

## UN Human Rights Council

### Working Group on the issue of discrimination against women in law and in practice

## Call for submissions: Women deprived of liberty

Submission by Ombudsman office for offenders and Female prisoner project of Kriminaalihuollon tukisäätiö (Foundation for supporting offenders), Finland

1st October 2018

*1. What are the main causes for women coming in to conflict with the law and facing the associated deprivation of liberty, including pre-trial detention? Which are the groups of women who are most vulnerable and why? Please list the types of offenses for which women, or any particular group of women, are typically charged with, including administrative offenses.*

Like in other countries, women in general are a more vulnerable group among prisoners. They are often also considered as "more difficult" prisoners than men, which gives a new stigma.

Because of their smaller number (about 8 % of prisoners in Finland), they don't have the same possibilities as male prisoners when it comes to access to education, prison activities and health care. At the moment, the Prison hospital has no somatic places for women. Women prisoners often have more health problems compared to male prisoners and have many chronic health conditions. According to a Finnish study on the health of people in the criminal justice system, 70% of the females (53% of the males) reported lifetime use of any psychiatric service and 66% of the women (46% of the men) had received psychiatric out-patient services. Still, women prisoners do not have enough possibilities for psychiatric care or ways to deal with experienced trauma. Prisoners as well as staff have little trauma awareness. As working with trauma requires time and expertise, there should be **psychoeducational training** for staff and clients in the criminal justice system for example about how experiences of abuse can effect a person later on in life. Education and awareness is also needed regarding personality disorders.

Continuums in treatment and services when a person is released need to be improved in Finland. Currently there are great differences in access to them and the release process is not as systematic as it should (the roles of municipalities and the criminal justice system). These women need support as they might not have the strength or abilities to find help themselves.

Vulnerable groups within women are Roma women, foreign nationals, women who have suffered domestic violence and women serving a conversion sentence for unpaid fines. Some of the underlying causes for these are structural: there is not enough support for those living with domestic violence. In extreme cases this leads to the abused killing the abuser. Or when a person tries to get out of an abusive relationship, the abuser continues to persecute her and the justice

system does not provide help for those targeted. It can also be difficult for the abused to leave the relationship even though she understands it is harmful for her – this needs to be addressed as well.

Roma women in prison are a minority within a minority, whose cultural needs are not so often recognised in prison. In some cases the Roma culture also prevents Roma women from talking about their problems with other Roma women (f.ex. sexuality or other taboos). The Roma culture is changing and the women ending up in prison have less support from their community, are lacking education and are living in poverty – hence their crimes are more likely petty theft and such, and thus differ from the general situation of sentenced women.

Foreign national prisoners have difficulties accessing information if they do not speak Finnish or English. In these cases it can also be difficult to participate in prison activities. Racism can also be a problem and sometimes cause the one targeted to be isolated from other prisoners.

Due to the smaller number of women prisoners, there are less open prison places for women. This also means that women serving a conversion sentence have even less possibilities to be placed in an open prison – many of those serving a conversion sentence have substance abuse problems, which makes it less likely for them to be placed in an open prison in general. Male prisoners however have some possibilities as there are more and more diverse open prisons for them.

#### **4. What have been the main drivers for the increasing or decreasing of the female prison population in your country in the past decade? To what extent are non-custodial measures used, in accordance with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules)?**

In Finland, women are most commonly sentenced for violent crimes (including homicide), drug-related crimes and crimes against property (including petty theft). Often these are the types of crime where non-custodial sentences are not always possible. This means that in sentencing mothers to prison, children can be collateral damage: how is the child's best interest taken into consideration in decision-making in the prison? How is the relationship supported, especially when prisons are far away and/or children are small? Is child's right to keep in touch with his/her parents supported, even if the mother has killed the father (and it is not against the child's best interest)?

If the prisoner is pregnant or has a child under 2 years old, the child can be placed with the mother in prison. Child welfare services are always involved in this, and there is a special prison unit for these families. The placement of the child with the mother can be extended into when the child turns three.

The number of women prisoners appears to have stayed the same in average during the past decade, as the number of male prisoners has mainly gone down. The decrease in male prisoners makes it look like the percentage of women has grown in violent crimes. On the other hand, the number of women sentenced to community sanctions has increased. There are new non-custodial measures coming into force in 2019 as alternatives to remand-imprisonment.

In addition to sentencing, the special needs of women are overlooked when preparing legislation. Gender-sensitive approach in the Finnish criminal justice system is also understood in many different ways and lacks meaning.