

7. Women

7.1. Considerations before your visit to women in detention

In recent years, a re-thinking of imprisonment of women has taken place in a few European countries. Numbers of female detainees have risen disproportionately over the last decade, and the failures of traditional criminal justice in the form of mere punitive deprivation of liberty have become even more visible concerning women. **NPMs should be at the forefront of any reforms of the system for women in conflict with the law.** While imprisonment of women will remain a reality for many years to come and hence require regular monitoring by NPMs, especially in this matter NPMs could take a leading role in recommending different forms of dealing with female delinquencies that lead to better outcomes for the women concerned as well as for society as a whole.

In penitentiary systems, women can either be detained in a special facility that exclusively accommodates female detainees - sentenced and on remand -, or as a minority group in detention facilities that mainly hold men. In both cases, the vast majority of the questions to ask and the issues to monitor in the general prison population, i.e. on treatment, material conditions, regime, contact with the outside world, disciplinary punishment etc., remain relevant (see [Chapter 5 “The general prison population”](#) and [Chapter 6 “Pre-trial detainees”](#)).

However, certain additional issues (e.g. pregnancy, childbirth and care for mothers with children in prison), or specific variations of general issues (e.g. gender-based violence as a form of ill-treatment, higher prevalence of trauma-induced mental health including substance use disorders) arise for women in prison that warrant the explicit attention of the monitors. Moreover, being detained or imprisoned might entail a particular stigma in the case of women, which will add to their distress. Additionally, many women who are admitted to prison are mothers and/or primary carers for other family members, and the separation from their children and their families can have a severely negative impact on their mental wellbeing.

The **composition of the team visiting women in prison** is of particular importance, keeping in mind that women who have been victims of sexual violence (before they enter the criminal justice system, or during encounters with law enforcement agencies) are overrepresented in prison. Moreover, women might not be at ease to discuss certain sensitive topics with men, such as gynaecological care they receive in prison or whether they are provided with sanitary pads for their monthly needs.

Therefore, it is imperative that the visiting delegation includes women monitors, who can lead the discussions with women. It is not an absolute rule that only women should speak to women, and if a male interview partner shows sincerity, trustworthiness and empathy, many women will also tell him about sensitive issues they have encountered. Nevertheless, a male interviewer should always be accompanied by a female colleague, and retreat if the woman or women in question indicate that they feel ill at ease to discuss anything in his presence. Male members of the delegation should never enter cells of female detainees on their own, but only together with a female colleague, and only if they have explicit agreement from all the women present in the cell to his entering the room.

7.2. Allocation of women detainees

Member States are encouraged [...] to allocate detainees, as far as possible, to detention facilities close to their homes or other places suitable for the purpose of their social rehabilitation.

Paragraph 37 of the Commission Recommendation



Relevant international laws and standards:

- ▶ Rule 17.1 of the [revised European Prison Rules 2020](#)
- ▶ Rule 3 of the [United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders](#) (the “Bangkok Rules”)
- ▶ CPT Factsheet “[Women in prison](#)”

Women should be detained, as far as possible, in separate **institutions designed for this purpose, in an environment suited to their needs**. At the same time, women detainees should be allocated, to the extent possible, to prisons close to their home or place of social rehabilitation, taking account of their caretaking responsibilities, as well as the individual woman's preference and the availability of appropriate programmes and services. However, the challenges involved in making separate provision for the relatively small numbers of women in prison often result in their being held at a limited number of locations (on occasion, in remote places far from their homes and families, including dependent children), in premises which were originally designed for male detainees, or in smaller units of male prisons.

Furthermore, the numbers of female detainees have in many European countries exponentially increased over the last decades and women's prisons as well as units reserved for them nowadays are faced with similar - if not worse - problems of overcrowding as male detention facilities.

Questions to ask and ways to find out



Preliminary assessment:

Are the national laws and policies in line with [paragraph 37](#) of European Commission Recommendation?

- ▶ *Do these policies endorse the creation/maintenance of dedicated institutions/units for women?*
- ▶ *Is there a policy/Standard Operational Procedure on the allocation of women by institutions/units?*
- ▶ *Are women's special roles in the family explicitly taken into consideration when placing them?*



How many women's prisons and/or female units within male prisons are there in the country? Where are they located and are they easy to reach?

- ▶ *Map all women's detention facilities and assess whether they are easily reachable for family members, including by public transport.*



Are women's prisons/units within male prisons specifically designed or adapted for the purpose?

- ▶ *Discuss with the management and staff the regulatory, structural, procedural and other peculiarities for the facility/unit.*



Are women's detention facilities overcrowded?

