the salaries are established according to a minimum wage for the inmates but expanding this minimum since 1998 for the contracts with companies outside. Faced with all these legal specificities, finally, the result is that the work income for women prisoners is very low in all the cases and in some cases it is quite alarming.

	<b>Month</b>	<b>Week</b>	<b>Day</b>
<b>Germany</b>	160€ to 240€		Between 7'60 and 12'66€ full work day
<b>France</b>	175€ to 450€		2.68€
<b>England and Wales</b>	140€ to 280€	Between 7 and 14€ full work day	
<b>Italy</b>	-----	-----	-----
<b>Spain</b>	40-100€ half day		
<b>Hungary</b>	15 to 60€ full work day		

These salaries, allowed by the legislations in force in each country, are extremely far from the existing ratios in the labour market on the outside and they suppose, in practice for some countries, that the women can only pay for their own basic cleaning supplies and cigarettes but are completely unable to save any money or have the possibility to prepare for their release with these incomes. Despite the fact that the salaries could contribute to their social integration processes, it is not considered by any institution in these countries as a preparation for release, but rather, that they are offered as work incentives, in order to cover the minimum

necessities, or even in the case of Hungary, to contribute part of this salary to the maintenance of the inmate's imprisonment.

Aside from the low established wages, from the possible employment segregation in some countries, and from the lack of access to work, it has also been key in all the countries the fact that the jobs offered are mainly jobs with very low qualifications that in many cases do not need prior training and neither are they giving the women any new training<sup>15</sup> or new ability for the women that might be applicable later in the outside labour market. This low qualifications in the jobs causes, at times, women with a richer and more complex work and educational history to find that these jobs are absolutely useless and do not meet their needs in the least, and for the women who are working in these jobs, aside from not offering a greater qualification and training trajectory, neither are they jobs that might improve their abilities. Also, it is a determining factor for the future labour insertion of these women that these jobs offered do not continue on the outside; they many times do not even tackle the current needs of the labour market.

Therefore, factors such as low wages, segregation in the job offers and jobs performed, the lack of access for many women, the low qualification and the disconnection in some cases with the external labour market, are interfering with the effectiveness of an intervention whose objective is the improvement of the opportunities for their insertion into the community. All of it converges, once released from prison, with the difficult situation with which these women find themselves in upon release due to the discriminatory and unequal tendencies that exist in the labour market and that for many years now they have complicated the women's access to work, as well as in their opportunities to possess adequate and stable income, and to access the social advantages and assistance coming from, in many countries, the central figure that work has in the assistance system<sup>16</sup>.

In the period of imprisonment certain existing measures in England and Wales are worthy of pointing out. In this country, the self-employment upon release from prison for some prisoners can be the most practical way to guarantee success in their entry into the labour market. Certain jobs are carried out in some prisons through initiatives such as the "Phoenix Development Fund" with the support of the Department of Industry and Commerce. However, few women prisoners can benefit from these offers, especially those who do not have the guarantee of continuation because they are going to be transferred to a different prison. Other measures are the programmes of the New Deal, key components in the governmental measures of this country to combat unemployment, poverty, and social exclusion. The New Deal is part of the focus on the employment assistance that tries to help people obtain economic independence by finding employment that can bring them out of poverty. The New Deal, for one-parent persons, (mainly women) offers a personal service for these women prisoners who receive assistance from the Welfare State and want to take the step into the labour market. One condition so that these women with children older than five and younger than 16 years of age receive an economic support is that they participate in the meetings with a personal tutor. What is referred to by this is the period of open section in Spain and England and Wales where the possibility to go out and work during the day, and in the case of Spain, in rare cases it is implemented the legal possibility of going out during the day for work or training, while they are still under the closed regime. This type of

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<sup>15</sup> In the case of England, it is possible to obtain the NVQs (National Vocational Qualification) in some jobs, although only 5% of inmates have actually obtained one. This is also possible in Hungary in one of the jobs offered in shoe manufacturing.

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intervention in which they are directly involved in the community is very rare but it supposes an advance in the practice of an intervention for social and labour inclusion.

Upon release we can still find another important factor that interferes in a possible taking effect of the resettlement, which is the criminal record. There have been countries like Hungary or England that have stressed the enormous importance and impact the fact that there is a widespread practice to ask for the criminal record or that there is by law an obligation for the women ex-prisoners to declare it upon entry into the labour market. In the case of Spain, immigrant women, in order to accede to the probation, a regularization of their work permits is done in which the penal work permit appears. This supposes, as in other cases, a key element in the minor possibilities of access to employment.

Lastly, we should point out, just as it has stood out in all the national reports in this project, that this labour insertion intervention must many times occur upon release after and/or in close relation to all employment in social intervention, since many of the women interviewed have highlighted that, on occasions, once they are released, it is impossible for them to work unless they can beforehand solve a whole series of situations linked to their family, their health, drugs, housing, etc.; which at this time appear as a priority for them.

## **ECONOMIC RESOURCES**

**The connection between the crimes the women commit and their economic situations** is clear in all the countries participating in this project. Thus, the fact that they have an opportunity to obtain minimum economic resources that guarantee their means of support is revealed as a key element for their social insertion and to diminish the probabilities of recidivism. The majority of the women that have made up the samples of the fieldwork in the different countries are women whose economic situation is very unstable. In all the countries it is noted that this situation **worsens during their imprisonment**, so, not only are they unable to alleviate their economic situation that was a determining factor, in many cases, in the perpetration of the crime, but rather, on the contrary, upon their release it has become remarkably worse. The French report offers data coming from a study on the poverty in prison: 75% of prisoners live with less than 138€ a month, 50% with less than 5€, the 20% with less than 8€. The poverty line was assessed in those who live with less than 15€ a month. This poverty percentage increases in young people, in people who were on remand, in foreign people and in people with short-sentences.

To tackle these economic realities is an unavoidable aspect if what is sought is the social insertion of the ex-prisoners. However, the Penitentiary Laws of the different countries usually only guarantee at the time of release and only for those prisoners who do not have any means, the transport expenses in order to reach their place of residence and in order to subsidize the first few expenses. In the French case, a book of addresses to organizations that can offer them temporary accommodation is given to the women with almost no means; they are offered clothing and material aid such as telephone cards and multi-service cheques. Even so, in order to obtain this minimum amount of assistance, it requires so much time and effort that the horizontal help between prisoners or by their family members is much more effective.

But let us first tackle what happens during imprisonment. There exist two forms of obtaining some type of income during the stay in prison: **work and subsidies**. The work situation in prison is analyzed in another section; here we only refer to it in the way that it relates to the prisoners' economic situation. All the countries

coincide on that the wages the inmates receive are completely laughable, under the minimum wage. In England and Wales, for example, according to the data for the year 2002, the inmates' wages fluctuated between 7 and 14 € weekly and the prisoners who could not work received around 3.60€ a week. In Catalonia and Hungary, the profit that the inmates can obtain by working is inferior to the profit that can be obtained through other non-taxable financial aid. In Hungary, the established minimum wage is not even always given for the work done in the prisons, which is one-third of the minimum wage, and also, it is not even entered into the Social Security system and, therefore, does not give them the right to assistance that they offer (public health services, financial assistance, pensions, etc.). In the case of Spain, even the unemployment subsidy for taxpayers, which the inmates who have worked in prison, upon calculating.

With respect to the subsidies, in all the countries (with a few exceptions in Hungary) the prisoners have the right to the same subsidies as the general population. The problem lies in the crisis that affects the models of the Welfare States and the subsequent social policy cuts. We could say that the model of the Welfare State was born precisely in order to give social and material security to the people in order to develop policies to eradicate poverty and to diminish social inequality, therefore, the crisis necessarily affects, and in a very direct way, the population we find in European prisons. In some countries, as is the case with Spain and Italy, the model of the Welfare State did not even begin to be developed<sup>17</sup>. Rather, they have the characteristic of being much more residual, in the sense that the state intervenes when the "natural" mechanisms of protection and fulfilment of necessity, the family and the market fail. In Germany, Great Britain and France, where the model had been developed much more, the crisis has brought with it very significant cuts in public spending, dismantling the systems of protection. In Hungary, among the multiple and profound changes that are characteristic of the economy and the institutions and the system of benefits of the last 15 years since the democratic transition, the prisoners and ex-prisoners have been worst affected by the reduction and the transformation of the social protection system: they receive no financial benefits and they also often remain excluded from some of the general benefits of low value.

The different countries highlight the difficulties that the women face in the processing of social and financial assistance due to the **bureaucracy, slowness, and lack of information**, which is characteristic of them. All the countries coincide on that after indicating that after their release, the women who can accede some type of financial assistance, it arrives after such a long delay that it actually is no help at all in their first few months in liberty, when it is so crucial.

We have briefly explained the economic situation in connection with the income that the prisoners are able to obtain. But, in this section we must also consider the **economic obligations** that are contracted in connection with the crime and imprisonment. Thus, this precarious situation worsens when, for example, in the Spanish state, the women prisoners have to pay for the civil responsibility that the judge determines in the sentence, or in Hungary, they have to contribute to the expenses of their imprisonment.

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<sup>17</sup> Spending on social protection in Spain, apart from being the lowest in the EU-15 after Ireland, setting aside 0.1% of its GDP in the year 2000, has been one of the countries that has lowered this spending the most rapidly. Italy set aside 0.0% of its GDP in the fight against social exclusion in the year 2000, Spain 0.1%, UK 0.3%, France 0.4% and Germany 0.6%. (EUROSTAT (2003), European Social Statistics. Social Protection. See also Navarro, V. *La protección social en España y su desconvergencia en la Unión Europea*. (The social protection in Spain and its divergence in the EU) Universidad Menéndez Pelayo, 2003).

A common situation among the inmates in the European prisons, also related to the economic obligations, is that of **debt** (for example through credit, insurance, or mortgages). In Germany it is stated that the prisoners in debt in the sample fieldwork represent three-quarters of the total of the sample, and in England and Wales, out of the whole women's population, it is estimated that they represent one-third. During their imprisonment, due to the limited possibilities that they have of obtaining income, the women cannot pay off their debts. But, even in the case of the women who are not in debt, neither are they able to cover the common expenses of their daily life in liberty that would permit them to maintain basic infrastructures for their future insertion. In Germany, there is a measure that exists which has to do with alleviating the worsening economic situation of the women during their imprisonment. It is about a service on the outside to pay off debts and loans, such as the housing payment in sentences of fewer than 12 months. But, in the rest of the countries, we do not find any initiative that is addressed to minimally compensating the impoverishment that is caused by the deprivation of liberty. This is a key factor that determines to a large extent the possibilities for success in social insertion of the ex-prisoners.

This impoverishment does not only affect the women prisoners, but also, often their **families**. In many cases, the economic responsibility that the women before their imprisonment, especially in situations of lone-parenthood or of the dependency of older or ill people, it is not substituted or compensated in any way. Therefore, the imprisonment does not only limit the possibilities of the women's insertion from the economic point of view, but it also raises the risk of social exclusion of other members in their families. Germany is adopting some new initiatives in order to diminish the risk of these situations foreseeing subsidies of social security for the family members. In Catalonia, on a few specific occasions, the penitentiary Administration covers the school expenses of the children of the women prisoners. In Hungary, on the other hand, the women prisoners lose the right to receive the majority of the aid or subsidies for the care of their children and in the rest of the countries no specific measures are foreseen. In connection with the economic situation of the women who are responsible for lone-parent families, it is important to point out a matter that affects these women and their children, before, during and after imprisonment. It has to do with economic pensions that parents should pay for the care of their children. The non-payment of these pensions is quite a widespread practice that has much impunity. The women interviewed that were in this situation rarely raised any legal action. Often, the situation of insolvency of the father, the distrust in the institutional and legal system, the acceptance of determined gender roles, or the lack of information and support to file a lawsuit are reasons not to demand the payment of pensions. In the conference of Peking in 1995 this matter was already pointed out, and the need to create a Social Guarantee Fund that would confront payment of such pensions and that the State would assume the task of legally demanding the economic responsibility of the fathers with respect to their children was raised.

