Women
Integration
&
Prison

Edited by SURT Association
(Marta Cruells & Noelia Igareda)

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Introduction

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Daniel Wagman

1. The Problem

One of the most invisible collectives in our societies is those thousands of women in prisons throughout Europe. And at the same time the vast majority of these women are representatives of the most disadvantaged and socially excluded sectors in our societies. It is said that the best way to judge the health and generosity of any culture is how they treat their most vulnerable members, but when looking at the situation of women in prison, we have to admit that we are not in the best of health.

Who are the vast majority of women in prison? They are women who have committed crimes, but they are also women who have been physically and sexually abused as children, and in many cases are abused as adults, women who are heavy drug abusers, women who had little or no family support as youth, or as adults, poor women, immigrant and Roma women, who suffer severe stigmatization, prejudice and discrimination, women with problems, and women in trouble… Those are the women who fill our prisons.

And perhaps this is one of the reasons that we ignore the reality of these women—to avoid seeing the terrible irony and injustice that the women with the most extreme barriers to participation in society are those who receive one of the harshest treatments known to modern society: imprisonment and privation of freedom.

We ignore the reality of these women's lives, the reasons that they are in prison, the damage that they suffer in prison, including the psychological harm that is produced by living in a very hostile and closed institution, the damage caused by being stigmatized as defective, the damage caused by the rupture that occurs between family's children, partners, and friends, the damage that is caused by the loss of social capital, skills, and abilities necessary for handling the world outside.

One of the only moments when we do not ignore the reality of these women is when we say, "prisons will reintegrate them." But when the "reintegration" fails, which is far too often the case, we simply conclude that it is the woman's fault and that they are hopeless cases, incorrigible, anti-social people as they are thrown back in prison to once again become invisible. Few question whether the problem is perhaps in the institution itself.

There is an ancient saying that "God counts the tears of women," meaning that the history, the drama, and the suffering of the human race can be measured through the often invisible lives of women. The MIP project is an attempt to count the tears of these women, but at the same time it hopes to show the strength of so many women who have suffered as children, suffered for their crimes, and suffered punishment, but in spite of the many obstacles they have faced, they have managed to reconstruct their lives.

The MIP project has, for over two and a half years, studied women in prison, has studied penal

and penitentiary policies, and has studied the much broader institutions and social dynamics that have affected their lives. The MIP project attempts to make the reality of women in prison more visible, to better understand the dynamics and factors that have affected these women's lives, and more specifically, the factors that affect them while they are imprisoned, and the dynamics they face upon release that may hinder or help their ability and chances of becoming active, integrated members of society.

The MIP project's objective is to better understand these questions in order to make detailed and informed recommendations for enhancing the capacity of the prison and penal institutions to help these women integrate into society, and especially in providing a much needed gender perspective. But even more importantly, it aims at making recommendations for other government and social institutions, and policies that deal with the grave social problems that affect women prisoners: problems such as exclusion, gender inequality and violence, or drug addiction. The MIP project's final objective is to provoke a much needed social debate around how society deals with women offenders in order to promote more humane and more effective measures for resolving conflicts and help to improve the opportunities for bettering the lives of some of the most disadvantaged people in our society.

2. The Methodology

The genesis of the MIP project came through the work of the Catalan SURT Association, 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 2002.

Once approved, the first step was to collectively debate and more precisely define the theoretical framework and the hypothesis to be tested. The following major hypotheses were agreed on:

- 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.

Each hypothesis contained various sub-hypotheses and these can be found on the web page of the MIP project.

The next step of the MIP project was to develop a multi-disciplinary approach that consisted of various interrelated methodologies.

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 is 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: a major failing that must be addressed.

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.

The second part of the methodology was fieldwork 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, and 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 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 people 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 was 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.

3. The Results

All of the documents of the MIP project can be found on the web page www.surt.org/mip. The website includes a large amount of documentation; the theoretical framework, national and comparative studies of the efficiency of the socio-labour integration measures in each country, and national and comparative reports on the findings and conclusions from each country's fieldwork.

This book starts with the comparative analysis of crime, judicial and penitentiary data among the six participating countries, and then it is followed by a report that compares the situation among the participating countries. Another chapter is about the women's imprisonment; opportunities for, and limits to, reform. There is a specific chapter on the very significant conclusions regarding the question of gender, both in relation to the prison system and in relation to the broader question of exclusion and social inclusion. One of the major results of the MIP project is the reaffirmation of the necessity to introduce gender perspective into this reality. It is included a chapter that outlines many important recommendations for policy makers, and the society in general, that are necessary in order to break the spiral of exclusion, imprisonment, and further exclusion of women offenders in our societies. The book ends with a brief version of the six national reports about the research developed at national level.

It is hoped that this contribution of the MIP project is only the beginning of much needed further research on women in prison, and especially the necessity to introduce a profound gender perspective. We hope the work will help to inspire a new way of looking at women offenders, and will help to promote new, original, and more humane measures for resolving social conflict; we also hope it will inspire measures that will lead to fewer and fewer women in our prisons, and more and more women able to live their lives as participating members of society.

This book is dedicated to these women.

The MIP Project Partners

SURT, Spain
Core team: Marta Cruells, Noelia Igareda, Miriam Torrens, Eva Cruells. Full team: Fina Rubio, Ana López, and Paula Igareda.

SURT, Women's Association for Labour Insertion began in 1993. It is a non-profit association formed by a group of women from diverse professional fields who shared activities, interests and experiences within the diverse network of organizations that configure the feminist movement of Barcelona.
The Association was born with the aim of supporting women in their labour insertion process, especially those who are in vulnerable situations due to their social, cultural and personal context.
With this purpose, SURT emphasizes the importance of developing personal abilities and resources inside a labour and life project, in order to achieve socio-labour integration. This makes an integral development possible where women are active in their own process of comprehension, analysis and improvement of their life situation.

KEELE UNIVERSITY, England.
Pat Carlen, Anne Worrall, Clare Sillitto, Janice Sheath and Clare Hoy.

The criminology department of Keele University was established in the early 1970s and is one of the largest and most active concentrations of criminological research in the United Kingdom. Professor Pat Carlen is one of the world's foremost experts on women in prison, and was a founder of the campaigning group *Women in Prison.* Professor Anne Worrall has researched and published extensively on women and crime, particularly in relation to alternatives to imprisonment.

BAG-F, Germany
Hilde van den Boogaart, Hans-Joachim Plewig, Stefan Kleipoedßus and Anja Peters.

The BAG-F is a nationwide NGO whose members are professionals working with women prisoners and ex-prisoners in Germany. Among its aims are counteracting structural discrimination of women's prisons and their inmates, representing the interests of female prisoners, building a network amongst the German women's penal institutions and the organizations working with female offenders, and to supporting the development of alternatives to imprisonment. The BAG-F is working together with national and local administration, institutions, universities, welfare organizations, and NGOs.

FAIRE, France
Nathalie Duburg, Philippe Combessie, Coline Cardi, Mary-Portas France-Line, Sylvie Contrepois, Delphine Colas and Marc-Henri Bourgeois.

The aim of the FAIRE association is to facilitate, by all means, the social and professional rehabilitation of the prisoners and ex-prisoners. This association was created in 1981. During the last year, 2,352 people have benefited from the services of the association, among them, 1,265 were prisoners who had just been released from prison.

ANTIGONE, Italy
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Antigone is an association promoting the respect for human rights of prisoners within the penal system. From 1985 until 1990 it was a journal with a critical perspective on the penal system, and in the 1990s it was transformed into a national association with offices in Rome, Milan, Turin, Naples, Padua, Bologna, Catanzaro, and Pisa. It promotes research and public education on prisons, recommendations on penal reform, as well as training of prison volunteers and justice personnel. Since 1998, it has worked on the National Observatory on prison conditions.

CENTRAL EUROPEAN UNIVERSITY, Hungary
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The Centre for Policy Studies is an academic unit within the Central European University, an internationally recognized graduate research-intensive university in the social sciences and humanities. The university aims at excellence in the mastery of established knowledge, excellence in the creation of new knowledge in the social sciences and the humanities, and excellence in developing the policy implications of both. The Centre for Policy Studies is dedicated to improving the quality of governance in the region by the provision of independent public policy analysis and advice. It is a member of a number of European and international research consortia dealing with topics such as social diversity and equal opportunity, economic culture, good governance and globalization. CPS has published several volumes of policy research, offers an on-line library of policy documents from Central and Eastern Europe and the former Soviet Union, delivers a Master's Program in Public Policy, and, in partnership with the Open Society Institute, supports an annual fellowship programme.

SOCIAL WORK SCHOOL OF THE BASQUE COUNTRY UNIVERSITY, Spain
Cesar Manzanos, Iñaki Ruiz de Pinedo, Larraitz Ugurte, and Daniel Wagman.

The members of the team of the Social Work school of the Basque University direct *Ikusbide*, a documentation centre on penal and prison systems. They have carried out various research projects on exclusion, women, and minorities within the prison system, are advisors to the Basque Regional Government on the penal systems, as well as members of prisoner support groups.

As a Consulting Board:

OSPDH from the University of Barcelona. Spain
Elisabet Almeda, Encarna Bodelon and Iñaki Rivera.

The Observatory of the Penal System and Human Rights (OPSHR) in response of the work and worries of a group of Professors and researchers, is a Centre for Investigation Study and Work. The two main objectives are:

   • To investigate what kind of treatment the Penal System and its agencies (Police, Justice and Prison), provides to a group of social problems, which European societies suffer nowadays.

   • To contribute to the promotion of a culture of human rights, already very threatened by processes and policies of social exclusion, as well as by social alarm policies built and suffered by our modern societies

Recent Trends: Incarcerated women in Europe
Comparative analysis of crime, judicial and penitentiary data

Prepared by FAIRE
France Line Mary-Portas and Sylvie Contrepois.

Introduction

This chapter is aimed at giving a comparative overview of the most recent trends regarding crime, judicial practices, and prison populations, and also at giving a comparative overview of the current situation and characteristics of women inmates, in our six respective countries. It is therefore divided into three main parts, where we try to focus on comparative aspects concerning women in the criminal justice systems and the current situation regarding profiling of women inmates:

- Similarities and differences regarding the part of women in criminal justice systems and the development of imprisonment of women;

- Similarities and differences regarding current "penal" profiles of women inmates;

- Similarities and differences regarding current "sociological" profiles of women inmates.

National reports are providing very detailed data and information for each of these topics. We tried to use this data when it seemed to be sufficiently comparable. Nevertheless, this data was not always comparable:

- This lack of comparability is sometimes due to differences in the organization of our criminal justice systems, or to differences in the way statistical data is produced: we confronted this problem especially with data concerning prosecution, data on court cases and/or data on sentences ordered by the courts. In these situations, it was not possible to find "better data"[1]: thus, we tried to select the data that seemed to be the most comparable;

- The lack of comparability is sometimes due to the "period", or to the "institutional field" of data reported in the national reports; in these particular cases we tried to obtain the most comparable data, by looking for it in publications intended for providing "international comparable data" in the areas of crime, justice and prison. We especially used:

• Barclay G. & Tavares C., *International comparisons of criminal justice statistics 2001*, London, Home Office, Issue 12/03, 24 October 2003. Available on www.homeoffice.gov.uk (spread shift .xls including more data than was published in the report are also available on the website).

• Council of Europe, *SPACE -Annual Penal Statistics of the Council of Europe*. Most of the surveys conducted over the period 1983-2001 were published in the *Penological Information Bulletin of the Council of Europe*. The N°23/24 (2002) of this *Penological Information Bulletin* is available on www.coe.int and includes the three latest surveys

on prison populations on the 1st of September (*SPACE I*, surveys 1999-2000-2001) and the most recent survey on community sanctions and measures ordered in 1999 (*SPACE II).*

When fairly comparable data were available for (almost) all countries, we sometimes calculated "comparative rates" or "comparative indicators", by connecting raw data to the total number of inhabitants of the countries. One of the main methodological problems encountered concerning the analysis of the development of known crimes, court cases, or imprisonment "over the past decade"[2] was due to the specific situation in Germany: it was not possible to study recent evolutions over a complete decade since data related to the beginning of the decade was related to the former West Germany, while most recent data was related to the entire country of Germany (*i.e.* the current Federal Republic of Germany). Nevertheless, comparable data was almost always available over nine-year periods: our comparative analysis of recent trends over the past decade therefore always actually refers to—for all the countries— such nine-year periods (1991-2000, 1992-2001 or 1993-2002).

We should also remind the reader here that this comparative analysis of recent trends is mainly a descriptive comparison. Indeed, it is not always easy to propose relevant interpretations of changes observed in each country regarding known crimes, court cases, sentences ordered or prisons populations: major legislative or political changes were observed in all countries over the past decade[3] and we have no information that would enable us to analyze the consequences of those changes on the production of statistical data and/or their effects on actual judicial practices.

1 Women in the criminal justice system and developement of imprisonment of women

1.1 Women in the criminal justice systems

In several countries, data was provided regarding the percentage of females among populations prosecuted at the different stages of the criminal justice process. We tried to summarize this data in the following table and figure.

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[1] *For example, in a recent report on International comparisons of criminal justice statistics 2001, that has been published by the English Home Office on October 2003 (Barclay G. & Tavares, 2003), it is said that: "neither the Home Office nor any international bodies regularly collect information to provide international comparisons of sentencing. Many countries do not collect sentencing data or are unable to provide it in a format that enables useful comparisons" (p.5).*

[2] *For more information on methodological issues, see the WP4 Report of MIP: Comparative analysis of crime, judicial and penitentiary data (step 2).*

[3] *Over past decade, new Penal Codes came into force in France (1994) and in Spain (1996). Current legislations related to the criminal procedure are also very recent in Italy (Criminal procedure code, 1989) and England & Wales (Criminal Justice Act, 1991). Finally, if there were no major changes in the penal legislations of Hungary and Germany over the past decade, the both countries have known important political changes due to the democratic transition in Hungary and former East Germany.*

Table 01. **Percentages of females throughout different stages of the criminal justice system**

Offenders…	England & Wales	France	Germany	Hungary	Italy	Spain
Arrested or suspected						
(Year)	2001/02	2001	2002	2002	2000	1999
All	1,300,000	835,839	2, 326,149	121,885	339,109	880,731
Females	(…)	117,120	547,600	(…)	45,865	(…)
% Females	16.0	14.0	23.5	(…)	13.5	10.0
Convicted or sentenced						
(Year)	2001	2000*	2002**	2001	2000	2001
All	1,349 700	580,039	517,118	95,270	308,300	96,813
Females	237,600	55,981	95,103	(…)	56,849	6,327
% Females	17.6	9.7	18.4	12.0	18.4	6.5
Sentenced to actual imprisonment						
(Year)	2000	2000*	2002**	2000***	2000	2001
All	106,300	99,319	42,271	11,740	(…)	(…)
Females	8,100	4,689	(…)	684	(…)	(…)
% Females	7.6	4.7	(…)	5.8	(…)	(…)
Inmates (including on remand)						
(Date)	30/11/02	01/01/03	21/03/03	31/12/02	31/12/02	31/12/02
All	72,272	49,839	81,176	17,838	55,670	51,454
Females	4,368	1,988	3,882	1,088	2,380	4,109
% Females	6.0	4.0	4.8	6.1	4.3	8.0

(…): Data unavailable
(*) All of France for sentenced populations; metropolitan France for suspected and inmates.
(**) West Germany for sentenced populations; all of Germany for suspected and inmates.
(***) Hungary: data are only related to adults sentenced to actual imprisonment (96% of all sentenced to actual imprisonment).
Sources: national reports.

One can see that in all countries, whatever the stage of criminal prosecution, women do not represent more than one-quarter of the total number of offenders: in the first stage of criminal prosecution, the percentage of females among suspected or arrested offenders varies from 10% in Spain to 23% in Germany; at the stage of conviction and/or sentencing, this percentage varies from 7% in Spain to 18% in Germany, Italy, and England and Wales[4]; and finally, the percentage of females in prison populations varies from 4% in Italy and France to 8% in Spain.

In almost all countries, one can also see that the proportion of women among convicted or sentenced offenders is much lower that the percentage of women among offenders sentenced to actual imprisonment (not always available), and than the percentage of women among inmates

(see next figure). On this topic, Spain represents an exception: the percentage of females is nearly the same among sentenced offenders as it is among inmates. Moreover, Spain is also the European country where we observe the highest female ratio of its prison population. Nevertheless, it should be pointed out that the low female ratio in the prison population is the most common characteristic of all penitentiary systems in Europe. Indeed, according to SPACE data compared for 32 different countries, the lowest percentages of women (less than 3%), in prisons population on 01/09/2000 were observed in Macedonia (2.3%), Poland (2.4%), Ireland (2.9%) and Bulgaria (2.9%); the highest female ratios (6% or more) were observed in Switzerland (6.0%), Estonia (6.0%), Hungary (6.6%) and Spain (8.1%).

1.2 Development of imprisonment of women over past decade

Only three national reports included data on the development of the imprisonment of women over the past decade (England and Wales, France, and Spain)[5]. For other countries, we therefore tried to fill in the last available data provided in national reports by using time-series data from the different *SPACE* surveys[6] (see next table). For the year 2002/03, we added data given in the national reports of Hungary (31/12/2002), Italy (31/12/2002), and Germany (21/03/2003).

Table 02. **Women inmates (including on remand): changes over the period 1993-2002/03**

Year	England and Wales (June 30)	France (Dec. 31)	Whole Germany (Sept. 01)	Hungary (Sept. 01)	Italy (Sept. 01)	Spain (Dec. 31)
Absolute numbers 1993 *2002/03**	1,561 4,394	2,107 1,988	2,803 3,882	748 1,088	2,775 2,380	3,754 4,109
In % of prison population 1993 *2002/03**	3.5 6.2	4.2 3.8	4.3 4.8	5.7 6.1	5.5 4.3	9.5 8.0

(…): Data unavailable

(*) 30/06/2002 in England and Wales; 21/03/2003 in Germany; 31/12/2002 in other countries.

Sources: national reports + COE, SPACE I surveys 1993-2000.

[4] *For almost all countries, except for Hungary, national summaries also provide data with breakdowns by gender and offence, either for suspected offenders (Germany, France), or for convicted or sentenced offenders (England and Wales, France, Italy, and Spain). Categories of offences used in each summary are very different but it seems that in all countries, the female ratio is always lower for violent offences (homicide, assaults, against persons…) than for property offences (thefts, frauds and forgeries, false cheques…).*

[5] *Data was also given in the German summary but it did not include inmates in pre-trial detention.*

[6] *Since 1997 (new version of SPACE survey), data on women in prison are only collected every other year.*

Over the past nine-year period, similar trends were observed in England and Wales, Germany, and Hungary: the number of women inmates has increased faster than the prison population overall. This increase was very strong in England (+181%), and the percentage of women in the prison population has gained 2.7 points over this period (from 3.5% to 6.2%). Increases were also quite significant in Hungary (+46%) and Germany (+39%), but the percentage change differences of the overall prison population were considerably lower than in England and Wales: the female ratio has therefore increased by less than 0.5 points in both countries and has grown from 5.7% to 6.1% in Hungary, and from 4.3% to 4.8% in Germany.

In Spain, we also observed an increase in the number of women inmates, but much lower than what was observed in the countries mentioned above (+10%). Since this increase was also much lower than the percentage change in the overall prison population, the female ratio among inmates has fallen from 9.5% to 8.0% (-1.5 points).

Lastly, the same trend was observed in Italy and France: the number of women has decreased (-14% in Italy, -6% in France), while we observed (slight) increases of the overall prison populations. In both countries, we therefore also observed a decrease in the female ratio in prison populations: this ratio has fallen from 5.5% to 4.3% in Italy (-1.2 points) and from 4.2% to 3.8% in France (-0.4 points).

2 Penal profile of women inmates

2.1 Current number of women inmates

• In England and Wales, there were 4,368 women inmates on 30/11/2002: most of them (72%) were detained in unmixed closed prisons; 9% were detained in mixed closed prisons, 14% in semi-open prisons and 5% in open prisons.

• In France, there were 1,988 women inmates on 01/01/2003: 43% were detained in medium or small jails (wings in mixed prisons), 29% were detained in large jails for women (or large wings of jails), 28% were detained in prisons (or wings) for women who have been sentenced.

• In Germany, there were 3,882 women inmates (including in juvenile detention, preventive detention, and in pre-trial confinement), detained on 21/03/2003: most of them were held (85%) in places of for closed regime and 15% in places of for open regime.

• In Hungary, there were 1,054 women inmates on 07/07/2003; a large part (48%) were serving their sentence in medium security prisons. 14% were serving their sentence in low security prisons, and 6% in high security prisons; 23% were on remand and 2% were in solitary confinement.

• In Italy, there were 2,565 on 30/06/2003; most of them (84%) were held in prisons for remand prisoners, even when sentenced; 12% were detained in prisons for sentenced prisoners and 4% in high security prisons.

• In Spain, there were 4,344 women inmates on 31/03/2003: 509 (10%) were detained in Catalonia, mainly in a mixed prison near Barcelona (250 women) and in the penitentiary centre for women in Barcelona (see further descriptions in Spanish report).

2.2 Inmates on remand

In almost all countries, data regarding the proportion of women "on remand" among all women inmates was provided. Nevertheless, it is not always clear whether the percentages include the categories of "inmates already convicted but not yet sentenced" and of "sentenced prisoners who have appealed and are within the waiting period afterwards". But what could be the real definition of this? The percentage of women on remand reveals at least, in each country, the proportion of women inmates that are actually "not serving a definite sentence". In the next figure, we reported those percentages of women on remand, with the distinction "untried"/"tried" when given.

This figure shows that in all countries, at least one fifth of women inmates are "on remand", and therefore, may not know when they will be released from prison: this situation can have great consequences on their preparation for release and for their future social (re) insertion. The percentage of women inmates on remand is very high in France (48%) and also, to a lesser extent, in Italy (38%). In other countries, it varies from 21% in England and Wales to 30% in Spain.

Figure 1. **Proportion of women "on remand" among women inmates**
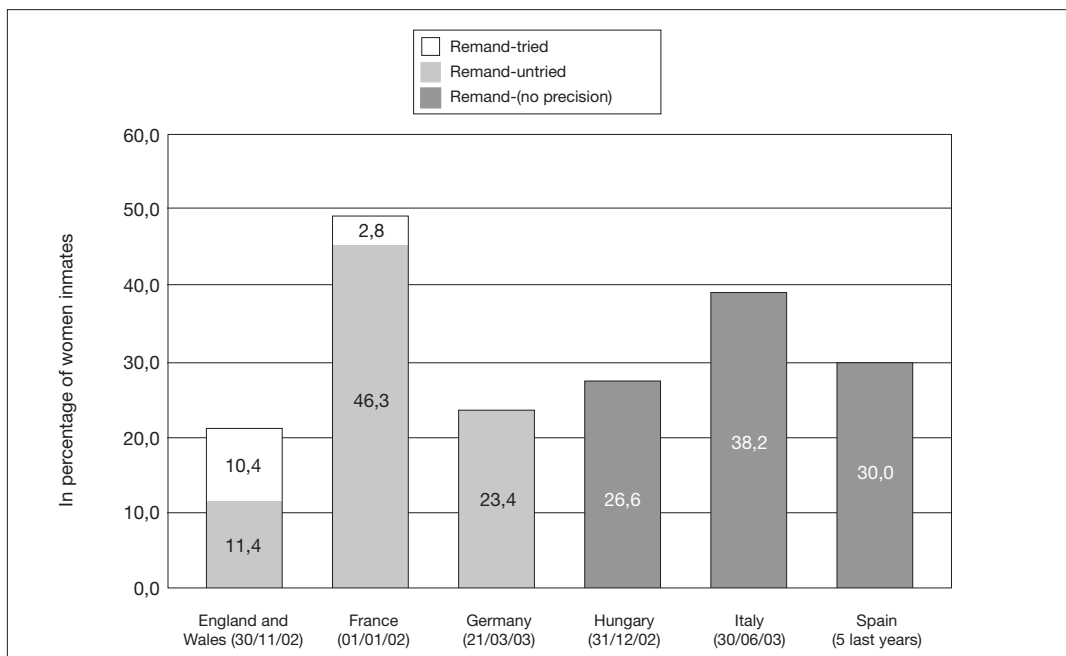
(…): Data unavailable

2.3 Sentenced inmates: length of sentence

Data provided by each country regarding the length of the sentence served by prisoners is not easy to compare since the categories used for the classification of the sentence lengths are very different from one country to another. The only comparison that can really be done is the comparison regarding the "long" sentences (4 years or more, 5 years or more, or more than 5 years according to the different available classifications):

• This figure of long sentences seems especially strong in Catalonia (Spain) where at least 63% of sentenced women inmates are actually serving sentences from 4 to 15 years.

• The figures for long sentences also seem quite important in Italy (42% for the category 5 years and over), in France (42% for the category 5 years and over), and in England and Wales (44% for the category 4 years and over). We should, however, note that in France, there is also a fairly strong proportion of sentenced women inmates who are serving "short sentences" of less than one year (28%). This proportion is only 15% in England and Wales; it is unknown for Italy but is certainly not very significant since no more than 32% of sentenced women inmates are categorized as serving "less than 3 years".

• The figure for "long sentences" is much lower in Hungary (23% for the category 5 years and over), where most sentenced women inmates are actually serving sentences from one to less than 5 years (53%).

• At last, this part of "long sentences" is especially low in Germany (9% for the category more than 5 years), where most sentenced women inmates are actually serving sentences of one year or less (55%).

2.4 (Sentenced) inmates: categories of offences

Data included in each national report regarding offences for which women are incarcerated are also very heterogeneous. We have no data for Germany and the data given in the Italian report seems to actually refer to "offenders sentenced to imprisonment" during the year 2003[7]. In other countries, data are either only related to sentenced women inmates (England and Wales 30/11/2002, France 01/01/2003, Catalonia, April 2003) or related to all women inmates (Hungary 07/07/2003).

In Catalonia/Spain and in England, the first category of offences for which sentenced women are imprisoned seems to be the category of drug related offences: 39% of sentenced women inmates are imprisoned for drug offences in England and Wales, and approximately 47% of sentenced women inmates are imprisoned for "offences against public health" in Catalonia (similar rates for Spain). The figure for drug related offences among the sentenced women inmates is much lower in France (12%) and likewise among women inmates in Hungary (less than 4%).

In Hungary, women are mostly detained for thefts or robbery (43%); these categories are also important in England and Wales (33% for thefts, burglary, and robbery) and also certainly in Spain (44% for the whole category of offences). In France, the figure for thefts and robbery is lower (22%).

In France, it seems that sentenced women are mainly imprisoned for "violent offences" other than robbery: 46% of them are detained for homicide, assaults, rape or sexual assaults[8]. These categories of violent offences (homicides and assaults) are less important in Hungary (23%) and England and Wales (17%). They are not mentioned in Spain (they may fall under the category of "others", only 3%).

The Italian data given on the breakdown of offences for "offenders sentenced to imprisonment" tend to show that, as in England and Wales and in Spain, "the violation of drug laws and crimes against property are, in fact, the main reason for women's imprisonment" (see Italian report)[9].

Whatever the definition of recidivism may be from one country to another, it seems that "percentages of recidivism" observed for women are always lower than those observed for men.

3 Sociological profile of women inmates

3.1 Age

In almost all countries, data provided in national reports tend to show that women inmates are fairly young, even if the part of juveniles under 18 (19 in Hungary) varies from less than 1% in France to less than 3% in England and Wales[10].

Concerning adult women, of data reported in all countries, more than one-quarter of adult women inmates are under 30 years of age. The figures for women ages 18(19) to 29 years are very important in England and Wales (50%), and to a lesser extent, in France (42%). This age group is less important in Germany (32%), Hungary (31%) and Italy (29%); in these three countries, there are more women who are between 30 and 39 years. Also, in these 3 countries, the percentage of women over 40 years of age is more important (33 % in Germany, 35 % in Italy and 37 % in Hungary) than in England and Wales (18 %) or even than in France (29 %). Nevertheless, in all the countries, more than 60 % of adult (sentenced) women inmates are under 40 years of age and are therefore fairly young.

3.2 Nationality / Ethnicity

Data regarding the percentage of foreigners among women inmates were provided in each national report[11]. In all "western" countries, this percentage seems to be important, since it varies from 17 % in Germany to 40 % in Italy; in all these countries, the over-representation of foreigners among women inmates seems to be (at least partly) due to the high percentage of women inmates incarcerated for drug related offences. In Hungary, where the percentage of women inmates incarcerated for drug related offences are very low, there is also a very low percentage of foreigners (less than 3%) among women inmates.

For the western countries, when data is given regarding the nationalities of foreign women inmates, they tend to show that important parts of those foreigners are coming from "former colonies" (60% from the West Indies in England and Wales, 35% from African countries in France, 25% from African countries in Italy[12], 63% from American countries in Spain) and/or

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[7] *Indeed, the total number of persons (of both sexes and all nationalities) is 211,514, which does not coincide with the total number of prisoners (about 56,000).*

[8] *Women are mainly sentenced as accomplices of their partner concerning sexual assaults perpetrated against their children; they can also be sentenced for failing to denounce violence or sexual assaults against their children.*

[9] *The same conclusion could also be drawn in France, when we consider data related to "entries" into prison (and not stock data): the figure for drug offences is 14 % and the figure for "robbery + others thefts" is 35%.*

[10] *Data regarding juveniles is unavailable for Spain and Italy. In Hungary, juveniles under 19 represented 2% of all women inmates and in Germany, juveniles under 18 represented 2% of sentenced women inmates.*

[11] *Except for England and Wales, where there was only a breakdown by ethnic group; the proportion of foreigners was found in a Home Office Publication on Prison statistics in England and Wales, 2002.*

[12] *In Italy, there are also 25 % of those foreigners who are coming from South-American countries.*

from other European countries (18% in England and Wales, 47% in France, 43% in Italy, 16% in Spain).

In most of the countries, there is no "official" available data regarding "ethnicity", since their legislation seems to forbid the recording of such data. Only England and Wales have official data regarding this topic: data related to prison population on 30/11/2002 shows that 24% of women inmates were black, 1% were south Asian and 5% belonged to Chinese and other ethnics groups. The percentage of women belonging to one of those ethnic minorities was much stronger among foreigners (82%), but was also quite important among British women (16%).

In Spain and in Hungary, surveys done by researchers (in the mid-90s) showed that, in both of these countries, an important part of inmates belong to the Roma minority: in Hungary, the percentage of Roma among all inmates seems to be at least 40 % and according to researchers, the percentage is the same among men and women. In Spain, the percentage of Roma among women inmates seems to vary between 25 % and 30 %, while it is less than 2 % of the total population of Spain.

3.3 Education level

Data provided in national reports concerning the educational level of women inmates are not really comparable. Nevertheless, all data and comments point out that most of women inmates have a very low educational level, that an important part of them have no schooling at all, and that in some countries, an important part of them have poor reading and/or writing abilities. We just want to present the reader here with some of the data and comments included in each national report (no data for Germany):

• In England and Wales, a recent survey showed that 74 % of women in prison had left school at the age of 15 or 16 and that 39 % had no qualifications; provisional data for 2002/03, regarding results for the basic skills assessment screening tests conducted among women inmates, showed that the proportion of women whose results were low (level 1 and below) in reading was 47 %, in writing was 74 %, and in mathematics it was 71 %.

• In France, 17% of women who entered prison during 2002 did not give any information concerning their level of education or were not able to evaluate it; 8 % of women defined themselves as illiterate, and 39 % of them declared that they had only received an elementary education. According to data collected on 01/01/2003, the proportion of illiterate women among female inmates is of 15 % and the proportion of women that have only an elementary education level is of 45 %.

• In Hungary, according to data collected on 07/07/2003, 5% of women inmates are illiterate or had not received any education; 20% of them received only an incomplete elementary education and 45% of them received only an elementary education.

• In Italy, according to stock data on 30/06/2002, 5% of women inmates are illiterates, 11% did not receive any education, 18% have only an elementary school certificate and 37% have only a middle school certificate.

• In Spain, according to a survey conducted in the mid-90s, 16% of women inmates are unable to read or write, 37% did not finish grade school and 23% only finished grade school; Roma women are those whose educational background is the lowest, since 60% of them are illiterate.

3.4 Previous situation in the labour market

Data provided in national reports regarding the women inmates' situation in the labour market before their imprisonment are neither very comparable, nor are they always well recorded (no data for Germany). Nevertheless, all data and comments pointed out that an important part of women inmates were inactive or unemployed before their imprisonment or were working in precarious and/or low-skilled jobs. Here, we present the reader with some data and comments included in each national report (no data for Germany):

• In England and Wales, a recent survey conducted among female prisoners nearing release showed that in the 12 months before custody, 10% of them were unemployed and not seeking work; 17% were looking after their home or family; 12% were ill or disabled long term; 22% were living off of crime: only 29% were employed. According to another survey, 27% of women inmates who had worked during the previous year had worked on a part-time basis, and 52% in semi-skilled or unskilled manual labour.

• In France, only 25 % of women imprisoned in 2002 said that they were employed before their imprisonment, while most of those women (53%) did not provide any information concerning their labour insertion before imprisonment and 22% said that they were unemployed or inactive.

• In Hungary, according to stock data on 07/07/2003, 37% of women inmates had no occupation before their imprisonment, 8% were unemployed, 6% had social aid for health reasons and 14% were working at home (children, household). The figure for seasonal or temporary workers was also quite significant (9%). Only 25% of women indicated an occupation before their imprisonment.

• In Italy, only 12 % of women imprisoned on 30/06/2002 said that they were employed before their imprisonment, while most of those women did not provide any information concerning their labour insertion before entry into prison (28%) or said that they were unemployed and not looking for a job (30%); 15% also said that they were previously looking for a job and 12% said that they were housewives.

• In Spain, according to a survey conducted in the mid-90s, 45% of women inmates were working before their incarceration in sectors such as domestic services, street vendors, and others; 29 % were housewives, and 11% were unemployed. Another previous survey found that 48% of women inmates were working in temporary jobs, 43% were housewives and 8% were involved in prostitution.

3.5 Family

Data provided in national reports concerning the family situation of women inmates are not always comparable either. Nevertheless, all data and comments pointed out that most women inmates are single, that many women are separated, divorced, or widowed… that many women inmates have children (especially children under 18), and therefore, that there is—or must be—a significant percentage of lone mothers among women inmates. We would like to present some data or comments included in each national report:

• In England and Wales, around two thirds of female prisoners are single; at least one-fifth were living as lone-parent-mothers before imprisonment; 66% were mothers with children under 18 years old; over a third had at least one child under 5 years old.

• In France, 60 % of imprisoned women are single, 11% are divorced or separated, and 2% are widowed. Only 27% are living with a partner (married or not). Since 46% of those women have children (31% have at least 2 children), the proportion of lone-parent-mothers is certainly important.

• In Germany, we only have data on the marital status of sentenced women: 41% are single, 23% are divorced and 5% are widowed. Only 31% are married.

• In Hungary, 31% of women inmates are single, 19% are divorced, 7% are widowed, 26% are married and 18% live with a partner. An interview-based research found that more than 50% of the 100 interviewed women had under-aged children, and two-thirds had two children or more. Another research found that 58% of all women inmates have children, and 24% have 3 children or more.

• In Italy, 41% of women inmates are single, 14% are divorced or legally separated, and 7% are widowed. Only 28% are married. Since 56% of women have children (42% have at least two children), there must be an important part of them who are lone-parent-mothers.

• In Spain, we have no detailed data concerning marital status but it is said that the ratio of lone women among women inmates is the highest one, and that an important number of married women are actually separated. A study found that 70% of women inmates had children.

Concerning the family situation of women inmates, the English, Hungarian and Spanish reports also include results of surveys that showed that important proportions of women inmates had suffered abuse before their imprisonment, either as a child, or from their partner:

• In England and Wales, half of the females interviewed said they had previously suffered abuse: 1/3 physical abuse, 1/3 sexual abuse and 1/3 both physical and sexual abuse. 40% of them had been under 18 at the time and another 22% had been abused as a child and as an adult.

• In Hungary, 1/3 of the women interviewed said that they suffered regular abuse as a child: 1/3 physical abuse and 50% sexual abuse. Another research on women imprisoned due to homicide or severe physical abuse showed that in 60% of the cases, the target was their husband or partner. About 50% if these women described regular physical abuse by their partner during the year(s) prior to the crime.

• In Spain, 38% of the interviewed women have admitted to being battered some time before their incarceration. 25% of the interviewed women were battered while adults, 17% during their adolescence and 7% during their childhood. In most of the cases, their husband or partner battered them. Lastly, 17% admitted to being sexually abused.

3.6 Drug addiction/(mental) health

Finally, several reports include data or results of surveys showing the importance of drug addictions and (mental) health problems among women inmates:

• In England and Wales, 10% of mandatory drug tests carried out in female prisons were positive. A psychiatric survey among prisoners found that 41% of sentenced women inmates and 54% women inmates on remand were addicted to drugs in the year before their imprisonment. The percentage of women inmates addicted to opiates (heroin and non-prescribed methadone) was of 23% among sentenced women inmates and 41% among women inmates on remand. Several indicators show that most of the drug addicted women also have to face major problems regarding their family, health, and social situation. An important part of women inmates also had mental health problems before their imprisonment: 40% of female prisoners had received

help or treatment for a mental or emotional problem in the 12 months prior to their entry into prison and 15% of female sentenced prisoners had previously been admitted to a mental hospital.

• In France[13], 13% of women entering prison said that they had psychiatric care or hospitalization during the 12 months prior to their imprisonment and 26% said that they were treated with psychoactive drugs. 32% of the women said that they had frequently consumed drugs (alcohol not included) during the 12 months prior to their imprisonment and 14% admitted to having used at least two different kinds of drugs. There were also 10% who declared they were HIV positive. After the medical examination done upon entry into prison, a specific psychiatric consultation was given to 16% of the women and a specific consultation for drug dependency was given to 9% of them.

• In Italy, on 30/06/2003, 21% of women inmates are described as addicted to drugs, 2% of them are described as addicted to alcohol and 6% are under methadone treatment.

• In Spain, the above mentioned survey conducted in the mid-90s among 300 women inmates found that 70% of the interviewed women had admitted to consuming drugs at some point. Alcohol was the most frequently consumed in 43% of the cases, heroin at 41%, cocaine 39%, hashish 34%, and pills 15%. Another survey found that 53% had drug addiction problems.

In Hungary and Germany, there is no survey regarding (mental) health situation or drug consumption of women inmates. Nevertheless, in Hungary, 25 women inmates are sentenced for so-called "forced therapy" and spend their sentence in a mental institution for prison inmates (IMEI Budapest); in another prison (Kalocsa), 27 women inmates are participating to a "healing and educational therapy", since suffering from diminished mental ability, personality disorder, or alcohol addict. In Germany, on 31/3/2002, 351 women (not counted among inmates) were placed in a psychiatric hospital or in privation institution "because of the ruling of penal judge".

Conclusion

In the six countries studied, women are far less prosecuted and imprisoned than men. However, their numbers among the inmates have tended to increase in several countries. Two factors seem to be decisive for their imprisonment:

• Women are sentenced more often than men for offences considered being rather serious— this notion of seriousness is applied at varying degrees to the different offences according to the each country. This explains the length of their sentences in several countries, like in Great Britain, in France, or in Spain/Catalonia, where more than 40 % of women inmates have a sentence of more than four years.

• Like their male counterparts, they are put in prison more when they are marginalized. In the six participating countries, a high percentage of women inmates had a low level of education, poor professional integration, and were single.

These two factors create a common situation between national realities, which remain, despite everything, relatively contrasted.

[13] *Data not included in the French summary, but added here. They are related to a survey conducted among (male and female) prisoners entering prison in the spring of 1997.*

Comparative report based on national reports' fieldwork findings

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Introduction

The MIP research set out to analyse in six European countries the processes that characterize women prisoners' life after release and to assess in-prison and post-prison integration measures as well as the impact of prison life on women's life after release. Even though among the six countries - Spain, Germany, England and Wales, Italy, France and Hungary – there are considerable differences in the legislation, criminal justice system, prison regulations and certainly women's prisons as well; the comparative part of the research aimed to identify key issues that proved to be valid across countries. This report provides a summary and a comparative analysis of crosscutting issues based on the research findings produced by the national research teams in the form of National Reports.[1]

Key Concepts of the MIP research[2]

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 instated—barriers to the 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 its mainstream definition. 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 emphasizes 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. Even though this comparative report reflects on the gender throughout the presentation of research findings, a separate paper[3] in the volume takes into account the research findings with the gender perspective as its exclusive focus.

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, lone-parent households and the increased casualty of female labour; and in many countries greater inequalities of income. Especially affected groups are: the unemployed; women heading lone-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 for 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 lone 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

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[1] *In addition to the short summaries in this volume, full National Reports are available electronically on the project's homepage at http://www.surt.org/mip*

[2] *The MIP research methodology and list of research hypotheses is included in the Appendix. The following section closely follows the theoretical background of the MIP project, written by a member of the Keele team from England and Wales, Pat Carlen.*

[3] *See SURT's paper on the gender dimension of the MIP research in this volume.*

punishable by 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 and 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.

Thus, the MIP project was launched under a theoretical framework, which worked with a very complex understanding of social exclusion in regards to women ex-prisoners. Even though the multiple dimensions of exclusionary processes are intertwined and mutually reinforced by each other, the MIP research aimed to improve our understanding as to the specific factors and patterns most characteristic to the primary exclusion of women prisoners in the given countries, as well as to the prison's contribution to furthering social exclusion or potentially, to the enabling of some women's integration. Throughout the research, the potential links between the various forms of exclusion were addressed as well. Thus, instead of asking how the prison impacts women's opportunities for integration after release, the MIP research aimed at understanding how the prison differently impacts various groups of women, depending, especially on their primary level of exclusion.

Chapter one of the comparative report introduces the patterns of primary exclusion identified among women prisoners, based on secondary data as well as data collected during the fieldwork of the MIP research. The research findings on prison's contribution to social exclusion/integration are summarized in chapters two and three. Chapter two considers the general impact of imprisonment on women's life and focuses on the losses and ruptures women experience, while chapter three assesses the integration-oriented measures applied in prisons. Chapter four summarizes research findings regarding women's life after release. The structure of chapters

follows the main research hypothesis of the MIP project, which is included in the appendix. The structure of the six National Reports follows the same logic provided by research hypotheses, thus, the corresponding chapters of national reports offer the detailed research findings in the six countries. The comparative report closely follows the national reports; all references to national data or research findings are available in the corresponding chapters of national reports.

1. Primary Exclusion and Imprisonment

The comparative report summarizes research findings related to the economic, cultural and political dimensions of social exclusion among women prisoners in the various countries and also introduces the specific forms of gender-related exclusion identified during the research. References to imprisoned women's penal characteristics will also be made where relevant. We will argue that taking into account all of these factors, meaningful patterns of social exclusion can be identified—as shown by several national reports—among the imprisoned women, as well as which patterns may influence women's experiences during imprisonment and after release.

1.1 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 small sample of women prisoners in the current research as well. While this particular report does not give an overview about the relevant national data on poverty and other exclusionary factors, it illustrates the importance of these factors on the small research samples. Thus, even though the following information cannot be considered as quantitatively valid evidence, its value lies in its illustrative power.

The great 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 emphasizes that in the German system this is proof of the fact that they had been already excluded from the labour market several years earlier.

The great majority of women interviewed during the research in Catalonia, 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 a 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. The Italian fieldwork for the MIP research has fully reinforced women's difficulties in the labour market—already prior to their imprisonment.

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 lone-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 the labour market, as well as lone-parent-families and level of education, suggest the growing problem. The report emphasizes 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 minimize the risk of exclusion. 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 emphasize 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 completed only the basic, elementary education. In terms of vocational training, the great majority of women either dropped out of vocational training or never started 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 the women mentioned early pregnancies and other family reasons among the causes for dropping out, in Germany the most frequent cause was early drug consumption. In fact, the French research also confirms early school drop-outs 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 an 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 a general truth, some women in prison have very high-level educational achievements. Both the Hungarian and Italian statistics indicate that while significantly more women prisoners are illiterate than men, more women than men have a university or college degree as well. Nevertheless, both reports emphasize that for the great majority of women with

very poor educational background, the current labour markets do not offer much. As a matter of fact, demand for unskilled female workers is down—in Italy, also influenced by the first wave of immigrants who filled such jobs—yet similar tendencies were reported from Hungary by the interviewed labour market agents.

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 prisoner population is of foreign origin. 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 criminalization of immigrants: the focus on street crimes makes immigrants especially easy 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 show 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 marginalization 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 so that foreign nationality and drug addiction in themselves are seen as causes of deviancy.

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. As we shall see, 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, and thus, often did not complete primary education, or had early pregnancies and thus family responsibilities. This often included the perpetration 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 70s, the industrialization and formalization 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 70s, segregated Roma settlements and urban ghettos continued to exist in the 80s—more and more associated with the drug dealing. 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 phenomenon 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 female 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, hence, they do not face stigmatization in their own communities, but certainly are heavily stigmatized 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, 'deviant criminal' women with the juvenile Romanians (who steal), and girls from the Eastern European countries (who are prostitutes). Thus, there seems to be a degree of overlap and there certainly is 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 emphasized throughout. In the German Report, the role of ethnicity in primary exclusion as such was not emphasized 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 the 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 proceedings.

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 in relation 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 heroin, although many used other drugs such as cocaine, alcohol, or pharmaceuticals, etc. The great majority of the drug addicted 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 crimes – 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 drug trafficking, 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 drug problem in Spain since the 80s 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 multiple use: cocaine and/or heroin for daily use, often accompanied by daily consumption of cannabis or alcohol. Most women started their drug careers as early as 13 or 14 years of age; many have used drugs for 10 years or more. Other research in Germany had revealed connections between a drug career and poverty, violence, auto-aggression and a lack of resources. It was found that those women are at a 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 or 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 were 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 at number one. 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 drug 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 the 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, drug 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-addictions 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 strongly increases 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 children/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.

1.2 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[4] 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. Pat Carlen 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.[5] 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 emphasize 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 90s, 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 a 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.

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[4] *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 a domestic violence-related crime. In Germany, domestic violence experiences were revealed in a life-story interview.*

[5] *A woman's story in the research in Spain revealed the direct link between her experience of sexual abuse and her involvement in prostitution*

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 French report especially emphasizes the importance of gender conformity in their lives. Women in this pattern in the French report often referred to themselves as mothers and/or wives and many acted as "submissive wives". 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.

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 about dependence. Yet, we will suggest that these interpretations are actually not incompatible with each other.

One particular example for women's dependence on male partners was already mentioned above: victims of domestic of violence are usually (made) dependent on their partners—and, as mentioned above, may be forced into crime or used 'voluntarily' as accomplices.

Not only women who are victims of domestic violence are used for such a purpose: many reports list examples for women acting as accomplices 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 demoralised 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 emphasizes 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 addicted/ 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 these women are economically responsible for the survival of their families, they do not necessarily dominate in the power domain: 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 sometimes very strongly emphasized in women's narratives, and certainly so in the agents' perception of 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 fundamental importance in their lives. Good mothering was defined above all as not letting children into state care, and it involved a 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 their first and foremost responsibility. In the 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, the agents' discourse on women's needs was mainly related to motherhood, the National Report of England and Wales emphasizes that the various aspects of women prisoners' primary exclusion and women prisoners' needs had been recognized in a range of research studies and also in official reports largely from the 90s. 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 a change at the level of her 'beliefs'. Pat Carlen 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.

1.3 Summary on 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 did allow, 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 drug 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 (possibly 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, or cultural) become 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 they 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 battered women. Motherhood remains to be the one and only legitimate gender-specific need of women prisoners named by agents in most countries.[6]

The French Report takes the above-mentioned dimensions of exclusion further and develops three patterns as ideal types. The Report emphasizes that even though women in general have lesser chances for incarceration than men, due to still powerful gender representations and positions in the social structure, there are two groups of exceptions among women. Firstly, these are women who commit serious crimes—regardless of their social positions—and secondly, women who present socio-penal characteristics similar to the traditional 'male penal customer' from disaffiliated social groups, regardless of the actual crime committed. Women in situations of multiple exclusion most resemble the typical male delinquent, the 'penal customer': recidivists, drug addicts, marginalized people; thus, these women are likelier than others to become penal customers themselves. Women in the second profile – 'the normal criminal women'- were relatively well adapted to some form of social integration and conformed to gender roles, yet often they were victims of male violence or accomplice in crime committed by their partners. Generally they were imprisoned for the first time, and due to a relatively serious crime (murder, child abuse, or drug trafficking). Lastly, women in the third profile – 'out of norms/out of gender norms' - did not conform to mainstream gender roles, and were often well integrated: they demonstrated strong professional integration or strong cultural capital. These women were always imprisoned for a serious crime.

The three profiles thus provide a framework, which combines social characteristics (degree of social integration/exclusion) with penal characteristics (recidivism, seriousness of crime, etc.) and with gender (conformity/non-conformity) – and offers an integrated approach to comprehending and analysing the different trajectories of the women. As we shall see, imprisonment is likely to impact the various groups of women differently.

2. Exclusion by Prison – Institutional Context

Introduction: Agents on Prison's Dual Function

In this introduction, we focus on presenting data from agent interviews regarding the dual function of prisons and barriers to reintegration, while women's actual experiences on imprisonment will be discussed in part I of this chapter. Part II addresses a specific issue: the consequences of the minority position of women's imprisonment.

Before discussing 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 for 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 the case of women's prisons in particular, due to a lesser emphasis on security needs. The English report especially emphasizes 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 the 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 it was the agents in England and Germany who were more explicit about airing their critical opinion about the sufficiency of 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, quite frequently remain very supportive of the principles of reintegration, in actual reality, the security imperative controls most of the budgets and personnel in prisons. Other barriers to reintegration discussed by agents will be included in later parts of the report.

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, in the MIP research we 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.

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[6] *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' of women prisoners, agent interviews revealed awareness of various other aspects of women prisoners' needs and lives.*

Therefore, our findings are necessarily 'gendered' – although we would not be able to determine exactly the extent to which this is so. Thus, instead of arguing that women suffer more than men from e.g. the loss of contact with their children, we 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.

a) Ruptures and Losses

Prison Entry 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 is 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 the women reported racist behaviours 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. (Although examples of humiliation were, as will be discussed later.) A unique perception of prisons as 'safe havens' 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 emphasizes 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, emphasized in most reports – made especially difficult by large cells and overcrowding in the case of Hungary.

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

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 the women and agents less frequently emphasized such losses, 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 emphasized by all country reports as a major source of pain in prison for the women. In fact, many of the women considered primarily their children and possibly their parents as family, only in fewer cases, their partners. As mentioned in the first chapter, many imprisoned women are actually mothers[7], and motherhood was featured as a topic of fundamental 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 a mother, and feelings of guilt were especially strong, as evidenced by all national reports. The interviewed mothers readily expressed their worries about their children, often related to the ultimate fear of children being placed into

state care. Some mothers preferred to conceal from their children that they were in prison, while others did not want the children to see them imprisoned, or believed that it was more painful for the child to see their mother so infrequently, and thus, gave up visits by their children, although these were usually the exceptions and most of them preferred to see their children. 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 also especially their children would suffer from the separation. Actually, women feared that children would also suffer if they were 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 keeping in contact were addressed. Also, difficulties in access to children in case of domestic violence incidents were reported, as well as Roma drug addicted women who were 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 feelings of guilt.

In summary, we must emphasize 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, feelings of guilt, worrying and experiencing failure—in spite of which most women continue to feel for and act with responsibility toward their children.

b) The Impact of Imprisonment on Social Contacts, Networks

As noted above, in most cases, the imprisoned women defined children and parents, rather than partners as 'family'. In fact, while of course not all women who entered prison had a partner, from those who had, contact with partners was maintained in some cases, and in other cases, partners, or less often the women, broke off the relationship. Generally speaking, women's approach to their partners was rather pragmatic, as noted by the Italian and Hungarian reports. It is the parents—and especially, the mothers—who maintain contact and offer support for their imprisoned daughters and help out with the children. The majority of reports confirmed this finding as well. While some women stated that family ties have become stronger because of their imprisonment, in many cases family relationships suffered and in a few cases, were disrupted. Often, friendships suffered even more - in some case women believed that only their best friends continued to support them and even that proved to be difficult. In a few cases, women decided to break the relationship with their 'criminal' friends, especially in case of drug-related circles.

The development of relationships with family and friends is certainly influenced by prison regulations regarding visits (to the prison, or home from the prison), communication (telephone, correspondence), the type of regime (closed/open, high-security/low security, etc.) and special measures to encourage the maintenance of relationships. Without a detailed analysis of all these measures in the six countries, a few key points will be made that seem to be relevant in a comparative perspective.

[7] *According to data from secondary sources, in Spain 70% of imprisoned women have children, while 66% of women prisoners in England and Wales have children under the age of 16, and it is estimated that at least 50% of women inmates have children in Italy.*

In several countries, only some of the women in our research had regular visits - while a number of women did not have any visitors at all: e.g. in Italy a significant number of the women did not have any contact with relatives. In the Italian case, receiving visitors by immigrant women is especially difficult, either because their families are not in Italy, or because they do not have official documents. Furthermore, since mobile phones cannot be authorized, and often foreigners—especially the Roma—do not have regular phones, keeping in contact is essentially disabled in their case. However, the German research showed that the majority of the interviewed women had regular contact with their families, either through visitors or one-day weekend visits home. The financial burden of long-distance calls from German prisons is mentioned as a difficulty for foreign women in prison.

Perhaps the most important barrier to having regular visits is presented in all countries by the distance from home due to the financial burden, the time, and the difficulty that travelling involves.[8] Since the great majority of women come from poor families, regularly financing lengthy trips for several family members is a luxury many cannot afford. There are examples for women's prisons, which physically could not be visited by women's families if they wanted to return home the same day by public transport – and certainly could not afford the hotel costs. In the case of Hungary, Spain, and Germany, several women's prisons are located far from urban centres, locations to which public transportation is especially problematic. In such prisons, women asked frequently for transfers to other prisons in better locations – which were likely to be overcrowded. The French Report notes that some women sentenced for long imprisonment ask to be left in the local prison, closer to their families, even at the cost of giving up the better conditions (e.g. open doors), that they would receive at a more distant detention centre.

Although there are variations among the countries, and also among the prisons of each country in the amount and duration of visits (approx. from once a month for two hours, to four times a month for one hour) and also, in the availability of appropriate visiting rooms, it must be noted that in our research it was not the regulations on the frequency of visits that posed the biggest barrier against the visits. At the same time, strict regulations on the use of phones, the financial burden of phone calls, and in some cases, the lack of infrastructure, posed difficulties in the use of phones, as discussed in several reports.

In terms of the type of regime and special measures applied to encourage contacts, a few examples are worth mentioning. The German Report introduces the measure of one-day leaves for housewives, who can go home during the day and take care of their children or ill family members. In Hungary, the few women who received the so-called Lenient Executive Rule were entitled for a monthly weekend-visit home. All of the women appraised the positive impact of LER on their family contacts, and in general, on their continuing relationship to the world outside and stated that LER greatly facilitated their reintegration through the maintenance of social contacts. While the Spanish Report appreciates the value of the 'third degree'—which in an open regime allows for the inmate to work outside the prison during the day—it notes the difficulties of implementation. While the appropriately located prison in Barcelona has been overcrowded, other prisons in the countryside are inappropriate locations: these do not offer any work or other activity to participate in outside the prison. Because of the same countryside location, several of the theoretical benefits cannot be used in the case of the low-security Hungarian prison in Mélykút as well.

All reports emphasize 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 emphasized that particularly those women with lengthy sentences suffer from a loss of contacts.

In summary, 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 in the women's ability to maintain 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.

c) 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, often depending 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 the next; thus, women may be involved in various deals and trafficking, and sometimes may be locked up due to disciplinary failings. The Spanish report describes a similar pattern of 'penal customers'—usually drug addicted women with poor health 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 for gaining benefits. A strategy of withdrawal/submission was also identified among women in the 'normal criminal' pattern in the French research.

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[8] *This is linked to the fewer number of women's prisons, and is one of the most important consequences of the structurally weak position of women's imprisonment, to be addressed in section II in detail.*

In short, a significant degree of adaptation—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 individualized 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 one hundred inmates on average, individualized treatment is hardly possible. Another crucial difficulty is that educators' disciplinary and 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 emphasized 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, and that 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.

d) 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 stabilization of their health condition. In the German research, the majority of the women who suffered from addiction stated that their health condition improved during imprisonment, and that imprisonment had a controlling and limiting affect on drug taking. The Spanish research also reinforced the potential improvement in health condition of drug addicted women. Yet, 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.

The Spanish Report points out that integrated programmes must be supported which embrace both physical and psychological aspects and future impact of drug consumption on the women's health. The Report argues that currently there is a contradiction between treatment and punishment principles that influence drug treatment in prisons, since currently in Spanish prisons; drug consumption continues to be punished. According to the Report, the current contradiction must be resolved, the reality of illegal drugs in prison should not be denied, and treatment should be changed accordingly. Currently in Spain, health treatment in general, as well as methadone programmes belongs to the national health system, while other programmes

are run by the penitentiary system. In France and Italy, the drug treatment and health service in general belongs to the National Health Service, rather than to the penitentiary system. Yet as the Italian report notes, especially the treatment of drug addicts remains to be a source of conflict between the two ministers. Several reports point out that there are very significant differences in the level of drug treatment available among prisons in the same country.

The French Report refers to the experience of a doctor who talked about prisons being an excellent site for young doctors to meet pathologies that have otherwise disappeared from developed countries. In the Hungarian research, there was an example of a woman receiving a quality health treatment for her chronic and serious health problem that she did not receive prior to prison – similar examples were mentioned in the English research as well. However, many other women who did not suffer from untreated diseases or addictions believed that their health status remained the same or actually worsened during imprisonment. In the Hungarian research, several women with longer sentences talked about the illnesses developed during their imprisonment, and examples of maltreatment were recorded as well. Illnesses developed due to bad hygiene and from other prisoners were mentioned in the French report. While reports argued that the medical provisions and service in prisons are generally appropriate, interviewed women pointed out the delays in medical service, or inadequate quality of medical examinations, or inattention from medical staff. The Spanish Report points to deficiencies in attention to gynaecological problems due to lack of personnel resources.

In summary, while healthcare in prisons brings a clear improvement for some women – in particular, for women with drug addiction or chronic diseases – for many others, time in prison does not bring any improvement in health status, and it may lead to the development of illnesses.

Mental Health and Therapy Needs

As mentioned above, addiction-related issues should be treated in an integrated approach, thus the division between physical and mental health is not quite appropriate in the case of addiction-related problems. However, in the MIP research it was found that with very few exceptions, such integrated approach to addiction or other health problems is not available in most prisons. In fact, emphasis on medication in access is mentioned by several reports, and so is the lack of emphasis (and resources) dedicated to therapy. There is no therapy for alcoholics 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 victimization, 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 in separation from their children) 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.

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.

e) Summary: Differentiated Impact

While certain prison deprivations necessarily impact all women in prison, our research evidence supports the notion that mothers in prison suffer, especially due to the separation from their children.

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 backgrounds 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 only a few exceptions, we must conclude that insufficient attention to mental health problems and therapy aggravates existing health problems.

2.2 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's prisons compared to men's prisons in access to budgets, programmes, work and training opportunities, and general attention. Most national reports confirm that the small number of women prisoners—4 to 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.

As discussed earlier in this report, distance from home constrains women's ability to maintain family and other ties due to the excessive financial, temporal and physical burden. This problem is linked to the fact that there are fewer women's prisons, thus distance from home is often considerable. As we saw on a French example, 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 organizations and individuals involved in reintegration after release (local authorities, NGOs, employers, etc.) work at a local level, thus, in the 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 programmes 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. In France, women's prisons are strongly concentrated on the Northern part of France, especially significant is the concentration of 'establishments for sorrow' (special kind of prison): three of the four such prisons for women are situated in the North. The fourth prison actually does not accept women with sentences above 7 years – thus all such women prisoners must be placed in the North. 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 without opportunities to 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 emphasized in case of open or flexible regimes.

