

Women are the Fastest Growing Prison Population: Why You Should Care...

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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 (Braithwaite *et al.*, 2005; Frost *et al.*, 2006).

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 (CHRC, 2003; Bell *et al.*, 2004). 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, as well as feelings of loss of control and power over their lives.

4. Aboriginal women and girls are vastly over-represented in state institutions (Solicitor General of Canada, 2002; CHRC, 2003). 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 (NWAC, 2007). Current trends raise concerns

that “treatment” could become the next form of institutionalization of indigenous peoples in many countries.

VIOLENCE AGAINST WOMEN AND CHILDREN

1. 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.
2. 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 (Bell *et al.*, 2004; CHRC, 2003; NWAC, 2007).
3. 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 (Razack, 2000). 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 (2004) document the increasing awareness of the numbers of missing and murdered Aboriginal women.
4. 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 (Razack, 1999). 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.

5. 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.

6. 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. We must ask who introduced such men to pornography, weapons, abuse, to being abusive, to sexualizing abuse, to abusing for sexual gratification. We must also ask who ignored or even rewarded their actions as they became more terrible and more terrifying.

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

REFERENCES

- Amnesty International (2004) *Stolen Sisters: A Human Rights Response to Discrimination and Violence Against Indigenous Women in Canada*, Ottawa: Amnesty International Canada.
- Bell, Amey, Shelley Trevethan and Nicole Allegri (2004) *A Needs Assessment of Federal Aboriginal Women Offenders*, Ottawa: Correctional Services Canada.
- Braithwaite, Ronald L., Henrie M. Treadwell and Kimberly R. J. Arriola (2005) "Health Disparities and Incarcerated Women: A Population Ignored", *American Journal of Public Health*, 95(10): 1679–1681.
- Canadian Human Rights Commission [CHRC] (2003) *Protecting Their Rights: A Systemic Review of Human Rights in Correctional Services for Federally Sentenced Women*, Ottawa.

- Frost, Natasha A., Judith Greene and Kevin Pranis (2006) *The Punitiveness Report – HARD HIT: The Growth in the Imprisonment of Women, 1977-2004*, New York: Institute on Women and Criminal Justice, Women’s Prison Association.
- Native Women’s Association of Canada [NWAC] (2007) *Aboriginal Women and the Legal Justice System in Canada, an Issue Paper*, Ottawa: NWAC, Government of Canada.
- Razack, Sherene (2000) “Gendered Racial Violence and Spatialized Justice: The Murder of Pamela George”, *Canadian Journal of Law and Society*, 15(2): 91-130.
- Razack, Sherene (1996) “The Perils of Storytelling for Refugee Women”, in Wenona Giles, Hélène Moussa and Penny Van Esterik (eds.), *Development and Diaspora: Gender and the Refugee Experience*, Toronto: Artemis, pp.164-175.
- Solicitor General of Canada (2002) *Corrections and Conditional Release Statistical Overview*, Ottawa: Public Works and Government Services Canada.

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