On the other hand, depending on the economic situation of the families, they can also play the opposite role, both during their imprisonment and upon release. The ability of the families to offer support to their imprisoned family members significantly determines their economic and material situation, thus constituting a source of comparative grievance, of inequality between the prisoners who, among other things, often start conflicts. Various countries have observed in their fieldwork that, despite the economic situation of their family, *which* should not influence the evaluations, and in the subsequent progressions of the prisoners, in practise, they constitute relevant elements. This is logical, to the extent that the **progression proposals evaluate the risks of** recidivism and the possibilities of social insertion, matters that, as has been pointed out, maintain a close relation to the

crime. But, at the same time, it violates the right to equality according to economic criteria, thus establishing class discrimination.

The shortage of economic means and goods that the prisoners suffer gives rise to the establishment of circuits of **trafficking and exchanging products and services** between the prisoners themselves, often creating relationships of power and inequality. And, what is worse, in some cases, the very security guards are involved and contribute to these dynamics offering, for example, goods in exchange for an inmate to give out information on other inmates. The climate and dynamic that generate these exchange circuits act against a future social insertion. In some ways, the dynamics typical of many of the marginal neighbourhoods and social sectors, those that the inmates belong to, are reproduced. The seriousness lies in the fact that this situation is reproduced in an institutionalized context.

After attaining liberty, the ex-prisoners have the same access to the same resources and assistance as the rest of the population. The only economic measure that specifically looks at the disadvantage that is involved in coming out from a period of time in prison and which does not exist in all the countries, is the release subsidy. In the countries where this measure does exist, it has to do with quite insufficient subsidies: in England and Wales, for example, the amount is inferior to the assistance which covers an unemployed person for one week and, in the Spanish state, it is 75% of the minimum wage. In Hungary, where such a subsidy does not exist, the penitentiary administration, after deducting the contribution that the inmates have to make towards their own maintenance in prison, they retain a portion of their income in order to face up to the time of their release. However, due to how ridiculous the amount of their income is, at the time of their release, they rely on approximately a total of one month's wages in prison, absolutely insufficient to face up to life in liberty.

We then see how the measures for insertion in the field of economic resources should provide for two levels of situations of serious need: one more structural, that makes reference to the social sectors where the majority of the prisoners and their families come from and that have a close connection to the perpetration of the crime, and another more immediate one that makes reference to the time the women must face up to their life in liberty.

## **FAMILY AND SOCIAL RELATIONS**

In the section where we analyze the measures for the insertion in the field of economic resources, we highlighted how imprisonment economically affects the family. On the one hand, a source of income is often lost (even though it may be an unstable and discontinuous one) and, on the other hand, the support the family provides for the woman while she is in prison supposes an economic obligation. But the suffering of the family when a member is put in prison is not limited to the economic environment, they have to face up to all kinds of problems: emotional, material, health, etc. The French report shows significant data in a survey carried out in 2000 on 230 family members that visited the (male or female) prisoners this particular year: 80% of them had experienced an important change in their life after the imprisonment, 51% showed a worsening economic situation, 49% felt that their relationships with friends or neighbours had reduced, 29% felt that their relationships with other family members had been reduced, 16% suffered changes in their work situation and 15%, a transfer.

Thus, the suffering that imprisonment infringes on one of its family members relies on the whole family. This is especially serious in relation to the minor children (Caddle & Crisp 1997 in Worrall 2004). And if we consider that family is a

determining factor when favouring the influence, the measures oriented to support the family, to compensate and alleviate the imprisonment's effects on one of its members, and the maintaining of ties with the person in prison, are substantial for the social insertion process of the women ex-prisoners.

The penitentiary legislations recognize the importance of the family, dedicating a special mention to the attention of its care, the improvement and reestablishment of family relations. Despite the predominant role that families have in the social insertion process, **all the countries indicate difficulties that the women prisoners and their family members face in order to maintain those ties.** The data that England and Wales offers us objectifies the family situations and the gender inequalities that the women face:

- 55% of the male prisoners declare that they lived with a partner before their imprisonment, opposite 35% of the female prisoners.
- 25% of the women imprisoned stated that the father of their children, their husband or partner were taking care of their children, while 92% of the men imprisoned who stated their children were under the care of their mother, wife or partner.
- 12% of the children of female prisoners were with adoptive parents or in state care, while the children of male prisoners who were adopted or in state care represented just 2%.
- Only 5% of the children of women prisoners remained in their homes after their mother had been sentenced.

During this research we have not found any more such systematic and available data in the rest of the countries that participated. However, originating from very fragmented and heterogeneous sources (fieldwork and secondary sources); we can establish that they show a tendency or a proportionality shared with the rest of the national contexts. **This data forcefully shows many of the problems that must be faced in the design of the measures oriented to the social insertion of the women prisoners.**

In the first place, we find a gender component that is very relevant: the women have more family responsibility than the men and they receive less support. The topic of **lone parenthood** appears in the families who are led by women as a risk exclusion factor. The lack of support comes from both the institutional and the family environment, especially in the masculine figures who rarely assume the family responsibility. In Italy, Germany, Spain it is shown that in the prisons, it is encouraged for the women to take responsibility for their children but by offering almost no support or resources for it, raising it as a moral or maturity matter, something that does not occur in the case of men for whom the question of whether they are or are not parents seems to be irrelevant.

Consequently, the women lose custody of their children to a much greater degree than men when they are put in prison. This shows a clear gender inequality, if we pay attention to the measures that are implemented in order to compensate for this inequality, which the European penitentiary Administrations insist on ignoring.

Secondly, a **multigenerational** component stands out: the majority of prisoners have or have had other family members in prison. Having a father or mother in prison raises the risk of social exclusion for the children. Thirdly, the distancing, the **dissociation** or the family rupture that occurs as an effect of imprisonment and which worsens in the case of the women. The gravity of the majority of these negative effects is proportional to the duration of the period of imprisonment.



The measures that the European penitentiary Administrations raise to alleviate the negative effects that imprisonment produces at the heart of the families is limited to the regulation of the visits and the permits that must permit all the family members and the prisoners to maintain a certain amount of contact and for the possibility for the mother prisoners to have their children with them in prison until the minor has reached a certain age. In England and Wales, the electronic control system (*Home Detention Curfew*) is considered and carried out as a form of subjection for the last two months of those who are serving a sentence of between three months and four years, without hurting them in any way, for example from being away from their family environment. In France the law foresees the possibility to grant probation to those parents with a sentence of imprisonment (deprivation of liberty) less than or equal to four years with a minor child under ten years of age in their care.

One of the common problems in following the law for the visitation of friends and family members is the limitations and inflexibility of the European penitentiary Administrations with respect to the schedules, the inadequacy of space and other facilities. The difficulties that are derived from the **location of the prisons**, both for receiving visits as well as for release permits, especially stand out. Due to the small specific weight that the women represent in the whole prison population, there are fewer prisons that house women, and therefore, they are concentrated in a few prisons that are spread out over the national territory. This, very often, makes the women be imprisoned in centres very distant from their residences, which constitutes a serious difficulty in accessibility for the family members who can visit them due to the time and money that it implies. For this reason, many prisoners ask to be transferred and they are denied, principally due to the overcrowding of the prisons.

The difficulty in physical accessibility is not due exclusively to the national dispersion of the prisons that we just noted, but it also responds to the model followed by many penitentiary Administrations according to which macro-prisons are built far away from urban centres. In these cases, the difficulty of not having adequate and necessary public transportation is added. This situation is common in all the countries that have participated in the research, being worthy of mention that in France, for example, where there is only one prison for women with sentences above seven years in Rennes, however, it is in this prison where the experimental unit for family life (UEVF) is being implemented, where inmates are permitted to be with their family for a few hours, or days, in an apartment built near the prison. And, in Hungary, it is impossible to make the round trip to and from the only prison for women in one day from many cities.

The bad location and deficient public transport does not only complicate visits, but it also prevents the application of other measures that are legally considered to encourage contact with family and the social network in general. It has to do with measures like the release from a centre with a short permit, since the time that is needed to travel to their family's home exceeds that of the permit, or for work, since the transport schedule is not compatible with any work schedule. The same happens with the expenses from the trip. In Hungary, the women who cannot afford these trips, in some cases, have fewer possibilities to accede measures such as the open section. In Catalonia, this situation is avoided by transferring the women from the Brians prison, which is far away from urban centres and very poorly communicated, to the open section prison in Barcelona, integrated into the urban atmosphere.

It also stands out that, on many occasions, the granting of permits depends on elements foreign to the sentence and the evolution of the inmates such as the political changes or specific episodes that stir up public opinion.



All the countries confirmed the studies that showed that the penitentiary measures of **semi-liberty**, or which integrate transition periods between the imprisonment and final liberty, are key to the success of the social insertion of the prisoners. Among other advantages, these measures allow them to maintain family ties, and to minimize the negative effects that the distance from their family setting produces on the women and their family members. In some countries, a contradiction stands out when acceding these measures: on the one hand, the family as an indicator of social stability, has a significant influence on predicting the insertion that determines the granting of these measures, and, on the other hand, it contrasts with the lack of institutional support that these women receive in order to be able to support their families, both prior to the perpetration of their crime when many of them are in situations of risk (such as lone parenthood), and during their imprisonment<sup>18</sup>.

The *Unidad dependiente de madres (The Unit Dependent on Mothers)* of Catalonia stands out as being one of the few resources that faces up to the difficulties of the women prisoners who have been put in prison with their children under 3 years of age when they accede to the third degree, as an alternative measure to prison in the open section. In this centre the mothers receive the support and continuation in their process toward socio-labour integration, while offering the infrastructure necessary to be able to make the practice of motherhood compatible with their training or work activities.

Once again, the lack of **human and material resources**, along with prison **overcrowding** is a difficulty when the women try to effectively work on family and social relationships for the sake of social integration.

## **MENTAL AND PHYSICAL HEALTH**

The health problems of the women's prison population present important peculiarities whether prior to or during their imprisonment. Numerous studies, and our own fieldwork, show us how, it mainly involves a sector of the population with serious health problems prior to their imprisonment which are related to their social background (conditions and quality of life); with traumatic personal experiences (sexual abuse, domestic violence, family situations, etc.); with mental illnesses or disorders (psychosis, neurosis, personality disorders, etc.); and with high risk behaviour in their drug use or sexual habits (hepatitis, HIV).

Evidently, this poorer health status of the women prisoners responds to the connection between social and health inequalities. The enormous impact that certain social and economic factors have on a person's health such as income, poverty, job instability, housing quality, neighbourhood, educational level, social class, gender, ethnicity, etc. (Benach 2003); is being shown from the fields of social and health sciences. Thus, health inequalities reflect social inequalities. Hence, we can see that universal healthcare does not guarantee fairness in accessibility and quality of health services or in the carrying out of preventive practices. Therefore, the measures in the field of healthcare should tackle the social causes going beyond the interventionist focus, limitingly biologicistic. Health not only concerns the nature

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<sup>18</sup> Despite being a problem shared by all the countries in the EU, the serious lack of governmental support for families differs in each country; in the year 2000, Spain designated 0.5% of its GDP, Italy 0.9%, UK 1.8%, France 2.7% and Germany 3.0% (EUROSTAT, 2003). The same happens with the services that permit the combination of home work with a professional career: in Spain only 8% of children under three years of age has a place in a state-run infant school as compared with 23% in France or 44% in Denmark; only 2% of those over 65 years of age receives home care for an average of 4.7 hours per week as compared to 24% in Denmark for 5 hours a week or 5.52% in the UK. (Navarro, V, 2003 Idem)

of the body, but also a person's place in society; for this reason, the healthcare response demands a social and political stance.