Overcrowding of women's prisons was described as a key problem in all reports, an issue also often found in men's prisons. Overcrowding is a problem in 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 programmes and activities. England and Wales' Report has identified overcrowding in women's prisons to be one of the key barriers against the implementation of integration-related programmes.

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 professionals' most frequently identified reasons. Overcrowded prisons were also very frequently named as a key difficulty in reintegration-related efforts. Agents in all countries with a strong emphasis mentioned such budgetary and personnel constraints to reintegration-related work. 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 wings in men's prisons was addressed in several reports, since in all countries there are examples of both types of women's prisons. Based on the MIP research, the conclusion is that women-only prisons generally are more beneficial for the women inmates. As the Italian report argues, women-only prisons take advantage of their independence in organizing 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 it also emphasizes women's limited access to services in men's prisons. The Spanish Ombudsman Report presents the disadvantages of women's wings in men's prisons: poorer infrastructures, limited activities, fewer jobs, and poorer medical treatment. The Italian Report also points to the limited sports, social, religious, educational and recreational activities available to women in men's prisons. Such disadvantages influence many women prisoners: e.g. in Germany, about half of the women are located in men's prisons, but the Italian numbers are also telling: there are seven women-only prisons in addition to which women can be housed in 63 male prisons.

Yet, there are large differences among the various prisons within the same country – as many reports point to the consequences of decentralized 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 facility. The Italian Report notes the prison director's role in achieving cooperation 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 it cannot be altogether declared that women prisoners are disadvantaged. 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 English and Welsh Report argues that due to the past years' efforts invested in research, awareness-raising and projects by spezialised units such as the Women's Policy Group, and the Prison Service's Women's Team, women's prisons are less disadvantaged than they previously were. Generally, there is an official recognition that women prisoners' needs are different, and targeted projects and efforts are launched to improve the position of them, even including 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, programme proposals, etc. in England show a significant degree of awareness regarding women prisoners' disadvantaged positions and women's needs, this is not reflected in the 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 emphasizes, 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 emphasize the child's socialization, 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 with 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 in very few locations, raising problems of access and distance. In addition to mother-child units, early release is possible for mothers with children under ten years of age in France, house arrest for women with children below the age of three in Italy; yet in both cases, several conditions have to be fulfilled. Women

with children below ten years of age enjoy better visiting arrangements in Spain, and in Germany: weekend-visits and one-day leaves can be granted for mothers to 'work' at home with their children during the day.

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.

3. Reintegration-Oriented Measures in Prison

While reintegration appears as a general objective of imprisonment in national legislations, there are a few areas of prison life that are primarily responsible for delivering reintegration-related purposes. It is primarily work, education and training which are meant to supply useful practices and skills for life after release as well. In addition to these areas, in this chapter, measures related to in-prison preparation for release will also be discussed.

3.1 Work

Even though in several countries legislation has moved away from interpreting work as an obligation towards discussing it as a right of prisoners, as the national reports point out, work in prison can hardly be fully interpreted as a right. Firstly, work is defined as the expected standard behaviour, deviation from which must be explained and may lead to disadvantages; thus, work and non-work cannot be really chosen freely as a right. Secondly, if work-related rights are regulated by Labour Codes, prisoners' employment rights are never quite ensured: prisoners do not have a written contract, access to unions, or the ability to go on strike. Not only work-related rights are curtailed, but access to work-related social services and benefits is also limited, e.g. access to unemployment benefits and social security-related services in some countries, in Hungary for example.

Nevertheless, work in prison is strongly associated with reintegration, both in the penitentiary legislation and in agents' discourse. Some of the interviewed agents talked about the value of prison work for training people to follow rules, schedules, and perform according to expectations, while many emphasized the value of prison work for prisoners as a source of revenue and a way to pass time. In fact, the interviewed women only emphasized these two benefits of working in prison, but were often very thankful for getting out of their cells and making a little money. As we discussed in the first chapter, the great majority of women and their families came from poverty, thus they need the money to secure basic items for themselves, to stay in touch with their families on the phone, and in many cases, even for sending money home. As we shall see, it is an admirable achievement in most countries given the very modest level of remuneration in prison.

However, currently work is not ensured for all women inmates in the studied countries. While almost 60% of women prisoners work in Hungary, only about 33% of women have work in Italian prisons, and 40% of the inmates in French prisons, and as little as 13% of women prisoners (with a drug addiction problem) in Spain/Catalonia. In England on the other hand, almost 90% of women surveyed in 1999 had at least one job during their imprisonment. While

in most countries interviewed women explained that they wanted to work, as many said: it does not matter what—any work will do—several women refused to work among those interviewed in Germany. However, other data from Germany suggests that in a Bavarian prison 23% of the women, who must work, are without work and have to stay in their cells.

The range of work available for women inmates was predominantly unskilled and focused on traditional women's work: mostly on housekeeping jobs (cooking, cleaning, laundry), assembly-line work: light factory work or packing. Such jobs clearly do not develop the skills or competences of the women; neither do they prepare them for new challenges in the labour market. If anything, the jobs only reinforce what they are 'worth'. Yet exceptions must be mentioned: in some German prisons and in England, a more varied range of jobs was available for women. However, as German experts noted, the standard jobs also in Germany continued to be cleaning and assembly line jobs, while in England, the availability of the range of offers was found to be patchy.

Returning briefly to the minority position of women's prisons, it must be noted that women imprisoned in men's prisons were found to be in an especially disadvantaged position. Either it was explicitly stated that in access to work, men enjoy a priority over women due to perceived differences in productivity (e.g. in a French prison), or women were doing the housekeeping while men had access to other work. In addition, for women in smaller facilities, it proved to be especially difficult to develop a range of work opportunities due to small numbers and lack of economies of scale. Lastly, women's prisons situated faraway from cities, often only provided housekeeping jobs or seasonal agricultural work – and certainly were not able to attract employers or organize women's access to work outside prison. Indeed, working outside the prison would be a major step in preparing a smooth transition towards life after release and reintegration. While in most countries the legislative background is there to allow work outside the prison, as long as women are employed in the above-mentioned areas within prison walls, only a very narrow segment of women prisoners can benefit from the theoretically available measures. While with the permission of the prison directors many women even from closed regimes could have access to work outside, this is realistically not happening. Open regimes would be especially suitable for allowing women's work outside, as well as special measures and licenses as day-releases in Germany, the 'third degree' in Spain, LER in Hungary, or community placements and other licenses in England would make a real difference – if they were broadly implemented. Among the interviewed women in the MIP research in England, actually two 'lifers' worked outside the prison in the last year of their sentence during the day and returned for the nights – the women were satisfied with the arrangements that facilitated their gradual return after their long sentences. Yet they were among the very few exceptions in our research of women who worked outside the prison.

There are important barriers against the appropriate use of prison work that must be taken into account. Short sentences are very typical in certain countries among women prisoners: half of them serve up to nine months in Germany and an average sentence length is ten months in England - which clearly is a barrier to work, but also to training and preparation for release as well. Lack of previous work experience is also a common problem, yet drug addiction often furthers complicates this, as again was especially emphasized by the German and English reports. Although gradual occupational therapy is available in Germany, budget cuts make its application problematic in experts' view.

Remuneration of work in prison is set at levels far below the wage level outside, in most countries below the minimum wage as well. There are significant variations in the system of wage setting as well as in their actual value. In Spain and in Hungary, women in prison are very poorly remunerated and as the Spanish report emphasizes, women prisoners' remuneration is not only very poor, but it is significantly worse than male prisoners'. Yet, interviewed women in Germany,

England, France, and Italy also addressed the very little wages they get for their work. An underlying problem is that such wage levels contradict the basic principles of work defined in the Labour Codes (e.g. equal pay for equal work). Indeed, in some countries criticisms were voiced about such a relative application of Labour Codes. From their low wages women often pay various deductions and contributions: in some cases for prison upkeep, or for tax/social security in Hungary and France. From the remaining money, women purchase basic items for themselves in prison shops, and many still send money home to families in need or spend it on calling relatives; thus, women cannot make savings from such wages for their life after release. As the German report points out, women who already struggled with debt are not able to stabilize their situation and may accumulate further dept through the rising interest rates. The interviewed women in all countries clearly expressed that their remuneration was inadequate, however, most of them accepted it with resignation.

Another important aspect of prison work for reintegration, the acquisition of marketable skills, was already referred to: most jobs available in prisons for women are unskilled, traditional women's work; thus, they do not contribute to women's skill development. In fact, women with prior skills are often not able to maintain them due to lack of appropriate practice: only a quarter of these women could actually apply their skills during their imprisonment in England.

As a result of the above-mentioned significant shortcomings found in many countries in the area of prison work, several reports emphasized that this may further reinforce patterns of primary exclusion. Women with higher levels of education, skills, and assertiveness were able to acquire the (better) jobs in Hungarian women's prisons. Women suffering from multiple disadvantages were more likely not to have access to work or only to poor quality work with adverse effects to their health. As the French report notes, women from such families are so much in need of work, that if they must choose between work and training in prison, they certainly choose the former. The necessity of choice between work and training was also found in Hungary, which, according to an expert, should be resolved through part-time work in prisons.

In summary, 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 organizing 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.

3.2 Education and Training

Given the very serious educational and professional skills deficit found among women prisoners in all countries, a natural minimum priority would be the focus on providing basic education for all, as well as vocational qualification in a marketable occupation. These educational objectives are spelled out in national legislations and enjoy a widespread awareness among the agents interviewed. It should be noted that the need to acquire both basic education and professional qualification is absolutely necessary for a labour market entry in the regular economy, where increasingly, vocational qualification certificates are required for most jobs in most countries. Also, increasingly, basic computer literacy is a standard requirement in any job, and job search itself had become a skill that people must possess in order to find work. Familiarity with the language of the home country should be considered as a prerequisite for not just labour, but in

general, social integration.

Providing primary education to all prisoners and focusing especially on the elimination of illiteracy was reflected in all country reports as a priority for education in prisons. In some countries primary education was compulsory for those without such qualification, yet it was enabled and encouraged in other countries as well. The research could not assess the actual impact of these educational efforts, however, primary education was found to be available for women inmates. It should be noted that even if basic literacy can be achieved, some women have educational deficits which makes even the completion of primary education a challenge especially in the traditional school system where it takes years to complete grades and materials do not adjust to adult learning needs. In some countries it was found that women without completed primary education cannot qualify for vocational training – which excludes a number of women from access to professional qualifications e.g. in Hungary. A more flexible, so-called modular approach to education was applied in some prisons in Germany (EDP qualification), which enables people with short sentences to start certain modules at flexible times, and if necessary, proceed with other modules after release.

Even though some vocational training courses were offered in all countries, the range of courses as well as their availability showed significant differences both according to country as well as from prison to prison. The limited availability and selection of vocational training courses was specifically addressed in the case of Hungary and Italy. Even though the system of vocational training for women prisoners is more developed in England, the actual availability of educational offers was found to be patchy. In many countries and prisons, vocational training for women prisoners focuses on traditional female occupations e.g. cooking, cleaning, textile -or leather goods manufacturing, waitress, and barmaid. The few exceptions included courses in computer graphics and desktop publishing in Germany and Italy. It must be noted that both reports explicitly underlined that such a vocational skill proved to be very useful for reintegration: women who had gained such training and experience in prison managed to find work after release. With the exception of these few women, however, many others did not believe that the completed vocational courses improved their skills or their labour market potential and considered the courses as an opportunity to pass time.

Language courses for foreigners are provided in many German prisons for women, and there are also special programmes available in Spain and France. Interviewed women in France talked very appreciatively about the value of such language programmes for their social integration.

Courses for basic computer literacy (and other computer-related courses) are available in many women's prisons in Germany, and in some cases, in Spain and Hungary. In France, researchers found that an introduction to basic computer skills had been integrated into all vocational training programmes, covering office programmes, and an introduction to multimedia and internet. In England, developing the use of modern technologies was one of the tasks of the Prisoners Learning and Skill Unit set-up in 2001. Despite all these advances however, the use of internet and other computer-related applications cannot be considered natural in all prisons due to the security argument some prisons are reluctant to encourage the use of computers, especially, the internet. Through the use of computers, not only basic computer literacy can be gained, but also access to several other modular training programmes becomes possible, in addition to new methods of learning opening up, e.g. e-learning/distance learning. This is especially important for women's prisons, where small numbers, and thus, group sizes, lack teachers; this, along with overcrowding, are important restrictions to courses which can all be overcome by an intense use of such technologies. Interviewed women in Catalonia believed that the computer training was indeed valuable for them.

Access to medium and even higher education is enabled in most countries, however, it is very exceptional among women prisoners e.g. in Hungary, and regulations regarding access to university education from prisons are unclear. During the fieldwork in England, two of the women interviewed—both imprisoned for very long sentences—revealed that they gained degrees in social science during their imprisonment. Access to medium and also to higher education is possible and is rapidly growing in France, although the latter only concerns a fraction of inmates. While further education and higher education can only be an option for a minority of women inmates in all countries, there are women with basic or medium-level educational backgrounds who often serve long sentences. For them, obtaining a degree would bring a meaningful occupation for the years in prison and access to better jobs in the future.

As mentioned above, some of the barriers to education are related to the general problems found in prisons (e.g. overcrowding or frequent transfers), and are often linked to the minority position of women's prisons and prisoners. Scheduling problems due to competing demands between education and work or other activities are an issue in several countries. Women in mother and child units often have no, or limited, access to education/work due to limited day-care. The French Report reinforced that the women in women-only prisons have better educational offers while programmes for women in men's prisons are fewer. These, indeed, are very strong barriers in most countries that limit good intentions and even the delivery of good plans and educational offers. Financial constraints and budget cuts were also addressed in most reports. Other limitations are linked to the penal characteristics of women prisoners, most importantly, to their short sentences, as referred to above.

Challenges of coordination and quality assurance of educational programmes both at the national level and at individual prisons were addressed in some reports. While in several countries, Educational Ministries and Justice Departments or prison authorities are jointly responsible for educational programmes in prisons; this cooperation is problematic in Italy, while it proved to be workable in France and the UK. In both of the latter countries, a dedicated organization was set-up, in the form of regional pedagogical centres in France, and the Prisoners' Learning and Skills Unit in England. These bodies have a strategic-conceptual role as well as a quality assurance function, without which education in specific prisons would be left entirely to the discretion of individual teachers, often volunteers: an issue found to be problematic in Italy. Lack of concepts, systems, quality assurance, and monitoring was found to be an issue in Hungary as well.

Yet, even if such national bodies and structures are in place, coordination at the local level may still produce vary different results in various prisons, due to the need to co-ordinate state actors and volunteers, and manage limited space and financial resources. A key aspect of coordination to be done at the local level is related to building relationships with schools, NGOs, and especially employers, as well as with agencies involved in women's lives after their release. An example for prisons' taking an active role in building such networks is presented by prison Hahnhöfersand in Germany, where a so-called 'company contactor' position was created. This person collects information on educational and training programmes, on demand on the labour market, builds relationships with job centres, companies and provides individual help for women to be released. Also, the 'company contactor' continues to help the released person, which ensures continuity.

In summary, 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 benefit from 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 it. Women, who already possess basic educational qualifications,

currently have some, although varied, access to vocational courses or further general education. As noted, the variety of possible courses is limited and often remains centred 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 of 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 by the authors—about forming realistic expectations regarding the actual possibilities in training and education or prison work. It was emphasized that prisons will not be able to compensate for all educational and skill deficits.

3.3 Preparation for Release

Supervision and Guidance, Individualized Treatment

'Preparation for release' in the broadest sense includes all reintegration-related activities addressed so far in chapter 2 and a general attention to inmates' individual needs, a process that is meant to start at the time of entry into prison. In fact, legislation in several countries reflects this broad interpretation of preparation for release through introducing the requirement of drawing up development plans for inmates, to name one example. 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 prisoners' involvement. 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 cooperation 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 were aware of the existence of development plans, and agents also confirmed that plans are often neglected or not prepared at all due to overworked 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 programmes and employment. However, apart from such exceptions, generally our research found a significant lack of individual attention to women's development needs during imprisonment. Overworked personnel were named as 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-therapy institution apprised positively the help they received. They emphasized 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 former, in

English prisons 'offending behaviour programmes' are available; recently a woman-specific version of the programme was rolled out. These are criticized for their exclusive focus on psychological (re) programming. In other countries, no organized efforts were identified to support coping with crime-related processing, domestic violence traumas, or other damages related to deprivation or family ruptures, for example. 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 emphasizes 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 the personnel who are overworked. 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 determines 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. A move to a lower 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 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 they were actually released, 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 an open regime.

Women in some cases had access to programmed leaves, during which, accompanied by prison personnel, they could familiarize themselves with the environment or engage in activities with organizations. Short leaves home in order to facilitate women's gradual readjustment, as well as the reestablishment of social contacts and practical preparation for 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 organizing other aspects of life after release. In England, prisoners may ask for a day release in order to attend housing or job interviews. In Catalonia, agents critically evaluated similar one-day permits issued at the end of the second-degree period, as they do not effectively allow for taking up jobs due to the conditions of imprisonment. Agents emphasized the need to have follow-up and ongoing support for women, which act as a 'bridge' between the periods in prison and that after release. Based

on the MIP research 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 be suffice 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 theoretically 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 of daily work/training activities organized 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 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 since 1992 to organize 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 organized on job search techniques. In Spain, no orientation towards the labour market or job search was organized for the women as part of the vocational training courses (with the exception of a special DAE unit). On the contrary, in Germany, social competences are integrated into vocational training courses into the Vechta prison, and in some prisons, courses are available to improve job search skills. However, prison agents argue that still not enough social training programmes are run due to budget cuts. Indeed, the German Report emphasizes the lack of an adequate number of social training courses. In the UK, more comprehensive programmes 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 behavioural/drug/alcohol/sexual problems, and in some prisons, job clubs are organized to assist prisoners in looking for jobs and prepare them for interviews. However, despite the generally good provisions, interviewed agents pointed to several shortcomings also in England. There are not enough gender-specific programmes 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 work is often perceived to be not the responsibility of prisons, but that of other agencies such as parole officers, NGOs, job centres, etc; and mainly, that of the prisoner.

Prisons often see their role in providing information, contact, and meeting opportunities for the various actors. In Hungary for example, probation officers organize 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 cooperation with probation and other agencies including NGOs, the important period of transition and preparation for release remains as a 'grey area' in terms of responsibility and ownership among the various agencies. Yet, in the case of Germany, the cooperation 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 jobs or orientation to jobs or 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 coordination 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. One example, the so-called company contactor in a German prison was already mentioned. 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 authorization for making arrangements. Women who are not granted one-day leaves, and have no access to the internet (as is the case in many prisons), or the ability to communicate freely with any individual or agency they wish, can hardly organize their life after release from prison.

In summary, training and counselling measures for release of women prisoners are in most cases insufficient, uncoordinated, and not individualized. 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 any group responsible for it. 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 programmes are available, budget cuts and lack of personnel cause permanent problems in the actual execution of such programmes.

Barriers to Preparation for Release

In addition to the insufficient financial and personnel means available for prisons for such purposes, the interviewed agents identified other important barriers to preparation for release. Especially prisons with a larger regional or national coverage face the problem of having no contact with the agencies and organizations 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.

4. Life after Release from Prison

Although this chapter belongs to the core of the MIP research, this is the topic where differences in the emphasis, contents, findings, as well as the issues addressed among the national reports were most tangible. This diversity has a few reasons, which we felt was important to be pointed out in this introduction. Firstly, while as the authors of the Report of England and Wales remark that a prison is a prison is a prison, yet the diversity of both the larger social context, as well as the institutional setup after release introduce great variations into the experiences of the women after release. Secondly, the differences in the fieldwork that characterized the period after release[9], also led to a different type of data and thus an analysis of data towards differences in the emphasis of reports. Nevertheless, key aspects of women's life after release as well as findings about the institutional support emerge in all reports.

4.1 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 imprisonment: depression, insomnia, and a strong desire to return to the daily routine of prison. The women and agents noted the notion that many women develop certain mistrust towards others, but also especially state institutions, in several countries. 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 organizing 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, as discussed in chapter 2, most survival strategies in prison must necessarily build on submission and/or withdrawal.

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: securing housing, regular income, heal relationships with and provide for children or other dependent family members, and break relationships with drug, related neighbourhood, and friendship circles. Before addressing the items on the list, it must be emphasized 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 many 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 idealized 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. As noted in chapter 2, women in prison often develop a strong feeling of guilt 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. Our 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 energy goes into repairing such ties. Thirdly, women often have to spend a considerable amount time on arranging expired personal documents, locating organizations, familiarizing themselves with application forms, updating registries, and filling in forms at various offices. Such background work takes time and money, mainly related to travelling expenses or document fees, which women often have difficulties financing.

A substantial 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 to 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 their trips and worried permanently about being sent back to prison if they failed 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 their job searches, for example.

[9] As it was known from the beginning of the project, in certain countries following up prisoners to be released from prison was expected to be nearly impossible due to objective geographical constraints (e.g. England) or very difficult in case of immigrants who may get immediately expelled after release or just prefer to be hiding (e.g. Italy or Spain). Yet other difficulties were foreseen in all countries due to women coming out homeless, facing frequent moves and experiencing a general desire to cut all connections to prison life and start a new life. While research teams generally managed to adjust the methodology in each country to the specific conditions, the resulting differences in the actual fieldwork contributed to the differences in the emphasis of the national reports. Thus, for example, the corresponding chapter of the Report of Spain/Catalonia includes an informed analysis of women's experiences in 'third degree' – a transitory phase between closed regimes and full liberty, while the same chapter of the Report of England and Wales focuses on analyzing agents' discourse and building a comprehensive framework of barriers to reintegration.

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 do 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 suffer 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 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 benefits. In Hungary, ex-prisoners received no financial assistance targeted to them and the work done in prison does not entitle them for unemployment benefits 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 immediate 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 with their parents with their children, and even possibly with their partners, a situation that 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[10], and agents in most countries point out that housing must be a key priority which needs 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 of the institutional setting, the rules, etc; are likely to remind women of prison, as indicated by the French research, and partly because of their pride and the perception of homeless shelters as being a place for people at the lowest end of society, as found by the Hungarian research. Housing solutions were found to be inappropriate in Catalonia: the lack of housing measures was emphasized 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 services 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 person 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, NGOs or the housing department. Yet it must also 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 or education, attend drug programmes, and last but not least: even think about regaining their children.

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 were settled. This was especially emphasized in the research findings of the National Reports of Germany and England and 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 the 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 poorly 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, and assembly line work are among the most likely work found. 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 a 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 the women's struggle to cope with family obligations, especially childcare while searching for and especially keeping a job—a situation that 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 the structurally difficult position of women in the labour market in Spain and in other European countries.

The criminal record formally, and stigmatization 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 their criminal record also acted as a barrier against further job-searching. 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.

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

The few women, who were successful in gaining employment contracts due to their own initiative, did not usually 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 NGOs[11]) 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 emphasized 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 benefits are considered to be the main social benefits 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 benefits) or social welfare benefits, in Hungary, only very few women gained access to any meaningful benefits: 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 their family's help—mentioned as a reason for women's reluctance to use the assistance of state institutions, in France, for example. 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 mistrust was found to be characteristic

for many women, especially towards state institutions. Many of them can at best rely on the support from their family, despite the often deep damages and conflicts such relationships suffered due to imprisonment. Our 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, 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, Hungarian and Italian Reports point out that patterns of primary exclusion tend to be reinforced by the prison and during the period after prison. While the reasons for this are various, a few key issues are addressed below in the section about the institutional setting.

4.2 Institutional Support for the Transition and Issues of Coordination

Problems and difficulties of in-prison preparation for release were covered in chapter three of the report. Next, the continuity between in-prison and post-prison services will be addressed as reflected in women's experience and agents' discourse. In most countries, agencies such as probation service theoretically play a key role in ensuring transition from prison into life after release – therefore, research findings regarding probation will be summarized below. Also, NGOs increasingly are seen to provide the role of 'bridge' between the two worlds; thus, their involvement in the process of women's reintegration will be discussed as well. Finally, issues of coordination among various agents will be addressed in the analysis.

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 emphasized by the National Report of Spain/Catalonia, where the discontinuity and difficulty of harmonization 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 association after prison on the other hand. In other instances healthcare treatment of even seriously ill women could not continue immediately after release due to the lack of 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 day-releases or open regimes, 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 could 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.

11 *There are several examples of women working in the third degree in Catalonia for ARED, a private foundation – and also in the French Report women who found work through associations met in prison.*

The lack of through care was identified as a key issue in all countries; perhaps in Germany results were slightly better. In general, responsibility for through care 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 through care is primarily the responsibility of probation and possibly, that of NGOs, while the job of the prison is to enable them to 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 and through care

Our research shows that the probation service[12] does not deliver adequate through care in most cases. Firstly, 'through care' would indicate that the relationship of the women and the probation officer/social service agent[13] starts prior to the women's release and lasts until after release. Neither 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 this is often 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 serving the full penal sentence in prison, usually no probation officer is assigned for the time after release.[14] 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 summarized 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 emphasized 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 characterize women's relationship to their social agents in the 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 constrains the operation of probation services. In the 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 emphasized 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.

• Programmes often do not correspond with released women's actual needs, since women do not participate in the design of measures and programmes.

• The lack of coordination is generally noted between agents active in reintegration, that is, probation and/or other state agencies and NGOs. Individual programmes are launched without coordination with other agencies, thus, efforts are not as efficient as they should be, which is especially problematic in an under resourced system. A lack of general reinsertion strategy is also responsible for poor coordination 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 emphasizes that most agents in their research talked appreciatively about the cooperation among in-prison and post-prison agencies despite the generally tightening financial means.

NGOs and Through care

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 NGOs.

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.

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[12] *The MIP research did not address the time on probation in Spain/Catalonia. However, for the women in the 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 the case of France, members of the prison administration, the so-called insertion and probation counselors are responsible for in-prison preparation for release and orientation; however, they do not have responsibility after the release. The National Agency for Employment set up an office, which, through partnership with other public and private institutions, helps ex-prisoners in their reintegration efforts.*

[13] *In Italy, it is the so-called Centres of Social Service for Adults (CSSA) that provides control and support for the women released conditionally or moved to an alternative sanction, however, for the sake of simplicity, we will also refer to them as probation agents in this analysis. CSSA belongs to the Ministry of Justice and suffers from the same problems as probation services.*

[14] *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 of 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 they have no access to programmes.*

However, in many countries, there are NGOs 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 finding a job, etc. 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 NGOs 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 NGOs. While in England many NGOs 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 in-prison and post-prison integration services, the experiences of agents in England may prove to be especially relevant; hence, the research findings are summarized below and complemented by the experience of NGOs in other countries:

• All representatives of NGOs mentioned lack of funds to be a real issue. 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 giving the NGOs over responsibility, without matching adequate funding to their work.

• Centralization and accreditation of programmes 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 standardization was addressed by some Hungarian and Spanish agents who talked about lack of standardization of integration measures and programmes, as well as lack of quality control, and evaluation of programmes. This contrast 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 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 coordination was emphasized 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 organize '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. The National Report of Italy also repeatedly addressed such prejudice against illegal immigrants.

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 NGOs 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 coordination 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.

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 cooperation 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 programmes, and in Germany, execution 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.

Appendix: Research Summary
Women, Integration and Prison (MIP): Analysis of the Processes of Socio-Labour Integration of Women Prisoners in Europe

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 NGOs from six European countries: Spain, Germany, England and Wales, Italy, France and Hungary, under the coordination of SURT, a 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, programmes 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 programmes, 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, and also 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 one and four months after their release. The final interviews were recorded about nine 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, NGOs, 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.

We present here the research hypotheses of MIP, which reflect an overall picture of the main avenues of research thinking in the project. The national reports, prepared after the analysis of data collected during the fieldwork, followed a detailed list of research hypothesis. The statements were in some cases adjusted or new statements were introduced in national reports depending on the relevant issues in the given country. While the comparative report does not address whether specific statements were refuted or confirmed by various country reports, the content of the chapters of this report corresponds to the topics addressed by the four main research hypotheses.

1. Primary exclusion and gender

Many women in prison were already suffering a degree of social exclusion at the time of their imprisonment. Their situation prior to imprisonment is characterized by multiple disadvantages. Primary exclusion often has gender-specific aspects. The situation of exclusion and gender determine the type of crimes for which certain women are sent to prison:

- Economic crimes are typical among women prisoners – this type of crime is related to both exclusion and gender.

- Domestic violence is often directly or indirectly present as a key factor in women's life course.

- Some women are imprisoned due to crimes committed as a result of multiple dependences on a man (usually partner, or father, or brother, etc).

- In some cases, the social networks, the neighbourhood, or multigenerational patterns may strongly influence the type of crime committed.

2. Further exclusion by prison

Imprisonment excludes women who were not socially excluded before their imprisonment and excludes already excluded women still further. Multiple effects of exclusion are at work due to their imprisonment. Women suffer an irrecoverable loss of roots, due to the separation from children and violation of their gender role as mothers and wives.

Prison frequently becomes a factor of secondary exclusion. It does not contribute to the elimination of exclusion processes and mechanisms; on the contrary, it often aggravates them by recreating social and personal conditions that reproduce criminal conduct:

- During the prison sentence, social contacts of inmates suffer and deteriorate.

- Prisons do not strengthen skills that are vital for reintegration.

- Inmates' health conditions often deteriorate both in terms of their physical and psychological well being. Efforts to help inmates to come to terms with their crime/guilt/etc; are not systematic.

Women's prisons are marginalized due to their small weight in the prison system. The conditions and consequences of imprisonment are influenced by this; for example, poorer material conditions and access to work and training opportunities, or difficulties for visitors due to a significant distance from home.

There is a contradiction between the principles and the practice of social and criminal justice regarding the function of prisons. Despite the emphasis in legislation on social integration, actual daily prison life does not reflect social integration as a priority. There is a remarkable difference between the level of discourse and actual reality in prison life, regarding the extent to which social integration is actually addressed. The penitentiary system and social integration cannot be smoothly reconciled, which reinforces the social exclusion of some of societies' most vulnerable groups.

3. Reintegration measures in prisons

Presently applied measures and programmes for the social integration or reintegration of women ex-prisoners are inadequate.

- Work within prisons fails to supply inmates with marketable occupational skills or other useful, convertible skills for other areas after release.

- Training and education in prisons does not sufficiently contribute to the acquisition of education and skills needed after release.

- Women do not receive enough preparation and support for their smooth return to family and other intimate ties and integration into the community.

- Programmes in prisons are gendered, which often reflect and reinforce traditional gender roles.

4. Barriers to reintegration after release

Several barriers to the social reintegration of women ex-prisoners remain. The prison experience is often an obstacle to generating adaptive strategies and to the acquisition of key capacities that are necessary for an effective insertion process. Prisons do not develop skills that would be needed after release.

In regards to social-labour integration, women find themselves in difficult circumstances, and this can lead to the accumulation of situations of exclusion.

Upon leaving prison, women often face a new "conviction" in that the effects of prison can lead to an increase in their rootlessness or rupture in their lives. Thus new conditions are required in order to overcome the effects of imprisonment, as well as to reconstruct their lives.

The necessities for social integration must be attended even before the need for labour integration, although both levels of social integration are integrally related, neither of them can be contemplated as being independent of one another.

The continuity between and coordination of integration-related services is insufficient.

- Continuity is not sufficient between activities of prison authorities and agencies, which provide services after the release (including state institutions and NGOs).

- Ex-prisoners suffer from the uncoordinated requirements of various state bureaucracies. Their access to vital personal documents and welfare is slow, troublesome, and often means further financial burden.

- State employees as parole officers are strongly associated with the prison, thus are often not trusted.

Many ex-prisoners cannot be successful in reintegration. Even if they do not return to prison, many remain marginalized and often in a worse situation than prior to their imprisonment.

Women's imprisonment and reintegration: a contradiction in terms?

Prepared by Pat Carlen

Introduction

In recent years, more and more women in Europe have been imprisoned and one of the consequences of that flourishing prison business has been the growth of another, equally flourishing business, the 'reintegration' industry. This brief theoretical comment discusses the reasons for, and consequences of, the incompatibilities between the prison industry and the reintegration industry. Four arguments: 1. that the characteristics of women's prison populations make the notion of reintegration of women prisoners inappropriate; 2. that imprisonment further excludes women who were already excluded before they went to prison; 3. that as the essential function of imprisonment is to keep prisoners this sets limits to reintegrative work both in and after prison; 4. There is no way that primarily penal methods can address primarily social injustices.

1. The characteristics of women's prison populations makes the notion of *re* integration inappropriate

The concept of the *re*integration of women prisoners necessarily implies that prior to their imprisonment incarcerated women were integrated into the community and that post-imprisonment they need assistance merely to regain that place in society which they occupied before. Yet, the research from all the jurisdictions investigated in this MIP Project indicates 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 and had been victims of either physical and/or sexual violence from family members or non-family male predators. Certainly research from the UK suggests that women prisoners are likely to suffer greater degrees of economic and social deprivation than their male counterparts, that ethnic minority women are likely to be even more economically and socially disadvantaged than other disadvantaged women, and that overall, socially-excluded women are likely to be more disadvantaged than socially-excluded men.

2. So, women's imprisonment excludes those who are already socially excluded.

But even more surprising, sentencing studies in some jurisdictions suggest that women are often sent to prison *because* they are already socially-excluded (e.g. homeless, unemployed, drug users); and that judges and magistrates think that because they are already socially-excluded they are more at risk of committting a crime in the future -and they are most probably right about that. What they are wrong about is their assumption that imprisonment can and will, through its rehabilitative regimes and programmes, reduce the likelihood of already excluded women returning to crime (or drugs) once they are released from prison. There is no way that primarily *penal* methods can address primarily *social* injustices. Indeed, the MIP research findings suggest that, far from rehabilitating socially-excluded women, the social options of *all* women prisoners are most probably narrowed by their time in prison: employment and education are disrupted; relationships and health are impaired; and there is a further loss of self esteem via humiliation by prison staff and the inevitable stigmatisation of a prison sentence. In sum,

imprisonment excludes even women who were not excluded prior to their incarceration, and it excludes the socially excluded still further.

But from an entirely different point of view: given the adverse employment and educational backgrounds of women prisoners, the high proportions of women in prison who are mentally ill, combined with the relatively short sentence lengths of most female prison populations, it is difficult to see how prisons alone can be expected ever to provide the majority of prisoners with effective educational courses, sustainable drugs rehabilitation, emotional support or marketable skills after release. And even if prisons *were also* industrial training schools, or educational institutions or hospitals, it would still be morally indefensible to send already-excluded women lawbreakers to prison for longer (or more frequently) in order to redress economic and social wrongs which should, and can only, be effectivley addressed in the community.

From an entirely different point of view again, however: even if women prisoners were educationally and emotionally equipped to take advantage of any reintegrative programmes offered by the prison**…**

3. The essential nature of imprisonment sets limits to the amount of reintegrative work that can be done both in women's prisons and with women prisoners upon their release.

And that is my third argument:

The essential function of a prison is to keep inmates *in*. To talk about teaching prisoners to act responsibly and make choices within custodial settings is a nonsense. If prisoners were allowed to make real choices and take responsibility for their actions, they would walk out the door and the prison would be no more. In short, rehabilitative programmes in prisons will always be limited and subverted by security requirements which have the effect of debilitating prisoners and making them less able to cope with the exclusionary nature of poverty, homelessness, unemployment, racial and cultural discrimination, addictions and physical and sexual abuse than they were before they went into prison. That being so, my fourth argument is that:

4. There is no way that primarily penal methods can address primarily social injustices.

I have already claimed that there is no way that primarily penal methods can address primarily social injustices. But, in view of the social characteristics of women's prison populations and the essential nature of imprisonment, it seems to me that there are strong moral, jurisprudential and economic arguments for drastically reducing the numbers of women sent to prison.

First, there is the moral and jurisprudential argument that governments should be challenged to be more explicit about the purposes of imprisonment and, if they claim that prisons can rehabilitate prisoners, should be challenged to provide the evidence that prisons can rehabilitate. But they will not be able to, because prisons cannot rehabilitate. They are primarily for punishment and they do that very well. So, if societies want to lock up women who have committed relatively minor crimes in order to punish them, that is their democratic right. But neither they nor their governments can claim that imprisonment rehabilitates. The findings of the MIP research shows that it does not. In my view it cannot. Imprisonment and reintegration are opposed processes, and, in the case of women, imprisonment is even more costly than it is for men. The damage done to children when their mothers go to prison (and they are more likely to have been the primary carers of young children than are imprisoned fathers) well outweighs any gains thought to have been made in terms of criminal justice, deterrence or diminution of risk.

Overall, then my own view is that, as the MIP research supports the argument that imprisonment and reintegration are such oppositonal processes that the latter cannot be used to justify the former, the fundamental policy reform which this cross-national research supports is that women's prison populations should be severely reduced. Many less damaging alternatives to imprisonment exist, and certainly in the UK and elsewhere several non-residential community centres for women have indicated that, with the right kind of care and support, women lawbreakers with many problems can achieve rehabilitative integration into the community.

Including the gender perspective in the penal, penitentiary, and post-prison policies

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Introduction

Over the course of this investigation, the six countries that participated in the project have detected and analysed the gender factors that take part in the social exclusion processes. As we shall see, these gender factors that affect the women's paths (just as much before) as during and after imprisonment, require an appropriate and extensive intervention. That is, an intervention before the crime is committed as a preventive measure and support for women who are in a situation of social exclusion. While in prison, it should be an intervention that keeps in mind the prisoners' rights and the social factors which affect them; and, upon being released from prison, as a support measure so that these women can rebuild, (according to what is possible) a social, economic and personal situation that is seriously debilitated at this point due to the numerous institutional, social and personal factors that have taken place before and during imprisonment.

However, before we go into being able to see what gender and social exclusion factors have stood out most, it is useful to point out the debate about the limits for gender mainstreaming in the penal system, that is, the objectives that can be achieved. The possibility of gender mainstreaming in penal intervention, during and after imprisonment, is placed in a general framework where the penal response must respect the principle of minimal intervention as a response to the conflict produced by the perpetration of a crime, and the custodial sentence must be the penal response of last resort, respecting humane sentencing principles and people's dignity.

Only when searching for the assurance of a minimal level of respect of women prisoners' rights, when the application of the prison sentence is made inevitable by our current legal codes, is the objective of reflecting on the gender issue in this chapter understood. Gender mainstreaming pursues, therefore, a greater guarantee of women's rights within the prisons and a real intervention according to their needs.

We are not claiming, by defending a view and conduct that is sensitive to gender differences, that ideal prisons can be built for women in which reinsertion is made possible. Rather, we

would like for the line of debate to be opened towards the possibilities, feasible or not, which can achieve the reduction of these women's prison terms through social and penal policies, and a progressive increment in the social, economic, and political support for all of the problems that accompany women that we see put in prison today.

It must be kept in mind that these personal and social problems/needs of the female prisoners and ex-prisoners are shared by many women that have committed no offence (Rumgay, 1999) - motherhood, lone-parent family situations, the situation of the woman in the labour market, domestic violence, the differences in drug use and their consequences, the social role that is expected of these women, the differences in the social and family support that they receive, the responsibility they assume, prostitution, etc. - and from this gender dimension the proceedings should be planned. With it, we also establish the need for the intervention and scope of the policies directed toward alleviating the inequalities for gender reasons, which are being established for the general population, be guaranteed for and be accessible to the women prison population within and upon release from prison.

Today this guarantee is still far from becoming reality in the prisons of the countries that make up the European Union. A different case, at least formally, would be that of England and Wales in which, in the last four years, there has been a commitment and political interest to get involved with the women prisoners keeping in mind their specific needs and even the need to reduce women's prison terms in this country. Even so, the English report itself highlights the differences that still exist between recognizing it and following through with it.

From this point of view, this chapter presents those factors which have stood out on the national reports as key factors and over which an immediate intervention is made necessary before, during and after imprisonment.

1. Violence against women

Gender violence has been one of the most highlighted issues in five of the participating countries, and it has appeared in the testimonies of many of the women interviewed.

"I was sexually abused by my step-father and two real brothers – all three of them. I took drugs to blot it out. I went to a boarding school when I was in care and was abused by a teacher and the headmaster. The headmaster got two and a half years but the teacher walked [was not sent to prison]". Woman, National Report England.

"When I was four years old my stepfather started touching me… He raped my sister, the one who has a son. He also raped my other sister. And also my niece, who feels awful, awful! I told my mother when I was thirteen years old but my mother told me that I really liked it. My niece denounced my stepfather but since he was sick…nothing." Woman, National Report Spain.

"My husband beat Julia (her daughter) as well, which I just couldn't stand. He constantly threatened me, there were times when he held a gun to my head" Woman, National Report Hungary.

"It is very difficult to give an account of what goes on inside one (women that has suffered sexual abuse when minor). I always try to explain how I feel and there are so many where you notice that the stories are similar… there are so many rent boys and girls that I know from the station that have been raped by their mother, father or uncle and therefore are addicted and now, the game goes on". Woman, National Report Germany.

Apart from the women's testimonies, the 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.

> *"I got together with him when I left state care, I was very young, only fifteen. I had my daughter when I was sixteen year old. We lived together for twelve years .The first time I ended up in prison was because of him; it was attempted murder out of self-defence. He turned on the gas tap and locked me in, then came with matches and wanted to light everything on fire. So I stabbed him with a knife. He was always jealous and he also beat me. It was considered self-defence so I only served a one-year sentence".* Woman, National Report Hungary.

> *"Some friends of my parents came in my house and took me with them to France. Then, it was slavery. They kept me in their house, I couldn't go out, from morning to evening I was working, they struck me and raped me. I was really destitute in France and it was impossible for me to go back to my country, to Togo."* Woman, National Report France.

In many of the national reports and after the analysis of the stories narrated by the women, we see an established connection between crime and being victims of domestic violence.

In the case of England, it is observed that many of the young women are pushed into a criminal way of life when they leave their homes after having been maltreated or sexually abused by family members, while the young women who escape from state guardianship are more vulnerable to sexual abuse through prostitution, there is even evidence that young women can be sexually abused in state-run centres.

In Hungary, three out of the four women interviewed who were sentenced for homicide had been victims of domestic violence for years, and imprisoned due to murdering (or attempting to murder) a violent man in their family, and another three were, in addition, convicted of robbery. In this country, unlike the other countries that participated, there was a high percent (18%) of women prisoners found to have committed homicides in 2003[1]

In the French report, the sample of interviewed women also reveals these first-hand experiences of violence and the impact they have on the perpetration of a crime when they kill their violent husbands or fathers, or when they are imprisoned as accomplices.

It is well known that the problem of gender violence equally affects the entire general population of women, but these data 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.

"My arm hurts, they took out my staples but I haven't gone through rehab or anything, no one's even bothered to schedule me for a check-up. The assistant takes out your staples and that's it... My husband kicked me and I tried to protect my face with my arm and, of course, the sheer speed he used broke one bone in half and the other ones got crushed." Woman, National Report Spain.

"We met and had two children, and then all hell broke loose: he constantly pounded on me. That's how I got this scar on my lips. I suffered a great deal." Woman, National Report Hungary.

One of the noted facts in the MIP research is that the reality of these women's lives is not dealt with inside the prisons, nor in the post-prison policies and supports. On the other hand, we must not forget 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.

"When they explain their stories to me -- raped by their parents, by their brother, by their brother-in- law, sent away from I do not know how many schools, from, from…that is, a whole life where the end is the prison" Agent, National Report Spain.

2. Family

In the family environment it is interesting to point out two issues: 1- The position of the women in connection with a possible dependency on the men that maintain a relationship with them; and 2- The relationship of these women in their family environment and the affect that imprisonment has on these relationships.

2.1 Dependent Women / Matrifocality

As for what relates to the analysis about **the effects of women's dependency on men at the time the crime is committed,** we find two different models that define social exclusion situations. On the one hand, we must consider 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.

"Overall, men shaped my life. I had no confidence, my self-esteem was quite low, and so getting married, having a man, finding a man, was an achievement: 'Oh, I must be alright' and then, of course, having children. My [second] husband told me I wasn't bright, I was thick, I was stupid, and I think because of my low self-esteem and having no confidence I was attracted to that sort of man. Now, I think, my eyes have been opened to women's rights, and male power, too". Woman, National Report England and Wales.

[1] The only recent research in Hungary found that about 1/3 of the interviewed women imprisoned for homicide or severe physical abuse, suffered regular abuse as a child. About 1/3 of the abuse was physical and in about 50% of the cases, sexual. In 60% of the cases the target of the crime (homicide or severe physical abuse) was their husband or partner. About 50% of these women described regular physical abuse by their partner during the year or years prior to the crime. The women very often mentioned conflicts, humiliation and emotional terror; only in 1/6 of the cases was emotional or physical abuse absent in the relationship. (In: Dr. Lenke Fehér, dr. Parti Katalin, "Nök a börtönben", in Kriminológiai Tanulmányok, 2002.)

On the other hand, the Spanish report especially emphasized[2] 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.

"I was on parental welfare, I was getting child benefits and child-raising supplements, and I earned some money cleaning houses. I also cleaned for the prosecutor of my earlier criminal case. When I ran out of money, I went to steal for the children. I took care of my kids, that's why they were not placed into state care". Woman, National Report Hungary.

"I was like that and on top of that I was with a boy but he did not work and at the end we were getting worse and worse. He remained in bed all day and I had to cope with everything". Woman, National Report Spain.

The reality in which this group of women live refutes the widespread idea about the traditional organization of the domestic unit and the assigned roles in its heart according to gender. We are referring to the model of the reproductive woman dependent on the productive man, much more widespread in the middle and upper classes. In the case of these women it is more relevant to analyse their 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. Another example of this matrifocal model in the family unit is represented by many immigrant women that arrive here from Eastern European countries and from South America as mules in drug trafficking on an international scale.

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.

2.2 Consequences of Imprisonment on the Family

In the national reports and especially in these women's testimonies, it has been possible to see the emphasis with which these women talk about their needs as mothers and about the impact and pain of family break-ups due to imprisonment. When a family member is imprisoned, a woman's hardships and those of her family are not limited to the economic sphere; they must face all kinds of problems: emotional, material, health, etc. **Thus, the hardships that a woman's imprisonment entails fall on her entire family and on herself** [3]**.** This turns out to be especially serious in connection with young children[4]. If we also consider that the family is a determining factor in promoting stability, then the following measures are essential for the social insertion process of the prisoners and ex-prisoners**:** to support the family, to compensate or alleviate the effects of imprisonment of one of its members, and to maintain ties with the prisoner.

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.** Let us take a look at what happens in the family environment and especially in connection with the children through the stories of these women prisoners:

> *"My family, the children included, visited me regularly for seven years. Afterwards they stopped visiting, which didn't bother me since the visits had become completely impersonal. Two hours is simply not enough to maintain a real relationship.".* Woman, National Report Hungary.

> *"The first time I was allowed to go home after so many years, the children and the family felt like strangers, it was bizarre, even though we were corresponding in the meantime. First I felt rejected by the children, their reactions to me were very negative. They unloaded everything on me about why I hadn't been with them. I didn't feel good at home at all, I greatly missed the prison and I couldn't wait to return".* Woman, National Report Hungary.

> *"My parents are old and they live far away. (...)They gave you a face-to-face visit for three hours, but it must start at eight o'clock in the morning, if they arrive five minutes late, they can be left outside. My parents don't have a car and they have to get up very early if they want to come!"* Woman, National Report Spain.

On the other hand, some of the data that England and Wales offer us objectify the family situations and **the gender 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.

- 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.

During this investigation it was not possible to gather similar data in such a systematic way for the rest of the participating countries. However, stemming from more diverse sources (fieldwork and secondary sources), it is possible to establish a tendency or shared percentage proportionality in the rest of the national contexts.

First of all, we find 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,

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[2] *It was also noted in the Hungarian and Italian reports.*

[3] *See significant data about the effects of imprisonment on families in the French report; Faire: "The effectiveness of the measures addressing socio-labour insertion," 2005 in www.surt.org/mip.*

[4] *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.*

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 led 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 heart 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. The difficulties that derive from **the prison's location** particularly stand out, both for receiving visits and for acquiring release permits. Due to the minor role that women play in the total prison population, there are fewer prisons that hold women and, therefore, they are concentrated in few prisons spread out over the whole country. This often means that the women will be in prisons far away from home, which constitutes a serious difficulty for their relatives to visit them due to the time and money that accessing them involves. This is why many prisoners ask to be transferred and are denied, principally due to overcrowding in prisons. The difficulty of physical access is not due to the dispersion of the prisons all over the country specifically, which we just noted, but rather it also responds to the model followed by many prison Administrations according to which macro-prisons are built far away from urban centres.

Other more favoured measures are, for example, the electronic monitoring system (*Home Detention Curfew*) in England and Wales that is carried out as a type of subjugation for the last two months of a sentence of three months to four years, without inflicting the damage which is derived from being away from their family environment. In France, the law foresees the possibility to grant conditional freedom to fathers or mothers with a prison sentence inferior or equal to four years with a child younger than ten years old in their care, and in Italy there is house arrest for women with children under three years of age.

3. Work and training

In the intervention processes for socio-labour integration of women prisoners and ex-prisoners there is a common denominator in all the European countries: **nowadays work is thought to be one of the key elements for social inclusion in society.** This common denominator is derived from the European tendency to establish access to the labour market as the principal engine of social inclusion. In the case of women, this tendency is accentuated even more by the marked objectives in the Lisbon Strategy in which it is established that for 2010 "*The European economy will be the most competitive and dynamic of all the economies based on knowledge in the world, with a sustainable economic growth capacity, with more and*

better jobs and greater social cohesion," and, for this, it will be necessary and essential to have the participation of women in the labour market, with a concrete objective to achieve in 2010: a female employment rate of 60%.

This participation of women in the labour market is accompanied by important difficulties such as the highest unemployment rate of women in the Europe –25 members- (Eurostat, 2004), as well as a difficult combination of the double presence of women in the domestic and work environment, the tendencies toward segregation and sectorization of female employment, and the salary differences that exist in all European countries.

Through the fieldwork realized in the six participating countries we have been able to see that the profile of imprisoned women is determined chiefly in the formal work environment because of inactivity, unemployment, and temporary employment. They are women who, apart from this work trend, before the crime, they also generally have a low education level—among the prisoners we find many cases of illiteracy and at a very significant level those with only primary school studies, often without completion[5] and in many cases they are women whose limited incomes situate them on or below the poverty line.

This combination, together with doing time in prison, makes them more vulnerable to unemployment, temporary work, part-time work and economic inactivity during the period after imprisonment[6]. It is also highlighted (EC, 2004) that the obstacles that women and men encounter, and the differences between them in finding employment, are accentuated in the low-income groups. While the majority of low-income workers are men, women constitute the majority of economically inactive people, and therefore, are especially vulnerable to fall further into poverty and social exclusion.

One of the problematic points that stands out in every country is **the unavailability of job offers** in the prisons, not sufficient for the number of imprisoned women that exist. In almost every case it is due to the minor role women have in prisons, which causes many more women to have less access to training activities and to existing jobs in the prisons.

> *"Here the men work first, and when they cannot cover everything, the women are given work"* Agent, National Report France.

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[5] *The European Commission has warned of new exclusions that could appear in the new economy and society of knowledge, since they could create relevant differences between "those who possess the competence, qualifications, and abilities required, and those who are lacking them."*

[6] *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 analysed. See Javier Ramos Díaz: "El empleo precario en España: una asignatura pendiente (Unstable employment in Spain: a pending subject," in Navarro, V: "El Estado de Bienestar en España" (The Welfare State in Spain), Universidad Menéndez Pelayo, 2003.*

To this lack of opportunity we must add, in terms of integration and rights, a generalized segregation[7] of female employment (Spain, Hungary, Germany, Italy, France) that later, upon release, has repercussions in the inequality of opportunities for these women in terms of wages, possibilities of improvement and greater opportunities to alleviate the situation of vulnerability and exclusion in which many of these women find themselves just after their release. This segregationism generates enormous inequalities to the extent that the job offer doesn't accompany, nor can it be accompanied by a real support and of such a quality that permits, even in feminised sectors, distancing these women from the instability, which later, upon release, they may find. It has also been stressed that there is a lack of opportunities in order that the women can access other types of jobs if they are in the men's prisons. In the Spanish report, it is pointed out how this work segregation within the prisons is causing an alarming wage difference between men and women prisoners.

As far as professional training linked to labour insertion is concerned, a division is observed in many European prisons, between professional training and labour market demands. On the one hand, a very feminised labour training is offered in the majority of the prisons, which claims to develop the capacities and abilities traditionally attributed to the feminine social and cultural role (dressmaking, hairdressing, cleaning, embroidering, etc). In addition to the fact that these measures can favour the perpetuation of social inequalities related to gender, they are abilities, which are not highly valued and are poorly paid in the labour market, where in some cases there is not even a high demand for them.

> *"A barmaid course, an electrician course, there are new regulations, this is a work a woman can perfectly do".* Woman, National Report Italy.

The discrimination that these women suffer in work and training environments goes beyond the proven obstacles of finding employment in the labour market and in finding labour training offers. Work, as a central axis of the Welfare State structure and as a key to the securing of the benefits and loans in the social protection system, excludes these women, once again, placing them on the fringes of society[8].

> *"If it weren't so difficult for them to find a job, if they would only let us give them more than cleaning, badly paid, without contract, holidays, etc. we would have better results. They work eight hours, at 3   an hour, without a contract..."* Agent, National Report Spain.

> *"After having been released I was searching for a job and I told everyone that I was on the look-out. Then someone gave me a phone number and I made the call. I met a doctor in an apartment downtown. He said I would have to sleep with him and become a surrogate mother, and that I would also have to have sex with his cancer patients. Well, this was my first day out of prison. I have seen a lot of things but this was difficult to face, especially since that was my first day out".* Woman, National Report Hungary.

4. Housing

Nowadays, the housing situation of the women who are released from prison is recognized by the penal systems of these countries to be of fundamental importance. However, this recognition is quite far from the specific legal obligations that should guarantee housing, as well as being a far cry from the necessary resources and measures, whether from the prisons or the community, that should allow the housing problems to be faced on a daily basis.

> *"There are people who do things in order to get in here, because they don't have a place to live, they don't have a shower or food."* Woman, National Report, Spain.

In the majority of countries, the reality is that before the perpetration of a crime, the women's situation is characterized by the lack of their own place to live, by living in an official protection home or in private homes, or in the street but with friends or relatives. And for the women that had these homes, going into prison means losing their house on the outside due to, in part, the lack of economic resources which results from their entry into prison, or the impossibility to communicate with the owners of the homes to find a solution and, in part, in the case of England and Wales, the women lose their homes as a result of the housing loan policies and their Administration.

When these women are released from prison, the housing situation is a determining factor: in many cases the women without housing cannot even consider finding a job, neither can they recover their children, since in order to recover custody of them it is necessary to have stable work and housing. On other occasions, the lack of housing and work makes these women opt for situations in which they find themselves at a great socio-economic and gender disadvantage.

"I also looked into contracts of life-long support, but one of them turned out to be a personal ad although this wasn't stated specifically. I stayed with him for five days and I worked very hard. Finally, when I wanted to leave he hit me, I had to run away, I even left my phone there. He was yelling at me, he said he'd have me returned to prison, that he would take me to the police. Then I noticed that this ad kept appearing in the newspaper. I want to write to the mayor's office, I mean this person is a psychopath". Woman, National Report Hungary.

"They end in the street those who don't have an apartment anymore, they don't manage, 50% of the girls, they lose everything when they arrive...they send the children to the DASS if there is no parent, their apartment and then nothing since they cannot pay, and there are those who live outside, leading on her own life..." Woman, National Report France.

It also occurs that some post-prison measures offered to these women do not have their specific needs in mind, as many of these offered measures do not allow mothers and their children to live together, neither do they take responsibility for the difficulties that a woman with a violent past may have, or the difficulties of having to live with others with almost no privacy in housing resources principally intended for men, nor is any action taken towards the difficulties added by distance and separation from family and the social network that these women may have from being in one of these houses or residential alternatives.

"Reintegration without a home is just so much hot air. If they haven't got a home (and, in the case of mothers, a home suitable for their children to be with them), what do we reintegrate them to?" Agent, National Report England and Wales.

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[7] *We have found only two significant experiences in Germany, one in labour training and the other in employment.*

[8] *On this very topic, Hungary has highlighted in its national report that women were not being paid their social security during their imprisonment and at their job inside the prison; this brings with it the problem of not being able to access loans of unemployment, family or pensions that are connected to social security. In the case of Spain, their social security is paid, but the low wages make it more profitable for the women not to work and to just receive a loan upon after being released rather than unemployment.*

5. Health

The health problems of the women prison population present important features whether prior to or during their imprisonment. Numerous studies, and our own field work, show us how, in the majority of the cases, it involves a sector of the population with serious health problems prior to imprisonment which is 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).

This poorer health status of the women prisoners also responds to, among other factors, the connection between social inequality and health inequality. It is being shown from the social and health sciences the enormous impact that certain social and economic factors have on a person's health status such as income, poverty, job instability, housing quality, neighbourhood, education level, social class, *gender*, ethnicity, etc. (J. Benach, 2003). **Thus, health inequalities reflect social inequalities.**

Within these social inequalities, gender has a relevant role in order to explain differences and consequently, specific needs. However, throughout this investigation, not all of the reports have dealt with the identification of gender differences in the health status of the inmates interviewed, on the differential impact of the imprisonment of the women, as well as on the differential impact of the medical treatment, with the exception of England, Italy, and Spain. In these national reports, it has been noted explicitly that the medical needs of the female prisoners, both physical and psychological, are different and that these medical necessities are not attended to in an appropriate manner.

> *"Female body is in prison forced to live according to a masculine model. All the doctors are men, women cannot require to be visited by a woman doctor…"* Agent, National Report Italy.

One of the points that stands out has been the **major psychological suffering of the women** within the prisons. All the reports have coincided on that women suffer greater anxiety because of their children, because of the loss of these mother-to-child relationships, and because of the separation from their family environment. It is also pointed out in the English report[9] that women suffer to a greater extent because of worrying about the poor hygienic cell conditions, stodgy food, and lack of fresh air[10], they undergo greater suffering when faced with body searching in the nude, greater suffering because of urine tests or because the male or female employees might see them naked. These women's response upon imprisonment is of a serious psychological suffering that, even in the case of England and Wales[11], 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. 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.

> *"I am depressed, anxious, also physically I'm feeling so bad. I would need some cure and some medical continuous control."* Woman, National Report Italy.

> *"What you've got here is helplessness and that leads you to depression"* Woman, National Report Spain.

> *"I feel much worse from the psychological point of view"; "I'm depressed"* Woman, National Report Italy.

On the other hand, and especially in the Spanish report, data have been gathered through interviews and secondary literature about the **over medication** that the women suffer inside the prisons. This over medication can be due to distinct factors such as the limited staff, the use of medication as a mechanism to control the prison population and the gender stereotypes according to which women are by nature more likely to have mental illnesses, be more hysterical, more sensitive, more depressive, or due to their way to respond to the prison etc. The result is a psychiatric over-medication of the women, which adversely affects the women's health, and makes post social insertion processes more difficult.

> *"Let's not try to fool ourselves, 95% of inmates who request medicines is to be able to sedate themselves; there is not a joint work and saying, 'OK, medication when it is necessary but also work and self control so that there is not as much dependency on drugs...'"* Agent, National Report Spain wp5 *(Study of the efficiency of penitentiary measures directed to the socio-labour insertion of women prisoners in Europe)*

At the margin of this over medication, another important issue in the case of women prisoners, having seen their life paths and the accumulation of traumatic life experiences, as well as the high percentage of women prisoners with psychiatric problems, is the **lack of psychological care** that is offered to them. In Hungary, the majority of women are able to see a psychologist once during their sentence and the visit tends to last ten minutes. In Italy, it is reported that the judicial psychiatric hospitals act as simple holding areas for the mentally ill. For the entire country of France we find just one psychological medical service (SPMR) for woman in Fleury Mérogis, when, legally, each prison region must have one available. In England and Wales, 70% of the imprisoned women suffer one or more psychiatric problems and they are not adequately attended to.

