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CRIMINAL JUSTICE AND WOMEN :
AN INTERNATIONAL SURVEY

NO. 1989-11

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This working paper was prepared under contract for the Corrections Branch, Ministry of the Solicitor General of Canada and is made available as submitted to the Ministry. The views expressed are those of the author and are necessarily those of the Ministry of the Solicitor General of Canada.

This document is available in French. Ce document de travail est disponible en français.

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Summary

The report begins with a review of those statistics which are currently available regarding women's participation in crime. While many countries report increases in the number of women arrested during the last couple of decades, nowhere is the proportion of women greater than 20 per cent of the total number of arrests. Similarly, the proportion of female convictions in the countries surveyed was below 20 per cent, with a range from about 4% in Indonesia to 18% in Switzerland. With respect to imprisonment, women inmates in all countries constitute only 2 to 5 per cent of the total inmate population.

Notwithstanding these general figures, there have been some types of crimes for which the participation of women has shown notable increases, namely minor property crimes. Most countries report large increases in female rates for theft, fraud, forgery and handling. Another type of crime showing dramatic increases in some jurisdictions has been drug offences. Women's participation in crimes of violence against the person have remained stable over several decades in all countries and in some instances (e.g. infanticide) decreased. It is noted that while female rates for property offences have shown large increases, these rates are often matched or exceeded by male rates. Thus despite rate increases, women's relative contribution to crime has remained fairly stable, with some exceptions in certain countries.

Explanations for women's increasing involvement in certain types of crimes have recently centered on the notion that the women's movement has been largely responsible. Studies which have examined this "emancipation hypothesis" have failed to find much support for this view although it has been observed that there is an association between women's greater participation in the labour market and petty property crimes. Other theories about women's criminality have considered such factors as financial need, opportunity and gender socialization. All of these approaches have limitations and cannot fully explain women's involvement--or lack of it--in crime. Some attempts have been made to examine whether women's low involvement in crime reflects leniency within the criminal justice system. On the whole, there appears to little evidence of this. What has been observed, however, is the degree to which women's personal circumstances and characteristics are influential with respect to the treatment they receive.

The tendency for women in general to be perceived in stereotypical ways, and for female criminals in particular to be conceived of as mad or abnormal, has been analyzed to have had a strong impact on the type of treatment they receive within countries' correctional systems. In addition to this, their small numbers have customarily lead to their being overlooked and deprived of services and programs normally available to men. Recently, some changes have been made. On the whole, women offenders in most countries have not benefitted from new perceptions of their criminality although there have been some promising recommendations. The most common observation is that the majority of women currently incarcerated simply should not be there: they are, for the most part, neither dangerous nor even very persistent offenders.

For such groups of female offenders as mothers with children, drug and alcohol dependent offenders, fine defaulters, remand prisoners and prostitutes it is repeatedly recommended that they should be considered for alternative measures to custody—or, put more strongly for many of these cases (where their crimes were relatively trivial or not considered dangerous to the community), that custody should never have been considered in the first place and thus to speak of alternatives is perhaps misleading. With respect to other types of offenders, it is also frequently observed that their personal circumstances (single mothers, poverty, lack of education or skills, etc.) require practical assistance which has not been forthcoming in most jurisdictions.

Among the more promising suggestions for improvements in female corrections is the proposal of the British Howard League Report. Recognizing that much of the 'neglect' of women in prisons stems from their small numbers and noting as well that placing these women in predominantly male institutions would be inadvisable, the Report recommends that selected male offenders be placed in the female institutions in order to maintain numbers large enough to warrant improved services and to permit women to benefit from the kind of vocational training more often available to men. In this way correctional departments could avoid what has been called "warehousing" female offenders in prisons long distances from their home communities.

Other positive suggestions include the proposal of the South Australia Advisory Committee for Women in Prison which recommended that instead of women prisoners being required to perform routine kitchen duties, for example, they be given full responsibility for the budgeting, purchasing, nutritional planning and serving of meals thus providing inmates with a much broader range of marketable skills as well as giving them a greater sense of autonomy. Similar suggestions have been made concerning inmates' industrial work: instead of being required to perform limited small assembly work on toys, for example, they could be encouraged to become involved in all aspects of running a small business and permitted to market their products. Inmate crafts could be handled in a similar manner.

More general suggestions concern inmates' health needs and association with the outside world. Provisions for inmates in these respects are customarily poor in most jurisdictions, although it is noted that in those facilities where more progressive practices have been adopted there are no reports of increased problems or dangers to security.

In sum, while there has not been a great number or variety of changes made in corrections for women as yet, there has been an abundance of observations about what not to do and many constructive suggestions which could guide future plans.

Preface

As noted in the Acknowledgements, many countries were contacted and the results--as in all extensive surveys of this nature--were mixed in terms of both the amount and quality of the information received. Some countries do not maintain criminal justice and correctional data which are easily accessible for this kind of survey, particularly when a gender breakdown is required. The most useful and greatest quantity of information came from Britain, Western Europe and Australia. Occasionally I have supplemented this information with references from other international surveys (e.g. the Seventh United Nations Congress' report on women in the criminal justice system). In addition I have used some American references where the issues addressed seemed amenable to a more general application, although the United States was not included in the overall survey.

It should not be surprising that much of the more recent work in this area has been feminist. Some might argue that this is a welcome development given the undeniable chauvinism of previous writings on this subject.

This survey is concerned with adult criminality although at times it was necessary to include juvenile figures where the responding country did not differentiate between juveniles and adults in its records. Related to this problem, of course, is the fact that countries have different ages of majority in criminal matters as well as the fact that, as in Canada, legislative changes have altered this age in recent years in a number of countries.

The purpose of this study was to identify the characteristics of female offenders and inmates, their crimes, sentences and needs, as well as any trends and universal features including factors which might explain these consistencies. In addition, this report was to identify pertinent legislation, policy statements and so on which may be unique to female offenders as well as any unique sanctions. In doing so, the report was to look at the nature and variety of facilities and programs for female offenders noting any particularly innovative and successful efforts.

Information about female criminality and corrections is very consistent around the world. It is consistent with respect to both the character and frequency of female criminality and the types of women who are found to be criminals as well as the kinds of theories which have been developed to explain female criminality. While individual countries may vary in particular details, the overall pattern of female criminality remains the same.

I - Female Criminality: the Current Picture

Introduction

This report was requested by the Programs Branch of the Ministry of the Solicitor General of Canada and represents a federal research initiative in female criminality as one step towards effective, equitable and humane corrections for female offenders. Because a great deal is already known about female correctional programs in the United States, this report was intended to be a survey of criminal justice policies and practices with respect to women in other jurisdictions outside of North America. To this end, ministries and correctional agencies in over 30 countries were contacted to enquire about the situation in their country.

The report begins with a presentation of recent statistics concerning women's involvement in crime. From these figures certain questions arise which form the basis for the rest of the discussion in this and the following section. Questions such as whether women's noticeably low rate of involvement in crime can be seen to be a partial artifact of chivalry within countries' criminal justice systems; whether we may expect women to become increasingly involved in crime owing to the spread of the women's liberation movement (an argument known as the "emancipation hypothesis"); and whether there are any promising explanations of female crime which may be useful in the design and administration of corrections for women.

This section begins, then, with a review of the current available statistics concerning the quantity of female crime in various countries. Empirical studies which have attempted to analyze these figures in order to determine their association with other social factors (such as the women's movement) are also presented.

1. Women Processed by the Criminal Justice System

(i) Arrests

With respect to the percentage of female arrests in the countries surveyed, we find that the proportions range from a low of 8% in Finland (1976) to a high of 18.3% in Japan (1984). Nowhere is the proportion of female arrests over 20 per cent of all arrests. This results overall in a male-female ratio of 5 to 10 men arrested for every woman in most countries surveyed (see Table 1, Appendix B).

Some countries report an increase in the last three or four decades in the proportion of female arrests. Japan, for example, reports a fairly dramatic increase from 7.6% of total arrests in 1946 to 18.3% in 1984 (Japan, Ministry of Justice 1985b)¹. On the other hand, the Netherlands reports that whereas male arrests have been increasing, the proportion of female arrests relative to total arrests has shown a slight decline in the period 1962 to 1976 for adult women, but has increased for girls (Bruinsma et al. 1981:16-17)². All surveyed countries point out that the absolute number of female arrests, for the most part has increased, as has been the case in Canada³.

(ii) Convictions

Women make up a similarly small proportion of convictions. In the countries for which data were available the range for female convictions as a proportion of the total was between 3.8 per cent (Indonesia 1981) and 18 per cent (Switzerland 1974). Canada, West Germany, Ireland, Sweden, France, England and Wales all had female percentages of around 13-16 per cent (for the years 1983 and 1984,

1. Juvenile girls account for much of the increase in female arrests in Japan.

2. In the Netherlands, juveniles are those under 19 years.

3. In Canada, between 1975 and 1981, the total number of females charged increased by 50%, whereas the male increase was 33% (Canada, Ministry of the Solicitor General 1985a:4).

excluding summary offences). In most countries the male-female ratio is 5 to 7 men convicted for every one woman (see Table 2, Appendix B).

A number of countries have reported decreases in the number of convictions for both males and females. Poland and the Netherlands, for example, have reported large decreases in female convictions since the War—a decrease which is partially explained by legislative changes which have decriminalized certain petty offences as well as changes in prosecution practices (Plenska 1980 and Bruinsma *et al.* 1981:25). Norway and New Zealand, on the other hand, claim increases in both male and female convictions; in Norway the increase for women was twice that of men between 1982 and 1983.

(iii) Imprisonment

The proportion of women imprisoned shows a slightly different picture from arrests and convictions. Rarely is the percentage of female prisoners greater than 5 per cent of the total inmate population. Table 3 (Appendix B) presents the most recent available figures for female incarceration in a number of countries. On average, the male-female ratio for inmates is between 19 to 25 men for each woman in custody.

In terms of absolute numbers, many countries report an increase in female and male inmates, although some countries mention increased numbers in alternative measures to custody as well⁴. A few countries, however, note that while female incarcerations have been increasing, male figures have been increasing at an even higher rate (e.g. Finland, England and Wales, France). Other countries (e.g. Spain, Denmark and Scotland) indicate the reverse: a greater increase in the rate of female imprisonment (Council of Europe 1985: 22).

With respect to the length of custodial sentences for female offenders, it appears that, apart from homicide, the longest sentences are given to drug offenders (Biles 1982; Norway, Central Bureau of Statistics 1985; Japan, Ministry of Justice 1985b; Britain, Howard League 1986:4; Jensen 1981:98; Western Australia 1986). While property offenders comprise the largest proportion of

4. For example, Community Service has been introduced in Norway, United Kingdom, Denmark, France and Australia. In addition, the use of suspended sentences with supervision has been extended in West Germany, Italy, France, Sweden, Denmark and Finland (Council of Europe 1985:11).

female offenders, their sentences are relatively short: usually less than three years and frequently only a few months—reflecting, it is claimed, the trivial nature of these offences.

2. Interpretation of Trends in Female Criminality

Probably most readers already know that these figures, while useful for understanding the overall numbers of women within criminal justice systems, reveal very little about whether women are actually participating to a greater extent in crime. This question has sparked some debate within the media, governments and academic circles—a debate which has been hampered by a failure in many cases to keep in mind certain caveats regarding the statistics involved⁵.

In 1976 the United Nations Committee on Crime Prevention and Control made female criminality a priority. Findings from a survey involving 68 nations revealed that the overall rate of crime for the years 1970 to 1975 was approximately 900 offenders per 100,000 population annually and that the offender rate had been increasing steadily by about 2% per year. For the period reviewed, the total increase was about 15% with the overwhelming proportion of the adult offenders being male (at 10 times the rate for females).

In developing countries, the rate of increase for females was 30% higher than for males although men still comprised the larger proportion (12 times that for women). In developed countries, the female rate increased 50% more rapidly

5. Because these caveats are probably well known to most readers, I shall simply list some of the major cautionary observations in this footnote. Statistical analyses present difficulties because of the different levels of sophistication of national data sources and because of different definitions of what constitutes a crime, particularly an indictable offence, in various jurisdictions. These definitions not only vary across jurisdictions but change within jurisdictions from time to time: for example, inflation has altered the kind of theft which is now considered an indictable offence due to the increase in value of the items involved. On top of this, some crime statistics (like the U.C. Reports used by Simon to make her argument) do not distinguish between petty and serious property offences. With respect to female crime statistics, the very small base numbers lead to large and thus misleading rate increases. Also, it is noted that it is important to take account of possible changes in the sex-age composition of the population at risk which is being examined. Finally, changes in recording practices by police and courts affect longitudinal studies. For various criticisms concerning these problems see: Marshall 1982, Miller 1983, Heidensohn 1985, Box and Hale 1983, Einsele 1980.

than that of males, although, once again men were far more numerous than women (Adler 1981:7).

A number of analysts have pointed out that these figures can be misleading, noting that it is important to distinguish between the percentage rate of increase for men and women and the rate of increase per 100,000 population at risk. Each type of calculation serves a different purpose.

Marshall (1982), for example, prefers to use male-female arrest ratios rather than female arrest rates per 100,000 population. She observes that although it may be expected that countries with high female-male arrest ratios also tend to have high female arrest rates (per 100,000), this is not always the case (see her examples (1982:27) concerning Austria versus France, and Japan versus the Netherlands). Mukherjee and Fitzgerald (1981:134) point out that using percentage change as the sole measure of the changing volume of crime is problematic because it cannot be used to compare criminality between the sexes. They suggest instead that standardizing the absolute crime data to sex-specific rates per 100,000 population insures comparability. Thus, they claim, rates and proportions used as two different measures of the volume of and relative participation in crime respectively provide a much more meaningful assessment of the changing character of female crime than do simple percentages.

(i) The Emancipation Hypothesis

Observations of this sort became critical in the debate which emerged over the connection between women's allegedly increasing emancipation and their concomitant increasing involvement in crime. This connection has become known as the "emancipation hypothesis". It has two versions. The first, popularized by Adler (1975), claimed that as women achieve greater social equality they can be expected, as her analyses claimed to show, to participate in increasing numbers in criminal activities. This version of the emancipation hypothesis entailed a subjective element as well as an objective element; that is, it would be women's liberated attitudes as well as role changes which would precipitate them increasingly into crime--even those crimes which had traditionally been thought of as 'male' crimes (e.g. crimes of violence and organized crime).

The second version of the emancipation hypothesis, advanced by Simon (1975), proposed that women would become more involved in crime as their opportunities to commit crime increased as a result of their greater involvement in commercial occupations.

Responses to both these versions of the emancipation hypothesis have been numerous and highly critical. Steffensmeier and Cobb (1981:37), for example, observed that the main support for the hypothesis that sex differences in crime diminish as the social roles of the sexes are equalized comes from statistics (such as those enumerated above) purporting to show a steady increase in the number of women dealt with by the police relative to men. Steffensmeier and his colleagues re-analyzed the American data and by using and comparing men and women's relative contribution to crime on the basis of their rates per 100,000 found that there was little support for either Adler's or Simon's version of the emancipation hypothesis. In their 1978 report, they claimed that they did not detect any female gain over men for 'masculine' crimes, 'male-dominated' crimes, or serious crimes. While it appeared true that female crimes of violence against persons have increased in absolute numbers, they have not increased relatively to the male rate. In addition, females' increased participation in property crimes were isolated in areas of 'non-liberated' activities: i.e. shoplifting, cheque and welfare frauds. Finally, by dating the current upsurge in the women's movement to 1968, they were able to show that any relative gain in female to male property crime was greater before rather than after this date. They concluded that the "...new female criminal is more a social invention than an empirical reality and that the proposed relationship between the women's movement and crime is, indeed, tenuous and even vacuous. Women are typically non-violent, petty property offenders" (1978:580). Similarly, Steffensmeier (1980b:1087) concluded that

[f]emale arrest patterns have changed very little over the past decade and ... whatever changes have occurred appear to be due to changing law enforcement practices, market consumption trends, and the worsening economic position of many females in the United States rather than changing sex-roles or the improved occupational, educational or economic position of women.

In Canada, a similar study (following Steffensmeier's approach) has been undertaken. Fisher (1986) found that there has been no increases in the pattern of females charged between 1962 and 1978. Women continue to be charged with petty property crimes. Fisher observes that rates for women increased during the period studied (particularly in property crimes and violent crimes of robbery), and indeed increased faster than did male rates but for violent crimes against the person there was no rapid rate increase for women since their rates were either matched or exceeded by comparable male rates (Fisher 1986:90)⁶.

A similar analysis of Holland's statistics has also been undertaken by Marshall (1983). Marshall identified what have been called "masculine crimes" (i.e. crimes against life, assault, crimes against public order and authority and vandalism). With respect to crimes against public order and authority, she found no clear pattern for female involvement as their rates tended to fluctuate; male involvement on the other hand doubled in the 20 year period. Vandalism also remained a very 'male' activity in the sense that the female rate actually decreased by 50%. In crimes against life, Marshall found that the gap between male and female rates per 100,000 widened during this period. For example, in 1958, men were 6 times more likely to be arrested for these crimes than women, but in 1977 the odds were 14 to 1. Similarly, for assault, the female rates have been decreasing since 1958 and the male rates have remained fairly stable with the result that the gap between their relative rates per 100,000 population has widened. Looking at property crimes Marshall found that female arrests for all property crimes examined (fraud, embezzlement, simple theft and shoplifting) have gradually increased from 115.9 per 100,000 in 1958 to 182.7 per 100,000 in 1977. Male rates showed some fluctuations during the sixties and began to increase in the seventies. The relative gap between males and females remained fairly stable during 1968 to 1977 with a male-female ratio of 3 to 1. Interestingly, for shoplifting (a traditionally so-called "female" crime), Marshall found that the female arrest rates showed a consistently upward trend but in 1968-1977, male arrests seemed to have increased at about the same rate as female arrests.

6. Johnson (1986:6) reported that in Canada, during the period 1975 to 1984, the rate per 100,000 women has increased but represents a smaller increase than that for men. Furthermore, the growth in the actual number of men charged almost tripled the number of women.

In sum, Marshall concluded that contrary to the predictions of the emancipation hypothesis, the relative gap between male and female arrests for "masculine crimes" in the Netherlands has increased between 1958 and 1977; that is, relatively fewer females were arrested. In property crimes, her findings were more consistent with the emancipation hypothesis. For example, women's contribution to arrests for embezzlement became more important over the years but the absolute rate per 100,000 decreased. At the same time, however, the male rate per 100,000 decreased at an even faster rate thus producing the decreased gap between the sexes' relative contribution to this crime. For fraud, the proportion of females arrested increased during the late 1960s but leveled off during the mid seventies, as was the case for theft. Marshall remarks that in view of the fact that nothing much has changed for women in the Netherlands since the War (i.e. there has been no real emancipation), the predictions of the emancipation hypothesis are largely unwarranted—as her study showed.

In Australia, Challinger (1982:127) analyzed statistics from Victoria and concluded that

... all available material leads to the common conclusion that there is increased female involvement in crime. Nevertheless, the increase is primarily in the area of minor property offences rather than serious criminal acts...Women have clearly not changed their patterns of criminal involvement in recent years; the increase in overall female crime statistics seem only related to the rise of the women's movement insofar as it may have had an impact on the behavior of agents of social control.

In Britain, Box and Hale (1983) analyzed crime statistics from the years 1951 to 1979 and also reported an increase in female property crimes. Their conclusions, however, were similar to other critics of the emancipation hypothesis. They found that the only significant variable associated with female indictable offences and indictable property offences was the male conviction rate for these two crime categories. This they interpreted to mean that social circumstances common to both men and women are more important in accounting for these types of crime than a sex-specific factor such as female liberation. In fact, not one of the four indicators of liberation (i.e. fertility; female

undergraduates plus graduates; female labour force participation; and unattached women) was related to female property crimes. With respect to violent crimes, they had similar findings except there was a correlation between changing sex-composition of the police force. This suggested that much of the apparent increase in female violent crimes is probably a reflection of changing attitudes towards such offenders and how they should be dealt with properly by the criminal justice system. Moreover, while their findings did not support the emancipation hypothesis, they did appear to support the counter-argument: viz. that deteriorating economic conditions, especially unemployment, are causally related to female crime. Like Steffensmeier and Challinger, Box and Hale conclude that the factors which appear related to female conviction rates are the rate of female unemployment and changes in the routine procedures and practices for processing female offenders, which both reflect and are a consequence of the steady employment of women in the police force.

Marshall (1982) also challenged the emancipation hypothesis. She chose to examine the time period before the feminist movement had gained widespread publicity and a broad popular following (1963 to 1970) on the premise that if the emancipation hypothesis is true, then differences in the criminal involvement of women should be correlated with differences in gender roles independent of the political realities of feminism. Looking at 14 developed countries, and using six measures of female participation in the labour force, she found that only one of her measures seemed to support the emancipation hypothesis; that is, in countries where a relatively high proportion of the white collar worker consists of women there is a larger proportional involvement of females in crime than in countries where fewer women are employed in white collar jobs. Nevertheless, inconsistencies appeared: two countries with the highest proportionate female crime (New Zealand and Portugal) have relatively low rankings on the indicators of female economic participation. And the three nations that ranked at the bottom of the scale with respect to female criminality (Denmark, Finland and Japan) ranked relatively high with respect to the measures of female economic involvement. She observes that these findings indicate that it is too simplistic to postulate a straightforward association between female economic participation in society and general female criminal involvement.

Her analysis did, however, show certain correlations for specific types of crime. For example, she found an association (albeit low) between murder and

high economic female participation and low labour force segregation. Female participation in fraud was also associated with female participation in the work force, the strongest predictor being the proportion of women in white collar jobs. Marshall concluded that women's contribution to the OVERALL arrest rate is neither directly proportional to their employment in the commercial work force, nor to the degree in which their jobs are comparable to those of the males in their society. For the specific crime of fraud, however, all six measures of female participation in the work force were correlated. These findings, she claims, are consistent with Simon's opportunity theory of female crime (i.e. "... women are committing those types of crimes that their participation in the labor force provides them with greater opportunities to commit than they have had in the past") but only partially support Adler's "aggressive" variant of the emancipation hypothesis; that is, there was only a slight association for murder and none at all for robbery and burglary.

A recent analysis of 31 countries by Simon and Baxter (1987) failed to find support for the "aggressive" emancipation hypothesis. They did find, however, that the more industrialized the society and the greater the economic opportunities, the higher the female participation in both property and violent crimes, although not at the level anticipated in the mid seventies. Bowker (1981) also failed to find much support for the aggressive emancipation hypothesis. She suggested that an alternative hypothesis might be that women commit crimes out of economic need; her analysis seemed to support this proposition as well as Simon's opportunity hypothesis.

(ii) The 'Dark Figure' of Crime: Unknown Female Criminality

Before summarizing this section it is important to consider the 'dark figure' of female crime. At this point in time it may be amusing to consider Pollack's picture of legions of women who, in the secrecy of their homes, are going about poisoning people—especially husbands and children—but it is nevertheless still not uncommon to read references to this same possibility. Self-report and victimization studies fail to support this notion, although some

studies indicate that there are less differences between the sexes for certain types of crimes (e.g. shoplifting). A self-report study done in the Netherlands in 1972 found that the male-female ratio for crimes was 3.4 to 1: females commit, according to one study, relatively more thefts, particularly shoplifting, than men while men commit more offences such as fraud or joyriding. Similarly, a 1976 study found a male-female ratio of 3 to 2: men commit more diverse crimes than women and more offences on an individual basis. For both sexes, criminality increases up to 17 years and then declines (Bruinsma et al. 1981:27).

In Finland, Anttila (1981:79) claims that women remain on the periphery as 'aiders and abettors' of male crime. (Roca (1979), on the other hand, in her discussion of this point with respect to French law, argues that if women were active as 'behind the scene' accomplices, their presence would show up in official statistics because French law penalizes this kind of involvement as seriously as if one had committed the crime oneself.) Studies done in West Germany also confirm that women commit much fewer and less serious crimes than men (Einsele 1980:5; Gipser n.d.). British and American studies also reach the same conclusions. For example, while Mawby's 1980 Sheffield study did find a narrowing in the sex differences, there was still considerable difference between the sexes. Heidensohn (1985:9-10) summarizes the situation by observing that self-report studies show that most female crime (about 80%) relates to property, fraud or forgery; while more women have been active in crime in recent years, this seems to match overall developments in criminality rather than a distinctive pattern of new 'liberated criminality'.

Generally, there appear to be few grounds for supposing that women secretly commit crimes of a type or, to a lesser degree, at a rate very much different from that indicated by the official statistics. Whether these statistics are biased due to a 'chivalry' factor is another question which will be addressed in the section on "System Responses".

(iii) Summary

What these analyses suggest is that while there has undeniably been an increase in female involvement in crime over recent years, the sometimes large percentage increases are not reliable indicators of women's relative involvement in crime. For some crimes women's crime rates appear to have increased quite dramatically but this is often accompanied by an equally dramatic increase in male crime rates. Thus we find that, depending on the crime being considered, the gap between male and female rates of participation in the crime may have narrowed (indicating a greater involvement of women relative to men over the years studied) or widened. At times, the decreasing gap indicates not that women's participation has notably increased but that male's involvement has decreased. In general—but not universally—it appears that women have become increasingly involved in petty property crimes while their relative participation in violent crimes has remained stable. Thus, the conclusions reached by the Council of Europe in its 1980 report on female criminality in West Germany, Italy and Britain appear to be still largely true today for most countries, viz.:

- 1) engagement of women in crime is much below that of men;
- 2) the large majority of female crime ... concerns non-violent property offences;
- 3) violent female crime occurs mostly in the family; and
- 4) neither the dark figure of crime nor more lenient police or court practices could be used to explain the difference between male and female convictions.

Explanations for this phenomenon vary. The emancipation hypothesis has produced contradictory findings although it seems that it has greater salience in terms of Simon's opportunity interpretation than Adler's aggressive version. Definite conclusions have not yet been reached, however, and it is pointed out that what we may be observing in terms of the increase in female property crimes is not so much a reflection of women's emancipation with respect to their new opportunities in the labour force but an indication of their continuing and, indeed, increasing poverty. This phenomenon has been referred to as the "feminization of poverty" (Davis 1985; see also Kahn (1985) for example, for an

analysis of the British situation; see also Canada, Canadian Advisory Council on the Status of Women (1980) for the picture in Canada; The Report of the Advisory Committee for Women in Prison (1985) for Australia; United Nations, Secretariat (1985) for an international summary).

3. Types of Crimes

In their book, Key Issues in Criminology, Hood and Sparks (1970) emphasized the view that it is important to distinguish between types of crimes and criminals when developing causal theories about criminality. One of the points they presented was that it is also important to distinguish between 'occasional' and 'once-only' offenders on the one hand, and persistent or 'habitual' offenders on the other. This point appears to be particularly relevant to the study of female criminality since women are comparatively more likely to be occasional offenders than are men⁷. Added to this is the noticeable proportional difference between the types of crimes men and women commit. This fact has become a significant feature in many recent theories about female criminality. In this regard, Smart (1977:6) makes a distinction between sex-specific and sex-related laws: sex-specific laws are ones which exclude the members of one sex by legal definition; sex-related offences are those which may be committed by either sex but which in practice appear to be committed more by one sex than by the other. Hiller (1982) argues that a better distinction (one that Smart refers to in passing) would be between (a) offences for which members of one sex are typically prosecuted because the activity in question is presumed to be linked usually to biological differences between males and females (e.g. rape, (male)

7. Heidensohn (1985:19) makes a similar point. Noting Cameron's (1964) distinction between 'subcultural' and 'peripheral' crime, Heidensohn thinks that these categories may be applied to gender differences in criminality: "...on the whole crime is more peripheral to women's lives ... delinquent subcultures, or at least community support for deviance, tend to be both more public and more popular for males than females."

homosexuality and prostitution) and (b) gender-role related offences. These latter offences, Hiller argues, are concerned with social and cultural patterns of expected behaviour or stereotyped roles and imply no necessary or permanent association with members of one particular sex: e.g. shoplifting (women as shoppers), child stealing (women as mothers), etc.

In only a few countries are there any crimes for which only one or the other of the sexes may be charged. Infanticide is still a female crime in all the countries surveyed although the figures for this crime have steadily and dramatically decreased over the decades, to only one or none in recent years in some countries⁸. Prostitution, of course, is legal in most countries but the activities associated with it (e.g. soliciting, living off the avails, keeping a bawdy house, etc.) are generally proscribed or have specific legal limitations. While some countries have made the 'client' also liable to a criminal charge, the fact remains that it is for the most part only the prostitute who is usually charged. Generally, prostitution has been seen as a female activity⁹. While male homosexuality has for many years been proscribed in many countries, female homosexuality has not received the same attention. Legislation concerning abortion varies considerably among nations with the result that seeking an abortion outside of the parameters allowed by law may be a criminal offence and providing or assisting in an abortion may be a criminal offence affecting both men and women, although some jurisdictions have not prosecuted this offence for a number of years (e.g. the Netherlands and Belgium). In some countries (e.g. Italy and Switzerland) failure to provide support to dependents (e.g. children)

8. Some have claimed that the decrease in infanticide is largely due to the legalization of contraceptives and the greater availability of safe and legal abortions (see, for example, Roca 1986; Veillard-Cybulska 1982). Concealment of pregnancy is still on the statute books in Scotland (Dobash *et al.* 1986:95).

9. Although, as Edwards (1984b:5) points out, this corresponds to no biological or cultural rule. Edwards' comments in her *Introduction to Women on Trial* (1984b:10) are insightful: "Whilst the formulation of legislation and the administration of criminal justice are processes influenced by certain assumptions predicated on sex and gender, there is no single unilinear or implacable relationship between the law and sex and gender (see Adams 1979:57). Indeed, from within the various areas of sex-gender division...invariably a different though sometimes mutually exclusive body of knowledge of characteristics of sex and gender is being invoked, often dependent on the legal form of agency in question. Within sex and gender beliefs, provinces of knowledge relating to physical criteria and biological sex do not, for instance, automatically correspond with those concerns relating to gender. Gender differences are frequently and erroneously considered to be inexorably predicated on biological differences, such that common-sense knowledge which relates to sex-genderisms is not necessarily incorporated into the legal reality with consistency or conviction. Inconsistencies within the sex-gender domain of an interpretive nature and inconsistencies with the legal domain render any attempt to theorise the interrelation between the two a misconceived endeavour, since to reduce sex and gender and the law to this level would be to assume that both were intransigent realities, instead of fluid, fragmentary and capricious entities.

is a criminal offence which more commonly affects men given the economic and social structure of these societies. France now has only one law which specifically applies to men: abandoning a wife knowing that she is pregnant. Sexual offences are largely male crimes although many jurisdictions do not specify gender except, as in Canada, when the legislation refers to sexual relations with a minor. Apart from these variations, most countries point out that their Criminal Codes do not distinguish between men and women. In the following pages I shall review the most common types of crimes committed by women.

While crimes against property are by far the most common types of crimes committed by both men and women (generally over two-thirds of all crimes), among women these types of offences comprise a larger proportion of the types of crimes committed than they do among men. In all countries surveyed, convictions of women for minor property offences (theft and embezzlement, forgery, fraud, receiving or handling) range between 70 and 80 per cent of all female convictions, whereas for men the corresponding proportion is about 10 per cent less. Men, on the other hand, commit a greater variety of offences including more serious or 'aggressive' property crimes (e.g. robbery, break and enter, car theft) (see, for example, Britain, the Howard League 1986:4). Women's participation in crimes of violence against the person remains small and stable: less than 10 per cent of female convictions.

A. Property Crimes

(i) Theft: Shoplifting

Shoplifting is an interesting offence because it is customarily thought of as a 'female' crime. This is due to the fact that of all the crimes for which women are arrested and convicted, shoplifting is the most common type of offence. It should not be ignored, however, that men shoplift as much or more than women. Heidensohn (1985:7), for example, refers to a British study done by Buckle and Farrington (1984) in which they found that men are proportionally twice as likely to shoplift as women and that men stole about five times as many items as did women. In addition, men stole goods of considerably greater value. In 1982, there were approximately 32,000 women and 48,000 men convicted by British courts of shoplifting (Heidensohn, loc. cit.). As Ramsay remarks (1984:40),

"[i]t is males rather than females who, in shoplifting as in other forms of crime, pose the greater problem, in terms of the number of offences resulting in convictions in the courts." This is true of France as well (Roca 1979).

Nearly all countries report that shoplifting has been on the increase for women (and possibly for men as well although the comparable figures were not available). For example, the Netherlands had a fourfold increase in the number of women suspected of shoplifting between 1962 and 1975 however women's relative contribution to shoplifting diminished during that period indicating that male participation in shoplifting increased even more dramatically (reflecting perhaps male emancipation? Bruinsma and her colleagues ironically ask: 1981:44, 49; see also Gibbens 1981:106)¹⁰.

(ii) Fraud and forgery

According to Adler and Simon, the women's movement should have produced a noticeable increase in female participation in such white collar crimes as fraud and forgery. While this appears to have happened in many countries, the types of offences involved are more likely to be of a traditional nature entailing cheque or credit card infractions; that is, they are often petty violations consistent with women's role as consumers (as mothers and housewives) and reflecting, it is frequently argued, their impoverished status in most societies, especially if they are single parents or from an ethnic/racial minority or both (cf. American figures quoted by Dobash *et al.* 1986:2 illustrating this point). Some authors claim, on the other hand (see, for example, Jensen 1981:90ff), that increases in female crimes of fraud, forgery and larceny can be linked to drug use (refers to Norwegian statistics). It is also pointed out that the increase in petty frauds and forgeries by women is probably related to the increase in the use of cheque and credit card shopping permitted by stores (Roca 1986); in Japan, for example, where shopping is still based on cash transactions, the increase in these types

10. Leonard (1982:48) in a footnote on shoplifting observes that although women are over-involved in this crime, an estimated 25 women enter department stores for every man, and arrests roughly reflect this same proportion (Peyster, 1960). As Cameron (1967:114) notes, "There are no data yet established to support the belief that shoplifting is particularly characteristic of women beyond the expected numbers implied in the presence as shoppers in places where shoplifting arrests are made." Apart from these observations, there are some who consider female shoplifting to be reflective of some emotional disturbance as well—politically unpopular though this may be (see, for example, Versele n.d.; England, RAP n.d.).

of offences is not as pronounced as in other countries (Japan, Ministry of Justice 1985b).

(iii) Burglary

Some jurisdictions have reported increases in burglary in recent years. For example, in Victoria, Australia, the female rate of increase is greater than that for males, both in terms of absolute numbers and rate per 100,000. It appears that in Victoria, burglaries are often part of a configuration of offences (e.g. possession of drugs, motor vehicle theft, etc.) which could explain the lengthier sentences being imposed as well as the increases in the female prison population. Similarly, Goodman (1980:19) notes that in 1969 the female rate in Britain was about 12 per 100,000 and in 1977 it rose to 16 per 100,000 (an increase of about 40%). For men, the increase was from 373 to 406 per 100,000 (10% increase) during those years.

B. Crimes of Violence against the Person

(i) Homicide and assault

A number of observers in various countries note the link between the "vulnerability of women to violence by their spouses and relatively rare acts of extreme violence committed by women" (Johnson 1986:9). In Canada, six in every ten women charged with homicide between 1975 and 1983 were married or living with the victim at the time of the offence. In contrast, male homicide suspects were more likely to be single, to have a social or business relationship with the victim and to use a gun (rather than some other object such as a knife)

(Johnson loc. cit.)^{11,12}. The New South Wales Task Force reported that 81.2% of the homicides committed by women in the period 1969 to 1981 were of a domestic nature (e.g. spousal murder, child murder) compared to 36% for men. Similarly, referring to the situation in Britain, Edwards (1984a) notes that in 1982 out of 576 cases of homicide, 116 were spousal: 104 husbands killed their wives and 12 wives killed their husbands. In these cases, Edwards argues, it is highly likely that both types of murders represented the last act in a series of wife battering incidents over many years¹³. A study of homicide by women in Japan (Japan, Research Committee for Female Crime 1983) came to a similar conclusion, as is the case in France as well (Roca 1986). In some countries (for example, Finland and the Netherlands) the proportion and number of female offences against the person have been decreasing as a result of, it is hypothesized, the increase in divorce and abortion (Anttila 1981; Marshall 1983:90-93; Bruinsma et al. 1981; see also Japan, Research Committee for Female Crime 1983). It has been observed that women's violent crimes are commonly committed against children or incapacitated men (i.e. men who are either asleep or drunk), or with the help of males

11. Wilson (1985a) cites a study by Schafer (1965) in which it was found that men were three times more likely to attack men than women; but women were more than seven times more likely to attack men than other women. Women are very unlikely to be attacked in comparison to men, but when they do suffer criminal violence, it is men from whom they suffer. She refers (1985b) to a study by Curran (1983) in which it was found that women are sentenced more harshly for violence than for property crimes, relative to male differential in violent/property sentences and asks why a pattern of differential response exists for females different from that of blacks, the other major disadvantaged group in American culture. She suggests that the explanation may be found in the victim-offender relationship. Black violent crime is intra-racial and the "leniency" accorded blacks in this regard is better interpreted as a lack of protection for black victims. In the case of women, however, their victims are most frequently men and children; categories whom this society wants to protect. If, she hypothesizes, women were only assaulting other women, we might see the same pattern of "lenient" societal reaction to their violent offences.

12. In a study by Bunch, Foley and Urbina (1983) it was found that the female violent offenders they researched presented a somewhat different profile from the one described in previous research. She is not as likely to play a supportive role to a male and she tends to plan the crime herself and is likely to commit the offence alone or with another female accomplice. Guns are becoming more common as assault weapons. The authors note that their study is suggestive of change but it is not sufficient evidence of change in violent female offenders. They emphasize that their findings do not support the contention that there is a relationship between a liberated view of women's roles [Adler's hypothesis] and the commission of violent offences by women. The women studied were closer to the general female population in terms of feminine characteristics than they were to women who were involved in atypical careers and demonstrated a relatively large extent of sex-role conformity. They were not as egalitarian or liberated in their attitudes towards women's rights as other female populations.

13. Edwards goes on to point out that the kind of defence available to women who murder their husbands after years of abuse is inadequate and reflects a limited patriarchal understanding of the plight of women in this position. See also Smart's (1986:121-122) analysis of feminism and the law, especially her quotation by MacKinnon (1983:658): "If objectivity is the epistemological stance of which women's sexual objectification is the social process, its imposition the paradigm of power in the male form, then the state will appear most relentless in imposing the male point of view when it comes closest to achieving its highest formal criterion of distanced aperspectivity. When it is most ruthlessly neutral, it will be most male; when it is most blind, it will be most blind to the sex of the standard being applied...Abstract rights will authorize the male experience of the world."

(although it is noted that child abuse is more typically a male than female crime) (see Gora 1982:109).

(ii) Terrorism

It is difficult to find any serious studies of female terrorists, largely owing to their few numbers. Most studies are anecdotal and impressionistic. A common observation about women terrorists is that, unlike other female criminals, they tend to come from more socially advantaged backgrounds. Middendorff and Middendorff (1981) observe that in Germany, the female percentage in terrorism has been much higher than in criminality in general: around half of the terrorists have been women although since 1976 there have been no new female terrorists. In England and Wales women have not played any significant part in terrorism up to the present time (Council of Europe 1985: conclusions). In Italy, a report released by the Public Safety Directorate indicated that about 14.3% of the known terrorists were women, a figure which is just under other reliable estimates of women's involvement in terrorism in that country (Fontanesi 1980:34).

C. Drug Offences

The United Nations Secretariat's Survey (1985) reported that many countries expressed concern about perceived increases in female involvement in drug trafficking, both domestically and on an international scale. In Britain, the authors of the Howard League Report (1986:4) did not find a large proportion of female drug traffickers (one in five women in 1984 had been convicted for unlawful supply of drugs), consistent with the claim that women are not becoming involved in serious 'masculine' types of crimes. They did find, however, that

about two thirds of the women were involved in the illegal importation of drugs by acting as couriers bringing supplies of drugs (usually cannabis) through customs. About half of these women were born outside of the United Kingdom in an African country (frequently Nigeria or Ghana) and many of them serve long sentences of between two to eight years. Similarly, Switzerland reports a high proportion of female drug smugglers from South American countries. In Italy in 1978, the proportion of total female convictions for trafficking was 39.5% whereas for men the corresponding figure was 36.2% (Fontanesi 1980:10). An analysis of the data prompts Fontanesi to comment that persons convicted of trafficking offences tend to be older than those convicted of possession; of all convictions for trafficking, women comprised 15.9% and for possession, 14.4% (the proportion of registered male and female drug addicts is equal).

Nearly all the countries surveyed reported an increase in women who either were convicted of possession of proscribed substances or whose crimes were associated with drug abuse. In prisons, women convicted of drug offences comprise a higher proportion of the female population than do male drug offenders incarcerated for this category of offence. Western Australia, for example, has experienced a fourfold increase in the number of women incarcerated for drug offences between 1980 and 1985, however the study by Walker and Biles (1985) failed to confirm this finding for all of Australia.

The situation in Japan is somewhat different from that of other countries. In 1984, 56 per cent of the first-time female offenders violated the Stimulant Drug Control Act, the fourth year in a row since 1981 in which over half of the women incarcerated were in violation of this Drug Act. However, it appears that the drugs referred to in this Act are not narcotics such as heroin, and cocaine but a type of amphetamine which has become very popular in Japan.