- ▶ *Discuss with the management and staff and check lists of female detainees of the recent past to verify whether and for how long overcrowding of women's units persisted.*
- ▶ *Check the documents and measure a variety of cells in order to establish personal living space per female detainee.*
- ▶ *Discuss with the management which measures they take to ensure sufficient capacity and tackle overcrowding in women's units, if so.*
- ▶ *Talk to women requesting or recently transferred, management and staff about transfer practices.*

7.3. Separation from male detainees

[...] *Women should be held separately from men.* [...]

Paragraph 38 of the Commission Recommendation



Relevant international laws and standards:

- ▶ Rule 18.8 of the revised European Prison Rules 2020
- ▶ Rule 11 (a) of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules)
- ▶ CPT Standards “Women deprived of their liberty”; CPT Factsheet “Women in prison”; CPT Standards on Transgender Prisoners

Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women, the **whole of the premises allocated to women shall be entirely separate** (for the possibility of joint activities, see below at [Chapter 7.5](#)). In this context, it is also important to recall that the CPT has made clear its view that, as a matter of principle, transgender persons should be accommodated in the prison section corresponding to the gender with which they identify (see below, [Chapter 12](#)).

Hence, the first matter prison monitors need to ascertain when visiting women in a prison that is primarily accommodating male detainees is whether the female detainees present are truly separated, i.e. whether they have their own units and cells, and are separated during out-of-cell time, such as during outdoor exercise, work and other activities, as well as when using the sanitary facilities. Monitors should equally find out under which circumstances women are transported from and to prisons, and between different establishments in order to confirm that also during transport men and women are not mixed.

Questions to ask and ways to find out



Preliminary assessment:

Are the national laws and policies in line with [paragraph 38](#) of European Commission Recommendation?



Are women in male prisons separated from men?

- ▶ *Visit female units within male prisons and observe the accommodation arrangements, including the sanitary facilities women are using.*



Is this separation adhered to in all circumstances, including out-of-cell activities and transport?

- ▶ *Discuss with staff arrangements for out-of-cell activities for women and check workshops, outdoor exercise yards, rooms for activities and transportation vehicles.*
- ▶ *Verify that in particular courtyards used by women are not overlooked by parts of the male prison and that male detainees are not in a position to verbally harass women during outdoor exercise.*
- ▶ *Speak with women who are engaged in work, e.g. as house workers, or who have recently arrived, about the practical implementation of separation from men during work or transport.*



Relevant international laws and standards:

- ▶ Rule 34.2 and 81.3 of the [revised European Prison Rules 2020](#)
- ▶ Rule 81 of the [United Nations Standard Minimum Rules for the Treatment of Prisoners \(the Mandela Rules\)](#)
- ▶ Rules 7, 25, 29, 31, 33, 34 and 35 of the [United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders \(the “Bangkok Rules”\)](#)
- ▶ CPT Factsheet “[Women in prison](#)”

7.4. Staffing and prevention of sexual violence and/or exploitation

It is crucial that any prison accommodation unit holding women has female custodial staff in **sufficient numbers at all times**. Furthermore, women prisoners often require less security staff, and more social, psychological and other civilian staff.

Staff who are to work with women should be given **specific training** for their specialised work. Capacity-building for staff employed in women’s prisons should enable them to address the special social reintegration requirements of women detainees and manage safe and rehabilitative facilities. All staff assigned to work with women detainees should receive training relating to the gender-specific needs and human rights of women detainees. Basic training should be provided for prison staff working in women’s prisons on the main issues relating to women’s health, in addition to first aid and basic medicine. Where children are allowed to stay with their mothers in prison, awareness-raising on child development and basic training on the health care of children should also be provided to prison staff, in order for them to respond appropriately in situations of need and emergencies. Capacity-building programmes on HIV should be included as part of the regular training curricula of prison staff. In addition to HIV/AIDS prevention, treatment, care and support, issues such as gender and human rights, with a particular focus on their link to HIV, stigma and discrimination, should also be part of the curriculum. Prison staff should be trained to detect mental health-care needs and risk of self-harm and suicide among women detainees and to offer assistance by providing support and referring such cases to specialists.

Capacity-building measures for women staff should equally include access to senior positions with key responsibility for the development of policies and strategies relating to the treatment and care of women detainees. In a detention facility for both men and women, the part of the prison set aside for women should be **under the authority of a responsible woman** staff member who should have the custody of the keys of that entire part of the prison. No male staff member shall enter the part of the prison set aside for women unless accompanied by a woman staff member. Women detainees shall be attended and supervised only by women staff members. This does not, however, preclude male staff members, particularly medical staff, psychologists and teachers, from carrying out their professional duties in prisons or parts of prisons set aside for women, although it would also be preferable if these positions could be held by women.