> *"When I entered I was healthy and I never took tranquillizers. In prison, I suffered of high pressure, heart problems, I started suffering of diabetes"* Woman, National Report Italy.

Gender dimension is another relevant aspect that the drug addiction programmes do not incorporate. Numerous studies realized from the socio-health field state that there are very significant differences between drug use in men and in women and they warn of the need to create drug addiction programmes specifically directed to women[12]. The objective of this document is not to show the gender differences in drug use and its consequences, but to point out below just a few of the most relevant.

The type of drug consumed, the life cycle, motivations, stigmatization, family response, etc., these differ according to gender. Thus, for example, the social perception of addicted women is much more negative than for the perception of addicted men, especially if it concerns illegal drug users who are mothers[13]. Due to this, addicted women are more likely to be victims of physical and psychological maltreatment and abuse (De la Cruz, Herrera, 2002). Many studies also show the high incidence of abuse prior to becoming addicted or its connection with prostitution. The same is true of the consequences at a family level that differ when the addict is a man or a woman: "*Compared to male drug users whose wives often stay by their side, taking responsibility for the children, and even making an effort to have them rehabilitated, a female drug user is often abandoned by her husband and the children are taken from her, since she stops being seen as a good wife and mother.*" (Dungosa 2000).

Gender also plays a relevant role in the processes of breaking the addiction. Thus, for example, aspects that affect especially women such as labour instability and low job qualifications in addition to a lack of income are relevant to the prospect of changing the addictive behaviour (J Llopis, 2001). Family responsibilities and the fear of being labelled as irresponsible mothers also represent a barrier for beginning treatment (P. Merino, 2001). Many of the professionals involved in detoxification treatment that were interviewed in the fieldwork coincide on pointing out the importance of these difficulties determined by gender.

These are just a few of the significant aspects of the differences in drug use between men and women which highlight the importance of integrating gender dimension in treating drug addictions. However, the results of the fieldwork warn us of the little to zero implementation of programmes, which take on these specific situations responding to the concrete needs of a female, drug-addicted prison population[14]

6. Conclusion

This analysis presents the principal common problems that imprisoned women have in the participating countries, and offers a common European framework which permits us to determine the necessity for a minimum intervention of basic human rights through social and prison policies that allow us, as a last resort, to face the social inclusion and cohesion processes that Europe has been carrying out these last few years. However, it must not be forgotten that the social cohesion and integration processes of the EU have had a weak, if not non-existent impact on that which relates to the prison systems, due to the Member States' reserved right to act according to their internal criteria in this work environment.

But despite this difficult European impact on prison and penal matters, the obligations of the European Union collected in the Amsterdam Treaty (1997), which places equality of men and women as one of the duties of the EU, and obligates the Union to promote gender equality in all its tasks and activities, should not be forgotten by the Member States. Gender mainstreaming's principle in all policies or actions constitutes one of the tools chosen by the European Commission to carry out its purpose in the Union.

We should also take into account the possible future European Constitution, which equally collects among the common values of the Member States the equality of women and men (article I-2), and within the objectives of the Union (article I-3) the following is specified: the struggle against social exclusion and discrimination, in addition to the promotion of justice, social protection, and equality between women and men.

The majority of the aspects pointed out in this chapter, as specificities to the gender of the women prisoners and ex-prisoners in their socio-labour insertion processes should be dealt with from the mentioned gender dimension in all the prison and penal policies and especially social policies that work on these processes.

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[13] *The consequences for children of drug addicts, both during and after pregnancy, are not the same if it has to do with the mother or the father.*

[14] *The prison of Frankfurt am Main III shows us an odd initiative implementing an especial therapy for those women who have suffered psychical and physical maltreatments or sexual abuses.*

European policy proposals Antigone 2005

Prepared by Antigone Team
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Introduction

The following policy proposals address supranational European Institutions and have emerged as the result of previous researches carried out in six Member States. These researches, both in their theoretical presuppositions and in their empirical outcomes, stressed the mutual dependence of different fields of intervention: social, occupational, penal, penitentiary, and gender policies must all be taken into account in order to provide a comprehensive plan of social and labour integration of women ex-prisoners. It must be noted that this kind of interdependence holds at the supranational level as well as at the national and local ones. Furthermore, these three levels are themselves vertically interconnected with each other. Without taking into account such a complex frame, it becomes impossible to propose active policies on our specific research field that aim at furnishing coherent solutions and avoiding contradictory interventions, both horizontally and vertically.

Due to the increasing complexity of our societies, problematic areas, such as the one concerned with the present research, increasingly require more organic policies in another 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 carried out; secondly, legislative modifications can be performed in a coherent connection with, thirdly, the creation of new social policies.

The institutional supranational apparatus devoted to the accomplishment of the different kinds of interventions is, at the present historical moment, already constituted. What it is necessary to care for now is that such an apparatus be able to work organically in its various branches. 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.

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 that have just been drafted and are now open to suggestions.

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, as 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. For the same reason, some of our conclusions and recommendations are not valid just for women but rather for all prisoners.

1. Policy proposals to the Council of Europe

1.1 The New European Prison Rules

The Council of Europe is already equipped with a complex institutional apparatus—jurisdictional, supervisory, and normative—involved in penitentiary matters. In November 2004, the European Committee on Crime Problems (CDPC) and the Council for Penological Cooperation (PC-CP) published a consolidated draft text of the new European Prison Rules that intend modify the Rules of 1987. Article 31 deals with women prisoners, while the Prison Rules of 1987 lacked an article specifically devoted to women. To have recognized the specificity of gender condition in prison would have constituted a relevant point that the same Committee stresses in its commentary on the new Rules. The need for positive steps to be taken with respect to gender conditions in prison has very clearly emerged from our work. There is, thus, a consonance between the Committee's approach and the empirical outcomes of our research. However, these outcomes suggest that the Committee's attention to gender problems must be continued in the future, even further expanding the areas of differentiation between men's and women's penitentiary life. The following points should be specifically addressed: women prisoners with **children outside** prison; **children** that live with their mothers **in prison**; **sufficient amount of resources** to women's prisons and wings; preservation of prisoners' **personal relationships,** including the problem of affectivity and positive steps for foreign women prisoners; **allocation** respecting the principle of territoriality while granting enough resources to women's sections, even when there are few women located there; **programmes of day-activities shared by men and women,** so as to avoid that the low number of women can produce a scarcity of interest in organizing specific activities in their sections and also to avoid prison life becoming a misrepresentation of real life with respect to the outside world; **preparation for release** of women inmates; **exclusion of high security regime for women**, as the risk of harm to society is very low.

1.2 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 our remarks coincide with the recommendations of the European Committee for the Prevention of Torture (CPT) concerning feminine detention. The Conference of the Directors should discuss and take into account CPT's Reports for what concerns, in particular, women prisoners.

1.3 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.

1.4 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.

1.5 Media against stigmatization

One of the main problems that emerged form our work is related to the social stigmatization that women prisoners, much more than men, receive. Media can highly contribute to maintaining or modifying such a stigmatization. The European Committee on equality between women and men in its annual Report (2002) addressed a number of remarks to Member States directed at promoting a non-stereotyped image of women and at avoiding violence against women. These remarks should be expanded on in order to better understand women ex-prisoners.

2. Policy proposal to the European Union

2.1 Criminal Justice

The European integration process has progressively been expanded, and it has now reached the penal field.

In April 2004, the European Commission presented a Green Paper that opened a reflection on the possibility of a **European homogenization for that which concerns penal sanctions**. The specific target group of our research should be explicitly taken into account by such a reflection. Alternative measures to imprisonment should be employed particularly for women prisoners. The European Union should move along the same lines as the Council of Europe, where, in the preamble of the new European Prison Rules, it explicitly states the **so-called *ultima ratio* principle**, according to which imprisonment should be used only for the most serious crimes.

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.

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, of promoting and giving information on the possibility of penal mediation inside the penitentiary centres, and especially women's centres.

2.2 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 **non-repressive strategies**. In December 2004, the European Parliament approved a Recommendation in which the unsuccessfulness of the previous European policy on drugs is recognized, and for the first time, a strategy inspired by entirely different principles is proposed. Our research has confirmed the strong need of adopting such a new approach, stressing the ineffectiveness of repressive strategies concerning the social and labour reinsertion of drug addicted women prisoners and ex-prisoners. The EU Drug Strategy should take into account the specific gender condition, for instance for what concerns their particular health problems and the greater stigmatization to which drug addicted women 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.

2.3 Foreign women

Foreign women are over-represented in prison. The national laws on immigration are strictly connected with European treaties. Since the Schengen Treaty, immigration has been primarily considered a matter of public order, also concerning asylum seekers and refugees. It must be added that very often the two categories mentioned above overlap. Some female foreign prisoners are drug addicted. Moreover, they are frequently prostitutes as well, thus suffering **multiple disadvantages**. Other women come from South America carrying drugs for money only, without being drug addicted themselves. They come from a socially and economically disadvantaged situation, and they travel to Europe with the hope of earning money and sending it to their families (especially their children) at home. This is female poverty.

The following points should be taken into account: the fight against **stigmatization**; non-custodial measures for foreign women while awaiting trail, as a great number of foreign women prisoners are in **remand custody**; avoidance of **automatic expulsions**; granting foreign women prisoners access to contact with consulates, to prison resources and programmes, to understandable **information**; taking into account the **specificity of foreign women in the planning of prison activities**; granting foreign women prisoners **resources to access alternative measures** to imprisonment with the same conditions as nationals/citizens; **agents trained** for working in multicultural contexts both in and out of prison; **mediation services** in and out of prison.

2.4 Roma women

Concerning Roma women prisoners, our 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 majority of the recommendations listed above regarding foreign women must be repeated for Roma women as well. Two more specific points: **avoidance of criteria based on value judgments**—which often reveal a lack of understanding of Roma life—in making decisions regarding Roma women's activities in prison, or access to open regime or to alternative measures; development of **programmes to work with the family**—an extremely important institution for many Roma—in relation to Roma women's reinsertion itinerary.

2.5 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.

2.6 Women victims 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.

2.7 Social and Labour policies

Despite a general improvement in the last ten years, poverty is still very diffuse across the European Union, and particularly in Southern countries. The risk of poverty is higher for particular groups, among which women are represented in various ways. According to the guidelines provided by the European Union, the Member States have prepared two generations of National Action Plans against poverty and social exclusion (NAPs Inclusion). **There is a not a specific mention of our target group** in the Joint Report by the Commission and the Council on social inclusion, approved in March 2004, nor in the National Plans. 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. Our 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, social 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.**

Conclusions

We choose to conclude the present chapter in a form that appears to be more effective than the classical conclusive chapter. 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 Parlament,

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 Rec(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:

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 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.

National Report[1] Spain
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Introduction

The research carried out by the MIP Project as well as the current report reflect the interest in advancements made in Spain around this question in order to create new perspectives and approaches to promote necessary new social and penitentiary policies to allow the processes of socio-labour insertion of these women prisoners. The main objectives of this report are to analyse: 1-The influence of these social factors in the criminalization processes experienced by certain women in our societies; 2-The relation between the exclusion processes, gender, and the policies addressed to combat it in the whole socio, penal and penitentiary process; 3-The reality of the socio-labour integration processes.

In this research we wanted to explain the relation between society and individuals, consider the structural effects of exclusion and, at the same time, examine the individual as a social, active, moral, and emotional agent capable of developing strategies within the limits which society imposes when it is not granting basic rights. That is why we have chosen a qualitative approach, which gives prominence to the subject that underlines the lived dimension and experience, and contemplates subjective aspects in order to set them up against the objective and contextual aspects.

The fieldwork has consisted of interviewing: 26 agents with different responsibilities within the penitentiary administration and external organizations that are intervening in the integration processes of these women; 20 women being interviewed first, just before their release from prison, second, during the first month after release, and third, during the fourth month after release and lastly, eight months after release.

We have defended the follow-up system of interviews because we believed it to be the most consistent with our main objective: to analyse the processes of socio-labour integration of the women prisoners. If the initial approach was to make a qualitative analysis of the changes, dynamics, and processes experienced by women, particularly women coming out of prison; the time factor is a basic element in the research, and that is why it was essential to include it in the design of the fieldwork. With all this, we can contribute to a global view of the women prisoners' population, and with that we draw a sample for this publication.

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[1] For a more extensive and detailed version of this report, see: www.surt.org/mip

1. The majority of the women in prison were already suffering a degree of social exclusion at the time of their imprisonment.

Even if we have not qualitatively analysed in this project the processes of judicial and penal selection, we can state using the secondary statistical data[2] and the women's interviews, that the women who finally enter the penitentiary system are those ones previously affected by a series of social, political, cultural and economic disadvantages, all of which represent obstacles for participation in our societies.

ETHNICITY AND FOREIGNERS

According to the data collected during the analysis of the secondary sources, there are two groups over-represented in the Spanish penitentiary centres: Roma and foreign women[3].

The over-representation of Roma women[4] is well reflected in our sample and needs to be placed into context. Some recent political, economic and legislative changes are relevant in their impact on the aggravated risk of social exclusion that an important part of the Roma community is suffering.

In the labour context, the industrialization process and the economic crisis of the late 70s severely affected some of the traditional professions exercised by the Roma population: peddling, scrap collecting, and seasonal agricultural work. The growing use of immigrant population for jobs of low qualification creates a lack of possibilities for the Roma population to obtain economic income. In addition, the increasing formalization of the economy, with more control by the State, limits this part of the population based on the informal economy (Barañí 2001, San Román 1994/1990, Anta Félez 1994).

This outlawing by the public administration of their economic activities, together with the difficulties (low qualification, discrimination) that they encounter in accessing the "normalized" labour market exclude this population group from the economic and labour market. The childhood of one of the interviewed woman reflects this lifestyle that disappears little by little, that becomes illegal and receives pressure from government tax laws, bureaucratic regulations, and town planning and urban renewal schemes:

> *"My father was a horse dealer. He liked horses a lot, he had very cute horses and then there were horse fairs, now they do not exist any longer but I remember them. There were nicely dressed, beautiful couples. My father was one of them. He liked horses so much, so much... He sold, bought and sold many horses, very pretty horses.*
> *(...) My father always earned a good living. And my mother used to sell her own little things, her little clothes, her small stuff."* (Woman)

In the second half of the 1970s, the administration slowly started to implement plans to eradicate the problem of shantytowns, always with very provisional solutions, and started moving and relocating the people into segregated social housing projects. These new houses are of poor quality, placed in peripheral areas, and under town planning criteria that prioritizes social control of the inhabitants. During the 80s there were two important elements: Roma settlements persist physically, socially and economically segregated from the rest of the urban and social environment, and the consumption and trafficking of heroin increase. On the one hand, ghettos have an increasingly high presence of non-Roma excluded persons, stressing the process of marginalization and stigmatization of these neighbourhoods. The marginalization of the Roma population living in these neighbourhoods, and the fact that living in a place where the dealing of heroin facilitates the use among the Roma community, leads to alarming levels of heroin addiction. The dealing

of drugs is dedicated more and more to maintain the relatives' addiction.

The addiction of these Roma drug users prevents them from maintaining the minimum standards of respect within their culture and thus they receive the scorn of their community, which stops considering them to be people responsible for their own actions. One of the Roma women interviewed sentenced for a crime of drug trafficking, explained her son's addiction:

> *"I have helped my sons to tie him inside the house to prevent him from leaving, because the coke made him crazy, however smack made my son quiet, he took a fix of smack and he stayed calm, he smoked a joint and he was alright. But if he smoked something like coke… coke and pills were the worst, he lost all sense of shame, he threw everything, he broke everything, and he couldn't remember what he did. And I have been a mother with a lot of patience towards my son, without shouting, come here with to mummy, come on and then I couldn't do it any more, I fall asleep because they cannot. I get sick of drugs…"*
> (Woman)

But as we can see later on, the scorn and rejection of drug addicted Roma women goes further than this mere "childish vision." The position the Roma individuals occupy within their families and communities are determined by two main criteria: their sex and their age. This respect, the status and the integration a person deserves depends on how the behaviour of this person adjusts to what is expected from the community for his / her age and sex. In the case of the Roma women, they acquire family responsibilities at a very early age, first within their family of origin, and then with their husband and children. This is how the gender identity of a Roma woman is basically acquired through her role within the family, and within this context, marriage and motherhood are key steps to achieve the necessary status for their integration, value and respect. This does not mean that their identity is reduced to the domestic context "*Their responsibility and commitment with the family is not only present in the development of the domestic work, but they frequently develop an important economic role when securing the daily subsistence.*" (SURT, 2001)

In this sense, Roma women face a great economic pressure for the daily maintenance of their families that used to be rather large. The representations of the Roma women are closely linked to values such as sacrifice, strength, and their work inside and outside the home, or as mentioned before, the unconditional commitment to the family. But these representations and roles of

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[2] MIP, "National report on the socio-economic situation of the women prisoners in Spain" (2003), we showed how a big part of the exclusion factors affects the women: precariousness, employment, or lack of labour experience (28.6%), irregular labour experiences in sectors such as domestic work (45%) etc., unemployment (22%); low educational levels with illiteracy (16%) or lack of primary education certificates (36.5%) or only with this certificate (23.3%); the drug-addiction, since 70% of the women admit to using drugs and 51% say it relates to their imprisonment; being victims of violence in their lives (38%) or suffering sexual abuse during their lives (17%); being women with an average of two children and in 70 % of the cases separated; belonging to an ethnic minority, which in the case of Spain 25 % of the imprisoned Spanish women are Roma and 23.5 % of the imprisoned women are foreigners or immigrants.

[3] Among the total number of women interviewed during the fieldwork, only one of them was a non-community immigrant woman and another, although foreign by birth, was a naturalized Spaniard. As a result, the immigrant condition as factor affecting the time before prison is not sufficiently represented in our sample in order to be analysed in depth.

[4] 25% of Spanish women in prison in Spain are Spanish Roma; meanwhile the Roma population represents approximately 1.4 % of the total population. 60 % of the Roma women are serving a sentence for drug trafficking and 39.7 % for property crimes.

Roma women are contradictory and incompatible with the image and the behaviour of a drug addicted woman, who moreover, belongs to a marginal sector of the society. This is how they become the excluded of the excluded. They are treated as the social outcasts of the majority and the Roma society, they accumulate disadvantages at all levels: they are women, they are Roma, they are poor and they are drug users.

DRUG DEPENDENCY

The drug addicted women interviewed were between 24 and 47 years old, and started their consumption of drugs during the mid 80s to mid 90s. All of them mentioned heroin as their drug of choice, although they often mixed it with other drugs such as cocaine, alcohol and prescription drugs, etc. Of the 18 women interviewed who comprised the sample, chosen randomly, 15 of them ended up in prison because of crimes related to the drug use or because of crimes of trafficking. Eleven of them were drug addicts at the time the crime was committed.

In the 70s, (Duro, 1994) heroin was, at the time, the most important drug, and was considered the main reason for the increased number of crimes perpetrated in the country. It was during the 80s when drug use spread quickly in the working class neighbourhoods of the big cities and in the suburbs and outlying areas. Parallel to this phenomenon, there was an expansion of the minimum welfare services due to the social alarm created. The idea of drugs as social problems became stronger, and the central government reacted by establishing the National Plan Against Drugs.

In 1986, drugs were continuously being pushed to marginalized and peripheral neighbourhoods. The marginalization of these neighbourhoods increased at the same time as the use and the trafficking of drugs increased. These neighbourhoods are perceived as conflictive and problematic and the society in general worries about drug use. In 1985, a survey (Moro 1985) showed that 91.7 % of the population saw drug use as a severe and/or important problem and that 44.8 % of the population thought that drugs created problems of delinquency and insecurity. The most visible part of drug trafficking was concentrated in these marginalized neighbourhoods and drug addicts from other areas went there to get their fix. In this way, the drugs and the resulting social problems seemed to be removed from the centres of the cities to the relief of the public authorities. The idea of the security of the citizens prevailed above anything else, and the association of drugs with delinquency seemed to be generally accepted.

Only nowadays is the use of heroin identified in socially disadvantaged areas and neighbourhoods that present characteristics of a ghetto. It was during the 90s when the designer drugs appeared, when the use of cocaine spread over society in general and when the patterns of use changed. The worries about these abuses are perceived more as a problem of public health than a socio-political problem, and terms such as epidemiology and the growth of drug abuse are used. The women themselves recognize these changes in the usage:

> *"And you can see, years ago when the heroin started, everyone used heroin but now everyone takes coke, at concerts, everywhere, city mayors, everyone takes coke"* (Woman).

1.1 The situation of exclusion and gender determine the type of crimes for which certain women are persecuted. The lone-parent family situation is a key factor.

For most of the women interviewed (16 out of 18) the aim of the crime was to get immediate income; therefore, they are **typical economic crimes**. As statistics show in Spain and Catalonia, 89.8 % of women in prison have perpetrated crimes either against property or against public

health, with 41% being for drug trafficking[5]. In our sample, five of them are in for drug trafficking, one because of drug trafficking in relation to prostitution, and ten of them because of crimes against property.

The position of these women in the **drug trafficking networks** can be defined as the peons, "the mules;" they are women who occupy the last position in the trafficking networks. It is the lack of stable and sufficient economic resources that pushes them to make this type of decision. In many cases, the situation as a lone-parent family, a physical or psychological illness, or important vital life crisis or ruptures, aggravate this material precariousness and limit their options or ability to face it. Given the type of crimes mostly perpetrated by women, an important fact must be taken into consideration: since 1995 the Penal Code increased the punishment for drug trafficking: from 6 months to 6 years in the old Penal Code, to 3 to 9 years in the new Penal Code. This legislative change implies that most of the imprisoned women stay in prison longer, and at the same time, that the prison population grows.

The trajectories of most of the interviewed women are characterized by **social exclusion and severe poverty**. These women, in the period previous to the perpetration of the crime, suffered difficult economic and social times, and during these times, especially in the cases of single mothers in charge of their children, they started to struggle based on an urgent need to get money to maintain the children. The sudden death or abandonment of the husband placed them in a very unstable position that led to the search of immediate and greater money income through the drug trafficking. The deteriorated neighbourhoods in the outskirts where they live, where the trafficking and the drug use are prevalent facilitate their initiation in this market. In fact, some of them had previously been exposed to drugs through abuse by very close relatives.

> *"From one day to the next, this guy left me there with two girls, an apartment to pay for and all my cash was 2,000 pesetas (12). I had to leave my girls in a nursery to go to work. I went to the neighbourhood priest to look for resources, and he told me he could help me this time, but that it would be impossible for him to help me every month… Then I was going with the guy's mother to do cleaning jobs three times a week, but at the end of the week she gave me 5,000 pesetas (30) and this was not even enough to feed my daughters. It was then that someone came and offered for me to sell drugs, I could earn money with that and since I was not taking… everything remained clean and legal… but after a while where everything is money… it comes a day when someone tells you: come on, try it… you will see that nothing happens. And then before you know it… I was more hooked on drugs than a monkey…I didn't know where to go…"* (Woman)

In our sample, seven of the sixteen women who already suffered some level of social exclusion before their entrance into prison, become, at some point in their lives, single mothers responsible for their families.

According to recent studies about the current changes in family make-up in European countries, including Spain (Almeda 2004, others), it is remarkable that there is a close relationship between being a lone-parent family and this condition being at risk of social exclusion for these families.

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[5] *In Spain, 55.1% of the accused in relation to drugs was crimes against the public health, 22.9 % crimes against property linked to drugs, and 19.1% of the crimes against security in the traffic. Instituto Andaluz Interuniversitario de Criminología "Las drogas en la delincuencia: su tratamiento en la Administración de Justicia", CGPJ, 2002.*

The difficult economic situation of some of the women interviewed does not allow them to maintain the autonomy of the family unit and they are forced to become part of the family unit of their mothers or mothers-in-law in order to have enough support for childcare. Their level of education is very low: they have not passed primary school and some of them are illiterate. The relevance of this data becomes significant when the women become solely responsible for their children. Their low level of education is a key factor that determines their access to the labour market in feminised low qualification sectors, in particular the cleaning sector, which implies bigger difficulties in acceding to the labour market[6].

The lack of access to the labour market constitutes a key variable in the reduction of risk exclusion for these families, since in some cases it can sometimes start shaping the path towards criminalization. The option chosen by these women is drug trafficking or prostitution.

For two of the interviewed women, the sporadic international trafficking appeared as a way out of the situation they were immersed in. This phenomenon has been increasing in the last few years, as a way chosen by more and more women coming from poor countries, especially from South America. A big proportion of the foreign women imprisoned in our country are accused of this type of crime (Almeda, Bodelón). Only one of the interviewed women is accused of procuring.

Another group of typical economic crimes is that linked with the drug addiction of those who commit the crime. The women, who are already in a situation of socio-economic disadvantage, start looking for immediate money which forces their entrance into illegal markets as prostitutes combined with small robberies. In one of the cases, prostitution and robbery were linked, because prostitution was used as a tool to commit the robbery.

1.2 Domestic violence in itself, or made more humiliating by other factors (e.g. sexual abuses when minors), could be a major cause for women's lack of choice for courses of action, survival strategies, etc.

The lack of **policies, social resources** and support services for female victims of violence has been a reality for the women interviewed. None of them ever received any support from the institutions, social services for women or health services before committing the crime. It is also true that in all of them, the idea of reporting this violence to the police or the possibility of making this problem public have not even been considered. They lived with the problem individually, influenced by a family and a social environment completely unfamiliar with this situation. In one of the cases, the family support plays an important role and for the other women, it is non-existent.

 "When I was four years old my stepfather started touching me. My parents were separated but they maintained the relationship for the children. My stepfather was a friend of my dad. He raped my sister, the one who has a baby. He also raped my other sister. And also my niece, who feels awful, awful! I told my mother when I was thirteen years old but my mother told me that I actually liked it. My niece reported my stepfather but since he was sick…nothing."
"Then when I was thirteen years old I had my first overdose of smack. A North African brought me to a motel and raped me. He pretended I was his daughter. I reported him to the authorities, but whether there was a trial or not, I don't know. But of course I had overdosed…" (Woman)

Different studies show that violence against women has very severe consequences for the victims, producing mainly **psychological but also physical damage**[7]. The violence disturbs .

the women's lives in many aspects: it undermines their self-confidence and reduces their self-esteem both physically and psychologically; it destroys their health and denies their human rights.

> "It really affected me, it was very hard and I still have it in my heart, I have a broken, aching heart, he treated me like a whore and this is because he left me at home at ten and then he went whoring. He did a lot of damage to me. I have suffered so much, but only for my daughter, but this is over, this is it, I am not going to have any more of this." (Woman)

There are no studies or analysis carried out in Spain on violence against women who are in prison or have been in prison, although some data points out that there is a bigger incidence of violence and battering on imprisoned women than on the rest of women (Miranda 1996)[8]

The violence against women does not appear as a key factor in these women's lives according to the agents' interviews and the existing bibliography on women in prison. This should not be surprising, but it is worrying because this lack of awareness and attention has practical implications for these women.

During the research we have seen how the **consumption of toxic substances** becomes one of the most common strategies for female victims of violence to evade the damages produced by the violence. Once again, there are not any studies or analysis that link violence with drug use in women. One study carried out with a drug addicted population pointed out that there was a high incidence of drug use among women who have suffered severe episodes of violence during their lives (Blas, E. 2000)[9]

This is the case of most of the interviewed women who have suffered violence. The violence and the drug addiction go together in their life experiences; the physical and psychological effects of battering and sexual violence are aggravated with the health effects of the drug addiction. In one of the cases, sexual abuses as a minor, and drug addiction, are closely linked at the age of eight years old, and this experience determined her entrance into prostitution when she was eleven years old. In this case, the three factors are interrelated and make the circle of social exclusion even worse[10] :

[6] The most current studies on lone-parent family situation in Catalonia relate this situation with the level of studies: a parent with primary studies and a 24.4% without studies heads the 36% of the lone-parent families.

[7] The results obtained in a survey carried out by the Spanish Women's Institute in 1999 showed that the women identified as objectively and subjectively battered, present symptoms of psychic and physical discomfort in a larger proportion than the overall female population.

[8] The only existing survey by Miranda and Berberet (1996) showed the following data: 38% of imprisoned women in Spain suffered violence throughout their lives and 17% had suffered sexual abuses.

[9] "Drogodependencia y violencia: Art La comunidad terapéutica y el trastorno dual", Ed social 14, pp 36-50 (Ester Blas and others) Research of the dual population of drug addicted women: 59 % of the studied cases has suffered some traumatic episode in their lives, mainly minor battering and sexual abuses during childhood and adolescence. In 70.5% of the cases there are family records: psychiatric, absence or abandon, some type of dependence.

[10] Some studies show that between the 75 and 80% of the women in prostitution has been sexually abused when minors. European Women's Lobby.

"...At the beginning, I was not aware because I was very little, and when I become aware I asked for money for doing it" (Woman).

In other cases, **prostitution** is the consequence, more than the cause, of the situation of social exclusion and a practice that perpetuates the situation. Their difficult economic situation, their low educational level, their drug addiction, their bad health and the lack of work experience. This makes prostitution a way to obtain higher and quicker incomes in order to afford the habit, to maintain a situation of lone-parent family or to perpetrate the crime in one of the cases.

On the other hand, few institutions dealing with imprisoned women take into account facts such as being victims of violence. During the interviews with the agents, gender violence is systematically left out or ignored.

The violence against these women is, therefore, a factor that becomes a central influence in the circle of social exclusion determining and limiting the strategies of survival and personal choices before perpetrating the crime, during imprisonment and during the post-prison period.

1.3. Clarifications on the idea of the "Dependence on the man" as a gender factor in the situation of social disadvantage.

Without denying the dependent relationships established between some of the women interviewed and the men, it is important for us to overcome this widespread vision of the woman as someone who is essentially passive, dependant, submissive or a victim as portrayed in the agents' discourse. It is important to contrast this image with other types of relationships that these women establish with men and with the real situation that these women face.

First of all, it should be taken into consideration that all family or affectionate relationships are composed of binding elements and to more or less of a degree of dependency, reciprocity, solidarity, power and responsibility. Secondly, the women in prison share with the rest of the society many of the dominant values, such as the gender relations and the gender roles recognized in our society. And thirdly, it is necessary to remember that in certain social levels, particularly the ones occupied by most of the women in prison, economic autonomy and independence in relation to other people or institutions are practically impossible. In the most excluded sectors of society, it is necessary to achieve several sources of income (subsidies, non formal economy, casual jobs, crime, etc.), to secure the subsistence of several people. Each of these sources of income is intermittent, insufficient and precarious. Moreover, the social network, the family relations and the partner / spouse play a key role in covering the economic gaps.

Given this social and cultural context, the reality of the majority of these women that we interviewed is that the women themselves, or their mothers, have been the person responsible for obtaining the basic resources for themselves and their families' maintenance. It is important to underline that the male figures in their lives are absent figures (because of death or abandonment) or passive figures (because of alcohol or drug addiction). We can see some examples:

"Ever since I can remember, my father has been an alcoholic; my mother had to earn a living for the 10 children" (Woman)
"I was like that and on top of that I was with a boy but he would not work and, in the end, it was getting worse and worse. He remained in bed all day and I had to cope with everything" (Woman)

"My mother had to do everything, always…my father is an alcoholic, he has been drinking since he was thirteen years old, and well, he drinks and stays there quietly, sleeping. My mother and I have always taken care of my daughter" (Woman)

"My father abandoned us when I was three years old, and he left my mother with four children. When I was a child the circumstances were very bad, and I have seen my mother working all possible shifts to support four children by herself, and then I found that due to my life circumstances that my daughters had to grow up without a father and this pushed me down hill" (Woman)

We believe that the situation experienced by so many women contradicts the extended idea about the traditional organization of the domestic unit and the roles attributed according to their gender. This applies more to a topic or a stereotype rather than an applicable reality to different social classes: women perform a reproductive role, and are dependent on the productive men. This scheme assumes and reproduces social inequalities based on gender differences that do not correspond to many realities. On the contrary, the social sciences sometimes use another concept that we find more appropriate to describe and analyse these realities. It is preferable to use the concept of "matrifocal"[11] to define the situation where, in the domestic organization, there are only mothers and their dependant children.

It is remarkable that in general, these women do not establish relationships of economic dependence with their partners, fathers or male figures. On the contrary, in many occasions, their partners or spouses and sons depend on them. Most of the women's partners do not have any economic power, they belong to the same social class and the women are not in a powerless situation toward them in regards to material assets. They are in an economically and socially defenceless situation within society and the Welfare State, but not in regards to their partners, who are not in the condition to fulfil their traditional role as providers.

The State measures aimed at fighting situations of exclusion and vulnerability typical of the feminisation of poverty is ridiculous, as is the case of lone-parent families or job discrimination. The economic quantities invested in family support, housing or in the fight against social exclusion are far less than the amounts invested in health or unemployment, where many more men are beneficiaries. So, even though more women are in charge of family responsibilities than men, they receive less support from the State to carry out these responsibilities than men.

Some of the interviewed women receive three types of benefits: the PIRMI (social minimum income in Catalonia with 317.41); the widow pension (396) and the incapacity pension. In view of the situations of economic precariousness and responsibility of family dependants, these State measures evidently shape a defenceless and vulnerable context.

"Look, when I had my daughter they gave me the PIRMI. My daughter's father has never given me anything (…), he just battered me. . When I was pregnant, they had to deliver the baby at 8 months by caesarean because she had an infection because he battered me. Well, he never gave me anything and then they gave me the incapacity benefit. (…) My mother gets the incapacity benefit for me, and every week or two she gives me around 20 , and she also sells stuff and if she earns six euros, she puts aside two for me and she keeps four for herself." (Woman)

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[11] *The term matrifocal is used in studies of urban communities with high levels of unemployment and poverty, especially in Latin America and the black ghettos in the United States.*

As pointed out at the beginning of this chapter, the interviewed women share many values related to gender with the rest of the society. So, even if on many occasions the men are dependant on the women, the women themselves do not wield the power that these situations could permit. And they usually understand the dependency of their partners as a question of responsibility rather than of power. *"He does not have anyone else, he's only got me".* This exploitation of their role as caretakers is evidently justified in a relationship based on an asymmetric power, but listening to the women's stories we see that it is important to break the myth of passive, dependant and subordinated women. If, within the gender relations, the power relations are understood as the capacity of the men to influence women's acts, in most of the women's stories, the conclusion would be that the men are absent rather than powerful.

1.4 Social networks, the neighbourhood, or multigenerational patterns may strongly influence the type of crime committed.

As it was previously explained, most of the women come from working class neighbourhoods, from the outskirts of the cities, from ghettos or segregated areas. The fact of living in these neighbourhoods (see the example of the Mina neighbourhood in SURT MIP, 2005), with a presence of drugs and drug trafficking and with the lack of available provisions and services, determines the status and opportunities of their population and also facilitates their access to certain criminal practices.

> *"It is because when he has a lot of spare time in the street, it becomes a bad thing, and even more in a problem neighbourhood where there is always someone tempting you with something, and when you have no money and someone comes and offers you something to sell, well, I know what this is and…to say yes, give it to me because…but what you earn on one side, the devil takes away on the other…."* (Woman)

The multigenerational models have also been a remarkable factor in the lives of these women, because many of them had some relative, mainly brothers or sisters, in a similar situation of drug addiction or even death by overdose, before committing their crime. On the other hand, some of the women have fathers who have problems with alcoholism, low income, low levels of education, unemployment or employed in the informal economy, etc. Two women said that their mother had already been to prison; some others were living with their mothers in very small houses and in severe situations of social exclusion.

2. Imprisonment excludes women who were not socially excluded before their imprisonment and excludes already-excluded women still further.

2.1 Women suffer an irrevocable loss of roots, due to the separation from their children and violation of their gender role as mothers and wives, among others.

The laws and public policies have, in general, a perception of women limited to their role as mothers and wives fulfilled inside the family institution. The organization of the Welfare System in Spain shapes a specific gender order, that is, the cultural or legal assumptions about the rules, the rights and obligations differently attributed to women and men (González, 2000), and this structure has specific repercussions on the social exclusion process produced during the prison period.

The entrance into prison and the isolation suffered mean that many of these women see their family situation become more problematical in relation to their children and to their family of origin. When they are released from prison, this delicate family situation becomes more acute, due to the fact that the possible improvement or decline of the women's socio-economic situation depends on the support offered by the family.

The Spanish Welfare System is based on a model of male breadwinner, which means that the man is the economic provider and the women the one responsible for the care and reproductive life. It has a dual protection system: a high protection for those who work with a stable job, generally the male breadwinner and a poor protection for those unemployed (assistance benefits or minimum economic aid not based on the amount that workers have paid in to the social security system). Therefore, the subsidiary principle prevails in the articulation of social and care services: the family is primary, the women; and the State has the obligation to intervene only as a secondary agent when the family fails, which makes it really difficult to maintain certain levels of welfare and economic income in a situation of necessity, such as the ones suffered by these women, and without the family support (SURT 2004).

It is worth stressing the fact that the women are the ones who usually make up the most solid network of support and dependency inside the family. They are the mothers, the mothers-in-law, or the sisters who assumed the responsibility of taking care of the children when the women interviewed were unable to do it. In these cases, it is not only the assumption of the caretaker's role but also providing the infrastructure and economic resources. Within the sample, we found that twelve of them are mothers with an average of three children. In most cases they became mothers for the first time at an early age and these pregnancies were not planned. None of them considered having an abortion even when the pregnancy was not wanted and arrived at difficult times. The outcome that occurred when the women were no longer able to fulfil their role as mother has repercussions.

For them, that almost all of them have internalized the role of caretakers and mothers without stating disagreement with the assumption of this exclusive responsibility, being unable to fulfil this role has tremendous consequences for their self-confidence, and during the prison and post-prison period they have internalized this failure as an additional punishment, because they are continuously judged by the prison treatment committee for their unfulfilling of their role as mothers. If they maintain a real concern for their children they are rewarded and receive benefits.

For the children, the long separations make it more and more difficult for the children to see them as their mothers.

> *"My children, I'm not giving them an education. They call me mum but they don't mean this word, as it should be. I'm giving them love, but I do not know how to scold them. I want to win them, however, I let them do everything they want and this is not good. They see me as a friend, not as a mother."* (Woman)

The relationship usually gets tenser when the children are older. The sons see what their mothers have been, or the women are scared to be accused by their own children of failing in their mother's role. Another important consequence is the relation between mothers and children in prison; two of the women interviewed had their children in prison, where we have confirmed that the life conditions in prison affect the children who remain there with them:

> *"The mother's instability is affecting them directly, no matter how hard you try to minimize the impact, they are affected"* (Agent)

For the families: The exclusion effect of the prison has a very important impact in their families. In most of the cases, we talk about families with low to very low economic incomes, and therefore, the support that they have to offer their daughters represents an over-load weakening their socio-economic situation even more. The families that assume the care of the children in the absence of the mothers do not receive any type of support from the State. During 2001, although the Welfare System is based on families, only 2.63% of the whole social public

expenditure in Spain was allocated to aid for family and children[12].

Couples: Neither the agents nor the women interviewed think about the care of the children as a shared responsibility with the fathers. No one questions, or comments on, the possible failure of the father's role in relation to the care and economic maintenance of the children, either when the couples are both in prison, when they have abandoned their children, or when the woman cannot care for the children, due to being in prison or to being addicted. Moreover, in many cases, the responsibility of the care and maintenance of the couple's relationship also falls to these women, either outside or inside prison. That is why when the women are imprisoned and cannot carry out their caretaker role with their partner, the couple's relationship deteriorates and disappears, and the men rarely visit their partner, nor give them support during this period or wait for them until they finish their prison sentence.

Society in general: The agents and prison legislation discourse shows the unique interest for minors and not for mothers, since the imprisoned mother has lost all credibility as a mother. The mother is blamed and the requests of the women are perceived as "selfish" since society in general turns the woman prisoner into an "anti-woman".

> *"Because more is demanded of the woman. A bad woman is the worst. A woman who commits a crime is horrible. She is more terrible than a man. Because the woman must be an example for her children."*
> (Agent)

2.2 Inmates' health conditions often deteriorate both in terms of physical and psychological well being.

In some cases, the inmates were already suffering from **psychological problems** before entering prison, and in many cases, they emerge due to the effects of imprisonment. All of them have suffered at one time or another, from major depression, stress and anxiety, and the treatment received was limited to the prescription of pharmaceutical drugs. None of them received any type of psychological counselling or therapy for these problems**.** The continuous over - psychiatric medication they received (many focused on sedative and tranquillizers)[13] creates new addictions for the women and it also corresponds to logic of controlled treatment where security and order are more important than the possible resolution of health problems. The women, who have been subjected to severe punishment such as long isolation, expressed the gravity of the consequences on their health. Some of them manifest alarming stress caused by witnessing certain dramatic episodes inside prison, such as suicides[14] or lack of medical attention in severe situations.

In other cases, when women enter into prison, they lose the guardianship of their children or a relative takes care of them. The separation and loss of the link with the children impose enormous psychological suffering both for the mothers and children. Nowadays, measures do not exist in Spain or Catalonia that permit earlier release of mothers, or allow them to serve the sentence through alternative non-custodial measures (Naredo 1999).

Other remarkable direct effects on the health of these women are: the non-existence in the Catalan and Spanish prisons of programmes addressed to the women as victims of the violence, taking into account the great number of women in prison who are victims of violence (38%). And on the other hand, the lack of implementation of the syringes exchange programme (PIX)[15] in all the Spanish prisons, also taking into account the high number of female inmates who use drugs in prison (53%, Siad 2002). The lack of this programme produces psychological and physical damage for many of the imprisoned women[16].

But in the work on drug addiction the problem that continuously frustrates personal efforts is that the treatment of drug dependency under a punishment for drug use model becomes extremely complicated, particularly if the presence of the drugs inside prison is not recognized or treatment programmes are not based on this reality. The question lies in that the treatment of the drug addiction is a health problem: it is not the responsibility of the health system of the public administration of Catalonia and in Spain; on the contrary, it is the responsibility of prison officials.

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

The place women occupy in the penitentiary system supposes multiple disadvantages. It can be distinguished on two levels: the physical location of the prisons and the relative influence they have inside the prisons because of their reduced number compared to men.

On one side, there is the physical location of the prisons: they are located very far from urban centres and lack access to public transport which produces severe consequences in maintaining relationships with the outside. The families have difficulty visiting them, due to the investment of time and money and the restrictions imposed by the schedules of the penitentiary regulations. This creates a distance and rupture of many personal links. The women perceive this uprooting as a double isolation added to the one produced by the prison itself and many of them unsuccessfully apply for a transfer:

> *"(...) They demand to be moved because of the family ties, because their parents are old and they are taking care of the children, the little children can only go to visit them in the prison on Sunday and only sometimes."* (Agent)

This longer distance and impoverishment of the women's social network creates an obstacle for their future insertion into society, which in many cases is impossible to overcome. The difficult access to the centres also has repercussions on the services they receive from external resources, greatly restricting the number of volunteers and collaborators that offer support and activities in prison.

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[12] *Source: Ministry of Employment and Social Affairs. Annual Report of Labour and Social Affairs Statistics. National Institute of Statistics.*

[13] *See E.Almeda: "Corregir y Castigar" Ed. Bellaterra, Barcelona 2003.*

[14] *The 2002 report by the ODHSP on the situation of the Catalan prisons, showed the damage to the physical health of the inmates and the consequences in the mortality rates. According to official sources by the Justice Department during 1990-99, 976 people died while in prison, that is a ratio of one person dying every three, four days.*

[15] *Despite the European recommendation to encourage these types of programmes in the prisons of the Member States of the EU, in Catalonia and in most of the Spanish prisons is not yet implemented.*

[16] *According to the survey carried out in 1998 by the general sub directorate of penitentiary health, there was 19.9 % of the population with HIV infection, 4% with AIDS, 50% with tuberculosis, 10% with co-infection HIV-tuberculosis, 3.3% hepatitis C and the 6.2% with a severe mental illness (chronic psychosis or psychical disability).*

Less number: The fact that women represent 8.1% of the total Spanish prison population means the existence of very few women's centres, and this therefore implies a major dispersion of the women inmates from their place of residence.

A fundamental difference is the absence of modules separated by age, or by penal situation, as happens in men's prisons. In most cases, women prisons are small modules annexed to large men's penitentiaries and in practice are considered as residual annexes to men's facilities. The Ombudsman annual reports, as well as the results of this research, are clear and forceful when referring to the inequality those women prisoners are suffering. One year after another the reports demonstrate this reality in the different Spanish prisons:

> *"As it is being reiterated in successive reports by this institution, the women prisoners' situation is worse than the male inmate's situation…generally they have at their disposal worse infrastructures and the available activities are much more limited. This also occurs with paid employment in prison when it even exists at all. This is also true of other jobs depending on the penitentiary administration, such as laundry or kitchen posts, that are generally not permitted to the women inmates (…) It should be also pointed out that the ill women inmates must remain in their cell because there is not a place to stay in the infirmary"* (Ombudsman 2002-2003)

4. There is a contradiction between the principles and the practice of social and criminal justice: this contradiction reinforces the social exclusion of some vulnerable groups of our society: The Agents' discourse

The Spanish Constitution takes into account two fundamental aspects of punishment: the punitive and the social reinsertion or rehabilitation. However, the function of rehabilitation or reinsertion is more difficult to implement practically. Most of the agents interviewed think that there is certain failure of the reinsertion function during the implementation of the sentence. They are aware of the negative effects of imprisonment. That is, they recognize the personal deterioration produced by the imprisonment on the inmates and their closest relationships, but the following is generally repeated: *"prison does the most harm; it is the worst option"*, and this idea contradicts the massive use of the deprivation of freedom.

From this point of view, all agents defend the promotion of measures to avoid or decrease the period of imprisonment or minimize the isolation: the alternative measures to imprisonment, the combination of a period of imprisonment with an alternative measure, and also more intense work in an open regime with more freedom.

The agents with positions of high responsibility in the administration emphasize that the main limits for the processes of socio-labour integration come from certain actions of politicians, judges, public prosecutors and society in general. The new legal reforms in 2003 have produced a hardening of the penalties, both in their duration and in their conditions, making the function of rehabilitation more difficult.

This failure is also observed by the amount of recidivism[17] and the gap in the risks' control. The complete lack of any evaluation of the existing measures of socio-labour insertion makes what it is done, and what is not done, invisible. The overcrowding of inmates is also another factor that prevents individualized work and limits the possibilities of success. As it has been previously noted, the lack of human resources, the limited training and jobs offered inside prisons, and the poor application of measures for semi-freedom constitute important limitations. In order to evaluate the use of available resources dedicated to integration, it cannot be ignored that 34.57 % of the Catalan prison's budget is spent on surveillance; 33.11% on infrastructures; 19.14 % on quality of life and only 13.16 % for rehabilitation and reinsertion (Redondo 1997).

In 2003 the ratio of rehabilitation staff within the total number of staff in the Catalan prisons was 17.26 %, while the surveillance staff increased to 62.12%[18]

The agents often mention the excess responsibility attributed to the prisons for achieving reinsertion of the inmates, when the integration of these women was a social problem previous to the perpetration of the crime which society does not know how to confront or offer solutions to these problems. The return of these women to the same environment and to the same risk of exclusionary situations is another forgotten aspect of this work and one of its main criticisms.

5. Present measures and programmes for the social integration or reintegration of women ex-prisoners are inadequate.

5.1 Work within prisons fails to supply inmates with marketable occupational competences for entry into the labour market.

One of the main reasons is the lack of labour offer inside, and even worse for the women who are in preventive detention or short sentences. Another reason is the type of work offered, so the tasks they carry out are routine and boring. These jobs consist of screwing down bolts, sewing labels on bags, packaging screws in paper bags, etc. These types of activities do not require any type of previous labour training and do not provide new job skills useful for their future. The penitentiary administrators do not see this as an opportunity for giving training to the women or to prepare them for the labour market outside prisons.

The only interest in this production work for the inmates is the income they obtain and, apart from that, there has been unanimous criticism and complaints from all of the women interviewed about the salaries they received, which vary from 40 to 90 a month, working four hours a day. This work is paid piecemeal and the job does not have any type of sick leave benefits in case of illnesses.

The type of jobs offered plus the long sentences mean that those women who had more qualified jobs before the imprisonment are totally behind the times and have to start from the beginning, cleaning, or working in the restaurants, once they get released. The agents have expressed severe criticism regarding production work because they do not have any parallel system of evaluation, the limited usefulness of the work offered, and because of the lack of impact on the opportunities for the women to improve their situation.

> *"The productive workshops do not prepare women for the labour market...we believe they are a waste of time"* (Agent)

17 The ratio of the penal recidivism in the Spanish women prisoners in 2000 was 56.43% and in men 60%.

18 Source: Justice Administration of Catalonia, 2003.

5. 2 The training in prison does not sufficiently contribute to the acquisition of education and competences needed after release.

The **vocational training** offered to the women in these centres is limited basically to hairdresser, macramé, sewing, knitting, and painting[19] . These courses are not implemented to direct the women to a professional career but, once again, they are implemented to occupy time in prison. The quality of these courses is poor compared to similar courses that are being implemented outside of prison. Furthermore, there is not an existing link with enterprises; organizations or associations on the outside that might help the women put these competences in use once outside of prison.

> *"You cannot say that here inside there are courses to help them for future reintegration. They are focused on occupying their time (...)"* (Agent)

These courses do not include a more practical focus of giving training to the women to know what to do with these certificates. In fact, most of the interviewed women did not even know that they would receive a certificate after completing some of the courses. This is why, from the women's point of view, the courses are isolated in time. They more or less enjoy them but they do not improve their capacities, opportunities and abilities, nor do they any possible professional impact. But these deficiencies are further increased, as mentioned before, by **the logic of treatment** and functioning of the prisons annulling the capacity of movement, initiative, capacity to make decisions, or assume responsibilities or increasing self-autonomy, etc. This treatment implies important negative consequences for labour integration since they do not offer the women the necessary tools to reach the actual demands made by the labour selection processes, which put emphasis on the flexibility, adaptation, initiative, responsibility, decision making capacity, autonomy, etc. (SURT 2004).

5.3 Women do not receive enough preparation and support for their smooth return to family (and other intimate ties) and integration into the community.

Not much is offered to women in prison to prepare them for the outside. The existing programme consists of giving permits at the end of the second-degree period, which allow the women to go out for short periods of time to have contact with outside resources. The agents see this programme as completely deficient because there is a lack of work done outside to create a bridge with the community resources and services, the family, enterprises, and social agents.

> *"I think we need people prepared to work outside with the inmates and follow up their trajectory outside. There are some pilot experiences of these types of programmes, but, well, just a few."* (High position)

> *"I am always missing a figure who works as a bridge, a period where this person becomes a reference person, both inside and outside…"* (Agent)

And the women also see it this way because this is totally useless to make contacts for the future. The use of these permits to contact insertion enterprises, temporary job companies or other type of enterprises is fruitless because they know that, even if they found a job or scheduled a job interview, they could not accept the position due to the fact that they are still imprisoned. So, they basically spend their furloughs with their family.

Additionally there are programmed leaves where the women are always accompanied by prison staff and where they can visit potentially useful external resources such as halfway houses[20] and others, or simply enjoy some fun activities outside. These leaves are short and infrequent but can be beneficial as a way to make contact again with the outside.

The most important measure carried out in the drug free Department belonging to the Brians prison in preparation for the outside is to grant women, with the approval of the Penitentiary Surveillance Judge, the possibility of going outside every day with an agreed upon amount of time they must spend in prison during the week. This is possible with the Article 100.2 of the Penitentiary Law.

The women's view is devastating in regards to this preparation. None of them believe that they have been prepared to confront the impact of facing the outside world in terms of work, health, housing, training, psychological support, etc. This reality means that many women are scared, and this fear of release is produced mainly by the lack of orientation and information. The systematic lack of information inside the prison increases the level of anxiety, stress and mistrust, and this fear has more effect on those women with long sentences. This is very important, considering that the average women's sentence nowadays in Spain is for four years.

"Nothing, they haven't helped me in anything, with information or anything!" (Woman)

"Prepared! prepared! They did not prepare me at all...." (Woman)

"I have not received preparation to go out; they did not help me at all" (Woman)

"I don't know, mmmmm, they have only given me the third degree regime and offered to reduce the amount of methadone I take, but someone who has spoken to me as you have, never!"(Woman)

5.4 Programmes in prisons are gendered, which often reflect and reinforce traditional gender roles.

As it was seen above, the **type of work offered** in the women's penitentiary centres has an absurdly low value in the labour market compared with the type of work, such as carpentry, painting, graphic arts, construction[21], etc; offered in the men's prisons. They are not jobs valued in the labour market and the women still belong to work sectors totally gendered in the exterior. What's more is that they are sectors characterized by labour precariousness. In fact, the women outside in the black economy are doing some of these jobs since this is the only way for them to be profitable.

This inequality is also reflected in the **salaries received by women and men inside the penitentiaries**. It is rather surprising how the same dynamics of the general labour market, where women receive salaries 30% less than men, are reproduced again in the prisons, but in a much more extreme and discriminatory way. According to the official data for the year 2001, the monthly remunerations received by men fluctuated between approximately 600 and 950 and in the women's case fluctuated between 37 and 138 .

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[19] *Only the sewing, hairdresser and computers use are official vocational training courses, the others are offered as activities without any certificate.*

[20] *There are three halfway houses for women with place for a total of 15-18 women.*

[21] *Various studies have showed these differences and the emphasis on the women's domesticity in the occupational workshops and also in the training courses. This happens in Spain and other European countries. See E. Almeda: "Corregir y castigar" Ed. Bellaterra, Barcelona 2003; Bertrand: "Prisons pour femmes", Ed. Du Meridien. Montreal, 1998; Cario: " Jóvenes y mujeres encarceladas", Eguzkilore N° 4 1990; Campelli: "Done in carcere", Milano Feltrinelli 1992; Carlen. P: "Women's imprisonment. A study in social control" London. Routledge and Kegan Paul 1983; Heidenshon: "Women and Crime" London, Macmillan 1985, etc.*

As already pointed out regarding the **training activities**, the selection is quite discriminatory in contrast to the existing training opportunities in the men's prisons or modules, which include graphic arts, skill-screen printing, the car industry, graphic design, construction, painting, office automation, carpentry, electrical shop, etc. From three decades ago, it has already been mentioned that this selection reinforces the traditional roles of women inside the penitentiaries and as a continuation of the logic of treatment based on giving benefits to those who conform to the type of model of conduct for women in our society. But this selection also directly and negatively influences the integration of these women into the community, and becomes an obstacle to the opportunities for the female inmates when released.

6. Several barriers to the social integration/reintegration of women ex-prisoners remain.

6.1 The prison experience probably makes it more difficult and blocks the opportunities to generate adaptive strategies and the acquisition of key capabilities that are necessary for effective insertion process. Competences that would be needed after release are not yet targeted or developed by prisons.

The incarcerated women's return to society when they access the third degree regime[22] becomes a very complex process, since many personal, social and structural factors play a part in answering their basic needs. It is evident that procuring material resources and income is the first necessity. During this time, the challenges are accessing the labour market, housing, the possibility of re-establishing ties with family and friends, etc. When they face this new situation, the process of learning or loss of competences that took place during the imprisonment period becomes evident.

On the one hand, prisons **do not offer the possibility of learning basic competences to get a job (**SURT, 2004), as how to prepare a CV, how to handle a job interview, how to have a basic understanding of key aspects of the current labour market as well as occupational resources, etc. On the other hand, prisons do not offer **the basic mechanisms to access social resources and services**, for example, the bureaucratic functioning of the institutions, technical knowledge about legal questions that affect them, information about the resources available to them, their functions and prerequisites, etc.

The lack of all this work to prepare for release means that many of these women, when they leave prison, are completely disorientated, and feel vulnerable, without the ability to face the new reality.

> *"I know nothing; I didn't know there were mobile phones, or what a computer mouse was, so many things..."* (Woman)

During this penitentiary process, there is a loss in **social competences** in the exercising of decision-making, responsibility, autonomy, creativity, and planning and time management. Just a few aspects of daily life are left to the female inmates. They do not decide on their schedules, the silence, the activities to be completed, the company, the living space, the spare time, the food, the jobs, the training, the hobbies, etc.; all competences considered to be essential and all individual responsibilities of an adult person (Crefat 2002). This is where many studies and theories about the infantilism processes those women suffer; contend that when they come out of prison it has important impacts on their adaptation to society [23].

> *"They have stopped thinking for themselves. We found women who stay in front of a door and «if you don't open! ay, ay, ay», well, the prison doors there are not opened or closed, they open or close themselves"* (Agent)

"From a general point of view, prison only punishes and destroys, it marginalizes, encourages infantilism, it overshadows the women, it leaves people without decision-making skills, without autonomy, disconnected from the social network…really bad!" (Agent)

As it happens in most of the European prisons, this penitentiary model based on the **re-education and rehabilitation** of the female inmate is based on purely criminological work, where some aspects, such as the women's needs or their social and economic situation, are not taken into account. This idea is based on the individualization of the responsibility of the person for the perpetration of the crime, without taking into account any structural or environmental conditions; this is how the punishment is legitimized [24].

The effects of prison on the women and their personal capacities conflict with the **demands of the penitentiary system on the women when they come out of prison**. The women are required to integrate themselves into society in a quick and flexible way, to find a job and a house to support themselves away from the temptations of the neighbourhood, friends and drugs circles, to have enough money to settle down, and to take care of dependant family members (children, old and sick people). Confronted with these demands, there are women who fail while there are others who manage to overcome the obstacles that the prison continues to place on them when they are in the third degree regime.

6.2 Uprooting, or rupture provoked by the prison experience can be more intense for women. Also, in regards to socio-labour integration, women find themselves in more difficult circumstances than men, and this can lead to the accumulation of exclusionary situations.

The general context, in which women access the labour market, and in the case of the women coming out of prison, has undergone important changes during the last few years. One of the most significant changes has been the massive entrance of women into the **paid work** force, achieving employment rates without precedent[25].

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[22] *The objectives and principles of this period are directed at promoting the capacities of social insertion of the inmates with actions of support and cooperation to achieve progressive incorporation into the community.*

[23] *The European Commission has already stressed the new forms of exclusion produced by the new economy and society of knowledge, that can produce relevant differences between "who has the skills, qualifications and abilities in demand, and who does not have them". See White Book. European Commission. 1995.*

[24] *See the practical case of Canada: Ministry of the Solicitor General: "The Report of the Task Force on Federally Sentenced Women: Creating Choices" Ottowa; Kelly Hannah-Moffat and Margaret Shaw: "An Ideal Prison? Critical Essays on Women's Imprisonment in Canada", Halifax, Nova Scotia: Fernwood, 2000. Kelly Hannah-Moffat: "Punishment in Disguise: Penal Governance and Federal Imprisonment of Women in Canada", Toronto: University of Toronto Press, 2001. Pat Carlen: "Carceral Clawback: The Case of Women's Imprisonment in Canada" University of Bath, UK.*

[25] *Despite the increase of female employment in the last 20 years, the female unemployment rate in Spain is one of the worst of the European Union (25 members), with 15.2% in July 2004, according to Eurostat, and only Poland and Slovakia have higher rates.*

This increase has not been accompanied by more gender equality in labour conditions. The women's situation continues to be very precarious: with lower wages, gender segregation, and greater presence in temporary jobs, part-time jobs and the low qualified professional categories. These unequal conditions are severely aggravated when the women come from an already existing situation of socio-economic disadvantage, as is the case of most of the interviewed women.

In the case of women leaving prison, on top of all these difficulties, disadvantages, and inequalities, there are those derived from the impact of imprisonment on their labour trajectories. Imprisonment for the women means that they are absent from the labour market for long periods of time, which places even greater limitations on their possibility to access employment. It also implies greater obstacles to their possibility of receiving continuous labour training, an essential factor in the current economic context and labour market (EC 1995); a limitation in the use and access to new technologies with the added risk of facing a new form of exclusion based on the technological gap (Majo 1999, Castells 1998); and a lack of knowledge about the situation of the labour market. The period when they are deprived of freedom also has a negative impact on the vital abilities and general skills of the women necessary for their insertion and employability.

