

Forum 6 – Prison: Failure, Resilience, Hope

Silvia Alayo, Lawyer, Prison Ministry Peru

English

WOMEN IN LATIAN AMERICA FROM WHOM THE FREEDOM WAS TAKEN -
Fates that challenge us

According to the World Prison Brief, Latin America has the highest average prison occupancy rate in the world at 160%, resulting in inhumane conditions such as overcrowding, unhealthy conditions and health risks.

In some countries, the situation is even more dramatic. The worst prison overcrowding is in Haiti, with an occupancy rate of 454.4% compared to the officially stated capacity. This is followed by Guatemala with 367.2 per cent occupancy in its prisons, Bolivia with 269.9 per cent, Grenada with 233.8 per cent, Peru with 212.2 per cent and Honduras with 204.5 per cent.

Globally, the number of women prisoners has always been lower than the number of men prisoners. For example, it is estimated that women make up 6.9 per cent of the global prison population (World Prison Brief, October 2022). In other words: There are approximately 740,000 women in prison worldwide, compared to nearly 11 million men who have been deprived of their liberty. This "small" number has contributed to their particular problems and needs remaining - intentionally or unintentionally - invisible.

According to available data, the number of women prisoners in Latin America has increased by 57.1% over the last two decades, while the general population has only increased by 19.1%. This increase is mainly due to the application of repressive drug policies that harshly punish women involved in low-level drug trafficking, often out of necessity or coercion, while men deprived of their liberty are associated with property crimes, sexual violence and drug trafficking.

In Latin America, the number of women prisoners is growing and they are often subjected to inhumane conditions and violations of their fundamental rights. Prisons do not have separate and adequate facilities for women, which leads to a violation of their dignity and privacy. Many of them are mothers, and separation from their children during their time in prison causes deep and lasting damage to their families.

Pope Francis has stressed that "the prison system must be geared towards the reintegration of those in prison, so that they are 're-educated' and not punished", and has urged that "places of imprisonment become places of reintegration and social reintegration, places where genuine human social relationships are restored". This is particularly important when it comes to incarcerated women.

Many of them have experienced situations of vulnerability, abuse and exploitation prior to their imprisonment. Prison should provide them with the opportunity to recover from these and acquire the skills necessary for effective reintegration into society.

Most of the women in prison are mothers who run a household, are of productive and reproductive age and belong to a low socio-economic class. These women are detained in precarious conditions and have little access to basic goods and services, such as sexual and reproductive health services. They are also absent or invisible from the design and implementation of public policy on prisons at almost all levels of the system: prison design, health policy and security policy.

Prison systems have been designed from a male perspective, i.e. without taking into account the needs of women and their vulnerability. As a result, their rights are less recognised when entering a prison.

Prison systems not only make female prisoners invisible, but also their children. Children who are born or "grow up" with their mothers in prisons are considered "invisible" children because their "existence and needs are unknown or disregarded by states": they are serving a sentence like their mothers (invisible because they should not be between four walls); there are no prison policies for them such as an appropriate environment, qualified staff to care for them, health or paediatric programmes, age-appropriate medication, food or, more seriously, regular release programmes, despite the great efforts that some countries have made in this regard.

On the other hand, any situation that goes beyond normality and directly affects people's rights implies that the factors of discrimination and situations of violence are exacerbated, leading to what is known as differential effects, i.e. greater violation of fundamental rights in relation to other people, other classes and other groups. These differential effects are felt by those who belong to historically discriminated groups, who are discriminated against because of who they are, because of the group they belong to, because of how they identify themselves.

Deprivation of liberty has different effects on women. The collective imagination, steeped in stereotypes based on prejudice, continues to assume that women have certain tasks in society (and that it is normal that only they perform them), such as those related to care, including household work. When women no longer perform these tasks or fulfil these roles, they are perceived as transgressing this imposed normality, leading to discriminatory and oppressive acts against them, including, for example, violence.

The discrimination women face when they are deprived of their freedom is exacerbated by the perception that these women have violated the social role historically assigned to them, thus disappointing the expectations placed on women. This discrimination also extends to the reintegration process after release from prison.

When a woman commits an offence, such social expectations based on prejudice are disappointed, leading to greater stigmatisation of women, which of course

increases when they are deprived of their freedom. Women are therefore more likely to be rejected by their families, partners, children and support networks, resulting in greater social uprooting, which has a negative impact on their subsequent reintegration processes. In Latin America, the majority of women are deprived of their freedom because of criminal acts related to drug trafficking. The stigma of "drug trafficker" added to the stigma of "criminal woman" (bad mother, bad wife, bad caregiver, in short: bad woman) will make reintegration more difficult and reduce the possibilities of access to social and professional life.

Pope Francis has denounced on several occasions that prisons represent a throwaway culture that excludes and dehumanises the poorest and most vulnerable. He has also urged the promotion of integral human development that reduces the causes of crime and facilitates the social reintegration of prisoners.

I therefore invite you to reflect on this issue and take concrete measures to improve the situation of women prisoners in Latin America. Possible measures include reviewing penal laws and policies that disproportionately affect women, ensuring respect for their fundamental rights inside and outside prisons, offering alternatives to imprisonment such as house arrest or parole, providing psychosocial, legal and economic support to women and their families, promoting their civic participation and self-determination, and raising public awareness of their situation.

These measures would not only benefit women deprived of their freedom, but also their children who suffer the consequences of their absence and exclusion. As Pope Francis said during his visit to a women's prison in Chile: "Every time we look into the face of a mother, we discover that there is hope in the world." Let us not allow these women to lose their hope and their dignity. Let us not allow their sons and daughters to grow up without the love and example of their mothers. Let us not allow this reality to become a silent tragedy. Let us do something for them, for ourselves and for our society.