4. A Profile of Female Offenders

The demographic characteristics of female offenders in all the countries surveyed show a strong consistency. With respect to age, women offenders are fairly young. (Prisoners tend to be younger than the general population: in most

states in Australia, for example, about half of the female prisoners are between 18 and 24 years). Overall more than two-thirds of female offenders are below the age of 30 years. While this is also true for men, the corresponding proportion is generally slightly lower in this age range and slightly higher in the range from 30 to 40 years.) Some authorities, however, have observed that for women offenders there appears to be a greater tendency towards "tenacity". Einsele (1980:17) notes that the tendency for the male crime rate to decrease sharply after the age of 50 has no parallel among women. The relatively high crime rate for older women, she claims, has become a marked phenomenon in recent years in the countries she examined (West Germany, Austria and Switzerland). From the statistics collected for this study, this tendency towards tenacity among women offenders may also be true for Japan (1984), Denmark (1984), Finland (Anttila 1981), France (1984), Italy (Fontanesi 1980) and Norway (1983) (Jensen 1981:99) although in some cases the male and female proportional differences in the higher age ranges were not that great. In other countries (e.g. Ireland and some states in Australia) such a pattern did not appear to be evident. As noted above in the discussion of spousal homicide, a number of authors have observed that female murderers are often found to be women who, having experienced years of physical and emotional abuse from their husbands, eventually resort to murder to end their victimization (see Japan, National Institute of Police Science, no date). This phenomenon may in part explain the pattern of tenacity although further research would be required to verify this association.

The level of education among female criminals tends to be below countries' national averages. The majority of women offenders have completed less than three years of each country's equivalence to a secondary level of education. An extremely small proportion of women offenders in every country had any kind of professional training.

Perhaps as a partial consequence of female offenders' low educational status, their participation in paid employment is also very low. Generally between 70 and 80 per cent of female offenders had not been employed at the time of their arrest although some were housewives. The New South Wales Task Force Report (Australia, NSW 1985:49-54) noted that 7 per cent of the women interviewed in its study claimed that either prostitution, drug-dealing or shoplifting were their "work". While this may, in some part, be read ironically, it also reflects a not uncommon finding that women frequently resist the notion

that they are criminals and, especially in the case of prostitutes, see their so-called criminal activities as legitimate work (see below, the section on self-perceptions, infra p.25). Among those women who were conventionally employed at the time of their arrest, the most common types of occupations in every country are secretarial (clerk, typist, word processor), sales clerk, factory worker, waitress and nursing: in other words, the traditional "pink collar" types of occupations.

With respect to female offenders' marital status, about half, more or less in most countries, were not married at the time of their arrest. Possibly because of their youth, it is suggested, a little less than half of female offenders (irrespective of their marital status) have children and most of these are pre-school or primary school age. However, in some jurisdictions the proportion of women inmates with children is much higher. At Rennes in France, for example, three out of four women were mothers (whereas in the general population one out of two are mothers); male prisoners without children are twice as numerous as women. As is the case in Canada, increasing numbers of women are single parents and among female offenders in most countries nearly half of the women with children were in this position. In some countries, as few as 10 per cent or less shared child-care responsibilities with the children's father or a de facto husband. This fact presents particular difficulties within corrections for women, as will be seen below. Moreover, some studies find that a female offender's position with respect to marriage and children can have noticeable effects on her treatment within her country's criminal justice system (see the section on "System Responses").

Very few female offenders live in their own home. Most live in rented accommodation (flats or apartments) and in some jurisdictions the living arrangements for a fair number of women are even more tenuous: e.g. rented rooms, motels, or with friends or relatives. In other cases the women were dependent on public housing accommodation. Social service benefits are one of the major sources of financial support for many women offenders in many countries, occasionally supplemented by part-time work or illegal activities.

One of the more striking features that is often noted in those countries which, like Canada, have a substantial indigenous population, is the fact that native peoples tend to be grossly over-represented within the criminal population at all levels of the criminal justice system. This is certainly true for

female offenders in Australia where in some jurisdictions the disproportional representation of aboriginal women is, like Canada (Johnson 1986:57), even greater than that for male aborigines. In New South Wales (Australia) female aboriginal inmates comprise a small proportion of the prison population; nevertheless, between 1973 and 1981 aboriginal females appear to have been imprisoned at eight to twenty-eight times the rate of non-aboriginal females (aboriginal males have been imprisoned at ten to seventeen the rate of non-aboriginal males) (Gorta 1984; see also NSW Task Force Report 1985:144). In Western Australia, on average, 75% of all women prisoners received into custody are aboriginal or of aboriginal descent. Among female prisoners, 72% of the aboriginal (compared to 38% of non-aboriginal) inmates have served one or more previous terms of imprisonment (42% have served three or more custodial terms while only 6% of the non-aboriginal inmates have served a similar number of prior terms). Fifty per cent of the female aboriginal prisoners and 71 per cent of the non-aboriginals are serving terms of imprisonment for failure to pay fines. (Female aborigines are rarely imprisoned for drug offences.)

In other countries, such as Britain and European countries having a sizable migrant population, one also finds an over-representation of women of foreign birth or descent: for example, in Britain it is estimated that about 35 per cent of the female inmate population are black women (England, Greater London Council Women's Committee n.d.:25). In European countries, foreign women frequently comprise a notable proportion of those who have been arrested for drug-related offences (largely importation of illegal drugs).

As noted in the section on types of female crimes, a number of countries indicate that the proportion of women arrested for drug and alcohol related offences has been increasing in recent years, sometimes faster than for men. Female offenders in all countries are frequently found to have drug or alcohol abuse problems (see Gorta 1986 for an analysis of the relationship between drug use and crime). For example, in New South Wales, 91 per cent of the women interviewed in the Task Force study reported at least daily usage of either drugs or alcohol during the month of the time of their offence; the majority reported long-term habits (over 6 years) and about nine out of every ten women who admitted drug use said their being in gaol was a direct result of drug usage. It appears that in NSW prisons, a higher proportion of women prisoners are in gaol with drug offences as their most serious offence or charge than are

men prisoners (in 1983 the figures were 25.2% and 9.8% respectively, although Gorta (1984) points out that these differences could be overstated due to the fact that a number of male drug offenders could also be held for other more serious crimes). The most common type of drug was heroin. In Victoria, on the other hand, there does not appear to be as large a proportion of women inmates with drug problems: according to Biles' research (1982), 18.8 per cent had a severe drug problem and 10.4 per cent appeared to have a minor problem. In other jurisdictions varying proportions of women are reported to have drug problems. Nevertheless, in all countries according the Council of Europe survey (1980:2), increasing drug and alcohol addiction among women is exceeded by that of men. As will be discussed below, drug addiction is seen to be a major difficulty for correctional systems.

Finally, there appears to be growing evidence that many women -- offenders as well as non-offenders -- have a history of incest or child sexual abuse in their backgrounds. In Canada, the Badgley Report found an association between child sexual abuse and future prostitution. An as yet unpublished study in Canada found that 52 per cent of women in a sample of inmates reported being sexually abused as children and some estimates put the proportion as high as 80 to 85 per cent (see the article by Ann Rauhala, April 4, 1987 in the Toronto Globe and Mail). The New South Wales Task Force Report also refers to Australian and American research which has found a strong relationship between incest and drug-taking as well as child sexual abuse and prostitution (Australia, NSW 1985:53).

In summary, in all countries the profile of female offenders is very similar. There is no evidence that a new breed of "aggressive liberated" female offender is emerging. On the contrary, the typical female offender is much the same as she has been in the past: she is economically and socially disadvantaged, poorly educated, frequently subject to alcohol or drug addiction, and often the victim of neglect and physical and sexual abuse (Johnson 1986:3). She has few solid ties with society either in terms of steady employment or secure living accommodation and is often without a husband although she may have

children to support on her own or with the help of relatives and social security¹⁴.

Before leaving this section, it is interesting to look at how women offenders see themselves. A number of British studies report that women offenders frequently resist the idea that they are criminals. Instead they view their criminal activities as either acts of economic necessity (e.g. to support dependents) or as legitimate behaviour which, as in the case of prostitution for example, is often seen as helpful to society in the sense that it is preventing rape and child sexual abuse. Frequently women see themselves as having been unwitting accomplices in crimes which were basically instigated by husbands or boyfriends. Lastly, of course, terrorists are by their own definitions never criminals but acting for a higher good, as are political protestors of a milder sort (e.g. early Suffragettes, peace advocates and women's liberation activists of more recent years) (Heidensohn 1985:13-30; Edwards 1984b:132, 155).

5. System Responses

One partial explanation of female criminality—particularly with respect to the relatively low figures involved—is the idea that women have traditionally been treated leniently by the police and courts; that is, "chivalry" has influenced the response of key participants in the criminal justice system. In recent years this belief has been questioned and findings from studies in a number of countries suggest that this notion is not warranted or only applies in very limited circumstances.

Two themes have emerged which address the notion of chivalry. The first is that where women do sometimes appear to receive more lenient treatment than men

14. Roca (1986) points out that this profile is in many respects similar to that of men with the exception that male criminals are less often the victims of sexual abuse, have not had the same history of failed marriages and are not as frequently left with dependents to look after.

(for example, in terms of lighter sentences; see the United Nations review 1985:26), this pattern is explained by the fact that women generally have fewer previous convictions and commit less serious crimes than men (Smart 1977:137). Second is the observation that women offenders are commonly viewed to be "doubly deviant"; that is, those women who do not conform to conventional stereotypes of femininity (with respect to language, dress, marital status, motherhood, sexuality, or type of offence, etc.) appear to receive more severe treatment than their more conventional counterparts. They have transgressed not only the law but their 'womanhood' as well (Bruinsma et al. 1981:25).

If one looks at the British figures for 1984, for example, it certainly appears at first glance that women are treated more leniently. Whereas 20 per cent of the male offenders received a sentence of immediate custody, only 6 per cent of the women were sentenced this way; 22 per cent of the women received an absolute or conditional discharge in contrast to 9 per cent of the men; 17 per cent of the women were put on probation and only 7 per cent of the men; fines were about equal (Britain, Home Office 1985a:155).

A study by Farrington and Morris (1983), however, found that when sentencing practices in a magistrates' court were controlled for such variables as seriousness of offence and previous convictions, the apparent leniency in women's sentences disappeared. Moreover, women who were not married (i.e. divorced or separated rather than widowed) or women from a deviant family background (coming from a broken home) received relatively more severe sentences. Similarly, Nagel and her colleagues (1982) found that women whose offences were more consistent with sex role expectations experienced less harsh sentences than women whose offences were less traditional (see also Bruinsma et al. (1981) regarding the Netherlands). In a report on the Scottish system Carlen (1983) observed that sheriffs frequently differentiated between 'good' and 'bad' mothers and used this distinction to resolve their discomfort over the fact that many women cannot afford to pay fines and as a result end up being imprisoned. In a study by Thomas (1970) of a British Court of Appeal, on the other hand, he found that a woman may have her sentence mitigated "for the sake of her children" or by means of the ancient doctrine of marital coercion.

In other jurisdictions, similar conclusions have been reported. Thus Einsele (1980:10-11) refers to studies in the Federal Republic of Germany and Austria which also note the distinction between 'good' and 'bad' women which

produces court sentencing practices that are noticeably harsher for 'bad' women. Gipser (n.d.) also makes similar claims for Switzerland. In Finland, Anttila (1981:79-80) reports that while in the late sixties charges against women appeared to have been dropped at a higher rate than for men, this had changed in the mid seventies and notes that often differences in sentencing practices can be explained by either the seriousness of the offence or the number of prior commitments or both (see also Japan in United Nations 1985:27). The New South Wales Task Force Report also observed that while a higher proportion of women in prison are serving short sentences, this may be explained by the seriousness of their offences. The Task Force members remark, however, that the differences between lengths of sentences for male and female prisoners are not as great as may be expected given the finding that women have committed less serious crimes (Australia, NSW 1985:43). Similarly, the differences in the lengths of sentences for male and female prisoners in other countries such as Denmark, Norway and Ireland are so small that one might wonder if women are being treated more harshly there as well given the relative harmlessness of their offences.

Added to this is the finding in a number of countries that a greater proportion of women than men in prison were sentenced for a single offence and/or were pure first-time offenders (i.e. had no other prior conviction). For example, in New South Wales (1983) 35.9% of the female inmates and 23.9% of the male prisoners had only one offence for which they were sentenced (Australia, NSW 1985:43). In Victoria, 51.9% of the women were pure first-timers and only 7.7% could be described as hard-core recidivists (i.e. having more than one sentence for a serious offence earlier in their careers) (Biles 1982:23).

In Britain, the Home Office reports that on June 30, 1984, nearly 30 per cent of adult females serving custodial sentences (excluding those serving sentences in default of a fine payment) were known to have six or more previous convictions—a much lower rate than that for males (60%) (although it is pointed out that the proportion of females whose previous history was not known was higher). In contrast, however, nearly 20% of adult females were known to have no previous convictions compared to 5% of adult males (Britain, Home Office 1985b:75). On the basis of these figures, the report of the Howard League (1986:4) questions the myth that only hard-core and dangerous female offenders are given custodial sentences. Similar findings have been reported for New South Wales, Australia (Gorta 1984; see also NSW Task Force Report 1985:43). West

Germany, France and Japan report similar figures with up to half of the female population having no prior convictions. In countries such as Ireland and the Netherlands, on the other hand, there appears to be little difference between the proportion of women compared to men serving custodial sentences without a previous conviction (Ireland, Department of Justice 1985:279) (which could mean that women are receiving harsher treatment than men or that both the sexes are benefitting from a sentencing policy which uses imprisonment as a last resort).

Another aspect of women's treatment within criminal justice systems which has been criticized is the practice of remanding women into custody before they have been tried or after trial, before conviction. The United Nations Survey (1985:28) found that one third of the responding countries reported an increase in the number of female offenders awaiting trial in custody; 8.3 per cent reported a decrease; and 22.9 per cent reported stability over the period 1970 to 1982. The Report states that invariably, respondents attributed changes (in either direction) to changes in the incidence of female criminality and particularly to specific offences (e.g. the increase was reported to be principally a result of an increase in narcotics violations in Switzerland).

In Britain a study by Pearson (1976) found that single mothers were more likely than other categories of female offenders to be remanded for psychiatric reports even though their crimes were mainly trivial thefts and forgeries. Heidensohn (1985:44-46) notes that this practice could arise from a type of protectiveness towards women in the sense that the courts appear to believe they are acting in the best interest of the women remanded. In a study by Dell (1971) it was observed that many of the women appeared to have been remanded into custody for medical reports, arising from concern about their mental or physical states. It is as if a woman's presence in court is relatively so rare and regarded as so incongruous that it inevitably raises questions about her mental health (Heidensohn loc. cit.).

In terms of the actual proportions of women remanded into custody, a number of countries' statistics indicate over-representation of women in this situation. The New South Wales Task Force Report found that 30.8% of female inmates were in prison on remand as opposed to 14.6% of the male inmates (Australia, NSW

1985:42)¹⁵. Many of these women are either not convicted or ultimately received a non-custodial sentence. Similar observations have been made in other jurisdictions. In Britain, the authors of the Howard League Report (1986:3-4) observed that in 1984 nearly one-quarter of the female inmates in England and Wales were either untried or awaiting convictions (16 per cent had not come to trial); only about a third of the female inmates ultimately received a custodial sentence. Gibbens (1981:112) remarked that it has been estimated, using the criteria for granting bail developed by the Vera Institute in the United States (e.g. having a job, accommodation, not being aggressively dangerous, unlikely to abscond) that about two-thirds of the female remand cases could have been bailed (see also England, RAP n.d.). Heidensohn (1985:62) reports that remands have been increasing for women who do not receive a custodial sentence. A similar picture pertains to France (Faugeron 1982) where in 1970, about 46 per cent of the female inmates were remand prisoners whereas in 1980 the proportion was 55.2 per cent; for men the corresponding figures were 34.5 per cent in 1970 and 39 per cent in 1980. In West Germany, Einsele (1980) reports that in 1976, 38 per cent of the female inmates compared to 28 per cent of the male inmates were in custody on remand. From the figures provided for this report, there did not appear to be any discernible pattern between male and female rates of detention on remand; in some instances (e.g. Ireland, Denmark) the rates for both sexes appeared to be fairly matched over the period 1970 to 1981, whereas in Norway and Spain, for example, there appeared to be a higher proportion of male remand prisoners than female.

In Britain, cautioning is another contentious aspect of the treatment of women¹⁶. According to official statistics, in 1984 (as in earlier years) the overall cautioning rate for indictable offences was higher for females (35%) than for males (20%) (Britain, Home Office 1985a:73ff). The Howard League Report (1986:3) notes that when the type of offence is held constant, this pattern remains the same. In cases of theft and handling, for example, 30 per cent of males were cautioned in 1984, in contrast to 40 per cent of females. The authors

15. Gorta (1984) points out that a higher proportion of unconvicted women in gaol could reflect any of the following possibilities: a higher proportion of unconvicted women received into custody; women remain in gaol for longer periods before they are sentenced; or sentenced women serve shorter sentences than men.

16. Cautioning is an alternative to prosecution in court, when a suspected person admits guilt and is given an oral caution by, or on the instructions of, a senior police officer.

of the Howard League Report go on to point out, however, that a degree of caution is required in interpreting these figures. In 1984, for example, over three quarters (77 per cent) of females found guilty by the courts or cautioned by the police had committed offences of theft and handling stolen goods in comparison to less than half (49 per cent) of the male population. Women were notably under-represented in what are generally regarded as the more serious categories of offence. Although they represented 16 per cent of the total population found guilty or cautioned, they constituted only 3 per cent of burglary offences, 9 per cent of violence, and 1 per cent of robbery (*Ibid.*:4).

The authors conclude that although the research evidence is limited and controversial with respect to whether women are receiving more lenient treatment by the police and the courts, "...[i]t is difficult to reconcile a view of a chivalrous criminal justice system with the evidence that between 1979 and 1984 there was a decrease of about 3 per cent in the numbers of adult women sentenced by the courts, yet an increase of 50 per cent in the numbers receiving immediate custody." (see also Faugeron 1982). Similarly, the United Nations Survey (1985:27) reported that

While females were accorded preferential treatment and special handling in many cases, in others they were subject to harsher measures. Of particular interest, however, is the fact that notions of chivalry are sustained despite evidence that females receive harsher treatment. While the international data set clearly indicates a clear trend towards the imprisonment of women (40 per cent reporting increases), these data seem somewhat at odds with statements about leniency or preferential treatment of female offenders at different stages of criminal justice processing (e.g. that women are rarely imprisoned).

The picture that emerges from these figures and studies is that often in many countries women suspects and offenders are not receiving more lenient treatment than men. In Biles' report on future trends for female prison populations in Victoria (1982), he comments that among the major factors which determine the size of prison populations is the capacity of the prisons themselves as well as fluctuations in the attitudes of the judiciary towards imprisonment. It is possible that one of the reasons that women appear to be receiving harsher sentences than men is simply due to the fact that there are fewer of them and as a result the courts are not faced with the same problem of overcrowding as with men (see Faugeron 1982). Another factor may be the number of alternative programs for imprisonment available. While many countries have

been developing and expanding alternatives such Community Service, periodic detention and restitution programs, these alternatives are not universally available (cf. Biles 1982:18). The use of fines for women is also problematic since women frequently do not have the financial resources to pay them. In this regard, it has been observed that women's prisons are often debtors prisons in the sense that an unacceptably high proportion of inmates (about 40% in Britain and Canada for example) are there for default of fine payments (see Britain, Home Office 1985b:90; England, Howard League 1986:4; Dobash *et al.* 1986:2; Johnson 1986:38).

A number of researchers have commented that women in prison are more likely to be persistent offenders rather than dangerous (Carlen 1983). In all the countries surveyed this certainly appears to be true: between 60 and 80 per cent of all female inmates have been convicted of petty property crimes or public order offences (e.g. vagrancy, drunkenness, prostitution) in contrast to 4 to 16 per cent of female offenders convicted of crimes of violence (compared to around 25 per cent or more for men). Even the idea that female inmates are persistent offenders is, so far as the above figures suggest, a relative concept since they do not appear to be as persistent as men.

Heidensohn (*op. cit.*) claims that an apparently benevolent aspect of sentencing policy can have a harsh impact on women. The individualization approach (whereby criminality is located in the individual offender requiring that she be treated or 'cured') is more likely to be applied to women than men. This is because women are seen to be 'doubly deviant'. This policy, it is noted, dovetails neatly with a view of women as less stable, more prone to nervous disorders, more immature than are men—a view which has received much criticism in recent years¹⁷. Furthermore, women have also, at least in the past, been viewed to be more amenable to rehabilitation (given their supposed more malleable and receptive natures) which in turn, it is claimed, has resulted in longer indeterminate sentences so that they may fully benefit from the rehabilitative process (Faugeron 1982). It is not surprising that a number of writers

17. Many readers will undoubtedly be familiar with the now famous study by Broverman *et al.* (1970) in which, according to professional psychologists, psychiatrists and social worker, the characteristics of mature adult males and mature adults (gender unspecified) were basically the same whereas the characteristics accorded to adult females were noticeably different and generally more socially undesirable (e.g. immature and unstable). Smart (1976:148-149) comments "[t]hus it seems that to be a healthy woman the individual must be a 'sick' adult and to be a healthy adult she must be a 'sick' woman—no wonder that women fit so easily into the sick analogy!"

have criticized the inherent paternalism in these policies and practices (Adler 1981:4; Nagel and Weitzman 1971; Moulds 1980; Sargent 1984; Clark 1979).

Finally, as suggested previously, we may now be witnessing a number of changes in countries' criminal justice systems' responses which may account for the seeming increases in female crime figures. Steffensmeier (1980a) lists some of these changes:

- (i) attitudinal changes brought about either by the changing sex-roles or the greater attention given by the media to female crime, may result in more willingness to shift from being sympathetic and protective to being harsh and punitive;
- (ii) the political move towards equality between the sexes, partly as a consequence of pressure mounted by the Women's Movement, may have been extended to the official processing of offenders so that their sex becomes a less relevant factor than it was previously;
- (iii) the trend towards professionalism and bureaucratisation of the police may result in more consistent application of universalistic criteria;
- (iv) changes in the way crimes are categorized may increase the female conviction rate--for instance, Rans (1978) argues that until quite recently the police did not record crime by a female if she was merely an accomplice to a male offender, but this particular act of "chivalry" has now changed, thus producing the illusion of reduced sex-differentials in criminal behaviour; and finally,
- (v) there may have been changes in crimes to which the police and public pay particular attention, and some of these may be sex-related crimes--if they pay LESS attention to public drunkenness then the sex-differential decreases, and if they pay more attention to shoplifting ... then the sex-differential decreases.

In some countries this appears to be happening. For example, it seems true that concern about drugs has replaced concern about alcohol which is reflected in higher rates of convictions and imprisonment for drug (and drug-related) offences for both women and men in some countries (apart from impaired driving which has been associated with higher rates of female convictions in some jurisdictions owing to an increase in the number of women drivers as well as an increase in the numbers of women consuming alcohol) (see, for example, Anttila 1981).

Despite these observations some authors have maintained that "...the differences between male and female crime rates are so gross that there can be no doubt that the main reason is that there are more laws against the kinds of

things men and boys do than against the kinds of things women and girls do." (McIntosh 1978:257 in Heidensohn 1985:33; see also Gipser no date). This view raises again the question of whether changes in the gender socialization of boys and girls will result in changes in their rates of criminality¹⁸. This issue is reviewed in the next section.

Along with the foregoing observations, there is one more question which should be examined. A number of references have been made to the changing sex-composition of police forces and members of the courts. The traditional nature of these agencies—comprised almost entirely of men, and, on the bench, white (in many countries), middle-aged, middle-class men at that—has lead a number of authors to suspect the biases arising from sex stereotypes held by these men (see, for example, Heidensohn 1985:38; New Jersey, Task Force Report 1983). Whether increasing proportions of women within these agencies will affect women for the better or worse is difficult to determine at this point¹⁹. As we saw above, the studies by Box and Hale, Steffensmeier and Challinger seem to suggest that increasing employment of women in police forces is associated with increasing female criminality. Some studies have shown that female magistrates in England are tougher than male magistrates in the sentencing of female offenders (Farrington and Morris 1983; Dominelli 1983).

There is some suggestion that the effect of gender is mediated by political beliefs and attitudes towards feminism (Cook 1979). Thus, if the women involved subscribe to what may be called essentially traditional patriarchal attitudes (as might be expected of women within police forces) then perhaps there may be little reason to expect their behaviour towards female suspects to be any different from that of conventional male responses (cf. Faugeron and Rivero 1982; see also Gora's (1982) analysis of American female delinquency). Further research may reveal the direction of future trends.

18. Alternatively, this observation has lead to a more curious interpretation in which the "anti-social" activities of women (such as lying, quibbling, lesbian love, etc.) may become candidates for behaviour proscribed by Criminal Codes (see, for example, Mannheim 1974:832 quoted in Gipser, no date).

19. The United Nations Survey (1985) found that there generally has been an increased involvement of women in the criminal justice field. The greatest change occurred (in the period 1970-1982) in the law enforcement area: 35.2% of the responding countries reported an increase in females employed in this area. In addition, 29.6% reported an increase in the employment of women in prison systems. One country in five reported an increase in the number of women employed in prosecution.

The comments by Edwards (1984a:9; see also Edwards 1984b) summarize the essential point in all of these studies. She notes that at times women may be seen to have received greater leniency within the criminal justice system than have men; at other times women appear to receive harsher treatment. What is interesting about all of this, she notes, is the fact that whether or not women receive lenient treatment appears to be mediated through the attitudes of key actors within the criminal justice system (police and judges). Thus factors such as whether the woman is a mother, a good mother, conforms to conventional sexual roles, commits 'typically female crimes', etc.—i.e. stereotypical notions about women and femininity—all appear to have a strong impact upon the kind of response given to women. Edwards argues that the critical point about this is that men are not similarly subject to such considerations, or at least not to the same degree (see also Chesney-Lind 1984:20-21). In her book, Women on Trial, Edwards (1984b) shows how both the formal and informal workings of the law and criminal justice system are predicated on an assumed equivalence between gender and sex and how this confusion consistently reinforces unexamined stereotypes about women in conflict with the law.

In a similar vein, Worrall (1981) observes that the stages in the criminal justice system through which male and female offenders pass are basically the same regardless of sex, but the ways of negotiating escape routes are different and depend on the fundamental incongruity which is felt when a woman enters the criminal justice system—an incongruity not felt when a man enters it. This fundamental incongruity, she argues, may be seen to advantage women, but its essential point is that it serves to define the parameters of negotiation in a restrictive fashion and causes breaches of those parameters to be severely penalized. For a woman, in order to maintain incongruity, it is necessary at each stage of the process for her to argue convincingly that she is "out of place", that she should not be here but elsewhere. What is being invoked in this process are conventional notions about women and femininity with the result that women are more likely than men to be processed according to an assessment of their personal circumstances, rather than their offence (see also Faugeron 1982

and Faugeron and Rivero 1982 for their account of similar dynamics at work with respect to conditional release from prison in France)²⁰.

20. Worrall's study of the role of social enquiry reports (SER's: i.e. pre-sentence reports) in the sentencing of women (England: South Yorkshire Probation Service) found that for women who received recommendations for probation, their offences (primarily welfare fraud, shoplifting or soliciting) were construed to have been motivated by a desire to fulfil a socially acceptable role as a 'good mother', 'supportive daughter', etc. In contrast, the SER's of women with similar offences who were recommended for custody were seen to be motivated by a desire for personal gain and their roles as caretakers were referred to only incidentally. In addition, Worrall found that recommendations for probation appeared to be made in SER's which sought to reduce the culpability of women by arguing that they were in "need of care" with the result, she claims, that women tend to be criminalized to a greater extent than the trivial nature of many of their offences warrants.

II - Other Explanations of Female Criminality

1. Further analyses of the emancipation hypothesis

So far we have looked at one theory of female criminality: the emancipation hypothesis attempted to explain alleged changes in the nature and prevalence of female crime. As indicated, there have been numerous criticisms of this hypothesis directed towards both the manipulation of the dependent variable (female crime) as well as the construction of the independent variables (indices of female liberation). In the foregoing section we saw that criticisms of the manipulation of the dependent variable lead to many analysts' conclusion that while there is little disagreement at this point about the fact that selected property crimes have been increasing among women, this increase has not been in the terms predicted by the emancipation hypothesis (Miller 1983:59). In addition to this, a number of analysts have criticized the construction of the independent variables. As already noted, the emancipation hypothesis has two versions: Simon's opportunity theory, and Adler's more subjective ("aggressive") perspective.

Miller (1983), for example, observes that the emancipation hypothesis is unfounded because women who have entered the work force in recent years have taken jobs which, for the most part, are "women's jobs" (i.e. service workers, clerks, typists, salespeople). Women are not in positions where they can commit serious property crimes in the course of their work (see also Smart 1986). Like the analysts reviewed above, Miller also notes that the so-called white-collar crimes now being committed by women turn out to be, on closer inspection, petty street offences: e.g. credit card frauds, shoplifting, cheque forgery, etc. She also points out that the greatest rise in property crime among women has occurred among those women who, because of their youth, have little or no acquaintance with the world of work (*Ibid.*:60) (although Gora (1982:109) argues that this phenomenon might be explained by differential socialization in the sense that sex roles are, for the individual, most fluid in youth but by adulthood the individual has a firm notion of his own "femininity" or "masculinity" and to abrogate it is difficult; in contrast, the juvenile is more likely to experiment with sex-role-inappropriate behaviour to learn the consequences of violating the norms).

With respect to Adler's subjective explanation (i.e. attitudinal changes associated with the women's movement), Miller argues that if this approach were valid, one would expect a rise in the violent offences committed by women to parallel the rise in property crimes. As we have seen, this has not appeared to have happened although, as Simon and Baxter (1987) point out, there is a need for further research on this relationship. Using the American FBI data, Miller observes that although these reports indicate the period 1966-67 as the point at which the rate for selected property crimes begins and continues to increase, other research indicates that the change in women's sex-role attitudes towards a more egalitarian stance has been rather gradual and that, in fact, most American women were not even exposed to the contemporary women's movement until the end of the 1960s or early 1970s. Rather, both the movement and the increase in the property crime rate of women would appear to occur almost simultaneously. It is not unreasonable, Miller argues, to suggest that both might be the result of some prior shift in socioeconomic conditions (loc. cit.).

Figueira-McDonough (1984) reconsiders the emancipation hypothesis with a view to combining the opportunity perspective with subjective factors associated with women's liberation. This study is reviewed in detail because, although it is based on a sample of juveniles, it has implications for female corrections. Figueira-McDonough begins by pointing out that the emancipation hypothesis could proceed in one of two directions: following Durkheim, it could mean that an increase in criminal behaviour among women could be the result of a state of normlessness brought on by shifting attitudes concerning gender-roles and/or from a sudden expansion in the range of accessible positions available to women. On the other hand, using a more Mertonian approach, identification with the goals of the women's movement could produce a higher incidence of innovative and rebellious adaptations as a result of pressures to fulfil heightened expectations (1984:326)²¹. In her 1984 study, Figueira-McDonough chose to examine the

21. It is interesting to consider these perspectives in the light of the Japanese situation. Using statistics from the seventies, Sato (1981) notes that the increase in female offenders (in spite of the decrease in male offenders) is sometimes attributed to the changes in the status of Japanese women. The theory goes that Japan's period of rapid economic growth propelled women into society too suddenly, causing tensions and dislocations for which neither they nor society were prepared. Sato observes that a breakdown of the types of crimes committed by women shows that the overwhelming majority of crimes are theft. Approximately 80% of thefts committed by women are shoplifting, and offenders in this category are again about 80% housewives, students, and others without regular employment. Over 40% of the women arrested for theft are middle-aged or over. The rise in female crime may be a symptom, he claims, of the frustration of women with their marriage, family, and society. See also Japan, National Institute of Police Science n.d.

second, Mertonian explanation, viz.: that a feminist orientation, by raising aspirations, increases the probability of deviant adaptations.

Her study of male and female American high school students tested three hypotheses:

- (1) The "equal opportunity" hypothesis: a high level of feminist aspirations (e.g. gender-equalitarian) will press women towards a greater involvement in the male's sphere of activities, both legitimate and illegitimate (Adler, 1975; Simon, 1975).
- (2) The frustration hypothesis: a high level of feminist aspirations under conditions of lagging opportunities will lead to a greater involvement of women in illegitimate behaviour (Austin, 1983; Stinchcombe, 1964).
- (3) The competitive hypothesis: a high level of feminist aspirations will lead females to high levels of legitimate activity to compete with males for available legitimate opportunities (Kohn and Wolpe, 1978).

The findings from this study lead Figueira-McDonough to make a number of observations: different dimensions of feminist orientation predict different types of aspirations; the same dimension of feminine orientation regarding self-concepts about aggressiveness and success can produce different types of aspirations which in turn predict distinct behaviour; and the same type of conventional aspiration with respect to raising a family and going to college can produce both conforming and deviant behaviour. Figueira-McDonough notes that these results show how misleading it can be to assume uni-dimensionality in feminist orientation to predict both aspirations and behaviour. In short, she concludes that whatever impact feminism has on aspirations and behaviour, it is certainly far more complex and diversified than the one suggested by the original emancipation hypothesis.

Among her results, Figueira-McDonough found that low involvement in delinquency arises from lack of opportunities (limited social life) as well as inner commitment to conventional goals. Girls with a more feminist view of family roles are, on the average less involved in delinquency than girls supporting more traditional roles. Her findings, she claims, best support a subcultural deprivation explanation of delinquency: i.e. lower-class position depresses aspirations leading to lower school performance and high social activity which strongly predict delinquency. The contribution of feminist orientation to this predominant explanatory path is minimal. There is, according to her analysis,

only a very weak and partial link between feminist orientation and delinquency; that is, only 'feminist self-concept' was found to have a very modest positive effect on delinquency.

With respect to the three hypotheses enumerated above, Figueira-McDonough concludes that her analysis provides limited confirmation only for the competitive hypothesis. It was found that girls with high feminist orientation in all three aspects of this variable (i.e. public, covering attitudes towards equal gender opportunity in work and public leadership; private, including attitudes towards family division of labour and conflict between mother and work role; and self, including self-concepts regarding aggressiveness and success) tend to have higher career aspirations, to perform better in school and be less involved in sex. On the other hand, girls who indicated only the aggressive and success-oriented self-concept behaved, depending on certain circumstances, as predicted by the frustration or the equal opportunity hypotheses. Figueira-McDonough also found that the presence of material aspirations increases the likelihood of involvement in delinquent behaviour (frustration), while conventional aspirations and lack of school involvement tend to produce both delinquent and conformist behaviour (equal opportunity).

In sum, Figueira-McDonough remarks that the influence of feminist orientation on illegitimate behaviour is far more complex, less linear, and much more tenuous than suggested by some criminologists (for example, Simon and Austin). These authors, she observes, use surrogate indicators of feminism (e.g. labour force participation) and of criminal behaviour (criminal statistics) rather than operationalizing the actual terms of the emancipation proposition²². Overall, according to her analysis, the net effect on behaviour of a feminist orientation is clearly positive and the detrimental effects (in terms of delinquency) very small. From this Figueira-McDonough argues that since the benefits from the

22. Adler (1979:413), after considering the Polish data for female crime, asks 'could it be that there is a major difference between vocational liberation and psychological liberation?' (see Plenska 1980). Box and Hale (1983:40) note that some writers have argued that the emancipation hypothesis refers to a sub-population of women who are actually liberated (Cullen *et al.* 1979; Giordano and Cernkovich 1979; James and Thornton 1980; Leventhal 1979; Thornton and James 1979; Widom 1979, 1981). Box and Hale claim that the results of these studies are contradictory and do not show clear evidence that liberated women commit more crimes than their conventional sisters. But, they point out, as these studies are cross-sectional analyses conducted very recently, they have only marginal relevance to the problem of explaining the changing pattern and rate of female crime over time.

adoption of pro-feminist attitudes appear to outweigh the costs, accepting the costs can be considered tolerable as the equality among the sexes proceeds. She also suggests that instead of discouraging girls' aggressive and success-oriented self-concepts, the ill effects associated with these factors could best be handled through improvement in school performance and reinforcement of career or conventional aspirations.

Before considering other types of theories about female crime, it is perhaps worth noting a couple of more comments that have been made about the emancipation hypothesis. In their analysis of the emancipation hypothesis in the Netherlands, Bruinsma and her colleagues (1981:54) note that apart from their findings that the hypothesis is not supported by their research, there is a further point of principle they would like to make, *viz.*: "Criminal behavior can never be an indicator of autonomous behavior. It would be better to reverse this hypothesis and state that a decrease in their crime rate is an indicator of the emancipation of men" (emphasis in the original; see also Leonard 1982:10-11; Council of Europe 1985: conclusions). It has also been noted (see, for example, Heidensohn 1985:95ff and Chesney-Lind 1984) that the pattern of associating women's emancipation with monstrous results is a very old response indeed. Whenever women have been seen to step out of their allotted place they have been viewed as insane or witches, whores and so on and that such a characterization has performed the ideological function of continuing oppression and perpetuating the status quo (see, for example, Morris and Gelsthorpe 1981b).

2. Other Perspectives

The emancipation hypothesis was originally proposed as an attempt to explain alleged changes and increases in female criminality. Other theories about female criminality approach the issue from the other end: that is, they have tried to explain why there has been and still is so little female crime. Since there are many reviews of the major traditional theories concerning female criminality with which the reader is probably already familiar, I will simply outline the principal themes and criticisms of these theories²³. The reason for this brief review is to show how these theories have been examined by writers in

23. See, for example, Smart 1977; Bruinsma *et al.* 1981; Gora 1982; Datesman and Scarpitti 1980; Chesney-Lind 1984; Leonard 1982; Price and Sokoloff 1982; Heidensohn 1985; Mandaraka-Sheppard 1986.

some of the countries surveyed in this report. In addition, their analyses anticipates the reasons for and, in some instances, partially explains some of the current correctional practices in various jurisdictions.

(i) Biological and psychological theories

As the reader is already familiar with the theories of Lombroso, Ferrero, Pollack, Thomas, Kingsley Davis and Freud, I shall briefly review what has been called the "legacy of sexism" (Klein 1980:96)²⁴. Writers such as Konopka (1966), Vedder and Somerville (1970) and Cowie, Cowie and Slater (1968) have been criticized for locating girls' delinquency in their inherent emotional and psychological differences from boys (Klein *loc. cit.*). It is interesting to note that some feminists today might possibly agree with some of the observations made by Konopka, for example, but instead of viewing girls' loneliness and sense of isolation as inherent factors, would see them as a consequence of the socialization of girls into their 'proper' gender roles (see below, "Role theory").

A number of writers have observed that the biological explanation of female criminality is reappearing in the context of premenstrual tension (PMT) arguments²⁵. Despite the fact that there is no medical science consensus about PMT, there have recently been a number of cases in which PMT has been used as a defence argument in female suspects' trials (The influence of hormonal imbalance has always been an implicit assumption in the crime of infanticide thereby making it ineligible for a reduced charge of manslaughter due to diminished responsibility). Edwards (1984b), reviewing the history and use of the hormonal imbalance arguments characteristic of PMT cases in a number of jurisdictions, observes that it typically appears to be successful only when the crime committed is of a particularly violent nature and the mode of violence out of character or untypical of appropriate female behaviour. It is, she claims, consistent with other policies and practices in the administration of justice which, particularly with respect to women, depoliticize social problems by making them personal or intractably biological (see also Luckhaus 1985). Smart (1977:111-112) describes the situation this way:

24. In his analysis, Austin (1981:373) suggests that evidence to support the emancipation argument would help blunt the biological interpretation of female criminality.

25. The hormonal imbalance hypothesis has arisen in the context of infanticide, kleptomania associated with menopausal women and crime committed when the woman is considered to have been suffering from premenstrual tension. Roca (1979), Edwards (1984b) and Smart (1976), amongst others, point out that problems associated with these periods of women's hormonal cycles should more properly be viewed as cultural; for example, in Japan there has not been a history of problems associated with menopause (Roca 1979). See as well the article by Judith Creighton in the *Toronto Star* (June 6, 1987), "Research dispels menopause myths".

In advanced industrialized societies there tends to be an a priori assumption that women are irrational, compulsive and slightly neurotic. Criminological theories of female criminality have reflected this predominant paradigm, often using unfounded assumptions about the 'true' nature of women as proof of their assertions and explanations of female behaviour. In turn such theories have influenced general conceptions of the female offender and possibly the offender's perception of herself or at least the type of accounts she may offer as explanations of her behaviour. This may then serve as a reinforcement of existing a priori assumptions about the nature of female criminality. Such theories may therefore be influential in modifying common-sense perceptions of female offenders or they may merely reinforce existing attitudes and comprehensions; in either case the influence of theories of female criminality is of a potentially political and practical nature requiring consideration and examination in all areas of the treatment of female offenders by the legal and penal systems.