Clear policies and regulations on the conduct of prison staff aimed at providing maximum protection for women detainees from any gender-based physical or verbal violence, abuse and sexual harassment should be developed and implemented. Particular efforts should be made to **protect women detainees from physical, mental or sexual abuse and give access to specialised services** for women who have experienced physical, mental or sexual abuse, including being informed of their right to seek recourse from judicial authorities, legal assistance, psychological support or counselling, and appropriate medical advice.

! Utmost vigilance is required with regard to **inappropriate behaviour and sexual relationships between staff and women in prison**. Any allegations in this respect should be taken very seriously. Even if at the face of it the relationships might seem consensual or even encouraged by a woman detainee, the power imbalance between staff and detainees makes such relationships unacceptable.

If cases of sexual abuse or other forms of violence before or during detention come to light, the woman concerned should be informed of her right to seek recourse from judicial authorities, of the procedures and steps involved. If the woman agrees to take legal action, the case should be immediately referred to the competent authority for investigation. Prison authorities should help such women to access legal assistance. Whether or not the woman chooses to take legal action, prison authorities shall endeavour to ensure that

she has immediate access to specialised psychological support or counselling. Specific measures should be in place to prevent any form of retaliation against those making such reports or taking legal action.

Questions to ask and ways to find out



What is the ratio between female and male (security) staff? Is it guaranteed that there is always a sufficient number of women on duty, including for necessary body searches?

- ▶ *Check the official staffing level and work roster of staff.*
- ▶ *Verify on the staffing lists and rosters that women detainees are attended to by a sufficient number of civilian staff, including psychologists, social workers and educational staff.*



Are staff members specifically trained for their specialised work?

- ▶ *Check the relevant training documentation (i.e. initial and in-service training curricula; orders for training deployment).*
- ▶ *Speak with management and staff in order to find out if they have received special training (including frequency, length, spectrum of topics, categories of staff involved).*



Is it guaranteed that male staff cannot enter women's cells or sanitary facilities?

- ▶ *Discuss this question with management and staff; check the Standard Operational Procedures.*
- ▶ *Interview women regarding their experiences in this respect.*



Is the part of the prison set aside for women under the authority of a responsible woman staff member?

- ▶ *Discuss this question with management; check the organigram of the institution.*



Have there been/are there complaints about sexual harassment or violence by staff? What were the management's reactions to such complaints?

- ▶ *Discuss with the management if they are aware of any such complaints and verify that they have undertaken the necessary steps when such allegations came to light.*
- ▶ *Check the (existence of) relevant policies and operational procedures to prevent and react to gender-based physical or verbal violence, abuse and sexual harassment. Pay attention to categories of support services in place (legal assistance, psychological support or counselling, appropriate medical advice, protection from reprisals).*
- ▶ *Interview a number of different women in individual interviews about their experiences regarding sexual harassment or sexual violence from staff members; ask if they are aware of prisoners receiving favours or privileges in return for sexual services; ask about the management reaction to such cases. **NB:** This kind of interview is probably one of the most difficult to lead, and only very experienced interviewers should endeavour to find out about issues of sexual abuse within a given facility.*



Are whistle-blower protection mechanisms in place to encourage staff to denounce any form of sexual violence or corruption involving sexual abuse?

- ▶ Discuss with the management whether staff is sensitised and aware of avenues to denounce abuse by colleagues.
- ▶ Speak with a number of different staff members in individual interviews and ask if they would (if only in theory) feel safe to denounce any kind of abusive practices of colleagues. Ask whom they would turn to.

7.5. Adapted but not gender-stereotyped regime

“Member States should take into account women’s and girls’ specific physical, vocational, social and psychological needs [...] when making decisions that affect any aspect of their detention.”

Paragraph 64 of the Commission Recommendation



Relevant international laws and standards:

- ▶ Rule 25.4, 26.4, 34.1 and 34.3 of the [revised European Prison Rules 2020](#)
- ▶ Rule 58 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules)
- ▶ Rules 2, 26, 27 and 42 of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the “Bangkok Rules”)
- ▶ CPT Standards “Women deprived of their liberty”; CPT Factsheet “Women in prison”

Women deprived of their liberty should enjoy access to meaningful activities (work, training, education, sport etc.) on an equal footing with their male counterparts. There is a risk that the specific needs of women will be disregarded, especially as they are a minority category of detainees.