During the first two months after release in the third degree regime, ten of the women interviewed got a job, mainly cleaning, domestic work, jobs in the clothing industry or in hotels, as store clerks. The rest of the women, due to a variety of reasons, such as active drug abuse or because of their deteriorated physical or psychological state, did not work and immediately returned to situations of exclusion or socio-economic instability.

The types of jobs where they work are in very much feminised economic sectors, with low salaries and precarious conditions. All of them had temporary contracts and worked part-time, except one of them. The fact that they enter into the labour market through part-time and temporary contracts has an important impact, apart from representing new gender inequalities in the labour market. The statistics on the situation of women in the Spanish labour market are significant: Spain has one of the lowest female employment rates in Europe, 17% of the occupied women work part-time, and not precisely because of the application of policies that permit a better balance between family and labour life as occurs in other European countries with a high female part-time employment rate (Eurostat 2002). This precariousness especially affects the weakest sectors of the active population: women and young people.

Another structural factor supporting precariousness of the female worker is their participation in the **"informal" labour market or in the black economy**. Logically, among the interviewed women, the foreign women without work permits are found in the submerged economy doing domestic work. This is another example of the situation of immigrant women who, without legal documents, turn to the informal economy as the only possible way to obtain economic resources[26].

The women's success or failure in finding a job when they leave prison mainly depends on other means in most of the cases, but we have stated, no matter how the women got these jobs, all of them have certain things in common that make them insufficient for living autonomously: low salaries, instability and part-time work. It creates a new situation of vulnerability, and in some cases of exclusion, that places these women in situations of precariousness and urgency.

In addition to the lack of labour security, many of these women assume the domestic work within the household and the care of children, mothers and grandchildren. This **double responsibility**[27] has consequences for their health and quality of life, producing stress, depression or anxiety. It is important to note that during the first months out in semi-freedom, those women

have to combine these personal realities with the fulfilment of the prison's schedule that obliges them to be back in prison at 6 p.m. at the beginning, then at 8 p.m., and finally, and after some time, at 10-11 p.m. This needed presence and responsibility in the family also makes it necessary for them to take care of the additional problems that appear as a consequence of situations of social exclusion experienced by their family members.

Other factors that sometimes interfere are: the control exercised over these women by the prison staff with the schedules, the possibility to present oneself in the enterprise, the public prosecutor following the strict fulfilment of the law and without taking into account the insertion process of the woman, they revoke the third degree regime and ask that the women be returned to the closed second degree regime, or the specific work permit for ex-prisoners in the case of the foreign women.

6.3 Upon leaving prison women often face the effects of prison; the increase in their sense of "rootlessness" or rupture.

The negative effects that imprisonment has over the women's lives are numerous and we believe that their gravity is proportional to the length of time they were imprisoned. The strong feeling of **social alienation** experienced by women when they come out of prison defines many of these negative effects. Three ways in which this alienation is evident should be emphasized: a strong subjective perception of the stigma, the loss of basic abilities to cope with daily life, and a lack of identification with the basic roles that give structure to their identity. Logically, the longer they are in prison, the loss of contact with reality increases, the loss of basic abilities needed to live in society increases, and personal ties disappear.

During the fieldwork, a strong contrast was detected between the women's **expectations** before leaving prison—in most of the cases these expectations are completely disconnected with their socio-economic and personal reality—and the women's expectations when they actually get out of prison. When they are released, they become aware that the reality they have to face is not what they imagined during the time they were incarcerated. When reality hits them, they suddenly experience fear and insecurity. The stigma of being in prison influences everything. All of them hide their period of imprisonment from society, but even in the case when nobody knows it, the awareness of the **stigma** that accompanies the fact of having been in prison is very deep. They feel there is something about them that will reveal their past and they are aware that prison changed them in a specific way.

In addition, when the women come out of prison they do not only face alienation from society in general, but also from their most basic roles, their primary ties. Before their release, they have, on many occasions, idealized their relationships with their children, parents or siblings, or felt very confident about being able to recover them. When they get out, they become aware of the mutual uprooting produced in these relationships by the imprisonment period:

[26] *12% of the employed immigrant women in Spain are working in the services sector and 80% in domestic work and cleaning. See: "Mujeres Inmigrantes; Factores de exclusión e inserción en la sociedad Multiétnica" UGT, Madrid, 1999.*

[27] *A survey by Torns, T., Carrasquer, Borras, Roca showed how 90% of men, either employed or unemployed, do not do any domestic and family work. Meanwhile between 70 and 80% of the women do it, depending on their labour situation. See also the survey done by the Foundation Jaume Bofill (2002) on the share of domestic and family work in Catalonia.*

"I worry about my children because we haven't been together for many years, and now they are older and this situation is strange. They have to accept me and have a relationship (…) Even if they don't live with me, at least to have a relationship. I haven't been there all this time and this frightens me, it is difficult."
(Woman)

6.4 The necessity of achieving social integration must be addressed even before the necessity of getting a job, although both levels of needs are integrally related, neither of them can be contemplated as being independent from one another.

No one doubts that in our current societies, **a job is a key integrating element**, not only at an economic but also at a social level. At the same time, in order to get a job and advance in it successfully, previous minimum social integration is necessary. Nowadays, the integrating power of a job has come to the point where it even leads to obtaining citizenship. Work is the most important activity in defining social belonging, in defining who is and who is not a citizen, as citizenship is understood to be the basic link between the individual and the State, which gives him or her rights and social obligations. When the main tool for social aid in the Welfare State is unemployment benefits, the State is ratifying the protagonist and the power of the labour market as an "inclusionary/exclusionary" mechanism. This produces an impoverishment of the social responsibility that belongs to the State and to the social policy. The clearly decreasing evolution of the non-contributory benefits[28] shows that the State is far from correcting or compensating the excluding dynamics of the labour market.

On the other hand, the part of the national budget destined to those areas that are key in promoting the integration of vulnerable groups or those at risk of exclusion is ridiculous. Those key areas should guarantee the minimum social integration necessary to access to the labour market.

One of the consequences of this social resources management system is that, despite the clear social disadvantages accumulated by women according to the statistics, they represent a smaller percentage of the beneficiaries of social benefits than men do (SURT, MIP 2003). The profile of imprisoned women establishes a clear relationship between the social exclusion and the serving of a sentence, and this leads to the conclusion that the social policies and management of public resources have a close link with the marginality and the most persecuted types of criminality.

This is when we see, once again, a failure of the Welfare State to guarantee the possibility of minimum social integration to the people in situations of severe social exclusion. In the specific case of imprisoned women, the public policies do not recognize the relationship between social problems such as unemployment, drug dependency, broken families, difficult or impossible access to housing, urban segregation, etc.; and the perpetration of certain crimes. This dissociation appears in the **individualization of this minor delinquency,** and is viewed as a problem simply of the individual's transgression that consequently carries a punishment. And once the offender has paid his / her social debt by serving the sentence, society does not have any further responsibility. The social and penitentiary policies are not based on the idea that social problems and the perpetration of the most persecuted crimes are closely linked, as it is also the case with recidivism and social integration. Thus, this is why there is no coherent and global intervention.

In fact, the social workers that are responsible for the women until they complete their full sentence do not belong to the public network of social services, but to the social penitentiary services that depend on the Department of Justice rather than on Social Welfare. This type of organization limits their capacity for efficiency. It demands a permanent coordination between

the social penitentiary services and the regular social services that are not always smooth and easy. The existence of social services solely dedicated to prisoners means that their work is very influenced by the mentality and aims of the prison system, and sometimes are in contradiction with the most basic principles of social assistance intervention. On the other hand, instead of normalizing or integrating, the effect obtained is an even greater stigmatism of a social sector already very stigmatised. It is also easy to establish perverse and stereotypical relationships between both parts, when each part knows what the other part expects of them (Almeda 2002).

In the **penitentiary sphere, work** is considered the cornerstone that allows integration. Work could also be considered the most important factor in receiving a favourable prognosis. But the jobs offered to the women in third degree regime are often presented as vocational training courses that do not even guarantee their rights as workers. And the results hardly serve as an integration experience and the women logically perceive them as part of their sentence. Once again, the overcrowding of the prisons weakens these interventions, wasting the few available resources, when these conditions are imposed without distinction to the women who are far from being prepared for re-entry in to the labour market or to women who, due to health, family or drug addiction problems, are not capable of holding a job.

One measure directed at facilitating the social integration of ex-prisoners is the so-called "**release benefit**" receiving 75% of the national minimum wage. One of the disadvantages of this measure is that the women can become recipients of this aid only when they have completed their sentence. However, during the third degree regime or while on parole, they do not have the right to receive any type of income and the women have to face expenses without any source of income.

The fact that many of these women belong to matrifocal families with severe economic difficulties makes it impossible to get a job, but many women who are in the third degree regime suffer from a great lack of resources and support to meet so many basic needs that getting a job is impossible.

Another paradigmatic situation is the **reality of foreign women released from prison**. They are women who are released with an immediate order to leave the country and the corresponding prohibition against re-entering Europe for 10 years. This order to leave the country is often not implemented; this order combined with the impossibility of obtaining a residence permit due to their criminal record, means that these ex-prisoners live in absolute clandestinity. These women are left in a situation of absolute defencelessness, in a legal void that denies them any basic rights and prevents them from any labour activity.

6.5 The continuity between, and coordination of, integration related services are insufficient.

Lack of links, coordination and understanding with the external network: The agents' negative perception of the lack of connection, common work and coordination with external resources, as well as the lack of these resources, has been unanimous:

> *"We have a problem. Three women cannot get out this weekend because they don't have resources"* (High position)

[28] *The beneficiaries of the non-contributive benefits have not paid contributions during the minimum required time to become a contributive benefit, but they are in an exclusionary situation and have a lack of economic resources. The resources for the non-contributive benefits in Spain went from 10,233,000 euros in 1994 to 590,000 euros in 2001.*

"We have a very serious problem because there is no mutual knowledge, and although sometimes it depends on the organizations, in most cases they don't know each other and thus do not trust each other, and it is because of this lack of knowledge and not for any other reason…the connection with social services lacks trust and knowledge. And this situation leads to conflicts. Conflicts of understanding". (Top post)

"The link between prison and outside is a very big link, and there are not many resources for women, there are just a few resources and we really fight with each other for them…" (Agent)

There are not many external resources available to women in the second-degree regime, and the prison administrators only use those that have a consortium agreement with the Department of Justice. There is a lack of knowledge about other possible resources that could be helpful to the women, which sometimes both the prisons and the external resources are reluctant to use, because of the possible conflicts with different models of intervention and the different ways of understanding insertion.

It is necessary to include new and coordinated public and penitentiary policies to make the integrating process effective, minimize the exclusion dynamics of these women, and respond to a demonstrated and extreme need for coordination between the internal and external resources. These global policies should allow confronting not only penal problems but also many other social and labour problems.

Lack of Funds: The lack of funds is the main reason for this shortage of resources and the consequent problems arising when working towards the insertion processes of these women. The staff and the offered services are insufficient. In addition, the problem of the overcrowding of the prisons in Catalonia and Spain is reaching alarming proportions[29] . All the interviewed agents have underlined this lack of funds as one of their main criticisms.

"More resources are necessary for a better approach to meeting their needs: staff and economic resources. With the current prisoner ratios, it's very difficult to work." (High position)

This lack of social and penitentiary resources is closely linked to the more general context of the Spanish Welfare State, characterized by an overall lack of resources destined to address social problems in general, and even less to the female population. In the book *"La protección social en España y su desconvergencia en la Unión Europea"* (Social Protection in Spain and Its Lack of Convergence in the EU), it is noted how in 1993, Spain's public expenditure reached 24 % of the GDP, a percentage closer to the EU average of 28.8%. Since that year, the difference in social expenditure between Spain and the EU grew by 7.2% in 2000, and according to estimates done by these authors; it reached 19% (2% of the GDP) in 2002 in contrast to 27% in the EU. Therefore, the national and local expenditure on prevention or correction of the social exclusion is one of the lowest in the EU and the lowest in economic benefits for excluded people[30]. Moreover, ex-prisoners are only mentioned as potential beneficiaries of social benefits and services in the National Plan Against Social Exclusion.

Lack of evaluation and follow-up of the practices of the penitentiary directed to an improvement in the coordination of resources: This lack of evaluation and analysis of the practices of the penitentiary system and their use of resources and programmes of intervention for insertion is one of the key aspects that prevent the improvement of the intervention, and the coordination between the different social resources and the prisons. The intervention done in the centres is characterized by haste and urgency, improvisation and a lack of planning and foresight. In addition, the lack of evaluation produces enormous deficits in self-knowledge and leads to interventions motivated by habit, which do not contemplate possibilities of change and rectification. The majority of the interviewed agents who are fully aware of the problems accept this reality and they perceived this as an added limit to their work in the open section.

"I think I have pointed out at the beginning of the interview that we don't have the staff, the time or the habits…there is not a culture of evaluating the achievements, of making objective evaluations. I think that in general our country is not used to measuring and evaluating itself. But this is a global problem for all institutions, and so, I do not know exactly what efficiency we have. We talk about individual cases, but even in most of the cases there is not a follow up over time…. and then they relapse…we just don't know" (Top post)

6.6 Ex-prisoners are constrained by the non-coordinated requirements of various bureaucracies and their access to vital documents or to welfare benefits is slow and troublesome.

When the women come out of prison, they face important bureaucratic difficulties, when faced with the legal requirements and conditions that take place during the third degree regime and parole and during their access to social services. These steps are complicated because, on the one hand, there is a lack of administrative coordination and, on the other hand, there are the negative effects produced by prison on the women's personal abilities and resources.

Some of the interviewed women pointed out some examples illustrating the difficulties and effects produced in their lives by the lack of coherence of the legal bureaucracy. One of them experienced powerlessness when the public prosecutor appealed against her third degree regime and she was obligated to go back to prison, even if her insertion process was considered an exemplary model by the penitentiary staff and after it was agreed on by the Penitentiary Surveillance Judge for her to make a monthly payment to assume the civil responsibility in restitution for her crime, that she was fulfilling the agreement with the money obtained through her job outside. The reason for the appeal was that the public prosecutor strictly applied the wording of the law, and according to it, a prisoner cannot access the third degree regime or parole until the complete payment of all the pending civil responsibility has been made. Her return to prison meant missing work and without a job, she could not afford to pay the debt of civil responsibility.

Others were not able to receive the only existing economic benefits after prison during the third degree regime when they need these types of economic incomes the most and their situation becomes most delicate. However, they need to have completed their full sentence to be eligible to receive the ex-prisoner benefits. They cannot live with other family members who have income and, at the same time, they receive the social minimum income, although one of the conditions imposed on these women to access the third degree was to live with their family of origin.

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National Report England and Wales

Keele (MIP) Team 2005

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Introduction

In England and Wales women constitute about 6 percent of the total prison population and between 1994 and 2004 the numbers of women in prison in England and Wales increased by 151 per cent (Prison Reform Trust 2004). On March 5th 2004 there were 4549 women in prison. Between 20 and 25 percent of women in prison at any one time are likely to be on remand. Almost half of women released from prison in 1997 were reconvicted within two years (Social Exclusion Unit 2002). Moreover, as 71% of convicted female prisoners served sentences of less than one year in 2002 (Home Office 2003c) there was no statutory obligation to provide them with any post release assistance (Gelsthorpe 2004: 34). Even as this Summary Report (January 2005) is being completed, the House of Commons Home Affairs Select Committee's First Report on the Rehabilitation of Offenders has been published and it is critical of the numbers of women being sentenced to imprisonment and for the continuing failure to adapt rehabilitative programmes to the needs of women (House of Commons Home Affairs Select Committee, 2005: 4).

Research Objective

The MIP Project, funded by the European Union, set out to compare issues relating to the resettlement of women prisoners in six jurisdictions. However, in view of the vast amount that was already known in England and Wales about the needs of women prisoners, the main focus of the Keele (MIP) Team was upon the continuing failure to implement the recommendations of the many Reports and Inquiries into imprisonment over the last twenty years. For the research on the resettlement of released women prisoners in England and Wales reported here was conducted at a time of great change in the organisation of the responses to female offenders. In 2000 the government published its *Strategy for Women Offenders* (Home Office 2000); in 2002 the Social Exclusion Unit published its *Reducing offending by ex-prisoners*; in 2003 a government-commissioned Report outlined a new strategy for managing offenders (Carter 2003); and in 2004 prison services for women offenders were reorganised with the Prison Service's Women's Policy Group (WPG) being

abolished and the women's estate being returned to geographical (rather than functional) management, supported by the Prison Service's Women's Team. The latter published its first business plan in June 2004 (Prison Service Women's Team 2004) and in the same month the Women's Offending Reduction Programme Team at the Home Office also published its Action Plan (Home Office Women's Offending Reduction Programme Team 2004), a strategy for action to be rolled out in the following three years. A much more fundamental reorganisation of the delivery of punishment to both male and female offenders will occur when prison and probation services merge to form the National Offender Management Service (NOMS), one justification for which being that thereafter NOMS will provide a more co-ordinated service delivery than had been possible when prison and probation services remained organisationally separate (Carter 2003). At the time of writing this summary Report (January 2005) these most recent initiatives have hardly got underway and it remains to be seen whether they will eventually have significant impact on women's offending, imprisonment and resettlement. For as recently as April 2004, the Chief Inspector of Probation was writing:

> I have to report that the last two and a half years have seen little or no progress in the dismal prisoner resettlement situation on which others and we reported in 2001-2002. There are great aspirational plans…but the practical, operational situation on the ground has, if anything, deteriorated. (Morgan 2004:4)

However, and more encouragingly, the Women's Offending Reduction Programme was mentioned in the Government's 2004 Spending Review as not only aiming to meet the specific needs of women offenders but also to reduce the need for custody.

It was against this background of already quite clear official and formal recognition of women prisoners' rehabilitative needs, that the Keele (MIP) Team took the decision to focus, in their data analyses, on the disjunction between official policy statements and the actual non-implementation of measures designed to deliver the policy reforms, rather than upon the needs of female offenders about which there has been a plethora of information in the last decade. However, although in the data analysis the emphasis was on non-implementation of policy, it should also be stated that the interviews with women prisoners and ex-prisoners confirmed that their dire situation prior to, in and post prison is still as portrayed in all other Reports of recent years.

The Keele (MIP) Team's National Report for England and Wales reached four main sets of conclusions:

I. Women's Imprisonment and Resettlement

- There is no shortage of information about women in the criminal justice and penal systems in England and Wales.
- The government and the Prison Service cannot nowadays stand accused of failing to recognise on paper that the needs of female offenders and ex-prisoners are different to those of men.
- Innovative and detailed policies for the reintegration/resettlement of female offenders in England and Wales have been developed by the Home Office and the Prison Service.
- There appears to be general agreement amongst the relevant senior professionals that there is a disjunction between the good intentions (as instanced in policy statements) of the government departments implicated in the reorganisation of management of, and services to, offenders and ex-prisoners and the actual implementation of measures designed to deliver the policy reforms.
- Too many women still come out of prison homeless and with little prospect of getting a home or a job in the near future.

II. The Immediate Barriers to More Effective Implementation of Policies for the Reintegration/Resettlement of Women Lawbreakers are Several

- Public, political and media ambivalence about ex-prisoners' place in society.
- Insufficient funding.
- The lack of a holistic and co-ordinated resettlement strategy, resulting in: *fragmentation of responses to women ex-prisoners' needs; inappropriate expectations of officials; Kafkaesque bureaucracy*.
- Lack of popular and political understanding of the complex relationships between imprisonment, resettlement and crime reduction.
- Prison overcrowding.

III. Contextual Causes of Failures to Implement Effective Measures for the Resettlement of Women ex-prisoners

- Misplaced emphasis in policy statements on women's criminogenic need rather than on women's material needs.
- Inappropriate rigour of community penalties, which set women up to fail.
- Managerialism and inappropriate evaluations undermining efficient delivery of policies.
- The processes of imprisonment are logically inimical to those of reintegration.
- The processes of imprisonment are operationally inimical to those of reintegration.
- The processes of imprisonment are empirically inimical to those of reintegration.

IV. Fundamental Issues Affecting Resettlement of Women Prisoners

There remain two fundamental barriers to the resettlement of women prisoners: the decline of the welfare state in the UK; and complex issues relating to conceptions of risk and responsibility in relation to the employment of people with criminal convictions. These issues, beyond the scope of this particular research, would certainly require to be taken into consideration in future policy developments and would benefit from further elaboration in future empirical investigations into public attitudes to employing ex-prisoners, or indeed anyone with a criminal conviction.

Investigation

In recent years, in the UK there have been many academic inquiries into women's imprisonment and issues of reintegration/resettlement of both male and female released prisoners (e.g. Carlen, 1983, 1990; 1998; Eaton 1993; Hamlyn and Lewis 2000; Lowthian 2002, to cite but a few). More influential, however, have been the official, inspectorate and NGO reports, all of which have called for reforms of a greater or lesser degree (e.g. HM Chief Inspector of Prisons 1997; Prison Reform Trust 2000; Home Office 2000; O'Keeffe 2003; Fawcett 2004; James *at* al 2004; Coulsfield 2004; House of Commons 2005 - to cite the most important). Most importantly, under Section 95 of the Criminal Justice Act 1991 the Government annually publishes separate statistical information about women in the criminal justice system. As a result, and unlike some of the other Teams in the MIP Project, the Keele (MIP) Team had use of a wide range of already published data. The full and unabridged Keele (MIP) National Report of 35,000 words therefore drew widely upon already published work when writing about ex-prisoners, using the 32 interviews conducted with 27 prisoners and ex-prisoners specifically for the MIP research primarily to illustrate more general points made in published statistical data.

The interviews with the 26 senior professionals, administrators and policy-makers in criminal and penal justice (referred to as A1-26 when quoted in this Report) were dealt with differently to those of the women prisoners and ex-prisoners. Comparatively little research in England has focused on senior policy-makers, administrators and practitioners in the criminal justice and penal systems. Accordingly, interviews with Home Office, Prison Service, and other senior professionals in a range of statutory agencies and non-governmental organisations did provide much new material about the latest views on emerging policies and practice directives of the people who are either developing, criticising, or attempting to implement them. The professionals' interviews were therefore analysed and then theorised to help provide new explanations of why initiatives based on increased official awareness of the distinctive needs of female offenders and ex-prisoners are still, according to the latest reports (e.g. Fawcett Society 2004; James *et al.* 2004; Coulsfield 2004; House of Commons 2005) failing to achieve the desired reductions in women's crime, recidivism and imprisonment. (See Keele (MIP) Team 2005 for a longer explanation and discussion of the investigative and presentational methods used.)

Although the MIP Project did not employ survey methods, for ease of comparison between the different jurisdictions involved in the MIP Project, national research teams were enjoined to organise their investigations and analyses around a number of hypotheses relating to dimensions of the relationships between social exclusion, women, imprisonment and post-prison reintegration. The findings of those analyses for England and Wales are presented below in summary form.

Social Exclusion, Women, Imprisonment and Post-Prison Reintegration

1. 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 the Social Exclusion Unit (2002) are as follows:

• A fifth of women in prison at any time are likely to have been brought up in state care as compared with 2% of the general population
• At least a fifth have been living as lone parents before imprisonment (compared to around 9% in the general population)
• The educational achievement of women in prison is significantly lower than for women in the general population
• Many have very little experience of stable employment
• They report much higher rates of physical and psychological problems than women in the general population
• Over 50% of sentenced women prisoners are likely to have used drugs (including alcohol) in the year before their imprisonment
• They are more likely to be victims of domestic violence and sexual abuse than women in the general population
• One in ten women claim to be homeless when they are admitted to prison
• The Social Characteristics of women with drug dependency were found by Singleton *et al.* (1998) to be as follows:

- 57% had experienced violence at home
- 35% had been victims of sexual abuse
- 50% had suffered the death of a close relative or friend
- 11% had suffered the death of a spouse or child
- 11% had had a stillborn baby

Disrupted care during childhood
- 72% had run away from home
- 33% had been taken into care
- 33% had spent time in a institution

Low levels of education
- 54% had left school aged 15 or under
- 49% had been expelled from school
- 16% had attended a special school

Social Isolation
- 61% felt they had severe or moderate lack of social support.

A high prevalence of mental disorder
- 96% had at least one other co-occurring disorder (i.e. personality disorder, psychosis, neurosis, or hazardous drinking).
- 41% had three or four other disorders, 34% had two other disorders and 21% had one other disorder.

2. Some already socially excluded women are imprisoned not so much for the seriousness of their crimes but because they are suffering a degree of social exclusion which make alternatives to prison seem less feasible to sentencers.

We asked the 26 professionals interviewed what, in their opinion, sentencers are nowadays hoping to achieve by sending women to prison. The 24 who felt they had enough knowledge to answer the question usually gave more than one explanation. Twenty one said words to the effect that they thought that sentencers saw prison as a last resort for recidivist female drug users and, moreover, that sentencers mistakenly thought that, whereas there was little for women in the way of rehabilitative services outside prison, in prison, women, especially drug users, would either receive such services or at least not be able to get drugs (another misconception!). According to these respondents, sentencers' lack of faith in non-custodial penalties (see also Hough *et al* 2003), coupled with the desire to get drug users away from drug-using friends, made them feel that prison was the best of a very narrow range of options. Five respondents also thought that because sentencers were seeing more women coming through the courts they had ceased to treat them chivalrously, were seeing them as more 'threatening' (because of their increased numbers, not because of any increase in the seriousness of their crimes) and hoped that the 'short, sharp shock' of a prison sentence would be a deterrent at both individual and the general level. Four respondents were very strongly of the opinion that the rapid increase in the female prison population was a result of the government giving out very mixed messages to sentencers: on the one hand telling them to use prison sparingly, but at the same time, and with much more emphasis, telling the public in general that the courts will be encouraged to be 'tough on crime'. Three respondents thought that sensationalised media reports of 'girl gangs' and TV prison soaps portraying women's prisons as being full of 'macho' characters and 'sex bombs' had also added to sentencers' perceptions of a 'new female criminal' (see Worrall 2002). Only one respondent was of the opinion that women are 'committing much more 'macho' crimes, though, when pressed, he could not give reasons to support this view. However, several of the women prisoners and ex-prisoners thought that they had been sent to prison because the magistrates had, in despair, begun to believe, that drug users would only stop thieving to fund their habits if they were locked up. Overall, it seems that women who might previously have been given a community (non-custodial) sentence are nowadays more likely to be sent to prison if:

- Their material and psychological needs are perceived to constitute a likely cause of recidivist criminal activity;
- They have behavioural difficulties defined as 'personality disorders' which, under the mental health legislation, are not considered as being eligible for 'treatment';
- They are seen to be in need of a 'short, sharp shock' (even if only while on remand before conviction or sentence);
- They are homeless or otherwise seen to be in need of 'protection';
- They are drug-users for whom it is thought drugs treatment is available in prison.

3. The primary exclusion of women prisoners has gender-specific aspects.

The main gender-specific aspects of (potential) women prisoners' primary exclusion (i.e. the exclusion from many of the opportunities and amenities enjoyed by the majority of the population) inhere in:

• **Women's Poor Economic Position** as single mothers, carers or partners of unemployed men. In a study conducted in 2001 (HM Inspectorates of Prisons and Probation 2001) it was found that, overall, 72 percent of prisoners of prison are in receipt of welfare benefits before coming into prison, while the Social Exclusion Unit (2002: 137) reported that 'many prisoners come from a background of severe social exclusion…women prisoners have similar - and in some cases even worse – problems to their male counterparts'. The same report claimed that

• **Women have particular difficulty re-establishing Child Benefit claims** on release and this can impact negatively on the award of dependants' allowances on other benefits such as Income Support and Jobseekers' allowance. (Social Exclusion Unit 2002: 110)

• **Domestic and Sexual abuse.** Over half of women in prison report that they have suffered domestic violence and one in three have experienced sexual abuse (Prison Reform Trust 2004).

• **The Poverty of Foreign National drugs' couriers** who often commit their crimes to maintain a large family of young or elderly dependents.

• **Histories of State Care and Lack of Education. '**One in four of women in prison have spent time in local authority care as a child. Nearly 40 percent…leave school before the age of 16. Almost one in 10 were aged 13 or younger [when they left school]'. (Prison Reform Trust 2004:11)

• **Effects of Cultural Conceptions of Femininity on Careers of Women in Trouble.** Young women in trouble often come under greater paternalistic official investigation than do young men of the same age whose adolescent delinquencies are seen to be a 'normal' part of growing up. When they come before the courts and, because of their parents' poverty, have previously been in state care, they are more likely to be seen as lacking family controls, and therefore more at risk of committing crime in the future and therefore more in need of in-prison re-programming. If, however, they have been sexually abused or exploited and are consequently seen as victims, they are likely to come under closer surveillance in future and thus be more vulnerable to prosecution for any offences they do commit (see Phoenix 2002). Women, however, are frequently 'muted' when they wish to translate their private experiences into public language (Ardener 1978, Worrall 1990) and, as a result, the extent of the abuse they have suffered is often not revealed in court. Kim and two others of our respondents expressed bitterness, and a feeling that they had been failed by adults, because, although they had been taken into state care, no-one had ever fully appreciated the extent of the abuse they had suffered.

4. Although the gender aspects of women prisoners' primary exclusion have been officially acknowledged, they have, to date, not been effectively addressed.

In recent years, all aspects of English women prisoners' primary exclusion have been recognised in a range of research studies and addressed *on paper* by a raft of welfare measures to help single mothers get back to work: the publication since 1991 of separate statistics on women and the criminal justice system; and, in 1998, the setting up within the Prison Service of the Women's Policy Group (WPG) with the aim of ensuring that in future women prisoners' different needs were recognised and addressed. None the less, there has been constant asseveration by workers in the field that the recognition is more in the form of 'paper recognition' than actual implementation in effective policies.

> *"I don't think there's any special emphasis on women's needs, women's offending or women's social circumstances in this prison. The emphasis is on self harm and health care, medication and mental health".* (Agent)

> The priority given to psychological reprogramming in the women's prisons in recent years suggests that however much the government has recognised the different characteristics and needs of female offenders, it is still ideologically committed to defining women's needs as having only an illusory relationship to their crimes. (Home Office 2000:7)

And, as was emphasized in a recent report, this failure to recognise and take seriously the tangled relationship between the sexual and physical abuse of women and their subsequent crimes can have deleterious effects on their careers in the courts and prisons:

> Lawyers who work with female prisoners have highlighted the particularly difficult situation faced by women with histories of abuse. If they disclose the abuse they may find that, when seeking a move to more open conditions or release, reports for the Parole Board say that this suggests they are not fully taking responsibility for the offences. (Fawcett Society 2004: 48)

5. The combination of social exclusions and gender exclusions influence the type of crimes for which women are imprisoned.

Largely excluded from corporate boardrooms and criminal gangs, women have different and shorter criminal careers than men and their crimes are primarily property crimes. In 2000, women accounted for 16% of all people arrested (Home Office 2002a). Within this small proportion, they tended to be over-represented in arrests for fraud and forgery (mainly falsely claiming social security) and theft and handling (mainly shoplifting). They were markedly under-represented in sexual offences and burglary.

We asked the 26 professionals what, in their opinion, were the main causes of women's crimes, because we wanted to see how the women were viewed by the people who are shaping and administering penal responses to women lawbreakers. Some respondents demurred that the question was too complex, but the three 'causes' mentioned most frequently by the others were: addictions: (16); poverty: (15); abuse/ domestic violence/male duress (13). The others were: family background (4); mental health (3); homelessness (2). The only causes mentioned that were not unequivocally related to 'social exclusion' were consumerism/debt, (2); opportunity (1). Identification of these 'causes' was typically accompanied by statements that there were usually several related factors involved and that they were impossible of disentanglement. In this context, the comment of four of the professionals typifies what many said as they oscillated between identifying drugs or poverty as the root cause of women's crime.

However, there is no direct link between crime commission and imprisonment (even women convicted of serious crimes may escape a prison sentence). In many cases, whether or not a woman receives a custodial sentence depends upon the interplay of many socio-judicial and socio-penal factors known to affect her trajectory through the criminal justice system, beginning with the police response to a perceived crime, right through to the sentence and appeal (if any).

6. Women are not only imprisoned for their crimes but also for their failure to act according to conventional expectations of what it is to be a 'normal woman'.

"I don't think much has changed in the way courts see women. I guess they still think she should be 'a lady', should be running a household, looking after children. If she comes before the court she is seen as a bad woman, and penalised for being different". (Agent)

*"Magistrates think it's worse for a woman to be on drugs. The criminal justice system is about men. Women on drugs are therefore seen to be out of place". (*Agent)

During the early 1980s a series of research studies and reports suggested that women in the English criminal justice system tended to be sentenced more severely than men Subsequently, a number of studies took issue with these claims, and the most recent English research concludes that women are *not* sentenced more harshly the men, that they are sentenced less harshly (Hedderman and Gelsthorpe 1997). However, very few commentators have argued that *all* women are sentenced more or less harshly than *all* men. Rather, and on the basis of the demographic characteristics of imprisoned women, it is nowadays more usually argued that although the majority of women are, in comparison with men, treated more leniently by the criminal justice system, certain women - i.e. those who have been in care, have transient lifestyles, have their own children already in care, are living apart from family and male-related domesticity, or are members of ethnic minority groups (see Chiquada- Bailey1997) - are more likely to proceed through the criminal justice system and end up in prison (Carlen 1983, 1998). Such an argument does not contradict the findings of those who argue that *overall* women are sentenced more leniently than men. On the contrary, and as the authors of a previous statistical report which concluded that women are not sentenced more harshly than men recognised:

The likelihood that female offenders may overall receive more lenient treatment than males does not rule out the possibility that individual women receive unusually harsh treatment. (Hedderman and Hough 1994:4)

7. Domestic and sexual violence and economic and emotional dependency upon a male also shape some women's criminal careers.

Over half of women in prison report that they have suffered domestic violence and one in three has experienced sexual abuse. (Prison Reform Trust 2004: 11)

Carlen (1988,1996 and 1998) suggests that the criminal careers of many young women are precipitated when they leave home after being physically or sexually abused by a family member. Similar findings have been made more recently by James *et al* (2004).Young girls who run away from state care are also especially vulnerable to sexual abuse as children in prostitution (Cusick *et al* 2003). In recent years, too, there has also been evidence that young people may also be abused while in local authority care. Two of the women we interviewed had been sexually abused while in care, one of them after being placed in care because she had been abused by her step-father and two brothers. 3 of the professionals' interviewed said that they believed domestic violence and/or sexual abuse to be two of the main 'causes' of

women's crimes, though some were referring to the abuse provoking the conditions in which the crime occurred while others were referring to threats of sexual or physical violence being used to force women to commit crimes. Evidence of the widespread interweaving of domestic violence and sexual abuse in women's criminal careers was presented throughout the full report (see Keele (MIP) Team 2005)

Emotional dependency upon a male featured prominently in the stories of 8 of the 25 prisoners and released prisoner interviewees, 7 of whom argued that their crimes had been very much male-related: one had been charged with child neglect after her child had been killed by her partner; two had attempted to protect their boyfriends by lying and as a result, had been charged with murder and robbery respectively; a fourth had been involved in a drugs-related crime at the instigation of a male; a fifth said that she had been 'bullied' by a male friend into stealing; a sixth said she had felt obliged to steal enough to support her boyfriend's alcohol and drugs needs; the seventh said that her son had used emotional blackmail and threats of violence to get her to take drugs into a prison. All 7 had been subsequently imprisoned for relatively serious offences as a direct result of their emotional involvement with males whose criminal behaviour they had been compromised by, they had condoned, they had attempted to cover up or they had collaborated with.

Altogether, 13 of the professionals' said that they believed domestic violence and/or sexual abuse were one of the main 'causes of women's crimes and the stories of several women interviewed illustrated how some women's acquiescence in male domination can lead to increasingly deviant if not seriously criminal behaviour as the women get more and more demoralised.

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

Exclusionary factors both aggravated by, and emanating from, imprisonment

• Homelessness

> One in ten women claim to be homeless when they enter prison and of those who have homes when they go to prison, about a third lose their homes and their possessions while they are serving their sentence.

• Poverty

> Debts can worsen during a prison sentence…Prisoners are released without sufficient financial means to cover the period before benefits payments are made. (Social Exclusion Unit 2002)

Debts can also be incurred when ex-prisoners have to pay arrears of rent because no-one told their landlords they were in prison or because of money owing to relatives who looked after their children. Previous debts can increase while women are in prison, and as so many lose their homes and possessions while in custody, when they come out of prison they will be much poorer than before they went in.

• Loss of family and friends

> Lack of association in prisons has particular consequences for women prisoners, many of whom have primary care and family responsibilities. Staff and managers see it as a loss of

recreation time: but it also has significant effect on family contact, because of reduced access to telephones. (HM Chief Inspector of Prisons 2004a: 38)

Strong family and community ties are generally thought to be important factors in fashioning social and lawabiding behaviour, yet imprisonment usually either weakens, or puts severe strain on, ties with families and friends, while women prisoners suffer particularly from separation from their children. According to one study (Hamlyn and Lewis 2000) 66 percent of women prisoners say they have children under the age of 16. 40% of women prisoners claim that they have children under the age of 10. Yet, although there are currently five mother and baby units in the women's prisons, providing, in total, accommodation for 90 babies with their mothers, provision is not adequate to demand and babies can only stay with their mothers for a maximum of 9 or 18 months (depending on which prison they are in). When women have to be separated from their babies at 9 or 18 months, their distress is usually acute.

One Home Office (1997) study found that for 85% of female prisoners their period in custody was the first time they had experienced separation from their children for any significant period. The same study also found that only half the women who had been in contact with their children prior to their imprisonment had had a visit from them while in custody. The reasons for this are several. Some women do not want their children to see them in prison; some carers are not prepared to risk the upset caused when a child has to leave its mother at the end of a visit; sometimes the mother's crime alienates her children (the two mothers in our study who had been convicted of murdering their children's fathers had also experienced a complete rupture with their children); but also it is sometimes because, in England and Wales, women can be imprisoned miles from their homes and in country areas with poor transport. In her Report for 2004, the Chief Inspector of Prisons said of visiting provision in the women's prisons:

> The provision for visits was varied. Women's prisons hold a high proportion of primary carers, but there was evidence of a decline in visit arrangements. Holloway…had an excellent family centre but no provision for family visits. Styal had family visits at the time of the inspection but, like Holloway, these later ceased because of family pressures. (HM Chief Inspector 2004a: 40)

• **Loss of family and friends: Foreign Nationals.**

The isolation of imprisonment is, exacerbated for Foreign Nationals who have no (or few) visits and who have to rely on saving up money for telephone calls. Their position was bleakly summed up by one agent who remarked:

> *"Foreign Nationals - the ones who're really going to be excluded by being deported – don't even come under the remit of the Social Exclusion Unit!"* (Agent)

• **Poor Mental Health**

> 70% of female sentenced prisoners suffer from two or more mental health disorders…15 percent of female sentenced prisoners have previously been admitted to a mental hospital… many prisoners do not receive treatment that matches their needs… (Social Exclusion Unit 2002: 71, 73)

It is well established that lack of exercise and close confinement can have deleterious effects on mental health and the most recent Section 95 publication (Home Office 2004:iv) reported that 37% of women in prison had previously attempted suicide. That being so, it is not

surprising (but very shocking) that in the 21 months prior to September 2004, 25 women committed suicide in prisons in England, many of them young women on remand and with previous histories of mental disorder, and at a time when the incidence of suicide in the general population is falling. Both staff and other inmates resent having very disturbed women in prison. Prison officers complain that they are not nurses and do not have the requisite training to look after such disturbed women. Prisoners tell horrific tales of having to share a cell with self-abusing or violent women:

• Poor Physical Health

A recent survey of healthcare needs of prisoners found that 60% of female [prisoners] rated their own health as fair, poor or very poor. (Marshall *et al*. 2000)

According to the Department of Health (2001) a health care needs assessment conducted by the Department of Public Health and Epidemiology at Birmingham University revealed that female prisoners report higher rates of asthma, epilepsy, high blood pressure, anxiety and depression, stomach complaints, period and menopausal problems, sight and hearing difficulties than females in the general population. (Home Office 2004: 38)

The main complaint about health provision in prison from the prisoners we interviewed related to: delays in getting to see a doctor; not always having immediate access to nighttime sanitation; too much starchy food. Foreign nationals who do not speak English have problems with making their condition known to medical staff. (On the other hand, several ex-prisoners said that while in prison they had been grateful to have longstanding health problems dealt with that they should have had treated prior to their imprisonment).

• Poor self-esteem

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. Restricted access to night-time sanitation means that some prisoners still have to engage in the degrading practice of 'slopping out' (HM Chief Inspector of Prisons 2004b: 5) Other prisoners have in-cell sanitation, with the result that they feel humiliated that they are 'living in a lavatory', especially when they have to eat meals there (Carlen 1998). Older women and foreign national women can find requirements to strip and be searched even more distressing than younger women.

• Addictions

Drugs are available in prison – some prisoners may start to use, others will entrench an addiction. (Social Exclusion Unit 2002: 38)

There are suggestions that since the inception of drug testing in prisons some prisoners have switched from cannabis to heroin as the drug of choice – because traces of cannabis remain in the body longer than heroin traces. Prisoners who do not take heroin in prison but who get some as soon as they are released are more at risk of overdosing than they were prior to their imprisonment.

• Narrowing Options

The social options of all prisoners are most probably narrowed by their time in prison; employment and education are disrupted, relationships and health are impaired and there is a further loss of self esteem via humiliation by prison staff and the inevitable stigmatisation of a prison sentence.

9. **Although women's prisons as a whole are not disadvantaged (compared with men's prisons), within the prison system for England and Wales women *are* disadvantaged as prisoners. However, the main causes of their disadvantaged status may not be primarily attributable to a difference of treatment or regimes between the male and female estate but rather to women's relatively small numbers in the whole prison system and because women suffer more than men from penal confinement even when their prison conditions are equal in terms of budget provision. To assess whether women's prisons are suitable for women it is necessary to recognise women's difference to men and assess women's prisons in terms of substantive needs-based justice rather than in terms of their formal equality with men's prisons.**

The latest Section 95 publication (Home Office 2004) reports that women's prison regimes are better than men's in three areas:

> Prison Statistics (2002)… indicate that female prisons provide: higher average hours on purposeful activity per week (23.7 hours compared with 22.6 for men); slightly longer time out of cell (11.1 hours on weekdays and 10.1 a day at weekends compared with 10.1 and 8.9 hours respectively for males); marginally more hours of education and skills training (6.6 hours a week compared with 5.8 hours for all prisons). (Home Office 2004: 38)

Today, women's prisons in England are less disadvantaged within the prison system than they were, primarily because there has been much more official awareness of areas of disadvantage as far as the women's estate is concerned, and also because there has been greater recognition that many of the needs of female prisoners are different to those of their male counterparts (see Home Office Women's Offending Reduction Programme Team 2004). Indeed, the Prison Service ran an award-winning and effective advertising campaign to attract women into the Prison Service to work specifically with female prisoners – a not inconsiderable feat when a few years before prison officers had been reluctant to work in the women's prisons because to do so was seen as being a bad career move (Carlen 1998).

Most recently, one of the greatest changes in the Prison Service's approach to women is being attempted in the area of security. It has long been argued in England that women in prison are disadvantaged because of having to submit to rules and regulations made for men, and that nowhere is this more striking than in the area of security where women suffer especially from constant strip searches. Now the Prison Service's Women's Team, in recognition of the additional pain which women suffer in connection with strip searching, is planning to investigate the extent to which strip searching of women is really necessary and the ways n which it can be decreased without breaching security levels (Prison Service Women's Team 2004).

Yet, despite all the causes for optimism, and as the most recent Report of the Chief Inspector of Prisons for England and Wales (2004a: 4-5) points out, the women's estate is at present under particular pressure because of overcrowding, and many programmes which are supposed to be up and running have not been implemented because of all the burdens attendant upon an overburdened system.

Within an overcrowded prison system, the needs of women are both acute and in danger of being neglected or disregarded… The special needs of women… need to be promoted vigorously in a system where they will always be a small and easily marginalised minority. (HM Chief Inspector of Prisons 2004a: 4-5)

But although several people working within the system told us that they thought that men's prisons continue to make wider training provision, at the same time, most of those who complained about the more limited education and training options in the women's estate recognised that, most likely, the differences in range of opportunity stem from there being so few women in prison as compared with men - and none wanted to argue that increasing numbers of women should be sent to prison so that, with more economies of scale, the women's prisons could offer more courses or employment!

10. Although the Prison Service has recently established partnerships with many NGOs working with ex-prisoners, NGO staff working with disadvantaged women find that they still have many problems.

We interviewed 13 from the main agencies making provision specifically for women in trouble in the criminal justice, mental health and penal systems to find out what kind of operational difficulties they still face.

• **Lack of funds.** All of the NGO workers cited lack of funds, leading to shortage of staff as being as the main operational difficulty confronting them.

> *"We are continuously fundraising and justifying what we do"* (Agent)

• **Exploitation by Prison Service.**

> *"They actually ask us to go in – they ask us to help with particular women. But they don't offer to pay us".* (Agent)

• **Programme and Project Accreditation issues.** Workers in some NGOs felt aggrieved by an increasingly centralised system of accreditation of resettlement programmes and projects which hold to a very narrow conception of the (psychological) causes of women's crime and women's 'needs', and in so doing reject programmes and projects which lay greater emphasis of the social and relational causes.

• **Fragmentation of services.** Communication and co-operation between different government departments and government departments and NGOs is often made difficult by the fact that they are often working under contradictory legal requirements or organizational conventions.

• **Suspicion and obstruction from some prison staff.** Despite many efforts on the part of the Prison Service to bring prison staff and NGO staff into a greater understanding of each other's functions and objectives, NGO staff still complained that prison staff frequently obstructed them when they visited prisoners.

• **Prejudice.**

> *"There is prejudice against all prisoners, but against foreign, ethnic minority and women prisoners in particular. And also, still especially bad feeling against 'drug importers'. Not realising that these women are just very, very poor women, not gangsters".* (Agent)

11. Work within prisons does not supply inmates with marketable occupational skills for use after release, though, given the educational background of, and relatively short sentences served by, women prisoners, the authors of this Report (in contrast to the House of Commons Home Affairs Select Committee 2005) do not believe that it is feasible to expect prisons to supply short-term prisoners with marketable skills.

• The majority of women in prison serve very short sentences and in 2002 40 percent served a sentence of 3 months or less while nearly three quarters were sentenced to 12 months or less. (Prison Reform Trust 2004: 11)

• The educational achievement of women in prison is significantly lower than for women in the general population.

• Many women prisoners have had very little experience of stable employment prior to their imprisonment. Hamlyn and Lewis (2000) found that 39 percent of women prisoners had not worked for a year prior to their imprisonment and that 23 percent had not worked for over 5 year.

Given the employment and educational backgrounds combined with the relatively short sentence lengths of the female prison population in England and Wales, it is difficult to see how prisons could provide the majority of prisoners with marketable skills after release. All the agents were reluctant to imply that women should be sent to prison (either in the first place or for longer) in order to obtain training (or any other treatment), which should be available to them in the community.

> *"These short sentences of three, four six months do nothing. If a woman only deserves a sentence of less than six months should she be locked up in the first place? The damage done is so disproportionate".* (Agent)

None the less, there still remain a quarter of women prisoners who serve more than 12 months and, as research has suggested that employment can reduce the risk of re-offending by between a third and a half (Social Exclusion Unit 2002, quoting Lipsey 1992; Simon and Corbett, 1996) it is reasonable to hold the expectation that at least some of the prison sentence might be spent in enhancing existing skills or gaining new ones.
Yet prisoners who have addictions will often not be ready to learn new skills and, many women do not see getting employment as being a first priority when they leave prison. Getting safe, secure accommodation is a first priority for homeless women prisoners (especially for women who wish to get their children back home with them) and, in the case of drug users trying to get clean, detoxification is another. None the less, there are women serving sentences who have worked prior to their imprisonment and others who say that '"getting a job" is the most important factor in helping them to avoid re-offending' (HM Chief Inspector of Prisons, 1997: 121).

The work available in women's prisons is currently listed by HM Prison Service (2003) as including: college and community placements; prison upkeep work such as cleaning, cooking, gardening, laundry; hairdressing; industrial cleaning training; light assembly work; garment workshop; painting and decorating training; computing and office skills; forklift truck driving qualifying course; textile manufacturing; animal sanctuary; car mechanics workshop; prisoner-led advice and resource centre; craft and design; prisoner run housing office; National Vocational Qualifications and educational courses from basic skills to degree level courses through the Open University and other universities. Thus *on paper* it can be claimed that there is a good range of work on offer (and not merely the traditional women's work); but, yet again,

according to the Chief Inspector of Prisons (2004a) delivery during 2002-2003 was patchy, primarily because of under-funding and overcrowding, making both adequate staffing and appropriate allocation difficult to achieve.

12. Post Prison Resettlement Provision is Inadequate

• There is not enough in-prison resettlement provision (Social Exclusion Report 2002; O'Keeffe 2003)

• There are insufficient gender-specific programmes – i.e. programmes which recognise that the needs of women are different to those of men; primarily in areas of gynaecology, social expectations and responsibilities (e.g. as carers), social experience e.g. of domestic and sexual abuse, male violence and the matrix of disadvantage and poverty accompanying one or more of these needs.

• There is insufficient post settlement provision, especially in relation to accommodation advice, legal advice in relation to benefits, child custody advice and detoxification support (O'Keefe 2003)

• There is insufficient housing available for ex-prisoners, especially for mothers with dependent children.

• In-prison and post-prison services are poorly integrated.

When we were interviewing in Autumn 2003 and Spring 2004 a new national resettlement structure was currently being put in place, but still, at that time, the agents working in the system continued to be very critical of the lack of provision in certain areas and for certain groups:

"Foreign national women do not get equal access to courses, and there are no pre-release courses for them at present". (Agent)

"Do resettlement programmes achieve their aims? Many of them don't run, and when they do, there is often a mismatch between the women and the programme". (Agent)

"Throughcare/Resettlement is not a priority. Cuts and targets have a knock-on effect. Whatever they say, they don't allocate the resources. They need to look at what prison has to offer and what women's needs are. There's not much matching at the moment. The prison works according to the prison's needs". (Agent)

"There is now someone to give housing advice in every prison – or should be. But the level and quality of housing advice still need attention". (Agent)

"Women prisoners are often released miles away from their home, and they haven't been prepared at all. Geographical placement doesn't occur and often the information that is relevant to prisoners in relation to the area they're going to just isn't available to the person who is supposed to be helping them resettle". (Agent)

"You simply can't resettle them if you don't solve the drug problem. If you don't solve that, everything else falls down. If you don't solve it, then you can't get a job, a stable background for a child or a proper relationship without a stable home. What actually happens? We put them back into the same old treadmill". (Agent)

13. Women who have been in prison find it more difficult to get employment.

All the ex-prisoners we interviewed had taken some courses in prison. Several of them had taken many different courses during different sentences. Yet, not one said that they thought the courses would help them get a job. The main reason for all of them was that, regardless of whether they had worked before, and regardless of how 'good' they thought the in-prison course had been, they didn't have either the confidence or the motivation to make job applications. Four of the ex-prisoners had jobs at the time of interview (including the two women recently released on licence after serving life sentences) but all the others gave reasons for deferring looking for work until other problems had been effectively addressed.

*"I want to keep busy, but I can't get work because of my drugs and criminal record". (*Woman)

"I've been too depressed to apply for work since I came out of prison. I can't get motivated". (Woman)

"I'm still fairly raw from coming out [three months earlier]. I'm not ready for paid employment". (Woman)

"I would like to work but I can't until I've got some better housing". (Woman)

"I've been trying to get a job. I don't know whether to tell them about the record or not. Some say, 'Tell them'. Others say 'Don't tell them". (Woman)

"I went for a job and had to fill in a form and it asked about criminal convictions and I ticked the box because although I've had it explained to me I still don't understand about 'spent' and 'unspent' convictions. I didn't get the job. (Laughs)" (Woman)

"I just can't see my future, I want a future, but it scares the hell out of me thinking about it. I can't see one". (Woman)

And although not one of the prisoners mentioned them, there are, of course, other factors at work, militating against the employment of ex-prisoners – the informal stigma of a conviction, the formal legal and insurance company prohibitions against employing people convicted of certain crimes in certain jobs, and the very real issues of risk and responsibility that are likely to be raised in the minds of most people when they are considering whether or not to make an appointment, especially in a competitive labour market.

14. The continuity between prison/post-prison services and the coordination of all services relevant to prisoner resettlement is inadequate.

As was stated in the Introduction, yet another Report was published in early January 2005, repeating much of what has been said in Report after Report for the last decade, but, none the less, calling for even more information about prisoners' needs. In England and Wales at present a massive amount is presently known about prisoners and their rehabilitative needs, and the very limited amount that can be contributed by in-prison programmes to the effective resettlement of that 'vast majority of… women… in prison for non-violent offences [who] have never been a danger to the public' (House of Commons Home Affairs Committee 2004:5). The processes of imprisonment and social inclusion/resettlement are radically opposed to one another and increases in rates of the former (imprisonment) can never be justified as having anything to contribute to the latter (social inclusion/resettlement). Elaborate rehabilitation schemes which claim to rehabilitate imprisoned women whose main reason for being in prison is that they never had anything to be rehabilitated to in the first place, and who still come out of prison without accommodation, access to treatment for addictions or mental illness, or practical help with various forms of abuse, may well serve to legitimate a politically popular punitive rhetoric, but, in the view of the authors of this Report and many of their professional

informants, are a complete, and fraudulent waste of public money. It is action that is required. The last words, therefore are given to the professionals in the criminal justice system who know that unless radical action is taken to reduce the female prison population there are likely to be more suicides, more recidivism and more incremental increases in the female prison population.

"What we need is implementation rather than rhetoric, and there'll only be implementation with commitment and resources. Regional Resettlement areas are supposed to co-ordinate all regional resettlement strategies and pathways for prisoners. Of course, it's not clear how prisoners are going to be set on the pathways!" (Agent)

"Drugs detox appointments are often not made until the day the woman is released – or often not at all. No connection is made with social services and women still come out homeless." (Agent)

"There is still a lack of knowledge and communication about what is available. All the agencies work according to their own rules and regulations. There are territorial disputes between them." (Agent)

"They are not joined up. There is little long term planning and at the moment what a woman gets is a post-code lottery. What is needed is one stop provision. Projects are too choosey. If women don't fit any organisation's definitions, there is nowhere for her to go. Some places only want drug users, some if they are mentally ill but not drug users. They seldom want women with more than one problem. But most women have more than one problem." (Agent)

"Whatever they say, prisons, probation, the lot – we work in isolation." (Agent)

"There is buck-passing between Departments. Each Department has different priorities and budgets. But attempting to make sense of the whole system is a massive job. The Prison Service has over 23,000 contractors. We need to get the underlying infrastructure right, but there remain the issues of different budget interests and different Departmental targets." (Agent)

"The absolute main issue at present is that if women are released from prison having done a drugs programme, they may have to wait weeks before they get on a programme outside prison". (Agent)

"There is no proper resettlement strategy. There's plenty of 'policy', but no strategy. Where are the outcomes? Until the prison population is reduced, there is no chance of tailoring either custody or resettlement according to any strategy." (Agent)

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National Probation Service for England and Wales
Leeds Supporting People Team
Parole Board
Social Exclusion Unit

NGOs
ASHA Project
Clean Break
Creative and Supportive Trust (CAST)
Eaves Housing
Female Hibiscus
Howard League for Penal Reform
Nacro
Women in Prison
Women in Special Hospitals
Women into Work (SOVA)

National Report Hungary

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Introduction

There are two important elements of the Hungarian context that have decisively shaped the MIP research on the reintegration of women prisoners after release: the lack of previous policy research on this topic, and the major and ongoing transformation of the institutional setting. Both enabled and encouraged the research.

The availability of relevant, policy-focused research both on reintegration after prison, as well as research on women prisoners was extremely limited. The few important studies on prisons and prisoners in the 1990's had a sociological focus and offered some data and insight into prison life, however, these were exclusively or largely based on men's prisons and did not address reintegration (László Huszár, 1997). Finally in 2001, the first study on women prisoners (Lenke Fehér and Parti Katalin, 2002) was published, which offered basic data on women prisoners, and also on the three penitentiary facilities for female inmates in Hungary – and drew attention, for the first time to the relevance of domestic violence in the lives of women prisoners. The other important investigation that provided the basis for our research as a source of secondary data, was a major study carried out by the Hungarian Helsinki Committee (András Kádár, Köszeg Ferenc, 2002) during their Prison Monitoring Program. Their book was published in 2002 with rich survey data on legislation and aspects of prison life that featured issues important for reintegration, e.g. on employment and education in prisons. We will frequently refer to these few but important sources throughout our report. Yet, given our national context, the Hungarian report relies largely on interview data both from the women[1] and from the agents[2], as well as on other data collected during fieldwork.

The MIP research was carried out at a time when the institutional setting was characterized by significant transformations. The single most decisive institutional change was marked in July 2003 by the setup of the Probation Officers' Service. Formerly, probation officers (for adult convicts) worked at the County Courts, while probation officers for under-age convicts worked in yet another organizational arrangement. By creating a national organization for their work and due to the institutionalization and professionalization of their work, the importance of reintegration was emphasized. The institutional change followed and reflected a change in legislation: a gradual move towards alternative methods in legislation started

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[1] In the three women's facilities we interviewed 20 women prior to their release, and we managed to follow-up 17 of them 4-6 weeks later for a second interview, and about four months after release for a third interview. About nine months after release we interviewed 15 of the women for the fourth time.

[2] Interviews were conducted with 27 agents (during 22 interviews) and included penitentiary wards, educators, a prison psychologist, managers of women's units, department leaders at the NPA, executives at NPA, a penitentiary judge, executives at the Probation Officers' Service, and several NGOs.

to take shape, and manifested in, for example, giving more authority to probation officers already at the courtroom proceedings. Legislation concerning penitentiaries was also put on the agenda, since the Penitentiary Decree from 1979[3] became increasingly obsolete. Experts are currently discussing the draft bill – but it has not been passed and certainly has not been implemented yet, thus it will not be discussed in our report.

The internal changes in the National Penitentiary Administration (NPA) or in various penitentiary institutes received less attention and remained less visible. Our research noted a gradual opening up towards NGOs, (also towards the media), cooperation with other European penitentiaries, and internal differentiation between institutes started to emerge from the once homogenous image. With Hungary's recent membership in the European Union, access to structural funds has opened up new resources. These resources are, above all, available for partnerships—another motivation for opening up and cooperation.

Both of the above factors made our research especially relevant. Both the NPA and the women's facilities we contacted were supportive of the research and expressed an interest in using its future results. The recently formed Probation Officers' Service was especially open to receiving any research findings on reintegration of ex-inmates, since they lacked previous measurement or feedback. The few NGOs active in reintegration were eager to share their experiences with us. However, the frequent changes and lack of institutionalized solutions also meant that state agencies had little available data on the cost or efficiency of measures—as a matter of fact, they were at best working towards setting up systems (e.g. centralized computer systems, registration systems, etc).

The MIP project was launched under a theoretical framework, which built on a very complex understanding of social exclusion in regards to women ex-prisoners. This framework took into account economic, political, and cultural characteristics as well as penal characteristics in its approach to social exclusion—while gender certainly was regarded as a key factor to understanding social exclusion of women ex-prisoners. The MIP research aimed to improve our understanding of the specific factors and patterns most characteristic to the primary exclusion of women prisoners in the given countries, as well as to the prison's contribution to furthering social exclusion or potentially, to enabling the integration of some women. Throughout the research, the potential links between the various forms of exclusion were addressed as well. Thus instead of asking how the prison impacts women's opportunities for integration after release, the MIP research aimed at understanding how the prison impacts various groups of women differently, depending especially on their primary level of exclusion. Chapter one introduces the patterns of primary exclusion identified among women prisoners. The research findings on prison's contribution to social exclusion/ integration are summarized in chapter two and three. Chapter four summarizes research findings regarding women's life after release. The various chapters start with the introduction of the corresponding, main research hypothesis developed on the basis of the theoretical framework of the MIP project.