On the one hand, often, as it also happens in what is referred to as education, the state of women's health before imprisonment is so deteriorated that during imprisonment they experience an improvement. In many cases the attention that they themselves dedicated or could allow themselves to dedicate to their own health was so little that they were not even aware of the serious illnesses they were suffering from. For these women coming from acute situations of social exclusion, the healthcare they have received in the penitentiary centres may constitute the best or even the only experience they have had with respect to their health.

On the other hand, as is well known, imprisonment can entail serious physical and psychological disorders caused by the very **living conditions**, from being locked up, from isolation, from overcrowding, from the poor quality of the facilities and services, etc. Therefore, many women experience deterioration in their health. With regard to the living conditions in prisons that had an impact on health, all the countries to a greater or lesser degree, point to the following negative aspects: difficulty accessing hot water, food quality, opportunities for physical exercise, hygienic conditions, overcrowding, heating systems, repair services, etc. In Hungary the situation in certain centres is particularly serious.

In order to tackle this reality and guarantee the basic right to receive healthcare, penitentiary Administrations have to show an interest in offering medical care that is comparable to that which is given to the rest of the population. The responsibility and **ability** of medical services in prisons varies from country to country. In Germany, for example, it is the responsibility of the penitentiary Administration; in England and Wales as well, however, a transfer of this responsibility to the NHS (National Health Service) is planned for five years from now. In Italy and France, on the other hand, it is the responsibility of the National Health Service. That medical care should be considered a responsibility of the National Health Service is of relevance insofar as it guarantees the independence necessary with respect to the penitentiary Administration, the right to privacy with one's own body and health, facilitates that a care comparable to that of the rest of the population be offered, and it avoids the interference of the penitentiary regime in a right as basic as that of health.

In relation to **mental health care**, we find a serious problem that is common to all the countries: All teams report that psychological and psychiatric treatment is reduced to the prescription of tranquillisers and sedatives. In Italy, judicial psychiatric hospitals are denounced for acting as mere custodial areas for the mentally ill. We only find one psychological medical treatment service (SPMR) for women in the entire French territory in Fleury Mérois, when legally, each penitentiary region must have one, and it is also highlighted in the report, that the risks of suicide attempts of women by overdosing on medicine, was especially serious in 1997.

This course of action is determined by various factors: firstly, the **shortage of staff** trained in psychological and psychiatric care that prison centres have at available to them. In addition to the shortage of resources there is a very high demand and need for this service due, in part to the characteristics of the population, but above all, because of the psychological impact of imprisonment. The alarmingly high rates of suicides and self-harm figures registered in European prisons are testimony of this, especially among the female population. The result of this imbalance between trained staff and the demand for care is that adequate therapy and treatment are not offered which imply more time and individual attention. Secondly, this treatment responds to a **control mechanism**, since,

sedatives and tranquillisers logically lower levels of conflict intrinsic to imprisonment and overcrowding. Thirdly, it responds to **gender stereotypes** whereby women are naturally more inclined to suffer from mental illnesses, they are more hysterical, more sensitive, more depressive, etc<sup>19</sup>. The result is a psychiatric over-medication of women prisoners, which, apart from damaging their health, complicates the processes of social insertion afterwards. In the fieldwork, a number of testimonies were obtained from various organizations outside the penitentiary Administration that work with prisoners at various stages during the process of their social insertion, that showed that this over-medication represents a serious problem since it causes addictions to medicines that diminish their physical and intellectual abilities. During the post-release phase, women have to face an array of difficulties that require them to be in the best physical and intellectual conditions. The over-medication to which they have become accustomed is an additional problem that demands an extra effort to undergo detoxification or to lower their intake of the psychiatric drugs.

The risky behaviours such as the use of illegal **drugs** also generate important health problems for the women such as the transmission of hepatitis or HIV. Germany is the only country that has initiated a risk reduction pilot programme for the consumption of intravenous drugs. The programme Prophylaxis Against Infection in Niedersachsen consists of an anonymous syringe exchange system that avoids the intravenous transmission of illnesses that occur when syringes are shared. In France and Catalonia, some external organizations can intervene in the health education field. This is the case of the NGO 'Actúa' which develops an HIV prevention and follow-up programme that offers the inmates information or the class that an adviser gives on hygiene and dietetics in France.

The Home Office of England and Wales, recognizing the impact that both mental illness and drug addiction represent among the prison population and in response to the high suicide rates in prisons, announced in July 2004, an initiative that seeks to effectively assume its responsibility and give a response to the critical situation in the health environment. This consists of building prisons specifically designed to treat the high levels of mental illness and drug dependency among the female prison population.

Adequately and respectfully attending to the **specific needs of women** in terms of health is also an issue that has yet to be settled in European prisons. We refer here as much to the needs determined by their physiology, such as gynaecological care (hormonal processes and alterations, pregnancy, menstruation, breast cancer, etc.) as well as those determined by gender inequalities such as domestic violence and sexual abuse. Despite the fact that the number of women who have suffered domestic violence or sexual abuse is much higher among the women prisoner population than in the general population, prison programmes designed to treat its effects are exceptional and insufficient. In most countries no treatment programmes are available for the victims of domestic violence inside the women's prisons or modules. In terms of gynaecological treatment, many deficiencies were highlighted. In the field concerning prevention, in the majority of prisons it is not possible for women to attend the periodic check-ups recognized as necessary for the general female population, nor are there educational programmes available designed to create an awareness of this subject. And in general, the quality of

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<sup>19</sup> Some studies show us that imprisoned women commit suicide more often and engage in self-harm more frequently than their male counterparts; however, in the general population, men commit suicide over two times more often than women. Therefore, it is not a question of a behaviour being determined by sex or by "natural instincts", but is a way of responding to, or reacting against the prison. Following authors such as Carlen (2001), suicides and self-harm should not be considered as individual problems, but as indicators of the general health of the prison.

gynaecological care in cases of illness or dysfunction is highly unsatisfactory in terms of treatment and effectiveness.

In fact, this deficiency in the gynaecological services is something we observe in most areas of specialization. Dentistry warrants a special mention as it is considered of paramount importance among those who currently take, or formally took drugs. Having bad teeth is a very visible, external blemish that is associated with drug addicts and constitutes a very real barrier to social integration. But, as this is an area of expertise that many National Health Services do not cover for the general population, as it is particularly expensive, the women have very little chance of receiving this kind of care. In Catalonia, some economic benefits are offered to the women inmates but it remains a form of care that is not within reach for all the women who need it. The same happens in Italy, for example, in relation to certain medicines that the State has ceased to subsidize that women inmates cannot afford to buy.

The **lack of human and material resources** in the field of health is a unanimous criticism among the countries that participated in the project. External hospitalizations, emergency care, and medical specializations all present serious deficiencies, they are subject to bureaucratic processes that make the response slow and clumsy and they prove to be inefficient. The worst cases repeated the most in all countries by the women interviewed are the long waiting times before being visited by health personnel and the lack of agility, especially in emergency cases.

## **DRUG ADDICTION**

The elevated percentage of women accused of crimes related to drugs defines the situation of the majority of women prisoners in Europe excepting Hungary. This connection can be further specified in the perpetration of the crimes under the influence of drugs, in the perpetration of the crime with the objective of obtaining economic resources for consumption, or drug trafficking. Furthermore, numerous studies point to the connection between drug use and criminal recidivism.

In the **European Strategy on the Subject of Drugs** the objectives of the EU on the subject of drugs are defined (2000-2004). Among them, of particular importance is the objective of substantially increasing the number of successfully treated addicts, to substantially reduce the damage to health caused by taking drugs (HIV, hepatitis B and C, tuberculosis, etc.), and to substantially reduce the number of drug-related crimes. Likewise, the report indicates that problems related to the consumption of illegal substances should be examined in the light of a series of social deficiencies in a broad sense, such as poverty, privation, unemployment, homelessness and social exclusion. It is recognized that improvements in social welfare, particularly the support of families and those going through difficult circumstances, creates an effective shield against drug-related problems.

In this way, the EU strategy begins with a focus that considers the problems related to illegal drugs are not just a judicial and policy issue, but a health and social problem as well. Seen from this perspective, the EU aims to go beyond focusing exclusively on illegal drugs and to tackle drug addiction in general, including the consumption of medication. In relation to drugs in prisons, specific reference is made to the responsibility of developing prevention measures of drug consumption in the penitentiary centres and alternative measures to imprisonment, as well as specific services for drug users. Finally, it pledges to promote the measures oriented towards fighting the social exclusion of those in a situation of drug dependency.

Let us see later on, what the reality is of the European prisons and to what degree is the complete outlook being adopted, which the guidelines of the EU promote. To start off, we find general problems common to all the countries: insufficient number of available places in drug addiction programmes with respect to the need and demand; insufficient number of socio-health agents, treatments do not consider the social and environmental factors and are often reduced to treating the strictly physiological aspects. A relevant issue is the qualitative and quantitative **heterogeneity** that is not only in the transnational field, but also in a national one, in the services and care offered to drug addicts. The marked differences among prisons within the same country make the strategic lack of definition that is adopted for the subject of drugs evident.

The presence of illegal drugs in European prisons is an indisputable reality, despite the checks that penitentiary Administrations run and the sanctions for introducing narcotics into prisons as well as their consumption. Furthermore, the high concentration of those with drug dependency issues in prisons and the distress and conflict that imprisonment entails, make European prisons high-risk areas for the initiation of drug use<sup>20</sup>. Proof of this is in the existence of drug-free departments created by some prisons that offer treatment for getting out of the habit of drug use where women prisoners are physically separated from the rest of the prison population. Coming from this reality, it is surprising to find an absence of preventive drug-use measures in European prisons. Hungary<sup>21</sup> appears as an exception; here there is currently only a marginal link between drug trafficking and the perpetration of a crime, but prisons predict that in the next few years, in line with the rest of the EC, drugs will take on a more prominent role in prisons. With this prediction, Hungary is the only country that has recently introduced a programme specifically addressed to the **prevention** of drug addiction in prisons. It consists of a group of women, who do not have drug addiction problems, who have voluntarily decided to take part in the programme. They have the obligation to undergo monthly urine-sample tests to make sure that they are not taking any drugs and they receive prison benefits as a result.

In terms of **risk reduction** programmes that are offered in European prisons, we find the following:

- Methadone administration. The administration of methadone is not generalized across the board in European prisons, not even at the national level, as is the case in Italy and Germany.
- Syringe exchange programmes. There are very few prisons that implement a syringe exchange programme. In Niedersachsen (Germany) we find one pilot anonymous syringe exchange programme for women, addressing risk reduction in intravenous drug use. The Martutene and Nanclares prisons located in the Basque Country also represent an exception within Spain.
- Professional help. Within the health education programmes, some countries, such as France and Spain, allow volunteers and external organizations with collaboration agreements to offer information and professional advice, on the subject of risk reduction.

In terms of programmes aimed at **stopping the habit**, we find:

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<sup>20</sup> Several studies show the significant rate of inmates that initiate drug usage in prisons. In Spain, for example, the figures hover around 15%, according to the Pro Human Rights Association 1999.

<sup>21</sup> For this reason, there are no drug addiction treatment programmes in Hungarian prisons, only for alcoholism.