Adequate attention shall be paid to the **admission procedures** for women, due to their particular vulnerability at this time. Newly arrived women detainees shall be provided with facilities to contact their relatives; access to legal advice; information about prison rules and regulations, the prison regime and where to seek help when in need in a language that they understand; and, in the case of foreign nationals, access to consular representatives as well. Prior to or on admission, women with caretaking responsibilities for children shall be permitted to make arrangements for those children, including the possibility of a reasonable suspension of detention, taking into account the best interests of the children.

Specific **gender-sensitive policies** should be developed and **positive measures** shall be taken to meet the distinctive needs of women detainees. The authorities should pay particular attention to the requirements of women, such as their physical, vocational, social and psychological needs, as well as caregiving responsibilities, when making decisions that affect any aspect of their detention.

Monitoring mechanisms often encounter women detainees being offered activities which have been deemed “appropriate” for them (such as sewing or handicrafts), whilst male detainees are offered training of a far more vocational nature. Such a **discriminatory approach** can only serve to reinforce outmoded stereotypes of the social role of women. Moreover, in extreme circumstances, denying women equal access to regime activities could be qualified as degrading treatment. There should be no discrimination on the basis of gender in the type of work, vocational training and education provided.

While the strict separation of male and female detainees was outlined as a principle above, under certain circumstances consideration might be given to offering regime activities for men and women together, particularly if such joint activities would improve an otherwise impoverished regime for women. Preconditions for such joint activities are that those involved explicitly consent to such arrangements and that the persons are carefully selected and adequately supervised during the activities.

The lack of capacity or of appropriate specialised facilities for women, the requirement to separate detention categories (remand/sentenced; short/long sentences), or the fact that an establishment holds only one woman, may result in a woman being accommodated for extended periods in a detention unit subject

to an unduly restrictive regime, or she may *de facto* be subjected to a regime akin to solitary confinement. In such cases, the authorities should seek to transfer the woman to appropriate accommodation; if such transfer is not possible or not feasible because it would substantially increase the distance to her family, the authorities should make the necessary efforts to provide the woman with purposeful out-of-cell activities and appropriate human contact.

The regime of the detention facility should be flexible enough to respond to the needs of pregnant women, nursing mothers and women with children. Childcare facilities or arrangements shall be provided in detention facilities in order to enable women detainees to participate in regime activities. Particular efforts should be made to provide appropriate services for women detainees who have psychosocial support needs, especially those who have been subjected to physical, mental or sexual abuse.

Women detainees' **contact with their families**, including their children, and their children's guardians and legal representatives should be encouraged and facilitated by all reasonable means. Where possible, measures should be taken to counterbalance disadvantages faced by women detained in institutions located far from their homes. Where conjugal visits are allowed, women detainees should be able to exercise this right on an equal basis with men.

Questions to ask and ways to find out



Preliminary assessment:

Are the national laws and policies in line with [paragraph 64](#) of European Commission Recommendation?



Does the admission procedure permit to address the specific needs and vulnerabilities of newly arrived women?

- ▶ *Speak to the managers and staff to find out about the admission procedure, steps and the responses to the identified needs of newly arrived women.*
- ▶ *Hold interviews with newly arrived women about their admission experiences.*



Is the daily regime designed to address specific physical, vocational, social and psychological needs of women?

- ▶ *Speak to the managers and staff about the daily regime, the individual and group activities on offer and if these are covering a broad range of needs. Pay attention to distinct categories of needs, including for psychological support and if the offer is comparable with the offer in community.*
- ▶ *Get the number of women detainees who are engaged in various purposeful activities.*
- ▶ *Hold interviews with women detainees about their experiences and how the offer responds to their needs and preferences.*



In comparison to the general male prison population, do women detainees get the same amount of out-of-cell time? Is their regime comparable with that of male detainees in the same facility in terms of purposeful activities?

- ▶ *Discuss with educators and other staff involved in regime activities whether women receive a comparable offer of activities as the majority male prison population.*
- ▶ *Compare attendance lists of workshops and daily programmes for men and women in the same facility.*
- ▶ *Speak to pregnant women, nursing mothers and women with children to find out if their regime is adapted to their specific situation.*



In general, is the regime poorer for women than for men? Is it gender-neutral, or do women get knitting classes and similar activities only?

- ▶ *Speak to the educators to find out about the activities (education, work, recreation) for women on offer.*
- ▶ *Speak to women who are not engaged in any organised activities and inquire why they cannot or do not wish to take part in these.*



At the time of the visit, are women held in conditions that amount to solitary confinement? Do such cases generally occur? Which measures does the management take to counter the effects of de-facto solitary confinement?