1. PRIMARY EXCLUSION

Hypothesis 1. Many women in prison were already suffering a degree of social exclusion at the time of their imprisonment.

A look at the characteristics of Hungarian women prisoners immediately reveals that it is a group which suffers from severe disadvantages according to all conventional measures of primary social exclusion, including, but not limited to their level of education, economic and employment data, number of children, ethnicity and other factors[4]. This chapter aims to reveal

specific patterns in which the interconnectedness of these various factors reveals itself, so that a better understanding of the 'production' of social exclusion becomes possible.

Despite the fact that the group of women who participated in the research suffer from multiple disadvantages, just as the general population of women prisoners do[5], there are important differences among certain groups of women in the degree and type of exclusion suffered prior to their imprisonment. We found that one group of women especially suffered from a combination of several exclusionary factors leading to a criminal career—whose path we will refer to as **"excluded into crime"**. Other women on the other hand, led lives partly and often fully integrated into society's key social institutions. This is especially true for the women who killed their partners as a result of years of domestic violence: we refer to this pattern as **"interrupted by violence"**. And last, but not least, it is possible to identify a pattern among the women in whose case **"crime as 'choice'"** appears, rather than an inescapable reality in the given life situations.

1. Excluded Into Crime: The Criminal Careers of "Roma Mothers"

All recidivists in our research sample are Roma women and nearly all Roma women are recidivists, usually sentenced for theft – while all non-Roma women are first offenders in our sample. In other words, in our small sample[6] there seems to be a rather straightforward relationship between having a criminal career as a woman and belonging to the Roma ethnicity. Unfortunately, in this research we could not investigate the selection mechanisms at work in various institutions and processes of the Hungarian criminal justice system, thus we cannot establish how this result is produced. However, we have certainly no reason to think that it is only the Roma women who repeatedly commit thefts – yet they are the ones who repeatedly get sent back to prison for such crimes.

By following the critical moments and deprivations in the life of the eight Roma women in this 'group', we will argue, that due to the multiple disadvantages present in their life, and the role of responsible motherhood, these women were left with no alternatives to petty crime. Violent, irresponsible, or absent partners and repeated imprisonment only narrow their options even further. Even though we do not want to suggest a general connection between Roma women in prison, criminal careers, and motherhood - for the analysis, we will refer to this pattern as

[3] *Throughout the report we will refer to the two decrees that constitute currently the basis of the operation of penitentiaries: 1979/11. Law-Level Decree (referred to as Penitentiary Code) and 1996/6. Regulation of the Minister of Justice (referred to as Penitentiary Rules).*

[4] *Compared to many other European countries, the role of drugs and drug addiction is marginal in these women's lives generally, and also in our research sample.*

[5] *Our sample mirrors the characteristics of the women prisoners' population, although it cannot be considered representative due to its size (20 women).*

[6] *Ten of the 20 women in our research were Roma according to the women's declarations as well as researchers' judgement. Due to current regulations on data protection, there is no official data on the number of Roma inmates in Hungarian prisons. Surveys based on self-definition of inmates found that about 40% of the prison population is Roma, prison directors give much higher estimates, on average 61%. Especially in the case of women, it is a broadly held opinion that the overwhelming majority of women inmates are Roma, while researchers found almost no difference between the ratio of Roma among men and women inmates based on self-identification. (in László Huszár, "Romák, börtönök, statisztikák", Amaro Drom, 1997 August, pp. 9-11.)*

that of "Roma mothers". Yet it must be noted that in reality there are non-Roma women whose life paths would belong to this pattern while other Roma women would have very different developments in their lives.

Lack of educational qualifications and lack of professional qualifications are common problems among the Roma women in prison[7]. As we learnt, this goes back to limited access to school or other serious barriers to schooling in early childhood, often influenced by the family environment or by the break in family ties and the transfer to state care. In a number of cases, the role of gender is very explicitly stated in the early interruption of school.

> *"My mother died when I was thirteen years old. She hanged herself at home and I was the one who found her. I was raised by my grandmother until I was eight, then I was with my parent; afterwards I returned to my grandmother's. At the age of fifteen I left for good. But up till the time I left, I had to help out with the laundry, cooking, cleaning. I never liked going to school. I was a poor student, because no one paid enough attention to me, neither at home nor at school".* (Woman)

Early pregnancies and looking after children certainly played an important role in most women's lives – in fact, all Roma women in our research had children, a few of them as many as five or six children. As we shall see throughout the report, the importance of motherhood has been a constantly recurring theme in the women's accounts.

> *"I got married at fifteen, right after leaving the state care facilities, and had a baby when I was sixteen".* (Woman)

Interrupting school not only means the start of motherhood, but also the start of domestic work in a separate household and often paid employment outside the family – whether or not this early entry is registered in the official employment statistics or actually by the women themselves as 'real work'. The official employment records of women in this group were often very modest, if not fully missing, while all of them worked either in unregistered seasonal/ temporary jobs or in the household. Many women said that they would not be able to get proper jobs without any qualifications.

> *"I was a day laborer for years, whenever there was work available. In addition to that I also cleaned houses. There is nothing else I would be able to do".* (Woman)

For many women, periods of employment alternated with periods of unemployment and often, with times of childbirth. Unemployment was not always registered. Apart from the income from the often insecure and temporary jobs or unemployment benefits, many women collected child benefits from the state, and some of them maternity benefits as well. However, these benefits were hardly sufficient to cover the family's needs – usually they were one of the several sources of income, in addition to income from work, thefts and family support. Welfare payments thus represented one type of income in a diversified range of sources, and these benefits by themselves would not have been sufficient for subsistence.

In their testimonies, crime often emerges as a rather natural and factual necessity if one has to feed the family. In fact, stealing in order to feed the children is proof of good motherhood insofar as children are thus not taken into state care:

> *"I was on parental welfare, I was getting child benefits and child-raising supplements, and I earned some money cleaning houses. I also cleaned for the prosecutor of my earlier criminal case. When I ran out of money I went to steal for the children. I took care of my kids, that's why they were not placed into state care".* (Woman)

The family environment may have played a part in the emerging criminal careers of the women. For many of the women, several family members and spouses have been to prison. The role of spouses/ partners in the crime was sometimes explicitly stated, either referring to the men's failure to bring home income, or to him being responsible for the design of the criminal act.

> *"Yes, my husband did play a role in this crime. My husband did not bring home any money. He was working for a year, but he had to pay child support to his other family, so his whole salary was taken, plus he spent it on playing video games and slot machines. I stole because of him".* (Woman)

These mothers were incarcerated for theft in the overwhelming majority of cases, and as mentioned earlier, most of them were recidivists and had been to prison before. Earlier prison sentences in some cases contributed to further break-ups in their lives and resulted in further exclusion.

2. Interrupted by Violence: The Path of Domestic Violence Victims to Prison.

The only recent research in Hungary that targeted women inmates indicated the massive role of domestic violence in the lives of the 100 women interviewed.[8] A topic, which until a few years ago, was considered to be taboo in Hungary, is now increasingly present both in public discourse. In line with the entry of the topic into such discourses, we found that most of the agents interviewed – especially those at higher levels in the penitentiary hierarchy – showed some awareness about the frequency of domestic violence victims among the women convicted for homicide and manslaughter[9].

We will now focus on the potential links between domestic violence and social exclusion. We will argue that even if these women led socially rather integrated lives prior to the start of the often daily violence in their lives, domestic violence in itself became a factor that led to several forms of exclusion – already prior to the criminal incident. We will also argue that analyzing the impact of domestic violence on the lives of women prior to the crime, in the criminal procedure, inside prison, and after release, will reveal that being convicted and imprisoned for these women causes an 'interruption' in all prior integration in their lives, and a loss of social status hardly recoverable.

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[7] *Even though many women prisoners have a poor educational background, (about 2/3 of them do not reach above the level of elementary school), our research seems to support the view that Roma women prisoners are especially disadvantaged. Only two of the ten women had some vocational training, the majority had not completed elementary school.*

[8] *Researchers found that about 1/3 of the interviewed women imprisoned for homicide or severe physical abuse, suffered regular abuse as a child. In 60% of the cases the target of the crime (homicide or severe physical abuse) was their husband or partner. About 50% of these women described regular physical abuse by their partner during the year or years prior to the crime. (In: Dr. Lenke Fehér, dr. Parti Katalin, "Nök a börtönben", in Kriminológiai Tanulmányok, 2002.)*

[9] *About 18% of the women prisoners (2003.07.07), that is, 190 women were in prison due to homicide in Hungary. Three of the four women who were imprisoned for homicide in our sample, were imprisoned due to murdering (or attempting to murder) a violent man in their family.*

It is a well-known fact from the literature on domestic violence that it cuts across social classes, status groups, etc.; and may appear in families with very different social backgrounds and positions (Krisztina Morvai, 1998). In our research we found that the three women imprisoned because of homicide related to domestic violence, had led more or less socially integrated lives prior to the occurrence of domestic violence. That is, they had a sufficient educational background, permanent employment for a significant part of their lives, good relationships with their families of origin (including their children) and communities. However, we will argue that due to domestic violence, their lives have changed, which led to isolation and losses that can be linked to the concept of social exclusion. Illustrating these effects is not only helpful for their cases, but also applies to the several other women's experiences, who were imprisoned for other crimes (theft, robbery) and yet had previously been victims of domestic violence by their partners.

The battering and abuse lasted for years in all cases, with various but escalating intensity and included usually physical, sexual, verbal and emotional terror and often targeted several family members:

"This relationship with my partner was the biggest mistake of my life, the worst decision I ever made. We met and had two children, and then all hell broke loose: he constantly pounded me. That's how I got this scar on my lips. I suffered a great deal". (Woman)

For the batterer to isolate the woman from her friends, her family members and other social contacts is very common. A forced withdrawal from the workplace due to her maternal responsibilities or to jealousy is also frequent. These acts contribute to her loss of social contacts and independent income, in addition to her sense of achievement and autonomy.

"My husband completely isolated me; we did not have friends at all. I had several jobs after finishing college: I was a pay-roll division supervisor at a company and I also worked at the college. Later on my husband did not want me to work, as he would provide for us. Then for a while I worked at my husband's gas station and his car shop, but I couldn't stand that. After my daughter was born I stayed at home as a real sacrificing mother would do". (Woman)

The combined effects of isolation, various forms of abuse, loss of self-esteem and sometimes income, often result in a situation, which can be interpreted as a form of dependence on the batterer. Yet, the once powerful concept of "learned helplessness" can be challenged, since many of the women victims actually sought support and tried to ask for help and leave their batterers.

"When I called the police and told them that my father was beating my mother and intimidating the whole family and that I was there with my one-year old daughter, the response of the police officer was, 'When there is trouble at home I don't call the Nök Lapja [a women's weekly], deal with it yourself!'". (Woman)

"I didn't dare report him to the police, the family didn't even know and they wouldn't have been able to help either. This is all so personal that one doesn't want to make it public. But I just couldn't handle it any longer and I shared everything with a psychologist. I also told the psychologist that I couldn't stand it anymore, so I was told to take sedatives". (Woman)

The responsibility of the police and other agents in not acting on the calls – as long as there is "no blood" - is especially striking, knowing that one of the cases ended in attempted murder, and two of them, in actual homicide. The fact that domestic violence is a taboo also influenced the criminal proceedings and the court decision in several, often ambiguous ways. The women confessed to the homicide of their father and husband, respectively, and were released immediately after their police testimonies for the entire court procedure – a sign that the cases were considered straightforward and that the women represented no threat to society. However,

according to the women, domestic violence was not taken into consideration in the court decisions.[10]

The stigma of being a murderer of one's father or husband is especially powerful and led to further losses caused by domestic violence:

> "This was a small town, word got around really fast despite us having moved to another house. My child was not accepted to kindergarten even though there were four different ones around. They asked her where her mother was. They wanted to take out their hunger for revenge on the children even though they had nothing to do with it. We all moved to another town. But people might also find out there, so we would like to move even farther away". (Woman)

Very important special losses and threats influence the victims of domestic violence including homelessness or renewed physical danger after prison[11]:

> "I can't go back to the house, regardless of the fact that half of it is mine, because I know that since he had abused me so much I couldn't live with him any longer. I am afraid that he will blackmail me with the children, that I will be able to see them only if I comply – he never once let them visit me in prison. And I am afraid he wants for us to start over, even after the attempted murder!". (Woman)

In summary, domestic violence in these women's lives often led them from a partly or fully integrated position into homelessness, unemployment and loss of poverty. One particular dimension of this loss, the (potential) loss of children, is especially dramatic if we consider that these women in many ways continued to comply with gender roles regarding marriage, heterosexuality and maternity.

3. Crime as 'choice': Independent and subversive women

The few women in this pattern[12] exhibited a degree of autonomy and independence in their lives including their criminal career – which often led to rather 'subversive' behaviors, behaviors that ran counter to accepted social norms, especially, gender-related norms in contemporary Hungarian society. The women in this pattern, even if some of them suffered from poverty, did not come from marginalized families – many grew up in two-parent families and described a happy childhood. In fact, the two women whose life is perhaps the closest to the ideal type of this pattern, came from middle class families and had educated parents: a fashion designer, university teacher, and district attorney. Most of the women themselves had acquired middle level educational qualifications, that is, secondary school or vocational training certificates and some aspired for university education. Regardless of their age, they all believed that they should continue studying:

[10] Since this research did not address the judicial procedure, we cannot evaluate this claim. However, the women who suffered domestic violence expressed more dissatisfaction or feelings of injustice with court procedure than other women in the research.

[11] Prison programmes and the effect of imprisonment will be addressed in later sections, however, it must be noted that there is no help for the victims of domestic violence currently in Hungarian prisons, while many of them have minimum contacts and visitors and suffer from law suits, complicated if not lost family relationships and especially their children's reactions to their mother's crime. Even if some agents were talking with empathy about these women as victims of domestic violence, this was not translated into pragmatic help, therapy, councelling, etc. Other agents showed no awareness about domestic violence.

[12] Six of the 20 women in the research were considered to belong to this pattern.

"I have completed my grammar school education; I also have an intermediate level certificate in storage management, as well as basic education in library science and a certificate in office management and computer operations. I took piano lessons for eight years, which later on I taught as a second job. I was not accepted to university, to the department of mechanical engineering, but I don't mind that. I am still interested in new things. Acquiring a little knowledge never hurts anybody". (Woman)

They all had a series of jobs from an early age and put an emphasis on (living) their own lives. Experimenting sometimes included travelling abroad (sometimes for years) at a young age to work or with no particular plans. Most of the women for most of their lives held jobs, but even so, many encountered financial problems. This was named as the main reason for the thefts or white-collar crimes they got involved in. However, it must be noted that these women had experienced a significantly lesser degree of poverty and exclusion than the 'Roma mothers', but potentially had different expectations due to their middle class family environments.

Their criminal careers either included a range of various criminal offences, (e.g. theft and forgery), or white-collar crime (computer fraud or embezzlement) committed over a lengthy period of time. They all expressed full responsibility for their crime, which they committed by themselves – thus financial or emotional dependence on a man has not been an issue in their crime case, and neither has domestic violence. They all served their first prison sentences. Many talked about their motivation and regret, but were also very critical of the injustices suffered during the criminal procedure, as well as of prison conditions and possible violation of rights. Several women considered the idea of launching a NGO in order to support women ex-prisoners.

After their release from prison, a few women explicitly referred to the importance of excitement that was linked to their earlier lifestyle – and explained their concern regarding the future.

"This is an average, mundane life, nothing special, it is boring and monotonous. We get up; we wash, cook and clean I can't wait for summer so I can go places, to the beach for example. I used to live a high-society life, I miss that. Not that I am tempted but I still miss it. But I'll get used to this, this is good, this is the way it has to be done". (Woman)

The lifestyle and behaviors of many of these women did not conform to the gender roles and behaviors expected from women. Travelling and working alone abroad for years has not been in line with the ideal of womanhood – and, pursuing a criminal career is certainly not among the socially accepted options for women. As we saw, these women designed and performed their criminal acts by themselves, neither indirectly (through domestic violence) or directly under the influence of men, and often not due to the lack of other options, either. Therefore, the term 'crime by choice' can be applied, even though it does not indicate that all of their actions were fully conscious and calculated based on rational choice. This alone is rather subversive, however, considering their relationship to topics rather central to 'conventional' values such as marriage, children and heterosexuality, further evidence supports their subversiveness.

"I am happy about how my life turned out – with no husband. I had a schedule and a lifestyle that suited me and I lived my own life. Then I realized that years had passed and I didn't even want to get married any longer. I would also like to keep my independence in my current relationship, though I have been together with my partner for nine years now. I only dropped him a note saying that I would be away for a while; he didn't even know I had been convicted. He was not aware of the crime I had committed, that was all done by me." (Woman)

Yet, even in their case, their children came to play a central importance in their concerns for the future. The few women who left their children in the care of their mothers while they went on

trips, talked at length about their guilt and drew up plans for becoming decent mothers – yet in other cases felt that motherhood perhaps was not their call in life.

2. THE PRISON'S CONTRIBUTION TO EXCLUSION

Hypothesis 2. Imprisonment excludes women who were not socially excluded before their imprisonment and excludes already-excluded women still further.

Motherhood and social contacts

One of the sub-hypothesis of the MIP research has been that imprisoned women suffer an irrecoverable loss of roots, and their relationships to their children are especially damaged. Thus, in this chapter research findings regarding women's relationships to their children and other family members are introduced. Based on the analysis presented in hypothesis 1., it can be concluded that motherhood has been repeatedly stressed as a dominant life theme by the great majority of the women, regardless of age, educational background, ethnicity, or crime committed. Motherhood emerged also as one of the central issues of concern in the women's narratives about prison life and its consequences. However, in terms of the strategies developed, we found very significant variations. On the one hand, some women very consciously tried to maintain contact with their children in all available forms, kept track of the developments in their children's lives and tried to maintain an active presence in their lives overall – while others developed distancing strategies through which they believed it would be easier for the children to put up with the sudden absence of their mothers.

"I talk to my children on the phone every day for 15 minutes. My family has also visited me, the children, my husband, my brother-in-law as well as our best man." (Woman)

"To me family means only my child, not even my husband. This word to me means nothing but my child. Yet being in prison puts a distance between my daughter and me. During the first couple of months I didn't even call her so she would be able to forget me a little. When she first came for a visit she didn't even touch me, she just stayed with her father. I am not sure whether she recognized me." (Woman)

Special difficulties emerged concerning what to tell the children of the mothers who were imprisoned due to homicide of a family member or attempted murder. In some cases, the surviving batterer punished the mother by not allowing any contact with her children for years. Another kind of difficulty emerged for women serving long sentences in maintaining real communication instead of formal visits. Being banned from seeing their children, or ignored by them, is extremely painful for the few women in such a situation – and is surely the largest source of misery in their case. Suicidal thoughts and nervous breakdowns are directly linked to this pain.

"My children don't usually visit me, they are angry that I am in prison. I really have no one [crying]. I was so bent out of shape two months ago, I almost committed suicide." (Woman)

Most women were left without a partner's active support, due to a number of different reasons. While some women were without a partner at the time of imprisonment, a few relationships broke up due to the imprisonment – either because the women decided it was better not to tell the partner, or because the men decided not to wait for them. In yet other cases, the men were formally there, however, the women did not expect much from their partners. A few women started new 'relationships' while in prison, based on one or two meetings with a man in prison and the correspondence that followed. Overall, only a few of the women enjoyed the continuing support of a partner. In fact, for most women, the most stable form of family support was provided by their parents.

While most women adopted a rather pragmatic view about husbands and spouses, all great losses, ruptures, feelings of guilt and major emotional struggles were associated, above all, with worries about children. This certainly supports the view that imprisoned women are especially influenced by the potential rupture of ties with their children.

Many women stressed that family relationships were maintained in their original intensity or actually became stronger due to imprisonment. Overall, an opinion shared by many women can be summarized as follows:

> *"I haven't felt any distance from my family members and friends. 'Those who love me, will love me no matter what."* (Woman)

Yet, less than half of the women had regular visits[13]. A key reason for lack of visitors was damaged family relationships or feelings of shame, addressed in the above section. Even though visits had been defined as important opportunities for family reunions by the women, many of them were very considerate in determining how often invitations for visits should be sent, as visits were often very burdensome for family members. Quite a few women believed that visits required such a sacrifice from family members that they would prefer not to have regular visits.

> *"My parents and son visit me every three months from Tiszaföldvár. The reason that they come so seldom is out of lack of money and that there is no one to drive them."* (Woman)

Distance had caused such difficulties that, in fact, it was the first and foremost reason for requesting a transfer to another penitentiary. Due to permanent overcrowding, such requests were routinely refused, but when granted, they meant a very tangible improvement in maintaining contact with family. The application of LER[14] also carried the same advantages and was very much appreciated by the few women who benefited from it.

> *"I am on LER and I have the prison to thank for this. This is designed to help find employment, to spend more time with family and not to lose touch with the outside world. So I can get hold of everything I need. This means 30 hours of leave every month including travel time. In addition, I can go into the city for four hours on Saturday once a month when my family members come for a visit."* (Woman)

While visits were reserved for family members – and indeed, to the narrowly defined family - some women kept in touch with their friends through correspondence and in a few cases, by phone calls as well. Yet, very few women maintained contact with friends – only the young women. Some decided to break off relationships with their friends, since they may have been involved in the crime together for which they were imprisoned.

Most women were not allowed on any visits home during their imprisonment, which often lasted for years. The only real exception to this was the women on LER, as mentioned above. Apart from these lucky few, short leaves for home were extremely rare and were limited to those cases where the law explicitly had to be applied. Funerals of family members were such exceptions, although not even these leaves were automatic. Some women felt that access to leaves for home was only given to those who developed special relationships or delivered special services or information to prison personnel.

> *"I didn't get any leave; this is usually given to those who snitch or rat on others. That is very typical of this place, those few people can go home often, they are moved to lower security regimes, they have good jobs. Many people would do anything for those privileges."* (Woman)

People who serve long sentences, are especially at risk of losing or loosening family ties. These women are moved to a so-called transition group[15] a few years prior to the end of their sentence – and are allowed for visits to ease the 'transition'. These first visits outside the prison and to the home indeed, were very dramatic to the women.

> "The first time I was allowed to go home after so many years, the children and the family felt like strangers, it was bizarre, even though we were corresponding in the meantime. First I felt rejected by the children, their reactions to me were very negative. They unloaded everything on me about why I hadn't been with them. I didn't feel good at home at all, I greatly missed the prison and I couldn't wait to return." (Woman)

Agents praised both LER and transition groups very positively, and in general, were in favour of extending such measures to larger groups of inmates, and were concerned about potential restrictions.

In summary, we may conclude that women prisoners' outside contacts in many cases were weak and weakened further during the imprisonment, for a variety of reasons. These reasons were often not directly linked to the negative influence of the prison itself, but to larger social phenomena often carrying 'gendered' characteristics, for example, women's feeling of shame due to crime, isolation and other consequences of domestic violence, or lack of work contacts. Yet, the prison itself contributed to these problems in at least two ways. Firstly, through difficult physical access visitors and refused requests for transfers, secondly, through the limited and presumably selective application of existing measures, such as leaves or LER.

The consequences of women's prisons and prisoners' small weight in the prison system

The few number of women's prisons has important consequences for these inmates' life in prison – one of which, their often long distances from home was already mentioned above, yet is most tangible in the case of the Kalocsa prison. Kalocsa, the largest facility, and the only one which is an independent women's prison, is the only high-security prison for women

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[13] *As stated in § 36. of the Prison Administration Law, prisoners are entitled to, at least, monthly visits. The same paragraph declares that prisoners are entitled to correspondence with their relatives and other specified persons to be approved by the prison director. The frequency and length of letters is not limited. Letters can be opened and checked for security reasons. Usage of the telephone is allowed in line with the actual conditions and facilities of the prison itself.*

[14] *LER (Lenient Executive Rule) is a progressive measure, which allows for visits home and several other advantages. The so-called Lenient Executive Rules offer the biggest freedom and flexibility to those prisoners who have already served half of their sentence, behave well, thus it is believed that the objective of the penalty can be reached with lighter measures as well (high-security prisons excluded). If on LER, the prisoner can leave the prison four times a month for short leaves, can work outside the prison without supervision and is entitled to get the earned money in cash.*

[15] *Those who serve long sentences and have already served five years, should be moved two years prior to their release to a so-called transition group. In a transition group – as defined by §. 29 of the Prison Administration Law - prisoners enjoy a higher degree of freedom in moving around the prison, may work outside the prison, and meet the probation officer regularly.*

– yet it also accommodates women convicted to mid-security prison[16]. This means that many of the inmates serve relatively long sentences and may come from any part of Hungary. Through its unfavourable location in the South of the country and due to a Budapest-centred railway system, it is impossible to get to Kalocsa and home within a day from many locations – and it is also rather costly. It's no wonder quite a few women did not want their families to undertake such excursions – and were left without visits. Ironically, their leaves for home were constrained by exactly the same problem, also by the financial means and the time it requires. This, together with the perception that it may be more risky to allow women serving longer sentences to take a leave, dramatically limits their access to leaves. Thus, they are at twice the disadvantage and are left alone. Agents are aware of this issue, however so far, no real solution has been identified for this problem.

The Kalocsa prison suffers heavily from overcrowding[17], which according to the agents, is the first and foremost reason for lack of sports activities, visiting (rooms or space), and it limits possibilities for educational and free-time activities. Living conditions are inadequate, and even maintaining the old building is a day to day struggle due to tight budgets, as described by the agents. The women interviewed were painfully aware[18] of the damage they suffered from the lack of such basic sports facilities, or actually, walking opportunities. (Many of them refused the daily one-hour walk in the tiny, overcrowded courtyard, which also served as a meeting point for lesbian inmates.) In its current state, conditions in the Kalocsa prison are hardly suitable for giving appropriate reintegration-oriented support to women inmates.

The Mélykút facility which houses all under-age women imprisoned in Hungary and is also the only facility for adult women with a low-security sentence[19] , also has very significant accessibility problems. While it is closer to Budapest, it also has very unfavourable conditions, since it is located in the middle of a field. Mélykút cannot be reached by public transportation; it requires kilometers of walking for the unfortunate visitors who do not own a car. Yet, perhaps even more importantly, its location entirely contradicts the objective of a low-security regime: more access to outside contacts, work outside the prison: altogether, less penalty and more integration. Ironically, the only employment available apart from seasonal agricultural work and work inside the facility, is at the 'neighbouring' men's facility a few kilometers away, where some of the women inmates are transported daily. Not only visitors and work, but also access for NGOs is problematic. The Mélykút prison belongs organizationally to the largest men's facility in the country, which certainly raises the usual problems of being attached to a much larger men's facility coupled with the issue of perfect invisibility in the middle of nowhere. The Mélykút facility is entirely unsuitable for the purposes of both a low-security regime and that of a facility for young women. It must be noted however, that inmates enjoyed the benefits of a smaller facility; the freedom to access the garden, fresh air, outdoor sports facilities and a supportive climate created by prison personnel despite the conditions.

The third facility, Eger is the only women's prison facility with favourable access conditions in general, and also for the women inmates in particular. It is situated in the center of Eger, a small town in the northeast, which can be reached by various means of public transport. Moreover, most inmates of the prison come from the northeast region of Hungary, and thus, are the only women imprisoned who have actual access to family members. The active presence of students from the City College and various NGOs in the prison is certainly proof that location makes a difference. Disadvantages stemming from belonging to a men's facility were not tangible. The women's interviews revealed that prison management and educators had been open to and supportive of their suggestions, and offered a variety of free-time activities. Eger has a reputation among women inmates in other prisons: the majority of the women we interviewed in other facilities asked for transfers to Eger, yet most were refused

due to overcrowding. Unfortunately it must be noted that Eger is by far the smallest facility for women – thus the above-mentioned relative benefits can only be enjoyed by about 70 women, less than 10% of the convicted women in Hungary.

A dedicated mother-child facility was created about two years ago in Hungary, which ensures a high quality, and in many ways almost luxurious treatment for inmates who give birth to babies while in prison – and can stay here for six months or one year after the child's birth. The physical aspects, equipment of the facility as well as staff numbers are outstanding. However, the mother-child facility is located literally in the middle of a men's prison in Kecskemét. One of its disadvantages is that the women can hardly participate in other activities.

Apart from the setup of the mother-child facility, which received attention and has been celebrated by authorities, inmates, and the media alike – women inmates and women's prisons are very low on the agenda of prison authorities to the point of being practically invisible.

3. MEASURES AND PROGRAMMES IN PRISON

Hypothesis 3. Current measures and programmes for the social integration or reintegration of female ex-prisoners are inadequate.

3.1 Employment within prisons fails to supply inmates with marketable vocational skills or other useful, convertible skills for other areas after release.

Among the activities for inmates, work carries special significance, being the most important organized activity available in prisons. However, work in prison should be more than an activity to pass the time: it is declared by legislation that prison work is supposed to enable inmates to develop skills for social integration[20] . We found in our research that the present conditions of prison work do not adequately fulfil this aim.

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[16] *From the approx. 400 women inmates in Kalocsa, about 155 are convicted to high-security prison (mainly for homicide or attempted homicide), all others in Kalocsa serve a sentence in a medium-security prison.*

[17] *"The prison's capacity is 240 people, however, our current roll is more than 400."* (A1)

[18] *Lack of sports activities was mentioned as a major problem by each and every woman we interviewed.*

[19] *There are only about five under-age women imprisoned here. From the adult women in Mélykút, about 150 serve a medium-security sentence, and about 85 either a low-security sentence or an earlier, unpaid-fine-turned-into-imprisonment-sentence. The Mélykút facility with about 260 women belongs organizationally to the Pálhalma prison with its 1,580 men, totaling around 1,840 inmates and is the largest facility in Hungary.*

[20] *As it is stated by § 44 of the Penitentiary Code, the aim of prison work "is to help prisoners maintain their physical and spiritual strength, give them the opportunity to acquire and develop vocational skills, thus facilitate, after being released, the reintegration process into society".*

Access to jobs in prison is defined as a prisoner's right, yet despite the prisons' efforts, not all inmates can work of those who wish to work[21]. Penitentiary institutions are only able to provide workplaces for a certain percentage of the employable inmates held in prison at one time. In addition, the work available is limited to just a few types of jobs – which does not allow for appropriately matching inmates' skills to the available jobs. The limited selection of jobs does not allow for the possibility to change jobs, as in case of health problems. All of the women in our research wanted to work during their imprisonment – and the great majority of them actually managed to obtain work for at least some part of their sentence. The very few who could not work[22] , indeed regretted it.

> *"I would've worked if it had been possible. I only participate in the cleaning of our prison section. I don't have a regular job; this was not made possible by my short sentence".* (Woman)

Indeed, we found that the women were typically highly motivated to take on work. One of the reasons why women agreed to pursue work in prison was to pass the time by doing purposeful activity. Apart from that, making money was found to be an important motivating factor, as it enabled women to purchase goods for themselves and even to support their families from their modest earnings.

The work available was divided between facility maintenance jobs and the production of goods. Among the maintenance jobs, mainly laundry, kitchen work, cleaning, and hairdressing were available. The majority of the jobs offered by the companies set up within the penitentiaries involved manufacturing clothing and leather shoe uppers, packaging, and agricultural work. For many, the type of work done did not require skill development, however, a few, formerly unskilled women gained access to job skills that they previously did not possess. Unfortunately, the most important declared purpose of prison work, i.e. providing inmates with skills for later integration, did not rank high among the motivating forces for work, as the kind of work available was not perceived to be potentially useful for them in the future.

> *"I would've liked to learn how to make clothes and sew, but I couldn't, I learned to manufacture leather shoe uppers instead. After work, I participated in a 10-month long course on manufacturing leather shoe uppers, which was exhausting. (...) I got a C+ on my exam and I am very proud of this. I received a certificate at the end of the course. It's a pity that I won't be able to use it for anything after I leave prison".* (Woman)

Failure to develop marketable skills is linked to the fact that the majority of jobs in prison are gendered: they are typically low-skilled, low-paid, traditional 'women's' jobs. (Light industry, packaging products or seasonal, unskilled agricultural labour). This implies that female inmates leave the penitentiary with generally little or no experience in carrying out work that is valued on the labour market. This shortcoming, however, was not necessarily recognized by prison agents.

Some women addressed problems related to poor working conditions and payment – while many others were actually satisfied despite the very low net salaries, ranging between 2000 forints (8 Euro) and about 15,000 forints (60 Euro)[23.] Many women addressed the paradoxical discrimination against employed inmates as opposed to unemployed ones: a contribution to the cost of imprisonment is deducted only from working inmates' wages (in the value of about 5,000 forints, 20 Euro) - while non-working inmates enjoyed the same facilities without being charged anything.

"Three-quarters of inmates work for pennies in here, it's terrible, they work for 500 and 1000 forints, which is not enough for anything. They are in need of everything because of this. Working in prison is like working as robots do. They get punished if they don't finish the work at time, and everyone is required to work according to the house rules." (Woman)

Very significant differences were found in the remuneration between maintenance jobs done for the prison, and other types of work for the prison companies. In maintenance work (laundry, kitchen, etc.), the pay was generally much higher – and therefore, such work was in great demand among inmates. In our small sample, it was predominantly the women with better educational and social backgrounds who were able to get the better jobs. Those women who were in the most disadvantaged social position were typically less able to negotiate their situation in the struggle to obtain the better-paid, more prestigious jobs.

According to Hungarian legislation, inmates on LER and in low-security regimes may be employed outside the prison without supervision – this is meant to enable the labour market integration and maintenance of social relationships for these inmates. None of the women in our research worked for third-party employers in this sense.

Although interviewed agents were generally satisfied with employment in women's prisons, they also addressed problems and difficulties with regard to prison work's ability to improve women's chances for labour market reintegration after release.

"If the length of a workday stays at 8 hours long, as it is now, then inmates often have to make a choice between learning and working. The current employment percentage of inmates is 50-60%. Those who might want to study while working must also have a long enough prison sentence in order to be able to complete a certain course. As for employment in prison, it would be better to provide part-time work opportunities as well, since it would give more time to inmates for other things such as studying, consulting with their lawyers, spending time outdoors, etc." (Agent)

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[21] *According to the data of the National Prison Administration, 432 of the 859 female inmates (50%) worked in prison in July 2003. In each women's prison, according to the data, about 45 to 60% of the inmates are employed.*

[22] *Access to work seems to be especially an issue in the Mélykút prison, where apart from the kitchen and laundry, and some cleaning jobs, mainly seasonal agricultural work is only available. This is particularly problematic since Mélykút houses women with a low-security sentence, in whose case work even outside the prison, as well as the maintenance of social contacts, should be especially enabled.*

[23] *It could be challenged whether inmates actually received the already very modest earning specified in the legislation as (at least) one-third of the minimum wage of the previous year. The above-mentioned net earnings correspond to earnings ranging from approximately 6.000 to 19.000 forints (between 24 and 77 Euro), prior to the deduction of cost of imprisonment. Currently the minimum wage is 53.000 forints (214 Euro), a third of it amounts to 71 Euro. Even though our sample is statistically not representative, we must conclude that there are a number of women in prison who certainly do not earn one-third of the minimum wage.*

"The system lacks the hiring capability like we had back in the eighties, when we were able to provide jobs for everyone. The other drawback is that working in prison does not count as regular employment[24] it does not contribute to their pension." (Agent)

In fact, both notions were reflected in women's experiences as well, several women argued that they had to choose between work and training – and a few simply dropped training in order to make a little money. A few women also expressed the injustice in prison work not being acknowledged as real work since it does not contribute to the time accumulated in the social security system. Some women actually experienced the negative consequences of this regulation after their release from prison, in not gaining access to services linked to the amount of time spent in the social security insurance system.

3.2 Training and education in prisons does not sufficiently contribute to the acquisition of education and skills needed after release.

The educational background of women in our research reflected the alarmingly low level of education among female prisoners in Hungary.[25]

An observable trend in penitentiaries is a focus on elementary education, which is partly a result of the previous system of compulsory elementary education in prisons.[26] Even so, elementary schooling is available only in two of the penitentiaries with female inmates, whereas Eger, the smallest unit does not offer such a programme, only a basic course in reading and writing. The low level of schooling of the majority of women inmates certainly makes the emphasis on basic education necessary. Even though, in our research, not every inmate with an incomplete elementary education continued schooling in prison, many others, especially those with longer sentences, made use of it and left the institution with finished elementary certificates or a few more classes than they previously had.

"I attended school until I was 13 and I finished fourth grade. I flunked several times. (…) I continued elementary school here in prison, but I didn't quite finish eighth grade. I'll finish it up when I am released." (Woman)

Yet, an elementary school qualification alone is not sufficient for an entrance into the labour market. Agents at the Labour Office, in fact, reinforced that unskilled women are especially in a bad position in the Hungarian labour market. The importance of vocational training for the women in prison is critical due to the high number of women who do not possess any vocational or further training: currently this amounts to 75% of women inmates. Although some type of vocational training is provided in most women's penitentiaries, the range and availability of courses was found to be highly problematic. Firstly, only a couple of such courses are started each year, thus they only reach a small portion of potential recruits. Secondly, the range of courses is very limited as well - while a training course in shoe manufacturing is held each year, other, less specific and more marketable courses, such as computer literacy, are rare. Most vocational training courses, e.g. in lace making and in manufacturing leather shoe uppers, prepare for gendered professions only. Training in feminized and low-paid jobs provides little improvement in their labour market position. While some women were aware of this problem, they generally valued the acquired vocational training qualification highly.

"I completed a course in lace-making. The teacher and I became friends, we still keep in touch. I would like to continue doing this type of work, making lace. It was a one-year long course, quite a difficult one. I even earned a certificate at the end." (Woman)

Participation in secondary education, although theoretically encouraged, is almost entirely missing among women inmates, and none of the women in our research attended secondary school courses in prison, although a few believed it would be useful. Given that there are almost no differentiated educational programmes above elementary education (apart from the few vocational training courses mentioned above), women who completed elementary education received little or no choice to join schooling and develop their knowledge and skill level.

While there is an evident shortage of available courses in elementary and secondary as well as vocational education, women's prisons offer other unaccredited training courses. Many such activities are recreational, rather than educational. Yet, a few focus on improving self-perception, interactive skills or are targeted towards developing job-seeking skills, occasionally they include language training. The number of available extra courses differs significantly among the women's prisons. The smallest institute, Eger, offers the broadest range of such courses, whereas the largest institution, Kalocsa has a relatively modest offering. Such additional activities, if available, were welcomed by the interviewed women, since they were found to offer variety and distraction from other activities, were perceived as potentially useful, and occasionally even enabled them to leave the institution.

> *"The choir was the best, it was a good way to have some fun and our rehearsals were great as well. When we went to perform, the guards and other prison personnel treated us differently, we were treated more like human beings. In here they are in charge, but out there you could talk to them and for example we didn't have to form a line and walk in pairs either. (…)"* (Woman)

Apart from the limited range of activities, the most often mentioned reasons for inmates not taking part in education or other training activities, were short prison sentences and the clash of such courses and activities with work. Agents emphasized that because financially it is more rewarding to choose work, many prefer work if a choice has to be made.

Also, some women reported on the subjective assessments involved in granting rewards (and punishments) and thus a degree of personal favoritism is said to be in place, whereby the accessibility of such activities itself is influenced.

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[24] *During imprisonment inmates are not insured by the social security system. No social security payments are thus made from their earnings, and the time spent at work in prison does not contribute to their total social security insurance time. This causes significant disadvantages for them, since a number of allowances (both related to unemployment as well as family benefits) are linked to social security. Contribution to the pension funds is also linked to the number of years spent in the social security system. This problem had also been addressed in the report of the Hungarian Helsinki Committee. (in: The Double Standard – Prison Conditions in Hungary, Hungarian Helsinki Committee, Budapest 2002.)*

[25] *The importance of both general education and vocational training for women in prisons is critical given the high ratio of women with no education (5%), incomplete elementary education (20%), or elementary education only (45%).(Data from the NPA, July 2003.) In our research, half of the interviewed women had, at best, elementary education (several of them did not complete elementary school, one of them was illiterate) while others held vocational qualifications or a final examination from high school, and one woman had a college degree.*

[26] *Elementary education used to be compulsory in prisons, even though since 1993 participation was made voluntary, prisons and educators continued to put an emphasis on it.*

Members of the prison administration addressed some of the obstacles to offering more training programmes (e.g. limited physical space, financial constraints, or the design of a programme for a certain group of inmates only).

One of the ways to broaden the range of activities without the financial burden, is through the involvement of NGOs in the fields of education and training. The NGOs reported increasing openness from the prisons, however they also emphasized that their cooperation is still often filled with difficulties, especially with bureaucratic constraints, and obstacles that stem from the dominance of the security principle.

"In the first year our organization mostly just tried to arrange for the agreement of cooperation with the authorities to be finalized. This took us a whole year." (Agent)

*"Yes, I do think that access to computers can be granted even by satisfying all safety regulations. You just have to want to do it. The system must really take steps in this direction." (*Agent)

3.3 Women do not receive enough preparation and support for their smooth return to family (and other intimate ties) and integration into the community.

A month prior to their release, most women in our research believed that measures to make their return to their family and social environment were insufficient – although most of them felt ready for the release. Measures that serve the maintenance of family ties and other social contacts, were already discussed in hypothesis two, thus now the report focuses on the immediate preparation for release and the role of various state agents in it.
In terms of the agents' role in inmates' preparation for release, educators and probation officers have a primary responsibility according to the regulations. Educators are responsible for the general development of inmates. According to our research, educators, in most cases, failed to give individual attention to women's needs in general, and in preparation for release, in particular. Every inmate was assigned to an educator, yet educators were responsible for an average of 60 to 80 inmates. Most inmates considered educators to have a supervisory role in the management of their everyday lives - typically permissions and correspondence - rather than in individual care. The heavy administrative load reported by educators themselves was perceived as a problem by most inmates, who assessed this as an obstacle for meeting with educators more often and in a manner that would help them discuss problems in more depth. However, some women reported to have received personal attention from the educator if they required it. Yet, others heavily criticized educators for not fulfilling their duties or abusing their power.

"The educator has helped me a great deal and has given me advice as well; I am quite satisfied with him. The others say various things about him, but I had no problems and I was happy with him." (Woman)

"Educators lord over us in here, many things depend on them. I feel that I didn't get anything from the educators. There was only one person with whom I was able to establish some type of rapport. (…) An educator once told me, 'Dear, don't think. You are not here to think but to serve your sentence.' (…) This same educator also said that 'your kind must be eliminated not released.' There has only been one educator with whom I had a normal relationship, but this was because we hardly ever spoke. Somehow she realized that I'm better off left alone." (Woman)

Insufficient attention to inmates' individual needs causes particular problems in connection with the preparation for release. The preparation should start six months before the inmate is released from prison. Most of the interviewed inmates reported not to have received any preparation for release from prison; in fact, many had difficulties with understanding the question, due to the absolute lack of help. Although some inmates received information on the services of probation officers on a few occasions, inmates perceived them rather negatively,

therefore rejected turning to them for help.

> *"There was a presentation in prison about probation, but they weren't convincing to me. They provided us with their address and contact information, but I wouldn't turn to them for help."* (Woman)

> *"I am going to meet with my probation officer once a month. We will discuss what I should do and what I mustn't do."* (Woman)

The need for cooperation between prisons and probation officers has been broadly recognized by the authorities at all levels. It is now reflected in legislation, and has led to a growing number of cooperations between penitentiaries and the corresponding local sections of the NPO. Yet, many of these actually focus on general services, as the above-mentioned general information sessions. The division of responsibilities between prison educators and probation officers is in many ways still open for interpretation. Thus, the actual practice and especially its tangible advantages for the inmates to be released still have to be worked out in the future.

Non-state agents, most often teachers or NGO activists, were an important source of inspiration and support both during the imprisonment and also after the release for the few women who established such relationships in prison. For the few such women, the NGO or the prison priest volunteered vital support, e.g. in ensuring accommodation, clothing, inspiration and continuity. Many prison officials expect primarily NGOs to provide significant support in reintegration-related efforts, as well as in ensuring continuity. Currently however, such involvement is rather specific and limited in most prisons. It is rather specific in that civil involvement refers in many cases to religious organizations, and their activities in the spiritual preparation of inmates – as well as to their material services e.g. in providing clothing for inmates to be released. NGO involvement is currently rather limited; especially little can be reported about preparation for release and first steps in life after release. While NGOs in many ways would be much better suited to provide continuity, the currently limited number and scope of activity of such NGOs suggests that they cannot immediately fulfil such needs.

4. LIFE AFTER RELEASE

Hypothesis 4. Several barriers to the social integration/ reintegration of women ex-prisoners remain.

Due to the lack of adequate attention to preparations for the first steps after release, most inmates left the prison without plans or arrangements for most spheres of life. In fact, most women could not imagine their life within one year's time – and plainly stated that they wanted to be happy. The desire for happiness - most often envisaged through happy family life – and a firm belief in not returning to prison were the most stable and often recurring elements of the women's image about their future. Yet, the first few weeks after release from prison proved to be a difficult time especially for women who served long sentences. In their case, consequences of imprisonment were tangible: restlessness, insomnia, depression and a desire to return to the routine of the prison were frequent. Their relationship with children and family members presented many challenges as well. Yet, for many, family became the strongest pillar in life after release - while all women were faced with exclusion especially in the labour market.

Reproduction of primary exclusion patterns in the labour market and new exclusionary factors

While all women worked in the prison, this work experience did not help them gain employment after prison. Many of the women took part in sewing workshops during their imprisonment and several of them gained vocational qualification in manufacturing shoe uppers. Yet, these skills

were not in very high demand after their release: none of the women gained employment in this or any related field. Apart from the poor market value of these gendered and obsolete job skills, the criminal record[27] formed a very strong barrier to gaining employment for the women. All women who actively searched for jobs - and indeed, the great majority of women did so - anticipated that their criminal record would be a barrier and most of them encountered the expected difficulties.

> *"My biggest problem is unemployment. Yes, I keep searching for a job but I haven't found one yet. The main problem is that I don't have a certificate of no criminal record."* (Woman)

A few women were able to gain employment because the employer did not ask for the certificate. Often the certificate has to be presented within a few weeks after the start of employment – in some cases, women were discovered and fired, while a few lucky and tactful women got away without the certificate or manipulated the employer successfully. None of the women who eventually gained registered, paid employment could tell their employer about the prison record –even agents at the Labour Office encourage their clients not to tell first. In fact, the criminal record is, in some cases, required for training courses: a woman applied to a nursing training course through the Labour Office, however, she was rejected due to her criminal record. Others were also rejected from, for example, a massage course, due to lacking a clean criminal record.

While many women registered at the Labour Office, none of them were given unemployment benefits, and none found employment or training courses through the Labour Office. Two women were offered public work, however, they refused. Others gave up looking for a job after repeated refusals.

The few women who ultimately succeeded in gaining registered employment worked at the low end of job hierarchies, in low-skilled and low-wage jobs – most often they were employed in factory jobs and worked three different shifts. All women who gained registered employment possessed medium-level educational qualifications. Others took up very unstable small jobs, temporary or seasonal employment, usually cleaning jobs. In several cases women had very negative experiences with temporary/ black employers who took advantage of them: they did not want to pay them or sexually harassed them - and some women were approached to engage in prostitution. Some women, whose family ties were disrupted, were forced to take up housekeeping jobs to secure accommodation and work. However, such housekeeping jobs in single man's houses led to exploitation and sexual harassment within weeks or days and the women had to escape. The women's ultimate strategy was to leave, even without getting paid in order to avoid trouble – since trouble meant return to prison.

> *"I also looked into contracts of life-long support, but one of them turned out to be a personal ad although this wasn't stated specifically. I stayed with him for five days and I worked very hard. Finally, when I wanted to leave he hit me, I had to run away, I even left my phone there. He was yelling at me, he said he'd have me returned to prison, that he would take me to the police. Then I noticed that this ad kept appearing in the newspaper. I want to write to the mayor's office, I mean, this person is a psychopath."* (Woman)

In conclusion it must be stressed that the very few women who gained registered employment all had medium-level qualifications and were very persistent in their job search. Most of them actually moved to Budapest and took up relatively low skilled, low-paid factory jobs. However, this was not an option for others: those without any prior qualification, vocational skill or women residing in a small village with few job opportunities. Once again, patterns of primary exclusion were reinforced, e.g. none of the "Roma Mothers" gained registered employment. Yet new factors of exclusion were added in some cases, due to the lack of registered employment and the need to take up temporary, black work or housekeeping work.

Family: the ultimate support

Since most women did not succeed in securing regular and sufficient income from the labour market – even more, financially the women had to rely on families - partners and parents mostly - and/ or received very modest welfare payments, because of their children. The great majority of women returned to live with their family, most often, with their parents –in only a few cases with their partners. For the majority of women however, return to their children and family was the strongest source of inspiration and support upon which their new life could be built. Many emphasized that their relationship with family became even stronger. Return to parents often meant reunion with their children, since most often parents took care of the children during the women's imprisonment. Sometimes women returned to their parents together with their partners, however, the resulting overcrowding and poor living conditions in many cases caused everyday struggles. Many women perceived the situation of living with parents only as temporary. However, moving to a rented flat was almost impossible to afford, and affordable places also tended to be very inadequate.

> *"I live in the same place with my family, it's a flat subsidized by the state. I am not happy with the situation, there is no running water and it's in a lousy neighborhood. My mother is ill and bedridden; it's hard to care for her."* (Woman)

However, the few women who experienced break-up of family ties, went through the most difficult times of their lives. Especially victims of domestic violence were trapped if access to their children was denied or if their abusive partners blackmailed them with the children. For the women who did lose their children either through state care or due to abusive partners, gaining children back seemed hopeless in the first weeks and months after release. Even women who had nowhere to go avoided temporary shelters at all costs: they refused to be identified as homeless. Alternatives such as taking up housekeeping jobs reproduced the vulnerable position of women and added new grievances, as discussed above. Housing needs of people released from prison are not recognized and addressed by state authorities, even though most of the agents in our research named housing needs as one of the most immediate difficulties after release.

For many women the insecurities in housing, the daily struggle with overcrowding and poverty, the need to look after children or ill mothers combined with poor potentials in the labour market led to situations in which the various forms of exclusion reinforced each other, and the prospect of breaking out became hardly possible.

> *"I do feel that it is more difficult to make ends meet. Being confined is making me more tense. Even now I am at home and I have to adapt to my in-laws. I feel that now that I am free, I want everything too quickly. I worry about finances the most, and I would really like to move away from here. I hope it'll work. We are planning on moving to my grandmother's studio. I would like to be alone with my children, I feel that I just can't find my own way. It's very difficult, because my husband isn't around and all the burdens are on me. I hope we can move out next week."* (Woman)

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[27] *The 'certificate of no criminal record', or as called in Hungarian, the 'ethical certificate', is issued by the authorities, and it registers the key data about the crime committed, sentence served and is valid for several years after the crime, depending on its severity. It is customary in Hungary – and the Labour Code enables this practice – that employers require the certificate prior to signing the employment contract. Theoretically, it serves the right of employers to be informed about the criminal record – and it shall not mean automatic rejection of the potential employee.*

Lacking continuity and cooperation among authorities

Cooperation between prisons, probation service and other state agents active in reintegration, such as the Labour Office, is currently insufficient, however, it is undergoing changes as a result of recent transformations in the institutional environment, particularly, the set-up of the NPO. The NPO is in the process of establishing regular cooperation with Labour Offices, which in some parts of the country has led to regular information sessions and exchanges between probation officers and the Labour Office. The NPO also aims at developing cooperation with homeless shelters; however, at this stage, we cannot report tangible services to the women, as in the area of housing, as shown above.

Lack of sufficient continuity and cooperation among authorities resulted in several disadvantages for the released women. Many left prison without valid personal documents: identity card, address registry card, social security card and tax card, etc. Women faced two difficulties regarding access to documents: in addition to the financial burden, the various bureaucratic requirements made the process rather difficult and slow for many, which in turn, presented barriers to and delays in their access to work, welfare or medication. Some of the most assertive women succeeded in getting money for the document from their probation officers or local governments, however, others did not – and thus were left without documents.

> *"I don't have a social security card and an address registry card. I can't even get the other necessary documents without having these first. I was told I could get early retirement, but I still have to start this process. I am totally lost in these bureaucratic matters, they just keep sending me from one place to the next."* (Woman)

Information on various forms of welfare was similarly difficult to find. Most women left prison with a few thousand forints - the obligatory saving in the value of one month's pay in prison – which was used to cover the trip home and, in the best case, the first days' grocery shopping. Most women knew that the local governments may give a one-time aid to people in need, the so-called 'temporary aid', usually in the value of 5,000 forints (20). Many decided to ask for this money, however, some were refused – while others stated that it was not worth asking for such a symbolic amount of money.

Currently in Hungary there is no welfare available specifically for people released from prison. However, there are various forms of social welfare for which the women could have applied – and some of them indeed applied. Yet, many women were not aware of the available forms of aid, the various authorities in question, and the conditions – or thought that they would not be eligible for welfare.

> *"The welfare system is completely unclear to me. My mother receives some type of welfare, so I guess I wouldn't be able to."* (Woman)

Women who did gain access to some form of regular financial income/ welfare – typically did so through some kind of childcare benefit[28], or, in a few cases, through taking care of their ill mothers. The income however, was not sufficient to cover subsistence costs. Through this kind of welfare practice, traditional gender roles are reinforced, yet payments do not actually allow for survival. This practice also means that women without (small) children, are in the worst position regarding access to welfare. Thus women who leave prison without family ties – elder women, single and childless women, victims of domestic violence – not only have to cope without vital family assistance, but they have smaller chances for even getting some very modest welfare aid.

The women did not expect much practical help from the probation officers; they understood the control function of probation officers to be their main mission. Some women had difficulties establishing contact with their probation officer and were worried about the consequences. Others had difficulties with traveling to the probation officers, especially because they lacked the money, or they could not attend monthly meetings due to other obligations. In case the women failed to show up, they were given a warning. Most women did not consider the meetings to be useful. The only practical use some could see was from the few thousand forints of emergency help – most often requested for arranging personal documents.

> *"I was told by the probation officer that life is difficult on the outside. I asked him for some money, he gave me 5,000 forints with which I bought a winter coat. He seemed nice although he can't help me. These meetings are useless, nothing happens afterwards."* (Woman)

During the 10 months of follow-up in the MIP research, none of the women returned to prison – and no new criminal proceeding was initiated against them. However, the majority of the women was approached by earlier criminal contacts and a few of them were tempted to engage in new crime. Due to the poverty experienced after release, some considered the prison to be a better place, at least in terms of the material conditions.

> *"The one good thing about prison was that we didn't have to concern ourselves with food and accommodation -- that was provided to us unlike now, on the outside. I mean I don't want to go back and have that life, but I don't want to live like this either, after all, this isn't a life. I often think that it would be better to just die[29]. I have no prospects whatsoever. The thought of returning to prison has actually crossed my mind. I am really worn out by everything."* (Woman)

While quite a few women actually came from a similar situation of poverty compared to what they returned to after imprisonment, many women in our research experienced a relative loss of position compared to their status prior to prison. The relative loss was especially experienced by the few who belonged to the middle class and were used to a higher standard of living. Thus, the overwhelming majority of women suffered from poverty greater or just as great as before imprisonment. Despite this strong general trend however, some patterns could be identified in the survival 'strategies'. The few women who succeeded in gaining permanent, registered employment for the most part actually enjoyed rather stable family lives as well. Some of them even continued higher education and, in general, were pleased with their lives. These women, without exception, all held medium-level educational qualifications prior to their entry into prison, and only one of them was Roma – thus they enjoyed a relatively favourable structural position compared to many of the other women. They also received considerable family support after they left prison.

Family however, became and remained for many other women the one and only foundation of survival after prison. The notion that the importance of family support in reintegration was particularly vital due to the lack of coordinated and effective support from the authorities has already been addressed in the report. Major barriers to labour market integration steered many women towards reliance on the family even more - and the dominance of childcare support among the available forms of welfare also reinforced the value of motherhood. Thus, a number of women based their survival strategy on their families, particularly on children – and tried to

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[28] A few women received GYES (childcare allowance), családi pótlék (family allowance), gyermekvédelmi segély (child protection aid), nevelési segély (child-raising benefit), and árvasági segély (orphan aid).

[29] She attempted suicide about four months after being released.

live from various forms of child-related welfare, or became pregnant immediately after release from prison. Other women were financially fully dependent on their parents and partners. However, it must be noted that initially they all attempted to find work – and some of them continued to look for work after months of trying, because the incomes gained were far from sufficient to cover the family's needs.

Women who were not able to find work, nor rely on active family support, were in the most difficult position, defined by multiple forms of exclusion and often were pushed into serious depression. Some have already lost their children to the state, or had grown-up children, or could not meet their children due to domestic violence. Their parents/ partners have died or were too poor to support them – or such support was impossible due to a former domestic violence incident. Thus, these women not only had to face labour market exclusion, but had major housing problems - became practically homeless - and could not finance their first weeks and months. Some of them had very little emotional support to rely on – in fact, some victims of domestic violence had to face the possibility of meeting their former batterers again. It is these women who were forced to take up housekeeping jobs, and hence, were likely to be exploited and harassed again.

Acknowledgments

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Introduction

Since the abolition of the death penalty, prison has become the most violent and severe form of legal punishment in European countries. As it is for the imprisonment of children, the imprisonment of women is also problematic in many regards. There is a logic at work that means societies send them to the prison more rarely than men. These tendencies are evident in every country, and in France, as in most, they are even getting stronger: French prisons were made up of 20% women in 1850, and less than 4% in 2005. What is more, with identical sentences, women serve, on average, less time in prison than men.

Perhaps the roles assigned to women in society, as providers of guaranteed lineage – which remains masculine - and as the core of the family unit, do not fit the usual place given to prisoners: scapegoats sacrificed to strengthen their social group, from which they are temporarily excluded and stigmatized (Combessie, 2004a).

As a result, prison is an essentially masculine space. Women inmates must obey rules set up for men by men. In the few prisons entirely dedicated to women, as we will see, new things occasionally occur which help to make prison conditions softer. But in mixed prisons, gender segregation makes it very difficult to allow women access to common resources (library, theatre, gymnasium, etc.); they are locked up in a particular wing, in general, further away and in a worse state.

So, in this mostly masculine world, women are allocated two different situations: they are the first to benefit from clemency and reduced sentences, but they are also confined to a highly marginalized space.

Between these two realities, less contradictory than they appear to be, women prisoners build and develop lives and space to manoeuvre, as do the people who take care of them, professionals or volunteers, during their imprisonment or after their release.

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[1] *Under the scientific direction of Philippe Combessie. Taken part to the writing: Coline Cardi, Delphine Colas, Philippe Combessie, Sylvie Contrepois, Nathalie Duburg and France-Line Mary-Portas. With the valuable help and advice of Marc-Henri Bourgeois. Other contributors of the work: Jane Geitner and Claire Pardoen.*

The study we present here was carried out in 8 of the 55 French prisons where women are held, chosen for their significant characteristics. Thus, these prisons are set in different regions of France, with different constraints, actions, and even policies given by different regional heads of prison services. Also, the selected prisons are either *detention centres* ("Centres de détention"-CD) for sentenced inmates, or *jails* ("Maisons d'arrêt") for remand prisoners or those under short sentences. The selected prisons are either prisons for women only or mixed prisons for both women and men. So, we carried out our investigations in Bapaume, Fleury-Mérogis, Fresnes, Loos-lès-Lille, Marseilles, Rennes, Valenciennes and Versailles. Forty-five women were interviewed in these 8 prisons. Five of them agreed on answering our questions after release. For others, the family (parents, husband, children) or people in charge of their institutional record gave us some news. Anticipating this loss, we also interviewed women whom we had not actually met in prison, six months after their release, thanks to the associations. So we were able to carry out 10 interviews in retrospect.

The interviewed agents total 70 and represent a diverse array of penal and prison administration: guards, officers, directors, judges, insertion and probation counsellors, doctors… etc.