It is interesting to note that a new approach in psychology, notably feminist psychology, looks at women's psychological issues in a structural context rather than as strictly personal problems. Depression, for example, is viewed as an 'illness' which, while clinically experienced as a personal problem, has become feminized owing to structural and cultural factors characteristic of patriarchal societies. This perspective is similar to critical analyses of official and unofficial responses to crime which pathologize female criminality and to criticisms of the notion that mental illness for women represents an equivalent or alternative form of behaviour to criminality.

Smart (op. cit.) observes that many assumptions are involved. Firstly, she asks whether women do, in fact, suffer more from mental illness and whether official statistics concerning mental illness in the general population give a true reflection of the population (or do they merely reflect cultural stereotypes?). From her analysis of American and British statistics she concludes that the figures may partially be explained by the "masculine health ethos" as well as the cultural and socioeconomic roles of women. Einsele (1980) asks similar questions about the situation in West Germany; that is, whether women use other forms of deviance such as drug and alcohol addiction and mental illness to functionally replace criminality. She observes that in West Germany, while female figures for alcoholism are increasing, they are still low relative to male figures. Female addiction to proscribed drugs is also increasing, but it is still well below that for males. Women's addiction to prescribed medicines is greater than men's. With respect to mental illness, Einsele reports that the

figures show that women appear to experience greater somatic and mental illness than men but she also notes that women are under great stress due to their social position (e.g. dual role of mother and worker, lower incomes, etc.)²⁶. Overall, Einsele concludes that the figures for alcohol and drug addiction, as well as mental illness among women, do not confirm the hypothesis that these figures quantitatively balance the low female crime rate.

With respect to the 'functional alternative' hypothesis, Smart points out that it is based on the view that differential opportunity structures and socialization processes will lead men and women to dissimilar actions when faced with similar problems or situations. It is argued that the normative restraints experienced by women orient them towards being non-aggressive, caring, unambitious and so on and therefore there is a tendency for women to become introverted and self-destructive if they deviate whereas the socialization of men encourages them to be aggressive and out-going with the result that they are likely to become violent or anti-social in a criminal fashion if they deviate.

What this reasoning ignores, says Smart, is the fact that not all members of society accept uncritically their socially assigned gender roles. Moreover, women who do turn to crime and men who suffer from mental illness represent a considerable problem for such an analysis. Secondly, it assumes that the social meaning of different forms of deviance is of no consequence. Becoming neurotic, for example, is a qualitatively different act from robbing or assaulting someone and has a different meaning and consequence for both the actor and others. Thus, she states that criminality and mental illness cannot be said to have a common cause, cannot be said to be merely different modes of expression which are appropriate to the different sexes. The assumption within the 'functional equivalence' hypothesis is that the specific form of deviance is virtually meaningless; what is significant, Smart claims, is the function or need it fulfils. By treating mental illness as the appropriate form of deviance for women and by reducing the significance of the social meanings of different forms of deviance, this hypothesis ultimately treats female criminality as an outcome of mental instability. But, Smart argues, this outcome is not inevitable. Only if mental illness is assumed to be irrational and illogical behaviour can criminality, by association, be treated similarly. If mental illness is perceived of as rational, meaningful behaviour, then mental illness and criminal

26. Wilson (1985b) observes that as the number of women who are single parents expands, women are increasingly undertaking a triple role: she is both mother and father as well as a worker (see also Roca 1986).

behaviour need not be seen as functional equivalents but as categories of action which are explicable in terms of the meaning and intentions of the actor. Smart points out that she is not disputing that the structure of society may present men with more opportunity and predisposition to become criminal and women with more opportunities and predisposition to become mentally ill. What is disputed she claims is that opportunities and predispositions are inherent in the nature of men and women²⁷.

Smart goes on to examine how mental illness has been successfully ascribed to women in Anglo-American culture. She argues that women's role as passive caretaker has led to the treatment of female criminality as 'sick'. Wilson (1985b) claims this response to women deviants can be evaluated as a reaction shaped to return these women to useful service in the domestic sphere. She notes how traditionally the criminal justice system has been reluctant to imprison a woman if she has young children for whom she is providing care, or even if she is performing domestic duties for a husband or relatives, as well as the fact that women's corrections have placed a strong emphasis on woman's domestic work as a reformative tool. She points out, however, that the mental health establishment is a much better agent than the criminal justice system for this purpose. A societal response that diverts women from work in the political and social economy and reserves them for domestic labour is much more appropriate to the needs of patriarchy than is a punishment response. Thus, she contends, if deviant women are more frequently assigned to the mental health system for social control than to the criminal justice system, it is perhaps because of the superior ability of the mental health system to "re-tool" worn-out or rebellious domestic workers: women's work determines societal response²⁸.

Procek (1980) elaborates on this point, noting that woman's location as domestic worker within the family is of critical importance to the ways in which her behaviour is defined by others as well as herself. She points out that the medical profession has a privileged place in the interior of families and is uniquely able to intervene in this personal enclave which is normally closed to

27. Hartz-Karp (1979) pursues Smart's argument and points out that if criminality and mental illness can be understood as alternative forms of social deviance, then there should be a relationship between the two over time to the effect that as imprisonment rates for women increase, mental hospitalization rates will decrease. On the basis of her analysis of Western Australian statistics, she concludes that there is no evidence that such an inverse relationship applies and that neither the emancipation hypothesis nor the functional equivalent hypothesis are supported.

28. Wilson (1985b) goes on to ask whether this pattern of response must remain patriarchal and therefore discriminatory towards women. She cites Hackler's (1984) analysis of female violence wherein he claims that we can significantly reduce the number of situations conducive to violence through a policy of making the mothers of young children as financially independent as possible. Hackler claimed to have found a clear link between providing financial support for mothers and the reduction of violent crime.

even such state apparatuses as the law and the police. From her argument she concludes that the economic and ideological control of women orients them towards the home and the family and into the spheres of the personal and the private. In the privatised and personalized space, women respond to and absorb many of the conflicts, contradictions and tensions of the other family members. Psychiatry too operates within this space and constructs and supports definitions of reality and normality: it arbitrates in the internal power struggles to support the traditional authority of the husband and it constructs as illness any critical behaviour in the smooth functioning of the family unit. This intervention by psychiatry, operating through medical ideology, forecloses to a large degree the possibility of the development of any alternative analysis or reaction to the socially constructed realm of the 'personal'—woman's assigned place within the patriarchy.

Widom (1980) also points out that explanations of female criminality have included hypotheses based on suppositions about women's physical abnormalities (physique, chromosomal, hormonal) as well as psychological and social pathology. Whereas males have been characterized as "acting out" against others, females have traditionally been thought to direct these feelings inwardly against themselves because for women to do otherwise was inappropriate and against societal standards for proper sex-role behaviour²⁹. On the basis of her research she claims that, contrary to the view that female offenders have pathologically renounced their appropriate gender roles, most female offenders accept society's standards for sex-typed behaviour.

(ii) Economic theories and Marxism

As suggested in the first section, some authors have suggested focusing on a primarily economic explanation of female property crime (the major category of offence for women) based on the observation that increases in these types of crimes can be accounted for by the increasing impoverishment of women in combination with their growing numbers as sole providers for children. This was the approach suggested by Box and Hale (1983:47): "...it appears to us that the best hope for understanding female crime rates lies in exploring further those

29. According to some views in psychology, it is not uncommon to find people who are over-adapted to be friends or partners with others who will act out their anti-social behaviour for them. Although this viewpoint is not often encountered in criminological literature on female criminality, it may have some salience with respect to the observation that women are often found as 'aiders and abettors' in male criminality. See, for example, Fontanesi 1980:42.

factors, mainly economic marginalisation, which lower-class and ethnically oppressed women share with men in the same social location rather than concentrating on the alleged criminogenic nature of female emancipation." Miller (1983) reviews a number of analysts who have looked at the issue from this perspective and similarly observes that it would be short-sighted to look at the economic status of women without also considering the status of the men with whom they often share their economic plight (see also Chapman 1980). Johnson (1986:20) comments that to rely on a single factor such as the economically disadvantaged position of women to explain crime in women (or men) is simplistic, especially given that the number of women offenders remains low relative to the number of male offenders despite their poorer economic status.

In some respects a Marxist perspective is suitable to analysis of female criminality, based as it is on the recognition of the importance of class structural arrangements within capitalist societies (see Rafter and Natalizia 1982). The work by Klein and Kress (1976), for example, attempts to analyze women's position within the family in capitalist society and relate this to their involvement in crime. Leonard observes, however, that most studies by radical criminologists to date have been over-generalized and simplistic.

(iii) Role theory

Most recent theories have focused on the socialization of girls and women into their 'proper' female gender roles to explain women's participation—or lack of it—in crime. Some of these theories attempt to locate women's roles within the larger context of the economic and social structure of society thereby placing gender-roles in a mediating position. Others have focused more specifically on the subjective content of women's roles whereby women's (conditioned) attitudes and aspirations are placed in a more immediate causal position with respect to their lack of criminality.

To be sure, from a feminist perspective, the former approach is preferable because it is consistent with the feminist goal of re-structuring society on a more egalitarian basis. In contrast, the implications of the latter approach could entail (empirical studies notwithstanding) a further entrenchment of social institutions and attitudes favouring conventional notions of femininity. The danger from a feminist perspective is that an implication could be drawn to the effect that if one wants to ensure continued low involvement in crime by

women, one should instil so-called feminine attitudes in women, a point noted by Leonard (1982:11)³⁰.

With respect to the second approach in which the differential socialization of girls and boys is seen to give rise to different attitudes, personality characteristics and aspirations, Chesney-Lind's (1984) review of a number of studies reveals that some contradictory findings have emerged which do not lend support for this approach. For example, studies by Loy and Norland (1981), James and Thornton (1980), Cantner (1981) and Norland and his associates (1979) could not demonstrate consistent associations between so-called traditional masculine and feminine attitudes and aspirations and delinquency for American adolescents.

Naffin (1985) refers to role theories, including recent feminist theories, that use differential gender socialization as the independent variable to explain male and female crime as the masculinity/femininity (M/F) hypothesis. She notes that there have been surprisingly few attempts to verify this hypothesis empirically and like Chesney-Lind finds that those studies that do exist have produced contradictory and inconclusive results. She also notes the lack of consistency and rigour in social scientists' attempts to operationalize notions of masculinity and femininity. Naffin refers to Constantinople's observation that "both theoretically and empirically they seem to be among the muddiest concepts in the psychologist's vocabulary". She concludes that the assumed connection between masculinity, femininity and crime has failed to develop beyond a vague notion that women are socialized in a manner which equips them poorly for offending. The adoption of M/F theory by feminists has not yielded the sort of critical interpretation of women's role and personality that one might have expected.

30. Leonard (1982:17) asserts "[t]he dual image of women, extreme in its praise and its condemnation, can be understood in terms of existing power relationships. Women are rewarded with all the superlatives when they remain in accepted roles. Yet, in spite of their goodness, piety, and virtue (characteristics that would suggest they play a pivotal role in governing society), we are reminded of their dark side. To contain this, women must be controlled and protected, which is most effectively accomplished when they remain wives and mothers. Increasing female crime is often mistakenly regarded as a necessary result of women attempting to surmount traditional roles and expectations." Similarly, Gelsthorpe (1981) observes that women who offend are frequently described as "undersocialized". The appropriate response of social control and welfare agencies therefore is to endeavour to re-educate women into assuming their 'proper' role in society. Efforts are made to salvage the recalcitrant female by re-feminizing and domesticating her (Haynes 85:9). For many feminists, it is equally important to understand that "women do not conform because they are feminine" (Chesney-Lind 1984:31ff); that is to say, women's conformity (lack of criminality) is not the result of their femininity/ feminine natures/ womanly attributes. And, by the same token, neither are deviant women considered to be so due to some innate biological or psychological predisposition. In short, 'the madonna and the whore' stereotyping of women is challenged. Heidensohn (1985:95, 98) observes that what is striking about these images of deviant women is how profoundly damaging they are once attached to any particular woman or group. Amongst them all, she notes, there is no conception of the 'normal' exuberant delinquency attributed to men.

In her review, Leonard (1982) claims that sex-role explanations are incomplete. Along with Smart (1977:70), she agrees that this perspective fails to discuss the structural origins of sex-role inequality or to deal with the inferior status of women in historical or cultural terms. This oversight, she notes, enables such analyses to be interpreted as additional proof of inherent differences between men and women. What is required is a theory that delineates the structural and cultural factors that account for both sex roles and crimes and does not simply view crime as the result of sex roles.

Other writers have focused on more structural aspects of gender roles noting how women are universally and consistently much more circumscribed and controlled compared to men. Chesney-Lind (*op. cit.*) refers to a study by Richards and Tittle (1981) in which the authors concluded that women's structural position was more important than personality characteristics in the explanation of crime. Leonard (*op. cit.*) argues that a Mertonian approach could be used to explain the lack of female criminality if, unlike Merton, one recognizes that women have different goals than men (i.e. marriage and children) and that these goals are relatively easily attained. This approach, she claims, can also be used, with some limitations, to explain the types of increases in female crime that are occurring. As women's goals shift more towards men's goals (e.g. financial success) they may be expected to engage in more property crimes. There are, however, limitations to this perspective. It fails to take account of sub-cultural variations in goals and ignores reactions (official and unofficial) to female crime.

Smart (1980:81) expresses some reservations about analyses which focus exclusively on gender roles because there is some danger that such an approach will limit its analysis to the statistics and brush aside the lessons we have learned from criminological theory in general; there are dangers of a "criminological separatism" which may obscure more fundamental issues of class and race (factors which she claims mediate within the issue of gender itself) (see also Davis and Anderson 1983:130; Feinman 1982; and Faugeron and Rivero's (1982) analysis of the influence of genderism, mediated through a class perspective; and Wise (1976) cited in Simon and Baxter, 1987). Similarly, Gelsthorpe (1986: 143) observes that many critics assume 'sexism' to exist in only those theories explicitly relating to females whereas theories applied to men are also riddled with stereotypical images of what constitutes manhood, the inherent nature of men, what their needs and desires are and so on.

(iv) Labelling theory

Leonard points out that labelling theory offers a fruitful approach to understanding female crime in view of the fact that women are socialized to be especially sensitive to the opinions of others, particularly those in authority. Labelling theory is useful in examining both the harsh treatment of women (their doubly deviant status) and responses which pathologize female criminality. It also directs attention to the likelihood that increases in official female crime statistics may be reflecting alterations in the perceptions of women and crime as opposed to simply actual increases in women's involvement. The weakness of labelling theory is that it ignores social structure, tending to be more exclusively focused on the individual and in doing so, is inadequate for explaining initial involvement in crime.

(v) Differential association

The assertion which describes the dynamic of criminal involvement in Sutherland's differential association perspective is that a person becomes delinquent because of an excess of definitions favourable to violation of law over definitions unfavourable to violation of law. Observing that poverty alone is inadequate as an explanation of criminality, Sutherland emphasized that criminal and non-criminal behaviour is learned behaviour through associations. This approach fits with the idea of differential socialization contained in role theory and is, seen this way, a plausible explanation of women's low involvement in crime as well as their increases in selected property crimes. It also could be compatible with Simon's opportunity theory (see, for example, K-D Opp reviewed by Bruinsma *et al.* 1981). Its weakness, like other approaches, is that it does not adequately deal with structural conditions, both in terms of why men and women have such different associations (learning situations) and how these may be changing.

3. Summary

The picture that emerges from the foregoing review is that typically the present-day female offender is not a liberated woman but rather a very under-privileged one. Her crime is commonly a petty property offence (reflective of her role in society), often associated with alcohol or drug abuse. According to many analysts, her unofficial crime is one of deviating from conventional notions of femininity. Explanations for her criminality cannot be found in her emancipation. While there appears to be an association between women's increasing participation in the labour force and thus their greater opportunities to commit selected property crimes, this is insufficient as a causal explanation since some of the largest increases in this area have been found among young women who have not yet joined the work force. Similarly, financial need is insufficient as an explanation although there does appear to be an association for both men and women. At the present time, it appears that many authors are proposing a theoretical perspective which while acknowledging the influence of opportunity, need and gender-role socialization (or lack of it), is aimed at locating these factors in the larger structural issues which give rise to these variables. The contribution of feminist analyses of female criminality has been to move the discussion away from limited discussions about the differences (real or perceived) between men and women (inherent or conditioned) and to ask questions about why and how these (alleged) differences exist, focusing attention on the structural framework of patriarchal societies and the interests being served by such arrangements.

III - Female Corrections

Introduction

It appears from the review in the first section that in general the type of female offender who comes into contact with countries' criminal justice systems is much the same as she has been in the past. What has changed in recent years is the number of female offenders who have a history of either drug or alcohol abuse. In some countries such as Australia and Canada (and possibly in New Zealand), she is disproportionately a native person who, as often as not, has received a sentence of imprisonment either due to some crime committed in connection with alcohol or who may find herself imprisoned for a failure to pay a fine.

A number of points about female corrections are probably already well known to the reader. In the past, due to the way female offenders have been characterized, they have been thought to be particularly amenable to a rehabilitative approach within corrections (Klein 1980:71). It is sometimes claimed that women suffer more from imprisonment than men (see, for example, Clark 1979 and Faugeron 1982). It has also been observed that due to the small number of women inmates, they have not received the benefit of services and programs that have been available to male offenders, particularly training programs³¹. In most jurisdictions women generally have little opportunity to move from one institution to another and there is rarely a range of facilities to cater for women of various security classifications. In many jurisdictions women's institutions are considered to be less severe than men's in terms of less security precautions (they are frequently like open prisons) and a more informal atmosphere. This has been justified by the fact that women are generally thought to be less dangerous than men and less likely to present security risks. Despite this, women's facilities have been criticized for their seemingly senseless regimentation, the deprivations women experience and their neglect of the special needs of women.

In Canada, observations of this sort have given rise to a consideration of

31. Hancock (1985), among others, argues that it is not simply economic pragmatism and economies of scale that has denied women access to the same facilities and programs available to men. In addition, the ideology of sexism is implicitly and explicitly present in correction's departments policies and practices. The myths that support this discrimination against women include the belief that women are not breadwinners, so vocational and industrial opportunities are not as important as they are for men, and that the small number and frequent turnover of female prisoners means it is uneconomical and useless to run special programs for women. See also Smart 1976:141.

female inmates' rights (see also United Nations, Secretariat 1985:37)³². Ross and Fabiano (1985:122-123) comment that:

In recent years there has been an increasing pressure on correctional managers to provide more services for female offenders. Typically, the demand has been for equality with men in terms of program availability. The demand for equality may be warranted, but its achievement may serve to limit female offenders to the quantity, quality, and variety of services which are available to men; services which may not meet the needs of either group. Moreover, by focusing managements's attention only on providing women with the same services as men, we may inadvertently succeed in marginalizing female offenders by increasing the likelihood that services for them will be mere extensions of services designed for men.

The demands for change are based on human rights and equal rights considerations, on sentiment and good intention; seldom are they based on an adequate appraisal of the characteristics of female offenders and their circumstances. Rarely has there been an objective appraisal of the value of the programs and services which are recommended.³³

A similar point was made by the South Australian Advisory Committee for Women in Prison (1985:1), viz.: a key principle to be found throughout the report was that the "provision of equal resources for male and female prisoners will not mean equality of outcomes for the women—the special needs of women must be taken account of in all planning."

This section reviews correctional programs, criticisms and recommendations that have been made in the countries surveyed for this report. I shall begin with a review of prison programs because many of the observations made about women in prison and the programs provided for them set the stage for comments about other kinds of correctional programs (e.g. alternatives to prison, probation, parole, etc.)³⁴. This review includes negative analyses as well as

32. Recently, a female inmate has launched a case against the Correctional Service of Canada using section 15 (the equality section) of the Canadian Charter of Rights and Freedoms claiming that women are discriminated against (see the article by Ann Rauhala, April 18, 1987 in the Toronto Globe and Mail.)

33. Hancock (1985:102) cites Aditti et al. (1979:322) who feared that sex-integrated prisons would result in 'equalization down' and the small advantages already won in some women's prisons would be lost due to economies of scale.

34. In spite of the fact that the majority of countries report increases in female crime, the United Nations Survey (1985:23) found that only 24% cited the existence of some type of preventative action or policy designed to deal with factors identified as affecting female crime. Programs which were cited included efforts such as apprenticeship programs, educational incentives, and so on.

positive reviews on the basis that as much can be learned from mistakes as from successes.

A. Women in Custody

1. Their Sentences

As indicated above, there appears to be a clear trend towards increased female imprisonment. The Council of Europe Report (1985:22) found that among its member states the rate of increase for women surpassed that of men in a number of countries during 1984-1985 (for example, Denmark, Spain and Scotland report increases of over 50% for women whereas male increases were much smaller). The United Nations Survey (1985:28) found that 40.4 per cent of the respondents reported that the relative prevalence of females sentenced to imprisonment had increased over the period 1970 to 1982. In Australia, for example, all the states reported increases during the period 1976 to 1985, in some cases more than doubling in the ten year period³⁵.

As has been noted, populations in female institutions consist of a large proportion of remand prisoners. In its discussion of the merits of establishing a bail hostel in order to partially remedy this situation, the New South Wales Task Force (1985:69ff) observed that while there appear theoretically to be many advantages to such a proposal, there are also a number of dangers: those who would otherwise have been granted conventional bail could be forced to reside in the more limiting environment of a hostel; residents could also be "set up" for failure by abscondment or a breach of house rules, which would worsen the original situation; and evidence from other jurisdictions suggests that such

35. The increases in Victoria, for example, (from 36 in 1976 to 90 females received into custody in 1985) is seen to be associated with a number of developments: increased sentence lengths which may be the result of females committing not only more offences such as multiple offences of "fraud and misappropriation" but more serious offences such as burglary; the increase in the number of females held in custody is exacerbated further by the increased number of females returned to prison to complete the remainder of their sentence after breaching parole or breach of community sentences such as attendance centre orders and by those in custody who receive a further prison sentence to be served cumulatively; and a decline in the number released from custody which has occurred as a result of an increase in the number of females receiving sentences of six months to two years, short-term sentences of less than three months as well as the result of an accumulation of females with long-term sentences such as Governor's Pleasure, Natural Life or determinate sentences exceeding 10 years. Queensland also reports increases in the number of convicted women admitted to prison and that this, in combination with the imposition of longer sentences has had the effect of raising the average daily prison population.

hostels would be used predominantly by men with the result that the special needs of women could once again be overlooked. Noting that a large percentage of female remand prisoners are drug dependent, the Task Force concluded that resources could be more appropriately spent in establishing a drug rehabilitation centre for women which accepts women as a condition of bail and that such a service should be used only for those women who would otherwise have been refused bail and never as an alternative to liberty.

The length of sentences served by female prisoners shows a fairly consistent pattern across countries surveyed. In the major institution at Rennes in France, for example, about one out of five women are serving a sentence of less than six months, about one out of three is serving a sentence of less than a year, and about a quarter are serving sentences of between one and two years (Cario 1985). Similarly, in Ireland in 1983, over 50 per cent of women prisoners were serving sentences of up to one year and a little over one quarter had sentences between one and two years (Ireland, Department of Justice 1985:281). Figures for Britain in 1984 reveal that about 40 per cent of female inmates were serving sentences of up to three months, about one quarter had received sentences of three up to six months, 20 per cent were given six to less than 18 months, about 5 per cent received sentences of 18 months, and approximately 10 per cent received sentences of over 18 months (Britain, Home Office 1985b:79). In Denmark, in open prisons, the vast majority of 1984 prisoners (men and women) served sentences of under three months; but in closed prisons, about 65 per cent of the female inmates were serving sentences of under three months, about 23 per cent had sentences of three to six months, and about 11 per cent had six months or more to serve (Denmark, Kriminalforsorgens Årsberetning 1985). The Netherlands is often cited as an exception to this nearly universal pattern, although the Dutch use of imprisonment has begun to increase in recent years. In 1981, 83.7 per cent of prison sentences (men and women) were less than six months, 6.6 per cent had six to twelve months, and 9.7 per cent received sentences of one year or more (Johnson and Heijder 1983) (cf. NSW Task Force Report 1985:129). Swedish figures for 1984 reveal that about 85 per cent of female inmates are serving sentences of less than a year with about 50% serving less than 2 months, about 35% serving less than a year and 9% serving more than one year but less than two (Osborne and Forsgren 1985).

One half of the respondents to the United Nations Survey noted the existence of special principles, policies or practices that permitted the differential treatment of female offenders on the basis of sex. These practices were

just as likely to be formalized in law or policy as not and primarily addressed the problem of pregnant women or mothers. Those countries which did not cite any special treatment for women usually referred to laws or charters that specifically stated or guaranteed equality of treatment (e.g. Canadian Charter of Rights and Freedoms). It is noted that, with respect to imprisoned women, most of the differential treatments cited had to do with such things as separate quarters for men and women, prohibitions against hard labour or corporal punishment and flexibility with respect to "house rules" (e.g. inmates being allowed to wear their own clothes). The United Nations Report points out, however, that in many countries prisons for females are not necessarily more habitable or lenient than prisons for men.

2. Female inmates' needs

According to the United Nations Survey (1985:27, 32), most of the responding countries noted that their facilities, institutions, services and personnel were largely geared for male offenders, with the exception of some provisions being made for the maternal prisoner and her unborn or newly born child. About fifty per cent reported that female offenders presented administrators with particular or unique difficulties caused by the treatment and handling of females in custody. Typically, the problems entailed issues of pregnancy and child care, lack of protection from victimization and the need for quarters separate from men, and the need for trained female criminal justice personnel. Only 16 per cent reported the availability of separate quarters for women, 10 per cent reported special medical facilities and 8 per cent reported the provision for female custodial staff (most respondents claimed they needed more female personnel). The majority of respondents (87%) noted that no special provisions were made in their countries with respect to the special mental health or social welfare needs of female offenders.

As we have seen, more women are being incarcerated for drug related crimes and have a history of alcohol or drug abuse. In addition, there is mounting evidence that a very large proportion of women offenders have experienced physical or sexual abuse. Many countries have a disproportional number of women of colour or ethnic minorities in their custodial institutions who have special language and cultural needs.

(i) Health and medical needs

As women, female inmates have some biologically-based health and medical needs that differ from those of men (e.g. a different susceptibility to arteriosclerosis and proneness towards varicose veins) (Resnik and Shaw 1980). In addition, social institutions and public attitudes (including those of women themselves) shape and define their medical needs. For example, there is some evidence that doctors are less concerned when told by women of medical complaints with the result that they tend to treat symptoms only and probe less extensively for sources of underlying pathology. Because many women prisoners are poor, they have often gone without treatment (e.g. dental treatment) in their regular lives and may suffer from a variety of conditions and diseases associated with poor nutrition and inadequate living styles. Also, a growing proportion of female inmates require treatment for alcohol and drug addiction and associated diseases. For example, hepatitis, endocarditis and respiratory problems (including pneumonia and tuberculosis) are frequently found among narcotics users, and venereal diseases among prostitutes. The NSW Task Force Report (1985:175) notes that research indicates that a greater degree of ill-health is visible among prisoners upon reception than is experienced by the general population; moreover, this appears to be a greater problem among women than men.

Incarceration itself may be both a source and exacerbation of women's health problems. Once imprisoned, female inmates' health may worsen due to the fact that medical services are frequently inadequate to meet their needs—needs that they might otherwise be able to deal with on the outside. Conditions such as overcrowding and poor sanitation make contagion more likely for everyone, men and women, inmates and guards, and may increase stress apart from spreading disease. In some jurisdictions, women are required to be searched each time they return from being outside of the institution. Many institutions require them to undergo an internal pelvic examination or visual inspection of the genitals and anus each time they return³⁶. Resnik and Shaw comment that, apart from being intrusive, laden with sexual symbolism, and conducted without the possibility of voluntary consent, internal examinations done without medical justification and supervision are unwise because they increase the possibility of vaginal and

36. There is some evidence that political prisoners are even more likely to be subjected to this kind of treatment as a form of harassment and torture. For example, female inmates in Northern Ireland's prison at Maghaberry and American female inmates at have complained about sexual harassment and torture in the form of strip-searches and rape (see, for example, 'The Wiggins Prisoner Survival Network' Newsletter #1, August 1987).

cervical irritations and infection. Further, for pregnant women who are in the last trimester of pregnancy, such examinations are medically inappropriate unless performed under sterile conditions. Weight gain among female inmates has also been found to be a common development and there is reason to believe that this constitutes a health risk. Lastly, much criticism has been directed towards the use of psychotropic medication in women's correctional institutions.

Studies in a number of jurisdictions have documented female inmates' health needs and problems and made recommendations for the improvement of services. This section reviews some of the major issues addressed in these studies.

Many jurisdictions report that health services are inadequate in female facilities (see Hancock 1985 regarding the situation in Victoria, Australia). For example, in Western Australia, an increase in hours is being budgeted to alleviate the problem of limited medical care arising from part-time nursing hours at Bandyup Women's Prison and other institutions. In the Netherlands, a decision of January 16, 1985 with respect to the Interior Rules for Remand Prisons, made it a right of all prisoners, whether serving a sentence or on remand, to consult their own general medical practitioner or specialist (previously, this right was reserved only for remand prisoners).

The NSW Task Force Report (1985:175ff) observed that often there is a conflict between custodial and health care requirements with the result that treatment for inmates is inadequate. The South Australia Advisory Committee for Women in Prison (1985) refers to a recent 'Policy on Women and Health for South Australia' (1984) released by the Minister of Health in which recognition is given to the relative disadvantage women experience as both providers and users of health services. The Committee notes that this report provides a framework for the consideration of the health needs of women in prison and emphasizes that the underlying principle for health recommendations is that increased involvement of women in prison in defining their health needs and how they might best be met will lead to the development of a more appropriate range of health services and to more appropriate uses. A corollary of this principle is that women prisoners need to be given information about health issues and options available both inside and outside the prison.

Among the problems observed by the Committee were the fact that women are now being seen by male medical practitioners—a problem which is distressing for many women inmates and particularly for aboriginal women and migrant women from different ethnic backgrounds (language difficulties also pose problems for these women). In addition, the Committee noted the tendency to use anti-depressants

and psychotropic drugs as a way of 'handling' female inmates. It also recognized the need for drug abuse programs for the increasing numbers of drug dependent inmates. Suggestions for improvement made by the Committee include expanding the kinds of medical treatment available beyond that of conventional medicine (e.g. providing homeopathy, naturopathy, chiropractic services), offering, in consultation with inmates, health education courses (i.e. basic knowledge about hygiene, nutrition, reproductive cycle, and so on), reducing the use of medication particularly with respect to tranquilizers and anti-depressants, including prisoners in the planning of meals with the aid of courses on nutrition, and providing education about services available for sexually abused female inmates.

(ii) Educational needs

As noted in the first section, most female inmates are below the educational level of the general population in their country. Female facilities of any size in most countries offer women inmates opportunities for upgrading their education, and many offer literacy classes.

In South Australia a counselling course concerning education is offered to all inmates as required but educational assessments are carried out only on prisoners sentenced to six months or longer. Literacy classes are offered twice weekly as required depending on the assessed skill level of the inmate. Prisoners may also study through courses offered locally by TAFE (Technical and Further Education, Department of) or through interstate programs. In its examinations of prison conditions in South Australia, the Advisory Committee for Women in Prison (1985) recommended, among other things, a greater use of prison leaves for women inmates for educational purposes. It also suggested the development and negotiation of individual "education contracts" with each prisoner in order to increase her sense of autonomy in conjunction with a certain 'compulsory' element to ensure that women in prison, already below level in educational performance, were better prepared for life back in the community.

The NSW Task Force (1985:215ff) observed many shortcomings in the provision of adequate educational programs for female inmates; notably, poor attitudes on the part of custodial staff, timetabling conflicts, inadequate range of educational courses and sexist courses. The Task Force proposed that the education program offered at Fairlea Women's Prison in Victoria be used as a model for the adequate provision of education. At Fairlea, education is run by the Education Department, not by the Department of Corrections. A specific area of the prison

is set aside as the Education Centre. It is staffed by trained teachers and is registered formally as a school. The Fairlea Education Centre School Council was established in 1980 and comprises eight members including representation from outside educational institutions as well from the corrections field. In 1984 there were two full-time teachers and one part-time teacher for an average population of 36 women. They are assisted in the range of courses available by five sessional teachers from TAFE (Department of Technical and Further Education), and by students undertaking their Diploma of Education. Teaching at the school is credited by the State and so the school does not have difficulty attracting a good professional standard amongst the staff. The Education Centre staff interview women as they come in to the institution and develop a course of education for each interested prisoner on the basis of their needs and interests. Work in the prison is rostered so that for half a day a week women were rostered off-duty from their jobs to enable them to attend the Education Centre. This involves a small loss of a productivity bonus that could be earned in that time, but it appears that only a small minority of women chose to forego their half day in the Centre. There were usually between two and four women choosing full-time education in preference to work, and this is treated as a right, not a privilege, in Fairlea with the result that these women received a 'wage' of \$12 per week. All women who undertake a course in the Education Centre are automatically enrolled at the external college so that they can continue a course they start in prison without disruption, re-enrolment, or expense, when they leave the prison. The Education Centre encourages a basic orientation towards vocational courses. An evaluation of the Education Centre in 1984 revealed that 70% of the students claimed they were attending the Centre to learn and to prepare for the future and 59% thought that the Education Centre could be of help to them with respect to a future outside the prison; 82% rated the Centre staff involvement as either excellent or very good.

(iii) Vocational training and work

It is now fairly commonplace to observe that work opportunities for female inmates are sex-stereotyped and of limited scope compared with those available to men. Often this situation is the result of the view, Hancock (1985) claims, that women are not breadwinners (see also Smart 1977). However, according to

statistics in many countries, it appears that the majority of women prisoners are responsible for supporting themselves and that women are more likely than men to have been the sole supporting parent of dependent children prior to imprisonment and after release. In addition to these observations, the NSW Task Force (1985:226ff) noted that "[w]ork is seen as a punishment..., as the best way to occupy a prisoner's time, and yet also as an index of behaviour and attitude and of a prisoner's readiness for release. Despite the fact that it is given priority in prison programmes, appropriate and meaningful work is often not available. Women in particular, have had limited access to well-paying, satisfying jobs in prison."

The Task Force found that both prisoners and staff had many similar suggestions for change with respect to issues relating to work: greater incentives, greater variety of work, more jobs and higher pay, as well as innovative suggestions such as establishing a farm on a small scale, starting a printing shop, using the prisoners to assist with some of the gaol's typing and clerical needs.

One of the major recommendations of the NSW Task Force was for the development of a "Program Package" for each inmate (a similar recommendation was made by the South Australia Advisory Committee for Women in Prison 1985:59). A program package would permit each inmate, in consultation with reception, classification and program review committees to select an individually suitable timetable and program from available courses in work skills training, education, life skills training, crafts, home maintenance and management skills as well as work and recreational activities. Payment attached to the offender's package should be developed relative to the women's needs in prison and possible postrelease expenses and should be reviewed regularly. Incentive bonus payments could also be offered for particular performance levels in viable industries. Priority should be given to work that reflects the nature of employment available in the community and the current economy.

The South Australian Advisory Committee for Women in Prison (1985) observed that current work opportunities are rigidly sex stereotyped and do not sufficiently extend the vocational skill base to make women prisoners more competitive in a labour market which is likely to discriminate against them both as women and as former prisoners. The Advisory Committee presented a number of concrete recommendations not found in other reports, namely: it suggested that, for example, where kitchen duties are performed, the inmates should be offered training opportunities in nutrition, occupational health, bar and waiting

skills, budgeting, maintenance of appliances and consumer education. Similarly, if the inmates continue to make soft toys, training in their skills beyond the point required simply to produce the toys should be explored, e.g. marketing, small business, budgeting and occupational safety training should be included. In addition, the Advisory Committee recommended that their craft activities should be increased to include other more marketable items. For those women who are used to sewing for their children, opportunities should be made available for them to continue to do so as a valuable way of maintaining self-esteem in parenting. This program should include training in cost-effective ways of budgeting.

The Advisory Committee observed that the work available at the present time seems designed more to keep prisoners busy than to challenge or rehabilitate. It appears that maintaining production was difficult when the numbers of prisoners were low or uncertain. The Advisory Committee noted that the purpose of work and its rehabilitative potential appears to have been lost sight of when the prisoners are considered to be mere labour commodities. In addition, the Committee suggested that the female stereotyped industries in the prison need to be challenged: work programs such as institutional cleaning and laundry should be altered so that inmates are allowed to clean their own rooms and do their own laundry.

The Committee observed that recent proposals to develop an area for vegetable gardens, flower beds, a nursery and so on, as well as space set aside for prisoners to have their own garden plots, represented a valuable opportunity for the women to engage in vigorous outside work as well as learn job skills for realistic employment. They note that training in landscaping is also being planned in conjunction with the TAFE horticultural course. The Committee further recommended that women inmates be allowed to participate in some of the training courses for men at Northfield Prison.

Lastly the Committee observed that women inmates need education about the current labour market, the types of jobs available, skills required, wages and benefits. In conjunction with a revised work release program, the Committee thought that this course could be offered with the assistance of the Department of Employment and Industrial Relations.

Reviewing the situation in Britain, Dobash, Dobash and Gutteridge (1986: 160ff) observe that very little attention has been given to women inmates and work, either in sociological studies, radical campaigning documents, theoretical treatises about women and crime, or policy documents. For example, in the

planning documents for Holloway and Cornton Vale, work was referred to primarily in terms of its 'therapeutic' value and often used synonymously with the notion of 'social skills'--i.e. domestic training useful for the role of housewife.

While noting that training and employment programs for men are sometimes limited, they point out that women's programs are even more restricted. At Cornton Vale, for example, between 1976 and 1982, no female inmate was employed outside the prison where one might expect to find more market-relevant job training.

(iv) Psychotherapy

The literature appears to be rather bleak with respect to the existence and benefit of psychotherapy within female institutions. It is often pointed out, on the one hand, that genuinely disturbed people should not be in prison at all and on the other, that prison itself causes women great stress and disturbing acting out (see, for example, Dobash *et al.* 1986:210; Howard League Report 1986:4-5). Moreover, a repeated point is that because women offenders and prisoners have been traditionally stereotyped as mentally deficient and emotionally disturbed it is difficult to imagine or find much benefit arising from such a biased conception³⁷.

In its examination of female inmates' emotional and mental health care, the NSW Task Force (1985:187) makes the following general statement:

The fact of imprisonment generates considerable emotional strains for prisoners. Imprisonment results in a reduction of power to influence both day-to-day life in prison and events and situations outside prison. Whilst this fact of reduced responsibility and effectiveness is distressing for all prisoners, it causes even greater distress for mothers who lose the opportunity to care for their children.

Since prisoners' access to the outside world is so limited, the opportunity to resolve many problems with which they could have dealt on the outside is denied. Thus, the need is created to rely on professional staff to do what the prisoner could have done herself, in addition to creating emotional conflicts due to frustration, powerlessness and lack of communication. This resolution of emotional conflict in turn requires the assistance of professional staff.

37. The reader is undoubtedly already acquainted with the fact that extraordinarily high rates of medication are used in many women's institutions (see, for example, the Howard Report 1986).

Dobash, Dobash and Gutteridge (1986:12), commenting on the introduction of the therapeutic ideal in British women's prisons, argue that what they found was this ideal has made some impact on the structure of prisons for women, generating art therapy, group work, and a proliferation of professional helpers but it has not, however, done much to alter contemporary prisons which are still basically geared to disciplining and punishing women, regardless of the rhetoric of rehabilitation and the existence of group work and counselling. The impact of this trend, they claim, is that therapeutic assumptions as well as social and medical professionals have colluded with or acquiesced to traditional penal demands to tighten regulation and surveillance within prison and to ensure that women are closely confined and heavily scrutinized.

In their discussion of the planning of Cornton Vale and Holloway, Dobash and his colleagues (*Ibid.*:129) claim that three linked sets of beliefs have contributed to the planning of these contemporary "therapeutic" women's prisons: the view that women *per se* are more mentally unstable than men; the long-standing assumption that women offenders are by definition mentally disordered, or at least acting out of (stereotypically female) character; and the view, also strongly evident in the nineteenth century, that women prisoners are more 'difficult' than men prisoners, that is, they react to imprisonment itself in a more extreme and more neurotic way than do men. They note that at the same time that plans for these two women's prisons were underway, the psychotherapist of ten years standing at an English men's prison stated that "[p]sychotherapy can be of benefit to only a limited number of [male] prisoners, even by using group and community therapy methods..."

Dobash and his colleagues observed what they called a "nexus of therapy and discipline" whereby women inmates' emotional acting out was dealt with through disciplinary measures and practically all discipline was seen as 'treatment' (see also the Howard League Report 1986:9). They suggest (*Ibid.*:158) that the reason for this lies in the dual and often contradictory expectations of women in society at large:

Because they are not generally seen as independent, self-motivated individuals but rather as biologically or emotionally driven, medicine and psychotherapy are the obvious answers to any form of independence or deviance. The successful outcome of therapy is in re-establishing the characteristics of a good woman, i.e. dependence, compliance, caring for others rather than themselves, and so on. Deviations usually result in pressure to comply and/or punishment. Hence, a female who does wrong even in the slightest detail must be made into a proper woman (who

by definition does not do wrong) and this can be achieved through a therapeutic regime that seeks to reach even the most minute behaviour or motivation. Should this fail and the woman not approximate to the minutiae of the ideal (which seems inevitable) these infractions become subjected to the equally extensive system of discipline and punishment. Within the prison, the two have become even more entwined and extended even further into the daily life of the women.³⁸

(v) Life and social skills training

In addition to vocational training, it is sometimes claimed that female offenders require (even more than male inmates) courses and instruction about how to manage in the everyday world; for example, how to make a budget, information about tax and family law, health and social welfare information, and so on (see, for example, the South Australia Advisory Committee for Women in Prison 1985:53ff). It is also claimed that some offenders need assistance in developing interpersonal skills to facilitate their relationships with family, employers, etc. While female institutions have traditionally offered courses on cooking, make-up and grooming and the like, increasingly more facilities are offering less sexist and more practical courses.