- ▶ *Discuss with the management and staff and check lists of female inmates of the recent past to verify whether and for how long women were held alone.*
- ▶ *Discuss with the management which measures they take in case a woman has to be held on her own for prolonged periods to counteract the negative effects of solitary confinement.*
- ▶ *Hold an interview with women who find themselves in a situation of de-facto solitary confinement to assess the impact on them, and to verify if and which measures were taken to counteract the negative effects of solitary confinement.*



In case of long distances between the facility and the detainees' families, are any compensatory measures in place, e.g. accumulation of visit times, more frequent access to telephone, video-conference facilities? Do families of female detainees who live far away receive support to pay for transport?

- ▶ *Discuss with the management whether they are taking compensatory measures in case of long distances, and whether families who face problems due to long distance travels can apply for support.*
- ▶ *Check the facilities for video-conferences etc.*
- ▶ *Speak to women detainees to find out if they are aware of compensatory measures and how to apply for them or for support for their families.*



Do female detainees have the right to conjugal visits, and how is this right implemented in practice?

- ▶ *Check the facilities for conjugal visits.*
- ▶ *Verify with the management and staff whether there are measures in place to prevent abusive or harmful visits by partners.*
- ▶ *Speak to women detainees to find out if they are aware of their rights regarding (conjugal) visits, and if they are facing any practical problems.*

7.6. Hygiene

"Member States should furthermore ensure that basic sanitary products, including hygienic towels, are provided to detainees and that warm and running water is available in cells.

Member States should take into account women's and girls' specific [...] sanitary requirements, when making decisions that affect any aspect of their detention."

Paragraphs 41 and 64 of the Commission Recommendation



Relevant international laws and standards:

- ▶ Rule 19.7 of the [revised European Prison Rules 2020](#)
- ▶ Rule 5 of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the “Bangkok Rules”)
- ▶ CPT Standards “Women deprived of their liberty”; CPT Factsheet “Women in prison”

Special provision should be made for the sanitary needs of women. The accommodation of women prisoners should have facilities and adequate quantities of materials required to meet women’s specific hygiene needs, including sanitary towels provided free of charge and a regular supply of warm water to be made available for the personal care of children and women, in particular women involved in housework and those who are pregnant, breastfeeding or menstruating.

Questions to ask and ways to find out



Preliminary assessment:

Are the national laws and policies in line with [paragraph 41](#) of European Commission Recommendation?



Do women get sanitary pads and basic hygiene items for free?

- ▶ Discuss with the management if (indigent) women get sanitary pads and basic hygiene items with sufficient frequency/when needed and for free.
- ▶ Check stock.



Is warm and running water available in cells?

- ▶ Check the availability of warm and running water in a few cells.
- ▶ Ask the management if there are any challenges concerning this.

7.7. Health care and psychological support

“Member States should take into account women’s and girls’ specific [...] psychological needs, as well as [...] healthcare requirements, when making decisions that affect any aspect of their detention.”

Paragraph 64 of the Commission Recommendation



Relevant international laws and standards:

- ▶ Rules 6, 8, 10, 12, 13, 14, 15, 16, 17 and 18 of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the “Bangkok Rules”)
- ▶ CPT Standards “Women deprived of their liberty”; CPT Factsheet “Women in prison”

Gender-specific health-care services at least equivalent to those available in the community should be provided to women detainees. The principle of **equivalence of care** requires that health care is provided by medical practitioners and nurses who have specific training in women’s health issues, including in gynaecology.

The health screening (**medical screening on entry**) of women prisoners should include comprehensive screening to determine primary health-care needs. Any screening should, in line with general medical ethics, rely on the voluntary consent by the woman concerned, after being comprehensively informed.

They should include screening for:

a. Sexually transmitted diseases or blood borne diseases; and, depending on risk factors, women detainees may also be offered testing for HIV, with pre and post test counselling

b. Mental health care needs, including post traumatic stress disorder and risk of suicide and self harm

c. The reproductive health history of the woman prisoner, including current or recent pregnancies, childbirth and any related reproductive health issues

d. Substance use disorders

e. Sexual abuse and other forms of violence that may have been suffered prior to admission

Women detainees should receive education and information about preventive health-care measures, including on HIV, sexually transmitted diseases and other blood-borne diseases, as well as gender-specific health conditions.

Preventive health-care measures of particular relevance to women, such as Papanicolaou (Pap) tests and screening for breast and gynaecological cancer, should be offered to women detainees on an equal basis with women in the community.

The right of women detainees to medical confidentiality, including specifically the right not to share information and not to undergo screening in relation to their reproductive health history, should be respected at all times.