- Alternative measures in external centres. Just as the EU points out, countries such as Italy, Spain or Germany are considering the possibility of substituting a prison sentence with rehabilitation in external institutions. The problem is that, although this possibility does legally exist, its application is limited as the decision may be at the discretion of the judge or because there are insufficient places available in external centres.
- Obligatory programmes as part of the prison sentence. In Hungary, when the crime is related to alcoholism, detoxification in the penitentiary centre may be established as a requisite part of the prison sentence. The person sentenced is legally forced to join group therapy sessions, where there is a variety of other women prisoners with problems ranging from alcohol abuse to serious mental health issues. Mixing groups of people with widely differing problems calls into question the effectiveness and the quality of this measure. Another relevant problem is the lapse in time between the perpetration of a crime, the arrest and the actual beginning of the prison sentence. In this time they are detained, which could last for up to a year, the detainee receives no treatment and when they start their sentence and are forced to undergo obligatory treatment, they no longer suffer from any physical addiction.
- Postponing completion of a sentence. Germany contemplates the possibility of being able to legally postpone a prison sentence in order to undergo detoxification treatment.
- Drug-free programmes. Conscious of the high level of illegal drug use in prisons, many European prisons have opted for creating drug-free departments where patients are physically separated from the rest of the women prisoners in order to undergo detoxification treatment. In some countries, such as Germany, treatment is undertaken in conjunction with the participation of external treatment centres. In England and Wales, women prisoners can volunteer to be urine-tested on a regular basis as part of the treatment programme or as a condition of living in a dedicated "drug-free" wing or resettlement unit, where they may also be granted temporary release to work outside the prison during the day. In Catalonia there is a department (the DAE) that is a pioneer in the national atmosphere; however, most of the women prisoners do not have the possibility to work on the outside, in part because of legal difficulties, but primarily because of the geographic isolation of the prison itself.

Among the main difficulties that were detected in the implementation of these measures, we firstly have a difficulty in making the role of therapy compatible with penitentiary control and security, which sanctions the use of drugs and any relapses. This difficulty is, in part, related to the **organization in charge** of caring for drug addicts in European prisons. In some countries, the responsibility is assumed by the National Health Service (Italy, France); in others the penitentiary Administration assumes it. In England and Wales, all prisons offer professional advice, assessment, referral, advice and throughcare (CARAT), which the penitentiary Administration normally subcontracts from external detoxification centres. This service offers general care but of a low intensity. In Spain the responsibility lies with the penitentiary Administration, except in the administration of methadone, which is the responsibility of the National Health Service.

Thus, parallel to the social-health care of drug addicts, prisons also exercise control over the use of drugs from a **punitive perspective**. In some countries such as France, Spain, England and Wales, women can be required to undergo a urine test to see whether or not they have taken drugs, and, if the result is positive, they are penalized by taking a step backwards in their degree/regime, fines, days added onto their sentence or having their privileges and benefits withheld, as punishment.



Some external therapists have pointed out the difficulties that this mindset creates in terms of their work towards rehabilitation.

The limitation of **acceding to the drug addiction care programmes** represents an obstacle worthy of mentioning. On the one hand, the insufficiency of places in certain programmes supposes, in many cases, an important restriction in acceding these programmes. But also, on the other hand, we find a sector of the female prison population who systematically do not receive any care in connection to their drug dependency. We are talking about the **short sentences** and the women inmates imprisoned in the **phase on remand**. In many countries, even when the inmates are serving a long sentence, they only accede to specific measures when they are at the end of their sentence. In this way, an important part of the female drug addicted population is denied or has restricted access to certain measures.

**Over-medication** is another one of the problems characteristic of many "detoxification" programmes in European penitentiary centres. This over-medication that the women receive contradicts the very objective of the programmes and the orientation emphasized by the EU which dictates that the drug addictions should be dealt with by going above and beyond the focus of illicit drugs. The different teams point out that the drug dependent inmates receive medication instead of therapy. These action are not only counterproductive for the physical and psychological health of the inmates, but also they add important difficulties when the women are facing liberty, since then they would be suffering an addiction to these medicines and because their effects reduce the capacities and skills needed in order to get their life back together in liberty.

**Gender** perspective is another relevant aspect that is not integrated into the drug addiction programmes. Numerous studies carried out in the social-sanitary field show that there are very significant differences in drug use by men as compared to drug use by women and they warn of the need to start drug addiction care programmes specifically for women. The objective of this document is not to show the gender differences in the use of drugs and its consequences, but later on we will point out just a few of the most relevant characteristics in order to realize their importance.

The type of drug consumed, the life cycle, motivations, stigmatization, family response, etc.; differ depending on gender. Thus, for example, the social perception of women addicts is much more negative than of men, especially if it has to do with illegal drugs and they are mothers<sup>22</sup>. Due to this, women drug addicts are much more likely to receive physical or psychological abuses (Godoy 2002). Many studies also show a high incidence of abuse prior to the start of the addiction or in connection with prostitution. Also, the consequences in the family environment differ when the addict is a man or a woman: *"In contrast with the cases of male drug users whose wives often stay by their side, taking responsibility for the children, or even making an effort to rehabilitate them, a woman who takes drugs is often abandoned by her husband and her children are taken from her as she is stopped being seen as a good wife and mother."* (Dungosa 2000)

Gender also plays a relevant role in the processes of breaking the habit. Therefore, for example, aspects that very especially affect women such as instability and low work qualification combined with economic dependency on third parties, they are relevant in expecting a change in addictive behaviour (Llopis Llacer 2002). The family responsibilities and the fear of being labelled as irresponsible mothers also represent an obstacle for starting treatment (Merino 2002). Many of the

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<sup>22</sup> The consequences for children of drug addicts, both during and after pregnancy, are not the same if the mother or the father is the person who is the drug-addict.

professionals involved in treatments to break the habit that have been interviewed in the field work coincide on pointing out the importance of these difficulties caused by gender.

These are just some of the significant aspects in the differences in drug use between men and women, which highlight the importance of integrating gender perspective into the care of the female drug addicts. However, the results of the fieldwork warn us of the little to no implementation of programmes that take a gender perspective responding to the specific needs of the female and drug addicted inmate population.

The Frankfurt am Main III prison offers us a specific initiative to implement a special therapy for those young women that have suffered physical, psychological, or sexual abuse. Participation in the program is voluntary, is implemented by external therapists, and it has been highly appraised.

In England and Wales, *The Prison Service Women's Policy Group* has kept in mind data that show differences in consumption of men and women: according to statistical data, in England and Wales, women proportionately have more problems than men as users of opiates and cocaine-based drugs, the drugs most strongly associated with crime. ***The Prison Service Women's Policy Group***, aware of this specificity, considers drug abuse as a fundamental topic in the intervention with the female prison population and progressively sets aside more resources for the treatment of drug addicts in the women's' prisons (Stewart, 2000, quoted in Carlen and Worrall, 2004).

Another important problem that does not receive the attention it deserves is what is referred to as the **environmental aspect of drug addiction**. The moment the women gain access to liberty, the return to the same setting represents an important risk in connection to drug abuse. As the EU itself points out, the problems linked to the consumption of illicit drugs should be considered in relation to a series of social needs and of social exclusion and it explicitly states the need to support the families and people who go through difficult circumstances in order to overcome such problems.

In certain French prisons a few timid attempts to compensate for this have been promoted by establishing UPS (Unités Pour Sortants). These units tend to have the objective of doing work in preparation for the release of drug addicted inmates that are one month away from their release. The DAE of women of Catalonia offers rather positive care in this sense, due to the implication and perspective of their professionals and due to the inmate/professional ratio which allows them to do more personalized work, which establishes ties of trust, with an important therapeutic weight despite that the penitentiary task often interferes with this treatment.

The reality is that the measures addressed to compensating for the inequalities and the environmental impact are limited. Many women who have managed to not consume drugs during their sentence, when they face liberty, with all the difficulties that it implies and they return to the same setting, in the majority of the cases, marginal and troubled, to the same neighbourhood where they got involved in a social network closely linked to drug trafficking and consumption, the relapses back into drug addiction are frequent.

The teams that participate in this research have pointed out the little attention that this risk factor receives, the lack of a real preparation for release, along with the harmful effects of imprisonment<sup>23</sup>, the lack of an effective continuation of the programmes and treatments begun in the prisons, the lack of coordination with the community services, the lack of support and follow up, not of control, which many women require when they have to face liberty. Once again, the focus on the strictly physiological outweighs the social, ignoring that drug abuse cannot be treated separately from other factors.

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<sup>23</sup> France shows in its report a survey carried out in 1997 where it was estimated a major mortality ratio of people who were released from prison compared with the population in general. A follow-up from 1439 women/men prisoners when they were released was carried out for one year, and the risk of overdose was 124 times higher than in the general population; and the people between 15-34 years old in drug-dependency had a much higher mortality rate.

#### **4- CONCLUSIONS AND POLICY IMPLICATIONS**

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The mip project results on conclusions take advantage on the state of the art of the knowledge in the sense that in many countries an interdisciplinary approach is missed on two different levels: on the one hand, only few studies in most of the participant countries have never been scientifically undertaken a sufficiently deep analysis of the influence of social factors on the composition of penitentiary population. Sociologists and jurists don't use to communicate among them on these themes. On the other hand, criminal policies are never analysed as tracing back to social and structural issues. There is an increasing request of safety, often explicitly induced by politics that neither social nor political studies take into account as a relevant leading factor of actual policies.

Owing to the increasing complexity of our societies, problematic areas such as the one concerned by the present research more and more require organic policies in one more sense with respect to those mentioned above. The interventions to be performed must be of three different kinds: first of all, analyses of the actual situation and of the viable tools of action must be accomplished; secondly, legislative modifications can be performed, in a coherent connection with, thirdly, the creation of new social policies.

A main problem that our research revealed at the national level in several countries is just the lack of harmonization among policies belonging to different fields. We are now in the right position for avoiding a repetition of the same mistake at the supranational level. European institutions, on the basis of the experience of the single Member States, must undertake a preliminary reflection on the political tools required in order to warrant such a harmonization.

What strongly emerged from the present research was a form contradiction among economic, penal and social policies in the national contexts. Social policies are usually conceived according to a very restricted view: they are thought of as instruments to be employed case by case in order to make amends for injuries caused to single, weak social subjects. The economic and penal policies cooperate more and more in creating marginalized areas of society, to which welfare instruments are devoted in a subsequent phase. Such a schizophrenic structure should be reversed at supranational level, providing for social preventive policies that do not find obstacles in the economic and penal ones. It is necessary that these latter should be informed by the same philosophy, which informs the former ones.

In all the Countries involved in our research, restrictive penal policies determine high rates of prison overcrowding, where definite areas of society result to be particularly represented within prison population. For what concerns female detention, a great part of the female prisoners is composed by drug-addicted, socially excluded, and migrant women. In the European law context – both at national and at supranational level - immigration and drug addiction are primarily considered as a matter of public order, and the problem of social reinsertion is taken into account only after imprisonment. The contradiction between these policies is manifest, together with the waste of resources of which it is responsible.

Submitting the outcomes of the present research to European institutions acquires even more significance in the present historical phase, when European legislation is being constructed for what concerns specifically the penal and penitentiary fields. Various are the interventions that actually call us into play: first of all, the future phases of normative production ruled by the Constitutional Treaty of the European Union; secondly, the European Prison Rules that will soon be drawn up;

thirdly, the periodical European Guidelines for National Plan to combat Social Exclusion and for Employment; finally, this time with respect to the Council of Europe, the new European Prison Rules (after those drew up in 1987) that have just been drafted and are now open to suggestions.