In South Australia, courses on budgeting skills, stress and relaxation, an outward bound course, social skills and make-up and grooming are currently being offered. There is also a women's studies course which entails group meetings and discussion about topics specifically relevant to women, family planning groups, and a NOW (New Opportunities for Women) Program which addresses the issue of women in the workforce. In Western Australia, courses on parenthood are available. Also, a variety of other programs such as a driving training program are sponsored by the Prisoner Programmes Branch which is responsible for coordinating and organizing prisoner activities involving authorized absences from prison in Western Australia.

38. Dobash and his colleagues also note that very few activities are available for women in prison which could be a contributing factor, they claim, to reportedly high levels of tension in women's prisons.

(vi) Activities and recreation

"Men get fitter, women get fatter" (comment by woman inmate at Norma Parker Prison in New South Wales about what happens to prisoners). Recreational needs of female inmates are often given a low priority and subsumed in the overall correctional process. While institutions in most jurisdictions have established inmate activities committees to suggest and organize recreational programs (as is the case by a Prison Directive for North Rhine-Westphalia, for example), such programs are often not structured into daily routines due to staff shortages and security regulations. For example, in the women's institution at Rennes, France, women are often denied access to sports and recreational activities because of regulations concerning the number of women who may associate at the same time and scheduling problems as well as staff shortages (Cario 1985). The NSW Task Force (1985:237) outlined the following principles regarding activities and recreation: (1) Women in prison should not be denied basic recreation. In particular, women should have a right of access to both adequate and varied physical activities. (2) Activities and recreation programmes should reflect prisoner interest, be flexible enough to cater for minority interests and should be interesting and motivating. (3) Activities, recreation, education and work commitments should be complementary, not contradictory. The Task Force recommends that a strategy for ensuring the enactment of the above principles would be to link activities in a "Programme Package" (see above, the section on training and work).

3. Visits and Contacts

(i) Regular visits

Most jurisdictions have relatively restrictive practices regarding visits, phone calls and correspondence. For many women inmates the disruption of ties with their children constitutes one of the worst aspects of imprisonment (see studies cited in Hancock 1985:105 and Clark 1979). It is claimed that while separation from their children affects men as well, women suffer particularly from this event because "motherhood is an integral and essential component of their identity" (Hatty 1984:125). In some jurisdictions it has been found that

women prisoners break contact with their children because they are too ashamed to let them know that they are in prison (Davis and Anderson 1983). On the other hand, it is also true that many female offenders do not have close contact with their children even before incarceration and have no desire to develop this association.

Hancock (*op. cit.*) notes that often when the mother is imprisoned and families are disrupted, the children are frequently put into state care. She argues that on purely legal grounds of their less serious offences, family disruption and suffering could be avoided in many women's cases by a non-custodial sentence. In addition, she suggests that family disruption could be avoided by providing the appropriate facilities for young children to live with their mothers in a custodial setting.

The NSW Task Force (1985:202) observed that visiting conditions at Mulawa are such that it is understandably demotivating for the children, the mothers and the child carers to persevere with the visits. The Task Force further noted that visiting and phone call regulations are particularly harsh on children who have recently been separated from their mothers. As a result of its investigations, the Task Force adopted the following principles: (1) a child has the right to frequent contact with her or his imprisoned mother in conditions conducive to the maintenance of a mother/child relationship; (2) a baby or infant has the right to be cared for by her or his own mother, even if the mother is in prison; and (3) neither a criminal record nor the use of illegal drugs are synonymous with inability to parent.

In Scotland, Dobash and his colleagues (1986:197) found that no special arrangements were made at Cornton Vale for children's visits, no activities were planned for the children, and children were expected to manage their visits as adults, sitting on one side of a table and behaving properly under the surveillance of prison officers.

In its review of these issues, the NSW Task Force (1985:199) put forth the following principles:

1. The fact of imprisonment does not negate the right of a prisoner to maintain strong ties with pre-existing relationships. Similarly, the prison system must not negate the rights of non-prisoners to maintain and develop their relationships with prisoners.
2. Provision of frequent visiting opportunities under optimum conditions for prisoners and their visitors must be seen as a top priority by prison administrators and as taking precedence over prison routines.
3. Visiting opportunities are a right, not a privilege, and should never be withheld for disciplinary or management purposes.

4. Provision of opportunities for social interchange should take place in conditions most conducive to maintaining personal relationships. The optimal method of achieving this is by the exercise of leave provisions. Where this is impossible, the onus is on the prison administration to provide facilities within the prison. These facilities should cater, with minimal surveillance, to the needs of prisoners and their families/friends to enjoy relaxing, private and beneficial contact.
5. Frequency of contact opportunities should not be pre-determined by set quotas. Frequency should be determined primarily by the needs/desires of the prisoner and her family/friends, rather than by assumptions about the needs by prison management or by unarticulated punitive practices.

In a similar vein, the South Australia Advisory Committee for Women in Prison (1985:61) noted the importance of regular visits by family and friends in a relaxed environment and observed that current practices at Northfield Prison are inadequate.

In contrast, women prisoners in North Rhine-Westphalia (West Germany) are allowed to leave the institution for up to five hours in order to visit with their families in more natural and less constrained circumstances. (This is partially the result of limited visiting space in the women's facilities.) This privilege is not accorded to men but is justified by the authorities in consideration of the greater involvement and importance of families in female inmates' lives.

Countries also vary considerably in their policies regarding prison correspondence. Some countries like Britain, Belgium and Switzerland censor all in-coming and out-going mail, whereas others such as Sweden and Denmark permit uncensored correspondence except in unusual circumstances (Lonberg 1975).

(ii) Conjugal visits

Policies regarding prisoners' rights to conjugal visits vary. In her review, Goetting (1982) observes that prison systems outside of the United States (for example, those in Latin America) have been commended for their policies and practices aimed at promoting stability in the families of incarcerated prisoners and for permitting conjugal association as a natural part of family life.

In general, the debate on this subject has revolved around moral, practical and legal questions. Moral arguments favouring conjugal association appeal to humanism--justice tempered with mercy, and frequently refer to the sexual and

emotional frustration of both the prisoner and his/her "innocent spouse". Goetting cites a number of studies which document the deprivation experienced by spouses (mostly wives) of incarcerated offenders. In opposition to this argument, some claim that such a practice would discriminate against unmarried prisoners although Goetting observes that studies suggest that inmates who themselves are not eligible to participate overwhelmingly support such programs. Opponents also argue that conjugal visits would be an affront to human dignity in the sense that wives of prisoners would feel humiliated and demeaned by such a practice due to its lack of privacy.

Practical arguments include considerations about the running of the institution. For example, with respect to male inmates, some have emphasized the importance of this practice in maintaining their "image as a man" and relate this to the security and functioning of prisons to the extent that it may reduce tension and hostility among inmates (reducing homosexual rape and other forms of prison violence), provide incentives for conformity, and promote a more normal life style in preparation for the transition back into society thereby increasing the likelihood of postrelease success. While all of these considerations may not apply to female inmates, some, at least, may be partially true, particularly the potential for normalizing relations between husbands and wives (where these exist) and thus, it is hoped, promoting postrelease success. Opponents, on the other hand, argue that offering such a privilege reduces the distinction between being free and being incarcerated; why imprison offenders if life inside is as good or better than on the outside? It is claimed that public sentiment would be outraged although Goetting notes that empirical evidence of this is limited and inconclusive in the United States. Penal administrators frequently argue that security problems would be greatly magnified. In addition, they claim that with their limited budgets, facilities for education, training and medical care should have priority over conjugal visiting. (Goetting refers to a California institution which managed to create facilities to accommodate 6000 family visits per year without budget increases; in some cases, inmates constructed buildings using salvaged lumber and other materials.) Lastly, it is argued that conjugal visits may result in pregnancies thereby adding to the number of children born to "inadequate families" and supported by public welfare.

With respect to legal arguments, Goetting observes that in the United States, the surge of prison riots that began around 1970, and the growth of a sustained prisoners' rights movement have all combined to make the issue of

sexual deprivation in prison more and more the subject of judicial opinion. The central argument is that incarceration itself is the punishment and no further punishments should be added to the prisoner's sentence; as Lamott notes:

The convict is sent to prison to be deprived of his liberty and compelled to labor as an expiation of his crime, and any other punishment besides that which is absolutely necessary to accomplish this and enforce the discipline of the prison is not only unlawful but inhuman.

(Lamott, K.C. (1972:42) Chronicles of San Quentin New York: Ballantine Books)

While numerous cases have been launched in the United States, using the Eighth Amendment (prohibition of cruel and unusual punishment), the First Amendment (practice of religion) and the Fourteenth Amendment (equal protection), Goetting claims that only one court has held that there is a right to conjugal visits but only for pretrial detainees held for long periods in maximum security (Virgin Islands v. Gereau, 1973). Legal arguments opposing conjugal visits in the United States have expressed concern for the state regarding the risk of being sued for personal injury, property loss, or death to visiting parties.

As can be seen, much of the debate about conjugal visits relates to male prisoners. It is a moot point whether female prisoners would be very interested in or support these visits given the fact that a large proportion of them are divorced or single and have had a history of unsuccessful alliances as well as the fact that for many, their offence appears to be associated with troubled relations with a husband or de facto husband.

In her conclusion, Goetting observes that it appears from looking at past and cross-cultural practices, that conjugal association programs are easily implemented where social structures are simple and social values permit provision for a sexual outlet for prisoners. Many contemporary societies, such as present-day United States, are characterized by extreme structural complexity, an emphasis on the individual as opposed to the family, and conflicting sexual values. Conjugal association in prison is not built into the structure as a manifestation of natural living. Where it exists, it must necessarily result from bureaucratic debate and decisions weighing moral, practical and legal considerations.

Goetting goes on to observe that while conjugal association would undoubtedly provide a more humane institutional environment for inmates, such a practice cannot at this time be based on other alleged advantages: there is no

solid research support for the contentions that such programs reduce homosexuality, enhance social control, normalize prison life, increase postrelease success, or stabilize marriages. However, there is clear evidence of security and operational problems.

4. Alcohol and Drug Abuse Programs

As already noted, a large number of incarcerated women have been imprisoned for crimes which are drug related. For example, in Victoria, Australia, it is estimated that 70 per cent of imprisoned women's crimes are drug related (Hancock 1985:104) and the NSW (1985:42) Task Force reports that the percentage of women on use/possess drug charges in NSW gaols in 1983 was much higher than that of men (9.3% against 2.4% for men; cf. Gorta 1986:22). The NSW Task Force's position (1985:79) with respect to drug dependency was:

Drug use and abuse is primarily a health and social problem, most effectively dealt with by health and social agencies. Drug dependence is chronic in nature and a drug-dependent individual will commonly seek many treatment options before she or he is able to control drug dependence. The Task Force is concerned at the inappropriateness of the response of the criminal justice system in this field, where the magistracy and judiciary feel compelled to increase the severity of penalties when an individual re-offends. The Task Force is concerned to ensure that the community is made aware that imprisonment is demonstrably inappropriate in addressing the underlying cause of women's crime in this State —that is, the dependence of these women on drugs of addiction.

The Task Force concluded that prison is an inappropriate environment for drug-dependent women because the prison environment is totally at odds with the promotion of rehabilitation for these cases; the requirements of security and rehabilitation are in direct conflict. Whereas it is generally agreed that the aims of drug rehabilitation are to promote the possibility of change and to open up a range of new life options, to promote a caring, supportive environment based on mutual trust, to boost self-esteem, to emphasize the benefits of a drug-free lifestyle in a drug-free environment, to offer consistent, accurate information about drug use, and to promote physical well-being, imprisonment restricts both present and future life options, its environment reinforces low self-esteem and is a drug-obsessed community of current users, it fosters

isolation, suspicion and mutual distrust and, because of poor nutrition and lack of exercise, it fails to promote physical well-being (Ibid.:79)³⁹.

While the members of the NSW Task Force unanimously agreed that drug-taking itself should never result in a person's imprisonment, it also recognized that because of the seriousness of their crimes, some people will be imprisoned. Noting that there is no evidence that imprisonment of itself has a positive effect on drug-using behaviour, the Task Force examined possible drug and alcohol programs that could be instituted within custodial settings and made a number of suggestion which are reviewed below in the section on Recommendations. Basically the Task Force advised that separate facilities should be provided for women withdrawing from drug addiction, that the prison department should encourage community organizations to provide services, and that half-way houses (such as Detour House at Kensington and the Langton Clinic half-way house) should be established to accommodate released female inmates with drug problems.

In her study of heroin use and women offenders in New South Wales, Gorta (1986) refers to arguments against treatment of addicts in prison based on the view that addiction is not a psychological disorder but rather has its roots in external social factors and that therefore the addict is best treated within the

39. The Task Force goes on to identify the needs of drug-dependent female offenders and reviews the types of alternative treatment options for women, viz.: detoxification (an in-patient medically supervised withdrawal program which may be either drug free or which may offer medication to relieve withdrawal symptoms and which usually has the limited goal of rebuilding health and rarely extends beyond 10 days); rehabilitation (programs such as Narcotics Anonymous and Alcoholics Anonymous that are generally conducted on a long-term in-patient or out-patient basis during which the drug-dependent individual is subjected to a series of social and psychological activities designed to reveal the nature of his or her personal problems which may not have been previously realized); and methadone maintenance (programs that are conducted on an out-patient basis, often long-term, which by substituting methadone for the illegal drug assist to break the addiction/crime cycle thus allowing addicts to maintain employment and generally function in the community). Having concluded that drug treatment programs need to be directed not only to women's drug use but also towards their needs for education, vocational training, employment and counselling for sexual abuse, the Task Force considered the traditional detoxification and rehabilitation programs commonly available to be inadequate for the needs of these women, partially because they are designed to meet male needs. On the basis of its analysis, the NSW Task Force made a number of suggestions which are reviewed below in the section on Recommendations.

community. Another argument against prison-based treatment holds that if treatment of perceived psychological problems is commenced, it is doomed to fail because of the conflict between prison security requirements and the ethics of therapy. She points out, however, that opponents of drug programs in prison advocate humane detoxification procedures for people under the effects of drugs on reception. On the other hand, proponents of prison-based treatment, Gorta claims, generally adhere to a psychological model of drug use: that the offender may be assisted by changes in attitudes, beliefs and values which in turn will affect her relationships and life style. She notes that many different kinds of treatment have been implemented in prisons (drug education, counselling, vocational training, work programs, self-help groups, marathon groups and therapeutic communities) but few have been rigorously evaluated.

On the basis of her research assessing the needs of female heroin users in prison, Gorta makes the following observations. It appears that female drug users in prison can be divided into two, roughly equal, groups: those whose criminality should cease once drug usage was terminated and those whose criminality would be likely to re-emerge in times of financial or emotional need (cf. Bruinisma et al. 1981). Approximately half of the heroin users interviewed in her study (New South Wales) believed that a drug treatment program could have been an alternative to imprisonment in their case. About one third of these women claimed that they had never participated in any drug rehabilitation program in the community. Considering these views, Gorta claims that flexible diversion programs would be best to meet the individual needs and preferences of female drug users and endorses the NSW Task Force recommendation that sentencers should, wherever possible, bond a drug offender to the Probation and Parole Service on condition that she follows a course of treatment. Such a provision would allow different treatment programs to be considered by the woman in conjunction with her Probation and Parole Officer. With respect to treatment for heroin users in gaol, Gorta considers two aspects: detoxification and treatment. Regarding detoxification, Gorta strongly recommends that separate detoxification facilities be provided for women undergoing drug withdrawal. This unit should contain one bath or shower for every bed and be staffed by a nurse with experience in detoxification units outside a prison setting. In addition, medical supervision is especially important for the barbiturate users who may suffer severe reactions during withdrawal. Medication supplied to the women during detoxification should be similar in range and frequency of doses to medication available in community detoxification facilities: the women prisoners should not

be given reason to feel that they are being punished by undergoing unassisted withdrawal because they have been imprisoned.

Gorta found that three-quarters of her respondents stated that some kind of treatment program should be run in prison. Similar responses were found by the NSW Task Force with respect to prison officers and executive and professional staff. Thus there appears to be strong agreement that some form of treatment should be available to drug users in prison. Once again, it was strongly emphasized that drug withdrawal and treatment should be provided in a separate unit fully staffed by trained personnel. With respect to the kind of treatment, Gorta recommends that a methadone blockade program be established only if a carefully controlled, segregated facility were available, having close liaison with a community methadone program to which the woman inmate could be transferred immediately after release. Gorta notes that therapeutic communities have achieved promising results both inside and outside prison (e.g. in Sweden) but the length of participation in the program appears crucial and that therefore this type of program may not be appropriate for short-term inmates. Nevertheless, it appears that at least half of the drug users in the NSW facility would have been serving long enough sentences to have benefitted from such a program.

With respect to drug users' needs upon release, Gorta refers to the findings of the NSW Task Force, viz.: that women should have access to more relevant information before they are released by allowing representatives of refuges, rehabilitation groups and so on visit the prison and supply information. Secondly, a "best friend" scheme should be organized whereby volunteers from the community would relate to the inmates on an individual basis both before and after release to provide support and advice. Thirdly, expanded funding for supported accommodation such as short term housing and medium term group homes should be provided.

Among some of its innovative programs in the past few years, Western Australia has included Alcoholics Anonymous, Gamblers Anonymous and Narcotics Anonymous; however, none of these programs operate in the main women's prison at Bandyup due to a lack of support from prisoners who tend, it is claimed, to abandon such programs unless they show quick tangible results (South Australia, Department of Corrections 1986). ALANON, a program which focuses on the problems of people who suffer from the abuses of alcohol even if they themselves do not drink, is however being offered to women inmates. South Australia offers drug education courses twice weekly for four weeks to identified need groups.

Sweden, like other countries, has experienced an increase in the number of women incarcerated for drug offences. A 1985 study revealed that overall 36 per cent of female inmates had serious drug dependencies, 19 per cent were users but not serious users, and 45 per cent were non-users (comparable figures for men were 17%, 21% and 62% respectively) (Osborne and Forsgren 1985). Because of such high figures, a special drug ward which has accommodation for 20 women was established at the national female prison at Hinseberg. Admission to this ward is supposed to be voluntary and requires assessment by a committee. The woman agrees to a contract which includes daily urine samples and she is allowed to participate in regular work and studies programs. Sweden also has a legislative provision called "Special Care" which allows offenders who are, among other specified categories, drug addicts to be treated in hospitals for their addiction. In 1985, 30 per cent of the offenders assigned to the "Free Ward" under special care were women: 13% serious drug users (as opposed to 7% for the men). (Evaluation of this program is forthcoming.)

In response to the large proportion to female inmates either charged with drug or alcohol offences, or exhibiting a dependency, Norway initiated a program in 1983 centering around physical activities. Its purpose was to strengthen the inmates physical capacities and give them a basis for an active and positive use of their leisure time. In addition, the program included life and social skills training. In 1983 only three prisons were involved in the project: one central prison in Oslo and two local prisons. Now seven prisons are involved. Normally each institution selects ten inmates. They begin with four weeks of intensive training both inside and outside the prison. Tests assess the effectiveness of the training. The peak of the program is a week outside of the prison in a military camp where the inmates engage in a variety of activities including running, swimming, cross-country and down hill skiing, football and so on as well as a two to three day walking tour in the mountains. After returning to prison, the training continues for at least four weeks in which it is considered important that the prison officers take an active part. Short term results indicate that the majority of prisoners are in much better physical condition and most of them continue training for the rest of their prison time; relationships between the inmates and prison officers improve; the use of medication is greatly reduced; there are few disciplinary problems; and most of the inmates claim they are in better mental condition after having participated in the program--they are more emotionally stable and it is easier for them to relate to others. Since 1983, 130 inmates have taken part in this program and the success

of the program has encouraged other prisons to include it as part of their services (Norway, Department of Prison, Probation and After Care 1986).

In North Rhine-Westphalia, addicted prisoners are allowed to serve part of their sentences while participating in a drug treatment program at a treatment facility or hospital. In 1983 a total of 550 prisoners (male and female) were transferred into these drug programs. The authorities for the new women's prison in Berlin note that effective drug treatment is not possible within the isolated and unnatural conditions of prison and consequently no attempt is made to provide an encompassing drug program. The drug dependent inmates are encouraged to engage in long-term therapy outside of the prison and as soon as the inmate has stabilized within prison, efforts are made to either postpone or convert the sentence into a conditional sentence so that therapy in a treatment clinic can begin. Similarly, 51 per cent of the conditionally released inmates from the women's prison at Rennes in France are released either to an alcohol/drug treatment program or to a mental institution (Faugeron and Rivero 1982). In 32 per cent of these cases the treatment extends beyond the end of the sentence.

In her discussion of alcoholic female offenders, Haynes (1985) observes that explanations for alcohol abuse often entail the notion that the woman is mentally ill. This, she argues, is based on beliefs that a woman can be either sad or mad but not bad, as the latter would imply that a woman is capable of being responsible for her own behaviour (see Smart 1977). Thus, the stereotype for female alcohol abusers embodies the 'sick' rather than the sinful ideology. Haynes claims that this view is predominant in professional opinion. It finds its foundation in the rationale that since alcohol abuse has a far greater stigma for women, only a deep, emotional pathology could elicit its expression in the face of strong, societal norms against unladylike drinking. Ramifications from this stereotype include, Haynes notes, the belief that the female alcohol abuser is also an unfit mother which in turn has powerful consequences in the criminal justice and welfare systems. Haynes goes on to observe that, like crime, increases in alcohol consumption by women have been attributed to the women's movement.

In Britain, female convictions for drunkenness have been increasing although they are still well below that of males (about eight to one hundred in 1985). Haynes notes that the relationship between alcohol abuse and anti-social behaviour (including crime) is well recognized. This, it is claimed, poses a dilemma for society between its normal response to crime as a danger which should be detected, controlled and punished, and society's desired response to

alcoholism as a condition requiring treatment (Grant and Edwards 1977). In the case of the women studied by Haynes, however, these considerations appeared to work together with the result that the women received relatively harsh sentences. Seven of the ten women were diagnosed as needing psychiatric or psychological treatment for their abuse of alcohol. Haynes comments that one can only speculate as to what degree the decision to treat the women as mentally ill was based upon the belief that women in general are less mentally healthy than men and to what degree it was based on the actual need for this kind of medical intervention. Either way, she claims, the "psychiatric/psychological label exerts a detrimental effect upon sentencing" which means at the present time that for many women, prison still constitutes the major treatment facility made available to them.

Haynes questions why more of these cases are not handled by the Probation Service. She suggests that a plausible explanation might be that social workers, like many others, still tend to regard alcohol abuse as a biological or psychological disease (despite expert opinion to the contrary) and therefore feel that these offenders are beyond their realm of expertise. Because of the social problems associated with alcoholism, Haynes claims, prison is incapable of providing adequate treatment for these offenders and she recommends instead a greater use of probation for alcoholic offenders.

Britain's radical campaigning group, Radical Alternatives to Prison, argues that the 'revolving door' syndrome characteristic of many offenders charged with alcohol offences must be broken. To do this, RAP recommends that currently used detox centres should be used as a first stage in an extended process in the sense that they should act as referral agencies. In addition, more temporary shelters such as St. Mungo's are required. Lastly, longer-stay shelters like the Simon & Cyrene communities are also needed. RAP goes on to describe how such a tiered system might be organized and suggests a similar system for drug addicts.

5. Community Involvement

Jurisdictions are very uneven in their capacity to involve the community in various aspects of corrections. In some instances the relative isolation of the facility precludes this possibility. Nevertheless, community participation is generally recognized as an important asset especially in the realm of education,

vocational training and employment. The women's facility in Queensland, for example, is almost completely dependent upon community organizations for its programs although the Department of Corrections is currently planning to undertake the planning and supervision of programs.

While many jurisdictions have embraced the notion of community participation, it has also been pointed out that there are some limits and disadvantages to community corrections. For example, the positive aspects of using private agencies may be offset by their greater financial cost (for example, job training programs). Secondly, community agencies may be reluctant to establish programs within institutions due to the bureaucratic and operational constraints characteristic of penal institutions (Weisheit 1985).

Most jurisdictions permit a variety of furloughs or authorized leaves in order to allow prisoners to participate in employment, training and educational courses available in the local community. In Western Australia, for example, authorized absences are divided into three categories: Grant of Permit for Absence, Grant of Leave of Absence, and Approved Absences under Activities Programs (see below).

6. Mothers and Babies

The reader is referred to the Canadian Ministry's report, "Sentenced to Separation: an Exploration of the Needs and Problems of Mothers who are Offenders and their Children" by Linda MacLeod for a review of studies and issues regarding this subject (Canada, Ministry of the Solicitor General 1986).

In her discussion of this topic, Hartz-Karp (1983) comments that it is not at all evident whose interests are being served--the society, institution, mother, child, all or none. Hartz-Karp observes that programs vary: Britain has a limited mother/infant prison program; in some South American prisons children have been permitted to remain with their parents either in prison (e.g. Mexico and Ecuador), in autonomous penal colonies (Mexico) or special facilities (Columbia); other countries such as West Germany have established residential facilities for children born to female inmates up until the age of six. In other jurisdictions women may have their sentences deferred (e.g. Poland) or if already imprisoned, they may be converted or paroled (New Zealand). In Australia, most states have facilities to look after infants in prison, sometimes up

to pre-school age as is the case in South Australia, while Queensland and Western Australian policy allows for a review of each case when the infant reaches 12 months.

Hartz-Karp notes that while mother/infant prison programs are generally humanitarian in nature, they may have less benign repercussions to the extent that, with improvements in prison's capacities to house mothers and children, women with infants may be given prison sentences when they might have otherwise have received a less severe disposition. She cites recommendations made by the Howard League that major consideration should be given to the welfare of the child or children and that therefore the sentence should be non-custodial unless there are compelling reasons to the contrary.

Hartz-Karp observes that prison facilities tend to determine the age up to which infants are allowed in prison (see also South Australia Advisory Committee for Women in Prison 1985). The problems associated with fracturing the mother-infant bond, however, are no less at, for example, three years than nine months. She notes further that such practices are inconsistent with penal philosophy aimed at maintaining family ties.

In her study of the impact of a mother/infant program on everyday institutional life at Bandyup Women's Prison in Western Australia, Hartz-Karp found that in general prison officers tended to "tolerate" the program, mothers tended to benefit from their new responsibilities, and there appeared to be a mellowing influence on the prison community and babies were seen as a welcome diversion by other prisoners⁴⁰. Overall the impact of the program appeared peripheral. Hartz-Karp suggests that since women's sentences are often short, greater attention should be given to the possibility of including pre-school children in these programs as there would be little risk of institutionalizing these children in such short time periods.

Three women's facilities in England and Wales provide special units for mothers and babies: in the north, Styal Prison has 12 places and Askham Grange open prison has 15 places for children up to age 2 and half years; in the south, Holloway has 8 spots for infants up to 9 months, and there is no open prison with such accommodation. According to a 1985 NACRO report, a census of mothers in prison on 15 March 1982 revealed that out of a female prison population of 1288, 719 (56%) were mothers with a total of 1649 children, 209 of whom were

40. On the other hand, Clark (1979:415) reports that one study claims that pregnant women have an adverse effect on other women in the institution: staff find themselves dealing with a universal anti-work pro-sickness culture.

aged three or under. Yet there were only 34 places for mothers and babies in the entire country. It is the policy of the Prison Department to not lightly jeopardize the children's future by separating them from their mothers but it is also recognized that there is little advantage in artificially creating a relationship with a child which will not survive in the community. Thus, priority is given to women on remand. Other considerations include the age of the child, whether there are any other children in care and whether there is a reasonable prospect of the mother caring for her child upon release.

Heidensohn (1985) reports that opinion surrounding this issue is divided. The Prison Officers' Association, for example, supports the policy of allowing mothers to keep their infants in prison and the opinion of one Prison Governor was that many mothers were actually better off in prison: with no money worries, a well-organized environment, away from men who had battered or abused them, they and their children could flourish (Morris and Gelsthorpe 1981). On the other hand, others think that prison is the least suitable place to rear children. This is the present practice in New Zealand, for example, where female offenders with infants are given alternative sentences rather than being sent to prison. The Howard League Report (1986:9) notes, however, that a campaign to close the mother and baby units in Britain would not be matched by a change in sentencing practices and that the separation of mothers from their newly born infants would be the inevitable consequence.

7. Aboriginal Women

As previously noted, in some countries such as Australia and Canada, native peoples tend to be over-represented in prison. Recognizing the special needs of aborigines, some jurisdictions have established special divisions to specifically consider these needs. For example, Western Australia (where there is a very high proportion of aboriginal inmates), has set up an 'Aboriginal Welfare Group' to provide a forum where the aboriginal welfare workers could explore their unique role within the Prisons Department. The group is comprised of three metropolitan staff who liaise with two county workers at Eastern Goldfields and Roebourne Prisons (primarily male facilities) and members of the Welfare Branch supervisors' group. The Aboriginal Welfare Group addresses such topics as recruitment of aborigines as prison officers, aboriginal employment and training, and so on (Western Australia, Prisons Department 1985).

A study by Foley-Jones and Tandowski (1977) looked at the relevance of correctional programs for aboriginal people in Western Australia. From a criticism of the ethnocentricity of "white fella law" and corrections, particularly educational and employment programs, they conclude that a promising alternative might be to establish a cooperative, such as a sheep station, in the community run by an organization other than the Department of Corrections. They suggest that this form of corrections would be much more in keeping with aboriginal culture and attitudes towards work and property; it would channel training or rehabilitative programs within corrections towards a real goal which would be a relevant alternative to work release; and if successful, an added bonus might be that skills learned in the cooperative could be "exported" back to the inmate's usual environment.

In its discussion of aboriginal female inmates, the NSW Task Force Report (1985:143ff) observed that aboriginal culture and customs (particularly kinship ties) are not clearly understood or respected within the criminal justice system. With respect to bail, accommodation is an overlooked problem; at present there are only two aboriginal hostels which can be used for women on bail, both of which are metropolitan. In sentencing, discriminating practices have been observed. As in Canada, there are differences between country and urban aborigines which are not considered by the Probation and Parole Service when making recommendations in pre-sentence reports. For example, simply removing a country aborigine from the country is a form of imprisonment. With respect to fine default, the Task Force notes that aboriginal women are imprisoned at a rate double that for non-aboriginal women, mainly due to lack of money.

In Queensland, with the introduction of the new Community Services Act, the role of the Aboriginal Court has been expanded to include the resolution of community disputes. It is noted, however, that the success of this innovation will largely depend on police discretion in matters of referral or prosecution as well as the way in which aborigines perceive this option. Many commentators have noted that the police, as the front line of contact with aborigines, are critical elements of the criminal justice system. Repeatedly, recommendations are made to revise police practices, introduce more diversion programs and increase the number of female aboriginal officers within police forces (see, for example, the presentations in Hazlehurst 1985).

In prison, the main problem experienced by aboriginal women concerns the services provided by the Department of Corrective Services. The Task Force observes that aboriginal women want little to do with these services because

they perceive them to be irrelevant to their needs. The Task Force found that aboriginal women inmates felt isolated and wished to have greater contact with aboriginal people from community organizations, finding it difficult to relate to non-aboriginal staff. Many of the programs in female facilities are irrelevant to aboriginal women. Educational programs, for example, do not reflect the orientation and needs of aboriginal women. Postrelease care is of particular importance to aboriginal offender, especially with respect to accommodation. In view of its observations, the Task Force made a number of recommendations which are reviewed in the following section.

In New Zealand, it is claimed that there is less discrimination apparent in the treatment of Maori people. For example, a 1974 study claimed that once one controlled for occupational differences (i.e. socioeconomic status), it appeared that Maoris were not sentenced any differently from non-Maoris with some qualifications (Clark 1979). On the other hand, Maori girls appear to have been treated more harshly than European girls. One explanation for this is that the Maori girl is often more willing to admit she has done something wrong and accept correction whereas white girls often plead not guilty and are represented by counsel.

8. Prison Discipline

It is sometimes maintained, particularly among correctional personnel, that women inmates are harder to work with and pose greater disciplinary problems than do men (Pollock 1984). According to some analysts this view constitutes one more example of stereotyping within the criminal justice system: women are thought to be more emotional, subject to hormonal imbalance and mood swings, unstable, in greater need of control, etc. From her analysis of American correctional officers' responses to female inmates, Pollock made the following observations:

Whether officer' beliefs are derived from actual behaviour patterns or are merely recitations of female stereotypes, the effect on their supervision patterns toward women inmates are the same. We have seen how officers feel they must treat women with a "lighter hand", fearing emotional out-bursts. According of officers, the absence of the stoic norm makes it acceptable for the women in prison to show a whole range of emotions, from love, affection, or friendship to sadness and anger toward other inmates or toward officers and administrators. This expressivity affects the management of women because the officer more

often must deal with an immediate open reaction to their interventions rather than a suppressed reaction from the males. The open display of emotions resulted in many interpretations from the officers, i.e., lack of control, manipulation, moodiness, biological cycles, and so on, but whatever the interpretation, expressions of emotion did affect the officers' management style, in that officers had to be more concerned with anticipating how a woman was going to react to their actions or orders.

While it is true that women do not present as much trouble in terms of prison riots and massive disruptions, it is also sometimes claimed that they are more "anti-law" and more prone to self-mutilation than men: "female convicts were a source of well-nigh intractable disciplinary problems" (McConville 1981:414 in Heidensohn 1985:66). British figures show that the highest rates of offences against prison discipline occur in female institutions: in 1981 the rate was 144 per 100 population for all males and 310 for females (Heidensohn *op. cit.*)⁴¹. It is said that incidents of self-mutilation and "smash-ups" indicate female prisoners' mental abnormality. Heidensohn (1985:74ff) asks whether these expressions of stress mean that women in prison are more likely to be mentally abnormal than men and if this is so, whether this is because the women sent to prison are already disturbed or is it because prison, being a more traumatic experience for women, causes them to behave this way (see also Carlen 1985). Some have suggested that women's responses to prison reflect a lack of what has been called (above) a stoic norm--that, unlike men's prisons, women's prisons contain a "subculture of inmates rather than an inmate subculture" (Kruttschnitt in Heidensohn 1985:78). Dobash and his colleagues (1986:147ff) suggest that an alternative explanation for the disproportionate number of prison violations committed by women may stem from differences in the rigour with which the prison rules are applied to women. The Howard League Report (1986:4) pointed out that most breaches of discipline for both sexes are acts of disobedience or "other", which is to say, they do not constitute grave violations⁴². In addition, Dobash and his colleagues note that there appears to be an

41. A recent report by NACRO showed that women prisoners are punished for disciplinary offences twice as often as men. In 1984, each woman was punished for an average of 3.3 offences (Dobash *et al.* 1986:147).

42. The punishments can, however, be fairly serious: forfeiture of remission was the most frequently awarded punishment at closed female institutions, followed by stoppage or reduction of earning at open prisons (Britain, Home Office 1985b:115; and see especially, Mandaraka-Sheppard 1986:81ff). At the female prison at Rennes in France, a similar picture is apparent. Almost half of the prison infractions observed by Cario (1985) had to do with such things as refusal to take medication in front of a prison officer, refusal to go for obligatory walk, refusal to obey an order, talking during mass, listening to music too loudly, and so on. Infractions against other inmates were very rare. Penalties for these infractions, on the other hand, can be quite severe including loss of remission and solitary confinement.

assumed relationship between mental instability and prison infractions with the result that in both of the therapeutic prisons in Britain, punishment levels have risen since the 'treatment' oriented regimes were introduced; attempted suicide, self-injury and "cracking up" are routinely dealt with through the disciplinary system. In this regard, the NSW Task Force recommended that incidents of this sort no longer be dealt with as prison rule violations but referred instead to the prison psychologist. Segregation of prisoners is a common practice in most jurisdictions. While meant to be a relatively benign intervention aimed at preventing harm to the prisoner herself or others, it is often similar to solitary confinement and is viewed, as well as used, as a form of solitary confinement (NSW Task Force 1985:168). Norway recently revised its Prison Rules to the effect that security cells may be used only in order to prevent inmates from inflicting injury upon themselves or other persons, to prevent considerable damage to property, and to prevent serious disturbance in the prison; in addition, prison authorities are no longer allowed to use firearms in the prison (but may use gas-pistols and truncheons).

In her examination of aggression in British women's prisons, Mandaraka-Sheppard (1986) found that the nature of misbehaviour was, to a large extent, minor (e.g. verbal abuse, insubordination, violation of rules regarding scarce goods, theft or dishonesty). Physical violence or serious misbehaviour was found to be minimal in open prisons. Significant differences between open and closed prisons in terms of physical violence were established; however, the form of the violence appeared to be individualistic rather than collective. Of particular interest was the finding that a violent offence or a violent criminal record did not predict violence in prison; nor did the length of sentence or the number of previous terms of commitment.

Mandaraka-Sheppard found that a number of institutional characteristics were significantly associated with misbehaviour. Thus, for example, if prisoners viewed the prison unfavourable in terms of order and staff control (i.e. as a negative authority structure) there was more frequent misbehaving. Closed prisons, which were perceived as posing a greater obstacle to inmates' autonomy than the open ones, had more incidents of physical violence and few inmates complying with staff's expectations and identifying with them. In short, it was found that although a certain low level of misbehaviour is unavoidable in all institutions, the most badly misbehaved inmates perceived the prison regime as harsh and punitive, lacking in order and restricting their autonomy. Inmates who misbehaved frequently were more likely than others to experience victimization,

severe punishments, lack of rewards. Physical violence was more likely to be the result of harsh institutional practices, which induced defiant responses on the part of inmates, which in turn produced more punishment.

On the basis of her observations, Mandaraka-Sheppard proposed that a number of changes could affect the nature and level of prison misbehaviour: reduce prison populations in order to prevent overcrowding and the associated strains on staff and inmates; improve staff morale and training; increase prisoners' contact with their friends and families; alleviate boredom through improved vocational training programs; abolish petty prison rules, avoid frequent use of punishment, abolish censorship, change the system of the Board of Visitors in prison so that inmates can contact an independent authority with their grievances, and introduce independent medical doctors and nurses to check regularly the medical treatment of prisoners and the extent, use and purpose of psychotropic drugs; provide prisoners with more practical help concerning their families and the lives to which they are returning.

In matters of discipline, increasing numbers of countries permit inmates to be represented by a lawyer in cases which involve more serious penalties. For example, New South Wales allows prisoners access to legal aid for appearances before the Visiting Justice. Many jurisdictions have an Ombudsman although this office usually has only an advisory capacity and due to its distance from the prison is frequently seen to be of little assistance. The NSW Task Force cites practices in other jurisdictions where an office of the Ombudsman is located on the prison premises. Grievance committees are common in many jurisdictions' prisons. The NSW Task Force recommended the re-activation of a grievance committee for women's facilities.

9. Classification

A number of writers have observed that current classification schemes in most jurisdictions are based on male prisoners and fail to deal with issues specific to female inmates (Hunter 1984). The NSW Task Force (1985:240ff) observed that women inmates tend to be subject to higher than necessary security ratings and that this had an adverse effect on their access to programs, particularly work release and attendance at external educational institutions. The members of the Task Force argue that by using traditional classification

systems, the characteristics of typical female inmates result in high classification ratings, and yet these same characteristics are also applied in the determination of a lower rating so that women are again disadvantaged when their cases come up for review. Ordinarily, initial security placement is primarily determined by length of sentence left to serve and/or offence. Although these criteria are objective, the Task Force argues that they may bear little relationship to women's security requirements. The Task Force claims that it is widely observed by correctional staff that women prisoners serving longer sentences generally need less supervision and security than many short-termers. A classification system based on length of maximum sentence yet to serve is not, according to the experience of prison staff, entirely appropriate. The vast majority of female prisoners require medium, lower medium or minimum security classification and while this is generally recognized by Classification Committees it makes little difference if the inmate is housed in a facility designed for maximum security prisoners.

10. Pre-release

One type of release program is the 'Release to Work Scheme' currently operating in Queensland Australia. This innovative program permits inmates to work at their normal employment during the day and return to prison at night and is designed for offenders in their last months of imprisonment to help facilitate their re-entry into the community. Victoria has a pre-release program, established in 1983, whereby the Minister grants temporary leave permits to approved prisoners enabling them to participate in established the Attendance Centre program. (Victoria's Attendance Centres are a sentencing alternative for judges and magistrates.) This scheme was revised in 1984 to the effect that authority for granting temporary leave permits was delegated to the Victorian Adult Parole Board. Pre-released prisoners are allowed to live in the community subject to strict attendance at the Attendance Centres two evenings per week and all day Saturday and strict abstinence from gambling, and from visiting licensed liquor premises and the consumption of alcohol prior to or during attendance at the Attendance Centre. During the evening sessions, the focus is on instruction and activities tailored to the particular needs of the offenders. The aim of these sessions is personal development. The Saturday sessions involve community

work (NSW Task Force 1985:113ff). Eligibility criteria for this program exclude prisoners convicted of crimes of violence, arson, sexual offences and any drug offences involving the manufacture or supply of proscribed substances⁴³. The NSW Task Force recommended the institution of a scheme similar to the Victorian pre-release program in New South Wales but argued that prisoners should not be excluded on the basis of their offence because these criteria would tend, especially in the case of female offenders, to exclude the very prisoners who were most likely to benefit from such a program.