Adding to this groundwork specific to the MIP project, several researchers of the staff already had data from previous investigations in other facilities where women are imprisoned, especially in the detention centres of Joux-la-Ville and Rennes.

With a concern for objectivity, and in the context of an awareness of both the difficulties in integrating marginalized populations and of the social construction of different gender positions in society, the French team has been aware of the need to always compare imprisoned women with men, and, where possible, to make comparisons with people from similar social backgrounds who have never been imprisoned.

We believe the constructivist approach is the most productive for analysing issues of delinquency and criminality. Each time it was possible, we have given emphasis to it. The constructivist approach allows us to avoid applying a misleading naturalistic logic to socially built facts, to avoid the belief that there is a natural difference between normal and criminal behaviours, to avoid the assumption that gender differences are exclusively biological.

1. Hypothesis I: On Primary Exclusion

All studies related to people imprisoned in France show that **they mainly belong to social groups that are particularly deprived of various forms of human capital, and are "disaffiliated" from the traditional networks of sociability** (Combessie, 2004b). Compared to the population living in ordinary households, the prison population - essentially consisting of young men – is strongly characterized by the prevalence of personal situations and trajectories marked by exclusion and cultural, socio-economic, relational and medical precariousness. While the factors suitable for explaining the incarceration of the most destitute – beginning with legislation that firstly criminalizes specific behaviours of people living with limited resources – are multiple, some are rather simple to clarify, in particular those which refer to the selective sorting that takes place throughout the criminal justice process.

Thus, research in criminal sociology undertaken in France over the last twenty years highlighted the existence of "penal pathways", which correspond to preferential modes of penal treatment of prosecuted cases and individuals, according to their penal offence (and recidivism) and social characteristics. In particular, one observes a sequence of various decisions that imply deprivation of freedom, and that can be ordered against an offender from arrest to trial (police custody, referral, pre-trial detention, prison sentence.[2] In this sequence, we should stress the importance

(in France) of pre-trial detention. This constitutes the far most frequent mode of incarceration (more than three quarters of entries in prison), and often determines the actual sentence mandated, when preceding the trial.

With regard to the female prison population on its own, and more precisely the group of women inmates encountered in this investigation, several nuances and precise details need to be brought to this general picture. First of all, to us it seems fundamental to stress that, while the French criminal system functions as a social filter which mainly sends destitute people to prison, and in considerable proportions, this situation is rather obviously gendered: **it firstly concerns men**. Being a woman considerably limits the risks of being found behind bars in prison. As we have mentioned in the introduction, at the beginning of the 21st century, women represent less than 4% of the prison population. So, about 2,000 women are currently imprisoned in France (and between 3,000 and 4,000 women are sent to or released from prison each year).

Few sociological researches relate to the selective processes that take place affecting women at various stages of the criminal justice process (Faugeron, Poggi, 1976). The analysis of institutional statistics, however, brings some light to this topic (Mary-Portas, 1998). On the one hand, women always constitute a minority among people prosecuted at each stage of the institutional criminal process, and their proportion does not stop decreasing at any place along the penal chain: women represent less than 15% of offenders suspected by police departments; 12% of offenders charged by "instructing judges"; 10% of convicted offenders and 5% of people entering in prison. In addition, during the judicial phase of the criminal process, women are seldom sanctioned—approximately twice less frequently than men—by pre-trial or sentence decisions that imply deprivation of freedom. Factors allowing us to explain this selection are difficult to identify. However, two factors seem to us relatively undeniable. In the first place, these reasons still remain partly related to gender representations and positions in the whole social structure (Cardi, 2004b). Just as their status as mother contributes "to protect" certain women, particularly those in poverty, from certain social risks such as being homeless (Marpsat, 1999), it contributes to "protecting" certain women prosecuted by the criminal justice system from the risk of incarceration (Mary-Portas, 1998). In addition, it is extremely probable that this apparent "preferential" treatment of women within the criminal justice system reinforces itself, due to a systemic effect: the lower incarceration rate for women contributes to reinforcing representations according to which women are less delinquent than men, and consequently to drawing them apart, again, from pathways leading to the composition of the "penal customers group".

Quantitative data available concerning the social and penal characteristics of women imprisoned in France over a one-year period are representative of these selective processes. Thus, women entering prison are generally incarcerated for the same kind of offences as those for which men are incarcerated; in particular, thefts justify, for both sexes, more than a third of prison entries. But, owing to the fact that selective filters upstream from incarceration usually play in the women's favour, women entering prison are less frequently imprisoned than men for offences considered to be not very serious (e.g. traffic offences) and are a little more frequently imprisoned than men for the most serious offences, *i.e.* usually the most severely repressed (major offences other than rapes, drug offences, offences against the legislation on foreigners). Among what

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[2] *In this report "prison sentence" or "custodial sentence" refers to all prison sentences that are not fully suspended (total imprisonment, partial imprisonment and any sentence that has not been suspended).*

is considered to be "serious" offences, only sexual offences – those, which are related to gender positions – more often justify incarceration of men than of women. These differences regarding the offences are also translated on a procedural level: like men, women generally enter prison within the framework on remand (in 8 cases out of 10). But among women, this remand is generally decided within an "instructing procedure" (long procedure reserved for serious and/or complex cases), whereas with men, it is more frequently pronounced, before or after trial, within an "immediate court appearance" procedure.

In addition, upon entering prison, incarcerated people frequently present social characteristics that tend to link them to the most destitute social groups, including certain "specifically female" categories of excluded people (mothers who are lone-parents). More than a third of imprisoned women are foreigners; only a quarter of entering women state they are employed; the majority report they live alone, without any children, and most of them have health problems.

These quantitative data do not clearly show these female inmates' diverse array of profiles and trajectories. Indeed, through the interviews carried out with them –and also with prison staff– within the framework of this investigation, we can trace their highly differentiated profiles and trajectories, according to the preferential combination of three parameters: firstly, the degree of these women's "integration/exclusion" in the various spheres of social life; secondly, their degree of conformity or deviance to gender standards; and lastly, their penal characteristics, determined by the legal framework, which have justified their incarceration (offence and procedure) and their situation with regard to recidivism.

These closely associated parameters and their connection led us to draw up a typology organized around three strong patterns, which make it possible to account for triple specificity of these women inmates' situation (as women, inmates, and women inmates). These patterns constitute "profile-types", to the extent that it is rare for the same woman to simultaneously present all of the characteristics defining them. In particular, we will argue that these models apply more readily as women get older. The characteristics of the younger women (under 25) very often tend to place them in intermediate positions in relation to the three typical profiles presented here.

First profile: the "deviant (penal) customer" type

Among the women we met in prison, we could identify a first group characterized, in relation to their social trajectory, by **the accumulation of disadvantages and social exclusions**, in all areas. More precisely, they represent a particularly disaffiliated group of inmates, since they are excluded (and sometimes exclude themselves) from the traditional networks of sociability, and especially from the institutions of social integration ranging from school, work, family (in its most normative conception), to the institutions of social assistance; they are at the core of the disaffiliation process described by Robert Castel. We named these women "**deviant customers**" to the degree that the correlation between their social, gender and penal characteristics tends to simultaneously bring them closer to certain **traditional figures of female deviance** and to populations that constitute the "hard core" of **traditional** (male) **penal customers**: drug addicts, the marginal, the drifting… often recidivists (Combessie, 2004b, pp. 98-99).

Whatever their social trajectory, these women are generally imprisoned for "minor" offences related to their subsistence and their way of life: drugs, financial crimes, various forms of theft (from auto theft to bag-snatching, even at knifepoint or gunpoint) and other property offences like small cheque fraud. Prosecuted within the framework of fast procedures with immediate court appearance, they are locked up in jails ("Maisons d'arrêt") for relatively short periods of time[3], except when their situation of recidivist contributed to the length of their sentence or if they were prosecuted for drug trafficking.

Second profile: the "normal criminal" type

Among the women we met in detention, a second group could be identified. It is markedly different from the first group in terms of the three criteria: social integration, conformity to gender standards, and penal characteristics. Contrary to the preceding group, women of this second profile are not disaffiliated. They **are relatively well integrated in** one or more (less frequently more than one) social integration institutions – **family**, **work,** or **social assistance**. However, this integration shows a doubly specific character. On the one hand, it is very often synonymous with a certain kind of **poverty**: if not material, then at least **cultural,** which characterizes membership of the **popular working class** (sometimes of foreign origin). In the second place, their integration rests on **conformity to gender standards** in the popular classes, in particular through their status as mother and wife (or as daughter for younger women). This status is both proclaimed by women and recognized by the institutions. These women can also be introduced as and present themselves as having "good worker" status. In spite of their social integration, or precisely because of their social integration, characterized by this double specificity (material or cultural misery, adhesion to gender standards), these women could be familiar with trajectories marked by suffering or significant social ruptures. Therefore, as women "in their proper place", and thus, "**normal**", they could be victims of male violence and/or be in situations of dependence (not necessarily reduced to dependence on the spouse) which are more or less clear indications of their rather serious crime. It is because of this triple connection between social membership of the working classes, conformity to gender standards and seriousness of offence, that we named these women "**the normal criminals**".

However, they talk about it, however they connect it to their "normal women" trajectory, these women are generally imprisoned, for the first time in their life, because of the relative "seriousness" of their crime (murder, child abuse, drug trafficking, sizeable frauds or breach of trust, i.e. concerning very significant sums of money). Thus, one finds in this group women imprisoned in pre-trial detention within the framework of a "major offence" procedure, and then later sentenced to a long prison sentence (from 5 to 20 years), which they may serve in a detention centre. But we can also find in this group women directly imprisoned to serve a definitive prison sentence for a pretty serious medium offence (frauds, failure to report child abuse), and whose sentence can appear relatively short (less than one year) in comparison to the offence for which they are prosecuted: their offence did not enable them to avoid imprisonment, but they nevertheless benefited, through the short length of their sentence, from the relative lenience that justice gives the "normal" women : they are more likely to be imprisoned in jails. Therefore, **women who tend to come close to this profile could be found both in detention centres and in jails**: Loos (Fanny L.), Bapaume (Muriel A.), Fresnes (Fatou G.), Versailles (Sophie S., Brigitte N., Nadine W., Isabelle C.), Baumettes (Amina C., Margueritte B.), Fleury-Mérogis (Anne P., Cosette O., Hamida R.) or Rennes (Nadine W., Aude J.).

Third profile: the "Outside of norms, outside of gender norms" type

The third profile is mainly composed of women who do not form a "group" to the extent that they are exceptional within the female prison population and represent women as a whole even less. We call this type: "Outside of norms, outside of gender norms". In this profile, women are strongly distinguished from the other inmates: by their social characteristics, in particular their

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[3] *In 2004, the average length of detention in French prisons was about eight months.*

very strong **cultural capital** or **high level of professional integration**, which strongly distances them from those who are the usual "penal customers"; and by their **non conformity to gender norms**. This can appear through characteristics that they call "**life choices**", and also through the offence for which they are sent to prison (their crime) and possibly the way in which they defend it. Even more than in the preceding case, this offence is necessarily considered "serious". It is the gravity of the offence that justifies the imprisonment of these women who have cultural and social capitals so high that they are capable of accessing all available legal resources. These women constitute such exceptions within the prison population that it is among them that we will meet the "celebrities", i.e. women whose cases led (and continue to lead) to strong media coverage. They are also women who can "focus" their energies on prison. Few other inmates or even the prison's personnel talk so much about prison. It is consequently rather difficult to portray characteristic features of their trajectories without risking the disclosure of their anonymity. We will thus, without saying too much, try to emphasize some essential points.

Because of the seriousness attributed to their infractions, these women are imprisoned initially in *jails* ("maisons d'arrêt"), within the instructing procedure, and then sentenced to detention centres ("CD"). Perfectly mastering judicial system codes and often assisted by qualified and competent "media coverage" lawyers, they sometimes appeal against decisions, go to the High Court and even start a judicial process at the European level. Because of their long sentences, these women inmates should be imprisoned in detention centres. But their special situation (a situation which they create themselves, which will be explained later) meant meeting them in jails, where they had requested to stay in order to maintain their family ties. Indeed, they sometimes profit from certain advantages even inside prison; but in other cases, certain privileges are denied, because of their nonconformity to gender standards or because of their celebrity status.

2. Hypothesis 2: On Prison's Contribution to Exclusion

2.1 Forms of exclusion related to detention (during detention)

Before dealing with the relation between exclusion, social integration and prison as it is presented for the female inmates we met within the framework of this research, it seems significant to recall that the effects of detention are not gender-specific. If the time spent in prison constitutes a loss, this loss is just as heavy for men as it is for women, even if the exclusion process related to imprisonment can take different forms in the light of the different socialisation processes reserved for each of the two sexes.

The (primary/secondary) forms of exclusion related to detention vary considerably depending on the women's social origins, i.e. according to the various capital they possess before their imprisonment. The relationship between exclusion, social integration, and prison is thus experienced differently for the three different categories of imprisoned women whom we have already described. Thus, primary exclusion mainly concerns women who belong to the category we described as "out of norms/out of gender". For these women, who represent a very small percent of the prison population and who do not form part of the group generally considered "excluded," prison indeed seems a primary place of exclusion: it dispossesses them of a number of advantages and social rights. Moreover, the primary exclusion caused by the imprisonment can also concern working class women who are partly integrated: for them, imprisonment can cause social ruptures and generate a loss of status (for example that of mother) or employment. For the group of women recidivists and/or drug addicts, the prison pathway takes the form of a secondary exclusion: imprisonment is one moment in a broader process of disaffiliation and works so as to deepen that exclusion. However, in this last group, we will see that prison, in relation to certain specific elements and for a small number of particularly poverty-stricken

women, can be beneficial.

The first form of rupture associated with primary exclusion and reported by the women we met, relates to confrontation with the penal and prison institutions. For women in our two last categories, this confrontation (which is generally the first in their personal trajectories) is presented as a real shock, the event being experienced by them as a stigmatization that involves a loss of legitimacy. The inmates interviewed described police custody and the legal process in a "Kafkaesque" way. For some of these women, the arrival to prison can signify the end of the police officer/legal nightmare: they describe the prison as the first place where a person starts by explaining what is happening to them and pays a degree attention to them.

Nevertheless, the prison milieu also presents a terrific shock to those who had never been sentenced to time in prison before. Thus, some recount the fear, the first sleepless nights, their worries of mixing with other inmates, whom they view as "rabble", "murderous", "doped" or as "paedophiles", to use the terms employed (the principles of distinction[4] being very prevalent in the speech of the women we met). Concerning the conditions of imprisonment, the majority of women we met (belonging to our three categories) established many comparisons with their prior outside lives. Certain women reported being required to take drugs, in particular anti-depressants, tranquilizers, or sleeping pills, in order to tolerate prison life whereas they had not followed any similar treatment outside. In addition, many women inmates emphasized having gained or lost often quite significant amounts of weight (up to 20kg). Lastly, others declared they had caught illnesses in prison through contact with other inmates or because of bad prison hygiene.

The second form of rupture related to imprisonment that excludes women (integrated or already excluded) is the sudden or progressive loss of the social status they had acquired outside. The probation and insertion advisers who see women upon their entry into prison underline this loss or in any case, the women's fear of the possible loss of employment, housing, and especially family relations. Concerning the question of housing and employment, this primarily concerns women described as "Outside the norms, outside gender norms," who were particularly well integrated on the professional and school levels.

For women from the working class, but also for the most excluded, we observed a strong fear of the loss of status as mother and/or wife. At the time of imprisonment the question of a child guardian is very often key for the mothers, who, in many cases, will see their child placed in a home by the Social Assistance with Childhood agency.

In short, we can only note that the majority of inmates (and this is also true for men) lose upon being locked up. They are more poorly treated than outside: they lose their standard of living, their health (physical and mental) is degraded, their network of social and family relations decreases, their chances of finding work upon release is diminished. Here, we touch upon the *less eligibility* principle, according to which the standard of living inside prisons must remain lower than that of the poorest workers of a country (Rusche & Kirchheimer, 1939).

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[4] *A concept from Pierre Bourdieu, which means, for example, that the elites of a society try to distinguish themselves from other classes. The exact terminology is "principle of social distinction".*

2.2 Prison as a secondary factor of exclusion (in life trajectories)

In the cases of some inmates who were particularly excluded before their imprisonment, it is important to note that prison can constitute a beneficial place in certain instances. For this minority of female inmates, the social function that imprisonment has is that of providing a medical, social, educational, sanitary environment with nutritious food. That is, at least bringing them temporary help (during their imprisonment) and at best, in certain cases, in helping them find a socialization path more in conformity with the average standard of living than that which they knew before. It is on their behalf that at the end of the 19th century Ferri asked whether it was relevant—and moral—to carry out this type of help through the prison system.

If prison excludes, it does not exclude inmates from different social origins in the same way. According to their starting human capital, women can indeed develop very different resistance modes to prison. Thus, for those we qualified as "customers", they live the same way inside the prison as they do outside: it is a question of surviving. In their cases, the present dominates: a present that testifies to a "from day to day" uneasiness of prison. The question for them is not of knowing what will occur after imprisonment (and on this point they are often rather aware of the impossibility of a "reintegration"): it is, rather, about trying to get by as best they can. In general, they know the rules and codes of the prison world particularly well "*the rules, I know them by heart, so I can't be caught*". They are often put in the disciplinary wing and live off various bits of business they conduct in prison.

For the "normal criminal," women from the working class, their concern is to be recognized by the institution as a good inmate, but also as a good mother and/or a good worker. These women love to tell us that they never had any reported incidents, that their relation with the guards and social workers is excellent, and that the term "in solitary" never appears in the discussions concerning them. From a relational point of view within detention, these women are characterized by a form of withdrawal: they do not inevitably walk in and say they strongly resent having been mixed with the young people who "speak badly, are vulgar and badly polished" and who, in addition to this, take drugs. They create friendships with other inmates, often their cellmates who come from the same background and have been sentenced in the same kind of cases. Questioned on the circumstances of their imprisonment, these women often quickly change the topic to describe their previous life, always presenting themselves as very normal in which children often occupy a central place in their lives.

In short, for these inmates, whom the "customers" call "paedophiles" or "murderers", they relate to prison and experience it through submissiveness: it is a question of complying with the rules and of conforming to the imposed models.

It is very different for women in the "Outside the norms, outside gender norms" profile. Indeed, for these women, the connection with imprisonment is more prospective: they use the resources offered by prisons, such as labour training, to the best of their ability and often envision post-prison life. Thus, one of them (who wishes to write a book) has already launched her professional future: in the long term she wishes to open a hotel for handicapped people right in the heart of Paris and this project is presented as having a solid foundation. When they refer to prison conditions, these inmates do so with a particular contempt for the prison personnel (in particular for the guards) but also for the other inmates, on whom they may harshly pass judgement. In addition, their knowledge of legal codes and their capital, linguistic and symbolic resources enable them to build a status with distinction in prison. Thus, some were able to secure themselves individual cells or to work with the penitentiary service, which offers unquestionable advantages to them.

Thus, prison-related exclusion, if it is general and relates to all inmates, also comes in a variety of forms and tends to reproduce pre-existing class inequalities from the outside.

2.3 "Forgotten" women in prison?

Women inmates still constitute, independent of the actual conditions of their detention, a category of prisoners particularly "forgotten" on the institutional level. This is true to the extent that the women are never defined, as an actual public target group for prison policies, as they may be defined in other fields, for example in the fields of social policy and employment.

Recent debates relating to the French prison situation constitute a first illustration of this inattention to women prisoners. In 2000, the publication of a piece written by a doctor working in a Parisian prison, denounced the current conditions of this facility, which caused a "media scandal" that led the members of Parliament to appoint two commissions of inquiry on the situation of the penal establishments in France. Reports published by these commissions, based on visits to prisons and the hearings of personalities and professionals, were presented by the press as an occasion for the public to react but also for those with political power to (re) discover the prison reality of our country and to extract, at least temporarily, prisoners from the relative collective "oblivion" in which they have been immersed for a minimum of ten years. Although the two commissions also investigated certain prisons for women, they did not devote more than two and a half pages to them in their respective reports[5]. Furthermore, none of the thirty emergency recommendations, or the other "medium term" recommendations made by the Senate concern women. Only the French National Assembly report contains some recommendations relating to the "specific" problems encountered by female inmates.

In the same way, we will stress that none of the statistical data published in *the Annual Reports* of the prison authorities, relating to various aspects of the living conditions in prisons, is likely to be the subject of policy debate, nor is it broken down by sex[6]. The only statistical data available by sex at the national level concern total numbers and shifts in the prison population (broken down by their socio-demographic and sentencing characteristics). Data relating to budgets, detention management, reduced sentencing, and insertion actions and health are thus only published with the two sexes grouped together. It is not certain, apart from this, if statistics according to each sex are even available at the national level; these should be easy to report, due to the non-mixing of the sexes in prisons: within the framework of this investigation concerning women inmates, we could only obtain statistics on these various aspects from the facilities we personally surveyed, and not from the management of the prison authorities. This inattention to the situation of female inmates results in an ignorance of their possible needs, and explains well why they are not taken into account as a possible target group for prison policy measures. This was also confirmed to us by several prison staff interviewed during our investigation (directors of a facility or people in charge of policies at the regional level).

[5] *There is a reference to "the predominance of men in the prison population" in the French Senate report (31-33) and to "women detainees" in the French National Assembly report (230-232).*

[6] *The only statistical data available by sex at the national level concern total numbers and shifts in the prison population (broken down by their socio-demographic and sentencing characteristics).*

The position that justifies this absence of "specific" policies concerning women inmates is double: on the one hand, there are very few women in prison, and for this reason they could not constitute a public policy priority; in addition, policies undertaken by the prison authorities can only be done in the name of one logic, universal and egalitarian, and not in the name of positive discrimination. The influence of this universal and egalitarian logic is particularly strong in our country, because it is historically constitutive of our system of political representation. It does not rest, as in the Anglo-Saxon tradition, on a utilitarian logic of representation of the interests of specific social groups.

The only exception to this universal and egalitarian logic concerns minors and the category that overlaps with women prisoners: "mothers imprisoned with their child". In both cases, the logic that governs their special treatment is not any universal principle across the whole adult population, but that of "child welfare".

Apart from this mention of maternity as "specifically" justifying a particular policy concerning certain women inmates, the whole of institutional speech is entirely underlain, as we have already said, by a universal and egalitarian logic according to which the women inmates must be treated "in the same ways" as imprisoned men. However, beyond this institutionally affirmed universalism, it is nonetheless clear that women inmates are established as a "specific" group, because of the non-mixing of the sexes in prisons, which was historically initiated in the middle of the 19th century, on the basis of naturalist conceptions of differences between the sexes and of female delinquency (Lesselier, 1984). This non-mixing of the sexes in prisons, combined with the small proportion of women within the prison population, inevitably contributes to the fact that men and women are not dealt with "in the same way" by the prison institution (Rostaing, 1998). However, this "difference" does not result unilaterally in material or psychological conditions of imprisonment that are systematically less favourable to women than those which prevail in male prisons. The effects of their minority status and their status as "women" (and the stereotypes of gender associated with them) are actually rather contradictory.

The principal disadvantage related to their minority position – and generally quoted, including by the parliamentary reports – is more due to the centralized distribution of women's prisons on French territory, strongly concentrated in the northern part of the metropolis. This geographical concentration of women's prisons can place some women a significant distance away from their usual residence or origin, which can make it particularly difficult to maintain family ties. This geographical distance can also have negative consequences on preparations for leaving prison, in particular because the responsible prison services are qualified only at the local departmental level. Several probation and insertion advisers or prison directors, in particular in the Paris area and in jails, pointed out to us the difficulties they encountered in preparing women for release in another area or region.

In relation to other specificities of women's detention, it is helpful to distinguish between two situations: women who are imprisoned in a wing of a mainly male penal establishment, and those who are imprisoned in an establishment specifically and exclusively for women.[7] In fact, it is especially in the small or average-sized establishments, where women occupy only one section, that strict separation between the sexes means women have only limited access to the various facilities: workshops, sports halls, the library, media library, etc. On the contrary, in the establishments exclusively dedicated to women, programmes and access are shaped by local management in ways that relate to the particular characteristics of the inmates, and this specificity often makes them pilot establishments for innovations from which the inmates gain most. The most recent visible example is the Experimental Unit for Family life: the Rennes penal centre forms one of three pilot sites in which this new device, set up within the framework of preserving family ties, is being tested. A few years earlier, the same Rennes prison centre inaugurated

the first hairstyle show for prisoners, intended both to make it possible for imprisoned people to take charge of a part of their external appearance, and to provide vocational training for some inmates. Moreover, this establishment is equipped with a modern media library, better than that of any male establishment. The women also could benefit from new experiments in other establishments like that of Fresnes (intermediate section for release preparation) or in Fleury-Mérogis (French as a foreign language taught within the framework of remunerated training).

In addition, this type of strictly female establishment can have other advantages for its inmates. Thus, in Rennes, the penal establishment is located in the centre of town, within a hundred metres of the train station. Several advisors assured us that if it had been a male establishment, it would have been transferred to less centralized location a long time ago. They cite the example of Versailles in the 1970s when they removed the male prison from the town centre (a courthouse was established on the site), but preserved the only prison for women, deemed as less stigmatizing for the neighbourhood (Combessie, 2002). The lower risks of women inmates mean that these town centre penal establishments do not have watchtowers, which makes them more acceptable in their environment.

Finally, we will conclude that the effects of the minority weakness of women in the French prison system are more ambiguously than systematically unfavourable. In fact, like male inmates, they are subjected to prison conditions, which can be very different from one establishment to another; and like men, they are dealt with by institutions whose very missions are largely contradictory.

3. Hypothesis 3: On Measures and Programmes in Prison

In a democratic country, deciding to deprive some citizens of their freedom implies saying (or even imagining) that they could leave prison a better person (Combessie, 2004b). Detention is thus supposed to give training or competence to those locked up, and thus a better place in society. This logic, which social workers and prison directors have not failed to remind us of, applies to the whole penal population, teaching it to read and write, training it for a job, educating it, getting it ready for future social insertion. Yet this justificatory logic does not correspond to reality: in general, imprisonment maintains and reinforces the lack of social links of the inmates.

3.1 Work and training: rules and realities

a) Work

In France, since the law of June 22, 1987, inmates are no longer obligated to work. By reducing the sentence to the deprivation of freedom, this law repeals compulsory work for inmates, so as to promote it as a means of social reinsertion. It is thus now acknowledged as a right: *"The inmates, whatever their penal category, can ask for a job"* and *"In prison institutions, everything is done to give professional activities to inmates who wish to work"*, as the D99 and 713-3

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[7] *On January 1 2003, 28% of women inmates in Metropolitan France were in a CD for women, 24% were in a separate building on large multi-building jails, and the 48% were in a women's wing in other jails.*

articles of the Code of Criminal Procedure (CPP) put it. The prison administration thus must give a job to any inmate who wishes to work, while taking into account his physical and intellectual abilities, and the impact of this work on his reinsertion possibilities, of his family situation, and of any existing civil indemnities owed.

At the beginning of the year 2004, more or less ten thousand inmates were working for concessions usually on packaging, for an average monthly salary of 350 Euros. Seven thousand inmates were working for the general service (providing meals, maintenance, etc.) for a monthly salary of 175 Euros. Thirteen hundred inmates were employed by the Prison Industrial Service (RIEP) earning 450 Euros each month on average. Finally, three thousand inmates were paid by professional training programmes and got an average of 2 Euros an hour (Combessie, 2004b).

Unless they work outside the prison institutions, inmates do not get employment contracts. This is why inmates do not have any protection against dismissal, do not receive paid vacations, nor paid technical unemployment, not even in the case of sickness or on-the-job accidents; also, they do not receive protection by any union and cannot go on strike.

But the inmates do get some social rights at work, notably in health and safety, industrial accidents, pensions and more specifically for women, sickness and maternity insurance and family allowances. This very limited application of the Labour Code in prison and this recognition of the wage-earner juridical status for inmates have been denounced many times, notably in the Mermaz & Floch report to the National Assembly in 2000.

If work is no longer defined as a duty, it still clearly appears as an implicit standard: within prison, for the "parole judges" (JAP) and for the social workers, working may lead to social reinsertion. It will thus be easier for an inmate who is working to get reductions or adjustments of their sentence. One probation and insertion adviser we met for our research told us several times that through professional activity; the individual relearns social rules, being compelled to respect a timetable, to obey group rules.

Despite the discourse arguing that work in prison is a commitment to social insertion, we must admit that it actually opens very limited perspectives for the time after release: there are only a few jobs offered, and these activities provides neither training nor upskilling, and pay very low wages. The activities we observed during our investigation were the making of disposable articles for operation padding in hospitals, various packaging activities, leaflet folding, threading and sewing pearls, and stuffing envelopes with political candidate propaganda. Most of the time, the payment for this work allows the inmates to support themselves (meals, some clothes, television rental) but does not permit any savings for their lives after release from prison.

The discrepancy between the announced goals and the concrete reality has often been pointed out by women we have met, and one of them even talked about "slavery" to describe repetitive tasks, precarious working conditions in the workshops and the small remunerations offered.

Discussing the function work has in the social reinsertion process should not imply a denial of its primordial importance in detention. Through the words of people we have met, we can point to three functions assigned to penal work: making money, keeping busy, and shaping the future. Its moneymaking function has been mentioned by the inmates as well as by the agent we met. Work means earning money. It allows the inmates to buy things or meals of nominal value. Some inmates send most of their income to their family, who are sometimes still living in their country of origin.

But work also keeps a person busy, as female inmates and staff often reminded us.

"At least they are busy doing something and they don't bother us." (Agent)

"At least time goes faster when you're busy doing something (…) the weekend and the days without work are the worst; we get bored, we spend the day in bed." (Woman)

And work has a future-shaping function, within the logic of social reinsertion. It does not give the inmate any real competence[8] but it allows them to get adjustments or reductions on their sentence. Through work, an inmate can, thanks to her income, begin to pay for the harm done to victims or the fines and, with a will to work, shows good "guarantees of reinsertion". For the Sentencing Board, the question of work is key.

b) Teaching and training

Teaching and training in prison, like work, are activities that are considered to be a part of the logic of socio-professional construction and/or socio-professional stabilization. Showing assiduity in class or in training is considered "serious guarantees of social readjustment" and makes reductions or adjustments of the sentence more likely, or some privilege during imprisonment.

But unlike work, where a part of it is done under the responsibility of the prison administration, the training and teaching are entirely delegated. The trainers and teachers come from the outside and what is done in these fields conforms to common legal rights.

Education

In conformity with European Community law[9], the directors of prison education are empowered under Articles D.450 to D.456 of the CPP. The first stipulates, "*Inmates must or develop the knowledge that they will need after their release with the aim of a better social adjustment. All facilities that may match the discipline and the security must be given to inmates capable of benefiting from a professional and scholarly education, and especially to the younger and the more illiterate.*" In these lines vocational training and teaching in detention are given their first goal: "a better social adjustment". This concerns all the persons convicted to short-term sentences, at the end of which, after a detention time determined in the process and readjusted according to the legislation in the matter of reductions and adjustments of sentences, the individual regains his or her place in the global community (almost every inmate).

In September 2003, the average number of education hours per 100 inmates was 20.6. More than 18% of the general prison population participates in classes every week of the school year, and 34,884 inmates signed up for a class in 2003[10].

Thanks to the new classes created over a two-year period, and in spite of a high growth rate in the prison population (up 21%), those given schooling also increased by 20.1%.

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[8] *Women who think they have learned something in prison are very rare, except when this work was associated with training.*

[9] *Article 14 of the Charter of Fundamental rights of the EU on the right to education stipulates, "Everybody has a right to education, and to accede to continuous vocational training."*

[10] *Source: French Prison Service, www.justice.gouv.fr/minister/DAP. The last figure conceals a flaw: the same inmate can thus sign up several times in the same year. It would be better to use the number of enrolments.*

In 2003, there were 34,884 enrolled:

- 20,310 (58.2%) of these signed up for basic education, literacy courses, French language for foreigners (FLE), basic review, or preparation for the general training Certificate (level 5b), up 10.6 % from last year.

- 10,641 (30.5%) signed up for diploma level 5 education, CAP-BEP, Brevet, 7.5% more than the year before.

- 3,062 (8.7%) signed up for diploma level 4, Baccalauréat and DAEU (the university access diploma for students without Baccalauréat), 8.7% more than last year.

- 871 (2.5%) signed up for higher educational studies, a 36% increase from the year before.

- 1,092 enrolments were registered at CNED classes, 2,138 at AUXILIA classes and 957 at other distant learning courses.

In four years, the number of inmates obtaining a national-education-system-approved diploma has rapidly increased from 2,561 to 3,309 (up 29.21 %).

Training

Access to professional education in prison is regulated by article D.457 that stipulates: "*within the prisons, everything is done to give the inmates willing to learn the education they want. The probation and insertion prison service (SPIP) determines, with prison directors, the provision of professional teaching for the benefit of persons 'under juridical control' in the conditions set by article D.573. The inmate who has secured access to a professional course may be transferred to the prison where this teaching is done, if his penal situation allows it*".[11]

Each prison must thus give inmates the possibility of undergoing individualized training, adapted to their abilities and by following "social reintegration" logic, permitting their participation in an activity or a module, "if his penal situation allows it".

According to figures presented by the prison administration in 2003: "3,582,527 training hours were taught, in 2002, for the benefit of 23,667 inmates. 68.4% of the hours were devoted to pre-qualifying or qualifying training". Among the training that we could note during our fieldwork, we observed the following: office technology, computers, cooking, the building industry, audio-visual, hairdressing… It is now compulsory for all such training to integrate an introduction to personal computing (office automation and management software) as well as multimedia and the Internet, making it possible to acquire abilities that correspond to the navigation required by an Internet certificate. Very recently, a European computer passport-training programme (PCIE) has been set up in one of the prisons we visited.

3.2 Different contexts of application

It is impossible to describe here attempts to facilitate the integration of women released from jail into a social and professional environment, and to evaluate their influence without trying to distinguish the contexts in which they occur. Two key distinctions must be pointed out.

The first distinguishes between prisons for serving sentences, and jails. In the former, the length of imprisonment is relatively foreseeable, and in any case long enough to adjust to imprisonment conditions, whereas in the latter, it is the opposite: there is a sizeable turnover and the detention

conditions are relatively precarious.

The second distinction appears between the principally male prisons, where women are a minority, and the female prisons. There seems to be more discrimination in the former because of the strict application of the separation of gender rule, whereas the latter can benefit from new measures improving detention conditions.

a) The impact of detention conditions on access to a job and education

If work is a right defined by law, anyone who claims this right does not always get what he or she wants. The inmates who have the most difficulty in obtaining remunerated activity are those who spend little time in prison. This is the case for all inmates imprisoned before sentencing (and who can be released at any time, depending on the decisions made by the prosecuting lawyers), and for those who are convicted to very short sentences. The longer the sentence, the more inmates will be liable to obtain employment. It is more difficult to get work in the jails than in prisons, which are dedicated to prisoners serving their sentences.

There is not enough work and the supply is also very variable, in particular in the jails. There are many reasons for this irregularity. A guard explained it in terms of social gender relations: work, in her opinion, is first given to men because their rhythm is more regular than women's, and thus women inmates are only supplied work when there is a surplus.

And if the working conditions are, in general, very insecure, there is a difference between jails, (where lack of space sometimes constrains inmates to working in small and unfit places) and prisons for serving sentences, where the workshops spaces are often large and well equipped.

The problem is almost exactly the same as far as training is concerned. It is generally presented as less insecure and thus more accessible than work, but training measures differ in content and variety according to the facility, be it a jail for a shorter term or a prison for a longer term.

The security, organization and operation constraints of the prison system do not give access to as many or as varied training as exists outside, and the numbers of openings are limited in each group. Setting up training programmes also confronts another obstacle: there are not enough openings in the jails. Finally, numerous last minute transfers (for security reasons) involving people leaving before the end of the training are also an obstacle to effective training, which often demands a long period of time.

b) The strict application of the gender separation rule, cause of inequalities.

As far as work and education are concerned, the women's situation is also not the same according to whether they are imprisoned in women's prison or in a women's wing within a prison where the majority are men. Here, gender discrimination is highly important.

Many reports converge on the idea that employment is a priority given to men in the prisons where women are a minority. On the contrary, in the prisons where women are the majority, most of the women who wish to work seem to find a job relatively rapidly, provided their detention time is long enough.

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[11] *Decree n° 98-1099 (8-Dec-1998) art. 123 and 128 ; Decree n° 99-276 (13-Apr-1999) art. 17.*

The problems should be raised differently for training. The CPP explicitly foresees making some adjustments to take into account women's minority status in organizing job training: "in the case of wings for minors or for women, groups under five participants can be formed if the number of inmates makes it necessary." The possibility of allowing less than five participants is a valuable means of adjusting the supply to a small demand, especially when the gender separation rule operates in prisons where women are a small minority.

However, during our study and our interviews, the training we were shown involved an average of a dozen female inmates per session, and we did not observe any training where the number of participants was under ten. This must have contributed to the exclusion of a number of women serving time in prison from activities where men were a majority. This situation is principally caused by financial constraints that are imposed upon the vocational training providers. As all training costs are expensive, they sometimes hesitate to go to prisons where there might only be a few involved. In fact, only the volunteer associations like GENEPI intervene for low numbers of individuals.

It seems normal, in these conditions, that training is offered less frequently to women in prisons where women are a minority.

3.3 Internal distinctions concerning gender-typing of activities

This gender typing of activities in female prisons according to a gender distribution of roles, keeping female inmates in a traditional or dominated position is recurrent since the 1970s. Here is what a group of female inmates said, published in the *Actes* review in 1977:

> *"Prison must remind us that we are women and help us to go back to our role. The activities in prison are thus biased […] towards activities such as knitting, cooking classes that would make us good mothers and good spouses. […] We learn there what this society traditionally puts aside for women: shorthand typists. In the workshops, we produce objects for children and for hospital supplies."* ("Women in prison: collective thoughts of a group of female inmates in a female prison", Actes, Nov.-Dec. 1977, p. 37.)

What do our observations and interviews tell us twenty-five years later? How can we analyse what we have observed?

a) The discourse of social actors who hold traditionalist positions

Some of those interviewed said things that enhance, for female inmates, the value of activities considered as specifically feminine. A director of prison praised the "pearl" workshop, where female inmates thread or sew dresses and cheap jewels. The director explained to us that this activity:

> *"is particularly well adapted to women who are meticulous and have small hands".* (Top post)

In another prison, a woman, a nun, assigned to the probation and insertion service was proud to tell us that she had helped establish training for jobs related to cooking, and regretted that there was not more of this kind of activity:

> *"There is also sewing, how sad it is that there aren't any specific activities for women. That leads them to integrate into organizations conceived for both men and women, but there are not many specifically feminine activities".* (Woman)

b) Social actors on liberating grounds

Some of the social actors we have met try, on the contrary, to have a liberating impact. Most of them are women implicated in activities of the prison's social work, or women directors of prisons.

This person in charge of a probation and insertion service explains that the most important aspect of the training set in her prison is that women:

 "Get back the feeling of confidence, and of their own identity, since some of them live under the domination of their husband" (Agent)

The projects are thus first related to personal recovery work, with a health, psychological and physical appearance treatment programme. Then a more specific training project can be considered, even if this director knows that women will have a limited choice of training.

One head of regional education insisted a lot on the possibilities opened by the new measure enabling inmates to validate what they have learned in one of the prisons in her region.

"My goal is to make some 'light' emerge from these women. Even for those who have never worked, everybody knows something. So we must value this knowledge, in order to make some ready for their release, to get others to go to the school centre, to put to work those who are with the concessionaires." (Agent)

This approach is rooted within a more general attitude that the interviewed sums up like this: "*what can be done for men can be done as well for women."* Over several years, they have benefited from numerous experiments that sometimes lead far away from the usual activities intended for them. Examples are an audio-visual project and a building site school led by the *Compagnons* builders to renovate a place for children.

c) What women wish

However, these emancipating ambitions of some of the social actors are not always followed. In two prisons where we went, polls were organized among female inmates in order to know their wishes and opinion about work and activities in prison. Most of those who answered the questions considered activities that reproduced the traditional feminine role to be positive, and regretted that there were not more of them.

We also heard many speeches expressing the same opinion from inmates we have met.

"It's great that they teach us how to cook. I don't know if I'll find a job, but at least I will be able to cook fine meals for my family!". (Woman)

According to a woman from the national employment agency in charge of job searching for released women, ex-inmates generally ask for training in sales, clothing, retail distribution, hairdressing, and beauty. Training to be a "secretary" also interests them, as does "the health and social field", and:

"Personal and domestic assistant jobs. In fact, the three most wanted sectors are in sales, as secretaries, and in health and personal assistance". (Agent)

We suppose this is related to their social origin and the usual representations of woman's function. Most of these inmates come indeed from a very low social background and have African origins. Other inmates, a minority, want to learn men's jobs. They are generally in revolt against the institution.

We must also see that the labour market is very important in the social distinction logic. Whatever the project of the inmate, the supply must be able to meet a demand: so the inmate must be realistic about the quality of services offered and about companies' needs.

This double constraint is a constant preoccupation of the social actors in the prison world, but also of the inmates themselves when they enrol in learning activities.

4. Hypothesis 4: On Obstacles to the Reintegration of Female Inmates

4.1 Prison makes rehabilitation difficult

The levelling of prison incomes and life conditions down to a situation worse than what a poor worker may find outside[12] gives many handicaps to the inmates leaving prison, trying to achieve social reintegration. Moreover, the imprisonment itself produces a particularly acute stigmatization. Thus, it will not be surprising to hear the majority of inmates complaining about the numerous disadvantages they have, because of prison, when they are trying to reintegrate back into society.

The difficulties related to imprisonment are different depending on inmates and prisons. First, it obviously appeared that the disadvantages are stronger in jail ("Maison d'arrêt"), where the continuous turnover of the inmates gives so much work to the prison staffs that they have very little time left to prepare for their release; what is more, the inmates very seldom know when they will leave. On the contrary, it is easier to organize, in detention centres ("centres de détention"), activities that help inmates prepare for their leave. A doctor is going to a prison where some women are locked up in a jail wing ("Maison d'arrêt"), while others are in a "centre de détention" wing, and she compares the two situations:

> *"What is most worrying here is seeing all those young women, 18-20 years old, who outside are junkies, and live in the street. They leave just like they arrived! In the jail, we don't have time to plan things. We see them once or twice and they're gone! We can't do our job in jails! We manage to take quite good care of the long sentenced inmates in the detention centres, it's important because there is a rupture. But in jails a lot of things can't be done, because there isn't enough time… and we should stress[13]…. That's for sure: the conditions in jail are much worse than in detention centre… and the same goes for reintegration: all the good stuff is done in the detention centre!"* (Agent)

Moreover, the numerical minority of imprisoned women involves situational disparities. When there is a small number in a prison where men are a majority, the sex-separation rule strictly applied makes it difficult to access either collective equipment (library, gymnasium) for the female inmates, or to equipment reserved for a limited number of participants (vocational training, work in concession) (Rostaing, 1997). When a prison is only dedicated to female inmates, the contrary occurs: the situation is favourable.

Now let's deal with the differences between the inmates. We have seen that generally, the female inmates -like the male inmates- find conditions of life, work, vocational training, family relation, etc; in prison less favourable than outside, in order to be able to integrate into society according to the rules applying there. The low income of the activities proposed in prison does not allow savings for the release, and it even sometimes discourages some to work.

It seems only to be a matter of connecting the activities, which are inside prison with those, which are being developed outside; this might be the case, but it may involve a more fundamental problem. That is to say, society's lack of care for the most destitute population in their current life conditions, with a high level of unemployment, distant families because of

migratory movements, national and international, the crossed demands of the labour market and of the housing market, which do not easily match, and what is more, with health problems and numerous subjections.

Everything relies on the importance of the various capital assets owned by the inmate before her incarceration. In most cases, these assets are obliterated by her stay in prison, but for a small proportion of the inmates who had nothing prior to their imprisonment, prison can offer them something, which could, for the best, help their integration into society after prison, or at least give them some help and comfort for the period of their incarceration. These cases are a minority, but should be indicated, as they point out the lack of care given by society, of the most destitute population in their current life conditions.

4.2 The look of the social circle and of the institutions: a second sentencing

Most of the time, inmates leaving prison keep the label of convict. For them, the employer can request most of the sentences written on the extracts of the national criminal record. In theory, only document no. 3, where the most important sentences are noted, may be asked by a private employer, but document no. 2, a more exhaustive one, is given to the administrative authorities, that is why public employment is more difficult to obtain for ex-convicts than private employment, even for precarious jobs.

In France, the criminal record can be erased after some time, at least for documents no. 2 and no. 3. If there is no second offence, it can happen after a few years; reintegration proofs are asked: housing, employment, and training.

The criminal record is an official factor, easy to identify. It is not certain if it should be a determining factor in finding a new job: few female inmates mentioned it, as if they had other, more important problems; those who mentioned it had diplomas.

But there is a field where the criminal record is of high importance: in the relations with the police agents, or even more so, with justice. Not mentioning the foreseen cases in the CPP in contexts of subsequent legal offences (where a new sentence is likely to be more severely punished), there are all the arrests, sometimes even for a simple driving offence, where the former inmate is, much more than another, submitted to a painstaking exam of her situation. And if, she is unfortunately on trial again, the judge will be particularly strict to a person who has previously been to prison.

If socio-professional integration, in particular for the persons in precarious situations, is often marked by many ways to adapt to the rules of life in society, one must establish that it is more difficult for those who had already been to prison, due to the simple fact that justice has obviously treated them more harshly, though their stay in prison must have made their situation even more difficult.

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[12] *The principle of less eligibility as explained before, makes it clear.*

[13] *This female doctor does not end her sentence here; the logic of her argumentation could lead us to believe that she is thinking of suggesting an augmentation of the time of imprisonment for these « young ones »*

4.3 Leaving prison: building a social position

For most of the inmates, the only question that stands out more than employment is that of social reintegration and its whole range of problems. Housing, social protection, identification papers, network of sociability, family, and children…are many things at stake that emerge upon their release from prison.

Some figures produced by the Prison Service partly give an idea of the situation that the inmates go through at this specific moment. In average, the released inmates go out with 130 Euros in their pocket. But 20% of them leave with only 8 Euros.

In fact, always according to the prison administration, 10% of the released declared they did not know where they would live upon being released, and 18% revealed that they could not get back what they had before their incarceration. Finally, 60% of the released said that they did not have a job.

In these conditions, it is not surprising that social reintegration may take years, if it actually happens at all, especially when it is not systematically accompanied by institutions, which, seem to agree to employing individuals only as far as they can formulate a project. The needs expressed by the released inmates are varied, according to their social situation, and they are not systematically classified in the same way.

For women close to the "deviant customer" profile, by far the most numerous among the prison population, prison seems to be, in the end, only one among many institutions, in a particularly precarious and unsafe life. For these inmates the release itself is rarely considered as absolutely definitive, and many of them, like the staff members who knew them well, were quite aware of the probability of another incarceration sooner or later. They are more likely to declare housing, health, or employment problems when they arrive; again, they have to deal with the need to build a stable social situation when they leave. If, in some more marginal cases, prison could represent a structural framework in which to obtain work experience, in other, more numerous cases, this step has created problems for maintaining the fragile balance put together with great effort.

Whatever the case may be, the quasi-impossibility of accessing a stable job for these women—before and after their stay in prison—implies that this reintegration logic aims, above all, to secure some of the essential factors of what we call social position, which seem determinant.

Thus, we notice that the first thought of a "mother with children" is to get back to them, being taken care of either by the family network, or by an institution. In both cases, a part of her energy will be absorbed by the negotiations within the family framework, or by the approaches to the services: the juvenile magistrate, and meeting the parents of the foster family.

Looking for housing is the second priority. It also presents multiple difficulties. Having little access to places such as housing centres, which they avoid, since they remind them of the prison atmosphere, women can only stay a few nights in a hotel. A provisional lodging by some family members is a common solution. But it also is a problematic regression and does not allow them to rebuild their family, for the ex-inmates who had children. The pursuit of independent housing, apart from the network of social help for ex-inmates, is an urgent matter for these women.

Lastly, the inscription in the social help system (minimum income, lodging help, familial allocations…) is a third constraint, particularly demanding in time and energy, for the released. These inscriptions are sometimes all the more difficult as they have lost identification papers, or their visas have expired. In these last cases, the inmates will have more things to do to see that their situation is regularized.

These constraints weigh on the inmates, as a training manager puts it:

> *"For these women, many external problems (family, housing, health) should be solved before any accessing employment."* (Agent)

The reintegration goal is different for those whom we call the "normal criminal". Some of them, imprisoned for short periods of time, which do not fundamentally threaten the previous balance in their life, have the priority to resume working and "to lead a normal life with their family". These women easily use the employment services and do not hesitate to sign up for training programmes. On the other hand, the others, imprisoned for long-term sentences, will have to relearn to live in society. If they frequently had work, training, or had taken part in activities in prison, they have lost most of their autonomy. Generally, they go to their family when they leave prison.

The women close to the "Outside of norms, outside of gender norms" type, at last, seem to be systematically excluded from the integration helping services, which they could try to use anyway. But they seem to have important personal resources, which allow them to think of their leave with calm.

4.4 A rehabilitation handicapped by the discontinuities of the care of the population "under the hand of justice"?

How do the institutions deal with the diversity of paths and the different needs they involve? If the discontinuities existing between the prison experience and the return to civil life, which have frequently been mentioned by the people we have interviewed (staff and inmates), one must note that these discontinuities do not produce the same effects in every inmate. What is more, they are not the only thing, which may handicap the rehabilitation. For the inmates with the most precarious social situation, the administrative interference is of great importance. Many of them would rather not go to the institutions linked to the prison, as they want to avoid the social control they cannot bear anymore.

a) In and out: two worlds not systematically communicating

In order to achieve its task of insertion, the prison administration employs probation and insertion advisers (CIP), who must follow each person under the hand of justice. In detention centres, these social workers build with the inmates, a plan of sentence fulfilment, and then, a plan of leaving, under the authority of the "observation judge".

They still intervene as far as reducing a sentence (release on parole, probation order). In this case, they must control that the leaving inmate really respects the obligations concerning health, doing their civil duties, looking for a job, and training, which have been inflicted on him or her. They also hold an orientation function, participating in the construction of the personnel plan, by making links between him or her and the several partners who will take part in this project. For this, they interview the inmate as soon as he or she arrives, so as to evaluate his/her needs.

The inmates incarcerated in jails for short periods of time are nevertheless the least able to benefit from the rehabilitation helps set by prison administration though they are the most precarious people, mostly corresponding to the "deviant client" type.

As we stated earlier, the actions taken in preparation for release are very difficult to achieve in the local houses. This contributes to the fact that the inmates leaving these prisons do not really know their rights and are also not used to asking for the help of the institutions. Moreover, they are almost excluded from several mechanisms such as release on parole and half way houses, which are still great means of intermediate rehabilitation.

This situation can change. The "Perben II" law, adopted on March 9th 2004, foresees an action of accompanying the inmates with short-term sentences.

The actions preparing the leaves are clearly more developed in the detention centres. Most of the inmates close to the "normal criminal" type benefit from it. Some of them are part of the parole or semi-freedom actions, more easily accessible to the inmates. These actions, for many of the inmates we have met, led directly to employment upon their release.

When professional rehabilitation is not immediately effective, which seems mostly to be the case, the social situation of the ex-inmates can be stabilised if they manage to ask for the help of the institutions. The National Agency for Employment (ANPE) is one of the first. This organization has intervened in prisons since 1972. A national agreement signed in 1993 between the general direction of ANPE and the head of the prison administration has structured this cooperation and made the relations between the actors of these two institutions easier.

For their rehabilitation, the inmates thus face a large network of institutions, composed of professionals and commissioned with public service. This network shows discontinuities and lacks, very understandably, a high number of actions being taken, due to volunteer service and numerous initiatives. Unequally dispatched over the whole territory, this network allows for only a limited number of inmates to be helped, and in various ways, according to the associations involved. Its action is nevertheless essential for those who benefit from it.

The associative circle is a particularly favourable field in which one can experience new actions. For example, a training association in the detention centre of Rennes has set educational apartments. The inmate who is to be released is completely taken care of, receiving an individual apartment. By having a "home", the inmates benefit from a transition time where they relearn the routines of the outside world.

b) The annoying bureaucratic zigzag

The social protection and public help for employment systems have such a clumsy administration that they must take care of individuals with irregular or atypical itineraries. Some jobs which are not always wage earning, such as journalism, regular or freelance, artists, etc; often experience this, and so do the numerous poor workers, adding part-time jobs, short-term contracts and other shifts. But these difficulties are even higher for the ancient inmates who often have lost their identity papers or who must renew their visa.

Given the numerous actions a stay in prison is involved in, given the incompleteness of the data reported, the former inmates may finally prefer to "sort out" than to experiment the zigzags of administration. According to an inquiry made by the Penitentiary Administration published in 1997, the released prisoners rarely ask for help from an employment

organization: less than a quarter of the unemployed are registered at the ANPE and less than 20% at the Assedics. This inquiry also indicates that the RMI has been asked only by 14% of the unemployed persons who could benefit from it.

c) The seal of prison

One must testify: there are particularly few women at the rehabilitation and help organizations. Professionals unanimously agree: they seem to prefer the solutions they can find through their personal social network, or through the help of family members, much less stigmatizing.

Trying to explain the feminine specificity, we came to the following sort of hypothesis:

First, the post-prison institutional system often seems to be too frequently linked with the prison institution, from their own point of view and of the administrative constraints it imposes on the former inmates: and women leaving prison seem to fear this more than men in the same situation.

Many times, men and women leaving prison set strategies to avoid the actions planned for the inmates upon their release, but women have probably more means than men for this because they often keep social networks and can also more easily benefit from the social help a family offers.

In some of the cases, leaving prison can also be considered as a new start, with the possibility of a new social life. The reconstruction of a personal autonomous identity can then involve a radical rupture with the prison and post-prison world. In fact, most of the people we interviewed told us that they wanted to break away from the institutional system, even those who do not see their family anymore or who have a low income, and who do not yet have housing. The head of a social rehabilitation and housing centre told us:

> *"Among the population of the inmates being released, a quarter of them find housing upon their release (family, friends…). These solutions do not last long but they are preferred to institutional solutions, which maintain them in contact with the world they wish to get away from, and which impose constraints on them (for example being followed by an educator or by a social worker). There also is the pride of not being assisted by anyone."* (High position)

We cannot say that these strategies of avoiding the various actions that institutions take are known to be prejudicial in the long term. Not wishing to go back to their previous prison situation or having lost their place and sense of time (in particular after a long imprisonment), the former inmates do not always manage to get past the obstacles they meet in the labour market, or even in their administrative steps. In these cases, they might return to the institutions. Or they might end up in marginal situations.

4.5 Risks of more marginality

Several months after their release, some of the women could not manage to socially rehabilitate themselves, which is generally evident by their incapacity to reach the help that they need. Either they cannot go back to their family circle due to the ruptures caused by their imprisonment, or they cannot manage to find any work.

In this last case, the field actors often explain this failure by the incapacity of the person to formulate a project or by the discrepancy existing between the formulated project and the actual possibilities of achieving it.

Some failures are more or less foreseeable, especially for the more disconnected people who show little interest in the activities in prison. But other failures seem to be more surprising and lead to questioning the current performance of rehabilitation strategies.

One of the women we followed showed a good spirit of determination in taking part in the activities in prison and helping the other inmates. She also actively prepared for her release. From this, we could predict a fast and successful rehabilitation. But when we tried to get in touch with her a few months after being released, we had to make several attempts until finally her husband talked to us. He told us that she had had a hard time going back to civil life. She did not come back to her house due to family decisions; she will live in a caravan until she finds independent housing. An association, which had sheltered her and employed her upon her release broke the employment contract and stopped housing her due to unclear circumstances, as her husband puts it. Very depressed, she stayed for a while in a hospital, and can no longer work. This extremely precarious situation led her to say that she could "do something wrong".

Whatever they are, these failures lead us to questioning the several steps of a prison stay. First of all, in many cases, the imprisonment clearly creates more problems than it solves (Combessie, 2004b). This is systematically true for people who are charged but not sentenced in the end (approximately two thousands each year in France, with approximately one hundred being women) or who are sentenced for very short periods of time.

In many cases, those who are sentenced for short periods lose their work and/or their social rights during their imprisonment, but they also are excluded from the help given to released inmates.

This situation particularly concerns women close to the type we called "deviant customer". The prison generally only stresses the difficulties they find in daily life. They would take more advantage of their time in prison if they took part in actual rehabilitative actions for the entire length of their imprisonment. It would also be much more logical, considering the causes of their imprisonment.

For other women and especially for those close to the "normal criminal" profile, it appears that imprisonment plays quite a destructive role, as these women were quite well socially integrated before their imprisonment (which explains the adjective "normal" for their situation). Other ways of fulfilling the sentences or a general reduction of the sentences could perhaps avoid the ruptures caused by imprisonment.

In conclusion: A few factors

In most of the cases, the data collected during the inquiry cannot be interpreted in a nonlinear way. Both the contexts of women prisoners and prison conditions are different: materially and in terms of sentence length. Currently, every night, about 2,000 women are locked up in one of the 55 French prisons where women can be kept. This represents many individual stories. These are generally unpleasant, but while some still live in hope, others are more pessimistic. This also represents 55 very different prisons, and hundreds of prison staff members, officials, judges, and assorted volunteers, all of them carrying out, in their own way, a difficult, and what some describe as an "impossible" task, and what is more is that society does not value it highly (Chauvenet, Orlic & Benguigui, 1997).

Through studying 8 prisons, however, we were able to analyse this diversity and discern some major tendencies. As far as prisons are concerned, a distinction must be made between "jails" and "detention centres". In the former, the evident overpopulation makes life particularly difficult because of the number of inmates who live in such close quarters. This crowded situation is

only avoided by a few women with young children who have larger cells for themselves. In "detention centres", daily life is easier, as are the opportunities to work, study, and have vocational training. Yet the huge difference in the numbers of men and women imprisoned (and the rigidity of the gender separation rule) add a second kind of division of women's prison conditions: between women's only prisons, and prisons where women make up only a small portion of the prisoners. In the latter case, women seldom have access to common resources, and it is more difficult for them to work or to undergo training (Rostaing, 1997).

Whatever the type of prison, the social insertion of women prisoners or ex-prisoners is a considerable problem (Faugeron, Rivero, 1982). We must note that the cause of most of these problems is rooted in their lives prior to incarceration, and that except for a few, prison does not solve them. Indeed other problems arise simply due to their separation from society caused by imprisonment, and to the stigmatization that follows (Combessie, 2002 and 2004).

Among women in prison, it seemed relevant to point out three kinds of path, that we named *"deviant (penal) customers", "normal criminal",* and the *"outside the norms, outside gender norms"* profile. Using these three types, and combining them, we can understand the different experiences of the women whom we met.

Globally, prison impoverishes those who are sent there. Women are, therefore, at an advantage over the prison system and society's set up that limits the probabilities of women being imprisoned[14]. As prison generally reinforces prisoners' rupture from society, it is best to limit the number of prisoners by all means, either developing "alternative" punishments, or by reducing social tensions outside of prison, and in so doing to promote civil procedures and mediation.

The only prisoners who can take advantage of their stay (those who are particularly socially disenfranchised) are a minority because of the *less eligibility* logic that is reinforced in prison (Rusche, Kirschheimer, 1939). The best solution for them would be to set up support measures for all people in difficulties; the rules of *less eligibility* would, of course, still operate there, but they would not be supported by the prison nor by the stigmatization which is reinforced by imprisonment. It appeared to us that trying to limit the use of pre-trial jail should be a priority for all governments.