Our research stressed the similarity of the problems faced by our target group in the various Countries. All of them share the general framework of overcrowded prisons, what determines the main problems of all penitentiary systems. On this background, the problematic condition of women ex prisoners results to have three main specific causes: first, the scarcity of professional training (in particular of gender specific professional training) and education when in prison, due to the shortage of resources, both human and economic, that, owing to the low number of women prisoners, feminine prisons and sections receive; second, the cultural stigmatization to which women ex prisoners, much more than men, are subjected; third, the lack of coordination among the various actors involved in the process of social and labour reinsertion of women prisoners and ex prisoners, that leads to a scarcity of social and labour reinsertion programs directed towards their specific target.

Finally, it is necessary to stress that, although this document is fundamentally based on the MIP research, many of the recommendations address a range of policies and issues that are broader than the scientifically defined scope of MIP research outcomes. It was the very MIP research that showed us how necessary it is to deal with a broad range of policy fields in order to address the socio-labour insertion processes of women ex prisoners. So, the following proposals reflect the interconnection among various policy fields, and are also base on prior researches and competences of the MIP partners. For the same reason, some of our conclusions and recommendations are not valid just for women but rather for all prisoners.

# POLICY IMPLICATIONS

## COUNCIL OF EUROPE

### 1. The New European Prison Rules

The Council of Europe is already equipped with a complex institutional apparatus – jurisdictional, supervisory, normative – involved in penitentiary matters.

In November 2004, the European Committee on Crime Problems (CDPC) and the Council for Penological Co-operation (PC-CP) published a consolidated draft text of the new European Prison Rules that intend modify the Rules of 1987. Article 31 runs as follows: "In addition to the specific provisions in these Rules dealing with prisoners who are women, the authorities shall pay particular attention to the social and psychological needs of such prisoners when making decisions that affect any aspect of their detention. Particular efforts shall be made to give access to special services for women prisoners who have been subject to physical, mental and sexual abuse. Prisoners who are women shall be allowed to give birth outside prison, but where a child is born in prison the authorities shall provide all necessary support and facilities." In some previous articles the gender prison condition is taken into account. For instance in the rules regarding the allocation ("male prisoners separately from females"), the hygiene ("special provision shall be made for the sanitary needs of women"), the nutrition ("prisoners shall be provided with a nutritious diet that takes into account their gender"), the work ("there shall be no discrimination in the type of the work provided on the basis of gender"), the children ("special provision shall be made for a nursery staffed by qualified persons"), searching ("persons shall only be searched by staff of the same gender"), training of prison staff ("staff who are to work with specific groups of prisoners, such as women, shall be given specific training for their specialised work"), prison management ("in prison or part of prison for women prisoners the majority of staff, including senior management, shall be women").

The Prison Rules of 1987 lacked of an article specifically devoted to women. To have recognized the specificity of feminine condition while in prison constitutes a relevant point that the same Committee stresses in its commentary to the new Rules: "This Rule is a new provision to deal with the reality that prisoners who are women are a minority in the prison system, who can easily be discriminated against. It is designed to alert the authorities to the reality that they need to take positive steps in this regard". The need for positive steps to be taken with respect to women condition in prison is emerged very clearly from the MIP work. There is thus a consonance between the Committee's approach and the empirical outcomes of the MIP research. However, these outcomes suggest that the Committee's attention to gender problems must be further carried forward, enlarging even more the areas of differentiation between men and women penitentiary life.

First of all, one main point that requires such a differentiation, and that is not addressed by the new Rules, concerns women prisoners with **children outside**. A positive step must be taken to the effect of warranting more continuous relations between mothers and children than that usually assured by prison rules relative to men or to women without children. In fact, the MIP research stressed how the rupture of family relations constitutes a particularly relevant obstacle to mothers' future social reinsertion. The loss of contacts with their children determines in women prisoners a loss of motivation in undertaking the reinsertion process.



Second, for what concerns **children** that live with their mothers **within prison**, this circumstance should be avoided as much as possible. Special alternative measures to detention must be introduced for women with young children.

Third, it is important to state explicitly that a **sufficient amount of resources**, and then of prison activities, must be always granted to feminine prisons and sections, notwithstanding the scarce number of women prisoners. In particular, as prison work can constitute one of the main element influencing future reinsertion, particular attention should be paid to the effect that it actually constitutes a full opportunity for women prisoners. Beyond avoiding discrimination on the basis of gender, positive steps must be taken in order to furnish women prisoners with professional skills, and the lower professional qualification derived from traditional feminine jobs should be explicitly mentioned as another form of gender discrimination.

Forth, as the Rules already recognize, prisoners' **personal relationships** should be preserved as much as possible during detention. First of all, provided that a large number of female prisoners is composed by foreigners, a specific paragraph concerning the condition of migrant and gipsy women should be inserted, to the effect of avoiding the discrimination determined by the excess of bureaucracy to which the visits of foreign people are subjected. Secondly, according to this general principle, the question of affectivity must be explicitly mentioned. In particular, Prison Rules should be providing for the possibility of private meetings between women prisoners and their partners.

Fifth, **allocation** constitutes a fundamental factor influencing prison life. Owing to the low number of women prisoners, in each Member State there are few prisons entirely devoted to women, while most women are allocated in special sections within male prisons. The relatively high number of those sections constitutes a warrant to the effect that each woman can be located near her home. But, on the other hand, many sections, owing to the scarce number of women to which they give hospitality, are often neglected as to the amount of resources destined to them, as it emerged from our research. Thus, a reference to the allocation problem with respect to women prisoners should be inserted in the Rules, explicitly stating that, on the one hand, and women detention must respect the principle of territoriality and, on the other hand, enough resources must always be granted to women prisons and sections.

Connected with this, but going beyond it and stating a very general principle, the following sixth point should be inserted: provided that male prisoners must be allocated separately from females, they can notwithstanding share a **common program of day-activities**. Women to whom hospitality is given in a female section within a male prison can take part to the recreational, educational, work and professional training activities organized in the male sections, so to avoid that the low number of them can produce a scarcity of interest in organizing specific activities in their section. More generally, prison life should never propose a false life model with respect to the outside world.

Seventh, prisons must primary take the responsibility of coordinating the preparation to release of women inmates. The draft of the new European Prison Rules mentions the necessity of organizing courses for the preparation to release. Release constitutes a strategic moment in women's life, so that each member State should assure that the preparation to it allow for gradual reintegration through a number of measures (e.g. leaves, working outside, special licenses, etc.), that probation and other agencies and organizations start meeting the women before their release, and that women leave prison with concrete plans and

arrangements for some key fields of their life such as housing, family contacts, possibly work, welfare and significant documents.

Finally, a very important point is the provision of open and moderated regimes for women. As the violence among women is very rare and the risk of social damage is very low, it would be profitable to **exclude high security regime for women**.

## **2. The Conference of the Directors**

Besides entering into the new European Prison Rules, all the previous points should be taken into account by the European Conference of the Directors of the National Prison Administrations. During its periodical meetings, the Conference should pay **particular attention** to the problems specifically related to **female imprisonment**.

It would be useful for the European Conference of the Directors of the National Prison Administrations to suggest to each Member State's prison administration to include in its Ministries a specific women's unit/department. Furthermore, a similar action should be repeated at the European level. A European body coordinating the national female prison departments would be the occasion for considering the typical female problems, for cooperating in staff training and other issues, for sharing experiences and possibly lobbying together across the EU.

Many of the MIP remarks coincide with the recommendations of the European Committee for the Prevention of Torture (CPT) concerning feminine detention.

## **3. The CPT**

As for the CPT itself, female prisons tend to be neglected by the Committee, as emerges from the Reports that it draws up after its visits to the prisons of the Member States. It is important for the Committee to **increase the number of visits to women's prisons** and for it to distinguish specific standards related to the gender conditions.

## **4. The Commissioner for Human Rights**

There should also be specific attention paid to the condition of women prisoners by the Commissioner for Human Rights, whose recent yearly Reports completely **fail to take into account prisoners'** (and particularly women prisoners') human rights. The Commissioner should furthermore explicitly require the Member States to include in their Reports specific chapters on female prisoners.

## **5. Media against stigmatization**

One of the main problems that emerged from our work is related to the social stigmatization that women prisoners, much more than men, receive. Media can highly contribute to maintain or to modify such a stigmatization. The European Committee on equality between women and men in its annual Report (2002) addressed to Member States the following remarks:

- encourage the media to promote a non-stereotyped image of women and men based on respect for the human person and human dignity and to avoid programmes associating violence and sex; as far as

possible, these criteria should also be taken into account in the field of the new information technologies;

- encourage the media to participate in information campaigns to alert the general public to violence against women;
- encourage the elaboration of codes of conduct for media professionals, which would take into account the issue of violence against women.

These remarks should be enlarged to comprehend women ex prisoners. Media should be encouraged:

- to promote a non-stigmatised image of women ex prisoners, foreigners or drug-addicted;
- to avoid general superficial alarms on safeness that nourish public opinion's demand of penal restrictions;
- to furnish correct and complete information on alternative measure to detention;
- to promote human rights of children imprisoned with their parents.

## EUROPEAN UNION

### 1. Criminal Justice

European integration process has progressively been enlarged, and it has now reached the penal field. The Constitutional Treaty contains a number of articles concerning penal justice. A list of crimes is presented that are supposed to be inserted in the national legislations of the Member States. The first steps are taken toward a common apparatus both jurisdictional and of police. Although we are still far from reaching a real supra-nationalization, a first step in that direction has been taken through the process of homogenisation of the national penal systems.

On April 2004, the European Commission presented a Green Paper that opened a reflection on the possibility of a **European homogenisation for what concerns penal sanctions**. The specific target group of the MIP research should be explicitly taken into account by such a reflection. In fact, alternative measures to detention should be employed in particular for women prisoners. There are two different classes of reasons to support the preceding statement, both of which find evidence in the outcomes of our work: first, the social composition of feminine prison population and the typologies of crimes mostly represented in it testify that most women prisoners come from disadvantaged contexts of society, that lead them to an illegal style of life where the crimes committed are generally little economic offences. That is to say, there is not a real risk of social danger for what concerns the greatest part of deviant women. Detention determines a rupture in women's life with respect to the previous labour situation and to their social relationships. As it emerged from this research, such a rupture is felt by women as a very deep one and it is very hardly overcome. The social and labour reinsertion becomes a difficult process after a period of detention. It would be than profitable to provide for differentiated penal sanctions that reduce detention to be a measure of last resort.

In the present phase, where new penal policies are being framed, European Union should move along the same lines as the Council of Europe. In the preamble of the new European Prison Rules, the Council of Europe explicitly states the **so-called ultimo ratio principle**, according to which imprisonment should be used only for the most serious crimes. The commentary to the Rules refers to Recommendation R

(99) 22 Concerning Prison overcrowding and Prison Population Inflation, where the desirability of such approach is recognised.

In all countries that took part in the present research, the majority of female prisoners belonged to one of the following categories: victims of violence, drug addicts, foreigners, poverty-stricken, or Roma. **In order to restrict the total amount of female imprisonment, it is necessary to act on the specific problems faced by these categories of women.** To intervene from the very outset of the process of criminalization is more convenient both economically and in terms of social costs.

Finally, in consideration of the **so-called *ultima ratio* principle**, the Council Framework Decision of 15 March 2001 should be taken into account concerning the victims' standings in criminal proceedings, and in particular, Article 10 that states that "each member State shall seek to promote mediation in criminal cases for offences which it considers appropriate for this sort of measures and that each Member state shall ensure that any agreement between the victim and the offender reached in the course of such mediation in criminal cases can be taken into account." It would be necessary to promote and give information of the possibility of the penal mediation inside the penitentiary centres, and specially women's centres.