As noted above, Western Australia has three types of release. The Grant of Permit recognizes compassionate reasons for leave from prison and is based on a determination of the degree of suffering either to the prisoner, the family or other persons of significance (e.g. a death, illness, or serious social situation). The Grant of Leave of Absence is aimed at fostering the reintegration of the prisoner into the family, community and workforce in anticipation of the end of her/his sentence. Thus inmates may be released, for example, to work, visit their families, do voluntary work. Only prisoners who can be rated 'open security', who present minimum risk to the community and who have served a minimum of twelve months in prison are eligible for this type of leave. Finally, Approved Absences under the Activities Programmes allow prisoners rated as a minimum risk to leave the prison to take part in programs which have been approved by the Minister such as community work, charitable or voluntary work, work associated with the operation of the prison, sport or religious observance. The Minister approves such programs on a six-month basis. For female inmates the availability of community programs depends, of course, on the location of and the facilities existing at each prison housing female inmates (see Appendix C for a list of the female facilities in Western Australia). Thus not all female prisoners have access to all the programs run by the Department. In addition, eligibility is also determined by the prisoner's security classification. On this subject, the

43. This scheme provoked concern by the Victorian Court of Criminal Appeal in the case of The Queen v. F.T. Yeates in 1984. The Court expressed concern about the discrepancy between the time actually served by offenders and the sentence passed by the court. It also expressed concern that administrative intervention in sentences tended to undermine the authority of the court. Partially as a result of this case, an Inter-Departmental Committee consisting of representatives of the Law Department and the Office of Corrections was established to carry out a review of the existing legislation dealing with corrections and sentencing laws in Victoria. Among other matters, the Committee looked at the role and effectiveness of the pre-release scheme and found that during the period 2.4.84 to 30.11.84, 50.9% of persons eligible for consideration for pre-release were granted permits (433 prisoners). The average length of the permit was 6 months. The breach rate was 8.3% compared to a breach rate of 15% for offenders on Attendance Centre Orders. The Committee went on to suggest that the proper way to view the pre-release program was not as an interference in the sentence of the court but as a controlled release program forming part of the sentence. To the extent that a pre-release program assists in the reintegration of the offender, it is to be seen as a measure protecting the community.

NSW Task Force argued that women's security ratings should be downgraded in order to permit them greater access to leaves.

In keeping with its view that prison is over-used for women offenders, the NSW Task Force urged that alternatives should be developed, including a pre-release attendance centre and more half-way houses (see also Biles 1982).

In the province of North Rhine-Westphalia, West Germany has three kinds of release. During the three months before their final release, one week of special leave may be offered to inmates to assist them in arranging their postrelease plans. For those who have already participated in a work release program, special leaves of up to six days per month are offered during the last nine months of their sentence.

11. Architectural and Organizational Policies

The difference between men's and women's institutions are most apparent in long-term facilities. In the Council of Europe Survey (1985:28ff) it was found that in recent years a number of its member states indicated a preference, in all save exceptional cases, for open prisons where short-term prisoners could serve their sentences. Sweden, for example, has mainly built local prisons for prisoners serving sentences of less than one year in accordance with an emphasis on proximity to the family and community participation in the treatment of prisoners. In addition, although there are still maximum security prisons for the most dangerous offenders, Sweden has pioneered the concept of prison villages (for long-term prisoners) comprised of twenty or so chalets where living conditions are similar to those outside prison. In contrast, countries such as France and Italy are hampered by extremely old building stock and have had to compromise between building new prisons and renovating old ones. In France, the old houses of arrest have been abandoned for female prisoners with the result that some short-term prisoners are now serving their sentences in the institution at Rennes (in the north-east section) far away from their families and home communities (Cario 1985). In England and Wales, over two-thirds of female offenders are serving their sentences in closed institutions. West Germany, like Canada, shares responsibility for corrections between federal authorities and the Länder (equivalent to provincial jurisdictions), resulting in a variety of institutional arrangements. Denmark locates its State prisons

some distance from residential areas but puts local prisons in built-up areas (see Appendix C).

In her comments about the design of women's facilities, Chesney-Lind (1986) observes that since women inmates are neither dangerous nor tend to present security problems in terms of attempts to escape and prison riots, security (which is usually a major driving force in the design of male prisons) should be of less concern for women's facilities. She argues that the design of women's institutions should facilitate low security, furlough (both educational and work) programs which would diminish the need to replicate costly programs within the facility. In addition, noting that many female inmates are (single) mothers, Chesney-Lind proposes that special visiting facilities (perhaps special units with the capacity to allow children to stay overnight) should be considered. She refers to studies which show that children of incarcerated mothers feel the loss of their parent keenly and often get into trouble themselves. Moreover, there is some indication that children's presence acts as a pro-social force within women's institutions.

Due to the fact that many incarcerated women have problems with drug dependency and a background of physical and sexual abuse, she further proposes that space within the facility should be made available for therapy work. A similar consideration should be given to space provided for educational and professional training of female inmates. On the basis of her research she has found that women often gain a lot of weight in prisons and should be provided with an array of physical activities—something which women inmates she has interviewed have expressed considerable interest in. Lastly, Chesney-Lind emphasizes the need to keep long and short term inmates segregated in most if not all activities.

The NSW Task Force (1985:253ff) observed that experience in other countries appears to favour unit living arrangements for female inmates. Unit living is not dependent upon architectural design but is linked to management and thus, the Task Force notes, inextricably linked to the concept of participatory management. In recommending that unit living arrangements be made available to women in prison, the Task Force adopted the following principles:

- (a) The concept of unit living is based on the principle of maximum self-determination for prisoners, within the prison environment;
- (b) Restrictions imposed must be minimal and based on utmost necessity only. Acceptable restrictions include those that relate directly to containment and safety. Any other restrictions should only be those imposed by the

community of prisoners itself and would be based upon those reciprocal rights and obligations necessary for group living;

- (c) For unit living to operate successfully and with minimal interference from prison management, all staff need to be trained to work within an environment that supports the principles of unit living and maximum self-determination;
- (d) It is acknowledged that not all women may want to participate in unit living arrangements. No women should be coerced into unit living and therefore traditional accommodation must be made available for those who desire it; and
- (e) While it is important to distinguish between a therapeutic community and unit living (which does not have an inbuilt therapeutic structure), specialized needs of individual prisoners must be recognized and supported.

In contrast, Dobash and his colleagues (1986:212ff) comment that, based on their research at Cornton Vale, Scotland,

small units, purporting to foster 'relationships' are in fact used effectively for the surveillance, control and manipulation of prisoners. It is ironic, but perfectly in the tradition of the treatment of women in prison, that designs developed for high-security-risk, long-term male prisoners, should be suggested as appropriate for women who are supposedly in need of psychiatric assessment or treatment, most of whom, far from being long-term prisoners, are actually on remand. Moreover, the ordinary prison regime with its framework of prison rules, and in women's prisons the particularly close surveillance and control exercised allow almost no individuality or autonomy and ironically no scope for collective expression.

Australia, like Canada, is characterized by sparse regional populations relative to dense metropolitan areas. With reference to this problem, the NSW Task Force observed that it felt constrained against recommending any broad proposal for regionalization, in recognition of the potential conflict between such a proposal and the Task Force's recommendation for development of specialized management practices, programs and facilities for female offenders. The Task Force acknowledged that realistically, in country institutions with a very small number of female offenders, it might not be economically possible to provide facilities and conditions comparable to those available to female offenders in the metropolitan area. Therefore the country inmate may be seen as being disadvantaged in these areas. As a compromise, the Task Force suggested that regional facilities should be upgraded and that formal recognition should be given to the practice of allowing a woman serving a sentence of more than

three months to remain in the regional facility when there are cogent personal and family reasons.

(i) Integrated institutions

Attitudes towards co-ed institutions vary. While some have argued that this strategy would be a way of solving problems concerning female inmates' isolation from their communities and families as well as permitting them access to the services and programs more readily available in male institutions, others have claimed that this approach is undesirable because it would continue to foster female victimization and exploitation by male prisoners, particularly in terms of their sexual and 'nurturing' services, and note that many women have already suffered a history of victimization in this regard (see, for example, Carlen's 1983 study of Scottish women prisoners). Some authorities are concerned about preventing sexual relations between men and women of any kind (exploitive or not) and this has lead, in some instances, to virtually complete denial of services and programs to female inmates (see, for example, Chesney-Lind's review (1983) of the experiment in Hawaii). Others have claimed that such experiments have lead to a double standard with respect to disciplinary proceedings with the result that women receive preferential treatment (see Ruback (1980) cited in Chesney-Lind op. cit.) although this was not found to be the case in the Hawaii facility.

With respect to the proposal to integrate prisons in Victoria, Australia, Hancock (1985) observes that the most frequently claimed advantages of integrated prisons are cost-savings, improved atmosphere and greater 'normalcy', and access for women to a wider range of services than could be provided in an all-female prison. She notes, however, that there are numerous examples of the detrimental effect on women of integrated prisons, particularly when women are a numerical minority within a predominantly male prison (see, for example, Ungmark 1985). One exception is Ringe Prison in Denmark where men and women are matched for age and security classification, participate jointly in most activities, and are permitted social and sexual contact⁴⁴. Otherwise, in less well planned and operationalized prisons, there are studies which find that women are often exploited or abused sexually and physically which in turn has been related to the sex-roles of their social backgrounds (see Feinman 1984 in Hancock 1985).

44. Heidensohn (1985:78) notes that most of the few reports available about integrated prisons suggest that it is male prisoners who are most helped in such environments.

Hancock further notes that attempts to equalize resources for males and females may result in the loss of valued facilities; women are often reticent to enter non-traditional work areas as they do not wish to appear unfeminine or to be seen to compete with men; women have less frequent use of 'shared' resources when they are a minority in a predominantly male prison, especially when contacts between the sexes are strictly supervised; and unauthorized sexual contact and supervision during shared activities have been noted as major problems (women's smaller numbers and beliefs that women bear the consequences of sexual relations lead to their greater control).

The South Australia Advisory Committee for Women in Prison Report (1985) argued in favour of a "co-ordinate" prison: a prison which, according to the definition provided by Feinman (1984),

has separately administered but contiguous male and female prisons with integrated staff that share services and programs while each retains its identity and autonomy. In the co-ordinate system, both male and female special needs would be met, shared services and programs would be more cost effective, male and female prisoners would have the opportunity to associate with one another yet have their own separate space and time, and women would have the opportunity to be administrators of the female institution and be leaders and spokespersons for women prisoners who are in the minority in the prison system. The co-ordinate prison would avoid the "separate but unequal" problem that has denied women staff and prisoners equal treatment with men in the prison system. It would also prevent women staff and prisoners from being overwhelmed in the predominantly male system. (see also SchWeber 1984)

The Howard League Report (*Ibid.*:14), taking note of the fact that a minority of women in a predominantly male institution would probably result in inequities for women, suggests instead that a small proportion of selected male prisoners should be transferred to existing women's prisons to maintain their full complement. With this kind of balance the needs of both male and female prisoners could be met. Living quarters could be kept separate and the extent to which the men and women mingled during work and other activities would be up to the inmates. According to the Howard League, mixed staffing would also be beneficial to both female prison officers (in terms of promotions opportunities) and the inmates (with respect to more available male staff who can, unlike women prison officers with domestic responsibilities, stay overtime to supervise inmate activities).

This strategy would seem to be preferable to that of mixing, for example, young offenders and adults. Genders and Player (1986) examined the consequences

of changes in the youth custody provisions in the Criminal Justice Act 1982 whereby young women under the age of 21 are now incarcerated in adult female remand centres. They observed that contrary to the belief that some older women might have a positive mothering effect and despite official attempts to forestall 'corruption' by designated categories of older inmates, the younger women were inevitably exposed to undesirable influences in terms of learning various aspects of drug offending and drug abuse and so on. The authors also note that the categories that were deemed undesirable were themselves inappropriate as they consisted generally of those who committed unsophisticated and spontaneous crimes involving no expertise to pass on to others. Meanwhile, as a result of the regular prison routine of work and education, less beneficial older inmates mixed freely with the younger ones. In addition, particularly in the realm of education and training, limited resources and legislative demands meant that the requirements of the younger women were given priority with the result that programs for the older women suffered. Lastly, Genders and Player note that present arrangements appear to be having the effect of 'widening the net'.

12. Female Personnel in Corrections

The United Nations Report (1985:44ff) observes that women have experienced great difficulty in gaining entrance to occupations within the criminal justice system: some countries continue to question whether women should be brought into the justice system as practitioners or administrators, while others are seeking answers on how they can effectively alter traditional personnel practices and prevailing negative attitudes to insure equality of opportunity regardless of sex. While there has been a slow but definite increase in the number of women employed in this sector, in many countries the majority of women continue to work in supportive and clerical positions. The United Nations Survey found that 22.2 per cent of the responding countries reported increases in the involvement of women in their prison systems. From questions about how these changes have been brought about, the United Nations Survey concluded that their findings confirm previous research that government initiatives in the form of legislative, judicial and executive steps guaranteeing equal employment opportunities are crucial to integrating women into the labour market. However, it was also found that 70 per cent of the responding countries reported that despite

government initiatives, few if any of them had undertaken special incentives to encourage the recruitment, training, appointment, retention or advancement of women aimed at ensuring the full and equitable employment of women in their criminal justice systems.

Traditionally, corrections systems have placed heavy emphasis on physical characteristics and strength as key employment criteria and adhere to height and weight requirements that disproportionately disqualify women. In addition, since the majority of prisons are for men, and since advancement to managerial and administrative positions has customarily been based on recruitment from the ranks of institutional personnel, women have been effectively excluded from these positions except in the rarer instances of female institutions. The United Nations Survey found that there was much variation in the proportion of women employed at the managerial level: Costa Rica had the highest rate with 58.2 per cent of women managers followed by the United Kingdom (52.3%) and the Seychelles (3 out of 7). In the middle range were Madagascar, Sweden, Senegal, Greece and Spain (23 to 10%). In the low range were Northern Ireland, Japan, Bangladesh and Singapore (4 to 0.3%). The number of women working as custodial staff (defined as guards with primary responsibility for the custody of all inmates and order maintenance in institutions) was found to be significantly lower and was strikingly consistent across countries with an average of seven per cent of women employed in this capacity. Women as treatment staff (defined as persons with primary responsibility for the welfare of inmates, including medical staff, psychiatrists and social workers) reflected the highest variations and ranged from 0 to 58.9 per cent. At the top were Finland and Greece with 58.9 per cent followed by Costa Rica (36.9%), Belgium (29.7%), Spain (22.6%) and Chile (24.1%). In the middle range were Sweden (18.7%), Japan (13.3%), the United Kingdom (13.2%) and Madagascar (11.1%). In the lower range were Scotland (7.7%), Northern Ireland (7.6%) and Indonesia (5%).

The Prisons Department in Western Australia has appointed an Equal Employment Opportunity Co-ordinator to help establish policy, acquaint staff with the Department's commitment to equal opportunity and to help implement the E.E.O. Management Plan. The NSW Task Force found that officers complained that promotional opportunities were being eroded by the transfer of men to promotional positions without a corresponding transfer of women into promotional positions in male prisons. It also found that executive staff suggestions for appropriate levels of mixed staffing varied from 0 to 20 per cent and recommended that an

immediate interim 15 per cent limit be placed on mixed staffing in women's prisons.

In Britain, promotional opportunities are a recognized problem in addition to the fact that with so 'few and [literally] far between' facilities it is very difficult for staff to plan their careers in a nationally run, centrally organized service. A relatively high proportion of female prison officers are temporary. Like other employed women with domestic responsibilities, women prison officers find it hard to get to training courses, feel themselves disadvantaged and lack self-confidence (Expenditure Committee, 61-iv, pp 79ff in Heidensohn 1985:81). Heidensohn reports that one solution which has been rather tentatively tried is to have greater mixing of prison staff with the result that there are now once again male governors and officers in British women's prisons and some women governors in mens' prisons. The Prison Officers' Association is opposed to cross-staffing, while the Governors favour it (Ibid.).

The South Australia Advisory Committee for Women in Prison (op. cit.) observed that increasing numbers of female correctional officers have been recruited but there is no vigorous policy of continuing recruitment in order to involve more women in corrections nor, once they enter the service, is there any real support for their difficult job within institutions. There are no senior women within management and no role models for female correctional officers. The Committee supports affirmative action programs (including recruitment of aboriginal staff) and recommends expanded staff development programs including training in interpersonal skills.

In New Zealand, none of the men's institutions employ women as prison officers although some are employed as teachers and nurses. The women's facilities do employ male officers. In 1982 female prison officers represented 5.9 per cent of the total (60 women). A working party was established in 1986 to plan for the full career integration of men and women officers in New Zealand prisons and it is anticipated that the appointment of women officers to vacancies in regional, youth and minimum security prisons will be one of its first steps (cf. Ireland as well in the Report of the Committee of Enquiry into the Penal System 1985:137). Unlike Britain, for example, the New Zealand Probation Service employs a higher percentage of women staff: 34.5 per cent in basic grade positions and about 11 per cent in senior positions.

13. Rights and Litigation

Some countries have witnessed an increase in litigation on the part of prisoners (see, for example, the comments by Kelk (1983) regarding the Netherlands). In United States, events in the sixties produced radical changes in the courts' willingness to renounce their traditional 'hands off' position. It is claimed that prisoners are more likely to use the courts when issues of constitutional rights are in question as opposed to appeals concerning disciplinary actions—for the obvious reason that it is generally too late to do much about disciplinary penalties.

Women inmates have generally been less litigious than men and in America, for example, did not begin to seek redress via the courts until the mid seventies. In his analysis of the American situation, Alpert (1982) claims there are several reasons why women have been and are still less likely than men to use the courts. Firstly, he notes that owing to the fact that most cases have been launched by men, there is a lack of legal precedent for women inmates. Secondly, they have relatively limited access to the courts. While many jurisdictions must by law allow them access to the courts, their opportunities to obtain legal assistance are minimal; they do not even have the benefit of a "jail-house lawyer" to assist them. Lastly, he claims that women appear to be less inclined to set the legal machinery in motion: litigation can be a painfully slow process (Leonard 1983).

One of the most commonly used arguments in the United States by female inmates is the Equal Protection Clause (Fourteenth Amendment) which permits women to seek parity with men. Alpert notes that as of the late seventies the Court has basically ruled that the small number of women prisoners does not warrant the degree of expenditure that would be required to assure parity of services and programs with men prisoners. However, the Reed standard (that sexual discrimination must be reasonable not arbitrary) could be applied when it is relatively inexpensive to duplicate services. Leonard (1983) notes that in the early eighties a few more cases have successfully used the Fourteenth Amendment to ask for better services and programs (for example, the Kentucky Correctional Institute for Women sued the state of Kentucky for sex bias and a federal class action suit was filed by four inmates at the Indiana Women's Prison). The Eighth Amendment (cruel and unusual punishment) has also been used by women with respect to health care in prison particularly with respect to issues of negligence and neglect and forced abortion.

Leonard observes that while there have been a few successes, there are many drawbacks to this strategy. Litigation is slow. Apart from Supreme Court rulings, court orders only cover one institution. Frequently, the courts have not been specific enough or forceful enough in ensuring that their decisions are obeyed. Finally, prisons are private and closed institutions where injustices may remain invisible to the outside world. Leonard notes further that most female inmates are poor, uneducated and often members of a minority group: they are powerless and kept passive by the widespread use of "drug therapy".

The South Australia Advisory Committee for Women in Prison (1985) observes that the new Equal Opportunity Act which includes provisions relating to sexual harassment and sexual preference will have implications for the treatment of women prisoners. Legislation of this sort may have particular ramifications with respect to lesbianism within prisons.

B. Pre-trial Diversion and Alternative Measures

In its discussion of alternative measures, the Council of Europe (1985) noted that there are both ideological and economic causes for the growing interest in alternatives to imprisonment. While some may differ with its views, the Council of Europe Report observes that the limited effectiveness of imprisonment, especially short sentences, has been established by scientific research and by the opinions of the people involved, and the cost of custodial care has risen so high that in many countries the economic aspect has become the decisive factor in criminal policy. At the present time there are, according to the Council's classification (based on their proximity to or remoteness from imprisonment), three types of alternative measures available to both men and women: (a) those concerned with the enforcement of custodial penalties, (b) those constituting sanctions different from custodial penalties, and (c) those which avoid the imposition of a penalty.

(a) Alternative measures concerned with the enforcement of custodial penalties:

semi-detention which enables an offender to work outside prison, follow a course of instruction or undergo medical treatment with the time spent in detention being ordinarily limited to the night or whatever time is not taken up by the activity for which the arrangement was originally made;

work release which allows the offender to be employed outside prison and is often a measure of semi-detention;

weekend detention which is a form of intermittent detention under which the offender can serve his or her sentence on weekends only or when s/he is not otherwise engaged;

house arrest which enables an offender to serve a short sentence at home; and

servicing in an outside institution or care centre, for example, some form of hospital, in lieu of imprisonment. (For example, a relatively new statute in France (Act. No. 85-10 of January 3, 1985, section 102) specifically designates the public hospitals which may take prisoners. Similarly, a 1985 revision to the Norwegian Prison Act, and a 1985 revision to the Danish statute makes it possible for prisoners to serve his or her sentence in nursing or health institution.)

(b) Alternative measures constituting sanctions different from custodial penalties:

financial and related penalties: the Council claims that the concept of fine is gradually being replaced by that of a financial penalty that is more comprehensive as regards both the content of payment (e.g. payment of a sum of money to a non-profit organization, restitution, etc.) and the conditions whereby it is paid (e.g. adaptation of the 'fine' to the offender's circumstances, e.g. day-fines: the assignment of a certain number of days for which a fine must be paid (depending on the severity of the offence, up to 120 days in Sweden for example) and where the amount of the daily payment is based on the individual's financial situation).

sanctions restricting or taking away rights: the Council observes that most of these measures apply to juveniles (e.g. curfews).

probation: perhaps one of the oldest and most widely used forms of alternatives apart from fines. Variations in traditional probation include group work, intensive counselling and parallel developments in the field of social work.

community service: probably one of the most progressive alternative measures introduced in the last ten years. The Council claims that in relation to probation, community service is a step forward in terms of representing the concept of reparation and creating a sense of responsibility.

(c) Alternative measures which avoid the imposition of a penalty:

This category of measures includes a whole range of measures which enable the courts, once they have found the offender guilty, to order neither imprisonment nor any other penalty; e.g. suspended sentence, conditional sentence in a variety of forms. Australia, for example, includes among its dispositions the possibility of discharge without conviction, discharge without conviction conditional upon the defendant entering into a bond of good behaviour, conviction without penalty, conviction with a bond of good behaviour, and conviction with imprisonment suspended if the defendant enters into a bond of good behaviour. Sweden has a provision for conditional sentences whereby the offender is in effect put on a good behaviour bond without supervision for a specified period of time, usually two years.

The Council of Europe Report notes that statistics about the actual use of these alternatives were not obtained from its survey but presents a number of factors which may be inhibiting their use. Firstly, judges' reluctance to make use of new measures with which they are not familiar or which entail more effort than the simple application of traditional sanctions (e.g. the need for social enquiry reports, instructions to the offender) as well as doubts about the punitive effectiveness of these sanctions may be retarding their greater use. In addition, the Council notes that there may be objective factors (such as restrictions established by legislation or the administration of corrections, or by practice) which make one or other of the measures unusable in certain situations. The United Nations Survey (1985:35) found that about 63 per cent of the responding countries reported no differential treatment by sex in the extent or application of pre-trial diversionary measures. Of those that did report differential treatment in this area, most referred to allowances made for pregnancy or the immediate postpartum period. Similarly, 51 per cent of the respondents claimed no differential use of alternative measures to custody.

With respect to the effectiveness of these measures, studies' results are often contradictory and inconclusive. As has been pointed out, however, considerations of incapacitation aside, it does not take much for most alternatives to match or surpass the relatively poor rate of success for imprisonment. In any event, the Council of Europe Report notes that among its member states effort in recent years has been concentrated in two areas: the development of alternative measures based on the idea of compensation for damage done (e.g. community service, restitution: Norway, United Kingdom, Denmark and France) and the use of suspended sentences with supervision (West Germany, Italy, France, Sweden) as well as 'freedom subject to supervision' types of alternatives (Denmark, Sweden, Finland).

(i) Pre-trial Diversion

It has been suggested that pre-trial diversion programs have focused almost entirely on male offenders and young offenders (see, for example, Price in Clark 1979). Information collected for this report tends to support this view although there are some exceptions. For example, it is claimed that the Netherlands' noticeably low imprisonment rate is partially due to the fact that a major portion of arrested persons are diverted out of the criminal justice system prior to trial (Johnson and Heijder 1983). Cautioning in Britain is another form of diversion which, it is claimed, has proved to be cost-effective. In New Zealand, young Maori women who have offended can now benefit from the Maatua Whangai Initiatives which seek to use family networks and support systems as a means of diverting young Maori offenders from entry into the criminal justice system.

In South Australia, the Controlled Substances Act, 1984, allows for male and female suspects who have been charged with simple possession of drugs to be referred to assessment panels without court appearances or convictions. New South Wales is considering similar legislation. The NSW Task Force observed, however, that it would be inappropriate for any subsequent disposition to tie the offender to a particular course of treatment. The authors believe that sentences should not intrude into the area of treatment at all, a view supported by the Probation and Parole Service (in 1983). Based on practical experience and an appreciation of the most effective methods whereby treatment for drug addiction is conducted, the Task Force claims that the treatment needs of an offender may vary over time and flexibility is required to accommodate those changing needs--a requirement which conflicts with the fixed nature of a court-determined sentence of treatment and with the sanctions associated with breaches. Instead the Task Force and the Probation and Parole Service propose that having obtained an assessment via the D.A.C.A.P. (Drug and Alcohol Court Assessment Programme, see below) process, the court should simply bond the offender to the Probation and Parole service on condition that she/he follow a course of treatment. In addition, probation officers recommended that policies should be formulated which acknowledge their increasing role in assisting drug offenders. D.A.C.A.P. employees also suggested that legislation should be introduced to protect the offender from being charged with further offences as a result of information obtained in a pre-sentence assessment (NSW Task Force Report 1985:92-93).

New South Wales has had a formal program of diversion for drug offenders since 1977. Initially this program was referred to as the "drug diversionary programme" and operated from 1977 to the end of 1979 when, according to the NSW Task Force (1985:90), a review revealed extensive conflict and dissatisfaction among the main groups involved—namely, magistrates, the Probation and Parole Service and community drug and alcohol counsellors. Apparently there was a marked tendency on the part of health and justice personnel to emphasize only those objectives which had a direct bearing on their own activities: magistrates stressed legal objectives, while drug counsellors were concerned with treatment objectives. As a result, the Drug and Alcohol Court Assessment Programme, D.A.C.A.P., was created. D.A.C.A.P. is a form of diversion which operates after a plea of guilty is entered to the charge and prior to sentencing. It placed an emphasis on assessment as opposed to treatment; a shortened remand period of three weeks; the location of probation and parole officers in drug treatment agencies; and the adoption of a clear set of objectives for the programme, the first of which was to provide information to magistrates to assist them in sentencing drug offenders.

The NSW Task Force observes that there is general agreement among professionals working in the drug and alcohol field that D.A.C.A.P. has been successful partially as a result of an improved understanding and liaison between the health services, probation and parole officers, and the courts. Its one drawback is that it is not universally available throughout New South Wales. Western Australia is also considering a program whereby offenders recognized as having a drug problem are directed into a drug assessment program after conviction and prior to sentencing.

Another form of diversion for drug offenders noted by the NSW Task Force entails diversion from the criminal process before the offender is charged with an offence. This program has been tried in North Sydney through a network of services involving magistrate's courts, police, and the Drug Referral Centre. The Task Force observes that while there are obvious legal and professional problems involved, particularly for the police, it provides diversion at a much earlier stage in the criminal process and may result in the criminal justice system being avoided altogether—a strategy which, in the case of drug-dependent offenders, the Task Force endorses. Lastly, the Task Force examined the proposal for pre-trial diversion set out in the South Australia Royal Commission into the Non-Medical Use of Drugs (the proposal referred to at the beginning of this section). In this scheme offenders charged with simple use/possession are

referred, immediately after arrest, to Drug Assessment and Aid Panels consisting of three persons drawn from different disciplines, all of whom have experience in treating or otherwise assisting drug users. The Panel's function includes determining whether a prosecution for the offence should proceed; it is proposed that the relevant legislation should provide that no criminal prosecution should proceed for these offences except with the authority of the Panel. In lieu of prosecution, the Panel should consider what treatment or other action, if any, is required to assist the offender to overcome the problems associated with drug use. The NSW Task Force proposed that the South Australia diversion scheme should be evaluated in terms of the extent to which an offender's civil liberties may be infringed.

With respect to other types of diversion (i.e. those not aimed at drug-dependent offenders), the NSW Task Force (Ibid.:111) observed that evidence from a number of jurisdictions suggests there is a risk that such programs may be used to widen the net rather than to genuinely divert numbers of selected offenders out of the criminal justice system.

(ii) Alternative Measures

It has been argued that women's offences are generally less serious than men's and that their short sentences indicate that many should not be in prison. The Howard League Report (1986:12) stated it was surprising to find such a unanimous view on this point coming from such diverse parties as Governors, prison officers, probation officers, educationalists and ex-offenders (see also Heidensohn 1980). In addition, it has been argued that imprisonment is being used excessively and at times discriminatingly against women. For example, the NSW Task Force (1985:123) notes the excessive use of imprisonment (particularly for women offenders) following default on prior less serious offences; the use of imprisonment in default of payment of fines in relation to offences which were themselves non-imprisonable, that is, imprisonment for poverty; and the ineffectiveness of imprisonment as evidenced by the rates of recidivism amongst offenders who have served a term of imprisonment. Moreover, imprisonment has continuing negative effects on the lives of women in particular with respect to future employment, family relations, and psychological repercussions. These

observations have lead some authors to conclude that women are eminently suited to non-custodial alternatives to prison (see, for example, Hancock 1985). There is, however, some evidence that in many jurisdictions alternative measures do not function as intended. For example, in Victoria, Australia, it is claimed that women who would formerly have received fines or probation now experience more intrusive state control in the form of attendance centre and community service orders (Hancock 1985:104). The NSW Task Force made a similar observation with the result that its members unanimously agreed that they should refuse to advocate the promotion of alternative sentencing options per se unless they clearly stand as possible full alternatives to imprisonment (Ibid.:131ff).

It has also been pointed out that alternative measures rationales often refer to the merits of involving the community in the reform of offenders whereas it is not always clear whether there is in fact a "community" which can be called upon in this sense (NSW Task Force op. cit.).

(a) Alternative measures concerned with the enforcement of custodial penalties

Queensland is currently operating an innovative program, the 'House Detention Scheme', whereby convicted offenders either sentenced to short-term sentences for relatively minor offences or who are in the last months of imprisonment may live in their own home. Approval is required from the offender's supervisor to leave the house for a particular program or employment. New South Wales is considering a similar scheme. The NSW Task Force expressed some reservations about this proposal, however, because it is doubtful that it would be regarded by the courts as an alternative to prison (thereby widening the net), and secondly, because the temptation for adult offenders to break the home detention condition would be great and, after a short period, prison numbers would be increased due to breaches of this alternative.

In Victoria, provisions in s. 476e of the Crimes Act authorizes Attendance Centre Orders which allow the serving of a custodial sentence in an Attendance Centre. While intended as an alternative to term of imprisonment, a study has found that 30 per cent of those in the sample who were denied participation in the program received non-custodial sentences instead. The NSW Task Force Report (1985:135) points out that this finding suggests that the s. 476e alternative was not being recommended or used as a true alternative to prison for if this

were the case these offenders should, technically perhaps, have received custodial sentences.

New South Wales has a Periodic Detention Program which allows the court to order that a sentence be served weekends only, up to a maximum of eighteen months (minimum three months). To qualify for this program the offender must not have had a gaol sentence imposed of more than six months at any one time over the previous seven years. Detainees on this program are required to report to a Centre on Friday evenings and reside there until late Sunday afternoon. Community work is done during Saturdays and Sundays. When a detainee enters phase II of the program, the residential requirement is lifted and the offender attends only during the days. Advancement to phase II is awarded on merit. Since January 1983, all female periodic detainees proceed automatically to phase II and are therefore relieved of the requirement to stay overnight. This decision appears to have been made as a result of the low numbers of women being placed in the program and the high staffing costs proportionate to the low numbers (NSW Task Force Report 1985:140-141). The Task Force Report observes that the removal of the residential component from this program for women has resulted in there being very little difference between it and Community Service Orders (C.S.O.'s). The actual differences are that Periodic Detention is worked on both days of the weekend and the period worked on a larger sentence may be significantly longer than the maximum 300 hours of a C.S.O. The Task Force argues therefore that Periodic Detention might be considered a more severe sentence than a C.S.O. and thus be imposed for more serious offences. There are, however, some problems with this program: it is offered at only one centre and therefore women who live in outlying regions are excluded; and women who are mothers of young children may experience difficulties (as is the case in C.S.O.'s) in being free two days of the weekend and may therefore be excluded from the program.

Periodic detention is also being used in New Zealand in two detention centres exclusively for women at Auckland and Otahuhu and 32 of the other 35 centres are mixed (the proportion of women who received periodic detention in 1983 was 0.7%). There is a move to make periodic detention centres available for females throughout the country.

- (b) Alternative measures constituting sanctions different from custodial penalties

Fines

Fines are still one of the most common types of dispositions for both men and women offenders. In Queensland Australia, for example, 88 per cent of convicted females in 1984 were fined. Both men and women often fail to pay their fines but it appears from prison intake figures for women that women tend to be over-represented in this area. For example, of the total female intake for February 1984 in the Women's Rehabilitative Centre in South Australia, 83 per cent were fine defaulters (the figure for men was 74%)⁴⁵. Victoria has instituted provisions in its Penalties and Sentences Act 1984 whereby fine defaulters may be referred to the Community Service Program as opposed to being incarcerated—a recommendation made by the NSW Task Force as well. The NSW Task Force (1985:137) reports that a 1984 study on fine defaulters found that 71% of those who failed to pay their fines claimed lack of money as the main reason. In view of these findings, the NSW Task Force Report has made a number of recommendations (reviewed below in Appendix A).

Community Service

In New South Wales a community service order may only be ordered by the court where certain conditions are met: the offence committed must be one which carries a penalty of imprisonment; the offender must consent to the making of the order; the Probation and Parole Service must assess the person as suitable for a community service order; and there must be suitable community work available in the offender's residential area (as determined by the Probation and Parole Service). During a twelve-month period ending May 1984, 234 women were given community service orders by NSW courts. The NSW Task Force reports (1985:139) that while the program appears to be operating with some measure of success, there are also some difficulties. Female offenders who are also mothers

45. Mr. John Hayes observes that if a successful alternative program to imprisonment for Fine Default is established it would significantly reduce the admittance and discharge load on the staff at WRC. However, in terms of saved accommodation it would barely be equivalent to one full-time place per month as the average sentence length for Fine Default is only 2 to 3 days.

of young children can experience difficulty in providing sufficient time free from the responsibilities of parenthood to perform the community work and as a result they may be considered unsuitable or refuse to undertake an order. A New South Wales 1984 study by Miner and Seth (in Gorta 1984) found that 8 per cent of a sample of 270 C.S.O. offenders were females and that female offenders were more likely to be assigned C.S.O. work that involved individual personal assistance to those in need or indoor work such as sorting tasks, domestic or clerical duties. Only one female was assigned outdoor work.

The NSW Task Force noted that heroin users, particularly those with heavy habits, are generally considered unsuitable by the Probation and Parole Service for a community service order. The Task Force also noted that the majority of women prisoners have drug problems of varying degrees, indicating that at least some prisoners may have had community service orders excluded as an option at the time of sentencing because of their drug habits. Breach of failure on the part of the offender to comply with the conditions of a C.S.O. constitutes another offence. Thus, if breached, the offender adds another conviction to her/his criminal record. Breach of a C.S.O. is likely to result in a period of imprisonment. The NSW recommendations are reviewed below.

Studies in Britain indicate that women, despite the fact that they appear to perform better on C.S.O.'s than men, are less likely to be recommended for, and given, a Community Service Order. For example, a 1981 study of a London Crown Court showed that only 1 per cent of the Social Enquiry Reports (SER's) for women, as opposed to 9 per cent of the SER's for men recommended C.S.O.'s. Apparently, Community Service Officers think women can only do women's work and since there is less of this type of work available in the Community Service program, women are less often recommended. In addition, women are less frequently recommended due to their domestic responsibilities (Haynes 1985; Dominelli 1983).

In New Zealand, the 1981 Penal Policy Review Committee stated it was an explicit aim of the review that the incidence of imprisonment be reduced to the greatest degree consistent with public safety. Since the introduction of Community Service in 1981, increasing numbers of women are being given C.S.O.'s with a total of 263 in 1983.

A further point raised by Dominelli in her analysis of Community Service for women was: "[w]hat role is there in CS for women who are performing the bulk of the community's unpaid work through their domestic and caring labour in the home? Does CS for women in this context merely become another venue through

which women's labour can be exploited?" She also points out, especially with regard to women, that corrections should provide offenders with the resources for reconstructing their lives and wonders whether Community Service as it presently operates is able to do this.

Probation

In Britain, the Probation Service has made some fairly rapid advances in its response to alcohol abuse in recent years. It now offers Alcohol Education Groups and Problem Drinkers Groups. Haynes (1985) notes, however, that attaching a condition to the probation order that the offender attend one of these groups is viewed negatively by many, including probation officers because it lacks flexibility (an objection raised by the NSW Task Force as well with respect to drug dependent offenders). Haynes claims that behavioural modification is the most influential theory in contemporary probation practice and that it is slowly displacing the medical disease model. The use of deterrent drugs such as Abstem and Anatabuse as a condition of probation has been proposed as an alternative to prison although there are some reservations about this proposal. Most of the probation service's alcohol groups serve men which, according to Haynes, creates problems for women who may want to participate.

(c) Alternative measures which avoid the imposition of a penalty

In New South Wales courts may release convicted offenders on recognizance to be of good behaviour for a specified period of time. Supervision and guidance by the Probation and Parole Service is frequently added as a condition of the recognizance. A breach of the recognizance either by way of another offence or failure to comply with the conditions of the recognizance renders the offender liable to be called back before the court and face a possible sentence. During the twelve-month period ending May 1984, 1131 female offenders were released on good behaviour bonds with supervision. The NSW Task Force Report (1985:138) observed the following difficulties associated with this disposition. The duration of recognizance is often excessive (sometimes five years) although there is a provision for probation supervision to be terminated before the

expiration of the recognizance. Protracted recognizances, the Task Force claims, can have a demoralizing effect on the offender and with such long periods the likelihood of a breach is often inevitable. Secondly, probation supervision is often inappropriately given to offenders who do not really need it or who are not prepared to cooperate and accept it. This results, it is claimed, in wasted time and resources which are already limited. Lastly, sentencers often have unrealistic expectations about what supervision can achieve with the result that when the offender comes back to court on a breach, harsh treatment may be handed out since the breach is seen to be a wilful act of non-compliance.

C. Early Release and Postrelease

A consistent finding in all countries is that women have a much lower rate of recidivism than men although some countries have reported increases for women in recent years. In Norway, for example, the female recidivism rate during the period 1970 to 1977 was 14 per cent, but during 1979 to 1980 it rose to 28 per cent (among men the rate was 41% and 43% respectively). In Japan, a 1985 study found a recidivism rate for female offenders of around 26 per cent, with the largest proportion of recidivists committing offences against the Stimulant Drug Control Act. Recidivism rates for men and women in 1983 were 38 per cent and 18 per cent respectively. Higher figures—almost 50 per cent—have been reported in New Zealand. In Britain male figures are around 60 per cent whereas the women's rate is about 40 per cent.

The NSW Task Force (1985:282) observed that "[t]he quality of correctional treatment is tested at the point of release. The wish of a woman prisoner to make a new start in life is frequently nullified by the fact that some women prisoners do not even know where community agencies that are able to offer support are located." A study by the NSW Department of Corrective Services found that when asked what help they would need to stay out of gaol, most women mentioned that they would need assistance in the areas of money, staying off drugs, jobs and accommodation (in that order). The Task Force recommended the

expansion of crisis accommodation (short term), community-based half-way houses and group homes (medium term) and self-contained supported accommodation, such as those offered by the Women's Housing Company. (The latter is attaching a drug and alcohol worker to its back-up service.) (See also the South Australia Advisory Committee for Women in Prison 1985.)

