



Resolution 1663 (2009)¹

Women in prison

Parliamentary Assembly

1. The number of women in prison in Europe is growing. Despite this increase, however, women are still only a minority of the prison population. Prisons are indeed designed with men in mind. Because of this, and because women prisoners often have lower social and educational levels than their male counterparts, prisons, prison regimes and prison rehabilitation and education programmes often do not address the specific needs of women.

2. Because of the relatively small number of women prisoners and women on remand, there are fewer prisons which accommodate women and even fewer places for women in pre-trial detention. This means that women are imprisoned further away from home, cutting family ties. In fact, in some European countries, there is only one single-sex women's prison, which means that women prisoners may be placed a long way from their homes and families. This makes it all the more important that efforts be made by the authorities to alleviate the impact of imprisonment on the family life of women prisoners.

3. In this context, the Parliamentary Assembly recalls its [Recommendation 1469 \(2000\)](#) on mothers and babies in prison and it invites member states to fully implement its provisions.

4. The Assembly also considers that, at each re-examination of the European Prison Rules, the Council of Europe's expert body, the Council for Penological Co-operation, should aim to strengthen existing provisions and add new ones that will encourage member states to improve conditions for women in prison.

5. Similarly, the Assembly considers that the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and the Council of Europe's Commissioner for Human Rights should pay increased attention to the situation of women deprived of their liberty in their respective visits and work.

6. In general, the Assembly believes that, when imprisoning a woman, particularly if she is the sole or main carer of one or several children, a custodial sentence should only be imposed when the offence is so serious that only imprisonment can be justified, given the disruption and emotional costs which may ensue for both the mother and child(ren). In all cases, prison should be used as a last resort only if no other options are available and alternative forms of sentencing, including community service orders or similar and restorative justice approaches should be considered first, in particular for non-violent crimes.

7. The Assembly considers that the reform of prisons and criminal justice policies is necessary to ensure a more humane and effective application of justice for women. In particular, detention on remand and custodial sentences should be avoided, whenever possible, for girls under 18 years of age.

8. With a view to improving the conditions of detention of women in prison, the Assembly calls on the member states to:

- 8.1. implement without delay the provisions of the revised European Prison Rules, noting that Rule 4 states that "prison conditions that infringe prisoners' human rights are not justified by lack of resources";

1. *Assembly debate* on 28 April 2009 (13th Sitting) (see [Doc. 11619](#), report of the Social, Health and Family Affairs Committee, rapporteur: Mrs Cliveti; [Doc. 11838](#), opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mrs Hajibayli; and [Doc. 11665](#), opinion of the Committee on Equal Opportunities for Women and Men, rapporteur: Mrs Hägg). *Text adopted by the Assembly* on 28 April 2009 (13th Sitting).



- 8.2. collect information on all aspects of imprisonment, make a gender breakdown of all data and make the statistics publicly available;
 - 8.3. record the number, ages and location of the prisoner's children and the children's carer immediately upon arrival of the prisoner at the prison (regardless of whether the prisoner is male or female) and make such information publicly available;
 - 8.4. ensure that women who are the sole carers of young children are not imprisoned while awaiting trial, except in circumstances where there is a real risk of re-offending, of absconding or of interfering with witnesses. The suspension of the imprisonment sentence during pregnancy could also be considered;
 - 8.5. ensure that every women's prison is inspected annually by an independent inspector, who shall produce a report which shall be debated in parliament;
 - 8.6. consider setting up weekend prisons specifically for women;
 - 8.7. seek to reduce the number of women sent to prison in view of the high percentage of women currently in prison who are drug dependent or have mental health problems;
 - 8.8. ensure that women in prison with disabilities and chronic illnesses are provided the essential aid and assistance (such as sign language interpreters, Braille documents, medical care, etc.) that they may require because of their disability during the pre-trial, trial and sentence period; and ensure that they are not segregated from other prisoners in social and educational activities that take place in prison by arranging appropriate programmes and services for them.
9. As regards the detention of mothers or pregnant women in prison, the Assembly calls on the member states to:
- 9.1. ensure that, whenever there is no possibility of using alternative measures to remand in custody, pre-trial conditions are as favourable as possible. In the case of restrictions which adversely affect the families of prisoners, such as restrictions on visits and place of detention, prisons must be as flexible as possible;
 - 9.2. ensure that, where mothers are imprisoned, the state authorities are obliged to inform them of the whereabouts of their children and reassure them that their children are receiving suitable care and that they will be able to be reunited with them on release. It is thought that this could result in more women registering their children;
 - 9.3. ensure that prison regimes and facilities are flexible enough to meet the requirements of pregnant women, breast-feeding mothers and prisoners whose children are with them;
 - 9.4. ensure that, in situations where babies and young children in prison with their mother have to be separated from her, this is done gradually, so that the process is as painless and non-threatening as possible;
 - 9.5. ensure that children staying in prisons with their mothers are given access to crèches outside the prison, offering them opportunities for socialisation with other children and alleviating the detrimental social effects of imprisonment on their personal development;
 - 9.6. ensure that prison authorities are sensitive to the particular needs of foreign prisoners in relation to language and cultural differences. Prison authorities should ensure that foreign nationals are given help in contacting their consular authorities. In particular, the needs of foreign women whose children are in other countries must be fully considered and met wherever possible;
 - 9.7. ensure that mothers in custody are placed in prisons within a reasonable distance and travelling time of their families.
10. As regards the hygiene and health needs of women prisoners, the Assembly calls on the member states to:
- 10.1. ensure that prison policies and programmes for women in the areas of hygiene and health care exist and that they are specifically tailored to their needs. In particular, hygiene and health-care needs of pregnant women, breast-feeding mothers, post-natal mothers and older women should be identified and met;
 - 10.2. ensure that all medical examinations of prisoners (whether on arrival or at a later stage) are conducted out of the hearing and – unless the doctor concerned requests otherwise – out of the sight of prison officers. Furthermore, prisoners should be examined on an individual basis, not in groups;