If a woman detainee requests that she be examined or treated by a woman physician or nurse, a woman physician or nurse should be made available, to the extent possible, except for situations requiring urgent medical intervention. If a male medical practitioner undertakes the examination contrary to the wishes of the woman detainee, a female medical staff member should be present during the examination.

Adequate supplies of medication specifically required by women should be available in prison, allowing women who have begun a course of treatment before being incarcerated to continue it in prison. The contraceptive pill, for whatever reason it has been prescribed, should not be withheld from women wishing to take it. Where the abortion pill and/or other forms of abortion at later stages of a pregnancy are available to women in the outside community, they should be available under the same conditions to women in prison.

Individualised, gender-sensitive, trauma-informed and comprehensive **mental health care** and rehabilitation programmes should be made available for women detainees with mental health-care needs in prison. Prison staff should be made aware of times when women may feel particular distress, so as to be sensitive to their situation and ensure that the women are provided with appropriate support.

In developing **responses to HIV/AIDS**, programmes and services should be responsive to the specific needs of women, including prevention of mother-to-child transmission. In this context, prison authorities should encourage and support the development of initiatives on HIV prevention, treatment and care, such as peer-based education.

Prison health services should provide or facilitate specialised treatment **programmes designed for women suffering from substance use disorders**, taking into account prior victimisation, the special needs of pregnant women and women with children, as well as their diverse cultural backgrounds.

Developing and implementing strategies, in consultation with mental health-care and social welfare services, to prevent **suicide and self-harm** among women prisoners and providing appropriate, gender-specific and specialised support to those at risk should be part of a comprehensive policy of mental health care in women's detention facilities. Where such detainees are not eligible for transfer to a psychiatric hospital, a multifaceted approach should be adopted, involving clinical psychologists in the design of individual programmes, including psycho-social support, counselling and treatment.

Questions to ask and ways to find out



Preliminary assessment:

Are the national laws and policies in line with [paragraph 64](#) of European Commission Recommendation?



Is the medical screening on entry comprehensive?

- ▶ *Talk with the medical staff to explain if the initial screening permits to determine primary and additional health-care needs of (newly arrived) women detainees.*
- ▶ *Interview newly arrived women detainees about their initial screening experiences, including on receiving information about preventive health-care measures.*



Is a female doctor available? Is a gynaecologist coming on a regular basis? Do women have access to other health care specialists?

- ▶ *Talk with the medical staff and inspect attendance sheets of medical specialists. Discuss the management of the health care services (prison and outsourced providers), spectrum and accessibility of the services (e.g. promptness, escort/transfers to relevant institutions), and supply with medication.*
- ▶ *Interview women prisoners to establish whether there are any problems in accessing health care, including specialist care.*



Are specific health care measures and programmes available in the facility?

- ▶ *Talk with the medical staff about availability and frequency of preventive tests and screening, prevention of suicide and self-harm programmes and of dedicated programmes for women with mental health-care needs, substance use disorders etc.*
- ▶ *Inspect attendance sheets of programmes. Discuss with medical staff the management and delivery of the programmes.*
- ▶ *Interview women patients/beneficiaries to establish whether there are any problems in accessing programmes and specialist care.*



Does the facility offer psychological support for women, including who were victims of domestic violence?

- ▶ *Discuss with the psychologist whether they pro-actively offer such support, as well as any other psychological support for women.*

7.8. Pregnant women and mothers with children in prison

“Member States should allow detainees to give birth in a hospital outside of the detention facility. [...]”

Paragraph 65 of the Commission Recommendation



Relevant international laws and standards:

- ▶ Rule 34.4 and 68.7 of the [revised European Prison Rules 2020](#)
- ▶ Rule 48 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules)
- ▶ Rule 24 of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the “Bangkok Rules”)
- ▶ CPT Standards “Women deprived of their liberty”; CPT Factsheet “Women in prison”

At the outset it must be noted that particularly for pregnant women and those who have recently given birth, imprisonment should be avoided by all means. In the absence of any alternatives to imprisonment, arrangements should always be made for detainees to give birth outside prison, and transfer to an outside hospital must be arranged in good time. Where, nevertheless, a child is born in a detention facility, the authorities should provide all necessary (medical) support and facilities, including special accommodation.

Instruments of restraint must never be used on women during gynaecological examinations, childbirth or immediately after childbirth.

Questions to ask and ways to find out



Preliminary assessment:

Are the national laws and policies in line with [paragraph 65](#) of European Commission Recommendation?



What special arrangements are in place for pregnant women?