It has been observed that not all released prisoners are interested in obtaining accommodation in a half-way house—perhaps out of misunderstanding about what is involved or perhaps for the opposite reason. An alternative in Britain has been to set up a supported lodging scheme whereby released prisoners are lodged with landlords and landladies who are informed of their records and given support by a Probation Officer. Support is offered to both the ex-inmate and the landladies/lands who are also given financial aid, guarantees and general advice.

It has been observed that many women are as fearful about their release from prison as they are anxious to receive it. One of the more difficult situations many of them face is the reintegration of the family unit. Many mothers question whether their children will be able to adjust to their reappearance and whether they will be accepted. Although male offenders face many difficulties in leaving prison, the family situation they face is likely to be quite different than that for women offenders. In none of the countries surveyed, however, was there any provision for assistance for women inmates with respect to this problem except for the possibility of assistance from a parole officer if they were released on parole.

In New Zealand, the Criminal Justice Bill (clause 7(2)) recently proposed changes in the conditions for parole: prisoners will be eligible for pre-remission release after serving half their sentence or seven years, whichever comes first. The concept of 'throughcare' operates at all regional prisons. In the near future all prisons will be required to hold monthly pre-release meetings to explain the assistance available to inmates on release. Newly released prisoners will also be provided with up to \$100 to help fill the gap between release and obtaining work or unemployment benefit.

IV - Conclusions and Implications

The research for this report reveals an international picture of female crime and corrections that is noticeably consistent: among all the countries surveyed there appear to be common findings with respect to the incidence of female crime, the profile of female offenders, and system responses to female criminality. Some of these patterns are not new—they have characterized female criminality for decades (and possibly centuries)—while other trends suggest that we may be witnessing some degree of change.

Perhaps the most stable finding concerns the frequency and nature of female criminality. The very low numbers of female offenders (relative to men) in all jurisdictions plus the comparatively trivial nature of their typical offences (petty property crimes) as well as the fact that the more serious offenders appear to be largely once-only offenders (e.g. those convicted of homicide) are common observations in all countries. What does appear to be changing is an increase in minor property offences (e.g. fraud, forgery, small theft) which has been statistically associated with women's changing roles in society; that is, their greater participation in the work force. On the other hand, this greater participation in work outside the home (the opportunity theory) does not seem sufficient to fully explain rising female crime rates since many of these offenders are too young to be employed or are unemployed. Poverty, it is claimed, is also an inadequate explanation because it cannot account for the lower female crime rates relative to men despite the fact that women in all countries are poorer than men (although it is possible that women are still dependent on men—their fathers, husbands, boyfriends, etc.—for material goods and status and therefore do not have the same motivation to commit property crimes). It is noted that present-day female offenders are not a new breed of aggressive liberated 'viragos' but remain quite traditional in their gender roles and expectations.

One other area of change in female crime is an increasing rate of drug use and drug offences as well as crimes associated with drug use. The most common offence is simple possession, but greater numbers of women convicted of possession for the purposes of trafficking or acting as couriers have also been reported.

The nature and frequency of female crime along with the typical profile of female criminals have significant implications for corrections. Due largely to the fact that the crimes women commit are not serious, nor are women very

persistent offenders, the great majority of women serve custodial sentences of under a year, with most of them serving less than six months. The question that is repeatedly raised is why these women are imprisoned in the first place especially, it would seem, at a disproportional rate relative to comparable male offenders. As with men, women offenders are typically poorly educated, unskilled and frequently unemployed. Many have a history of alcohol or drug abuse. Unlike men, many women (at least 50%) have dependent children for whom they are the sole providers. In addition, it appears that a very large proportion of women offenders have experienced physical or sexual abuse. Many countries have a disproportionate number of women of colour or ethnic minorities in their custodial institutions who have special language and cultural needs. Lastly, it has been repeatedly and rigorously argued that there is no reason to label women offenders to be more crazy, monstrous, feeble-minded or unstable than others of either sex in the general population.

If women offenders themselves are asked what they need they report that what they need assistance with is money, job-training, employment and accommodation. (These requirements are similar to those factors found by Waller (1972) to be associated with success on parole for Canadian male offenders.) More often than not, as this report indicates, it is precisely these things which correctional authorities, for the most part, have not provided to female offenders up to this time, concentrating instead on domestic skills and those things seen to be appropriate to femininity such as grooming and so on. Some have argued that it is not simply economies of scale which account for the lack of required programs and training for female offenders but rather stereotypes about women which have determined what has been considered appropriate; for example, women have not been considered breadwinners whereas current data reveal, as indicated above, that a large majority of women are in fact in the role of breadwinners although not always successfully so. Nevertheless, the small numbers of female offenders, particularly in prison, have presented problems in the delivery of services for which a number of authorities have suggested solutions. While some have recommended that this problem might be overcome by housing adult and juvenile female offenders together in the same facilities, observations about the effects of this practice in England, for example, have not been positive. An alternative solution that has been proposed is to house male offenders in female institutions—in separate quarters—thus maintaining a full roster and allowing women to benefit from programs and services more routinely available to male offenders. This practice appears to have been successful in some jurisdictions

(e.g. Ringe Prison in Denmark) but many feel further testing and information is required to determine whether this solution could be applied more generally. Another solution is to make greater use of Attendance or Detention Centres which may be established in local communities thereby maintaining critical ties with families and friends and benefitting from educational and employment opportunities that are normally available. The fact that most female inmates are incarcerated for such short periods of time makes it impractical for institutions to offer their own training and employment programs and it is argued that it would be more effective to enrol women in community programs so that they could continue their training upon the expiry of their sentences (the Fairlea Women's Prison in Victoria, Australia offers such a model). With respect to longer term inmates it has been suggested that much could be done to engage these women in activities which would better prepare them for work and responsibilities on the outside. For example, the NSW Task Force has recommended that women inmates could be given the responsibility of managing their kitchens thus learning skills ranging from budgeting and administration to nutrition. In a similar vein, offenders could be allowed to market their crafts as any small business does thus learning these skills as well as earning some money.

A continuing problem is what to do with women offenders with children, particularly very young children. Most countries have made provisions, though frequently inadequate, for women inmates to keep their babies with them for a certain amount of time while incarcerated. Only a few jurisdictions (e.g. New Zealand, Tasmania Australia, and Ireland) have adopted the deliberate practice of using alternative measures in order to avoid incarceration for these women and children. If one considers the nature and number of recommendations (everything from building new facilities to reorganizing administrative routines) that have been made in order to adequately and humanely accommodate women inmates and especially their children, it would seem that the more sensible policy would be to follow New Zealand's lead and avoid incarcerating women with children. In this area as well, the use of Attendance/Detention Centres, if absolutely necessary for some offenders, could provide a more viable solution.

Drug and alcohol abuse poses further problems for corrections. Numerous authorities have observed that prisons are simply not appropriate for treating those who are dependent on drugs or alcohol. Due to the fact that much substance abuse is considered to be chronically linked to the life situation of the individual, it is claimed that successful treatment must in some way assist the woman (or man) to sort out these difficulties. Here again, we frequently

encounter recommendations that substance abusers should, when at all possible, receive treatment in the community not only because community programs are more readily available and varied than those that prisons can provide, but also because they maintain the individual in the real world where his or her difficulties are found. A common recommendation is that offenders should be given the requirement to obtain treatment as a condition of their non-custodial sentence and that the courts should leave the specification of the type of treatment to the supervisory authorities in order to allow for maximum flexibility and suitability. For those drug-dependent offenders who must be imprisoned, a number of writers have strongly recommended separate quarters and facilities in order to ensure controlled and humane detoxification procedures. Sweden's experience with a physical exercise program for drug users might also be investigated further.

Although many analysts have argued against incarceration for most women offenders, it is unlikely that this policy will receive much acceptance in the foreseeable future. In order to assist incarcerated offenders become better prepared for successful reintegration into the community, a number of studies have recommended the use of 'contracts' or "program packages" which are essentially individualized programs agreed upon by the inmate in consultation with the reception, classification and program review committees. Such contracts would cover everything from educational goals to recreational activities and would establish a schedule and incentives for the completion of these activities.

Aboriginal inmates and those of other ethnic minorities present further problems for corrections which most jurisdictions, it seems, have failed to solve. Particularly with respect to Native Peoples, language, cultural and religious needs have customarily been neglected with the result that incarceration has frequently been both confusing and inappropriate with respect to their traditional values. It is beyond the scope of this summary to adduce any implications as to what should be considered to remedy these problems apart from that of seeking solutions within Native communities.

The impracticality of establishing costly prison programs for small numbers of offenders as opposed to taking advantage of those programs which already exist in the community, the importance of maintaining community ties (especially for women offenders with children), the need women offenders have for improved education and job skills, the relatively low security risk of most women offenders—all of these considerations point toward expanding community corrections either by means of Attendance Centres, half-way houses, semi-detention and

so on, or greater use of furloughs, or all of these options (as well as alternatives to custody). This in turn underlines the need for improved classification for female offenders aimed at a more realistic evaluation of their needs and security ratings.

It appears that alternative measures such as community service have not been used very extensively or effectively for women. Once again it seems that stereotypes concerning women have precluded a more equitable use of this alternative. A number of authors have expressed some reservations about community service orders for women offenders on the grounds that it is customarily used for only conventional care-taking jobs and thereby prevents women from gaining potential work experience which would improve their employability.

Fines are also problematic for women offenders because they frequently do not have the means to pay and as a result end up, in disproportional numbers, in custody. Not surprisingly, Sweden's day fine model is often referred to as a means of rectifying current injustices.

In sum, criticisms of the treatment of female offenders by countries' criminal justice systems outnumber positive and innovative programs. Nevertheless, the criticisms highlight mistakes to be avoided and an abundance of recommendations have been made which could stimulate reform.

APPENDIX A

RECOMMENDATIONS

Not surprisingly, many writers have made recommendations for female corrections as well as for research in support of this area. Since there are relatively so few innovative and constructive programs currently in place in women's corrections, this section lists the recommendations that have been made in order to provide a guideline for future discussions. While it is recognized that conditions vary within countries and jurisdictions, many of the recommendations that have been put forth address issues that are common to most jurisdictions.

(i) Women on Remand

The comprehensive study by the New South Wales Task Force on Women in Prison lists a number of recommendations concerning remand for female offenders.

1. That as a matter of first priority the legal aid system should be upgraded to enable legal assistance to be available to all persons in custody.
2. A systematic data collection conducted by the Department of Corrective Services should be established to monitor the number of persons being held in custody on remand, either because bail was refused or because they were unable to comply with their bail conditions. Persons responsible for the data collection should report to the Women's Council at six monthly intervals.
3. Court papers should clearly indicate that an accused person has been unable to meet the conditions of bail and therefore remains in custody.
4. Consideration should be given to involving other agencies in addition to the police in the collection and verification of background and community ties information (Form 4) and an attempt should be made to assess the value of that objective rating as predictive of the accused absconding on bail.
5. Legal aid schemes should be expanded to ensure that legal representation is available for all accused persons when the question of bail is considered by the court.
6. Prompt attention needs to be given to the redesign of the bail forms to simplify their use by police and courts and to make them more comprehensible to accused persons.
7. That comprehensive drug assessment (as currently provided by Bourke Street) be made available to accused women with drug problems. Preferably women health professionals should be employed for this task.

8. Funding should be made available for a women's drug rehabilitation centre. Such a centre should make all efforts to accept women as a condition of bail or probation, if the woman should nominate a desire to enter the programme. (See Recommendations in Drugs Chapter).
9. Accommodation remains an issue of concern in some cases. Bailees can be housed in the half-way houses currently operating ... An expansion of accommodation facilities for women, ranging along a continuum from crisis care to longer term residency, would provide a variety of alternatives for women, including those women on bail.
10. To facilitate informed choice be women and provide information to relevant personnel such as probation and parole officers and magistrates, the Task Force recommends that a booklet be published. This booklet would contain a description of services available and contact phone numbers. It should list and describe services relevant to women when first apprehended by police, when on bail, in custody, and on release. Funding should be provided to the Women's Council to publish the booklet and review it quarterly....
12. That single cell accommodation, with bathroom facilities, be available to all remand prisoners.
13. That the remand section have an adequately sized and well-serviced recreation area and that it have a dining room and kitchen in which inmates can prepare their own food.
14. That the remand section be serviced by at least one red phone and that prisoners be given unlimited access to it. It is likely, given the need of remand prisoners to organise legal representation, custody matters, etc., that two phones may be necessary to adequately serve the needs of the remand population. Given that red phones cannot be monitored, there will be a need, in this regard, for amendments to the Departmental requirement that phone calls be monitored.
15. That remand prisoners be granted the right to wear their own clothing should they chose to do so.
16. That the Department ensures that paid employment is available to all remand prisoners who elect to work and education courses be regarded as paid employment. (For further detailed discussion, see Programmes section of Conditions in Prison chapter.)
17. That education and activities programmes be designed specifically to provide for the particular needs of remand prisoners, i.e. the design of programmes should allow for transfer to more extensive programmes post-sentencing. In addition there is a need to ensure full timetabling of morning activities. The design of these activities programmes should acknowledge the uncertainty of length of stay, rather than cater to a population with specific sentences. Payment should be made to remand prisoners who are involved in programmes and this payment should be in accordance with the recommendations contained in the Conditions in Prison chapter for increased levels of pay to all sectors of the prison. Those who choose to undertake education and activities programmes should not be disadvantaged by doing so.

18. That the prison dole be raised to an amount based on an informed assessment of the prison economy (prisoners maintain it costs between \$25 and \$30 a week to live in gaol).
19. That there be no limits on frequency and duration of visits for remand prisoners, and that they have access to the visiting complex as recommended in the Conditions in Prison chapter.
20. That the [prison] handbook be expanded, translated into community languages and regularly updated.
21. That a booklet giving a clear, concise account of legal rights and an explanation of court appearance procedures, with advice on obtaining legal advice and representation, be produced, regularly updated and issued to remand prisoners on reception. This, as with the Handbook, should be translated into community languages. Responsibility for the production of the booklet will rest with the Women's Council.

The Howard League Report (1986) recommended that one of the first steps towards reducing the female prison population should be to reduce the number of women remanded into custody. It points out that a greater use of bail would not only be more just and cost-effective, but it would also be safe for the public. It also observed that women need to be better informed about bail possibilities.

(ii) Women and Drugs

The NSW Task Force Report goes on to make the following recommendations concerning drug dependent offenders:

22. That entry to all treatment programmes should be voluntary, not compulsory.
23. That staff training programmes be developed to explore issues of particular concern to drug-dependent women and which target the special needs of women caught up in the criminal justice system. Staff in all agencies who have contact with drug-dependent women should have access to these programmes.
24. That drug and alcohol agencies be encouraged to assess their degree of success in attracting and retaining women and to develop procedures and mechanisms to improve their success rate. (See issues for Staff Training (e).)
25. That a drug rehabilitation service be established which is designed to meet the needs of the young, working class, drug-dependent women who make up the bulk of the current female prison population in this State. While the Task Force sees the necessity for all drug and alcohol agencies to assess and improve their effectiveness with female drug offenders, it also sees the need for an agency which tailors its services directly to the needs of female offenders. The limited acceptance by some agencies of women on probation or on bail is an area of particular concern.

The Task Force recommends that this service should:

- (a) Accept women on bail and on probation.
 - (b) Provide child-care facilities for women who attend a day programme. Day programmes are recommended, given the difficulty many women with school-age children have in attending a residential centre.
 - (c) Provide live-in facilities for pre-school-age children of in-patients.
 - (d) Take into consideration in the development of its treatment programme the special needs of women offenders as outlined in this report and in the article "Special Features and Treatment Needs of Female Drug Offenders" by Mary Lou Ramsey...Offender Counselling, Services and Rehabilitation 4(4) Summer 1980. The experience and programmes at the Pinaroo Unit for Women at Creswell House in Victoria should also be considered.
26. That vocational training, educational programmes and employment schemes be co-ordinated to assist women who are drug-dependent, are caught up in the criminal justice system and who are endeavouring to break the cycle of unemployment, poverty and drug use. Existing programmes such as the N.O.W. (New Opportunities for Women) courses run by T.A.F.E. are a recommended model.
 27. That a number of live-in rehabilitation programmes should be located within the ... metropolitan area and that the adequacy of detoxification and assessment facilities in rural areas be assessed and, where necessary, established and/or upgraded...
 33. That separate facilities [in prison] be provided for women withdrawing from drugs of addiction.
 34. That, as a basic minimum, those facilities provide privacy and general access to a bath.
 35. That a review of the symptomatic treatment of withdrawal be undertaken in order to reassess policy and practice in relation to the use of vitamins and medication.
 36. The Department of Corrective Services should give priority to the development of an overall policy concerning drug and alcohol issues in prisons and implement the management structure consistent with recommendations concerning unit living (see Conditions chapter). This policy should address the issues of security and rehabilitation rather than adopting an either/or stance.
 37. The Department should ensure that links are established between prison and a variety of community programmes so that women re-entering the community have a continuous support system.
 38. The Department of Corrective Services should reassess staff training to ensure that staff fulfil an adequate support role for drug-dependent women and facilitate the provision of services by outside agencies.
 39. The Department should facilitate access into prisons of Government and non-Government agencies to provide drug counselling and education by:

- (a) Encouraging community groups such as Narcotics Anonymous to provide a service in [the institutions], in particular by removing the present condition that only N.A. members with "three years clean street time" can provide such a service...
- (b) Reviewing procedures and practices for the entry of outside groups into the prison, in recognition of the past experience of such groups of [sic] delays, cancellations and obstructions.
- (c) Providing funds to those community-based groups who provide service in prison, to enable them to give those services a high priority...

(iii) Alternative Measures

- 53. That it be mandatory for a court to consider the means of an offender before imposing a fine.
- 54. That where a fine is imposed, adequate time to pay should be allowed.
- 55. That initial default should result in a "show cause" notice being issued to the defaulter. That protracted default should result in a further hearing involving a means inquiry.
- 56. That where there is genuinely no means to pay, the fine should be remitted.
- 57. That community work schemes should be provided as a default option for those who have genuine difficulty in meeting fine payments.
- 58. That non-payment of a state debt (or fine) should in no case result in a sentence of imprisonment. This position in all respects is consistent with the community's attitude to non-imprisonment for civil debts.
- 59. That there be regular meetings between the Probation and Parole Service, the Magistracy and the Judiciary, to effect a more realistic appraisal of the limits of the service, and a more realistic perception of the achievement that can be expected from good behaviour bonds (recognizance).
- 60. That specifically, long periods on probation be actively discouraged (either through the above meetings or legislative mandate).
- 61. That legislative recognition be given to the fact that sentencers may wish to give an offender an opportunity to demonstrate a capacity to effect changes in her/his life (for example in relation to a drug problem, a capacity to abstain from re-offending, a capacity to continue or obtain gainful employment, etc.), where the offender may however be in no need of supervision ... from the Probation and Parole Service. The form of this legislation should be modelled on the present practice known as the "Griffiths Adjournment", which offers the sentencer the capacity to withhold his/her determination of sentence, unconditionally or conditionally, for a period of time. The statute should make clear that, having regard to the degree of compliance with any conditions imposed on adjournment, the court may eventually impose no penalty or only a nominal penalty, but shall not impose any penalty greater than would have been imposed if the case had not been adjourned.

62. That breach of a community service order, as an offence in itself, be removed from the statute book.
63. That child-care responsibilities should never operate to exclude women from the programme who might otherwise be suitable. The Probation and Parole Service should undertake to locate community work places where child care is available and to reserve that work for such women. Child-care centres should enrol children of such women even above existing number limitations, by arrangement with YACS [Youth and Community Services].
64. That the Probation and Parole Service review the nature of work assigned to women offenders, with a view to broadening the range outside traditional "women's work".
65. The sentence of Periodic Detention should be made flexible enough to allow it to be available to women with care of young children and women offenders outside the metropolitan area. Specifically, the legislation should be amended:
 - (a) To allow the period of detention to concur with school hours, as well as weekends;
 - (b) To allow for detention to be available at centres other than those specifically designated Periodic Detention Centres, so that the economies of scale do not specifically exclude all women outside the metropolitan area.
 - (c) To allow for the programme of detention to be flexible enough to enable women with the care of infant children to achieve satisfactory attendance.
 - (d) To allow for the staffing of centres to be broadened. At present Corrective Services aims to staff the centres with prison officers who are most oriented to, and thus more suitable for, a more community based corrections facility. We recommend this orientation, but suggest that, particularly outside metropolitan areas, staff from the regional Probation and Parole Services and/or suitable Prison Officers should be utilized to enable the flexibility necessary to accommodate parts (a) and (b) of this recommendation.
66. More generally we recommend that the flexibilities suggested in the areas of hours, centres and staffing be given effect to by legislative amendment, with a view to encouraging greater use of the sentence as a replacement for people presently receiving custodial sentences.

The Howard League Report (op. cit.) argues that it is surely wrong that if a prison sentence is not appropriate for the initial offence, it should be considered appropriate for the offence of failing to pay a fine. It points out that since a prison sentence does not even extract the money for the fine, the taxpayer ends up paying the costs of the imprisonment as well. The authors recommend that an alternative such as Community Service be used instead or adopt measures already being used by the civil courts such as sequestration; offenders should not have the opportunity to opt for prison at the expense of the taxpayer.

(iv) Incarcerated Parents and their Children

In view of the potentially serious consequences of incarcerating women (and men) who are parents, a number of jurisdictions have devoted lengthy consideration to this issue. The NSW Task Force (1985: 318ff) includes a summary of the "Hounslow Recommendations" (Hounslow, B. *et al.* (1982) - Children of Imprisoned Parents, Sydney: Family and Children's Services Agency):

All recommendations are based on the principle that children have an inalienable right to be adequately cared for in their dependent years, and to develop and maintain those inter-personal relationships which are the major vehicle of such emotional and physical care. In the context of prisoners' children this requires:

1. Upholding the rights of the child to a continuity of life-experience by ensuring that any care-reorganisation [*sic*] takes place within a familiar community with known, significant adults.
2. Ensuring that the outside carer, whether the other parent or a substitute, is given all possible support and any resources necessary to provide an adequate care situation.
3. Preserving the rights and abilities of the prisoner to remain a functioning parent, the only limitation on such rights and concomitant responsibilities to be that he/she does not live with the children.

1. THE CRIMINAL JUSTICE SYSTEM

The impact on children of legal proceedings against a parent must be recognised by all sectors of the legal system, from the point of arrest through to the point of sentencing. This requires that the needs of these children be given effective recognition by police, lawyers, judges and magistrates.

During and Following Arrest

- Instructions to be prepared specifying procedure to be followed by all police officers when dealing with children. (To include: allowing people in police custody to make arrangements concerning their children; information about children to people in custody; no initiation by police of neglect proceedings under Child Welfare Act).
- Responsibility for children to be considered by courts and police as a significant factor in granting bail.
- An information leaflet in all major community languages to be available in every police station and court and given to parents on arrest, detailing all options and services regarding the care of their dependent children.

Sentencing

The responsibility of the defendant for children, the needs of those children, and the likely effects of a prison sentence on the family, are considerations which must be:

- raised by defence lawyers wherever appropriate;
- taken into account as significant factors in the sentencing decision, with a view to awarding a non-custodial sentence to a parent with dependent children, wherever possible;
- investigated in the process of preparing pre-sentence reports, and reported to the court in the context of these in every case where there are dependent children.

2. THE DEPARTMENT OF YOUTH AND COMMUNITY SERVICES

The Department of Youth and Community Services is charged with the responsibility of acting in the best interests of children, primarily through the provision of family support services.

In the case of parental imprisonment, this means that departmental practice ought to be aimed at ensuring:

i) That the Child Remains in a Familiar Environment

- priority of placement to familiar adults;
- informal placement rather than committals or wardship;
- placement in the child's local area in cases where no familiar adult is available;
- referral to the Aboriginal Children's Service in any case where the child is Aboriginal.

ii) That Carers Within this Environment are Provided with Necessary Resources

- flexible application of criteria for s.27A allowances and continuing cash grants, to cover informal placements and relatives;
- reform of the system of allowance payments to non-wards, such that the amount of payment is realistic, and that payment is not dependent on formally arranged placement;
- departmental intervention aimed towards arranging and facilitating placement, rather than supervising;
- flexible application of licensing requirements to potential carers.

iii) That the Relationship Between Prisoner-Parents and Their Children is Fostered and Maintained

- reasonable access to children in substitute care must be granted and facilitated by the Department;
- where a child is fostered to "strangers", the fostering arrangement must be conditional on the foster parents' agreeing to this access, and agreeing to restoration as a matter of course;
- imprisonment of a parent should never, of itself, provide sufficient grounds for wardship or committal to care, or for adoption;
- parents in prison must be fully consulted in all substitute care decisions;
- parents in prison must be granted legal rights to representation in any court case involving the care or custody of their children;
- there should be one officer made available by the Department whose specific concern is the children of prisoners; this officer would provide a necessary channel through which parents in prison or foster parents could bring problems as to access, allowances, licensing, restoration, etc;
- substantial funding to be made available to a community-based, self-help organisation [sic] for the families and friends of prisoners. This to be a joint venture with the Department of Corrective Services.

3. THE DEPARTMENT OF CORRECTIVE SERVICES

The Department of Corrective Services must ensure that, as far as possible, the punishment of an individual is not extended to the children of that individual. This entails removing unnecessary structural obstacles to contact between imprisoned parents and their children, as well as enhancing the environment in which this contact takes place. In addition, it requires reorganising the internal operations of prisons so that the necessary preconditions for responsible parenthood are established.

To this end:

- i) Reorganisation of Prisoner Classification, Holding and Release Procedures so as to Foster and Enhance Parental Relationships. This involves:
 - equitable state-wide distribution of security establishments and the reorganisation of jails to allow multiple security holdings so that all prisoners can be placed in institutions appropriate to their security ratings;
 - a return to the pre-1979 situation which provided a more flexible system of classification, transfer and leave decisions based on individual merit and circumstances;

- changes to the remission system such that it is available off the non-parole period, and is equitably applied to recidivists and first-timers;
- guarantees that punishment for any breaches of rules or regulations be specific to the wrongdoer and not applied in a generalised way to the whole prison population.

ii) Extended Provision of Family support Services if Necessary, Including:

- the immediate creation of a new position of Children's Services Welfare Officer, and the upgrading of the existing position of Family Welfare Officer to full-time hours. Both these positions to have a realistic travel allowance;
- increased funding allocations to community-based organisations, specifically the New South Wales Association of Civil Rehabilitation Committee and the Family of Prisoners Association. The latter to be jointly funded with the Department of Youth and Community Services;
- the provision of Welfare and institutional Probation and Parole Officers on a minimum ratio of one officer for every 100 prisoners held state-wide. Their geographical distribution to be determined by their respective divisions on needs criteria;
- the removal of mileage limitations which restrict the travel of these officers;
- the development and provision of multi-lingual leaflets and orientation programs to inform families of their welfare rights, the services available, and the rules governing prison life and outside contact;
- escort priority to be given to any trips outside the jail which are conducive to the well-being of prisoners' children;
- increased opportunities for paid work at more realistic rates of pay, and liberalised criteria for entrance to Work Release I and II programs and outside study courses;
- the implementation of standardized pre-release programs with provision for family involvement.

iii) Opportunities for Quality Contact Between Prisoner-Parents and Their Children Must be Increased and Given High Priority in Budget Allocation and Policy Decisions:

- a) prisoners to be allowed unlimited visits with their dependent children;
- b) visiting rights should never be suspended as a disciplinary measure;
- c) unconvicted prisoners in the Metropolitan Remand Centre to have three contact visits per week;

- d) provision of both indoor and outdoor visiting areas in all jails, each with facilities, equipment and toys suitable for children, including older school-age children and adolescents;
- e) extended visiting hours to allow for after-school visiting;
- f) visiting rights to take precedence over routine administrative procedures so that all-day visiting is permitted in every medium and minimum security jail;
- g) extension of the voucher system which allows free travel to jails so that it is available weekly and can be used on all forms of public transport;
- h) the use of prison mini-buses to provide a shuttle service between the jail and the nearest public transport stops where these are not within reasonable walking distance;
- i) the extension of Family Support Centres to major jails other than Long Bay;
- j) the institution of Family Gala Days in every jail, held at two-monthly intervals;
- k) guaranteed rights of monthly inter-jail visits when both parents are imprisoned;
- l) the introduction of privacy visits in all jails by alterations and extensions to existing visiting areas, such privacy to be available to every prisoner unless there is good reason to believe physical violence will occur or unless the visitor refuses;
- m) the construction of family units along the outside walls of maximum security institutions for overnight and weekend visiting for those prisoners ineligible for day leave;
- n) eligibility criteria for day leave should be changed so that it is available much earlier in the sentence and can be flexibly granted according to individual merit and need without excessive restrictions as to offence codes;
- o) weekend leave to be available for all prisoners who have successfully had three day leaves;
- p) the granting of compassionate leave in all instances where it is supported by psychologists, welfare or probation and parole officers;
- q) placement of pay-phones in all wings and more liberal access to their use;
- r) allowances as to visiting and phone contact to be calculated on a time allotment basis so that they can be accrued from week to week;
- s) safeguarding the rights of imprisoned mothers and their pre-school-aged children to continuous contact and care

(v) Aboriginal Women

The NSW Task Force had a number of recommendations concerning aboriginal offenders:

67. That funds be sought...to permit a research project ...on Aboriginal women and imprisonment...This research is to be under the control of Aboriginal organizations and is to be undertaken by Aboriginal people, and preferably Aboriginal women...
76. That the Community Order Service scheme be expanded to towns where there is a high population of Aboriginal people...
77. That Aboriginal women be placed on community service orders within Aboriginal organizations...
80. That the [Probation and Parole] Service should consider engaging the services of Aboriginal Field Officers to act as "link" people between the Aboriginal community and district offices. (A precedent has been set by Albury District Office.)...
87. That community groups that can offer support be encouraged to visit Aboriginal women in gaol...
90. That the classification system be reviewed and made sensitive to the differing patterns of criminality between men and women...
91. That more minimum security classifications be made available for all women, and Aboriginal women in particular...
92. That there be a representative from the Aboriginal community on the Full Classification Committee. This person should have an official role, not just participate in an advisory capacity. This should be part of the duties of an official Aboriginal visitor, in addition to the role in the general welfare of Aboriginal women in gaol...
94. That an appropriate custodial officer be identified to have greater responsibility in relation to Aboriginal women prisoners; that the officer have access to wider training and carry out the role effectively...
100. The Task Force recognizes the difficulties that Aboriginal women face in their involvement with the criminal justice system and supports the Corrective Service's proposal to establish an Aboriginal Resource Unit (Bruce Swanton, ed. AIC Seminar Papers, 1983).

(vi) Health Care

Resnik and Shaw (1980), on the basis of their extensive review of health services within female institutions in the United States, provide a lengthy list of recommendations.

1. Intake screening and initial health appraisal

a. Intake Screening (to be conducted immediately upon entry to a facility)

(1) General

In addition to the general health interview and observation, the intake screening should include specific inquiry about an inmate's use of oral contraceptives or intrauterine devices (IUDs), a history of pregnancy and current likelihood of venereal disease, and use of drugs.

If blood is drawn at this time, a test for syphilis should be included; if urines are collected, a pregnancy test should be done at this time. Routine prenatal care should be initiated immediately for pregnant women (see Section 4, "Reproductive Choice", below). Pregnant women who are chemically addicted to narcotics or barbiturates should be closely observed, perhaps in an infirmary, until a supervised detoxification routine can be arranged and begun.

Comment: The procedures recommended above are needed to insure that an inmate entering a facility does not have either a major health problem, which needs immediate attention, or a disease that is easily communicable to others.

As noted in this section and those listed below, we suggest delaying certain tests and procedures until a full health examination is done. By that delay, both inmates who are released soon after entry and the institution will be saved unnecessary examinations, and the full health appraisal can be performed under appropriately private circumstances.

(2) Pelvic and Breast Examinations

Unless the initial admission screening can be done in a dignified and private manner, pelvic and breast examinations should be delayed until the complete health appraisal is performed by a physician or by medical personnel trained in gynecology and obstetrical care.

(3) Chemical Dependency Evaluation

A chemical dependency evaluation, including interview and observation, should be included in the initial screening. Inmates who, prior to incarceration, participated in methadone maintenance programs should be continued on their current dosage until they can be evaluated by a specialist and, if appropriate, detoxified under a medically sound and humane schedule.

Any pregnant inmate who is also chemically addicted should receive evaluation by an obstetrician trained in the treatment of pregnant women with addictions. Treatment of the chemical dependency should not be undertaken without consideration of its impact upon the maintenance of the pregnancy and upon the fetus.

b. Health Appraisal

All women confined for more than twenty-four hours should receive a complete health appraisal within the next four days. This appraisal

should be conducted under the supervision of a physician who is trained and experienced in the treatment of women. A gynecological examination, including a pelvic examination, a breast examination accompanied by patient education, a Pap smear, a gonorrhea culture, and a serology for syphilis, if not already performed, should be done at this time.

c. Examination and Laboratory Test Results

Positive and negative laboratory results and diagnostic conclusions should be communicated to patients promptly. If a woman is released prior to the completion of laboratory reports, either the test results should be forwarded to her at her mailing address or the health service should contact the woman to arrange to discuss the results in person.

2. Health Maintenance

a. Yearly Checkups

In accord with current gynecological opinion, a yearly Pap smear should be taken. At the same time, instruction on breast self-examination techniques should be repeated and an overall health examination given.

Comment: The general poor health and frequent weight gains reported among female prisoners make such annual examinations appropriate. Details of daily health maintenance procedures for women are presented in Section 5, "Daily Aspects of Health Affected by Detention", below.

b. Access to a Gynecologist

Every institution in which women are detained should provide them with access to a gynecologist for treatment of emergencies and for routine care and consultation. A gynecologist should also make periodic reviews of the health services available to women.

c. Walk-in Clinics

A walk-in clinic should be available on a daily basis, so that a member of the health staff with a training level at least equivalent to that of a Registered Nurse can make an in-person evaluation of any perceived health problems reported by inmates. Guaranteed access to a physician within twenty-four hours of the prisoner's request or upon staff referral should be one component of this service.

Comment: Even where women are few in number, they, like male prisoners, require direct daily access to noncorrectional health care staff. Complaints and concerns should not have to be reported through the correctional staff, nor should correctional staff have to give permission to inmates to go to medical clinics. Inmates who are not permitted to leave their cells should also have daily access to licensed medical personnel.

d. Emergency Services

A health care staff member with training at least equivalent to that of a Registered Nurse should be available for emergencies on a twenty-four hour basis. Prompt access to hospital services and to a fully equipped ambulance are also necessary.

3. Mental Health Services

a. Psychotropic Medication

(1) General

Psychotropic medication should be prescribed only by physicians, and primarily by psychiatrists. Because standing orders for psychotropic medication are both inappropriate and subject to abuse, they should not be allowed.

(2) Psychotropics and Pregnancy

Many psychotropic medications, including phenothiazines, tricyclic anti-depressants, lithium, and most minor tranquilizers, have not been proven safe for use during pregnancy, and should be prescribed only where they have been documented to be essential to the mental health and well-being of the patient.

(3) Psychotropic Audits

The rate of prescriptions of psychotropic medication should be audited at least twice yearly by a health review committee comprised of health specialists unaffiliated with the institution. To protect against abusive medication patterns, this committee should receive data on the rates of psychotropic medication prescribed for men within the same correctional system and compare the data to that of prescription rates for women.

b. Staffing

The services of a psychiatrist, a psychotherapist, and a social worker should be made available to each inmate.

c. Restraints and Isolation

No mentally disturbed inmate should be locked for extended periods in an isolation cell. Shackles or forced medication should not be administered by corrections personnel. If an inmate's mental problems are severe, she should be transferred to a mental health facility.

4. Reproductive Choice

a. Contraception

(1) Upon Admission

If a woman is using oral contraceptives, she should be permitted to complete the sequence of her pills; no other brand or type should be substituted.

If a woman has an IUD, it should not be disturbed.

Comment: Oral contraceptives prevent pregnancy by altering a woman's hormonal pattern. Interference with this alteration is both detrimental to the resumption of the natural menstrual cycle and may also reduce the efficacy of the current contraceptive technique. Further, there are several different brands of pills, each with its own level of estrogen or progesterone. To avoid altering dosages, substitution of brands should not be permitted.

Intrauterine devices are objects placed inside a woman's uterus. Placement and removal of IUDs are uncomfortable, and expose a woman to risk of infection. Such procedures should not be undertaken without medical justification.

(2) While Incarcerated

Women should be permitted to use contraceptives of their choice while incarcerated; such devices should be provided at any time upon request.

Comment: All fertile women are at risk of pregnancy. Incarceration may, by force of rule, diminish the likelihood of conception, but it does not prevent pregnancy. Since legislatures obviously have not imposed pregnancy as part of the criminal sanction, women who desire to use contraception while in jails or prisons should be permitted to do so...

b. Abortion

Incarcerated women should be permitted to have abortions whenever such procedures are possible under applicable law. Since abortion is a medical procedure, its expense, like other expenses incurred in the

care of the prisoner, should be financed by the appropriate government agency.

A woman should be told of the results of pregnancy tests as soon as the results are available. At that time, the facility should provide information on its procedures for prenatal care and for abortions. If a woman expresses an interest in obtaining an abortion, she should immediately be referred for counseling for family planning services provided in the community, rather than to those of the facility in which she is detained. Should a woman desire to consult with friends and family, access should be made available. Where an institution's rules limit visiting, such procedures should be altered so as to permit prompt, frequent, and repeated consultation.

If a woman elects to have an abortion, it should be performed at a community facility and be independent of the woman's access to funds. If she is required to acknowledge in writing that she is responsible for choosing to abort, the statement should be co-signed by the community counselor who provided the woman with information about abortion.

A record of all abortions should be kept, and be reviewed twice yearly, by a committee of medical and non-medical health specialists. See Section d., "Hysterectomies", below.

c. Sterilization

Hysterectomies should not be performed unless the inmate gives voluntary and informed consent, and the procedure is approved by a committee, composed of medical and non-medical women's health specialists, unaffiliated with the institution.

Comment: A hysterectomy is the removal of a woman's uterus. Like voluntary sterilization, it is an irreversible medical procedure. Unlike elective surgery, however, there may be medical reasons, such as the existence of a malignant tumor, that dictate that a hysterectomy be performed within a certain time period.

To protect against the possibility, historically documented, that hysterectomies might be performed without medical justification, a pre-operative review of the recommendation for surgery is appropriate. To insure the independence of such review, a committee of medical and non-medical experts should be formed. This committee should also undertake twice yearly reviews of hysterectomies and abortions performed within that period. A pathology report of the results of any hysterectomies must be provided to the patient, placed in each patient's record, and made available for the twice yearly audit.

e. Pregnancies

(1) Upon Admission

As described in Section 1a, "Intake Screening and Initial Health Appraisal", above, all women who enter a facility should be given a pregnancy test, and pregnant women should be immediately placed under special supervision.

(2) While Incarcerated

Prenatal care must be provided. The components of this care include examinations by an obstetrician, the provision of appropriate diet, vitamin and mineral supplements, flexible meal schedules, exercise, reduced work schedules whenever needed, and education about pregnancy and the various methods of delivery, childbirth, and nursing.

(a) Obstetrical Examinations

A pregnant woman has distinct physical needs and potential medical problems. To safeguard her and the fetus' health, regular monitoring

by trained specialists is required. During the first two trimesters, a pregnant woman should be examined monthly by an obstetrician. During the last trimester, when the risk of premature delivery and complications increases, a woman should be examined twice monthly and, in the last month, weekly.

(b) Diet

A nutritious diet is essential during pregnancy...

(c) Exercise

Pregnant women must keep fit, in order to avoid circulatory problems, decrease the likelihood of edema, and maintain general good health. Access to exercise must not be compromised by disciplinary or other procedures.

(d) Work Schedules

Pregnant women have a wide range of energy levels. Those who are able should be permitted to continue to work; for others, the times, amount, and nature of work assignments may have to be altered.

Arrangements for income-producing work should be made, however, and women should not be financially penalized because of their pregnancy.

(e) Education

Pregnancy causes many physical and emotional changes in a woman. The process and the changes as they occur need to be explained. Counseling about pregnancy by knowledgeable individuals should be made available to women who desire it.

There are several techniques for childbirth, and the various options expose the woman and fetus to different risks. A pregnant woman should be informed of the medically approved alternatives and have the opportunity to select the community facility at which to give birth. Should certain techniques be chosen, such as natural childbirth, sessions for practice of exercises should be made available. Finally, in advance of delivery, a woman should be informed about the possibility of nursing, and its benefits and risks.

Whenever possible, pregnant women should receive such education at community facilities.

(f) Childbirth

- (i) Women should be permitted to deliver babies at community facilities. If they desire, they should be permitted to nurse their infants, either by taking maternity leaves or by being allowed to return to correctional institutions with their children.
- (ii) If a woman wishes to have others care for her child, she should, either by furlough or with escort, be permitted a leave during which to arrange for placement in advance of birth and a second leave after birth to bring the baby to its home. If a woman is without funds to travel, grants or loans should be made available.
- (iii) Post-partum medical care, including an examination by an obstetrician at four to six weeks after the birth, must be provided. If the woman leaves the institution before this date, she should be informed about how to obtain post-partum care.
- (iv) If children are allowed to live at the institution, pediatric care must be provided.