## **2. Drug-addicted women**

For what concerns drug-addicted women, it is necessary to acquire a new general approach to drug problems, based on **harm-reduction policies** and to **not repressive strategies**. On December 2004, the European Parliament has approved a Recommendation in which the unsuccessful of the previous European policy on drugs is recognised, and for the first time a strategy inspired to entirely different principles is proposed. Among other things, the European Parliament recommends to the Council and to the European Council, when defining the future EU Drugs Strategy (2005-2012), and with general reference to EU policy on drugs, that they should:

- "Propose measures totally different from those currently selected to achieve the overall EU Drugs Strategy objective, giving priority to protecting the lives and health of users of illicit substances, improving their well-being and protection by means of a balanced and integrated approach to the problem, since the relevant proposals are inadequate";

- "lay much greater stress on harm reduction, information, prevention, care and attention to protecting the lives and health of people with problems caused by the use of illicit substances, and define measures to prevent them from being marginalized, rather than implementing repressive strategies which verge on and have frequently led to violations of human rights";

"Set up rehabilitation programmes for offenders/users as alternatives to prison, since such programmes have been found to be effective in those countries which have implemented them";

- "Provide and ensure access to substitution programmes, with particular reference to the prison environment, while encouraging alternatives to imprisonment for users of illicit substances or for related minor and non-violent offences".

The MIP research has confirmed the strong need of adopting such a new approach, stressing the ineffectiveness of repressive strategies for what concerns the social and labour reinsertion of drug-addicted women prisoners and ex

prisoners. It emerged from our fieldwork that drug-addicted women prisoners usually increase their drug problems after release, that their general health usually worsen during detention, and that their social and familiar ties are often deteriorated by imprisonment, so that their future reintegration into society becomes very hard. The EU Drug Strategy should take into account the specific feminine condition, for instance for what concerns their particular health problems and the greater stigmatization to which women drug addicted are subjected, compared to men. **As women do not have a leadership role in the criminal organizations involved in drug trafficking, it is possible to adopt non-repressive, harm-reduction policies addressing them.**

### 3. Foreign women

Foreign women are over-represented in prison. The national laws on immigration are strictly connected with European treaties. Since Shengen Treaty, immigration has been primarily considered as a matter of public order, also for what concerns asylum seekers and refugees. There is a strong contradiction between the national and European prison rules, that states the principle that imprisonment must be addressed without exceptions to the social resettlement of prisoners, and the national and European rules, that, on the one hand, prevent integration of foreigners into society through severe conditions for entering into a Member State (strict parameters connected with housing and job) and, on the other hand, prevent reintegration of foreign ex prisoners through automatic and administrative expulsions.

It must be added here that very often the two categories mentioned above overlap. Some female foreign prisoners are also drug addicted. Moreover, they are also prostitute, thus suffering of **multiple disadvantages**. Other women come from South America carrying drug just for money, without being drug-addicted themselves. They come from a social and economic disadvantaged situation, and they travel to Europe in the hope of earning money and sending it to their families (specially their children) at home. This is a feminine poverty that precipitates them in the involvement in the international drug traffic and in the prostitution. Beside all that, all such women are subjected much more than men to the risk of stigmatization. In most European Countries, the number of women making a severe use of drugs or alcohol before imprisonment is very high, sometimes reaching the two-thirds of women entering prison (on the contrary, women seem to make a lower use of drugs during imprisonment than that made by men). It must be noted that most drug using women (from half to three quarters) are also prostitute, and that HIV affects women prostitutes two or three times more than women not prostitutes.

All that testifies of the specificity of feminine detention. Women prisoners used to live before imprisonment in peculiar social and personal conditions. First of all, this gives rise to the necessity of facing the feminine detention problem by using specific political tools. Secondly, it must be clear that European restrictive policies regarding immigration, prostitution and drugs have a strong effect on women, so that the problem of social integration for women cannot be faced without intervening on such policies.

So, for what concerns foreign women, the following points should be taken into account:

First, as it emerged from the MIP research, there is a strong stigmatization against foreign women, shared by public opinion as well as by police and justice administrators. Such stigmatization can be in part responsible for the over-

representation of foreign women in women penitentiary population, to which also concurs the confusion between foreign women committing crimes and foreign women without residency documents. Resource must be assigned to detect measure and correct discriminatory practices within the judicial and, even more, the policing system;

Second, a great number of foreign women prisoners are in remand custody, a situation that must be addressed both by the judicial system and the penitentiary system, by offering non custodial measures for these women while awaiting trial;

Third, automatic expulsions for foreign women prisoners or ex prisoners – often accomplished when the woman is already rooted in the host country – must be avoided, as they vanish every possibility of socio-labour reinsertion;

Forth, some mechanism of control should be created in order to warrant that foreign women prisoners have access to contacts with consulates, to prison resources and programs, to understandable information regarding the rights of foreign persons, to the right to serve their sentence in their countries of origin if so desired and to other useful information;

Fifth, the planning of prison activities must take into account the specificity of foreign women, that may have different needs with respect to the women inmates from host countries. Particular attention should be given to reinsertion itineraries that contemplate providing resources, skills and training that will be useful for those women who will return to their country of origin after serving their sentence;

Sixth, resources must be made available for foreign women prisoners to access to alternative measures to detention in equality of conditions with nationals (for instance, affording allocation when missing);

Seventh, the staff in and out of prison must be trained for working in multicultural contexts and for avoiding discriminatory bias;

Eighth, mediation services in and out of prison must be developed.

#### **4. Roma women**

Concerning Roma women prisoners, this research stressed the high tax of stigmatization to which they are subjected, which creates a discrimination towards them in accessing legal defence and in prison life itself, enlarging the gap even more between institutions and Roma women after release. Among the inclusive policies addressing Roma people, who the European Union should promote, particular attention should be devoted (for instance, within European programmes against racism) to **positive steps** directed at **avoiding the public stigmatization** of Roma women.

The most part of the recommendations that we have listed above regarding foreign women must be repeated for Roma women. They share many of the obstacles, exclusion processes, stigmatization and discriminatory treatment that foreign women inmates face in the penitentiary systems of Europe. Two more specific points are worth to be stressed here:

First of all, criteria based on value judgments in making decisions regarding Roma women's activities in prison, or access to open regime or to alternative measures must be detected and changed. Examples of decisions being based on Roma



women's supposed "lack of social skills", "rejection of social norms" or that they "live in high crime environments" often reveal a lack of understanding of Roma life;

Second, the Roma family structure is an extremely important institution for many Roma, and Roma women are the key element in this reality. Programs must be developed and strengthened to work with the family in relation with the women's reinsertion itinerary.

## **5. Poor and lone parent families**

Women prisoners almost always come from marginalized areas of society, where poverty is often added to other disadvantages. Hence, policies that help poor women are thus policies against their imprisonment. Furthermore, the EU is currently including a reference to the need of social policies in the social inclusion strategies, directed at the over-represented lone-parent family, usually at the bottom end of wage earners. Our research was informative on the effects of poverty, exclusion, and crime on lone-parent families, and the differences among the effects that imprisonment has according to the different family situations of the women. These social policies and programmes should be increased, in the specific penitentiary and post-penitentiary areas as well.

## **6. Women who have suffered of gender violence**

Many women suffered some form of violence before entering prison. Further investigations on this topic are required at the European level (for example, in the European Framework; in the DAPHNE programme). It would particularly be worth investigating the connection between domestic violence and women's crimes and recidivism, as well as the required vocational training of penitentiary and social service agents involved in female ex-prisoners, expanding such an analysis to the most recent members of the EU: the Eastern Countries. It is also necessary for the European Union bodies to frame specific proposals directed to fighting violence against women, taking into account the various consequences of such violence on women's crimes as well as on female penal and penitentiary processes.

## **7. Social and Labour policies**

Despite a general improvement in the last ten years, poverty is still very diffused across European Union, and in particular in Southern countries. In 2001, the 15% of the European population (more than 55 million people) was living at risk of poverty, while more than half of them lived persistently on low relative income. The risk of poverty is higher for particular groups, among which women are represented in various ways (for instance, lone parents).

According to the guidelines furnished by European Union, the Member States have prepared two generations of National Action Plans against poverty and social exclusion (NAPs Inclusion). The NAPs Inclusion 2003-2005 result to be very different from each other, so that the Joint report by the Commission and the Council on social inclusion, approved on March 2004, stressed the following six key policy priorities to which Member States was urged to pay particular attention over the course of 2004-2006:

1. Promoting investment in and tailoring of active labour market measures to meet the needs of those who have the greatest difficulties in accessing employment;
2. Ensuring that social protection schemes are adequate and accessible for all and that they provide effective work incentives for those who can work;

3. Increasing the access of the most vulnerable and those most at risk of social exclusion to decent housing, quality health and lifelong learning opportunities;
4. Implementing a concerted effort to prevent early school leaving and to promote smooth transition from school to work;
5. Developing a focus on eliminating poverty and social exclusion among children;
6. Making a drive to reduce poverty and social exclusion of immigrants and ethnic minorities.

It must be noted as the specific target group of the present research results to be particularly involved in the six points above. In fact, women ex prisoners suffer of a high degree of social exclusion and have the greatest difficulties in finding a job, owing to the heavy social stigmatization to which they are subjected and to the scarce social ties that they maintain after release. Furthermore, immigrants and ethnic minorities are over-represented among women ex prisoners, which present a very low rate of enrolment in school and have often children to care after. Despite that, **there is not a specific mention of our target (women ex prisoners)** in the Joint Report by the Commission and the Council on social inclusion as adopted by the Council (EPSCO) neither on 4 March 2004 nor in the National best practices. There is a large variety of groups such as drugs and alcohol addicted, (ex-) prisoners, people living in disadvantaged areas, lone parent families, social benefit recipients... that are mentioned by one or two Member States in their National Plans. In no one of the Plans we find the women ex prisoners mentioned.

The women ex-prisoners present multiple disadvantages (drug users, foreigners, poverty-stricken, unemployed, lone parents), thus they cannot be included in a sole category of those mentioned in the Joint Report. They have different problems with respect to male ex-prisoners. A specific category must be created for them, and **specific measures co financed through EQUAL and ESF funds must be provided**. It is necessary to create a background of best practices in the field of socio-labour reinsertion of female ex-prisoners. The MIP research has found out some practices that would be very beneficial if accomplished: **to introduce start-up cash allowances for women upon release, to abolish the certificate of no criminal record in order to get a job, to create guidance and employment services specialized in women's occupations that perform coordinated interventions in and out of prison, to favour the entrepreneurship for women ex-prisoners, to improve social services so as to avoid useless bureaucracies.**

This is possible only if there is first, at the European level, and then at the national level, the acknowledgment of the specific needs of this category of vulnerable people. The same goals must be selected in the **Broad Economic Policy Guidelines** and in the **European Employment Strategy**. The category of female ex-prisoners requires positive and interconnected steps in the economic, socials and labour fields. The coordination and planning of such interventions require the explicit consultation of governmental and non-governmental Equality bodies so that they can take into account a **full gender perspective**.