- ▶ *Speak to the management to find out how pregnant women are accommodated, and how the management and staff cater to their special needs.*
- ▶ *Verify with health care staff and through examination of the relevant registers that pregnant women in detention receive the same regular medical examinations as women in the outside community.*
- ▶ *Speak with staff and women concerned to establish whether there are any problems in the practical arrangements.*



How is it guaranteed that women can deliver in a safe and dignified manner?

- ▶ *Speak with medical staff to ascertain that pregnant women in detention are brought to hospital in good time for delivery, and that a woman who is giving birth is never restrained (handcuffs, shackles); establish whether medical confidentiality is observed during delivery (i.e. that non-medical staff are not present in the delivery room).*

"[...] Where a child is nevertheless born in the detention facility, Member States should arrange all necessary support and facilities to protect the bond between mother and child and to safeguard their physical and mental well-being, including appropriate pre-natal and post-natal health care.

Member States should allow detainees who have infant children to keep such children with them in the detention facility to the extent that this is compatible with the best interests of the child. Member States should provide special accommodation and take all reasonable child-friendly measures to ensure the health and welfare of affected children throughout the execution of the sentence."

Paragraphs 65 and 66 of the Commission Recommendation



Relevant international laws and standards:

- ▶ Rule 36.1, 36.2, 36.3 and 60.6.a of the [revised European Prison Rules 2020](#)
- ▶ Rules 28 and 29 of the [United Nations Standard Minimum Rules for the Treatment of Prisoners \(the Mandela Rules\)](#)
- ▶ Rules 3, 9, 22, 48, 49, 50 and 51 of the [United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders \(the "Bangkok Rules"\)](#)
- ▶ CPT Standards "Women deprived of their liberty"; CPT Factsheet "Women in prison"
- ▶ CM/Rec(2018)5 concerning children with imprisoned parents

Infants may stay in prison with a parent only when it is in the best interest of the infants concerned. They must not be treated as detainees. If a child is born in prison, this fact shall not be mentioned in the birth certificate.

In women's detention facilities, special accommodation for all necessary prenatal and postnatal care and treatment should be available.

If the woman detainee is accompanied by a child, that child should also undergo health screening, preferably by a child health specialist, to determine any treatment and medical needs. Suitable health care, at least equivalent to that in the community, should be provided. Pregnant or breastfeeding women detainees should receive advice on their health and diet under a programme to be drawn up and monitored by a qualified health practitioner. Where babies and young children are held in custodial settings, their treatment should be supervised by specialists in social work and child development. Adequate and timely food, a healthy environment and regular exercise opportunities should be provided free of charge for pregnant women, babies, children and breastfeeding mothers.

Children living with their mothers in prison should be provided with ongoing health-care services and their development shall be monitored by specialists, in collaboration with community health services.

Women detainees whose children are in the facility with them should be provided with the maximum possible opportunities to spend time with their children. Special accommodation should be set aside to protect the welfare of such infants. For as long as the child remains in the facility, the mother should be able to spend an adequate amount of time every day with her child; they should be accommodated in a suitable, non-carceral setting, in terms of space, furnishings and access to cooking and washing facilities. The specific sanitary and hygiene needs of mothers should be adequately met, including access to proper sanitary facilities, and provision of sanitary and hygiene products (*nappies, soap, shampoo, washing powder, and clothing, for example*) as needed, as well as food suitable for infants.

Special provision should be made for a nursery, staffed by qualified persons, where the infants should be placed when the parent is involved in activities where the infant cannot be present.

Arrangements should also be made to ensure that the movement and cognitive skills of babies accommodated in a detention facility develop normally. In particular, they should have adequate play and exercise facilities within the facility and, wherever possible, the opportunity to leave the establishment and experience ordinary life outside its walls.

Solitary confinement, that is the confinement of a prisoner for more than 22 hours a day without meaningful human contact, shall never be imposed on pregnant women, breastfeeding mothers or parents with infants in detention.

Questions to ask and ways to find out



Preliminary assessment:

Are the national laws and policies in line with [paragraphs 65 and 66](#) of European Commission Recommendation?



Is the decision whether a child can stay with their mother in prison based on an individual assessment, taking primarily the best interest of the child into account? What is the role of the staff and the management in this decision?

- ▶ *Speak with the management, social workers, psychologists and other staff involved in the decision about their role in the assessment procedure.*
- ▶ *Check case files to establish whether the relevant procedures have been adhered to.*
- ▶ *Speak with women who were not permitted to keep their children with them in prison.*



Is the accommodation suitable for babies and young children, in terms of cleanliness, security etc.?