- 10.3. ensure that no means of restraint (such as handcuffs) are used during medical consultations since such practices infringe upon the dignity of the prisoners concerned and prohibit the development of a proper doctor-patient relationship (and are possibly detrimental to the establishment of an objective medical finding);
 - 10.4. ensure that pregnant prisoners are transferred, at the appropriate time, to outside hospitals so that babies are not born in prison. In particular, pregnant women should not be shackled to or otherwise attached to beds or other items of furniture during gynecological examinations and/or during and immediately after childbirth. Other means of meeting security needs can and should be found;
 - 10.5. ensure that women prisoners living with HIV/Aids are given the specific care, treatment and support that they need;
 - 10.6. ensure that, throughout a prisoner's sentence, she is monitored for signs of depression or other mental illness. Particular attention must be paid to vulnerable groups such as women prisoners who are more likely to self-harm;
 - 10.7. ensure that further research is done on the types and prevalence of mental disorders affecting women in prison and that resources to treat such disorders are made available in every women's prison;
 - 10.8. ensure that prison inspectors monitor the provisions made for women prisoners with a history of drug and alcohol addiction and that suitable programmes are in place in every women's prison with their specific needs in mind.
11. As regards the educational needs of women prisoners, the Assembly calls on the member states to:
 - 11.1. recognise the very low levels of literacy and numeracy amongst all prisoners, including women, and ensure that a minimum of twenty hours' education and training per week are available to all women prisoners;
 - 11.2. ensure that crèches inside and outside the prison are made available to mothers with babies or young children in prison with them, thereby allowing them to work or take educational classes if they wish;
 - 11.3. ensure that female juveniles are imprisoned separately from adult females. However, if this would lead to fewer opportunities for education, safeguards should be put in place so that juveniles do not mix with women with serious long-term criminal histories.
 12. As regards the organisation of visits for women in prison, the Assembly encourages member states to:
 - 12.1. ensure that all prisons have visitor centres. Such centres may be particularly beneficial for young children;
 - 12.2. ensure that special efforts are made to allow the children of prisoners to visit the prison and that staff are given training in dealing with visiting children. Any new measures or policies proposed shall be analysed for the effects they may have on children visiting the prison and take into account the rights of the child. Security measures imposed around visits must not be intimidating to children;
 - 12.3. ensure that prisons provide supervised play areas that allow children to be looked after while their mother and other visitors can talk privately during the visit if necessary;
 - 12.4. make conjugal visits available to all prisoners and ensure that contraceptives are made freely available;
 - 12.5. permit women prisoners, wherever possible, to see their children aged under 18 outside prison on special occasions such as birthdays or important religious festivals.
 13. As regards the respect of human dignity of women prisoners, the Assembly calls on the member states to:
 - 13.1. ensure that male prison guards do not hold positions involving physical contact with female prisoners and do not supervise female prisoners when they are likely to be in a state of undress;
 - 13.2. put in place safeguards to protect female prisoners from all forms of abuse including gender-specific abuse, violence or exploitation from other prisoners or staff within the prison or during transit;
 - 13.3. ensure that women prisoners have the possibility of lodging complaints in the event of sexual abuse or violence, be it on the part of other prisoners, visitors or from staff within the prison or during transit.

14. As regards the social reintegration of women prisoners, the Assembly calls on the member states to ensure that the needs of female prisoners upon release are addressed, such as homelessness, unemployment, workforce discrimination and regaining custody of children, thereby reducing the risk of re-offending. If social services have previously been involved with a prisoner, they shall be informed that the prisoner is being released and asked to assist in her social reintegration. The Assembly calls on the member states to develop employment programmes for women prisoners in order to give them access to work opportunities, allowing them to contribute to legal social security systems.