***We have arranged the policy proposals mentioned above in a Resolution to be adopted by the European Parliament. This is an attempt to transform a scientific result into a political one. The following Resolution has the aim of guiding the policies of the European Council and the European Commission on the topic of our research:***

## ***Resolution on socio-labour reinsertion of female ex-prisoners***

The European Parliament,

*Having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms, Rome, 4.XI.1950*

*Having regard to the European convention on the conditionally sentenced or conditionally released offenders, 30.XI.1964*

*Having regard to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment 1987*

*Having regard to the Recommendation no. R (80) 11 of the committee of ministers of Council of Europe to member states concerning custody pending trial*

*Having regard to the Recommendation No. R (81) 17 of Council of Europe on adult education policy*

*Having regard to the Recommendation (82)17 /24 September 1982 of Council of Europe concerning custody and treatment of dangerous prisoners*

*Having regard to the Recommendation no. R (84) 10 of the committee of ministers to member states of Council of Europe on the criminal record and rehabilitation of convicted persons*

*Having regard to the Recommendation no. R (84) 12 of the committee of ministers of Council of Europe to member states concerning foreign prisoners*

*Having regard to the Recommendation No. R (87) 3 of the Committee of Ministers of Council of Europe to member States on the European prison rules*

*Having regard to Recommendation no. R (87) 20 of the committee of ministers of Council of Europe to member states on social reactions to juvenile delinquency*

*Having regard to Recommendation no. R (88) 6 of the committee of ministers of Council of Europe to member states on social reactions to juvenile delinquency among young people coming from migrant families*

*Having regard to Recommendation No. R (89) 12 of Council of Europe on education in prison*

*Having regard to Recommendation no. R (89) 14 of the committee of ministers of Council of Europe to member states on the ethical issues of HIV infection in the health care and social settings*

*Having regard to Reek (90)14 / 18 June 1990 of Council of Europe on the preparation of an information brochure of the social security rights and obligations of migrant workers and of their families*

*Having regard to Recommendation No. R (92) 16 of Council of Europe on the European rules on community sanctions and measures*

*Having regard to Recommendation no. R (93) 6 of Council of Europe of the committee of ministers to member states concerning prison and criminological aspects of the control of transmissible diseases including aids and related health problems in prison*

*Having regard to Recommendation no. R (97) 12 of the committee of ministers of Council of Europe to member states on staff concerned with the implementation of sanctions and measures*

*Having regard to Recommendation no. R (98) 7 of the committee of ministers of Council of Europe to member states concerning the ethical and organizational aspects of health care in prison*

*Having regard to Recommendation no. R (99) 19 of the committee of ministers of Council of Europe to member states concerning mediation in penal matters*

*Having regard to Recommendation No. R (99) 22 of Council of Europe concerning prison overcrowding and prison population inflation*

*Having regard to Recommendation No. 22 / 29 November 2000 of Council of Europe on improving the implementation of the European rules on community sanctions and measures*

*Having regard to Mothers and babies in prison Recommendation 1469 (2000) of Council of Europe*

*Having regard to Mothers and babies in prison Recommendation 1469 (2000) Doc. 8981 15 February 2001 of Council of Europe; Reply from the Committee of Ministers adopted at the 740th meeting of the Ministers' Deputies (7 February 2001)*

*Having regard to Recommendation Rec (2000)22 of the Committee of Ministers of Council of Europe to member states on improving the implementation of the European rules on community sanctions and measures*

*Having regard to Recommendation Rec (2001)1 of the Committee of Ministers of Council of Europe to member States on social workers*

*having regard to Rec(2003)23E / 09 October 2003 Recommendation of the Committee of Ministers of Council of Europe to member states on the management by prison administrations of life sentence and other long-term prisoners (Adopted by the Committee of Ministers on 9 October 2003 at the 855th meeting of the Ministers' Deputies)*

*Having regard to The Charter of Fundamental Rights of the European Union (2000)*

*Having regard to European Union Annual Report on Human Rights - 2001  
Luxembourg, 8 October 2001 - Council of the European Union, General Affairs  
Council*

*Having regard to European Union Annual Report on Human Rights - 2002*

*having regard to European Parliament resolution on EU policy towards Mediterranean  
partner countries in relation to the promotion of women's rights and equal  
opportunities in these countries (2001/2129(INI))*

*Having regard to European Union Annual Report on Human Rights - 2003*

*Having regard to European Parliament resolution on women in South-East Europe  
(2003/2128(INI))*

*Having regard to European Parliament resolution on violation of women's rights and  
EU international relations (2002/2286(INI))*

*Having regard to European Parliament resolution on the situation of women from  
minority groups in the European Union (2003/2109(INI))*

*Having regard to European Parliament recommendation to the Council on the rights of  
prisoners in the European Union (2003/2188(INI))*

*Having regard to the Report on Equal Opportunities of the European Commission  
(2004)*

Recommends to the European Council, when defining the future EU Justice, Social Inclusion and Gender Strategy, and with general reference to EU policy on penal and penitentiary matters, that it should take into account the following points:

Recommends to the European Council, when defining the future EU Justice, Social Inclusion and Gender Strategy, and with general reference to EU policy on penal and penitentiary matters, that it should take into account the following points:

- a) All persons deprived of their liberty shall be treated with respect for their human rights;**
- b) Women ex-prisoners must be considered a specific social category, in order to assure specific measures co-financed through EQUAL and ESF funds;**
- c) Imprisonment for women must be considered a last resort;**
- d) It is necessary to reinforce the invitation included in the “2004 Report on Equal Opportunities” of the European Commission for integrating the gender mainstreaming in the Justice and Internal Affairs Administrations;**
- e) Each Member State must create a specific women Unit/Department in its penitentiary administration;**

- f) Sufficient resources should be allocated to the prison system in order to ensure access to reintegration-related activities for all prisons and all prisoners, and the lack of resources cannot justify prison conditions that do not warrant such an access, also for small numbers of imprisoned women;**
- g) It is necessary to promote substitutive and alternative measures in particular for women with children;**
- h) Imprisonment must respect women's human rights, as they are described by the UN Convention on the Elimination of All Forms of Discrimination against Women (1979), European Prison Rules, CPT standards;**
- i) It is necessary to favour open regimes for women;**
- j) Considering the low number of women in prison and their uncommon social dangerousness, it would be worthwhile not to be imprisoned in high security sections;**
- k) It is necessary to provide particular positive steps for Roma people, migrants and their resettlement;**
- l) It is necessary to provide for agent training against racial discrimination and provide specialized agents for cultural mediation;**
- m) In each prison, staff must be specialized in the imprisonment and resettlement of women;**
- n) When few women are imprisoned in a men's prison, men and women must have the possibility to attend work, as well as educational and recreational activities together, so as to have a common programme of day-activities;**
- o) Each Member State should elaborate specific programmes inside the prison, with a great therapeutic, social, and economic support for the women who have been victims of gender violence;**
- p) In each prison, a service for guidance and employment, specializing in the feminine job market, must be organized;**
- q) The current directives adopted at European level (1- Equal pay, 2- Equal treatment relating to employment, vocational training, promotion and general working conditions (1976/207) modified by Directive 2002/73. 3- Directives for the implementation of article 13 TEC (general anti-discrimination clause) must be warranted in the penitentiary and post-penitentiary policies;**
- r) Each Member State must organize courses in preparation for women's release;**



- s) National Prison Administrations must organize media campaigns for sensitizing the public toward the fundamental rights of female ex-prisoners and promote a non-stigmatized image of women ex-prisoners, foreigners, and the drug addicted; to avoid general superficial alarms on safety that feed the public opinion's demand of penal restrictions; to provide correct and complete information on alternative measures to detention;**
- t) Each Member State should promote scientific researches, studies and reflections on the specificity of women's needs in prison;**
- u) Each Member State should introduce start-up cash allowances for recently released women;**
- v) Each Member State should abolish the no criminal record certificate in order to get a job;**
- w) Each Member State should favour the entrepreneurship for women ex-prisoners.**

## 5- DISSEMINATION AND/ OR EXPLOITATION OF RESULTS

POLITICAL IMPACT	SPECIFIC OBJECTIVES	ACTIVITIES
SURT	<ul style="list-style-type: none"> <li>- Dissemination of the MIP results at European, national and local level.</li> <li>- Intervention proposals with women prisoners in Catalonia.</li> </ul>	<ul style="list-style-type: none"> <li>- Round of meetings with different Ministers and Government Departments: Minister of Internal Affairs Spain; General Secretary of Penitentiary Institutions of Catalonia; Department of Social affairs in Catalonia; Catalan Women's Institute; European Women's Lobby; Council of Europe, Unit of Gender Equality.</li> <li>- Project proposal submitted to the Ministry of Social Affairs (Spain); this project proposal was previously negotiated in Catalonia with the General Secretary of Penitentiary Institutions.</li> <li>- General proposal of training and education in prison requested by the Catalan Penitentiary Institutions.</li> </ul>
KEELE	<ul style="list-style-type: none"> <li>- Dissemination of MIP results at European, national and local level</li> <li>- Dissemination of MIP results beyond Europe</li> <li>- Intervention proposals with women prisoners in England and Wales</li> </ul>	<ul style="list-style-type: none"> <li>- Distribution of summary national report to academic and policy-makers</li> <li>- Diffusion through the American Society of Criminology</li> <li>- Negotiation of invitation to Hungarian team to present MIP results at World Congress of Criminology conference, Philadelphia, 2005</li> <li>- Talk to Women's Housing Association Meeting at House of Lords</li> <li>- Talk to meeting of MPs in House of Commons</li> </ul>
UPV	<ul style="list-style-type: none"> <li>- Prepare a new model of penal system for the Government of the Basque Country</li> </ul>	<ul style="list-style-type: none"> <li>- Preparation of a study on a proposed new penal system model that was presented to the Basque Parliament in February, 2005. Much of the proposal was based on findings from the MIP Project.</li> </ul>
CEU	<ul style="list-style-type: none"> <li>- Dissemination of the MIP results at the national level</li> <li>- Intervention proposals regarding women's imprisonment in Hungary</li> </ul>	<ul style="list-style-type: none"> <li>- Several meetings and workshops in March and April 2005 on MIP results with representatives of the National Prison Administration, the Probation Service, women's prisons, as well as NGO-s who work in reintegration-related fields.</li> <li>- Recommendations and proposals discussed with top administrators of the National Prison Administration.</li> <li>- Agreements for further dissemination and workshops with the participation of all heads of departments of Hungarian prisons as well as with probation officers.</li> <li>- Work in-progress in co-operation with the Hungarian Helsinki Committee to challenge legal regulations regarding lack of social security coverage of prison work and the certificate of no criminal record.</li> </ul>
FAIRE	<ul style="list-style-type: none"> <li>- Dissemination of the MIP results at National and local level.</li> </ul>	<ul style="list-style-type: none"> <li>- Meetings with the prison service (department of studies and researches)</li> <li>- Meetings with associations (GENEPI, Parcours de femmes...)</li> </ul>

ANTIGONE	- Dissemination of the MIP results at European, National and local level.	<ul style="list-style-type: none"> <li>- Meetings with Department for the Administration of Prisons' authorities and with local representatives.</li> <li>- Elaboration of a chapter regarding women in prison in the annual Antigone report on the conditions of detention in Italy.</li> <li>- Presentation of this report and chapter to the penitentiary authorities</li> </ul>
BAG-F	<ul style="list-style-type: none"> <li>- Introduction of the MIP project at national level</li> <li>- Dissemination of the MIP results at national level</li> </ul>	<ul style="list-style-type: none"> <li>- Meeting with administrative staff of the national Ministry of Justice, Berlin.</li> <li>- Meeting with administrative staff of the Ministry of Justice of the Land Lower Saxonia</li> <li>- Meeting with administrative staff of the Ministry of Justice of the Land Schleswig-Holstein</li> <li>- Sending the MIP results to the Ministries of Justice, federal and local, inviting to the national conference in November 2005 the BAG-F is organizing and by initiating local orientated meetings</li> </ul>

