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**Developing International Norms and Standards to Meet the Needs
Of Criminalized and Imprisoned Women***

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Statement issued to the delegates at the 11th United Nations Congress on Criminal Justice and Crime Prevention, Bangkok, 18-25 April 2005

Developing International Norms and Standards to Meet the Needs of Criminalized and Imprisoned Women

Criminalization of Women and Girls

1. The fastest growing prison population worldwide is women, and in particular, racialized, young, poor women and women with mental and cognitive disabilities. The increasing numbers of women in prison is clearly linked to the evisceration of health, education, and social services, combined with a simultaneous intrusion of the state in terms of surveillance, monitoring, criminalization, and institutionalization.
2. A high majority of sentenced women are convicted for non-violent property and drug offences. A majority are mothers who are likely to have primary childcare responsibilities. Gaining work skills is considered an important factor in successful community reintegration for women prisoners; however, women have little access to meaningful work opportunities or training programs while they are incarcerated.
3. Criminalized women, especially those who are Aboriginal, are likely to have histories of abuse. These experiences have devastating long-term effects, which can put these women more at risk of being criminalized and then shape how they experience prison. Prison can revive controlling aspects and experiences of abuse and feelings of loss of control and power over their lives.
4. Aboriginal women and girls are vastly over-represented in state institutions. The justice system has played a major role in the creation of poor social conditions in Aboriginal communities today. It has failed to provide them with protection against oppression and has instead been a tool of this oppression through the denial of Aboriginal land claims, the imposition of residential schools, the separation of families through child welfare practices, and the denial of Aboriginal control over their own communities. This has resulted in social disruption in the community and widespread poverty. Current trends raise concerns that "treatment" could become the next form of institutionalization of indigenous peoples in many countries.

Violence Against Women and Children

5. Violence against women and girls can include physical, sexual, and psychological abuse as well as other abuses of power and attempts at controlling and coercing women, including financial control. Gender based violence impairs or nullifies the enjoyment by women of human rights and fundamental freedoms and it circumscribes women's ability to function as full citizens in society.
6. While women of all backgrounds are vulnerable to violence, some are more vulnerable than others, including young women and children, women with disabilities, poor women, Aboriginal women and women of ethnic and racial minorities.
7. Discrimination based on both the sex and race of Aboriginal women is manifested in the response or lack of response of law enforcement to violence against these women. While Aboriginal people are over-policed in that they are arrested and detained under circumstances in

which non-Aboriginal people may not be, they are also under-policed in that they are not available for preventive and supportive police services. The many reports of groups like Amnesty International document the increasing awareness of the numbers of missing and murdered Aboriginal women.

8. Women in subordinate social or economic positions are particularly vulnerable. Immigrant and refugee women who are paid very little and work in private homes as domestic workers often do not know their rights or the legal services available to them and may be threatened with deportation if they report abuse. Girls and women forced into the sex trade are extremely vulnerable to physical and sexual violence and even murder and often do not receive support despite the fact that many young women on the street are fleeing abusive situations without other economic options open to them.
9. Not only do victims of violence against women have to cope with the trauma of the violence itself, they also have to face the sexism embedded in the process of holding their attackers accountable. We know that women's relative poverty, as a result of discrimination, puts them at risk of assault by leaving them in darkened streets waiting for buses or cabs, reliant on others for accommodation or allows them only to rent substandard housing with inadequate security. The same enforced poverty makes them unable to avoid dependency on abusive partners, bosses, or those who trade them for sex.
10. When member state legislation, policy and procedures fail to treat women as worthy of equality, sexism throughout the society is reinforced. As the Canadian Association of Sexual Assault Centres has pointed out, individual men who commit acts of violence against women must take responsibility for their own choices and the consequences of their actions. No child could warp into such a man without the intentional collusion of some, the mindless cooperation of many, and the indifference of even more – and we are not speaking of their mothers. Member states must ask who introduced such men to pornography, weapons, abuse, to being abusive, to sexualizing abuse, to abusing for sexual gratification. Member states must also ask who ignored, or even rewarded their actions, as they became more terrible and more terrifying.

As a result of these concerns, the Canadian Association of Elizabeth Fry Societies (CAEFS) and Sisters Inside Australia:

1. Call on the Commission on Crime Prevention and Criminal Justice to take note and further study these issues, especially in light of its review of the relevant international standards and norms, including the proposed Charter of Prisoners' Rights.
2. Urge member States to address the growing issues arising as a result of the increased marginalization, victimization, criminalization and imprisonment of women.
3. Urge member States to maintain separate data on women and girls in their criminal justice systems and incorporate this information in their reports to Human Rights Treaty Bodies.

Additional information about these issues and our organizations is available at:
www.elizabethfry.ca for the Canadian Association of Elizabeth Fry Societies and
www.sistersinside.com.au for Sisters Inside Australia