It was clear to us that in the mixed prisons where there are few women, they have difficulties in accessing common services and resources. We could solve this situation by **softening or adapting the gender separation rule**. This would allow all the prisons to integrate men and women. Thus many women prisoners could get closer to their family, relatives, and it would facilitate the social reintegration after release. By not doing so, when society outside is becoming more and more mixed, is to suggest that prison is not capable of protecting physically weaker prisoners (Rostaing, 1998). Is it so unthinkable that a library, a gym, a classroom for vocational training or a workshop might accommodate prisoners from both sexes? Revising this rule would be the wisest solution, but it would also imply additional staff recruitment to take care of prisoners, and different training for them.

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[14] *If a better balance between the sexes were to be introduced it should be done to improve the situation by implementing measures that would limit male entries to prison to the level of women.*

The special case of pregnant women or those with a very young child (women in France can keep their children with them until the age of 18 months) highlights the rarity of prisons that can accommodate them, and thus the possibility for them to be imprisoned in conditions approximate to their usual way of life (which can be even more damaging for the child, deprived of visits from the father, grandparents, sisters and brothers or uncles and aunts). The solution could be to undertake a **systematic refurbishment of these cells in every prison**. This type of refurbishment would also benefit the disabled or people with reduced mobility who endure the same difficulties, and who are becoming more numerous in prison. Thus, it is not a specifically feminine issue, but the lobbies concerned with endangered children and discrimination of the handicapped could make it possible to obtain funds in order to improve the current situation.

At the end of this study, we described the often unknown extent of ignorance of the mechanisms that influence the administrative and judicial decisions and of the social class sorting that occurs in the penal system (Combessie, 1998). So it seems important to us to **set up an *Observatory of Social Discrimination*** that would, of course, also deal with gender discrimination. It would cover the whole penal system and would permit us to better understand the location and mechanisms of discrimination, and would be committed to publishing information about them, and to making recommendations on how to limit them. Like the *European Committee for the Prevention of Torture and Inhuman or Degrading Treatment*, this Observatory could be established on a Europe-wide basis.

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National Report Italy
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Introduction

In the last three decades, an attention to penitentiary issues has been developed both on a media level and on an academic one. We can place the date at 1975 when the new Penitentiary Law entered into effect, as the starting point of the growing attention of sociologists, psychiatrists, jurists, and criminologists with a critical approach. But a very characterizing feature of the Italian approach is that the Academy has never developed a unitary interest with respect to social, penal and penitentiary issues, which it tends to perceive as sharply distinct fields of analysis and intervention. A first general point of interest of the present research is then constituted by its interdisciplinary approach.

It must furthermore be considered that, for the last ten years, the Italian feminine penitentiary situation has been continuously changing, although along the same unique direction. The feminine penitentiary population is actually increasingly composed of foreign women. As no study has been produced since the beginning of this trend, this constitutes a second factor of interest in the present work.

A third point of interest of our research is the focus on woman ex-prisoners and, in particular, the link between their socio-labour factors of exclusion and their penitentiary and penal condition. In fact, because of the small number of women imprisoned in Italy, feminine penitentiary issues have not been object of great attention until now.

For this reason, our research has the ambition to provide the first comprehensive picture of the influence of feminine social condition on the penal selection of the criminals, on the quality of their life in prison, on the possibility of forecasting new intervention policies. We do not look at our study as a static account of the actual situation. Rather, we intend to employ the outcomes of the research as a starting point in order to formulate an organic body of political and legislative proposals related to feminine social integration. Specific, gender-related policies have to be realized in view of the socio-labour reinsertion of women suffering a degree of exclusion. It is obvious, in fact, that there are peculiar parameters that govern the feminine labour market. First of all, the latter generally results much more precarious than a masculine labour context; secondly, women are usually involved in less qualified jobs; finally, women tend to have only a minor awareness of being a potential labour force. Although there is not an explicit discrimination towards women, equal opportunities are not actually assured and, as a consequence of this, a specific analysis must be devoted to the question of feminine labour insertion.

1. Primary exclusion prior to prison

Since 1990, the Italian penitentiary population has been exponentially increasing. If in 1989 it totalled less that 30,000 prisoners with fewer than 5,000 subjects submitted to alternative measures, at the beginning of 2004, we had about 55,000 prisoners with about 35,000 subjects submitted to alternative measures, so that in fifteen years the number of prisoners has almost doubled, while the total number of persons subjected to penal control has almost tripled. Notwithstanding the general framework, the number of women in prison – being very low on its own - has been keeping almost constant for the last few years. If at the end of 2001 it amounted to 2,369 individuals, two and a half years afterwards, it had increased to just 2,493 individuals, equal to 4.6% of the total prisoner population.

Foreigners, immigrants

Foreigners comprise 43% of the women in the Italian penitentiary system. Out of a total of 2,493 women in prison as of December 31, 2003, 1,072 are not Italian. In 2003, 7,250 women entered prison (out of a total of 81,790 people), 3,646 of which - that is, more than half - were foreigners.

The differentiation between Italian and foreign people, affecting the respective penal and penitentiary paths, can be traced back to several causes. First of all, the very policies carried out by the Italian Government on immigration: the new law on immigration (the so-called Bossi-Fini law of 2002) states that a foreigner can obtain Italian citizenship only if very strict parameters connected with housing and employment, are met.

This law contributes to strengthening the racial prejudices that may affect foreigners, especially in such a disadvantaged context as prison. The various women interviewed in our fieldwork – where the chosen sample wants to be representative of the percentages of foreign female prisoners distributed for areas of origin - have recounted particularly bad treatment toward them, which they experienced due to their origins:

> *"My lawyer didn't help me at all: he told us to go back to Nigeria"* (Woman)

> *"Due to prejudices, I had a lot of trouble finding a job and renting an apartment"* (Woman)

> *"My main difficulty was finding an apartment: I encounter so many racial prejudices"* (Woman)

Many women in prison come from Eastern Europe, South America and Sub Saharan Africa. This represents a specific feature of the Italian feminine prison population, while the masculine prison population is mostly characterized by immigrants from the Maghreb. This picture mirrors the concrete situation in which these various communities live in our country. While the typologies of offences that characterize North Africans' criminality are more connected with a masculine way of life, Eastern European, South American and Sub Saharan African communities are the ones involved in prostitution—a line of work particular to women only, of course.

Roma women

A very high percentage of East European women in prison is made up of Former Yugoslavians and Romanians, which introduce another peculiarity to the penitentiary system, that is, the Roma condition. In Roma communities, a woman bears the specific responsibility of getting money through thefts. A strong stigmatization arises against them in the society. Approximately one woman out of every four foreigners in prison is a Roma, while in the penal system for minors that percentage increases to 50%.

Poverty, unemployment

Of course, one main feature of primary social exclusion is constituted by a disadvantaged economic condition. Besides being a factor of social exclusion on its own, the disadvantaged economic condition often corresponds to other factors, such as the immigrant condition or a low educational level, thus presenting itself as a complex framework of social disadvantages responsible for feminine detention.

Our fieldwork extensively confirms that many women in prison come from economically disadvantaged contexts. They tell us:

"I asked for a job, but nobody wanted to employ me" (Woman)

"I've never had a job because I haven't got all the correct documents for immigration. When I was a child I really wanted to study, but I never got the chance" (Woman)

"I couldn't look for a job because of my two small children. I never realized my dream: to study, but we used to live in a little town and we had no money to go to school in a big city. We were very poor" (Woman)

Education

One main reason for sustained unemployment is a poor educational background. At the end of June 2003, 4.7% of women prisoners were illiterate, while 11.4% had never been to school, 17.66% passed elementary school, 36.8% passed middle school, 15.71% graduated from secondary school and only the 2.03% had a university degree. The percentage of completely illiterate women is very high (three times the rate calculated for the whole prison population). Such a phenomenon is probably due to the elevated number of Roma among female prisoners. It must be noted that in our Country, a person's educational background is becoming an increasingly more relevant factor in relation to employment.

The multiple disadvantages

Our fieldwork reveals that women in prison, even when they have a basic educational background (typically, having passed middle school), are not acquainted with the work opportunities open to them at their level of education. They live in a social and familiar context that does not permit them to make use of their achievements. The following assertions are from women's interviews:

"I went to school until I was seventeen, but I started working when I was fifteen. I worked in a plastic factory. Later, I worked as a confectioner, as a labourer, as a secretary and as baby sitter" (Woman)

"I studied in a boarding school until I was seventeen. Before going to prison, I spent some months working in a restaurant. I was also a huckster for five years, but all these jobs were illegal" (Woman)

"I passed middle school. Before going to prison I worked as a servant and as a greengrocer" (Woman)

"I earned an accountancy diploma. I stopped studying when I was nineteen and I speak several languages. I've only been employed now and then in little jobs" (Woman)

In foreign women, this lack of consciousness is even greater, and enlarged by the prejudicial situation that they expect to encounter. Two of them say:

"I earned a professional diploma, but before going to prison I had only worked as a hairdresser and as a servant. I would like to get a permanent job, but nobody helps me" (Woman)

"I went to elementary and middle school. My only job was to take care of an old woman when I was fifteen. I left the job because I had a baby". (Woman)

Feminine deviancy and imprisonment are strictly correlated to the degree of primary exclusion that women already used to suffer before imprisonment. Such a degree of primary exclusion has multiple causes, which are often interrelated and mutually dependent. Our fieldwork reveals typical repeated patterns of social disadvantages:

• Foreign women are generally very poor and lack sustained unemployment;
• Roma women are always illegal immigrants and they lack educational background and work experience;
• Drug addicted women lack professional experience;
• Women that have had children at a very young age are often drug addicted.

The repeated patterns correlated to deviancy tend to create and to further strengthen the stigmatization of those characters in the patterns which are more easily assimilated to structural properties of the women involved: foreign (and in particular Roma) condition, of course, but also drug addiction. The stigmatization of some typical characters of deviancy patterns has been so powerful that the same women suffering it seem to adhere mechanically to it, especially in the case of foreign women. It emerges from our fieldwork that foreign women in prison tend to believe that they have been arrested simply because they are foreigners. They accept such a conviction as if it were perfectly reasonable. They can suffer an imbalance between the offence committed and the subsequent sentence, together with some procedural errors, without even feeling surprise.

Among the several factors of exclusion, which most women suffer, the immigrant condition seems to be a social disadvantage they are fairly aware of. As we already have seen, foreign women explicitly state they have had problems because of their geographic origins, whereas, women are not so conscious about their often disadvantaged general economic situation. They do not at all correlate economic problems with their having perpetrated a crime and their consequent arrest. Two women say:

"Before going to prison, I lived all my life in a place with my mother, three sisters, and one brother. I felt comfortable there. It was ours. The only problem was the lack of water, but we had tanks. I have been arrested for theft. I've been beaten by the police when I was arrested. The only cause of my being here is me: I should have thought of the consequences before acting as I did. But all my family stole. It is our job" (Woman)

"I am the only one who is responsible for my being in prison. I was with some friends of mine on the street and we committed a theft. I used to beg to get money to survive. I lived in a caravan with my husband and my six children. I could not work because I haven't got all the right documents for citizenship" (Woman)

Penitentiary agents show a greater awareness of the social disadvantages that prisoners used to suffer in their original life context. The following are quotations from agents' interviews:

"Crimes have causes that can be traced back to social exclusion of subjects that are disadvantaged both from an economic and a social point of view" (Agent)

"The penitentiary system performs a real action of social selection" (Agent)

Women's crimes

A glance at the composition of the Italian female population, combining data on types of offences

with data on sentences, makes it evident that the great part of women in penitentiary system are imprisoned for non-serious crimes. 30% of female prisoners must serve less than three years. Less than 15% must serve a penal sanction longer than ten years. It means that 434 of the 1,402 women condemned with a definitive sentence could have one of the alternative measures provided by penitentiary law for prisoners with short sentences. Notwithstanding law provisions, they remain in prison, because the only thing the alternative measures require, in order to be applied, is for the prisoner to have a place to live and a job. The great number of Roma women and migrants explains the poor application of alternative measures in Italy.

If we look at the types of crime committed by women, we find a confirmation of the above picture. On 6,342 crimes committed by female prisoners in Italy, 1,910 (30.11%) are economic crimes (half of the women interviewed in our fieldwork belong to this group), but their sentences are not too severe. We can hence affirm that the crimes committed were not so serious: that is to say, usually not robberies, but rather thefts.

Economic crimes have a connection with gender condition. In the case of Roma women this circumstance has origin from the very organization of Roma society, where women are supposed to earn money for the family through thefts. We do not have direct data regarding the percentage of Roma women in Italian prisons, but we can deduce from the data on nationalities that they are about 10% of the total number of women prisoners. As to the other women, the correlation between gender and economic crime is less evident, but notwithstanding it seems to subsist. Women are in fact involved in less serious crimes than men. This means that, in a disadvantaged family suffering a certain degree of social and economic exclusion leading to deviancy, it is very probable that, in the distribution of the illegal tasks, men perform the more serious criminal actions, shaping typologies of offence that exceed economic crimes becoming crimes against person.

The majority of female prisoners used to follow, before their imprisonment, a life conduct based on slightly illegal ways, so that each of them usually committed more than one crime. It happens very often that, after release and after that the first difficult steps of resettlement have been taken, a new sentence arrives unexpectedly. Usually it happens many years after the criminal episode. The woman does not remember the reason and the facts that give rise to the sentence. In Italy, the average length of a criminal proceeding is about 5-6 years. Italy is the country which is most condemned by the European Court of Human Rights of Strasbourg for the excessive length of the penal proceedings. All efforts towards social reinsertion could be nullified by a sentence relating to old episodes that reaches her after a long period after the previous way of life has been abandoned with perhaps great difficulty.

The dependence on men

There is a manifest connection among the dependence on men, the domestic violence that women suffer and the choice to start a criminal or street life (in particular for what concerns Roma and immigrant female prisoners). A strict dependence on a masculine context emerges from the interviews. For instance, getting pregnant at the age of thirteen, as happens to many women in the penitentiary system, is a definite trace of violence and unawareness. Probably owing to their better educational background, agents are more aware than women prisoners of the dependence on a masculine context that these women suffer.

There is a new criminal field in which women have a criminal role in a strict dependence on their familiar role: mafia and organized crime in general. In some southern regions of Italy (Puglia, Calabria, Sicily, Campania), criminal organizations control the entire territory. Women – wives, mothers, daughters - play a role in them, even if it is not a leader role, but rather a supporting

one. The mafia is very deeply hierarchically organized, and women occupy the last step of the scale. They usually know the illegal activities of their men, but tend to protect and to cover them. They are the women of the mafia men. But the definition of mafia crime is very large: thus, it is common that women are accused of aiding and abetting, of being part of the criminal association, of external contributing to the mafia organization.

2. Exclusion by prison

Our fieldwork makes it clear that the unanimous perception of women is that imprisonment does not help social reinsertion, and shows that very few women - less than 20% of the women interviewed - think they have a chance to change their life after release. This is a perception not conditioned by the social origin of the women interviewed. According to all of them, punishment has only a punitive sense.

Factors of prison exclusion

There are multiple factors of prison exclusion. One of the most relevant problems is the separation from the children, which is a primary, gender-specific and inevitable cause of further exclusion. Male prisoners do not have and usually do not feel the responsibility of their fatherhood. Female prisoners have and feel this responsibility. They have a persistent feeling of guilt. A bad father is not stigmatized for his bad ways of being a father. A bad mother is always stigmatized as a degenerate woman.

A woman police agent says:

> *"She remembered that she was a mum only when she was imprisoned. Before going to prison, where was her feeling of motherhood? I saw some terrible scenes. Many women worry about their children only when they are in prison. I'm disgusted"* (Agent)

The relationships between women inmates and their families are strongly influenced by the state of imprisonment. The condition of imprisonment itself is an objective barrier between the woman and her family, her husband or her partner. As to the migrants, it happens that the partners are not always in Italy or in the same town. The condition of immigration implies a separation. The new law on immigration makes it more difficult to join the other family members, including husband and children, when far from Italy. In the cases of women with children in Italy, the situation becomes more complex, as it concerns the children as well. The children follow their mother in the expulsion procedures and all of them together have to return to their country of origin. Thus, imprisonment is for women foreigners a further element of exclusion and separation. In the other cases, the love stories are always a little bit tormented. A man does not accept the condition of imprisonment of a woman easily. It is easier that the parents of the inmate accept this condition. In fact, fathers or mothers go more frequently to visit their daughter imprisoned than her partner does, and they take with them the grandchild.

More than half of the women of our sample do not have any kind of contact with any relative. They live in a condition of separation, of loneliness. They follow their children at a distance, they are married or engaged, but they are very often alone to face their future. Many women inmates are mothers (single or otherwise). As a matter of fact, half of the women prisoners have children. Some of them are in prison with their mother. Women and children's lives are strongly conditioned by the separation.

All the women interviewed, more or less, confirm that they are very worried about their children, but, at the same moment, they trust in their future. It seems that they find a psychological

reassuring strategy to manage the separation during the imprisonment period. During the period spent in prison they are sure that they will continue their relationship with their partner without any kind of problems; they affirm that the children are ok and that they will not have repercussions. In this way they defend themselves from anxieties. To the question "who helped you after prison?" nobody of them answered "my partner". In two cases it has occurred that when they come out from prison they did not find their partner because he had been arrested

There is a high consideration for the role of the family in each of the women interviewed. There is a strong sense of belonging. The sense of belonging relates to, overall, the family of origin and the children more than the partner. In effect, they continue to be first of all a daughter, mother, sister, niece. The role of wife is secondary; it is not the main role they fit into. There are some women that, although they state they have a partner, they do not indicate that he is one of the people in the family.

The civil status of the women inmates is the following: 1,292 are unmarried, 702 are married, 158 are widowed, 126 are divorced, 205 legally separated, 10 not known. Our sample represents, more or less, these numbers. The female prisoners perceive themselves as good mothers. They have no exact feeling about their role as wives. So, women as well as agents perceive themselves as mothers but not as wives. Our interviews show that generally the women do not describe their partners/husbands as having strong negative reactions toward their criminal choices. The partners/husbands are not surprised by the women's imprisonment; they do not stigmatize their partners/wives because they themselves have the same way of live. The condition of imprisonment is a material separation but not a moral separation from the partner. It happened that after release some woman could not meet their (so-called) beloved partner/husband because he had been arrested, too.

In four cases, it was the opposite: the imprisonment strongly conditioned the relationship in a negative way. It was observed that it happened in only these cases. In fact, they were not examples, save one, of marginalized people: one worked as a maid, one as a bookseller, one came from Colombia where she was socially well included. The fourth one was a Nigerian prostitute. Her husband was in Nigeria. She decided to break off the relationship after the imprisonment. She was ashamed of her penal condition. The female inmates often have a sense of inadequacy with respect to their parents.

The women inmates are usually proud of their partners/husbands. When they come out of prison, they progressively change their minds about their partners or the high concern they originally had for their partners diminishes. The marginalized condition of both partners provokes a deep sense of precariousness. The expression "carpe diem" well explains the way of experiencing relationships for many women.

The family or love relationships are not conditioned by the birth of new prison friendships or relationships. Women do not speak explicitly of possible lesbian relationships born in prison. Anyway, they do not deny the ample diffusion of homosexual practices. Women embrace each other, kiss each other, furiously quarrel with one another, and important relationships can be created. The agents affirm that female homosexuality is not violent; it is the evident expression of the need of tenderness, of intimacy, of female complicity. We could add that the choice of new prison lesbian lovers is provoked by the necessity to be object of desire, able to give and receive love. All of this does not involve a break with the previous partner. After release, they usually lose contact with the new friends/partners they had made in prison. In some remnant cases they remain pen friends.

The prison experience is very different for men and women. Women are usually less violent; their relationships are more significant, with intimacy occurring more frequently in them. All the agents interviewed are aware of that and of the fact that women's social needs are strongly conditioned by imprisonment. They say:

> *"They are able to build new friendships"* (Agent)

> *"They have different needs"* (Agent)

> *"The man must show he is stronger. The woman is used to expressing her feelings"* (Agent)

> *"The prison experience is a little bit different because women have the direct responsibility of the children"* (Agent)

> *"The female inmates have more need of preserving their family relationships"* (Agent)

> *"The women have a biological need to be in contact with their children"* (Agent)

Social stigma

A psychologist is sure that the period of imprisonment is the main cause of the break of main former social contacts:

> *"Yes, imprisonment provokes personal and social changes"* (Agent)

A surveillance judge says:

> *"The change depends on the social contest where the woman lives. In a little town the change is surely negative. The risk of exclusion is very high. In a big town the risk is lower because the female ex-prisoner is anonymous. The Government could establish lists of poor people that need social help. The possibility of an easy reinsertion depends on the urban contest. 99% of female inmates don't go back to prison. For them, crime is always occasional"* (Agent, high position in the administration)

The argument of the typology of the urban contest is often used. Indeed, in a metropolis like Rome, the process of social stigmatization is more difficult, owing to the lack of significant neighbourhood relationships. Nobody knows individual faces and histories, and social reinsertion is easier. However, in a little town, nobody can hide her status of ex-prisoner. Two agents say:

> *"Everything depends on the social stigma. In the little towns the social judgement is harsher and more moralistic. First of all it's necessary to verify if the woman is able to hide her prison experience. A frequent change is the abandon of her partner. The man is not so patient. He usually hasn't got the heart to wait for his partner"* (Agent)

> *"The neighbour is always a problem. Everybody knows everybody. The social community is not inclined to forgive the penal mistakes of a woman. The partner, who is very often the person responsible for her crime, is not outside prison to wait for her"* (Agent)

The social operators (social service, educators, volunteers) follow the women after release, and their words are thus very significant. They are sure that the reinsertion in little towns is more difficult, because there are much more prejudices than in big cities.

The Italian prison law provides that every prisoner can have six hours of conversation and four ten minutes calls each month. This rule does not favour social contacts, although women would like to preserve the relationships with their friends. Provided that the number of conversations

is limited, women prefer to meet members of their family (pen relations are not so deep and significant). Furthermore, the authorization for meeting a friend can be conceded or denied by the director of the prison (if the woman is sentenced) or by the judge (if she is not yet sentenced) at their will.

Foreign women have further problems in having access to the telephone, as the penitentiary administration must verify that the telephone number dialled is the one which was authorized, and often the embassies or the police fail to furnish the required information. A Roma woman says:

"I have no visits. I don't call anybody because it's forbidden to call mobile phones" (Woman)

Moreover, the penitentiary administration does not authorize visits by people without regular documents. Illegal migrants cannot go to visit their relatives. In particular, the Roma are very often without documents and they do not have landline phones. Imprisonment is thus an insurmountable barrier for foreigners and Roma to preserve adequate social contacts.

Health conditions

Prison tends to influence psychological conditions in a negative sense, while physical conditions, less so. Sometimes they improve (the drug addicts and Roma women usually do not care for themselves outside of prison), sometimes they do not. This is the perception of the women interviewed:

"I have to do an ultrasound. An ovary is painful. I've been waiting for two months" (Woman)

"My health physical conditions are the same. From the psychological point of view, I'm worse than before going to prison" (Woman)

"My physical condition has improved. Here I have the possibility to take care of myself. But my psychological conditions have clearly worsened. I'm under stress" (Woman)

"I could get better. I think that when I finish my sentence, I'll be better" (Woman)

"For sure, I'm not well. I'm depressed. My physical conditions have worsened" (Woman)

It could seem as if the access to medication were acceptable. Actually, a majority of the women imprisoned were not so used to having a good medical treatment outside of prison. In prison they do not complain about the frequency of the doctor's visits, but they complain of their quality. Many of them affirm that the medical treatment was not so good, that it was not appropriate. A woman says:

"You must hope that you don't get a toothache…!" (Woman)

There is not a great trust in medical care. The new Italian law (1999) provides that the penitentiary medical care should be the responsibility of the Health Minister. Before the law of 1999, it was the responsibility of the Justice Minister. This change has been strongly opposed by various subjects, first of all the doctors' trade union. These days, health is a great issue in Italian prisons because there is a conflict between the two Ministers and there is a risk that prisoners and their health problems will remain unattended. In particular, there is a conflict regarding preventative medicine and the treatment of drug addicts. The national drug services (Ser.T) are usually more open and interested in experiencing damage reduction policies. The health of the prisoners is strictly connected to the conditions of hygiene and to overcrowding. To live – as one woman

describes – with ten people in a small cell means to lose privacy, to lose intimacy, to lose a relationship with own one's body. From women's interviews:

"If you live with good people you can stay all right. We clean our cells. We haven't got a bidet or hot water. In order to have hot water, we put a bottle on the radiator. We can have a shower only during certain hours" (Woman)

"When we go to prison they give us toothpaste, brush, soap, shampoo, toilet paper, sanitary napkins. The administration ensures a supply one-two times in a month. If you need more hygienic products you have to buy them. Sometimes we are without toilet paper" (Woman)

The unjustified lack of respect of the hygienic conditions of the women bodies is the precondition of the worsening of their psychological health conditions.

In prison, time passes very slowly. Women say:

"One day is like one year" (Woman)

"The time is eternal. Sometimes it goes very fast. It depends. We are eight women living together. Thank goodness" (Woman)

"I get up, I clean my cell, I go to run if it doesn't rain, I take a shower, I play billiards, and then I stay in bed the rest of the day" (Woman)

The idleness provokes a sense of psychological loneliness. There is not a great deal of attention devoted to the psychological well-being of inmates. Psychological help has been drastically cut for economic reasons. The psychologists work just 30-40 hours a month. The inmates are very conscious of their psychological condition, and they frequently complain about it. There is not a specific service for victims of domestic violence. The assistance of drug addicts is assured by the national health care. In some prison methadone therapy is secured. There is no public service involved in alcohol issues. The alcoholic condition is not considered a typical female problem.

Time and space in prison

There are only seven women's prisons in Italy, out of a total of 203 centres. However, in 63 male prisons we find a specific wing for women only.

This remnant position of women's prisons, due to the numerically small importance of women's imprisonment, influences the conditions of imprisonment and hence the consequences of it. On the one side, the small number of people does not always improve material life conditions. We find cases of heavy overcrowding concerning women as well as men. On the other side, the overall low number of women in the penitentiary system, together with the fragmentation of feminine sections, produces a diffuse lack of attention regarding female imprisonment. Particularly feminine—physical and psychological—demands (like, for instance, the observance of more rigid sanitary regulations, a greater amount of privacy or, most importantly, the services for dependent children) are not sufficiently addressed by the administration. Agents recognize those particular feminine demands:

"Physiological needs are different between women and men. Women have menstrual cycles, and in situations of overcrowding it is very difficult for them to share the little available space" (Agent)

"Men and women manifestly have different needs. Men are more adaptable, while women need more space. Women's necessities are usually not satisfied" (Agent)

"Contact with children is a greater biological necessity for women than for men. For men, the primary need is to get a job in order to economically support their families" (Agent)

"The female body is in prison forced to live according to a masculine model. All the doctors are men, women cannot require to be seen by a woman doctor, and I think this is worse in prison than outside" (Agent)

An equally serious problem is connected with the activities involved in the penitentiary treatment that are significantly penalized in female sections. Feminine sections – sometimes with no more than two or three women - within male centres are usually not considered at all, neither by external actors nor by penitentiary administration, that neglect to organize vocational training courses or educational activities in such small sections. The situation with respect to treatment is sensibly different between female prisons and female sections. On the one side, the seven prisons that are entirely devoted to women take advantage of the concentration of efforts that the separate Direction permits; on the other side, such centres receive a fairly good deal of attention from the outside territory (local authority, associations, not lucrative organizations), which also creates activities in several fields destined to the women in prison. However, the lack of a more systematic organization of the events, often delegated to occasional initiatives of external subjects, leads to only a partial satisfaction of women exigencies.

One more problem of which feminine sections are specifically used to suffering is connected to the structural conditions of the buildings: the rooms dedicated to women within a masculine prison usually do not permit a great amount of treatment-oriented activities. The part of the building employed as a women's wing is, in most institutes, lacking places suitably equipped for sports, social, religious, educational, and recreational activities.

All these elements negatively influence the conditions of women during the period of imprisonment, but they also have manifestly negative effects on the future course of their lives. The lack of professional training and the compromised social relations while in prison make it more difficult, from both an objective and from a subjective point of view, the social reinsertion of women after release.

Motherhood

Of course, the most relevant particularity of feminine imprisonment concerns motherhood. Most women prisoners have children. The children live in prison with their mothers or otherwise, on the outside (often in institutions, due to the fact that the father himself is in prison or is completely absent). In any case, women feel a heavy sense of responsibility for their children, which negatively weighs on their psychological state during their incarceration. Children that live outside the prison experience an obvious feeling of anxiety in their mothers. On the one side, women are worried about their children's possibility of conducting a safe and rewarding course of life; on the other side, women experience a sense of frustration from not being able to establish a sound relationship with their children. As for the children living within the prison, there are approximately 50 to 60 in the entire country. However, due to the high frequency with which women go in and out of prison, this number can sometimes reach elevated peaks, as well as reach extreme lows for brief periods.

Women who have children living with them in prison have of course very strong needs connected with such a situation. These needs are not always responded to by penitentiary administration.

The most evident of the problems is the insufficient availability of day nurseries. In institutes or sections of institutes where children live, the Penitentiary Law provides for day nurseries. According to the official data, there are seventeen centres with a day nursery all around the country. However, investigations carried out by our team show that these data are not entirely reliable. Some prisons that are included in this count are not furnished with a day nursery at all, while in other centres, what is termed a day nursery is actually the very women's wing where children live. Some prisons have established an agreement with the local authority according to which every morning the women prisoner's children are driven to the day nurseries located in the neighbourhood. What is not warranted by the direction of the centre is sometimes accomplished by volunteer associations, which, for instance, organize excursions for the children around the city, to the seaside or to the mountains.

Since 2001, Italian legislation provides for the application of alternative measures to detention in those cases in which the relationship between a woman prisoner and her child must be protected. In particular, the so-called Finocchiaro Law approved the 8th of March 2001 provides that women with children of a maximum of three years of age can obtain house arrest. There are some exceptions in the cases of women considered dangerous for the type of crime committed. However, the overly strict criteria to be followed in order for this norm to be applicable make the number of women that leave prison thanks to such a procedure very low. The law is not applicable to women not condemned with a definitive sentence, nor to foreign women without a fixed place to live, nor even to drug addicted women with a high probability of recidivism. Problems connected with children are further increased when the incarcerated mother is a foreigner. The already mentioned new law on immigration (Bossi-Fini) provides for the foreigner's expulsion in several cases, including the case in which expulsion is employed as an alternative to imprisonment (when the remainder of the sentence is no longer than two years). This legislative procedure does not take into any account the process of socio-labour reinsertion undertaken by prisoners, both in and out of prison (in case he or she is submitted to an alternative measure to imprisonment).

The ill treatment

It emerges from our fieldwork that foreign women receive a violent treatment by policemen more often than Italian women do, probably owing to the process of stigmatization we considered above. Episodes of ill treatment, besides constituting a serious violation of human rights in themselves, do not help the prisoner's confidence in the penitentiary system, nor the consequent decision of undertaking a process of social reinsertion through it. The testimonies of women prisoners concerning their arrest by the police are striking:

"They didn't treat me correctly. Policemen beat me" (Woman)

"They treat me very badly. They yelled at me all the bad words that came to mind. They beat me. Policemen are the worst persons in the world. I perfectly agree that if I commit a crime they must arrest me, but it is not correct that they beat me" (Woman)

"I have been treated very badly. Policemen beat me, my arm became black. They were bad people" (Woman)

But violence in prison is not only what is explicitly presented under the form of physical maltreatments. There is also a psychologically violent context that, for instance, can induce prisoners to act violently against themselves. This form of violence seems to be reduced in feminine prisons or sections compared to masculine ones. Prison police officers that are directly in contact with women prisoners are themselves women, which contributes to building more amicable relations between them. The women interviewed are usually also satisfied with the other members of the penitentiary staff, as well as with the volunteers that operate in prison:

"We don't meet very often, but I have a good relation with the social operator" (Woman)

*"I have a good opinion of the penitentiary social operator, who helped me get a job" (*Woman)

"The doctor is always here. I also met the psychologist and the social operator. I have good relationships with all of them" (Woman)

"Volunteers are welcome here. They lessen our tiredness" (Woman)

3. Reintegration programmes

As it emerges from what precedes, prison acts as a further factor of social exclusion for women that, coming from a marginal social context, pass through a period of incarceration, and tends to exclude not already excluded women. Imprisonment is far from constituting a period of time directed to the future social reinsertion of women prisoners. Present measures and programmes for the social reintegration of women ex-prisoners are inadequate.

The access to work

One of the main elements for social reinsertion is, of course, the access to work. Indeed, women ex-prisoners face a great amount of problems in finding a continuative job. This happens because of several factors. In part, difficulties are connected with the social prejudices against ex-prisoners, and in particular against some stigmatized groups of them. In part, difficulties depend on the very organization of the labour market, which increasingly requires more specialization. But difficulties are also due, to a great extent, to the failure of the penitentiary system in creating work opportunities for ex-prisoners.

The Penitentiary Law of 1975 introduces the modern notion of work applied to the penitentiary system into Italian legislation. We find for the first time the assertion that work cannot constitute a further punishment for people submitted to incarceration. The notion of work as a right for prisoners is introduced, together with the idea that it must contribute to their re-education and reinsertion within society. Nevertheless, the notion of penitentiary work is still not free of ambiguities. Penitentiary Law agrees to a form of compulsion that takes away the possibility of being qualified as a right in a comprehensive characterization of such a concept from the prison work.

The standard in prison is that inmates become workers according to the discretionary power of the policeman that is in charge of their sections. They do not work for a definitive time period, agreed upon in a typical contract, but for portions of days, weeks, months and years, established in a somewhat unpredictable way, depending on the number of people present in the section at that moment and on the subsequent needs. A prison director can dismiss a worker whenever he or she likes. Employment outside prison is the possibility given to the inmate to work outside the prison's wall, after the authorization of the surveillance judge. It is an improper alternative measure to imprisonment. Recently, two new laws were passed: the Executive Regulations of Penitentiary Law (June 2000) and the Smuraglia Law (June 2000); the first one chose the way of opening the prison to the social and entrepreneurial private subjects and the second one promoted fiscal incentives for the enterprises employing inmates. But these laws have not been applied until now.

On June 30th 2003, out of a total of 2,565 women prisoners only 850 had a job, of which 694 were subordinate to the penitentiary administration while 156 were not.

Beside such a problematic quantitative aspect of penitentiary work, there is also a qualitative aspect that is penalizing for prisoners: the various jobs that prisons offer almost never require qualifications. Typical prison jobs are: manufacturing, farm work, housework, and routine maintenance of the buildings.

For all these—both quantitative and qualitative—reasons, the penitentiary system fails to supply prisoners with marketable occupational skills. Access to work and training programmes are not secured for all prisoners; jobs and job training are not considered the acquisition of a professional skill that may allow for eliminating the causes that led to the inmates' delinquency.

As we can see, prisoners with jobs make up a very low percentage of the total number of prisoners. The majority of them are employed in housework. That is, they contribute to the general daily functioning of the institute by cooking, cleaning, serving meals, etc. The most qualified among these jobs consists of writing documents for other prisoners who are unable to do so for themselves. The very insignificant job skills that inmates are able to improve through these activities do not have 'market value' after release.

Women do not seem to realize the extent to which vocational training is important in relation to their future life beyond the walls of the prison. None of them complains of the scarce variety of work opportunities that prison allows. Not one of them realizes that prison jobs are unskilled. They see prison work activities as, at most, something useful to earn a little money and to combat boredom. Women do not consider penitentiary work as an instrument of professional qualification, as the following responses demonstrate:

"I don't want to change jobs. I clean the section; it is all right for me" (Woman)

"In the centre where I was before, I used to work in the kitchen. Here I would like to wash clothes" (Woman)

"I would like to be the scribe of my section, or otherwise to serve meals, but it is not easy to get these jobs" (Woman)

"I would like any job" (Woman)

"I want to get a job that leads me outside my section, like cleaning the garden. It doesn't matter if it's a difficult job" (Woman)

"It doesn't matter which job: I want to work; I asked for a job. I would like to clean the section or the stairs" (Woman)

"Kitchen, scribe, purchases: anything is all right with me" (Woman)

"I would like to work in the kitchen or in the laundry, because there are the jobs in which you earn much money" (Woman)

"I used to work in the kitchen garden. I liked it, although it was very tough" (Woman)

"I would like to clean, anywhere" (Woman)

One woman does not even distinguish between a job and a personal activity:

"Yes, I work. We clean our cell in turn, but we are not paid for that".

Training and education

There are different educational courses organized in the facilities: compulsory education, advanced courses, vocational courses, in accordance with the law in effect, and providing adequate means to the subjects for attending courses. According to the Penitentiary Law, educational courses should be organized with a mutual agreement between The Minister of Justice and the Minister for Education. As a result of this institutional competition is the lack of good coordination between them. The clearest example of this is the often-high number of inmates transferring to attend educational courses, in spite of the agreements at ministerial level to limit these harmful interruptions in the prisoners' training path. The development of the activities is almost exclusively entrusted to the responsibility of a single teacher, which requires a specific personal devotion to make up for the humiliating work conditions, due to the countless practical obstacles, like the lack of pens and exercise books.

As for the vocational courses of 2002, there were 675 with 8,263 prisoners signed up to attend them. Our sample confirms that the educational experience in prison is not very significant. In only one case was it relevant in order to find a job outside. The same women interviewed state that there were only a few courses in prison and they were not well organized. They are not the proper way to learn to do a job. They are not useful to begin new legal employments. Sometimes the women interviewed appear very cynical, but they just confirm an impression that a majority of people have when they visit a prison: all the activities organized in prison are useful only to pass the time.

Preparation for release

Women's answers to the question if they received any kind of help in view of their leaving prison are well expressed:

"Just to get a job" (Woman)

"Up to now, no, but I hope…" (Woman)

"No, I have a personal aim: to get an apartment and a job, so that I won't commit crimes ever again. You commit crimes just when you live in the street and you must fight to survive" (Woman)

"No, but I think that it would be important to have support after release" (Woman)

"No, just a support from PID (a private social service)" (Woman)

"Just by myself" (Woman)

"Just by myself. The educator supported me a little bit" (Woman)

"No, just the warder of the register office suggested to me to avoid committing new crimes" (Woman)

"No, just support to get a job" (Woman)

"No, I'd like to go to school" (Woman)

"No, not even to get a job" (Woman)

Preparation for release and for the return back to society and the external community is not at all organized in Italian female prisons.

Everything is causal, not strategic. The legislature with the aim of favouring prisoners' social reinsertion, so as to avoid traumatic re-integrations into the social community, planned the premium license[1]. The Surveillance Judge grants the premium licences. The view of the prison director is needed before one can be granted. Only three of the women interviewed obtained a three-day license before release. The system of alternative measures to imprisonment is created entirely to help make the upcoming reinsertion of prisoners back into society as smooth as possible. The access to alternative measures is not automatic after a sentence has been served. Thus, not all the women get an alternative measure before release. Preparation for release is not the same for all. If the female prisoner has normal conduct, she could access an alternative measure. This is a typical form of self-preparation. In prison they did not receive any kind of support or help for family, welfare, or social issues. The inmates do not obtain helpful information on welfare, education, or opportunities.

Women from our sample are obviously aware that the prison system cannot help the inmates in their future reintegration into the community. Almost all the women interviewed underlined that their condition was worsened after their period of imprisonment. Among the causes of this situation are social isolation and the inability of the centres to manage the period between entering and leaving prison. The duty of the prison staff is to guard and to re-educate the inmates. They fail at their duty if they do not care about the preparation for release. The social justice service does not care about the woman after she serves her sentence, either. A woman says:

> "I tried to contact my social worker because I knew that it was possible to get some money being an ex-prisoner. The social worker arranged an appointment one and a half months after my release. If I had followed their indications, the only possibility of survival would have been to commit a crime" (Woman)

In only one interview, we found an explicit reference to the help received in getting a public document.

The trust of social services is not very high. On the contrary, there is a strong mistrust provoked by the lack of support in the crucial moments of the pre-release. The agents are not very aware of this gap. An agent says:

> "We organized many courses that can be of some help in finding a job. The courses are organized not for the prison's image, but to support the women in learning a job" (Agent)

There is not a specific reference to the lack of policies, information and actions useful to social reintegration. No one realizes that the practical information of pre-release is very important and useful. It is worth noting, moreover, that it is not expensive at all to organize a pre-release course. It would be sufficient for a public officer go to prison twice a year, explaining the function of public offices outside prison.

The unique evidence of an attitude to treat women with more caution than men lies in the following quotation from an agent's interview:

> "In social reintegration programmes, there is a difference between the attitude toward male prisoners and the attitude toward female prisoners. For instance, when we have problems of overcrowding here, we don't move those women who are going through treatment activities to other prisons. There is a lower degree of attention to male needs" (Agent)

Prison programmes do not tend to take into account in a constructive manner the differences between male and female roles. It happens increasingly with more frequency that, in female prisons, there is a limiting different approach to the activities. The practical experience of the

women interviewed shows that there are some courses or activities ("Women Project" or "Leather goods" course) that are created from the very beginning as exclusively for women. Female job skills are very often considered different than male job skills. This circumstance reflects the outside occupational market. In the prisons in Rome and Venice, staff and associations organize some activities for women. Because of the presence of children in the female prisons—children who are imprisoned with their mothers—many alternatives are addressed to provide programmes for children. In the prison in Rome, for instance, a textile course is organized. There are not specific courses concerning household or childcare. In male prisons, on the other hand, there are many more activities that are not organized in female prisons. Joiner, pizza-making, and hydraulic courses, to list a few, are not organized in any of the Italian female prisons, while they are found very frequently in male prisons. There is a prejudice regarding the women's working role, which is limited to certain typical female jobs.

4. After detention

Detention deteriorates the general context of a woman's life, which gives rise to a vicious cycle tending to increase the number and weight of problematic situations. Directly or indirectly, through such a general deterioration of the life context, prison inevitably weakens a woman's previous capacities to generate strategies in view of social reinsertion, while failing to provide new ones. This vicious process can be observed in several fields. One of them relates to family ties that can constitute a significant aid to a woman's social reinsertion, which prison often makes more problematic than they were before. Our fieldwork reveals that family situations often deteriorate in various ways after the period of imprisonment suffered by one of its female members. This circumstance, when it is not a direct obstacle to the insertion processes, is at least a factor, which prevents women from concentrating their energies on them. Notwithstanding, women are not very conscious of the pejorative role played by prison with respect to their family ties, while their own answers show that this is inevitably the case, due to the very circumstances of imprisonment. As for whatever concerns employment and earning an income, the situation is more ambiguous. Usually prison causes the loss of any previous labour contacts, the loss or worsening of a previous labour position, difficulties of self-presentation due to the lack of confidence in the possibility of finding a job as a former prisoner. But, in some cases it may happen that immediately after release women appear to have a stronger motivation in searching for a job.

The job

To search for a job is very difficult in our labour market. The system of job searching has completely changed in the last decade. The liberalization of the employment system caused the dismay of less resourceful people. In fact, it usually happens that people do not know how to find a job, nor where the new private employment agencies are. The system is fragmented and not clear enough. There is no longer a Government monopoly on employment and it is not compulsory to employ people registered at public employment lists. Jobs and training first of all need relational contexts. The actual system is too competitive for people coming from marginalized social situations or from prison. It is more difficult than in the past, when public employment was a more sure option for people belonging to the lower social classes. There are no job guarantees for them, and it would be difficult for them to be able to make use of the private system of opportunities. A job can be a useful chance for emancipation only if it is a

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[1] *The Penitentiary Law provides it. If the prisoners behave correctly when in prison, the judge can allow him or her to spend some days put of prison.*

well-paid, skilled real job. A subcontract of private labour is now permitted which does not help a new, inclusive, and emancipated form of labour insertion.

This premise is important in order to understand the type of difficulties that female ex-prisoners find upon searching for a job after their release. So, women accumulate multiple situations of exclusion. In a private, liberalized, and deeply competitive labour market, all the people, women included, have more difficulties in finding a skilled and well-paid job, if they are not particularly enterprising. Just an example: the recent law no. 276/2003 provides the new "reinsertion job contracts": a disadvantaged worker can be paid 20% less. Furthermore, if the disadvantaged people do not have much labour experience, their difficulties increase. If they have suffered a period of forced exclusion from the labour market, they risk being marginalized definitively. Finally, prejudices regarding the ex-prisoners and stigmatization provoke a further isolation. In the case of women ex-prisoners, we have to add all the other usual reasons that provoke a difficult insertion in the labour market (the stronger stigmatization, the role of the family, different skills).

This woman was under police control:

"After my release, for the next seventeen days, I was compelled to stay at home. I could go outside only for medical reasons" (Woman)

Sometimes, this transitory period after release lasts much more than two or three weeks, and it is a real obstacle to an easy reinsertion. We could imagine what the situation of a woman just released from prison would be: she feels unsafe, she does not know how to face family problems, she is not immediately in the condition to actively find a job. The women face a lot of difficulties in their job search. We could resume the factors of the difficult labour reinsertion as follows, where some of the reasons are universal and concern both men and women, others are gender oriented: 1) The difficulty with time, which is strongly falsified in prison. In prison, time flows very slowly, there is no rush. After a period of imprisonment, even if it is not prolonged, this difficulty with time has to be modified in conformity to the requirements of production. Furthermore, a woman has different stages of life and work than a man. When a man is released from prison, he can soon start to find a job. A woman, first of all, devotes herself to her children, to her family, to her partner. 2) The control system of ex-prisoners is usually intrusive on private life and does not help to ease reinsertion. In the case of women, the police monitors risk and perceives it as increasingly more intrusive because of women's shyness, which are less accustomed to facing this kind of situation. 3) The changes in the labour market and the diffusion of a new production model (the so-called post-fordist model) based on high flexibility; continuous professional updating and atypical contracts do not encourage the labour reinsertion of women ex-prisoners. Precariousness is a great risk for women in search of a job, because it is more difficult for them to be employed for brief periods in which they can be totally secured (due, for instance, to maternity leave). It is evident that women ex-prisoners have even fewer opportunities to find a job in such a condition. A woman says:

"My husband and I are unemployed. We have a lot of difficulties surviving. I'm worried for my children. I'm afraid that they won't be able to continue their studies. My two other children live in an institution" (Woman)

Female ex-prisoners' condition of unemployment is often combined with a familiarly difficult economic condition. The stigma is surely an obstacle. Such a stigma is caused by multiple reasons. If the same person is a foreigner, Roma, or ex-prisoner, this person is not considered reliable from the productive point of view. Two women tell us:

"I'm stateless. The only possibility for me is to work as a seasonal waitress at Rimini" (Woman)

"I think that the greatest problem of all is unemployment. If people have a job, they are not compelled to do certain things. Some people steal because they need to. There are women that are not habitual criminals. If we had the possibility to learn a job, we could decide to change our life. I thank God that I have a husband that can maintain me, so I don't go out and steal" (Woman)

In her case, it is evident that the difficulties in labour integration lead to socio-economic dependence on her husband. Such a path is not necessarily a path of social exclusion (recidivism is not automatic), but it certainly does not encourage labour emancipation, nor a satisfactory career or self-sustainable life.

Although the difficult economic condition which the great part of female ex-prisoners lives in, along with their lack of training, their lack of particular skills, and discrimination due to their previous penitentiary condition, the first cause of the difficulties in social reinsertion is the law that provides for the expulsion of foreigners after imprisonment. Hence, the main difficulty that women ex-prisoners encounter in getting a job is the need to overcome the law: both the new labour law and the new immigration law are laws that do not encourage socio-labour integration.

Furthermore, as we already saw above, there are very few working female prisoners, and their working activities are not skilled at all, so that they do not constitute vocational training useful after release. But, as we said, we do not seem to realize the extent to which vocational training is necessary in the outside world. There is no one in prison who explains to them that vocational training will be necessary to find a good job outside. Thus, prison strengthens gender roles, difficulties for women to find a skilled job, the feeling of acceptance toward low wages. Most women do not complain about the scarce variety of work opportunities that prison allows, nor about the low pay, nor the not unqualified jobs (housekeeping). Very few of them notice that prison jobs are not skilled at all. They do not look at prison work activities as an instrument of professional qualification.

They consider jobs outside in the same way: simply as a means to earn money in the fastest way. Hence, prison life not only constitutes the laboratory of the outside world of work (bad contracts, bad jobs, low pay, little significance), but, furthermore, women ex-prisoners search for the same jobs outside as they did inside. They are not aware of their own rights, and, even more, they are not conscious of their own needs and wishes. They desire very low qualified jobs, or they may not desire anything at all. They are prone to accept any job whatsoever, and they feel lucky if they get one, as the following quotations from women's interviews demonstrate:

"Now that I'm out, I would like to work in a kitchen, to cook, to do the washing, to clean and so on" (Woman)

"Any job is alright for me" (Woman)

"I work in a cleaning agency. I don't like my job at all. But I got lucky, I got it as soon as I was released from prison" (Woman)

"I now have more responsibilities and tasks than before, and I got an increase of salary. Indeed, this last increase does not correspond to the increase of duties and responsibilities... But I like my job and I have good relationships with my bosses. They know my past, and maybe they have unjustifiably taken advantage of my situation…" (Woman)

"I am looking for a job as a maid. The problem is always the same: the visa. I can't do anything without" (Woman)

"I'm willing to do any kind of job whatsoever" (Woman)

"I work for a cooperative society. I clean offices. They employed me thanks to the labour law that provides for reductions in costs for those subjects that employ people like me. They allow me to work three hours a day, from 6.30 to 9.30 a.m. I earn about 400 Euros a month. I don't know which kind of contract I have; I was interested in working like this" (Woman)

Prison is not at all a place that favours female emancipation.

Social life

Women that leave prison either return to their previous social contexts—which are usually deteriorated and can force them to commit new crimes—or otherwise have to face a situation of profound loneliness. If they decide to try—at least at the beginning of their lives out of prison—to change their previous conduct, they do not want to frequent their old friends any more. They tell us:

"What friends?! I don't want to hear from them any more!" *(Woman)*

"I have few friends and I don't want to be around people from my country because I don't want to return to prison for something I didn't do" (Woman)

"I'm no longer in contact with anybody, and this is what I want" (Woman)

"I abandoned everybody. I did it on purpose, I wish to be alone" (Woman)

However, the opportunities that women ex-prisoners have for meeting new friends are mainly afforded by working contexts. Quoting from women's interviews:

"I have new friends that I met when I attended the course to learn the housekeeping. Sometimes we go out together, we have dinner together, we phone to each other" (Woman)

"I met new friends thanks to my job" (Woman)

"Yes, I have some new friends now. All of them are colleagues of mine" (Woman)

But this is a vicious circle, because very few women have the opportunity to get a job once released, owing to several factors among which is the lack of social contacts. One further element, which increases a woman's uprooting after a period of detention, is the stigmatization they have to face in their attempts at social reinsertion. A typical quotation from a woman's interview:

"In my situation of woman ex-prisoner is far more difficult to find an apartment. They want regular people, they ask for your labour history…" (Woman)

To such a picture, the scarce presence of supporting organizations (Social Services, career guidance, houses for accommodation) must be added. Most women do not know the few services available. Furthermore, foreigners in illegal positions cannot have access to social aid. Some women tell us:

"The social worker that is supposed to follow me made me an appointment for a month and half later. Am I supposed to commit other crimes in order to eat and sleep?" (Woman)

"We went to Social Services to get some help, but they told us that they couldn't do anything at all because we haven't got a visa" (Woman)

"I don't know if there are any services for ex-prisoners in my area" (Woman)

"There are no services. Otherwise I would go visit them" (Woman)

"I don't know anything about this sort of thing, I never got any information" (Woman)

"Supporting organizations would be very useful, but I don't know if they exist, because nobody ever informed me of such a possibility" (Woman)

"When we leave prison, we don't receive enough help or support" (Woman)

"I haven't got a visa, so I can't access any help. And some services, for instance, career guidance, works very slowly" (Woman)

"Some women just released don't have any kind of help and must again live in the street. If some sort of support were available, women would not have such problems. The few existing services are not well enough known" (Woman)

The need to take care of their children and the dependence on their husbands or family in general, that they are often forced to accept once out of prison, together with the isolation they suffer because of their having moved away from their social role, make the absence of an external aid in the path towards social integration more difficult.

Women show a background of negative influences concerning the overall social system, influences that are induced by several elements generally connected with prison (the lack of supporting organizations, as we have just seen, but also the complete inactivity experienced during imprisonment). This determines a double and contradictory attitude in women ex-prisoners, both aspects of which are limiting factors with respect to social integration: on the one hand, they have deeply absorbed the unconscious idea that the public system has no more social duties concerning them than the very few it already expresses. Their behaviours and reasoning show a deep influence to the effect that women ex-prisoners are not full subjects of social rights. On the other hand, at a less deep and more conscious level, they explicitly criticize the social system for not supporting their reinsertion process. They do not trust any public subject with respect to its being inclined to help them according to clear and universal criteria and methods. Rather, the prison experience has shown them that public support mechanisms act according to ambiguous logic, so that resourceful or lucky people have some possibility of obtaining social advantages.

Furthermore, many women that leave prison are submitted to some legal limitations of their freedom, which makes their lives still more difficult. Some of them say:

"I must go to the police station twice a week" (Woman)

"I have the legal obligation to stay at home in order to carry out my period of detention. If I must go out for some very important reason, for instance, if my children don't feel well, I have to advise the police" (Woman)

"I just met the social worker twice, who explained to me that I have to stay at home. If I must go out for some important health reason, I must speak with the police" (Woman)

"When I left prison, I was submitted to an alternative measure to imprisonment. However, the surveillance judge revoked such a measure with absurd motivations. My boyfriend was a drug addict. They knew it from the beginning. At a certain moment, without any specific reason, they told me that if I met him again I had to go back to prison. I objected to such an order, but there was nothing to I could do" (Woman)

Women generally feel that their situation after release is worse than that which they had before imprisonment:

> "My situation now is worse, for several reasons. First of all, because I can't leave my town. Second, I have been released according to the new law (the so-called "small pardon"), so that if I commit a crime during the next five years I must also serve my past sentence. Furthermore, every time you leave prison, you find more and more difficulties owing to the fact that you must start again to fix up your apartment, to start again with the usual rhythm of life. Every time, you have new economic problems, and not only those" (Woman)

> "Now my situation is, without a doubt, worse than before because now I haven't got a job. Work is the most important thing" (Woman)

> "As far as what concerns job, my situation now is surely worse than before imprisonment. I used to work before, while now I find myself unemployed" (Woman)

> "I used to work before they imprisoned me, and now I haven't got a job any more. My situation was better before" (Woman)

> "Concerning housing, there is nothing organized for ex-prisoners. I hope to be accepted to the waiting list for obtaining a free public apartment" (Woman)

As to women's financial difficulties immediately after release, state authorities do not give them any direct help. They tell us:

> "I don't receive any economic help" (Woman)

> "I heard of some funds destined to ex-prisoners for their first needs immediately after release. I tried to get in touch with the social worker, but they made me an appointment one and half months later" (Woman)

> "No, nobody is helping me economically" (Woman)

Social services generally suffer from a lack of coordination and resources, so that, as we already saw before, women ex-prisoners cannot rely on them for receiving some initial aid in their path toward social reinsertion. They do not trust the social services. A woman says:

> "Social services have never been useful to me. I knew of a convent for nuns only because they call me to work a bit (I clean the convent). But I haven't got any information about social aid. I don't know how to obtain it, whom to speak with. The sole social office I went to is a public career guidance for prisons, but… everything is a lie! I didn't hear any facts: only a lot of hot air! For a whole year, when I was in prison, I had talks with them. Then I was released, and I continued to have talks for a year and half more. But nothing happened. We talked a lot about cooperative agencies, activities, and so on, but now that I'm out of prison I can see that reality is very different and that there are a lot of problems. People talk a lot but they do nothing. The only job I got, two or three hours a day at the convent, was found through some friends of mine" (Woman)

Due to such a general picture, women try to overcome their difficulties according to three different strategies: first of all, going back into crime, especially in the case of drug addiction, when the need of external aid is more immediate; secondly, accepting some form of dependence on their partners or families in general; thirdly, using all those channels that our present political and social organization makes available in order to survive within society, in particular all the processes (mainly based on personal contacts) that can be useful to insertion into our precarious labour market. This last strategy, which is—at least if evaluated over a brief period—the less dangerous for women ex-prisoners, something that can only be undertaken by those women that—for cultural, family, or educational reasons—possess a more resourceful, acquired ability

to manage.

The public services

First of all, it is necessary to describe the agents and the services involved in resettlement and integration after release. The system is strongly oriented to take care of the prisoner from the arrest up to the release. After the penal sanction ends (which does not necessarily coincide with the release, as the clear system of alternative measures to punishment is followed by penitentiary social service) the ex-prisoner is not followed any more.

The Centres of Social Service for Adults (CSSA) are sections of the penitentiary Administration and generally operate in the same area of competence as the Surveillance offices. The Penitentiary law states that they must collaborate both with the Magistrate of Surveillance and with the prisons' Directors in their area of competence.

Among their main competences, we can stress that:

• They provide the Magistrate of Surveillance with all the information related to the carrying out of alternative measures to imprisonment and of the non-custodial security measures
• Furthermore, they have to collaborate with prison agents for the good results of the re-educational treatment
• They take part in the activities of assistance for the released and take part in the actions directed to help families in the period anticipating their release.

CSSA agents have to follow the persons who have been allowed to serve the sentence through one of the alternative measures to imprisonment or the people who have been submitted to partial restriction of personal freedom in a non-custodial regime, with different professional actions of aid and control according to the type of measure.

In prison, the tasks of social workers are mainly related to relationship problems with relatives and/or external society, and also include taking part in teamwork with penitentiary agents for the reconstruction of the prisoner's life history, pointing out specific troubles and possible resources or paths to start in his/her favour. In particular, the figure of the social worker is relevant in probation. But, unfortunately, police also carries out the function of control over prisoners on probation, even if the law, according to which they must control the territory and prevent the crime, does not specifically request this. This is often incremented by the occurrence of crimes by persons carrying out an alternative measure, which is always amplified by the media.

Also the CSSA, like other sections of the Penitentiary Administration involved in the re-educational treatment of prisoners and their resettlement, suffer, as we said before, from a chronic lack of staff, immediately apparent through these figures: more than 25,000 people in an external area (serving their sentence through an alternative measure to imprisonment) with about 1,000 social workers all over the country.

In order to have an idea of their work, we can remember the following example: in 2001, the CSSA followed 44,607 cases of alterative measures to imprisonment (26,352 on probation; 3,597 in semi-custody; 11,506 cases of house arrest; 1,936 people in controlled liberty and 1,216 subjected to substitutive sanctions). There is an increment in penal control, very significant in the long term, more secure in last years: from 1991 to 2001 the number of people dependent on the CSSA has multiplied by five.

The lack of an efficient Social Service working with people in and outside of prison is reported by the words of the women interviewed all throughout this report.

There is no organized coordination between the social services during and after definitive release. In some cases, which we can define as exceptions, the two different services try to coordinate each other. The stories of our women are evident: nobody trusts the social services. This is not an inevitable outcome of the system but the undesirable result of an inefficient social service. There are at least five reasons that explain this unfortunate result:

1. The penitentiary social services' dependence on prison authorities.
2. The lack of an adequate number of staff.
3. Insufficient staff.
4. The lack of coordination with NGOs, associations, cooperatives and local authorities involved in reinsertion projects.
6. The woman does not carry out her plans.

Finally, we can say that it lacks reasonable direction from the socio-labour integration programmes. Considering that the world outside is not so easy to figure out, that the bureaucracy is so hard to handle, that welfare guarantees are a bit obscure for everybody, a special service for men and women ex-prisoners it would be necessary. There are not public agencies skilled in orientation and help for ex-prisoners. All the women interviewed have the same experience with the welfare system outside: nothing different compared to the welfare system inside. Bureaucratic, slow, far from real needs. A woman complains:

> *"He only service I encountered during and after imprisonment was the Work Centre of Orientation of the Municipality of Rome.... Only words...too many words…but no action"* (Woman)

They need concrete actions. In the best cases, they receive reassuring words.