Comment: Nursing has long-lasting physical and emotional consequences for both mother and child. When incarcerated women give birth, the decision of whether to nurse an infant must remain that of the mother. Further, where women who are nursing

are admitted to institutions, they, too, should have the opportunity to bring their children into the institution, or incarceration should be delayed until nursing is concluded.

5. Daily Aspects of Health Affected by Detention

a. Personal Hygiene

(1) Menstruation

Women should have private access to either sanitary napkins or tampons, as desired. These supplies and medically approved pain medication to alleviate menstrual discomfort should be made available, free of charge, in the units in which women are housed.

(2) Douching

Commercial douches should be inexpensively available in the commissary for purchase. Educational materials and counseling concerning their use should also be made available.

Comment: While the wisdom of non-medical douching may be questioned, it is inappropriate to deny incarcerated women access to douche kits.

b. Diet and Exercise

(1) Food

The propensity of many women to gain weight while incarcerated requires that special diets be made available and individualized plans developed after consultation with a qualified nutritionist. Unless medically justified, attendance at meals should not be required.

(2) Exercise

Exercise opportunities and equipment and sports education programs should be made available in all institutions in which women are confined. Participation in physical education programs should not compromise a woman's ability to work or engage in other activities.

c. Privacy

Non-medical male personnel should not guard, touch, or observe women who are not fully dressed.

d. The Distinction Between Health and Custodial Services

(1) Discipline in Health Areas

Correctional officers, if present in health delivery areas of an institution, should not interfere with the delivery of health care, and should act to impose order only at the request of health services personnel.

(2) Medical Test Results

As part of the separation of medical care from security and discipline functions, results of tests for pregnancy and venereal disease should be communicated by medical personnel to inmates, and the results kept confidential.

The inmate should have the responsibility for informing correctional authorities of the existence of any medical condition necessitating special arrangements.

The only circumstances under which doctors should violate their obligation to maintain patient's confidentiality are when objective danger to the patient's life or the lives of others exists.

(3) Vaginal and Rectal Searches

Because the risk of infection is increased by multiple inspections, vaginal examinations for non-medical reasons should be performed only if there is a documented probability that a woman might have hidden dangerous contraband. Whenever a vaginal search is performed, a written report of justification, providing the facts leading to the conclusion of probable contraband, should be submitted to the gynecologist.

colologist of the facility. To prevent physical injury, any procedure that involves intrusion into the body should be performed only by medically trained personnel.

Comment: Frequent vaginal and rectal searches are not part of health care. Policies and practices that involve medical staff in routine vaginal or rectal examinations should be carefully scrutinized for their medical necessity.

(4) The Right to Refuse Treatment

Every prisoner has the right to refuse any medical procedure. She should be informed of that right upon encountering the health service. Unless these are documented grounds for believing that she poses a danger to others in the institution, she should not be denied access to programs and facilities if she refuses a procedure.

e. Medical Experimentation

No medical experiments should be performed in women's jails or prisons. Experimental procedures include those in which medication is dispensed for purposes other than those for which the drugs are FDA [federally] approved.

Comment: As many people who are concerned with this matter have noted, the possibility of voluntary consent for the incarcerated is so diminished that experimentation cannot be safely countenanced.

f. Family Separation

Every attempt should be made to continue the relationship between parents and children.

Options that should be considered include extended visiting, flexible visiting schedules, day-care for pre-school children, special housing for visiting, extended stays or live-in arrangements, and furloughs.

g. Health Education Needs

Special education programs in the area of women's health are needed for all persons within the institution, including correctional staff, medical personnel, and inmates.

(1) Correctional Personnel

Ongoing workshops should discuss women's general health needs, as well as the special health problems of incarcerated women.

(2) Medical Personnel

Medical personnel may require similar education about women's health needs; they may also need to discuss issues related to the delivery of health care in a correctional institution.

(3) Inmate Education

Topics such as the following should be considered as subjects of inmate education programs:

- (a) breast cancer;
- (b) menstrual problems and their solution;
- (c) contraception;
- (d) hypertension;
- (e) selected diseases and illnesses of concern to the population;
- (f) psychotropic medication;
- (g) first aid;
- (h) cardio-pulmonary resuscitation;
- (i) vaginitis and its treatment; and
- (j) menopause.

The specific programs should be chosen by a health committee composed of inmates, in consultation with women's health professionals from inside and outside the institution.

h. The Need for Review

(1) Health Agency Authority

(a) Responsibility

Health services for incarcerated women should be under the jurisdiction of the local, state, or federal health agency responsible for health services in the area.

Comment: Health care delivery is a highly technical and specialized area, and should be supervised by professionals in the field.

(b) Review

The prison health staff should be required to submit regular reports, at least twice yearly, to this authority. These reports should cover all jail or prison procedures appropriate to the maintenance of inmates' physical, mental and social well-being.

The responsible health authority should perform, at least twice yearly, medical audits of all facets of the care provided to women. A specialist in women's health issues should be a member of the committee. The agency should be responsible for the strict enforcement of all local ordinances or state laws regarding public health within the institution. It should have the authority to close down an institution that does not meet local or state health laws and standards.

(2) Citizens' Committee

A citizens' committee should also be empowered by local, state, or federal authority to investigate and review care and conditions in the facility. Regular audits of women's medical care, with particular attention paid to obstetrical and gynecological matters and psychotropic medication, should be made by the committee.

(3) Inmates' Health Committee

An inmates' health committee should perform a variety of functions, including:

- (a) receiving health grievances and suggesting ways to resolve them;
- (b) polling inmates for their suggestions for education programs;
- (c) developing contacts with medical and women's health professionals and organizations;
- (d) providing in-prison education with the help of these professionals; and
- (e) educating the outside community concerning the health needs of incarcerated women and of the conditions affecting them and their children.

All inmates in an institution should be able to communicate directly with the responsible health authority and the citizens' and inmates' health committees.

Along similar lines, the NSW Task Force made the following recommendations:

142. That the Government establish a pilot programme in women's prisons to replace the existing centralized Prison Medical Service delivery model. The pilot programme would involve placing responsibility for health and dental care with regional Health Department bodies, supplemented with preventative services by appropriate community organizations.

143. That prisoners retain their pre-imprisonment rights to Medicare coverage with bulk-billing of services.
144. That prisoners be able to exercise their rights to a doctor of their choice, to choose a male or female doctor, to get second opinions, and to have specialist consultations (including psychiatric) without undue delay.
145. That non-hospitalized prisoners be treated under a General Practitioner service delivery model with the attendant right of confidentiality. The medical interviews, treatment and records of prisoners must be accorded the usual protection of confidential status.
146. That prisoners have ready access to a full range of preventative care services, including health education, drug and alcohol assistance, and adequate pre- and ante-natal classes. To be fully effective, these services should be provided by community-based agencies with Corrective Services funding. In addition, every prisoner must have adequate exercise opportunities and nutritious, varied diets.
147. A separately housed detoxification unit must be provided at Mulawa which provides safe, monitored, sympathetic and medically adequate withdrawal.
148. Accommodation units that incorporate contradictory dual functions must be re-organized as follows:
 - (a) Because segregation and punishment cells are inappropriate in a psychiatric unit, the OBS cells in Rose Scott [wing] should be closed down;
 - (b) Drug addicted women should be housed separately from women in need of hospital care;
 - (c) Women on protection should be housed separately from women segregated for punishment reasons.
149. Pregnant prisoners are not to be treated as "sick". They should not automatically be confined to the hospital in the later stages of their pregnancy.
150. The Director of the Prison Medical Service and the Director of Dental Services should be responsible for conducting a regular evaluation of the dental service to ensure the provision of a standard of service satisfactory to the client population. (The Task Force notes with concern the continuing dissatisfaction expressed over a considerable period of time by the client population.)...
152. All women...who are sick but not hospitalized should be able to be absent from work without being confined to their cells.
153. Access to and provision of medical treatment must never be withheld from any prisoner for any reason. If it is, the withholding staff member should be suspended pending disciplinary charges. The charges should be dealt with promptly and in accordance with the law.
154. Custodial staff working in association with health-care service should be specifically selected and trained in understanding the problems and needs of patients, thereby helping to reduce security restrictions and procedures and allowing officers to engage in more positive and constructive roles...

160. [A unit] should be retained for women who self-mutilate and women experiencing emotional conflicts...staff should be adequately selected and trained and provided with ongoing support and development opportunities. A leader/co-ordinator should be appointed. Self-mutilation should cease to be seen as a breach of discipline, requiring appearance before the Visiting Justice, and instead should be seen as an indication of the need for therapeutic intervention.
161. Medical attention, including attention by the psychologist and psychiatrist, should be given to all inmates as required, with no consideration as to whether it may be seen to be reinforcing attention-seeking behaviour. The psychiatrist or psychologist should, in consultation with other staff, devise a treatment programme designed not to reinforce the attention-seeking behaviour. This programme would be a guide to all staff in the management of the patient and should avoid the necessity for individual staff determining whether or not they are reinforcing attention-seeking behaviour.
162. A unit modelled on the Special Care Unit at Long Bay should be available to deal with prisoners who are violent, or whose behaviour causes major problems for inmates and staff.
163. (a) A committee ... should be formed to oversee the provision of medical, psychiatric and psychological services to migrant prisoners. It should comprise representatives of community ethnic groups...This committee should be incorporated into the structure of the Women's Council.
- (b) Links should be maintained with the Aboriginal Medical Service.
- (c) Aboriginal community groups should be provided with increased access to the prison, thereby helping to decrease the emotional, psychological and welfare needs of the prisoners brought about by their sense of isolation and cultural alienation.
- (d) Community ethnic groups should be provided with increased access to help minimize migrant prisoners' sense of cultural isolation.
164. A procedure for identifying and providing services for intellectually handicapped prisoners should be developed. (The Task Force notes that a current interdepartmental committee is examining this issue and will be making specific proposals.)
165. Psychiatrically ill patients should be assessed and transferred to a psychiatric hospital at the earliest opportunity. The Minister should delegate authority to sign schedules authorizing such transfers.

(vii) Classification

166. Current leave provisions are unduly restricted by the classification process, which is insensitive to the specific needs of women prisoners. Accepting that leave is the most desirable form of contact, the classification system must be reviewed to enable leave to be available earlier in the sentence and more frequently. It is envisaged that a scale recommending minimum periods between sentencing and eligibility for leave may need to be drawn up and that refusals to grant leave may be reviewed...
217. The classification system, as it relates to women, needs immediate and independent review, particularly in response to the options and programmes developed by implementation of the Task Force recommendations. The terms of reference of such an enquiry should include an examination of the efficacy of the present security ratings. The basis for the inquiry should be that the current stated aims of classification, outlined in Departmental Circular 82/63..., are appropriate goals for women and that it is acknowledged that the methods of achieving these goals may differ between men and women prisoners.
218. The classification system must reflect and be responsive to the particular needs of women.
219. Women prisoners on remand, awaiting trial or on appeal must be classified at reception, bearing in mind the view of the Task Force that remands who are suitable for a minimum security classification should be on bail.
220. The vast majority of women prisoners require medium to minimum security classification. Any accommodation facility must reflect this reality.
221. The specialised needs of women serving long sentences (e.g. Life, Governor's Pleasure) should be assessed with a view to increasing their work and work-release opportunities.

(viii) Prison Discipline

244. That the offences referred to in Section 23 of the Prisons Act be reconsidered so that they more properly reflect those offences which exist in criminal law at present or are necessary for the efficient management of modern day penal institutions. Offences such as pretending illness, behaving irreverently at Divine Service, and self-mutilation should be abolished...
246. The Superintendent's jurisdiction should cover only those offences which are not offences outside prison but are thought necessary for day-to-day running of the gaol.

247. The written consent of a prisoner to have an offence heard by the Superintendent should be an essential requirement. Under s.23A of the Prisons Act this is currently not the case.
248. Superintendents' powers to deprive a prisoner of rights and privileges for up to a month should not include power to limit or curtail visits, phone calls or buy-ups.
249. As a Superintendent may be further depriving a prisoner of an already restricted liberty, or may act arbitrarily or capriciously or in excess of jurisdiction, there should be a right to have proceedings before a Superintendent reviewed by a Visiting Justice or, alternatively, the right to appeal by way of re-hearing by a Visiting Justice.
250. No fee should be chargeable to a prisoner in respect of notice of appeal.
251. Defendants appearing before the visiting Justice should have, wherever possible, the same rights and privileges that a defendant has in proceedings in open Magistrates Courts.
252. The defendant in Visiting Justice proceedings should be entitled to a lawyer of the prisoner's choice, which lawyer should be entitled to entry into the prison for the purpose of the proceedings...
254. Prisoners should not be locked up pending action on a charge by the Superintendent or the Visiting Justice...
256. The current maximum penalty a Visiting Justice may impose is 14 days confinement to cells. The provision that a Visiting Justice, together with another nominated justice, may impose a maximum penalty of 28 days, although rarely invoked, should be abolished. The maximum penalty should be 14 days.
257. There should be no loss of remission consequent upon any penalty of cellular confinement. (At present four days remission are forfeited for every one day of cellular confinement.)
258. The penalty that a Visiting Justice may impose of forfeiture of payment is considered unduly harsh, given the paltry nature of prisoners' incomes and should not be a punishment. (Forfeiture of gaol earnings is contrary to the philosophy of encouraging paid work in prison...)
259. Whenever a prisoner is placed in segregation, the Women's Council should be immediately notified.
260. An officer of the Ombudsman's Office should regularly (at least weekly) visit women's prisons and be available to receive prisoner's written or verbal complaints...

APPENDIX B

Table 1 - Female arrests in relation to male arrests*

COUNTRY	Year	Women as % of total	Male- female ratio	Rate per 100,000 pop	
				F	M
England/Wales	1983	15%	5.6 to 1	na**	
Finland	1976	8%	11.5 to 1	na	
Ireland	1982	16%	5.3 to 1	na	
Japan	1984	18%	4.6 to 1	150	690
Netherlands	1977	10%	9 to 1	na	
New Zealand	1984	17%	4.8 to 1	158	na
Norway	1983	11%	8 to 1	97	770
Spain	1965	9%	10 to 1	na	
Sweden	1984	14%	6 to 1	na	
Switzerland	1985	16%	5.3 to 1	na	
West Germany	1986	19%	4.3 to 1	na	
Canada	1984	13%	6.5 to 1	43	420

* Sources for these statistics and those in the following two tables are either taken from Annual Reports from government ministries or correspondence from government officials. The list is too long to enumerate here, however all sources are included in the list of References in the Appendix.

**na = not available

Table 2 - Female convictions in relation to male convictions

COUNTRY	Year	Women as % of total	Male- female ratio	Rate per 100,000 pop	
				F	M
Belgium	1965	17%	5 to 1	na	
England/Wales	1984	13%	6.5 to 1	309	1836
France	1976	7%	13 to 1	na	
Indonesia	1981	3.8%	32 to 1	na	
Ireland	1981	14%	6 to 1	na	
Italy	1973	16%	5 to 1	49.5	na
Netherlands	1973	17.7%	5 to 1	54	na
New Zealand	1983	19%	4.3 to 1	na	
Norway	1977	7%	11 to 1	na	
Poland	1977	10%	9 to 1	na	
Sweden	1984	13.8%	6.3 to 1	172	980
Switzerland	1984	12.5%	7 to 1	na	
West Germany	1981	17%	4.8 to 1	na	
Canada	1984	13%	6.5 to 1	na	

Table 3 - Female imprisonment in relation to male imprisonment

COUNTRY	Year	Women as % of total	Male- female ratio	Rate per 100,100 pop	
				F	M
Australia	1984	3.9%	25 to 1	7.8	173.6
Belgium	1984	4.4%	22 to 1	na	
Brazil	1983	2%	49 to 1	na	
Denmark	1984	4%	24 to 1	na	
England/Wales	1984	3.4%	28 to 1	13	245
Finland	1984	3%	32 to 1	na	
France	1984	3.5%	28 to 1	na	
Greece	1984	4.7%	20 to 1	na	
Ireland	1984	2.3%	43 to 1	8	206
Italy	1984	4.8%	20 to 1	na	
Japan	1983	3.5%	28 to 1	na	
Netherlands	1984	2.6%	38 to 1	na	
New Zealand	1984	5.6%	17 to 1	na	
Norway	1983	3.7%	26 to 1	na	
Portugal	1983	2.8%	35 to 1	na	
Scotland	1983	2.6%	38 to 1	16	427
Spain	1984	3.8%	25 to 1	na	
Sweden	1984	3.5%	28 to 1	na	
Switzerland	1984	3.8%	25 to 1	na	
West Germany	1984	3.3%	29 to 1	5.2	171
Canada	1984	2% - fed. 7% - prov.	44 to 1 11 to 1	0.9	47

APPENDIX C

INSTITUTIONS FOR WOMEN

AUSTRALIA

New South Wales: The Mulawa Training and Detention Centre has a capacity for 130 sentenced and remand female inmates (1984), but on some days has housed over 200. It is a mixed security prison. The programs available include basic education, English as a second language, hair care, cookery, industrial machine, sewing, typing and clerical procedures, art, fashion and design, art, guitar, tapestry, pottery, yoga, occupational therapy, aerobics and horticulture. Recreational activities include various sports, darts, jazzercise, videos and weekend movies.

The Norma Parker Centre is a minimum security female facility with a capacity for about 40 women. Day leave is available to approved prisoners as is work release for four women.

X Wing at Bathurst Prison for men has opened to 90 women and 12 women were transferred to 4 Wing at Parramatta a maximum security men's prison following unrest in Mulawa and has since increased its intake to 60 female inmates. Periodic Detention Centres have the capacity to house 7 women in total.

South Australia: Northfield Prison, Women's Centre: built in 1969, this facility has a multi-level security rating with high security for remand prisoners and low, medium and high security for sentenced prisoners. This Centre receives female offenders mainly from the metropolitan area. It consists of A Dormitory (21 cubicles), B Dormitory (9 single cells), C Dormitory (9 single cells), D Wing (8 security/observation cells) and in addition, has 4 infirmary beds which can be used for women nursing children. The security and infirmary accommodation is used only for temporary purposes. Each residential wing has communal "ablution facilities" and the security and observation cells contain toilets but have communal shower facilities. All meals are taken in the dining room. Available employment includes sewing, kitchen, laundry, toy-making, gardening, automotive repairs, bricklaying and paving. The Centre has access to the State's comprehensive prison educational services. Recreational facilities include a variety of sports activities and recreational games as well as colour TV with video. Visiting hours are from 8:30 am to 11:30 am and 1:30 pm to 4:30 pm seven days a week and there is bus service from central Adelaide Monday through Saturday.

South Australia
(cont'd)

Port Augusta Gaol has accommodation for 12 single cells for short-term sentenced and remand female offenders but rarely holds more than 4 to 5 women and for periods less than 6 months. A new 8 to 12 cell unit, suitable for long-term accommodation is being planned.

Mount Gambier Gaol has 1 double room and 1 single room and is for very short-term prisoners. It is rarely used.

Port Lincoln Prison has four cells for short-term prisoners and it too is rarely in use.

Adelaide Remand Centre is planned for completion late in 1986 and will reduce the number of places needed at the Women's Centre by 4 to 7.

Western Australia: Bandyup Women's Prison, situated 25 kilometres east of Perth, is the only prison which caters solely for female prisoners. It has a capacity of 74 spaces for maximum, medium and minimum security sentenced and remand prisoners in single cell accommodation. In addition, the prison has four units specifically designed for nursing mothers. Occupational pursuits available to female prisoners include cooking, laundry, sewing, clerical, gardening, arts and crafts, and the design and manufacture of soft toys. Recreational leisure pursuits include a variety of sports activities as well as yoga, reading, TV, films, quiz nights and cards.

Roebourne Regional Prison and Wyndam Regional Prison are minimum/open security male prisons capable of holding female prisoners. Additional male prisons capable of holding female prisoners are the Greenough Regional Prison (medium security), the Broome Regional Prison and the Eastern Goldfields Regional Prison.

Queensland:

The H.M. Women's Prison attached to the men's Brisbane Prison Complex is the only women's facility for all female offenders. Nearly all programs available to women inmates are sponsored by outside bodies and organizations on a voluntary basis. There are no structured programs offered or financed by the Department of Corrections apart from education. The programs offered by outside organizations include A.A., Teen Challenge (drug counselling), art classes, yoga, music, gymnastics, aerobics, leathercraft, a self-awareness program, weaving, screen-printing, exercise and meditation, debating, public speaking and religious services.

Victoria: Fairlea Prison can accommodate up to 40 women and a further 35 women can be accommodated at the maximum security Pentridge Prison for men. Jika Jika is used to house rare cases of extremely dangerous and disruptive female prisoners.

BRITAIN

Holloway, Bullwood Hall, Cookham Wood, Durham and Styal are closed women's prisons. Askham Grange, Drake Hall and East Sutton Park are open prisons. Remand Centres are at Low Newton (Durham), Pucklechurch (Bristol) and Risley (Cheshire).

Holloway, situated in North London, is an old Victorian prison which was redesigned in the seventies. Women live in units of 16, with a total capacity of 500; it is often overcrowded. It is composed of various wings, including a psychiatric wing, a wing for mothers and babies, the drug addiction wing, the punishment wing and the hospital wing. There is also an occupational therapy centre, an education centre, a gymnasium, and prison officers' quarters.

Bullwood Hall, located in Essex, also serves as a youth custody centre and has a capacity of 43 places. Cookham Wood in Kent receives sentenced prisoners with less than 12 months left to serve and its capacity is 119. Durham, located in Cheshire, receives long-term and maximum security prisoners; capacity of 39. Styal, also located in Cheshire, caters to short, medium and long term prisoners and youth custody as well as having a mother and baby unit; capacity of 154. At all of these facilities treatment programs are much the same. Education consists primarily of remedial classes in English and mathematics and training courses are usually in hairdressing, dressmaking and so on. Very few women participate as most of them are employed in cleaning, gardening, laundry and kitchen duties.

Askham Grange in York is a pre-release hostel capable of housing 132 women. A pre-release hostel capable of housing about 15 women is also located at Askham Grange. Women are allowed to go out to work during the day and return in the evenings. Drake Hall is in Staffordshire and also serves as a youth custody centre; its capacity is 178. East Sutton Park in Kent as well caters to young offenders and has a capacity of 37. The Remand Centres are attached to male prisons and have a total capacity of 175. In all, a little less than one third of female prisoners are housed in open institutions.

DENMARK

There are four national mixed facilities for women. The prisons at Horserød and Amstrup are closed prisons with a total capacity of 20 places for women. Ringe is a closed mixed prison with a total capacity of 90 (about 10 places for women). At Ringe prisoners are allowed to buy and cook

their own food; there is no central kitchen. There are no social workers within the prison as the prisoners are expected to work out their own relationships and responsibilities. All the inmates are less than 25 years old. The women inmates live in separate wings in order to keep the male-female ratio even within these units. Sexual relations are permitted. Women with children are allowed to keep their children until they are a year old; they are permitted two rooms. Inmates are also allowed conjugal visits with boy-friends and girlfriends or, if married, with their spouses. Every inmate is searched after a visit. The Prison at Copenhagen houses about 30 female inmates. Another 40 women are held in local jails.

FEDERAL
REPUBLIC OF
GERMANY

In North Rhine-Westphalia, there are five women's facilities at Cologne, Essen, Villach, Mulheim and Bielefeld-Brackwede I housing about 400 women. Villach is an open prison. Currently, pregnant women can give birth at a hospital and return to prison where they may keep their children up to 18 months. There is a proposal for the construction of a new women's prison where women may keep their children up until school age. Vocational training is provided at Cologne (44 training spots) where women are trained in hairdressing, cleaning, tailoring, typing and stenography. Prisoners with longer sentences are transferred to Cologne to be able to participate in this program as Villach has only 10 places for training in secretarial skills. Women from Essen and Villach are permitted temporary leaves to participate in educational courses and work. Access to education is also available inside the prisons. Unlike men, women from all prisons are allowed home leaves to visit their families.

In 1984, the new women's prison in Berlin was completed with a capacity of 330 places for remand, juveniles and sentenced adult offenders. The facility has six houses (including a mother and child station) which house separate categories of offenders; juveniles, drug dependent offenders, civil offenders, and so on in units of 10 to 15. Each of the prisoners' rooms is provided with two locks, one of which is for her own privacy and she is given her own key. Prison industries include seamstress/sewing, wood-working, painting, laundry, typing, hairdressing, catering, and a plant nursery. Special occupational therapy workshops are located in the section for drug dependent inmates. A cultural centre with a capacity of 150 is used for recreational activities and educational purposes. Within the prison there is a 10-bed medical facility, three treatment rooms and plans for dental, gynecological and psychiatric units. A gymnasium and outside grounds allow a wide variety of sports activities.

FINLAND

Hämeenlinna Prison, built in 1972 near Helsinki, can accommodate about 250 prisoners of both sexes. The women weave hospital linen and work in the laundry and kitchen. Women on remand are kept separate from sentenced inmates. Mothers of young infants are allowed to keep their children until they are three years old.

Nurmenkylä is an open prison for women, also near Helsinki, with a capacity of about 25 spaces.

FRANCE

The main institution for women is at Rennes which houses about 340 women. The next largest facility is at Fleury-Merogis with about 200 inmates. Another 54 local detention centres accommodate anywhere from 5 to 60 women each with an average of about 10 to 15 women. At Rennes women work six days a week for six hours doing either General Service (maintaining the institution) or Industrial Work for the private sector managed under contracts (largely menial work such as sewing and small assembly work). Literacy classes are provided as well as the opportunity for upgrading educational levels, including correspondence courses although very few inmates participate. Limited sports and recreational activities are available. Women are allowed a half hour per week for visits but these can be rare owing to the distance of the institution from many inmates' homes.

GREECE

There is one Greek women's prison in Athens with a capacity for 400 inmates housed in open dormitories and some single rooms for ill inmates. Women work in the kitchen or as cleaners; a few choose to work in the workshop weaving textiles for sheets and prison uniforms. There are three full-time social workers, one full-time woman doctor and a psychologist and dentist who visit once a week.

IRELAND

There are two women's prisons, one in the Mountjoy complex and the other in Limerick, both of which are traditional closed institutions. The Report of the Committee of Enquiry into the Penal System (1985) observes that both facilities are in poor physical condition and badly sited, near or adjoining men's prisons (in the case of Mountjoy the women's prison is the ground floor of a wing of St. Patrick's Institution). The Report claims there are inadequate medical, work, education and recreation facilities and no provision for training. There is no separate accommodation for juvenile offenders and there is no open centre.

JAPAN

There are four exclusively female prisons at Tochigi, Shiga, Wakayama and Kasamatsu and one wing at the Sapporo Prison for men. Correctional treatment focuses on engendering emotional stability, family relationship skills and inter-

personal skills. Training courses include family care, household skills, grooming and sewing (Western and Japanese). An educational program against drug abuse is also offered. Infants are allowed to stay with their mothers until they are a year old. Work release is available to women two months before the end of their sentence.

In addition to these prisons, there is a guidance home in Tokyo which houses adult women who have been sentenced to "guidance disposition" for solicitation and other crimes associated with prostitution such as procuring, keeping a bawdy house and so on. The "guidance disposition" is not so much penalty as a kind of security measure.

NETHERLANDS

There is only one female institution: De Sinoel in Amsterdam accommodating about 87 women of all classifications and remand prisoners who are housed in separate units. Apart from this facility, there are special female wings in two other institutions: one wing in the remand facility at Maastricht with a capacity of 36 and one wing in the remand house at Groningen with a capacity of 10.

NEW ZEALAND

There are three women's facilities. Christchurch Women's Prison, opened in 1974, caters for every type of female offender and is the main women's prison with a capacity of up to 52 women of all security classifications. Because of the small numbers it is claimed by government officials that women's needs are met on an individual basis; as well, it has regular education courses (including illiteracy classes) which prisoners may participate in instead of prison industries and has just instituted a social/domestic survival skills program. Work consists mainly of cleaning, cooking, sewing, laundry and gardening. In the evenings inmates are allowed to participate in crafts classes as well as Maori language and culture classes. Mt. Eden, Auckland, is a division of the small medium security men's prison with approved accommodation for 14 women (average 20) and holds remand, short-term and those awaiting transfer to Arohata or Christchurch. Arohata near Wellington can accommodate up to 82 women and girls of minimum/medium security ratings. Some of the older women are thought to be able to exert a positive influence on the younger inmates. The institution places considerable emphasis on education and community involvement by means of work parole and day parole for various community activities. Prison industries include sewing, laundry and gardening.

NORWAY

There are two prisons designed exclusively for women: Oslo Prison for Women and Sandefjord. Oslo Prison is a maximum security prison with a capacity of 37. Prisoners at Oslo are permitted to choose between educational activities and work.

Work consists of sewing, weaving and knitting as well as laundry and kitchen duties. A variety of sports and recreational programs are also available. Sandefjord is an open prison with a capacity of 11 spaces. In addition to these two prisons, there are ten local prisons with special units for women.

SCOTLAND

Cornton Vale, built in 1975 and situated in central Scotland outside Stirling, is the only women's prison in Scotland serving convicted women and young offenders and almost all remand prisoners apart from a few who are housed in the female wings at Aberdeen, Dumfries and Inverness prisons. Although rarely full, it has a capacity for 219 women. It consists of an administration block, a communal block for the workshops, laundry, kitchen, gymnasium, education unit and library, a health centre, a chaplaincy, and five blocks housing different categories of offenders: remand prisoners in one block, convicted prisoners in another, a young offenders block, and so on. Each residential block is divided into 'family units' consisting of seven single rooms (one of which is designed to accommodate a mother and baby), a store-room, kitchen, and living/dining room.

SWEDEN

Hinseberg, located in central Sweden, is a national open prison for women with accommodation for about 95 inmates in ten houses each equipped with its own dining and sitting rooms. It receives female offenders who are serving their first sentence of only one or two months as well as lifers. The women work 40 to 45 hours a week at cooking, dress-making, gardening and raising chickens. They are allowed visitors every fortnight and financial help can be obtained for their families to visit. Home leaves are allowed after the first four months and then every two months. Prisoners with infants are permitted to keep them until they are 12 months old. One psychiatrist visits once a week. Because the prison is isolated, there are few links with social care and probation services. Other national prisons with accommodation for female inmates are Roxtuna, Skenäs and Österåker with a total capacity of about 20 spots. The rest of women inmates are housed in 23 mixed regional prisons with a total capacity of about 77 places. In 1982 a new ward was opened at Österåker which caters to about 9 inmates who have committed serious crimes (e.g. narcotic offences) or who are considered dangerous and high security risks. These women are strictly separated from the rest of the inmates. There are plans for this ward to become a model for more wards of this sort at other local prisons.

SWITZERLAND

Hindelbank with a capacity of about 100 is the only women's institution. Women are allowed to keep their children until they are 18 months. Due to staff shortages and limited facilities, there is no specialized drug treatment program although increasing numbers of female prisoners are drug dependent. There are several sections within the institution. First there is a high security section which receives new admissions. Two other sections house about 10 to 12 women each who are serving longer sentences. Recently a new semi-open section for short-term (6 to 8 months) inmates has been created housing about 15 women including inmates with infants. Three social workers work full-time at the institution. A variety of sports and recreational activities are offered although participation appears to be low. Work consists of sewing, farming and gardening, and small assembly work as well as institutional maintenance. Inmates are allowed to work extended hours for extra remuneration.

Some women (about 8) are also housed in the detention centre at Steinhof Burgdorf.

APPENDIX D

LEGISLATION, DIRECTIVES, REGULATIONS

Australia: The Controlled Substances Act 1984 allows for offences which involve the simple possession of drugs to be referred to assessment panels without court appearances or convictions. This pre-trial diversion applies to both men and women.

Section 44 of the Western Australian Prisons Act 1981 and part XI of the Prison Regulations 1982 contain legislation which applies directly to women. Section 44 of the Act details the requirement to separate male and female offenders in segregated sleeping quarters and part XI of the Prison Regulations outlines the procedures to be adopted in the course of a strip search. In addition, Director's Rule 3A provides operation information relating to the conditions and circumstances under which children may stay in prison with their mothers. At the present time only females are allowed to have their children with them during their stay in prison, subject to the conditions laid down in the Director's Rules.

The Victorian Penalties and Sentences (Amendment) Act 1984 sets out certain matters to be considered in the sentencing of an offender including the financial circumstances of an offender when a monetary penalty is contemplated and provides for deferred probation orders and deferred attendance centre orders to be made. In addition it provides for the service of fine default by way of Community Service Orders.

The New South Wales Bail Act 1978 sets out the criteria to be used in determining bail. The legislation also provides that accused persons should be informed of their entitlements to bail under the Act. Under the legislation, a right to bail exists for persons charged with minor offences subject to certain specified exceptions. The Act establishes a presumption in favour of bail for all other offences except those of armed and otherwise violent robbery. Another important feature of the Act is the comprehensive review and appeal procedure available to accused persons who seek a variation in the bail decision.

Section 200 of the Victoria Community Welfare Services Act 1970 authorizes the Director-General or his or her delegate to grant permits allowing a prisoner to be granted temporary leave in certain circumstances. This provision is broadly similar to section 29 of the New South Wales Prisons Act 1952. In 1983 the Victoria Community Welfare Services Act was revised to the effect that the pre-release program came under the authority of Victorian Adult Parole Board. The Board is authorized to determine who is eligible for the pre-release program subject to the following criteria: the prisoner must be serving a sentence of 12 months or more; at least 3 months but not more than 12 months of the sentence must remain unserved; and the period of the pre-release permit must not exceed one-third of the prison sentence being served.

Prior to June 1984, Rule 5(b) of the NSW Prison Rules, 1976, gave to Superintendents the power to deal with any matter considered not serious enough to refer to the Visiting Justice. In June 1984, the Supreme Court declared Rule 5(b) invalid. Section 23A of the Prisons Act, 1952 describes the manner in which disciplinary matters must be dealt with:

"Where a prisoner has committed or is suspected to have committed an offence against prison discipline of the nature referred to in section 23...and such prisoner admits the facts alleged against him in respect of such offence to be true or consents in writing to the governor of the prison hearing and determining the matter, such governor may hear and determine the matter."

- Britain: Criminal Justice Act 1982 effectively replaced both borstal training and imprisonment for anyone under the age of 21 with a new determinate sentence of youth custody training. There are some differences between male and female young persons. While young men will usually receive a detention centre order, young women serve their sentences in female adult remand centres.
- Federal Republic of Germany: By the Prison Administration Amendment of 20 December 1984, social therapy was abolished as a separate measure of rehabilitation and prevention. This measure had in any case not been brought into force. Committal to a social therapy institution now only constitutes a particular type of sentence.
- Greece: Act 1483/84, section 23, sub-section 1 of the Administrative Council of the National Employment Agency makes allowances proportional to the number of dependent children payable to convicted parents without work.
- Italy: Ministry of Justice No. 2357/C and 1123/S: Extension of the time-limit laid down in section 30, sub-section 1 of Act No. 398 of 28 July 1984 (detention on remand). This Bill proposes extensions up to 30 November 1985 of detention on remand applying to persons charged with serious offences against the State, the human person and the national heritage.
- Bill 2350/C RUSSO: Amending Act No. 354 of 26 July 1975 on the rules of prison legislation. This Bill proposes a number of amendments to prison legislation on visits, work, permits, disciplinary sanctions, transfers and alternative measures to detention.

Netherlands: The Interior Rules for Remand Prisoners, January 1985, made it a right of all prisoners, whether serving a sentence or on remand, to consult their own general medical practitioner or specialist.

In 1973 a new Act came into effect limiting the duration of pre-trial detention by obliging the public prosecutor to bring the case to court within three months and by requiring a stricter motivation of the ground on which pre-trial detention is imposed.

New Zealand: Section 31A(1)(a), effective 1.4.81, of the Penal Institutions Act 1954 provides a discretion for the Minister of Justice to direct the release on a specified date of any inmate who has given birth to a child. The Minister can fix conditions covering such a release; e.g. the woman can be directed to live with her parents or in an approved welfare institution.

The new Criminal Justice Act 1985 provides for a number of new sentences not previously available: reparation and community service. Probation has now been replaced by supervision. Special parole provisions apply to the main women's prisons because the inmates are often long distances from family and friends. Superintendents may also authorize day paroles and group outings for various educational, recreational and cultural purposes.

Norway: Norway recently revised its Prison Rules to the effect that security cells may be used only in order to prevent inmates from inflicting injury upon themselves or other persons, to prevent considerable damage to property, and to prevent serious disturbance in the prison; in addition, prison authorities are no longer allowed to use firearms in the prison (but may use gas-pistols and truncheons).

Sweden: In 1973 new legislation provided that over a period of five years, probation and after-care would become more important and that no more prisons like Kumla (maximum security) would be built. In 1983 further changes occurred in Sweden's criminal legislation. Persons serving a prison sentence of under two years shall, in principle, always be conditionally released after half of the sentence has been served, subject to assessments of risk. However, the previous requirement that a minimum of two months must be served has not been changed. With respect to conditional sentences, the preconditions for imposing a conditional sentence have been relaxed so as to no longer require a prognosis for the offender's good behaviour. The highest number of day fines that can be imposed together with a conditional sentence was raised from 120 to 180. The main purpose behind these changes was to make possible the increased use of conditional sentences for first-time offenders and other occasional offenders. Regarding probation, a number of changes were made to encourage its use as

an alternative to imprisonment. Thus, a precondition for probation is the prognosis that it will contribute to the offender refraining from continued criminality. Like conditional sentences, the maximum number of day fines that may imposed in combination with probation has been increased to 180. The period of supervision for normal cases has been shortened to one year instead of two.