NEW ANALYSES	SPECIFIC OBJECTIVES	ACTIVITIES
SURT	- Elaboration and participation in different projects on this topic.	<ul style="list-style-type: none"> <li>- Submitted project proposal on the DAPHNE programme, European Commission.</li> <li>- Submitted project proposal under the Catalan Women's Institute (ICD)</li> <li>- Participation as a partner on a project proposal under the DAPHE programme, European Commission.</li> <li>- Participation as a Partner in a project proposal under the PHARE programme, European Commission.</li> </ul>
CEU	- Research and develop policies for new fields in Hungary, e.g. domestic violence among prisoners	<ul style="list-style-type: none"> <li>- Proposing new research on domestic violence among prisoners in Hungary and expert involvement in the actual delivery of the new research project.</li> <li>- Expert involvement in a new DAPHNE project with Spanish, German and Hungarian participation.</li> </ul>
FAIRE	<ul style="list-style-type: none"> <li>- To develop a more precise listening and knowledge of the women's needs during their detention and after their release.</li> <li>- To improve the reception of the women after their release</li> </ul>	<ul style="list-style-type: none"> <li>- Typology of the primary forms of exclusion</li> </ul>
ANTIGONE	- Elaboration and participation in different projects on this topic.	<ul style="list-style-type: none"> <li>- Submitted proposal on the Daphne programme EC</li> <li>- Submitted proposal on the Daphne programme EC as project partner</li> </ul>
BAG-F	- Participation in a new project.	<ul style="list-style-type: none"> <li>- Participation as a national partner on the DAPHNE programme EC, if submitted proposal will be accepted</li> </ul>
OBSPDH	- Elaboration and participation in different projects on this topic.	<ul style="list-style-type: none"> <li>- Encarna Bodelon, active member of «Women's Prisons group» of the Observatory. Analysis on the family context situation of prisoners in Catalonia. (still in process)</li> </ul>

<b>MEDIA</b>	<b>SPECIFIC OBJECTIVES</b>	<b>ACTIVITIES</b>
SURT	- Diffusion of the MIP results through different type of media.	<ul style="list-style-type: none"> <li>- TV media impact within the final conference in Barcelona TV3, BTV</li> <li>- Radio impact at National level during April 2005.</li> <li>- Participation in a Documentary Film "En reinserción".</li> </ul>
KEELE	- Diffusion of MIP results through media	<ul style="list-style-type: none"> <li>- Interview on Catalan TV at final conference of project</li> </ul>
CEU	- Diffusion of the MIP results through different type of media.	<ul style="list-style-type: none"> <li>- Radio programs dedicated to the MIP research and women in prison, in Civil Radio and Tilos Radio in 2004.</li> </ul>
ANTIGONE	<ul style="list-style-type: none"> <li>- Diffusion of the MIP results through different type of media.</li> <li>- Press conference on Children in prison</li> </ul>	<ul style="list-style-type: none"> <li>- Several interviews on women in prison in local, national and satellitar televisions</li> <li>- Several radio interviews on women in prison</li> </ul>
BAG-F	- Diffusion	<ul style="list-style-type: none"> <li>- Radio impact: Südwest Rundfunk: Women and Crime, one hour expert discussion with participation of the BAG-F</li> </ul>
OSPDH	- Diffusion	<ul style="list-style-type: none"> <li>- Participation in a documentary Film 'En Reinserción'.</li> </ul>

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## 7. ANNEXES

### 7.1 Publications by the MIP team

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## **7.2 Conference Presentations**

Antigone Association Seminar in Rome of presentation of MIP project results (8.3.2005, *Feminine detention*, Sala blu, Assessorato alle politiche per le periferie, per lo sviluppo locale, per il lavoro, Lungotevere dei Cenci 5, Roma)

Antigone Association, Seminar on foreign women with children in prison (21.2.2005, *Born guilty*, Sala blu, Assessorato alle politiche per le periferie, per lo sviluppo locale, per il lavoro, Lungotevere dei Cenci 5, Roma)

BAG-F team, Hilde Van der Boogart, "Quo Vadis – New Ways For a Sustainable Reintegration of Offenders. Examples for Reform Within Countries of the EU", Potsdam, may 2003 (presentation of the MIP project)

BAG-F team, "Frauenvollzugsforschung – presentation of recent research in the field of women's imprisonment", Führungsakademie des niedersächsischen Justizvollzuges, Celle, november 2005 (presentation of the MIP project results).

BAG-F team, seminar with member of other projects in the field. (University of Bielefeld/Research on violence against women; Qualification projects for women in prison in Berlin, Hamburg, Vechta; University of Greifswald / project Mare Balticum, prison standards in the countries around the Baltic Sea.

BAG-F forthcoming conference where the different projects within the field where German teams are involved (national and international level) will be presented. Here the MIP results will be presented and discussed. The conference will be organized in cooperation with the Führungsakademie des niedersächsischen Justizvollzuges (Academy for the Penitentiary Institutions, Celle, Germany).

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Carlen Pat. 'The Women's Prison Business'. Public lectures delivered at Universities of Birmingham and Stirling Depts of Sociology Seminar Series in 2004.

Carlen Pat. 'Women's Imprisonment: Opportunities for, and Limits to, Reform' . NACRO Annual General Meeting November 16<sup>th</sup> 2004. Belfast

Carlen Pat. 'Imprisonment and the Penal Body Politic': The Cancer of Disciplinary Governance. Paper presented at the Cropwood and Prisons Research Centre Conference, *The Effects of Imprisonment: An International Symposium* April 14-15 2004, Robinson College, Cambridge. Forthcoming in Alison Lieblich and Shadd Maruna (ed) *The Effects of Imprisonment*. Cullompton: Willan 2005

Carlen Pat. Lecture jointly sponsored by NSW Corrective Services and University of Sydney 'Risk and Responsibility in Women's Prisons', Monday 29 September 2003, 5.00 - 7.00pm in the Assembly Hall, entry level, Faculty of Law, University of Sydney, 173-175 Phillip St, Sydney. Published as 'Risk and Responsibility in Women's Prisons' in *Current Issues in Criminal Justice* (Australia) 15.(3) 258-266, 2004 ; and 'Risk and Responsibilities in Women's Prisons' in S. O'Toole and S. Eyland (eds.) *Corrections Criminology*. New South Wales: Hawkins Press: 117-123 2005

Carlen. Pat 'Women's Imprisonment: Opportunities for, and Limits to, Reform: Cross-National Experiences'. Presentation at Staff and Postgraduate Seminar in Sociology, Barcelona University: April 6<sup>th</sup> 2005

Carlen Pat (forthcoming) 2005 'The Women's Imprisonment and Re-Integration Industries' Paper at Conference at Lisbon University 2005

Carlen Pat (forthcoming) 2005 'Reforming Women's Imprisonment: Models of Change and Cross-National Issues' Lecture in Psychology Department at University of Minho May 30<sup>th</sup> 2005

CEU team "MIP Summary and Key Findings" – presentation on the MIP Final Conference in Barcelona, April 2005

CEU team "Reintegration or Exclusion? Women in Hungarian Prisons" – public lecture at the Corvinus University, Budapest, May 2004

CEU team, participation in a conference on NGO involvement in reintegration work in prisons, March 2004.

CEU team, "Imprisoned Women's Chances for Reintegration in Six European Countries" – public lecture at Corvinus University, Budapest, April 2005

CEU team, Opening presentation on comparative results in the MIP final Conference, Barcelona April 2005.

CARDI Coline, MARY-PORTAS France-Line, "Genre et justice pénale", séminaire "Le masculin dans les biographies et les sciences sociales", Ecole Nationale des Hautes Etudes en Sciences Sociales (EHESS), 6 mai 2005.

COMBESSIE Philippe, "La prison de demain", Colloque international *Du geolier à l'agent de détention : cent ans d'évolution d'un métier*, Université de Lausanne, 7 octobre 2004.

COMBESSIE Philippe, "Tous profiteurs ! Sauf une majorité des détenus et de leurs familles", Soirée débat organisée par le groupe de concertation Prison, *A qui profite la prison ?*, ASIEM, Paris, 23 novembre 2004.

COMBESSIE Philippe, "Système pénal, enfermement carcéral, inégalités sociales: un cercle infernal", Colloque international franco-italien organisé par Equal, Sarreguemines, 31 mars – 1<sup>er</sup> . April 2005.

COMBESSIE Philippe, "Evolution de la population carcérale française : approche sociologique", XXIV<sup>e</sup> colloque de défense pénale, Marseille 30 avril – 1<sup>er</sup> mai 2005.

FAIRE Team, "Criminalité féminine, système pénal et problématiques de réintégration : les premiers résultats de la recherche MIP", Journées de formation "Femmes en prison, Femmes oubliées", Ecole Nationale de l'Administration pénitentiaire, Agen, 14 – 16 décembre 2004.

FAIRE Team, " Femmes, Intégration, prison : réflexion sur quelques concepts clés et présentation de la recherche MIP ", Séminaire des doctorants de l'Unité Genre, Travail et mobilité (CNRS, FRE 2817), IRESCO-Paris, 12 avril 2005.

SURT (Cruells. M and Igareda. N), Press Conference of the MIP Project, Barcelona 2003.

SURT, (Igareda N, and Ramos. E) Talk ' Migrant Imprisoned women' during a Conference about foreign women prisoners, 2003, Universidad Complutense Madrid.

SURT (Cruells. M), lecture ' Trajectory life of prisoners after release' in the Congress "The new penal culture", Vitoria November 2004.

SURT (Igareda, N) lecture 'Gender exclusion; the example of the women prisoners' in Post-graduate "Gender Equality" Autonomous University of Barcelona, February 2005.

SURT (Cruells. M and Torrens M) , Round table about women in prison, Diputació de Barcelona. November 2004,

SURT (Cruells. M and Igareda. N), Final conference of the MIP project Barcelona, April 2005.

SURT (Cruells. M and Igareda. N) forthcoming, Talk during the conference "The right to work and social security of prisoners", Ourense, June 2005.

UPV Team (D. Wagman, C. Manzanos) "Social Policy and Security. Challenges for the future of the Basque Country in Europe and the world". Contributions were presented based on the findings of the MIP project. April 2005

UPV team (D. Wagman) ' Foreign women prisoners in Spain' talk presented in the Congress *Social Services and Prison, Alternatives to the punitive culture*. Vitoria 2005.

Worrall Anne 'Women in Prison in Europe'. Presentation to conference on Gender, Law and Sexuality, Keele University, November 15<sup>th</sup> 2003.

Worrall Anne 'Women in Prison'. Lecture to undergraduate students, Keele University, December 2003

Worrall Anne 'Women in Prison'. Lecture to undergraduate students, Keele University, December 2004.

Worrall Anne 'Women in Prison'. Lecture to postgraduate students, University of Western Australia, April 15<sup>th</sup> 2005.

### 7.3 List of deliverables

Website/forum on-line: <a href="http://www.surt.org/mip">www.surt.org/mip</a>
Report on the state of the art of the knowledge: review of the major findings and currents of thought on the subject of the research. In <a href="http://www.surt.org/mip">www.surt.org/mip</a>
Mapping of Competencies in Europe: the main institutions (universities, research centres, etc.) in the field object of study. In <a href="http://www.surt.org/mip">www.surt.org/mip</a>
Dossier of bibliographic materials and selected documentaries. Report on the Website <a href="http://www.surt.org/mip">www.surt.org/mip</a>
Report on the website on the data of the fieldwork <a href="http://www.surt.org/mip">www.surt.org/mip</a>
Integrated report of the results of the comparative study of the efficiency of socio-labour insertion measures for women in prison; in <a href="http://www.surt.org/mip">www.surt.org/mip</a>
National reports of the results of field work in <a href="http://www.surt.org/mip">www.surt.org/mip</a>
Final report on integrated results in <a href="http://www.surt.org/mip">www.surt.org/mip</a>
National and cross-national Reports on conclusions and proposals: formulation of social and penitentiary policies for the socio-labour integration of women in prisons in Europe. In <a href="http://www.surt.org/mip">www.surt.org/mip</a>
Conference of results diffusion
Results of the project on the Website
Publication of a book with major findings.



European Commission

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