- ▶ *Check the accommodation areas where children live with a view to their cleanliness, bedding for children, security appliances for children, non-carceral appearance etc.*



Do children and mothers have access to health screening, advice and ongoing health-care services? Is a paediatrician coming on a regular basis?

- ▶ *Talk with the medical staff and inspect attendance sheets of medical specialists.*
- ▶ *Interview women detainees to establish whether there are any problems in accessing health care, including specialist care for children.*



Do pregnant or breastfeeding mothers in detention get a special diet? Are specific food arrangements in place for babies and young children?

- ▶ *Speak with the dietician (if present) and cook about any special diets for pregnant or breastfeeding mothers, as well as about food for babies and young children.*
- ▶ *Have the menu checked by an expert (dietician).*
- ▶ *Check the stock of fresh food products (milk, eggs, fruit etc.), as well as special baby food.*
- ▶ *Speak with mothers to find out if there are any shortages of food products or other related problems.*



Do mothers get diapers and other hygiene and sanitary items for their babies and young children for free?

- ▶ *Discuss with the management if (indigent) mothers get diapers and other hygiene products for their babies for free.*
- ▶ *Check stock.*



Are there special facilities for children of mothers in prison, e.g. a crèche? Are staff members specifically trained to care for babies and young children?

- ▶ Check possible special facilities for children and establish whether they are suitably equipped.
- ▶ Speak with staff in order to find out if they have received special training to deal with babies and young children.



Is there any form of social service support for mothers of children outside of prison?

- ▶ Discuss with social workers how they provide support for mothers of children outside.
- ▶ Speak with women about their experiences in this respect.



What are the practical arrangements for visits? Are there any special facilities to receive children who visit their mothers?

- ▶ Check the visit facilities and establish whether they are child-friendly and speak to management and staff.
- ▶ Interview women detainees and find out if there are any problems regarding visits.

7.9. Girls under the age of 18 in adult female prisons



Relevant international laws and standards:

- ▶ Rule 35.1 and 35.4 of the [revised European Prison Rules 2020](#)
- ▶ Rules 36-39 of the [United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders \(the "Bangkok Rules"\)](#)

Where children are detained in a prison, they shall be kept in a part of the prison that is separate from that used by adults unless it is considered that this is against the best interests of the child. Due to the generally very low number of girl children in detention in any country, authorities are often faced with the dilemma to either hold them in conditions akin to solitary confinement in a facility for male children or accommodate them together with adult women. In the former case, all necessary measures must be taken to counteract isolation by, e.g. *extensive one-to-one care by appropriate staff*. In the latter case, an in-depth assessment needs to be carried out as to which women can be considered safe company for the girl(s).

Where, exceptionally, children under the age of 18 years are detained in a facility for adults, the authorities should ensure that, **in addition** to the services available to adult detainees, children have access to the social, psychological and educational services, and recreational programmes that are available to children in the community.

Prison authorities should put in place measures to meet the protection needs of female child detainees. They should have equal access to education and vocational training that are available to male children in detention. Girls should have access to **age- and gender-specific programmes and services**, such as counselling for sexual abuse or violence. They should receive education on women's health care and have regular access to gynaecologists, similar to adult female prisoners. Pregnant female detainees under the age of 18 should receive support and medical care equivalent to that provided for adults. Their health shall be monitored by a medical specialist, taking account of the fact that they may be at greater risk of health complications during pregnancy due to their age.

Questions to ask and ways to find out



Is the daily regime of girls supplemented with social, psychological and educational services, and recreational programmes? Do girls have access to age- and gender specific programmes and services?

- ▶ *Speak to the managers and socio-educational staff about the daily regime of girls under the age of 18. Obtain the detailed (individual) programme, if it exists. Identify the individual and group activities on offer and if these are covering a broad range of aspects. Compare the offer with the programs available for male children in detention and programmes in the community.*
- ▶ *Hold interviews with girls about their experiences and how the offer responds to their needs and preferences.*



At the time of the visit, are girls held in conditions that amount to solitary confinement? Do such cases generally occur? Which measures does the management take to counter the effects of *de-facto* solitary confinement?

- ▶ *Discuss with the management and staff and check lists of female detainees of the recent past to verify whether and for how long girls were held alone.*
- ▶ *Discuss with the management which measures they take in case a girl has to be held on her own for prolonged periods to counteract the negative effects of solitary confinement.*
- ▶ *Hold an interview with girls who find themselves in a situation of de-facto solitary confinement to assess the impact on them, and to verify if and which measures were taken to counteract the negative effects of solitary confinement.*