APPENDIX E

REFERENCES -

- Adler, Freda (1979) - The interaction between women's emancipation and female criminality: a cross-cultural perspective" in Adler, F. and R.J. Simon (eds.) The Criminology of Deviant Women pp 407-418 Boston: Houghton Mifflin
- Adler, Freda (1981) - The Incidence of Female Criminality in the Contemporary World New York: New York University Press
- Adler, Freda and R.J. Simon (eds.) (1979) - The Criminology of Deviant Women Boston: Houghton Mifflin
- Alpert, G.P. (1982) - "Women prisoners and the law: which way will the pendulum swing?" in Price, B.R. and N.J. Sokoloff (eds.) The Criminal Justice System and Women New York: Boardman
- Andersen, Erik (1981) - "Ringe: a new maximum-security prisons for young men and women in Denmark" in D.A. Ward and K.F. Schoen (eds.) Confinement in Maximum Custody pp 159-173 Lexington, Mass.: Lexington Books, Heath
- Anonymous (1979-80) - "Sentencing women: equal protection in the context of discretionary decisionmaking" Women's Rights Law Reporter 6(1-2):85-106
- Anttila, I.S. (1981) - "Female criminality in Finland — what do the statistics show?" in Adler, F. (ed.) Female Criminality in the Contemporary World pp 64-83 New York: New York University Press
- Austin, R.L. (1981) - "Liberation and female criminality in England and Wales" British Journal of Criminology 21(4):371-374
- Australia, Ministry of Justice (1985) - "Projected trends on female imprisonment" Report to the Northfield Prison Complex Master Plan Committee by John Hayes
- Australia, New South Wales (1985) - Women in Prison Report of the NSW Task Force on Women in Prison to the Hon. John Akister M.P. Minister for Corrective Services
- Australia, New South Wales (1986) - Penology 1986 Follow-up study of the NSW Task Force Women Behind Bars
- Barak-Glantz, I.L. (ed.) (1981) - The Mad, the Bad, and the Different Lexington, Mass.: Lexington Books, Heath
- Barak-Glantz, I.L. and E.H. Johnson (eds.) (1982) - Comparative Criminology Beverly Hills: Sage

- Baunach, P.J. (1982) - "You can't be a mother and be in prison ... can you? impacts of the mother-child separation" in Price, B.R. and N.J. Sokoloff (eds.) The Criminal Justice System and Women New York: Boardman
- Biles, David (1982) - Women Prisoners in Victoria: a Review of the Nature and Size of Facilities Needed Canberra: Australian Institute of Criminology
- Biron, Louise (1981) - "An over-view of self-reported delinquency in a sample of girls in the Montreal area" in Morris, A.M. and L. Gelsthorpe (eds.) Women and Crime pp 1-18 Cambridge: Institute of Criminology
- Bottoms, A.E. and John Pratt (1985) - "Intermediate treatment for girls in England and Wales: a preliminary paper" Cambridge: Institute of Criminology
- Bowker, L.H. (1981) - "The institutional determinants of international female crime" International Journal of Comparative and Applied Criminal Justice 5(1): 11-28
- Box, Steven and Chris Hale (1983) - "Liberation and female criminality in England and Wales" British Journal of Criminology 23(1): 35-49
- Britain, Home Office (1976) - Further Studies of Female Offenders by Nancy Goodman et al. Research Report No. 33, London: H.M.S.O.
- Britain, Home Office (1985a) - Criminal Statistics England and Wales 1984 London: H.M.S.O.
- Britain, Home Office (1985b) - Prison Statistics England and Wales 1984 London: H.M.S.O.
- Britain, The Howard League (1986) - Women in the Penal System by The Baroness Sear and Elaine Player London: The Howard League for Penal Reform
- Bruinsma, G.J.N., C.I. Dessaur and R.W.J.V. van Hezewijk (1981) - "Female criminality in the Netherlands" in Adler, F. (ed.) The Incidence of Female Criminality in the Contemporary World pp 14-64 New York: New York University Press
- Bunch, B.J., L.A. Foley and S.P. Urbina (1983) - "The psychology of violent female offenders: a sex-role perspective" The Prison Journal 63(2):66-79
- Cameron, M.O. (1964) - The Booster and the Snitch London: Free Press

- Canada, Canadian Advisory Council on the Status of Women (1980) - "Women in prison: expanding their options" a Brief presented to the Strategic Planning Committee on the Future of the Correctional Service of Canada Ottawa: Canadian Advisory Council on the Status of Women
- Canada, Canadian Association of Elizabeth Fry Societies (1985) - "Women in conflict with the law" Ottawa: Canadian Association of Elizabeth Fry Societies
- Canada, Ministry of the Solicitor General (1985a) - "A statistical profile of female offenders in Canada" Ottawa: Ministry of the Solicitor General, Statistics Division
- Canada, Ministry of the Solicitor General (1985b) - Report of the Canadian Delegation to the 7th United Nations Congress on the Prevention of Crime and the Treatment of Offenders Milan Italy, August 26 - September 6
- Canada, Ministry of the Solicitor General (1986) - "Sentenced to Separation: an Exploration of the Needs and Problems of Mothers who are Offenders and their Children" by Linda MacLeod Ottawa: Ministry of the Solicitor General, Programs Branch
- Cantner, Rachelle (1981) - "Family correlates of male and female delinquency" Boulder, Colorado: Behavioral Institute
- Cario, Robert (1985) - "La Criminalité des Femmes Approche Differentielle" Ph.D. thesis, Faculté de Droit et des Sciences Economiques, Université de Pau et des Pays de l'Adour
- Carlen, Pat (1983) - Women's Imprisonment London: Routledge and Kegan Paul
- Carlen, Pat (1985) - "Pathologizing women" British Journal of Psychiatry June
- Challinger, Dennis (1982) - "Crime, females and statistics" Australia and New Zealand Journal of Criminology 15(2):123-128
- Chapman, J.R. (1980) - Economic Realities and the Female Offender Lexington: Lexington Books
- Chesney-Lind, Meda (1983) - "Women under lock and key: a view from the inside" The Prison Journal 63(2):47-65
- Chesney-Lind, Meda (1984) - "Women and Crime: a review of the recent literature on the female offender" Youth Development and Research Center, University of Hawaii
- Chesney-Lind, Meda (1986) - "Thoughts on the design of a women's facility" memorandum, personal copy

Clark, S.R. (1979) - "Women in prison" Auckland University Law Review 3(Sept):401-428

Contemporary Crises (1983) - Special Edition on Justice in the Netherlands

Cook, B.B. (1979) - 'Judicial attitudes and decisions on women's rights: do women judges make a difference?' paper prepared for the IPSA Round Table, University of Essex, August 6-8, 1979

Council of Europe (1980) - "Female criminality in the Federal Republic of Germany, in Italy and in England and Wales" in Council of Europe European Committee on Crime Problems Co-ordinated Criminological Research Fellowship Strasbourg August 14, 1980

Council of Europe (1985) - Prison Information Bulletin Strasbourg: Council of Europe

Cullen, F.T., K.M. Golden and J.B. Cullen (1979) - "Sex and delinquency" Criminology 17:301-310

Curran, D. (1983) - "Judicial discretion and defendant's sex" Criminology 24: 224-229

Dahl, T.S. (1986) - "Women's law: methods, problems, values" Contemporary Crises 10: 361-371

Datesman, S.K. and F.R. Scarpitti (eds.) (1980) - Women, Crime and Justice New York: Oxford University Press

Davis, N.J. (1984) - "Prostitution" paper prepared for Encyclopedia of Social Work, October 15, 1984

Davis, N.J. and Bo Anderson (1983) - Social Control: the Production of Deviance in the Modern State New York: Irvington

Davis, N.J. and K. Faith (1985) - "Women and the State: crisis in social control" paper presented at American Society of Criminology November 13-16, 1985, San Diego

DeCostanzo, E.T. and Janet Valente (1984) - "Designing a correctional continuum: one State's experience" The Prison Journal 64(1):120-128

Dell, S. (1971) - Silent in Court London: Bell

Denmark, Department of Prison and Probation (1984) - The Danish System of Criminal Justice, an Outline Copenhagen: Department of Prison and Probation

- Denmark, Ministry of Justice (1985) - Kriminalforsorgens årsberetning
Copenhagen: Ministry of Justice
- Dobash, R.P., R.E. Dobash and Sue Gutteridge (1986) - The Imprisonment of Women Oxford: Basil Blackwell
- Dominelli, Lena (1983) - Women in Focus: Community Service Orders and Female Offenders University of Warwick
- Edwards, S.S.M. (1984a) - Transcript of talk given by Dr. Sue Edwards, December 10, 1984, personal copy
- Edwards, S.S.M. (1984b) - Women on Trial Manchester University Press
- Edwards, S.S.M. (1985a) - "Gender 'Justice'? defending defendants and mitigating sentence" in Edwards, S.S.M. (ed.) Gender, Sex and the Law London: Helm.
- Edwards, S.S.M. (ed.) (1985b) - Gender, Sex and the Law London: Helm
- Einsele, H. (1983) - "Female criminality in the Federal Republic of Germany" Strasbourg: Council of Europe
- England, Greater London Council Women's Committee (no date) - Bulletin, Issue 25
- England, NACRO (1985a) - "Mothers and babies in prison" London: NACRO
- England, NACRO (1985b) - Women in Prison London: NACRO
- England, Prison Reform Trust (no date) - "Background: women's prisons and the hopes for Holloway" personal copy
- England, Radical Alternatives to Prison (no date) - "Alternatives to Holloway" London: RAP
- Farrington, D.P. and A.M. Morris (1983) - "Sex, sentencing and reconviction" British Journal of Criminology 23(3):229-248
- Faugeron, Claude (1982) - "Femmes victimes, femmes délinquantes - Etat des données" Etudes et données pénales Paris: Ministère de la Justice, Direction des Affaires Criminelles et des Graces, Service d'Etudes Pénales et Criminologiques
- Faugeron, Claude et Noëlle Rivero (1982) - "Femmes libérées sous condition" Deviance et controle social.34, Travaux et Documents. 15 Paris: Ministère de la Justice, Centre National d'Etudes et de Recherches Pénitentiaires
- Federal Republic of Germany, Ministry of Justice (no date) - Frauenkriminalität und Frauenstrafvolzug in Nordrhein-Westfalen Berlin: Ministry of Justice

- Federal Republic of Germany, Ministry of Justice (1984) - Strafvollzug
Herausgegeben vom Justizminister des Landes Nordrhein-
Westfalen Berlin: Ministry of Justice
- Federal Republic of Germany, Ministry of Justice (1985) - Justizvoll-
zugsanstalt für Frauen Berlin Berlin: Ministry of Justice
- Feinman, Clarice (1982) - "Sex role stereotypes and justice for women" in Price,
B.R. and N.J. Sokoloff (eds.) The criminal Justice System
and Women New York: Boardman
- Feinman, Clarice (1984) - "The integration of male and female prison staff and
prisoners: a discussion of pertinent issues prepared for the
Australian Institute of Criminology
- Figueira-McDonough, Josefina (1984) - "Feminism and delinquency, in search of
an elusive link" British Journal of Criminology
24(4):325-342
- Fisher, J.E. (1986) - "Canadian trends in selected female crimes: an
adapted replication study" M.A. thesis Edmonton: University
of Alberta
- Foley-Jones, C.R. and N.M. Tandowski (1977) - "Relevance of correctional
programs for female aboriginal prisoners" Perth:
Western Australian Prisons Department
- Fontanesi, M. (1980) - "Female criminality in Italy" in Council of Europe
European Committee on Crime Problems, Co-ordinated
Criminological Research Fellowship (1976) Strasbourg:
Council of Europe
- Fox, J.G. (1984) - "Women's prison policy, prisoner activism, and the
impact of the contemporary feminist movement: a case
study" The Prison Journal 64(1):15-36
- Gelsthorpe, Lorraine (1986) - "Towards a skeptical look at sexism" International
Journal of the Sociology of Law 14:125-152
- Genders, Elaine and Elaine Player (1986) - "Women's imprisonment" British
Journal of Criminology 26(4):357-371
- Gibbens, T.C.N. (1981) - "Female criminality in England and Wales" in Adler,
F. (ed.) Female Criminality in the Contemporary World
pp 102-121 New York: New York University Press
- Giordano, P.G. and S.A. Cernkovich (1979) - "On complicating the relationship
between liberation and delinquency" Social Problems 26:465-
481

- Gipser, von Dietlinde (no date) - "Kriminalität der Frauen und Mädchen" in Sonderdruck aus dem fünfzehnbändigen Die Psychologie des 20. Jahrhunderts Zürich: Kindler Verlag
- Glick, R.M. and V.V. Neto (1982) - "National study of women's correctional programs" in Price, B.R. and N. J. Sokoloff (eds.) The Criminal Justice System and Women New York: Boardman
- Goetting, Ann (1982) - "Conjugal association in prison, issues and perspectives" Crime and Delinquency 28(1):52-71
- Goodman, N. (1980) - "The trend of offending by women in England and Wales 1963-77" European Committee on Crime Problems Strasbourg: Council of Europe
- Gora, J.G. (1982) - The New Female Criminal, Empirical Reality of Social Myth? New York: Praeger
- Gorta, Angela (1984) - "Preliminary information on women in prison for the Women in Prison Task Force South Australia: Department of Correctional Services
- Greenwood, Victoria (1981) - "The myth of female crime" in Morris, A.M. and L. Gelsthorpe (eds.) Women and Crime pp 73-87 Cambridge: Institute of Criminology
- Griffiths, C.T. and Margit Nance (eds.) (1980) - The Female Offender, Selected Papers from an International Symposium Simon Fraser University
- Hackler, James (1984) - "The link between violent crime and women's lib: a policy-for change" Paper presented at the American Society of Criminology, Cincinnati, Ohio, November 1984
- Haft, M.G. (1980) - "Women in prison: discriminatory practices and some legal solutions" in Datesman, S.K. and F.R. Scarpitti (eds.) Women, Crime, and Justice pp 320-338 New York: Oxford University Press
- Hanawalt, B.A. (1982) - "Women before the law: females as felons and prey fourteenth-century England" in Weisberg, D.K. (ed.) Women and the Law, A Social and Historical Perspective Volume I: Women and the Criminal Law Cambridge, Mass.: Schenkman
- Hancock, Linda (1986) - "Economic pragmatism and the ideology of sexism: prison policy and women in Victoria (Australia): Women's Studies International Forum 1986
- Hancock, Linda and Meda Chesney-Lind (1982) - "Female status offenders and justice reforms: an international perspective" Australian and New Zealand Journal of Criminology 15(2): 109-122

- Hanmer, Jalna and Elizabeth Stanko (1985) - "Stripping away the rhetoric of protection: violence to women, law and the state in Britain and the U.S.A." International Journal of the Sociology of Law 13(4):357-374
- Hartz-Karp, Janette (1979) - "Women in Constraints: Western Australia" Perth, W.A. Western Australian Department of Corrections
- Hartz-Karp, Janette (1981) - "Women in constraints" in Mukherjee, S.K. and J.A. Scutt (eds.) Women and Crime Sydney: Australian Institute of Criminology in association with George Allen & Unwin
- Hartz-Karp, Janette (1983) - "The impact of infants in prison on institutional life: a study of the mother/infant prison programme in Western Australia" Australia and New Zealand Journal of Criminology 16:172-183
- Hatch, A.J. and Karlene Faith (1985) - "The female criminal in Canada" paper presented at the Annual Meeting of the American Society of Criminology, November 13-17 San Diego
- Hatty, S.E. (1984) - "Maternal-infant incarceration: sociological and psychological perspectives" in Hatty, S.E. (ed.) Women in the Prison System Canberra: Australian Institute of Criminology
- Hatty, S.E. (ed.) (1984) - Women in the Prison System Canberra: Australian Institute of Criminology
- Haynes, M.L.F. (1985) - "Female alcohol abusers: stereotyping in the judicial system" M.A. thesis personal copy
- Hazlehurst, K.M. (ed.) (1985) - Justice Programs for Aboriginal and other Indigenous Communities: Australia, New Zealand, Canada, Fiji and Papua New Guinea Proceedings Aboriginal Criminal Justice Workshop No. 1 April 29 - May 2, 1985
- Heidensohn, Frances (1981) - "Women and the penal system" in Morris, A.M. and L. Gelsthorpe (eds.) Women and Crime pp 125-139 Cambridge: Institute of Criminology
- Heidensohn, Frances (1985) - Women and Crime London: Macmillan
- Hermann, Joachim (1981) - "Federal Republic of Germany" in Cole, G.F., S.J. Frankowski and M.G. Gertz (eds.) Major Criminal Justice Systems Beverly Hills: Sage
- Hiller, A.E. (1982) - "Women, crime and criminal justice: the state of current theory and research in Australia and New Zealand" Australia and New Zealand Journal of Criminology 15(June):69-89

- Hood, Roger and Richard Sparks (1970) - Key Issues in Criminology
New York: McGraw-Hill
- Hosoi, Yoko (1985) - "Recent trends in female delinquency in Japan" paper prepared for The Fourth Asian Pacific Conference on Juvenile Delinquency Tokyo Japan, November 10-17, 1985
- Ireland, Department of Justice (1983) - Annual Report of Prisons and places of detention for the year 1982 Dublin: Department of Justice
- Ireland, Department of Justice (1984a) - Annual Report on Prisons and places of detention for the year 1983 Dublin: Department of Justice
- Ireland, Department of Justice (1984b) - Report on the Probation and Welfare Service with statistics for the year 1983 Dublin: Department of Justice
- Ireland, Department of Justice (1985) - Report of the Committee of Inquiry into the Penal System Dublin: Department of Justice
- Ireland, National Economic and Social Council (1984) - The Criminal Justice System: Policy and Performance Dublin: NESCC
- Ishiyama, Yoh (1985) - "Correctional administration in Japan" Tokyo: Ministry of Justice, Correction Bureau
- James, J. and Thornton, W. (1980) - "Women's liberation and the female delinquent" Journal for Research in Crime and Delinquency 17(2):230-244
- Japan, Ministry of Justice (1985a) - Correctional Institutions in Japan 1985 Tokyo: Ministry of Justice, Correction Bureau
- Japan, Ministry of Justice (1985b) - White Paper of Crime Chapter 3: "Women's Crime" Tokyo: Ministry of Justice, The Research and Training Institute
- Japan, National Institute of Police Science (no date) - "Sex role and crime" by Ayako Tsurumi Uchiyama Tokyo: National Institute of Police Science
- Japan, Research Committee for Female Crime (1983) - A Study of the Victims of Homicide Committed by Female [sic] Keio Law Review 3:1-24
- Jensen, An-Magritt (1981) - "Norwegian women in court" in Adler, F. (ed.) Female Criminality in the Contemporary World pp 84-101 New York: New York University Press

- Jensen, G.F. (1982) - "The incarceration of women: a search for answers" in Weisberg, D.K. (ed.) Women and the Law, A Social and Historical Perspective Volume I: Women and the Criminal Law Cambridge, Mass.: Schenkman
- Johnson, Holly (1986) - "Women and crime in Canada" Ottawa: Ministry of the Solicitor General
- Johnson, E.H. and Alfred Heijder (1983) - "The Dutch deemphasize imprisonment: sociocultural and structural explanations" International Journal of Comparative and Applied Criminal Justice 7(1):3-19
- Kahn, Peggy (1985) - "Unequal opportunities: women, employment and the law" in Edwards, S.S.M. (ed.) Gender, Sex and the Law London: Helm
- Kelk, C. (1983) - "The humanity of the Dutch prison system and the prisoners' consciousness of their legal rights" Contemporary Crises 7:155-170
- Klein, Dorie (1982) - "The etiology of female crime: a review of the literature" in Price, B.R. and N.J. Sokoloff (eds.) The Criminal Justice System and Women New York: Boardman
- Lee, L.T. (1977) - "Law and the status of women: introduction" in United Nations, Center for Social Development and Humanitarian Affairs Law and the Status of Women, An International Symposium ed. by the Columbia Human Rights Law Review
- Leonard, E.B. (1982) - Women, Crime, and Society: a Critique of Theoretical Criminology New York: Longman
- Leonard, E.B. (1983) - "Judicial decisions and prison reform: the impact of litigation on women prisoners" Social Problems 31(1): 45-58
- Leventhal, G. (1977) - "Female criminality: is 'women's lib' to blame?" Psychological Reports 41:1179-1182
- Linner, Birgitta (1977) - "Status of women and law in Sweden" in United Nations, Center for Social Development and Humanitarian Affairs Law and the Status of Women, An International Symposium ed. by the Columbia Human Rights Law Review
- Lopez-Rey, Manuel (1979) - "The expansion and distribution of crime" in Adler, F. and R.J. Simon (eds.) The Criminology of Deviant Women Boston: Houghton Mifflin
- Lonberg, Arne (1975) - The Penal System of Denmark Copenhagen: Ministry of Justice, Department of Prison and Probation

- Loy, P. and S. Norland (1981) - "Gender convergence and delinquency" Sociological Quarterly 22(Spring):275-283
- Luckhaus, Linda (1985) - "A plea for PMT in the criminal law" in Edwards, S.S.M. (ed.) Gender, Sex and the Law London: Helm
- Lundström-Roche, F. (1985) - "Ideals and realities: women's prisons in Ireland and Sweden" Ph.D. thesis, University of Stockholm
- MacKinnon, C. (1983) - "Feminism, Marxism, method, and the state: towards feminist jurisprudence" Signs 8
- Mandaraka-Sheppard, Alexandra (1986) - The Dynamics of Aggression in Women's Prison in England Brookfield, Vermont: Gower
- Mannheim, H. (1974) - Vergleichende Kriminologie I, II Stuttgart: Enke
- Marshall, I.H. (1982) - "Women, work, and crime: an international test of the emancipation hypothesis" International Journal of Comparative and Applied Criminal Justice 6(1):25-37
- Marshall, I.H. (1983) - "The women's movement and female criminality in the Netherlands" in Barak-Glantz, I.L. and E.H. Johnson (eds.) Comparative Criminology pp 87-102 Beverly Hills: Sage
- Mawby, R.I. (1982) - "Women in prison: a British study" Crime and Delinquency 28(1):24-39
- McIntosh, M. (1978) - "The State and the oppression of women" in Kuhn, A. and A. Wolpe (eds.) Feminism and Materialism London: Routledge and Kegan Paul
- McLeod, Linda (1986) - "Sentenced to separation: an exploration of the needs and problems of mothers who are offenders and their children" Ottawa: Ministry of the Solicitor General
- Middendorf, W. and D. Middendorf (1981) - "Changing patterns of female criminality in Germany" in Adler, F. (ed.) Female Criminality in the Contemporary World pp 122-133 New York: New York University Press
- Miller, E.M. (1983) - "International trends in the study of female criminality: an essay review" Contemporary Crises 7(1): 59-69
- Miner, Maureen and Angela Gorta (1986) - "Drugs and women in prison" report prepared for the New South Wales Department of Corrective Services, Research Publication No. 11
- Misch, Cindy et al. (1982) - "The Canadian Association of Elizabeth Fry Societies' national survey concerning female inmates in provincial and territorial institutions" Ottawa: CAEFS

- Morris, A.M. and Loraine Gelsthorpe (1981a) - "False clues and female crime" in Morris, A.M. and L. Gelsthorpe (eds.) Women and Crime pp 49-72
- Morris, A.M. and Loraine Gelsthorpe (eds.) (1981b) - Women and Crime Papers presented to the Cropwood Round-table Conference December 1980 Cambridge: Institute of Criminology
- Moulds, E.F. (1980) - "Chivalry and paternalism: disparities of treatment in the criminal justice system" in Datesman, S.K. and F.R. Scarpitti (eds.) Women, Crime, and Justice pp 277-299 New York: Oxford University Press
- Moyer, I.L. (1984) - "Deceptions and realities of life in women's prisons" The Prison Journal 64(1):45-56
- Mugford, Jane (ed.) (1986) - Corrections in Asia and the Pacific Proceedings of the Sixth Asian and Pacific Conference of Correctional Administrators Fiji, May 13 - 17, 1985
- Mukherjee, S.K. and J.A. Scutt (eds.) (1981) - Women and Crime Sydney: Australian Institute of Criminology in association with George Allen & Urwin
- Mukherjee, S.K. and R.W. Fitzgerald (1981) - "The myth of rising female crime" in Mukherjee, S.K. and J.A. Scutt (eds.) Women and Crime Sydney: Australian Institute of Criminology in association with George Allen & Urwin
- Naffin, Ngaire (1981) - "Theorizing about female crime" in Mukherjee, S.K. and J.A. Scutt (eds.) Women and Crime Sydney: Australian Institute of Criminology in association with George Allen & Urwin
- Naffin, Ngaire (1985) - "The masculinity-femininity hypothesis: a consideration of gender-based theories of female crime" British Journal of Criminology 25(4):365-381
- Nagel, I.H., John Cardascia and C.E. Ross (1982) - "Sex differences in the processing of criminal defendants" in Weisberg, D.K. (ed.) Women and the Law, A Social and Historical Perspective Volume I: Women and the Criminal Law Cambridge, Mass.: Schenkman
- Nagel, Ilene (1981) - "Sex differences in the processing of criminal defendants" in Morris, A.M. and L. Gelsthorpe (eds.) Women and Crime pp 104-124 Cambridge: Institute of Criminology
- Nagel, S.S. and L.J. Weitzman (1971) - "Women as litigants" Hastings Law Journal 23(November):171-181

- Nakayama, Kenichi (1981) - "Japan" in Cole, G.F., S.J. Frankowski and M.G. Gertz (eds.) Major Criminal Justice Systems Beverly Hills: Sage
- Nelson, Alvar (1981) - "Sweden" in Cole, G.F., S.J. Frankowski and M.G. Gertz (eds.) Major Criminal Justice Systems Beverly Hills: Sage
- New Jersey, Supreme Court Task Force Report (1983) - Women in the Courts, Summary Report Parsippany, N.J.: New Jersey Judicial College
- New York, Task Force Report (1986) - Women in the Courts, Summary Report New York: Unified Court System, Office of Court Administration
- New Zealand, Ministry of Justice (1984) - Report: Women as Offenders Auckland: Ministry of Justice
- New Zealand, Ministry of Justice (no date) - "The fair treatment of women by the criminal justice system" personal copy
- Norland, S. et al. (1979) - "Intrafamily conflict and delinquency" Pacific Sociological Review 22(April):233-237
- Norway, Central Bureau of Statistics (1985) - Kriminalstatistikk 1983 Oslo: Central Bureau of Statistics
- Norway, Det Kongelige Justis- og Politidepartment (1986) - Correspondence with Wenche Skjaeggstad, Head of Division, Department of Prison, Probation and After Care, Ministry of Justice
- Offen, Liz (no date) - "The female offender and psychiatric referral: medicalization of female deviance?" unpublished paper Institute of Criminology, University of Cape Town
- Omodei, Roslyn (1981) - "The mythinterpretation of female crime" in Mukherjee, S.K. and J.A. Scutt (eds.) Women and Crime Sydney: Australian Institute of Criminology in association with George Allen & Unwin
- Osborne, A.S. and M. Forsgren (1985) - "Kriminalvårdsstyrelsen" supplementary material on women in correctional institutions Stockholm: Ministry of Justice, Research and Development Group
- Pearson, R. (1976) - "Women defendants in magistrates courts" British Journal of Law and Society 3(3):132-138
- Plenska, Danuta (1980) - "Women's criminality in Poland" in Griffiths, C.T. and Margit Nance (eds.) The Female Offender pp 51-67 Simon Fraser University Symposium

- Sargent Jr., J.P. (1984) - "The evolution of a stereotype: paternalism and the female inmate" The Prison Journal 64(1):37-43
- Sato, K.S. (1981) - "Emancipation of women and crime in Japan" in Adler, F. (ed.) Female Criminality in the Contemporary World pp 258-271 New York: New York University Press
- SchWeber, Claudine (1984) - "Beauty marks and blemishes: the coed prison as a microcosm of integrated society" The Prison Journal 64(1):3-14
- Scutt, J.A. (1981) - "Sexism in criminal law" in Mukherjee, S.K. and J.A. Scutt (eds.) Women and Crime Sydney: Australian Institute of Criminology in association with George Allen & Unwin
- Short, Renée (1979) - The Case of Long-term Prisoners London: Macmillan
- Silverman, I.J. (1981) - "Female criminality: an assessment" in Barak-Glantz, I.L. (ed.) The Mad, the Bad, and the Different Lexington, Mass.: Lexington Books, Heath
- Simon, R.J. (1975a) - "The contemporary women and crime" Crime and Delinquency Issues, A Monograph Series
- Simon, R.J. (1975b) - Women and Crime Lexington, Mass.: Lexington Books, Heath
- Simon, R.J. and Navin Sharma (1979) - "Women and crime: does the American experience generalize?" in Adler, F. and R.J. Simon (eds.) The Criminology of Deviant Women Boston: Houghton Mifflin
- Simon, R.J. and Sandra Baxter (1987) - "Gender and violent crime" in M. Wolfgang and N. Weiner (eds.) Violent Crime, Violent Criminals Newbury, Calif.: Sage (forthcoming)
- Smart, Carol (1977) - Women, Crime and Criminology London: Routledge and Kegan Paul
- Smart, Carol (1982a) - "Criminological theory: its ideology and implications concerning women" in Weisberg, D.K. (ed.) Women and the Law, A Social and Historical Perspective Volume I: Women and the Criminal Law Cambridge, Mass.: Schenkman
- Smart, Carol (1982b) - "Institutionalizing female behavior: deviance, crime and social control" in Weisberg, D.K. (ed.) Women and the Law, A Social and Historical Perspective Volume I: Women and the Criminal Law Cambridge, Mass.: Schenkman
- Smart, Carol (1982c) - "The new female offender: reality of myth?" in Price, B.R. and N.J. Sokoloff (eds.) The Criminal Justice System and Women New York: Boardman

- Pollock, J.M. (1984) - "Women will be women: correctional officers' perceptions of the emotionality of women inmates" The Prison Journal 64(1):84-91
- Price, B.R. and N.J. Sokoloff (eds.) (1982) - The Criminal Justice System and Women New York: Boardman
- Procek, Eva (1981) - "Psychiatry and the social control of women" in Morris, A.M. and L. Gelsthorpe (eds.) Women and Crime pp 19-32 Cambridge: Institute of Criminology
- Queensland, Australia (1986) - Correspondence with A. Lobban, Comptroller-General of Prisons, Prisons Department
- Rafter, N.H. and E.M. Natalizia (1982) - "Marxist feminism: implications for criminal justice" in Price, B.R. and N.J. Sokoloff (eds.) The Criminal Justice System and Women New York: Boardman
- Ramsay, Malcolm (1984) - "Women and crime: a changing pattern of convictions?" Research Bulletin 17 London: Home Office Research Unit
- Rans, L.L (1978) - "Women's crime: much ado about....?" Federal Probation 42(3):45-49
- Resnik, Judith and Nancy Shaw (1980) - "Prisoners of their sex; health problems of incarcerated women" in I. Robbins (ed.) Prisoners' Rights Sourcebook: Theory, Practice and Litigation, Volume II New York: Boardman
- Richards, P. and C. Tittle (1981) - "Gender and perceived chances of arrest" Social Forces 51(June):1182-1199
- Robinson, Jan (1984) - "Canterbury's rowdy women: whores, madonnas and female criminality" NZ Women's Studies Journal August
- Roca, Marie-Claire (1979) - "La femme délinquante contemporaine" Annales de l'Université des Sciences Sociales de Toulouse 27:279-303
- Roca, Marie-Claire (1986) - "Quelques aspects sociologiques de la délinquance féminine" unpublished paper Faculté de Droit et des Sciences Economiques, Centre des Sciences Criminelles de Pau, Université de Pau et des Pays de l'Adour
- Rollier, A.D.(1977) - "Law and the status of women in France" in United Nations, Center for Social Development and Humanitarian Affairs Law and the Status of Women, An International Symposium ed. by the Columbia Human Rights Law Review
- Ross, R.R. and E.A. Fabiano (1985) - "Correctional Afterthoughts: programs for female offenders" Ottawa: Ministry of the Solicitor General

- Smart, Carol (1986) - "Feminism and law: some problems of analysis and strategy" International Journal of the Sociology of Law 14:109-123
- Sokoloff, N.J. and B.R. Price (1982) - "The criminal law and women" in Price, B.R. and N.J. Sokoloff (eds.) The Criminal Justice System and Women New York: Boardman
- South Australia, Department of the Attorney-General (1985) - Crime and Justice in South Australia 1 January - 30 June 1984 Office of Crime Statistics
- South Australia, Department of Correctional Services (1986) - Correspondence with M.J. Dawes, Executive Director, Correctional Services
- South Australia, Department of Correctional Services (1985) - Women in Prison The Report of the Advisory Committee for Women in Prison
- Steenhuis, D.W., L.C.M. Tigges and J.J.A. Essers (1983) - "The penal climate in the Netherlands" British Journal of Criminology 23(1): 1-16
- Steffensmeier, D.J. (1980a) - "Assessing the impact of the women's movement on sex-based differences in the handling of adult criminal defendants" Crime and Delinquency 76:344-357
- Steffensmeier, D.J. (1980b) - "Sex differences in patterns of adult crime, 1965-77: a review and assessment" Social Forces 58:1080-1108
- Steffensmeier, D.J. (1982) - "Trends in female crime: it's still a man's world" in Price, B.R. and N.J. Sokoloff (eds.) The Criminal Justice System and Women New York: Boardman
- Steffensmeier, D.J. and M.J. Cobb (1981) - "Sex differences in urban arrest patterns, 1934-79" Social Problems 29(1):37-50
- Steffensmeier, D.J. and C. Jordan (1978) - "Changing patterns of female crime in rural America" Rural Sociology 43:87-102
- Steffensmeier, D.J. and R.H. Steffensmeier (1980) - "Trends in female delinquency" Criminology 18(2):62-85
- Sweden, Department of Corrections (1984) - "Kvinnoavdelningen på kriminalvårdsanstalten Österåker Norrköping: Department of Corrections, Employment and Social Planning Section
- Sweden, The National Council for Crime Prevention (1985) - Crime and Criminal Policy in Sweden 1985 Report No. 19 Stockholm: NOCP

- Sweden, The National Prison and Probation Administration (1984) - "Corrections in Sweden" Stockholm: The National Prison and Probation Administration, Information Unit
- Sweden, Unit of Justice and Social Statistics (1983) - "Swedish crime and law in numbers" Stockholm: Statistics Sweden
- Sweden, University of Stockholm (1986) - Correspondence with Professor Knut Sveri, Institute of Criminal Science, University of Stockholm
- Switzerland, Commission fédérale pour les questions féminines (1978) - "Exécution pénale pour les femmes en Suisse" Bern: Commission fédérale pour les questions féminines
- Switzerland, Ministry of Justice (1984a) - Anstalten in Hindelbank, Straf-/ Massnahmevollzug an Frauen Annual Report 1983 Hindelbank
- Switzerland, Ministry of Justice (1984b) - "Règlement Interne des Etablissements de Hindelbank" Bern: Ministry of Justice
- Switzerland, Ministry of Justice (1985) - Anstalten in Hindelbank, Straf-/ Massnahmevollzug an Frauen Annual Report 1984 Hindelbank
- Thornton, W.E. and J. James (1979) - "Masculinity and delinquency revisited" British Journal of Criminology 19:225-241
- Ungmark, Inger (1984) - "Special Care: women in the Free Ward" in Osborne, A.S. and M. Forsgren "Kriminalvårdsstyrelsen" Stockholm: Ministry of Justice
- United Nations, Secretariat (1985) - The Fair Treatment of Women by the Criminal Justice System Seventh United Nations Congress on the Prevention of Crime: Criminal Justice Processes and Perspectives in a Changing World Milan Italy, August 26-September 6, 1985
- United Nations, Center for Social Development and Humanitarian Affairs (1977) Law and the Status of Women, An International Symposium edited by the Columbia Human Rights Law Review
- Veillard-Cybulska, Henryka (1982) - "Die Kriminalität der Frauen in der Schweiz, wie sie sich in der Statistik niederschlägt" in Haesler, W.T. (ed.) Weibliche und männliche Kriminalität Bern: Veerlag Rüegger
- Versele, S-C. (no date) - "Study of female shoplifters in department stores" Free University of Brussels
- Victoria, Australia (1986) - "Information Sheet No. 9 - Increased female prisoners" personal copy

- Walker, Hilary (1985) - "Women's issues in probation practice" in Walker, H. and B. Beaumont Working with Offenders London: Macmillan
- Walker, Hilary and Bill Beaumont (1985) - Working with Offenders London: Macmillan
- Walker, M.A. (1985) - "Statistical anomalies in comparing the sentencing of males and females" Sociology 19(3):446-451
- Walker, John and David Biles (1985) - Australian Prisoners 1984 Canberra: Australian Institute of Criminology
- Waller, J.I. (1972) - Men Released from Prison Toronto: Butterworths
- Ward, D.A. and K.F. Schoen (eds.) (1981) - Confinement in Maximum Custody, New Last-resort Prisons in United States and Western Europe Lexington, Mass.: Lexington Books, Heath
- Weisberg, D.K. (ed.) (1982) - Women and the Law, A Social and Historical Perspective Volume I: Women and the Criminal Law Cambridge, Mass.: Schenkman
- Weisheit, R.A. (1985) - "Trends in programs for female offenders: the use of private agencies as service providers" International Journal of Offender Therapy and Comparative Criminology 29(1):35-42
- Western Australia, Prisons Department (1986a) - Correspondence with Kevin Coombes, Director, Policy Planning and Review
- Western Australia, Prisons Department (1986b) - Annual Report 1984-1985 Perth: W.A. Prisons Department
- Widom, C.S. (1979) - "Female offenders: three assumptions about self-esteem, sex-role identity and feminism" Criminal Justice and Behaviour 6:17-21
- Widom, C.S. (1981) - "Perspectives of female criminality: a critical examination of assumptions" in Morris, A.M. and L. Gelsthorpe (eds.) Women and Crime pp 33-48 Cambridge: Institute of Criminology
- Willson, S.A.K. (1981) - "Prisons, prisoners and the community" in Mukherjee, S.K. and J.A. Scutt (eds.) Women and Crime Sydney: Australian Institute of Criminology in association with George Allen & Unwin
- Wilson, N.K. (1985a) - "'Venerable bedfellows;' women's liberation and women's victimization" Victimology: an International Journal 10(1-4):206-220

- Wilson, N.K. (1985b) - "Witches, hookers and others: societal response to women criminals and victims" paper prepared for presentation at the Annual Meeting of The American Society of Criminology, November 13-16, 1985 San Diego
- Windschuttle, Elizabeth (1981) - "Women, crime and punishment" in Mukherjee, S.K. and J.A. Scutt (eds.) Women and Crime Sydney: Australian Institute of Criminology in association with George Allen & Urwin
- Worrall, Anne (1983) - "A double exception: a study of the processing of female offenders in a magistrates' court" M.A. thesis, University of Manchester
- Worrall, Anne (1981) - "Out of place: female offenders in court" Probation Journal 28(3):90-93

APPENDIX F

AUTHORITIES AND GOVERNMENT MINISTRIES CONTACTED

Government Ministries and N.G.O.'s

AUSTRALIA

A.C.T.	Human Rights Commission Dept. of Territories and Local Government Solicitor General Probation Enquiries
New South Wales	Deputy Chief Magistrate Department of Corrective Services Department of the Attorney General Women's Co-ordination Unit Anti-discrimination Board
Northern Territory	Department of Community Development Department of Correctional Services
Queensland	Comptroller-General of Prisons Department of Correctional Services
South Australia	Correctional Services Department
Tasmania	Probation and Parole Service Director of Corrective Services
Victoria	Law Reform Commission St. Kilda Legal Service Equal Opportunity Board Chief Commissioner of Police Victorian Law Department Department of Community Services Australian Bureau of Statistics Office of Corrections
Western Australia	Department of Corrections Probation and Parole Office Office of the Equal Opportunity Commissioner

AUSTRIA

Bundesministerium fuer Justiz

BAHAMAS

Prison Department
Girls' Industrial School
Department of Rehabilitative and Welfare Services
Director of Legal Affairs
Office of the Attorney General

BARBADOS

Bureau of Women's Affairs, Ministry of Labour and Community Development
Chamber of the Solicitor General
Women and Development Unit, Extra-Mural Department, University of the West Indies

BELGIUM

Le Directeur Général des Etablissements Pénitentiaires, Ministère de la Justice

BRAZIL

Ministerio da Justica

COMMONWEALTH OF DOMINICA

Women's Desk Statistical Division
Magistrates' Office

DENMARK

Directorate of Prisons and Probation

FEDERAL REPUBLIC OF GERMANY

Ministry of Justice

FINLAND

Ministry of Justice
Prison Administration, Research Unit

FRANCE

Service des Etudes pénales et criminologiques, Ministère de la Justice
Service des Etudes et de l'Organisation, Ministère de la Justice
Directrice del'Administration Pénitentiaire

GREECE

Directorate for Penal and Correctional Affairs, Ministry of Justice

IRELAND

Department of Justice

JAMAICA

Ministry of National Security and Justice
Commissioner of Corrections, Correctional Services

JAPAN

Correction Bureau, Ministry of Justice
Japanese Correctional Association

MALAYSIA

Prisons Department, Ministry of the Interior
Ministry of Justice

MOROCCO

Ministère de la Justice

NETHERLANDS

Director General for the Protection of Youth and the Care of Criminals
Research and Documentation Centre
Ministerie van Justitie

NEW ZEALAND

Government Research Unit, Parliament of New Zealand
Department of Justice

NORWAY

Ministry of Justice

PHILIPPINES

Correctional Institution for Women, Bureau of Prisons
Probations Administration
Board of Pardons and Parole
Ministry of National Defence
National Police Commission

PORTUGAL

Direcção Geral dos Serviços Prisionais

SCOTLAND

Criminological Research Branch, Scottish Office

SWEDEN

National Crime Prevention Council
The National Prison and Probation Administration
Statistiska Centralbyrån

SWITZERLAND

l'Inspecteur des Prisons
Canadian Embassy
Département de justice et police
Federal Office of Statistics
Direktion der Justiz des Kantons Zürich
Service de l'Application des Peines et Mesures, Canton de Genève

TRINIDAD AND TOBAGO

Ministry of National Security

UNITED KINGDOM

Home Office, Statistical Department
NACRO
Prison Reform Trust
The Howard League
Women in Prison
Probation and After-Care Service

VENEZUELA

Ministerio de Justicia

OTHERS

Amnesty International
Public Broadcasting Station
Women's Studies International Forum

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International Association of Legal Sciences
(UNESCO)

International Council of Women
International Institute for Sociology
International Penal Law Association
International Prisoners' Aid Association
International Social Science Council
International Sociological Association
Research Committee 12
International Sociological Association
Research Committee 29
International Sociological Association
Research Committee 36
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Japanese Association of Criminology
Japanese Correctional Association
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Federal Republic of Germany
Kanazawa University, Japan
Katholieke Universiteit Leuven
Katholieke Universiteit Leuven
Katholieke Universiteit Leuven
Kriminalisstisk Institut, Denmark
Kriminologisches Forschungsinstitut,
Niedersachsen E.V., Federal Republic
of Germany
Kyoto University
Lehrstuhl für Strafrecht, Strafprozessrecht
und Kriminologie, Federal Republic of Germany
London University
Lunds Universitet, Sweden
Lunds Universitet, Sweden
Massey University, New Zealand
Monash University, Australia
National Chunghsing University, Taiwan
National Institute of Social Defence, India
National University of Ireland, Cork
National University of Ireland, Dublin
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Netherlands Universities' Social Research Centre
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Osaka University
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Brazil
Pontificia Universidade Catolica de Minas
Gerais, Brazil
Portland State University
Research Institute of Legal Policy, Finland
Rheinische Friedrich-Wilhelms-Universität,
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 St. Mary's College, United Kingdom
 Shreemati Nathibai Damodar Thackersey
 Women's University, India
 Simon Fraser University
 Société générale des prisons et de législation
 criminelle, France
 Sociologists for Women in Society
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University of Manchester	Dr. Anne Worrall
University of Manila	Prof. R.O. Nolasco
University of Melbourne	Dr. Christine Alder

University of Melbourne	Dr. Mark Weinberg
University of Michigan	Dr. Josephina Figueira-McDonough
University of Mindanao, Philippines	Prof. L. Carrillo
University of New South Wales	Mr. David Brown (Women Behind Bars Group)
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University of Nottingham	Dr. N. Clarke
University of Nottingham	Prof. C. Wilkinson
University of Nottingham	Prof. A.J. Willocks
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Vienna University	Dr. D.A. Stein
Women's International Democratic Federation	Ms. Freda Brown
Zentralinstitut für Sozialwissenschaftliche Forschung, Federal Republic of Germany	Prof. T. Pirker

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HV Axon, Lee.
 8738 Criminal justice and
 A9 women : an international
 1989 survey.
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