Conclusion

The post-modern penitentiary population represents a revealing sample of the outside marginalized areas of society. They share the same social characteristics, directly connected with our era's labour organization. The labour market is the main thing responsible for the existing forms of social relations. With the end of the production model based on the big industrial areas, we support a gradual disruption in the sense of unity among workers. If one of the main outcomes of our fieldwork—namely, that prisoners tend to come from already marginalized areas of society—was also valid in that context, another one—namely, that prison constitutes a further element of social exclusion—is something particular to our time. The social sense of unity which the past labour organization gave rise to among workers, makes it possible to preserve a place in life for someone serving a period of imprisonment, while now the temporary abandon of the social and labour context makes it difficult for future reinsertion. The present increasing precariousness of the labour market, instead of determining a sense of sharing with respect to a life path common to the members of a whole social class, it determines a sense of division among persons considering their individuality. Other individuals are no longer perceived as allied, but rather as competitors in the search for survival strategies. As it has emerged from the present research, the female penitentiary population presents those elements of disruption that characterize the economically disadvantaged parts of society. Although women prisoners usually come from similar life environments, they do not communicate with each other.

On the one hand, then, prison constitutes a representative context in which it is easy to observe the conformation and behaviours of that part of society that enter the penitentiary circuit. On

the other hand, prison can be thought of as a place in the vanguard of the current changes in economic and social processes. As a matter of fact, economic liberalism has reached prison several years before its achievement in the external labour market. Penitentiary work lacks guarantees, and penitentiary workers have reduced rights. In prison, as we saw in the case of women and as it happens more and more outside, personal ability is a substitute for rights.

A further element that must be considered a main problematic factor of the penitentiary system is the lack of coordination among the social interventions addressed. In such an ill-conveyed and inefficient frame, once more, the most skilled and clever people succeed in finding a strategy to take part in reinsertion programmes, instead of having them assured as a right. In order to receive some form of aid, it is required to develop the ability to compete with those people that should instead be natural allies. Thus, the inefficiency and disruption of social policies for prisoners and ex-prisoners contribute to the increase in disruption of their natural cohesion. The circumstance according to which penitentiary social services depend on the Justice Minister makes the mentality hidden behind penitentiary social policies clear. Reinsertion programmes are thought of in the same spirit as custody. The tools for social reinsertion are not something that is due to the citizens' right to receive it, but rather, instruments through which to exercise a form of control.

Some gender specific factors have emerged as object of consideration of the present research. Each of the problems described is in a sense made more serious by the necessity of taking care of a child, with all it involves (that begin to appear even without the actual presence of children): the dependence on men, the partial exclusion from labour market, the stigmatized role of the mother imposed by society. Women, who are also thus more concerned with the failure of social services, much more difficultly face the competitiveness that the penitentiary circuit presupposes.

However, even though the female situation would require a specific attention in order for its particular problematic factors to be addressed; such an attention is lacking within the penitentiary system field. The scarce quantitative factors of feminine imprisonment determine a lack of interest in it, which is easily sacrificed in view of a concentration of the limited resources for certain more relevant phenomenon.

National Report Germany
BAG-F Team

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Introduction

This text will discuss the problems that are relevant to the path toward a successful reintegration of female prisoners in Germany. Therefore, this shorter version of the German National Report of the research project "MIP-Women, Integration and Prison" will be oriented to the following logic:

In order to better understand the problems that women inmates take with them to prison and the life situations they come from, the interviewed women themselves will describe these things. Along with this, we will focus on the possible consequences that imprisonment has on these life situations. Both of these points are necessary in order to understand the needs that have to be addressed in prison. We will concentrate on the existing labour market integration and vocational training measures. After this, we will discuss the question of under what circumstances the main aim of imprisonment—namely, re-socialization—is realistically achievable in Germany as defined by the national legislation.

1. Life situation of the imprisoned women

The prisons have to orient the life situations of the imprisoned women if they want to reach the aim of a successful re-socialization. Otherwise one would not reach the actual needs of the imprisoned women. This could not only lead to an aggravation of the situation for the women but also to high costs. In this research it has become clear that the situation of the women is linked to a long process of social exclusion. This situation will now be discussed.

1.1 Poverty and social exclusion

Social exclusion is a **structural process** that takes away the possibility of certain groups to perform their complete role as a citizen in a social society. It is also a **dynamic process** that cannot be understood by describing one single moment in the life course of the actor. *"The constitutive, main characteristics of the situation of exclusion cannot be found in this situation itself"* (Castel 2000, and Kronauer, 2002)[1]. Therefore the task of understanding the process that led to this situation has priority. This process is always multi-dimensional (Schroer, 2001) so one has to refer to the different systems, which contribute to the "Lebenslage" (living situation) of the actor.

Without having a significant income it is harder to participate in social relationships and reach the acknowledged standard of living. Highly relevant to having a chance in the labour market and to a person's income situation is one's educational background. In many cases found in this research this is disturbed by many women's long drug-career.

a) Education and vocational training

The secondary school diploma and thereupon the vocational qualification of the interviewed women is far below the German average (1/3 instead of 3% are lacking a secondary school diploma). Another third (12 of 32) do have a diploma from a lower secondary school. Five women have a leaving certificate from a junior high school. Three women reached the entrance requirement for higher education.

This has consequences for a chance in the field of vocational education. Two-thirds of the questioned women have either not started a vocational training at all or dropped out without a certificate. The women mainly name problematic drug-taking, exclusion from school after former inappropriate behaviour, early pregnancy and their family as the reasons for the dropping out of their educational career. Internal family factors have an influence on ethnic minority women only. A reason for this is, first of all, a traditional understanding of their role in society, the consequences of which are that an educational career is not considered to be appropriate or necessary for women.

> *"For me it was like that; in my family it was that way; they raised me with the thought that I will marry one day and that it is not so important. If you marry in our culture you do not have to work. And therefore I have spoiled everything for myself"* (Woman)

The members of ethnic minorities have, apart from one exception, not started a vocational training. The dropping-out of vocational training was due to starting drugs or continued drug use by half of the women. The number of women with completed vocational training is lower than one-third. Only one woman has a university degree. Due to this educational background their income situation is also precarious.

b) Income and Debt

The income of the interviewed women depends to a high degree on state income support. More than three-fourths of all questioned women receive social security benefits from the state. The exclusive funding of the women by social benefits in 50% of all cases is evident in the complete loss of security systems. From this, one can conclude that the women have already been excluded from the labour market for several years.

According to the federal office for health and social security, the social benefits cover "*in the case of insufficient property (…) the socio-cultural minimum needed to live on the most acceptable social level as possible*" (New social benefits law starting 1.1.2005 from 16.08.2004)[2]

According to the "First poverty—and wealth—report of the federal government" "(…) a dependency on social benefits for a longer lasting time can (…) lead to a life on a lower standard that is connected to disadvantages."

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[1] *The authors of this text translated the quotes used.*

[2] *The basis for claims is § 1 (1) BSHG, which determines the two acting maxims by a differentiation between "help for subsistence" and "help in special situations in life".*

According to Buhr (2004, p.14) the level of social benefits, under consideration of singular benefits[3], is about 50% of the middle income[4]. During the past several years (1993-2000) the real income situation of persons receiving income support has worsened[5] by the postponing of an extensive reform as well as by cutting the basic amount of the lower level of 2% in the former and 3.3% in the new states.

Three-fourths of the interviewed women have a personal experience of poverty. Especially those women who receive income support do not think that it is sufficient to cover their general needs to survive. Here it is not significant whether they have additional sources of income.

Besides insufficient income situations, three-fourths of the women suffer from debt. This ranges from 220 to 35,000. Most of the women (15 of 32) have a debt level of 1,000-5,000. One-fifth of all the questioned women have debts over 10,000. Three of the women said that they do not have a general idea of the amount of money they owe. The income situation, which, for most of the women, is determined by the basic amount of social benefits received, as well as by drug use (see further down), makes managing their debts seem to be a rather utopian idea for many of them and leads to another burdensome factor.

> *"In between I have always worked, as far as I had my stuff (…), because I got so little social benefit, that it was spent within one day. There have also been such times, when I had nothing, when I had to cover my consumption with this money. Then I went dealing."* (Woman)

a) Drugs

The past lives of most of the women are marked by many years of drug taking (legal and illegal drugs). About three-quarters of all the interviewed women said that they had consumed drugs before imprisonment. In the case of over 70% of these women, we could start out with the idea of a drug career: They are marked by multiple drug abuse. Cocaine and/or heroin function as a "basic drug" (taken on a daily basis). One-fourth of the women additionally consume alcohol every day; half of the women report a daily consumption of cannabis. Nearly all the women take, in different evaluations, hallucinogens, designer drugs and medicine sometimes. In only one case there is the use of heroin alone.

The starting-age of most of the women is between 13 and 14 years. In four cases the women were twenty or older. In one case, the consumption of alcohol started at the age of eight and the consumption of cannabis at the age of nine years. The duration of the consumption of 1/3 of the women was over ten years. In two cases, the period was over 20 years.

Besides the group that uses multiple illegal drugs one can point out a second group that mainly or exclusively consumes alcohol (5 of 32). Except for one case the women do not think that their consuming of alcohol is problematic. The extent of alcohol addiction cannot be concluded from the available data.

All women that said they had a problem with drugs before going to prison had been treated prior to imprisonment.

According to the women, in more than 60% of the cases the treatments have not been successful. There was no positive change in their drug taking and it could not be stabilized long term. In two cases, the treatment led to a reduction in consumption. Three women had taken part in a methadone programme by the time they entered prison. In one case there happened to be a change from a cocaine and heroin addiction to alcohol. In a different case, the addiction was successfully treated.

In the next chapter we will discuss how much these factors are relevant to the actual imprisonment.

1.2 Reasons for the imprisonment

The sentences and offences of the interviewed women differ only slightly from the general statistic on female prisoners[6].

In comparison to the general statistics, the share of women who have been sentenced due to theft and misappropriation, due to the use and trafficking of drugs, and due to violent crime is higher in the cases of the interviewed women. The share of women that have been sentenced due to fraud and embezzlement is lower than the average.

In the interviewed expert's point of view, a central reason for property offences is a distinctive addiction or problem of the imprisoned women, along with the corresponding pressure to acquire the necessary money for buying drugs. The statements concerning the share of imprisoned women that show such a drug problem varies between 60%-80%. This coincides with the share of questioned women in prison, who showed a strong drug problem (75%)[7]. From these results, it is clear that high shares of women are incarcerated because of drug-related crimes.

A bad financial situation is a characteristic of a great share of the women who are imprisoned due to minor offences, which has been noticed by most of the experts. A prison sentence is often the result of a multitude of small thefts and using public transportation without buying a ticket. In an interim facility's point of view, in these cases there are too many sentences given probation too fast (§ 56 StGB), that accumulate at first and then get revoked. Because of the multitude of the sentences set on probation, in an individual case they can amount to relatively long prison sentences, if they fail to fulfil the probation constraints given by the court, these end up totalling long prison sentences.

A different problem is located in the field of substitute prison sentences[8] following § 43 StGB that take the place of unpaid fines. The fine corresponds with one day of a prison sentence.

[3] *Some people because of the new social benefit law that came into effect January 1st 2005 fear an even lower level of living standards of those receiving income supports. According to Buhr the new assessment of the basic amount poses a threat that "the socio-cultural subsistence level is going to be at a lower level…" (2004, p.21).*

[4] *The middle income corresponds to the average income in the federal republic of Germany.*

[5] *The minimum basic amount for subsistence help, according to the BSHG, is 292 for the head of the household on average, out of all states. All further members of the household get, depending on their age, 161 to 264 (Source: Federal Ministry for Health and Social Security. July 1st 2002)*

[6] *Only the offences that have been committed by the imprisoned women have been mentioned.*

[7] *The distinctive addiction problem is going to play a major role in the further course of the report, because important consequences for the possibilities of offer for the social and vocational reintegration for the women result from the addiction problem.*

[8] *According to Dünkel (1992, p.69) 43.6% of all women serve a substitute prison sentence. Although these figures are from the year 1989.*

Because of the multitude of unpaid fines, huge prison sentences can result[9] .In the opinion of the questioned agents on the women's cases, courts respond faster with a substitute prison sentence if the fine cannot be paid immediately and corresponding fines have to be served in prison.

In the cases of the interviewed women the share of women who already served a substitute prison sentence is fewer than 20%. The substitute prison sentences have been imposed on the "payment fraud" as well as on "ordinary theft" offences. That's why there is a high number of women imprisoned who serve short sentences. Forty-eight percent of the women were imprisoned as of March 31, 2002 served a prison sentence of up to nine months (see Statistisches Bundesamt F10 R.4)[10].

2. Effects of imprisonment on the life situation of the women

The effect of imprisonment on the women's post-prison situation is an important factor for answering the question of whether the prison system can reach its goal of reintegration. It is of high importance whether or not prison can contribute to the development of the women's educational situation to improve their chances in the labour market. Because of its relevance, this question will be discussed in a following chapter. The following questions remain: whether the justice system can provide the needed competence for a "Legalbewährung" (legal parole) or whether the women's life situation is deteriorating due to a reduction of the social net, or whether their deteriorating health or the effects of deprivation (like learned dependencies) are consequences of imprisonment. This could mean that the chances for a successful re-socialization are reduced as a result of imprisonment itself.

In the interviews, we found information about the effects of imprisonment on social networks, in relation to the women's children, and the effects of deprivation. We will therefore concentrate on these topics.

2.1 Consequences of imprisonment on social networks

The legislature has created important regulations to keep up positive social relations or rather develop new ones. In the individual case it has to be weighed as to how far family, friends and other settings have a positive or endangering influence. One result is that the psychological rather than the material aspects can have a constructive influence on the female prisoners.

Although it is very hard to evaluate the quality of social contacts during the imprisonment on the basis of the interviews, we can say that all interviewed women have shared the experience of being supported by friends, partners and family. The possibility to spend their weekends at home (one-day prison release) has been very important. In sixteen other cases, personal contact is encouraged by regular visits. In these cases, given the regularity of the contacts, they can be evaluated as a sign for a stable or rather supporting relationship.

The family of origin seemed to be of a very high importance for most of the questioned women. The immediate family seems to be the basic support system for these women. The importance of the immediate family even grew during the period of imprisonment. Fewer women named their partner or friends as a supportive person for them.

On the contrary, some women used the time spent in prison to disconnect from their former social networks. In some cases, old friends were dropped because the women were disappointed in their friends' behaviour. This is especially the case for members of a drug circle. Prison is then used as an opportunity to break off former drug connections. For these women, prison serves

as a safe haven. For example, it was possible for one woman to escape the clutches of her family and especially of her stepfather[11]. This is made possible because the women have the chance to formally decide who is allowed to visit them. Unannounced visits are not possible and therefore no "unpleasant surprises" will occur.

Still, one cannot ignore the fact that it is a major challenge to maintain a social network while in prison. The observation that the immediate family becomes more important while inside prison can be interpreted as the consequence of the following circumstance: it is often very difficult to reach the prison by public transportation, as they are often located in rural areas. Friends, partners and family have to invest a lot of time and effort in order to go for a visit. It is probable that the immediate family is of such a great importance, especially in the case of long sentences; due to the higher moral obligation they feel toward the imprisoned women.

2.2 Family and children

In the expert's opinion, the development of a relationship with their children is of particular importance to the women. Many of the interviewed women feared that they would not be able to fulfil their role as a mother because they were not able to give needed support to their children from inside the prison. There are also fears of the consequences of their own imprisonment on their children, namely, stigmatisation.

It is caring for the children in difficult situations, which especially seems non-transferable to other people, such as, when the children have problems in school or during puberty, in the mother's point of view. Yet, also, in everyday situations the women consider the importance of a mother for her children as essential and sometimes as irreplaceable.

A negative effect of the period of imprisonment on children is feared by 2/3 of all mothers. The danger is especially seen in the psychological-social damage as feelings of sadness, disappointment, loneliness and uncertainty.

A mother reports that her eight-year-old daughter has accepted the role of mother of the family because of the interviewed woman's imprisonment. In another case, the problems of the "public reaction" or, rather, the stigmatising effect of the imprisonment on the children are expounded.

> *"As I have been imprisoned, the whole street knew about it and children were cruel. My daughter suffered a lot from it. The school knows. My daughter asked me not to tell anybody about it"* (Woman)

In three cases, the fear of failing as a mother directly surfaces and is discussed openly by the women. It becomes manifest through their feelings of guilt, shame, and remorse, along with the idea of having to make up for it.

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[9] For example fines are often imposed because of travelling without buying a ticket.

[10] 23% of the women served from nine months up to two years. 20% from two to five years. 6% five to fifteen years and 3% were sentenced for life.

[11] In this case there was abuse by the stepfather. Even later on, the woman felt followed and threatened by him.

"I also had to promise my daughter never to do something foolish again. Can you imagine how much I cried because this came out of the mouth of a six-year-old girl? If I ever did this kind of thing again, then I was no mother" (Woman)

The readiness to make sacrifices comes from the women being convinced that they have neglected their children. This leads to feelings of guilt for not fulfilling the tasks of a mother. This is shown in them putting aside their own welfare for the children's:

"Then my children will also have to adapt, they love me tremendously and when Mom is back there will be an absolutely different situation. I 'neglected' my children for 15 years. The children have a right to demand me back now" (Woman)

According to the agents, the fact that women have children or rather that they have left them behind, outside prison, has a major influence on them carrying out the imprisonment. In opinion of the prison supervisor, women have a more difficult time in prison if they have children and a family on the outside: they worry a lot about how their family is and also try to give them a share of the little money that they earn in prison.

A reason for this finding can be discovered if we look at the observations of the agents we questioned: women in prison notice that they did not properly care for their children on the outside, prior to imprisonment, and this creates corresponding feelings of guilt:

"Then they realize that they have made a complete mess and have to change something in their life for themselves, but also for their children," (Agent)

According to a project agent, each woman feels, in addition, as a failure

"That she, as a mother, is not able to have her children with her. And the children are taken away by the state and placed in other families. This is hard for the women to bear because they are unacquainted with their children…" (Agent)

Yet, what is problematic is that these feelings apparently do not motivate the women enough during the post-prison period to actually put them into practise. The women would partly slip back into their old habits and "*forget*" their feelings of guilt "*by the time they reach the outside world*" (Agent).

2.3 Effects of deprivation and health

Corresponding to the statements of the agents, there is a high motivation among the women to lead a "normal" life. This impression is confirmed by the stated goals of the interviewed women and also in the fact that the majority think that the imprisonment had a positive influence on their personality. Their goals corresponded to several dimensions, which the women addressed:

Work -- Find a job or rather integrate into their former work
"Work instead of social benefits", "back to the former employer, eventually abroad"

Education –Earn a school degree, complete a higher education or vocational training
"Make up a-levels", make up the lower secondary school then vocational training as a hair dresser, maybe become self-employed one day!"

Housing – Search for a flat, renovate old flat, move to another city
"Own flat with partner", "renovate the flat first"

Being clean – As a general goal, with the concrete idea of rehab therapy
"A clean life free from addiction", "stay sober, without alcohol, drugs, without methadone", "and try a life without drugs"

Finances – Reduce debt or rather avoid any new debt; acquiring a regulated income
"Private bankruptcy"," pay off my debt", "regulated income"

Probation in legality – Remain unpunished
"Never go back to prison again", "hopefully unpunished and healed", "never become punishable again"

General coping with life
"To manage it myself, without support of institutions", "to get the hang of the life", "a new start"

Use of institutional help for reintegration
"Assisted by a women's project agent"

First and foremost, the women describe themselves as "more thoughtful," "calmer," "more serious," and "more responsible". The time in prison is seen as a possibility to "think about your own life and to reflect on the bad decisions" as well as "develop perspectives for the future"[12]. In the framework of this self-reflection, the women have learned abilities, or rather experienced changes in their personality that will allow them to better deal with their surroundings:

"I notice, that I have grown a lot in here. I face conflicts in here that I also have had outside. You can't say fear of relapse, really not fear. In here I grow from day to day and now I can say I have become a bit more mature and now I don't try to avoid conflicts, I face them. The psychologist has said that it is very important that you face conflicts no matter how much they hurt." (Woman)

An agent of the psychological services describes prison as a location in which some women have found their "*inner perspective on life*".

Some women and many of the interviewed agents have another point of view. Especially in the case of former drug users, it must be a fear that these women will slip back into their former routine because they cannot get their psychological problems under control.

Prison is described as an *"unrealistic laboratory"* that shall prepare them for reality, but any time independence and responsibility should be taught, they come up against obstacles. Especially in closed regime the women were legally incapable, so that the realities of life could not possibly have been instructed. This is more likely in open regime. Imprisonment limits independency because the women can only sort out a few things in prison. According to a training project agent, too much help with problems inside prison could lead to a learned dependency.

The relative "irresponsibility" is also noticed by three women and discussed taking into consideration the stress after release:

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[12] *The high importance that is seen in the possibility of reflection is often determined by the women's past which has been characterized by taking drugs and the often accompanying restlessness and tirelessness:*
"You have time to think. Outside, you would have gotten back into the scene but it can't go on like that. That is what you realize in here. Outside you don't see that. You don't think about such things." (Woman).

"It is strange. Here everything is given to you. You get food supplied. You don't have to care for anything, and then there's the crunch. You have to take care of everything again. Even if it is normal, it's still a problem. You get called upon for everything, basically, here you don't have to take care of anything." (Woman)

Other problems named by the interviewed women were the lack of privacy and the lack of possibilities for spending time alone. For the women who were imprisoned for minor crimes, it is also worth mentioning their fear of criminalisation in prison.

The relationships between agents and prisoners are characterised by an open communication structure. This is important for minimising effects of deprivation. The imprisoned women can tell their wishes and needs. They attempt to deal with them individually. Eventually, there is the problem that it is not always clear who the right contact person is, although this is resolved by the contact person system. The women also notice this, although in one case, the danger of the agents abusing their power was mentioned.

From the goals that the women define, it becomes clear that they are capable of establishing their own positions and of formulating corresponding ambitions. Their orientation toward general social norm ideas is obvious, without the ability to understand whether this is an acceptance of desired norms or whether this is a creation of their own ambitions.

The named effects of deprivation in prison that result from the unrealistic surroundings (learned dependency, lack of responsibility, effects of criminalization) are problematic.

Especially the group of addicts found that their health got better. This probably results from the fact that these women are clean throughout imprisonment or take fewer drugs. Because of the health care, regular meals, and good hygiene that is better in prison than what they can access in liberty, these women can "relax" in prison. In the cases of the non-addicted women, the picture is clear: most of the women talk about an improvement in or stabilization of their health.

We have now described the prisoners' life situation and the effects of imprisonment. This is the basis for understanding and discussing the possibilities of re-socialization in the German prison system.

3. Re-Socialisation in women prisons

3.1 The idea of re-socialisation in women prisons

The only aim of the penal system is the re-integration of the prisoners (§ 2, p.1 StVollzG). The prisoner shall be enabled to live a life in **social responsibility** and without criminal offences after release. The term re-integration makes clear that the German penal system starts from a deficit in socialization. Because of this, the prisoner is not regularly able to lead a life without crime and in social responsibility (compare Laubenthal 2003, p. 65). To reach this goal, the achievements are concentrated on two levels.

Firstly, the harmful effects of deprivation caused by imprisonment shall be opposed (**principle of counter steering** § 3 Abs. 2 StVollzG). Secondly, imprisonment shall help the prisoners to reintegrate into life in liberty (**principle of integration** § 3 Abs. 3 StVollzG). For this purpose, the conditions in prison shall correspond to the conditions outside of the prison as much as possible (**principle of adaptation** § 3 Abs. 1 StVollzG).

The principle of counter steering includes the guideline that the usual treatment measures (with the aim of reintegration) are directed at particular prisoners (regulation of individuality). This shall secure the success of the treatment/imprisonment. This means that the women in prison should be placed in jobs that "*sustain the ability to work after release*" (Callies/Müller-Dietz, 2000). For this purpose a "profiling" as it is carried out in the Hahnhöfersand prison seems to be the right measure.

To reach this goal, corresponding social capacities have to be built up or existing capacities have to be strengthened during imprisonment. This has to be understood in the following manner: that imprisonment *"creates preconditions for acquiring those abilities, which enable the women to cope with problems and conflicts without committing an offence"* (Laubenthal, 2003). Imprisonment begins with the notion that the prisoners do not normally have these abilities. Correspondingly, the imprisonment has to be socially–integrating. The prisoners have to get corresponding chances for social learning[13] (BT-Drs. 7/3998).

Over and above the separation of the type of imprisonment is the **principle of differentiation** (§ 141 Abs. 2 StVollzG), which determines that, the inner and outer structure of the penal institutions also have to be shaped to the inmates' needs. Afterwards, the institutions have to be decorated with *"a different level of prison flexibility and security measures to a varying degree, different treatment programmes with specialized personnel for particular groups of offenders"* (Laubenthal, 2003).

Due to the fact that there are only a small number of imprisoned women, it is challenging to reach the goal of a re-socialisation as defined in the StVollzG.

As of August 31st, 2004 there were "only" 2,657 women imprisoned in either closed or open facilities.[14]. For these women, there were only seven independent facilities. About half of the women are imprisoned in these. The small number of just seven independent prisons for females especially clarifies that the "*chances of using a specifically exemplary planning and development are not likely*" (Maelicke, 1995).

The centralization of prisons means that the facility is far from home and the breaking off—as far as they exist—of family and other social contacts is likely for the affected women. The facility, or the way in which the female prisoners are distributed within the male prisons, hardly allows for treatment programmes especially designed for women. The women who are placed in certain wings of men's prisons are in facilities, whose organization, personnel, equipment and control mechanisms are all oriented toward men. Due to the mostly shorter prison sentences of the women there, they are normally trusted to do housework for the (men's) facility or they do jobs, which are easy to learn. Yet, within the women's wings, the prisoners often have more liberty than the men (compare with Laubenthal, 2003).

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[13] *Object of the social training is the re-learning of socially accepted, no criminal abilities and skills for the coping with everyday situations in a surrounding that becomes more and more complex. The learning medium is the training group. Social training has a middle position between educational and vocational training on the one hand and therapeutical treatment measures on the other hand." (Otto 1988, p. 1)*

[14] *From them, there were 544 (20.47%) in open regime. 302 women (11.37%) increase to Ersatzfreiheitsstrafen.*

Independent facilities have the advantage that they can decide on their own about the appropriate security standards and they are also in charge of their own budget. Because of the lower probability of disrespectful treatment and the occurrence of violence, the security standard can be lowered. Also, social and vocational reintegration programmes can be better adapted and more flexible to the needs of the women. In the male prison sub-departments, the same conditions are often applied to the women's sections and so contradict the principles of the prison administration laws.

The situation is complicated by the fact that imprisonment of women is not noticed much by the society. It is a peripheral phenomenon although criminality and imprisonment of women are "*two absolutely independent phenomena that accordingly have to be treated in very different ways*". Because of this social-political setting only such people were interested in women's prisons that have direct contact with the clientele. This means that it was not possible to impose structural changes in the imprisonment for women.
The next chapter will show how the prison system in Germany adapts to this special situation.

3.2 Programmes in the women's prisons

Due to Germany's federal system, it was not possible to produce a complete overview for the given measures in this country. Therefore, we will take a look at the situation in the states that took part in this research. After that, we will discuss the evaluation of the situation from the interviewed women and experts' points of view.

In prison, it is the inmates' duty to work (§ 41 StVollzG). According to § 37 Abs. 1 StVollzG, this at first serves the vocational and social integration of the prisoners. The work of prisoners follows the following aims, which are set as a goal and demand a central element of prison treatment:

- "Support of the commitment to improving the motivation and the attitude towards work.
- Improvement of the vocational qualifications through education and further educational training.
- Development and testing of the abilities to communicate and handle conflict appropriately.
- Education in social responsibility (participation).
- Development of better physical and mental abilities.
- Development of a self-confidence that is based on a person's own abilities, as one of the most important preconditions for a successful reintegration."
(Bundesvereinigung der Anstaltsleiter im Strafvollzug, 1993, p. 180)

Because of the § 37 StVollzG, there is also a principle of regulated equality by degree of vocational training and further training in the prisoners' work. § 38 Abs. 2 StVollzG determines this equality by level of education in the prisoners' work. According to this, women who take part in further training measures, of educational training or at school, get as much money as those women who work during the imprisonment.

It is their duty to work, but the prisoners have no claim on particular work or jobs. According to the target of § 37 Abs. 1 StVollzG the work has to be oriented to the future. The prisoner is to perform a job that contributes to her progress after release.

There are two connected topics to be discussed: the work in prison and the vocational training and education programmes.

There is a big variety (not only in typical "female jobs") of jobs and programmes offered in these facilities, or, at least on paper. There are several facilities that offer computer-training possibilities either to become a call centre agent (Hamburg), a Desktop Publishing Operator (Vechta) or to learn computer basics (Lübeck). Berlin offers the possibility to recycle computers as a regular job in prison. In Frankfurt am Main the women can learn basic office practices and keyboarding. Hamburg also offers a job as a landscape gardener or at his or her own farm with 150 cows. Of course there are several "typical female" jobs. But one can see that the facilities try to offer jobs or training courses, which can build on the women inmates' potential. For example, this is true for Frankfurt am Main where the women can become a professional cook or a kitchen aid in the prison kitchen. It is remarkable that this offer is also open for women who are not imprisoned and is very often sought after by them.

Most of the prisons also offer language courses or possibilities to get a school degree. We must be reminded that we have only looked at a tiny part of the overall system. There are several problems in offering enough jobs and sufficiently individualized jobs that relate to the structural unemployment of today's societies, financial deficits, and the abilities of the women.

a) Jobs in the facilities

The aim of prime importance besides education and further education is placement into qualified work in the sense of § 37 Abs. 2 StVollzG. If possible, such work is to be found which corresponds with the abilities, interests, and capacities of the prisoner. Yet this demand of individuality can only very seldom be fulfilled because of the conditions of imprisonment. As a consequence of the often rare availability of open space, it is difficult to provide companies with space or the possibility for all prisoners to work at a sufficient level. And the companies in prisons are very sensitive to economic fluctuation.

Despite these structural difficulties, it is apparent that in the evaluated facilities where work has a central importance, which the legislature has determined, although it is still not clear whether the target of re-socialisation is attained with these programmes.

The agents' statements can be interpreted in the following way: that there are too few employment programmes and possibilities. According to agents in positions of management, there were only a few appropriate jobs for female inmates. Most of the jobs are related to cleaning or production line work. In one case, it becomes clear that the geographical location of the facility is so inopportune that the women cannot reach jobs, which they might eventually have outside the facility whereas the internal programme in this case is well varied and wide-ranging (Hamburg).

In order to improve the women prisoners' situation in the labour market, one prison supervisor points out the need of sufficient variety and better possibilities to work together with other facilities. This would make it possible to offer more programmes for the women.

Another problem in finding enough employment opportunities lies in the women's inability to maintain regular employment. According to a Ministry of Justice agent, many women lack the experience and the ability for this kind of integration into the labour market, or rather; they lack the ability to start regular employment. In addition, the women are often disillusioned and discouraged about the possibilities of integration into the labour market.

For the prisoners who are incapable of economically productive work or unsuitable for vocational training, often **work therapy** according to § 37 StVollzG may be appropriate. Those women who cannot seem to handle a company's demands due to psychological difficulties should

especially be worthy of consideration for these measures. In work therapy, the women shall learn undemanding occupations that provide successful experiences, which do not overtax them and are also able to reduce their possible fear of failure. In the end, the target is to lead the women to other work and educational training within the prison itself or outside.

As a psychological-social services agent points out, the women inmates need protected workplaces even during the post-prison period. To have a chance at labour market integration, they need long-term encouragement outside the prison as well. Work therapy seems to have a positive effect on the women's motivation. At the same time, it is dependent on this motivation, as the women must be in favour of the therapy in order to achieve success.

"I think in the case of labour integration, it depends very much on how much the women are in favour of it. If they search for a job and cooperate actively, the success rate is relatively high. If you have the feeling that they are not that far or they don't really want to, then it is useless. Then you can talk to them and have a look at how they can find their way, to calm them down." (Agent)

However, the chances of integration into the labour market are highly connected to the situation outside.

"The labour market outside is not even good for those who have never been to prison. There is a similar situation in prison. Here it can't be better than outside, but worse. If the labour market is bad on the outside, it is harder to get a job in here." (Agent)

This point of view is confirmed by a Ministry of Justice agent who also blames the bad situation in the labour market for the low chances of the women achieving labour integration.

According to the psychological-social services agents, there are insufficient personnel for these measures (and also for the general vocational integration). An AVD agent confirms this and criticizes that there is also insufficient instruction for the agents to plan how the women can be helped and be led to work under the existing economic pressure.

"Over the years, we have gotten by on less money, but we currently have very different women that have to be led to work very slowly. In this case, we need further instruction to learn what we can do when our own creativity runs out. We don't know anymore what we can offer the different women who are talented in handicrafts. What will I do with them? What can we have them make that can also be sold afterwards?" (Agent)

Altogether the experts seem to be trying their best to compensate for the problematic employment and educational situation with flexibility and innovation. All facilities, from which agents have been interviewed, use the possibility to create different, labour market- conformed offers for the women by means of EU-support. It is problematic that these offers are not continued by the Ministry of Justice once the supporting time has passed (for example, in Hamburg, 30 work and education sites are affected: they will not be financed anymore after the EU-support ends).

Some of the named problems are also true for vocational training and education programmes.

b) Vocational Training and Education

A variety of possible measures exist which can answer the educational and vocational training needs in the prisons. This corresponds with the individual needs of the women; however, we found out that there is a lack in the women's abilities to successfully participate in the educational or vocational measures if the aim is to integrate them into the labour market after imprisonment. The needs of those women seem to be more basic than what vocational or educational training

programmes in prison can offer.

Frequently, it is first necessary to create the preconditions for a vocational qualification. It becomes clear that the interviewed agents are aware of this necessity.

For the success of vocational (and social) integration measures, we should mention (learning and biographical) anamnesis programmes in which the skills of the women are constantly evaluated. This is part of the prison plan that is updated during the progress of the imprisonment.

In this process of steady assessment, it becomes clear, as a prison supervisor mentions below, that the deficits in the educational history of some women are so great that compensating for them is not always feasible, nor is it within the capabilities of the prison.

> *"We see the problem, above all, as working within the limits of the women's sentences, which are, as a rule, relatively short. There are deficits in the field of education, if I include the schooling, in the learning history of the women, that can't be compensated for. The woman that comes here at 28 and has not passed secondary school, has no educational background, or no experience—these things I have mentioned cannot be regained within six to nine or twelve months, so that a real integration into the labour market would be possible."* (Agent)

This is made more difficult by the fact that especially in the case of short prison sentences, changes can only be made with great difficulty. This has led to the idea of offering qualifying measures in modules that are based on each other or on other elements. By such a modular approach the programmes could be better adapted to the needs of the inmates and if the programmes are coordinated well with each other, they can also be continued after their release.

One major problem is that further education programmes are not financed anymore;[15] even outside prison, the free responsible bodies have to dismiss more and more personnel. Thereby, it becomes more difficult to maintain a corresponding offer and a transition for the women in order to continue the qualification they have started after their release. Already existing networks of the modular cooperation break away increasingly.

This is critical because working with the women has to be started with a necessary lengthy planning and success is not at all certain. Vocational training and further education do not by themselves secure a job in the field in which the training took place. It may take years for the education to pay off with an appropriate job says a member of the psychological-social services who also reveals the limits of professionals in finding jobs for the women. There is no guarantee at all that the participation in a training programme will help them to find any job.

> *"…After they have completed the course they come to me and I can't find them a job in the field, then they go to McDonald's and work there. But there are also women that have found a job in that field after 3 or 4 years."* (Agent)

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[15] *In the course of the introduction of the new "Hartz IV Gesetzes" (starting 1.1.2005) the possibilities for further education change in that only people who have got an education coupon from the job centre can get a further education support. The condition for the allotment of such an education coupon has an expected chance of integration into the job market of 70%. The people that are willing to do further education have to prove that they will be unemployed without the further education.*

Due to the structural limits of today's society (mass unemployment) one should not set the goals of these programmes too high. It would be unrealistic to measure these programmes' success by their ability to integrate women into the labour market. From the interviews with the experts we learned that they know about the situation, and therefore make out new standards of efficiency for the programmes. For example, the education programmes and the vocational training strengthen the motivation of the women towards a vocational integration in general. The women would:

> "…work out a perspective for themselves. Even if this is only useful to strengthen their personal image of themselves" (Agent).

The women do mention four different problems they have with these programmes. The first is the effect of the duration of the imprisonment on the possibilities to participate at a qualification activity.

> "I could have done the cooking course, but that takes 24 months and I am not here long enough for that. Then I would have had to sign that I can't get released earlier." (Woman)

> "Have you tried to get a secondary school certificate?" (Agent)

> "I can't do that, because there's not enough time for it." (Woman)

A connection between the duration of the imprisonment and receiving an educational offer or a vocational pre-training course in prison could not be proved. Here it can be started from a positive outcome of the previously mentioned introduction of the module system that makes the beginning of the courses possible at any time. Especially modules for the EDP qualification (these had the highest percentage of the qualifying measures used) have been evaluated as "instructive" by the women, which "offer a lot of possibilities".

The second disadvantage for the women can result for those who live in a mother–child department. In one prison, there is only an offer to look after the children on a part-time basis, whereas the educational measures are held all-day.

The women are also concerned about the deficient number capacity of programmes, although the need for these measures is very high in order to have something to do to pass the time.

> "Normally it would have to be more. The computer course has also been shortened. There is nearly no vocational training left. You have to do a lot yourself here. On the one hand, that is good, but if you don't know your way around in here, it is bad." (Woman)

> "In the closed imprisonment they wanted to do away with the courses, but they made an effort so that it won't happen. That would be bad—women would have to sit in their cells all day and the doors would be open for only four hours a day." (Woman).

There seem to be difficulties in the transfer of information about the programmes. Yet, in the author's point of view, it cannot be assessed whether the problems lie in the lack of information given by the facility or in resistance, or rather the lack of motivation of the prisoners.

> "I don't want to say much about the educational programme. Sometimes we are offered many things and then the people don't feel like doing them." (Woman)

Especially the tendency to offer measures of further vocational training as modules corresponds with the necessity to have sufficiently differentiated programmes even for the multitude of

women that are imprisoned only for a "short" time. Furthermore, this way it is possible to create offers for those women who have to learn the basic preconditions first, to be able to participate in further education measures and vocational training at all. Because of the high deficits in education of the women, it is hardly possible during the imprisonment to offer qualifications that allow a direct integration into the labour market. The modular construction of the corresponding programmes is appropriate, if outside the prison they can be based on these modules.

The situation of vocational training and further education actually is in a dynamic qualitative and quantitative process of changes. The future financial equipment of the programmes, which are increasingly affected by cutbacks, is problematic. At the moment, there are extensive, differentiated and labour market-relevant programmes. Especially the integration of new forms of communication widens the group of available prisoners because through the use of telecommunication techniques, single participants from different prisons can take part and so the minimum size of the group, which is necessary, is more easily reached. Whether this programme will have continuation in the future depends on the financial cutbacks in this field.

Whether labour integration can be successful is also linked to the question of whether the other problems of the women are addressed and if there is a continuity of the social help in prison to organizations outside.

3.3 The release from prison

To reach the aim of reintegration into society the whole penitentiary system has to be aligned in a way that the prisoners are able to attain societal reintegration after their release. Therefore, there must not be a sudden transition from prison to freedom. With regard to the time of the release, the legislature has created the possibility to design a transition from the prison into liberty. By doing this, the prison authorities have been granted a relatively great deal of flexibility (i.e. no details are set as to when the preparation for release has to begin) in order to be able to estimate the individual needs of each prisoner.

During the preparation for release, it is important to make the transition into liberty easier for the women and to settle fixed central points and workplaces, as well as connections to help facilities. As the interviewed agents told us, these are the most important problems that the women have to face upon their release. The search for a suitable flat is especially stressed. Besides the agents' views, the women also worry about eventual conflicts in their relationships and managing debt.

The employees in the prisons can only give indirect practical help in the field of searching for a job and flat from inside the prison. Because of this, it is done in the time leading up to their release, to transition the women into the outside world through the **external counselling services**.

The opinion that a transition to external counselling services is used, or rather, given to a sufficient degree, is not confirmed by all experts. One project agent sees the potential for a **cooperation of services between the prison and help institutions of the non-governmental prisoners assistance,** which is limited by insufficient financial resources, and at the same time states the likelihood of such cooperation. By such cooperation, the programmes could be continued well after imprisonment.

"Now there could be more done. There should be more money made available. I think we would be able to work more effectively if this job[16] still existed, which has been cut and if we could expand it, so that we could have the possibility of going into the prisons more often because the women can't come outside. There has been thought of the idea that we could work within the prison for two days a week together with the projects so that there could be a different connection but this is not possible with our personnel situation. But that would be appropriate, that we collect the people from the facility, have the first collaboration in there, see what they have already done so that we can develop a plan for the people, what more they need, what would be appropriate for the qualification. And that the facilities make sure that they will really get it, the education for example. That would be the optimum. When they come out, then, to make sure that they… What can they do with their qualification and how can we accommodate them? But because of the insufficient funds, it is not possible." (Agent)

While doing the fieldwork, we have seen lots of examples of this kind of collaboration. Organizations offered drug or debt counselling and employees from the labour agencies would go to the prisons. How well this actually works is always highly dependent on the people involved.

Another measure for the reintegration is social training courses. These can prepare the women for special situations like talks with a landlord or applications. They minimize the possibility of a relapse by structured training links from the commencement process until their release (see Otto, 1988). According to the statements of a prison supervisor, there are too few social training programmes. This also depends on the financial resources that—especially in the field of social pedagogies—are cut more and more and can't be offset by the personnel of the facility alone.

Another idea for the preparation for reintegration is the social-therapy facilities. Yet in the Federal Republic of Germany there are only 35 places for women in such facilities (State 2001). These facilities have been introduced for women whose delinquency is in connection to a behaviour and personality disorder. These places are in two facilities of the women's prisons in Berlin and Alfeld. In Hamburg, there is a facility in which men and women can be placed together. A transition into one of these prisons, as a rule, means they will be far away from their place of residence, and therefore separated from their existing role models. In these facilities, it is possible for a psychotherapist or psychoanalyst to treat people one-on-one or in groups.

It is reported from the social-therapy department in Berlin that there has been only one relapse in seven years. Also, an agent from Hamburg says that the reintegration functions very well in the social-therapy facilities. Such an intensive care by psychologists and pedagogues in the social-therapy facilities likely contributes to the great success of these facilities, and does not seem to be transferable to other facilities because of financial and organizational reasons.

• To give a complete picture of the release preparations in the women's point of view, the response to the following questions is central to the following piece:
• To what extent have the imprisoned women been able to take part in the more open and flexible prison policies in preparation for their release?
• Which institutions or people have helped to prepare the women for release, and to what degree, or have they been offered support for reintegration at all? How do the women assess this programme?
• In which fields do the women see insufficiencies in the support system for reintegration?
• In which field are the women looking for support, that is, what are the main problems for the women concerning reintegration?

According to most of the women, the **more open and flexible prison policies** according to §§ 11 ff. and 15 ff. of the laws of prison administration are seen as the most important means in preparation for release, apart from the experts' support:

"Because of the day-releases I was able to prepare for my release by being able to go to the social security office and the job centre. I could never manage that from inside here, because there are too many limitations" (Woman)

"There are women, that are inside for years without coming out once and then they are just released. And then they seriously ask themselves why this woman comes back. Those women have not been helped to find a flat and and and…. Over there you can throw your hands up in amazement." (Woman)

By the time of the in-prison interview, more than two-thirds (22 of 32) were given prison flexibility measures or at least had applied for them. About 1/3 of the women (10 of 32) were considered unsuitable for a flexible measure according to the regulations. Reasons for the assessment have been:

• Drug problems in five cases (it has been named "consumption," quitting therapy, the attempt to stabilize the prisoner, as well as the finding of drugs),
• Two cases are under consideration.
• In one case, judging the prisoner as a risk for attempted escape.

According to these regulations, the prison supervisor can, in the cases that are not suitable for more flexible measures, allow exceptions if there are special conditions (compare with VV 7 Abs. 3). In the authors' opinion, in the limits of the release preparations for cases that are "burdened with problems" it becomes clear that they can lead to an accumulation of "starting difficulties" which reduce the possibility of a successful reintegration. On the other hand, it is also shown that the prisons have used the possibilities of prison flexibility measures as extensively as possible. An uncertain matter is, for example, to what extent would a speeding up of the processes be feasible in order to make the flexible measures possible for the women.

It is the group of addicts who especially show a particular problem because for the most part they receive no flexibilities because of being labelled "endangered due to addiction". On the other hand, they experience the day-releases, or rather return into the society "frightened":

"She also wanted for me to get probation again. (…) With probation outside I would like to do something. I am frightened outside. It is ok at the moment and there nobody can stop me, whether I am on probation or not. I don't want to come back in again, but you can never say never." (Woman)

Now we will look at how the women assess the institutional support upon their release.

Assessment of institutional support upon release

From the assessment of the **institutional support** by the women, we find three categories:

1. Women who declare having been supported and have a positive assessment of release assistance
2. Women who do not declare having been supported but do positively assess it
3. Women who do not declare having been supported and assess the support as insufficient

Category 1: Most of the women (17 of 32) (to different degrees) declared they had been supported upon release and assessed the support very positively, except for one who assessed it as "good".

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[16] *It is about a project for the help of the released in which workplaces have been cut short.*

Altogether, from the statements of these women, who received support upon their release, we find a picture of a flexible support system, which makes it possible to address problems according to each woman's needs. The preparation for release in the social-therapy facility was especially positively assessed:

"The public officials and the therapists in the social-therapy facility. Because here we get support at any time when we have problems, even after release." (Woman)

"Here everything happens step by step. At the beginning, you are accompanied on day-releases. Then, you go outside on your own, for an hour or two. So you are reintegrated into life in small steps. The public officials and the therapists support you a lot." (Woman)

Category 2: According to the women's statements a high share of them (12 of 32) did not claim they had been supported at all. Yet, they assessed the support as sufficient. How much or how often these women have been offered access to a support programme, which has been guaranteed, cannot be said from the statements. It is possible that a great share of the women assess the flexibility measures of prison as sufficient.

Category 3: Only a small share of the women (3 of 32) assesses the offer of release preparation as insufficient. The lack of support in the search for a flat and for employment, a lack of advice about the rights of women especially in dealing with offices, as well as the lack of an intensive and extensive care, which is not possible because of the prison agents' resources, are all especially criticised.

"They have to sit down and ask whether the people have work, where they can apply for jobs, how it is with the flat, and all that is not done. And hints about how you get a flat, how you go to the social security office and how it goes on outside. You are left alone there." (Woman)

"And you don't really reach the topic, because all of the other women also have questions. It is such a quick ticking off somehow. They only have one afternoon or a few hours and there are about 100 of us women. That is mad, even if half of them have filled out an application for it." (Woman)

We can see a contradiction in the women's opinions, in the perception of institutional support offered for their release, compared to the interviewed agents.

As the experts see the highest need for support in the search for a flat and a job, the women's highest priority is advice and therapy for addicts (named 12 times). Educational programmes and labour training measures as well as psychological-social care follow this. It is possible that here, we see the women's burdened situation that makes the search for work and finding it appear as a distant goal.

4. The situation after imprisonment

4.1 What can the prison do?

It is impossible to prove, in each and every case, the extent to which the instruction of helpful reintegration strategies has succeeded during imprisonment. The comparison of the abilities (for example the ability of self-representation or of the building of networks) before imprisonment and after it would be necessary for this task. Yet, such a reconstruction is not possible with the existing data.

The results concerning the job situation, the educational status, and the competences to live a life without committing further crime seem to be the most relevant topics to be discussed

here. It is not beneficial to see these topics independent from each other. They are all connected; and the interesting question here is how the prison system's opportunities to broaden the women's possibilities might be expanded.

The possibilities of the prison system in Germany are limited. Due to the fact that there are only a small number of imprisoned women, it is not possible to offer a wide variety of programmes, which would fit individual's needs—although there already is a great variety right now. This is connected to the problem that the abilities of the imprisoned women are, in most cases, very low (e.g. low level of education) and the needed programmes have to be organized on a very individual level, assessing individual needs and competences. Therefore, a large number of personnel is needed, which is too expensive in the given situation.

As a consequence, the chances of improving the woman's situation before imprisonment are also limited. From the interviews, we have learned that the women and the interviewed agents think that the situation improved while in prison and shortly after release. Prison is very often called a chance to rethink one's own situation and start over again.

It is especially drug addicted women who are able to rest for the first time after a long period of time in prison and start to think about themselves and their situation, and therefore, about possible changes for the first time.

> *"JVA 2 has not been a prison for me, this was a break. There was time to think. I have thought a lot during these 2.5 years, but it also changed my life. The possibility to hang on by the last straw, to wake up and ask, do you always want to live in prison or do you want to get your drivers license?"* (Woman)

In some cases, this leads to the formulation of concrete goals that vary a lot in their target as well as in their reach. They range from solving former problems in a legal way up to complete ideas about the future in private and employment fields.

> *"Now I want to do even more things myself, which I have never done before."* (Woman)

> *"It is about having lived in a catastrophic house of lies before that broke up. People close to me know my problems; I have learned to get help. I visit a discussion therapy, where I work on my childhood and these are all points that will be important for my new life."* (Woman)

This can be seen as an improvement of the former situation. But as mentioned above, the prison can be described as an "unrealistic laboratory".

> *"The pressure to perform, that is, outside, is not the same as in here. Many fail because of this, because they are not able to cope with it. If you start working in here, and then work, with all the regulations and fixed times, eight hours, if you start this, then you are not at that point, where you can put up with the outside working world, which is demanded. And if you can't make up, you will get a warning and if you don't make up then…That is the handicap of the women with the outside pressure; it is very difficult to face this and to stand it."* (Agent).

In an employment manager's opinion, the women are very motivated to get integrated into work life *"(yet) many women reach for the stars too much"* and think that *"without a school degree and vocational training (…) they can earn a lot of money and do the nicest and best things"*. The women "have to be taught reality again", to be told, which preconditions they have and what they can do with them. It should not be communicated on a "level of illusions" and so awaken unrealistic hopes. It is important to mention real experiences so that their motivation can achieve something.

According to the assumption of a probation officer, unrealistic ideas about the future can have the consequences of falling into a "motivation-hole" after a failure, and are correspondingly in danger of subsequent offences. Measures such as the evaluation of the individual's abilities, goals, and education through a "screening" would avoid these problems and fulfil the individual needs and abilities of the women especially in the work context.

4.2 Social integration must be attended to even before labour integration

It seems to be important for the authors that this individual screening and the measures that are deduced from it are updated and adapted during the imprisonment through continuous help.

The women would need a shelter for the time after their release, where they obtain contacts in case they encounter any problems. By this means, a problem is named that has been discussed by many of the asked agents. The assistance of the social services ends with the women's release. According to the experts, the women lack contacts. To offer this possibility of short-term residences from non-governmental ex-prisoner assistance, it is necessary that they be especially concerned with the needs and problems of imprisoned women. Facing the strained financial situation of the public budgets, these facilities are increasingly endangered by the elimination or reduction of personnel.

A prison agent confirms the necessity of such facilities. There was no real shelter for the women that needed support for their vocational integration or aid in regulating their financial situation. Such a facility would also be good for the state and save money.

> *"Many women are willing to do something, yet by the time they are released they feel all alone. Then it does not take much and they spiral downward."* (Agent).

To improve the women's competences, a much longer time would be needed than there is available in the prison system, as most of the women have short sentences. It can only be started there and then it has to be developed outside the prison, otherwise the danger for relapses greatly increases.

As it has previously been pointed out as a major problem, according to the agents we asked, there is a lack of experience and abilities in the women for their successful integration into the labour market. This partially results from the lack of sufficient schooling. The result is that the women had no vocational training and could only do correspondingly "easy" work, which is not available anymore. Complete vocational training during the imprisonment is difficult to carry out, especially for imprisoned women, because the duration of their imprisonment is often short. That is why modules that give a further qualification but do not lead to complete vocational training are offered. The actual chances for integration into the labour market of these women remain small.

For drug-addicted women, it is also very problematic that many of them have lived in the street for a long time and have to get used to "polite manners" at first. This is important for many employers. There is also the fact that a multitude of the women have chronic health problems. Teaching jobs, catering, and nursing cannot be done because of a multitude of chronic illnesses.

Additional problems with the job search result from the stigmatizing effects upon release. These are named by several of the agents but are not talked about in detail. Only one prison supervisor points out that women are stigmatized more and therefore can hardly find jobs, particularly in the qualified fields such as call-centres, the service industry.

The interviewed women named several problems, which they experienced after their release. There was a lack of institutional support, especially in finding a job. The situation became more restrictive and regulated. The women that have been to prison have insufficient knowledge about the different opportunities to find a job or to get help for further vocational training. Financial problems and the situation for mothers with kids are both challenging. There are not enough places in all-day childcare centres for women who are able to work.

Most women see the biggest burdens and difficulties during the first months after release.

"Coping with everyday life or, rather, life",
"Not being able to cope with life"; "That I won't manage it"; "Not being able to manage life after release"; "trips to the authorities"; "facing problems"; "being responsible for everything on my own"; "when things don't progress"; "integrating"; "getting used to the difficulties of everyday life"; "afraid of how it will continue"

"Dealing with myself",
"How I feel, that I can't handle myself, that I become aggressive very fast"; "in case it doesn't work, forgetfulness, my own inadequacy"; "confronting my past, outcomes that can't be reversed"; "fear of becoming violent again"

"Staying clean",
"Pressure of the addiction"; "danger of consuming alcohol"; "fear of relapse, of meeting former friends"; "fear of being forced into something, fear of drugs"

Fulfilling my family's demands,
"Now my husband is the man of the house, that is all a little difficult"; "lack of understanding of my family, that I won't be able to manage everything at the same time"; "not fulfilling the demands of the youngest children"; "to go back to my partner: back into the quagmires, alcohol, abuse"

Coping with financial difficulties,
"Financial problems"; "facing my debts"

Withstanding the "pressure of work"
"Standing the pressure of work"; "go through therapy and get a school degree at the same time"; "afraid of not being able to stand the double burden"

Improving my living situation.
"To get a flat";" The flat has no furniture, I won't get money for it"

Having a look at the problems and their interaction, we can see differences in the burdens of the women.

It becomes clear, that for more than half of the women, the analysis of their own personality is most important during the first months. Named problems are the necessity to cope with their own past and to disassociate from it, to manage their own noticeably problematic behaviour such as aggression and change it, not to fall back into old "addiction patterns" as well as to manage the "fear of the future".

Additionally, there is the demand to get used to the liberty, which demands a high degree of adaptation and is often underestimated in the women's opinion.

If additional effects of deprivation occur, the limits of the everyday life competences surface and in an extreme case may emerge as the incompetence to cope with everyday life.

Such an excessive demand in everyday life and in the managing of daily tasks (for example in dealing with offices) exists in the case of the majority of the women.
To offer help for these problems, a good coordination of the services inside and outside the prison is necessary.

The continuity of integration-related services

In general, the experts see the cooperation between the different services as good and important. Cooperation is seen as a natural part of the work between prisons. The prison supervisor points out that such cooperation is important because many connections to facilities that provide reintegration help have to be made before the release if possible, to be able to provide help-relationships that are able to take shape quickly after the release.

> *"The facility has a tradition of working together with people outside and it is also natural to agents that people from outside work here. That must always be supported, and always has to be made visible."* (Agent).

By the work that outside organizations or voluntary agents do in prisons, the range of programmes in prisons can be increased. And, in addition, it is useful for the exchange of information.

Because of the limited financial resources, the importance of cooperation between internal and external measures increases further. The prisons cannot manage to do everything themselves and are dependent on programmes of external facilities.

Particularly for the vocational training and further education programmes, the cooperation between the internal and external services is very important. A psychological-social services agent points out that the internal setup is influenced by what happens on the outside in order to attempt to not have the women become qualified in a different field than the outside world needs. At the same time, it becomes harder to maintain the cooperation with external organizations because of the changes in funding of further educational measures (Hartz IV), because, in particular, changes and some programmes can suddenly be closed. An outcome of this is that the programmes for further education are split into smaller modules and it becomes difficult to follow the outline and make possible a continuous cooperation.

In the end, we will now add our policy proposals that were developed at the end of the actual research project to offer ideas for the development of a more successful prison system.

5. Policy Proposals

Imprisonment is harmful. Therefore § 2 Abs. 2 law of the German prison administration requires the "opposition to the harmful consequences of imprisonment".

The keyword "total institution" is used to characterize the problem. It points out structural characteristics that affect the individual prisoner. The state has a duty to give assistance, in order to avoid or limit the known negative effects. First and foremost, measures of conditional discharge are suitable for this. The prison has to be arranged as open and realistic, as close to a life in freedom as possible. Yet, tasks and promotion of treatment may not be held back (§3 law of prison administration).

There is no full use of the alternatives to imprisonment yet. The aim is to make the convicted women able to cope with the negative effects of their delinquency and their punishment. Ambulant measures are especially promising when they are professionally coordinated with a

probation officer. A specialized probation assistance that only has a small number of cases can usually replace stationary sanctions. This would have the advantage that supporting familiar ties would not be hampered or destroyed. The possibilities of the use of charitable work have to be proved.

These alternatives have to be created under the guidance of quality management. Primarily, the concrete suitability of people and measures has to be secured.

To reduce stationary sanctions, it is necessary to give the courts "relevant facts" (that is especially valid for avoiding custody). Taking into consideration the living situations of the women, one has to be aware that the alternative measures are not only determined administratively. In the individual case, it has to be secured that the affected people can also be taken care of (i.e. by accompanying them). Here communication and relationships are as important as securing factors (compare with ambulant measures in the juvenile penal law or education assistance according to the KJHG).

Despite the relatively small number of female prisoners, the special problems of the women and the regulations of the law demand a gender-specific imprisonment.

Generally, the consequences of women's imprisonment and of the measures during imprisonment, and especially changes have to be assessed.

In only very rare cases are female prisoners dangerous to the public. Therefore, the open imprisonment can be the standard imprisonment. At least it should be regularly pursued during the planning of the imprisonment—also in the case of drug-addicted prisoners. A living structure has to be offered that strengthens the self-responsibility of the prisoners.

The organizations of women's imprisonment can consider the communicative needs of the female prisoners more than they currently do. The connection to the outside world has to be permanently guaranteed and intensified to prepare for release.

The concepts in the women's imprisonment have to be oriented toward the characteristics of short-term sentences, dependencies, qualifications and age/life perspectives more clearly.

For example anamnesis-standards for short-term imprisonment have to be developed and their analysis has to be controlled. Many female prisoners lead a life in a transfer-system. They have children and relationships with men without a functioning family connection.

If imprisonment is unavoidable, it must be used as a "time out" to stabilize the prisoners in their living situation (reduction of stress). The chances offered by the imprisonment are usually fully developed only during a longer duration of incarceration. Yet, even there, the problem of **sustainability** is acute (i.e. being separated, personnel, visits and security have to be kept in mind).

Independently from the imprisonment reform, one fundamental factor of the general concept has to be taken into consideration: the emotional and psychological **dependency** of the women. This has to be considered as a significant influence on all programmes and their results, especially after release.

Therefore, the current cuts in the social field are counterproductive.

Also, the rigid development regulations of the EU prevent a necessary measure from being carried into practice because the minimum number of participants cannot be reached. This means that

regulations have to be changed and not more centralized.

For the recognition of part-achievements inside and outside prison, joint responsible bodies would be desirable.

The transition from the penal system to the social system has to be created more efficiently.

a) General standards about what can be achieved and controlled during this phase have to be developed (compare with Kursbuch Erste Hilfe in Niedersachsen).

b) These standards have to be more precisely stated as gender-specific.

c) There has to be a clear division of the tasks in the throughcare. Until now, this has mostly been secured in social-therapy, which is barely offered to women yet.

d) The professionalization, and therefore the quality assurance, also includes a case management for the clearing of costs and avoiding of double or over-care (i.e. probation assistance; compare with model-project in Kiel).

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