

Women's imprisonment in Spain

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Abstract

Even though Spain has one of the highest rates for the incarceration of women in Europe – 9 per cent of the total prison population – women's imprisonment is one of the most neglected subjects of academic study and research in Spanish universities. The purpose of this article is to contribute cross-national evidence from Spain to support the claim of researchers in other countries that the needs of women in prison are different from those of men. It is divided into four main parts covering: the increase in the size of the female prison population in Spain since the 1980s; the differences in men's and women's prisons and between male and female prisoners' needs; profiles of women in prison in Spain; and myths and motherhood. Much of the argument is based on research conducted by the author into women's imprisonment during two periods of time, namely, 1995–6 and 2000–1.

Key Words

motherhood • prisons • Spain • women

Even though Spain has one of the highest rates for the incarceration of women in Europe – 9 per cent of the total prison population – women's imprisonment is one of the most neglected subjects of academic study and research in Spanish universities. The reports on women in prison that began to appear in the 1990s consisted mainly of brief articles or papers presented in the context of seminars on prison systems in general (Miralles, 1983; Garcia Mas et al., 1989; Canteras Murillo, 1990; Pi-Sunyer and Vendrell, 1992; Herrera, 1993; Sepulveda, 1995; Miranda, 1997; Hernández et al., 2001). Yet studies of women's prisons abound nowadays in European countries and elsewhere.

In the 1960s and 1970s several investigations of women's prisons were made by criminologists and sociologists from the United States and the United Kingdom (Smith, 1962; Giallombardo, 1966, 1974; Ward and Kassebaum, 1966; Gibson, 1973; Crites, 1976; Smart 1976; Dahl and Snare, 1978) and since then a proliferation of studies and research in a range of countries has expanded interest in the subject (e.g. Carlen, 1983, 1985, 1998, 2002; Heidensohn, 1985; Dobash et al., 1986; Mandaraka-Sheppard,

1986; Seear and Player, 1986; Carlen and Worrall, 1987; Faccioli, 1987; Genders and Player, 1987; Morris, 1987; Pitch, 1987; Cario, 1989, 1990; Ottenhof, 1989; Campelli et al., 1992; Faith, 1994; Azaola and Yacamán, 1996; Bertrand, 1998; Del Olmo, 1998).

The purpose of this article is to contribute cross-national evidence from Spain to support the claims made by researchers in other countries that the needs of women in prison are different from those of men (Faccioli, 1987; Pitch, 1987; Azaola and Yacamán, 1996; Bertrand, 1998; Del Olmo, 1998; Carlen, 2002, among others).

This article is divided into four main parts covering: the increase of the female prison population in Spain since the 1980s; the differences in men's and women's prisons and male and female prisoners' needs; profiles of women in prison in Spain; and myths and motherhood. Much of the argument is based on research conducted by the author into women's imprisonment during two periods of time, 1995–6 and 2000–1. The conclusion discusses the specific political and cultural conditions which have shaped Spanish prisons for women, and indicates that in Spain, as elsewhere, cultural stereotypes of women prisoners have been so incorporated into women's penitentiary regimes that, when they go to prison, poor women who have already been excluded from society are excluded still further.

THE INCREASE IN THE SPANISH FEMALE PRISON POPULATION IN RECENT YEARS

The prison population of Spain in 2002 was approximately 51,882 prisoners: 47,750 men and 4132 women (see Table 1). These numbers (around 120 people in prison per 100,000) are among the highest in the European Community both for the prison population as a whole, and for the percentage of women in total. Furthermore, the female prison population is, at 9 per cent of the total prison population, one of the highest national proportions of women prisoners of all European countries. These countries (with the exception of Portugal where women make up 10 per cent of the prison population) have an average women's prison population of between 4 to 6 per cent of the total prison population: Sweden 5.7 per cent; Germany 4.3 per cent; Belgium 4.3 per cent; United Kingdom 4.1 per cent; Italy 4 per cent; France 4 per cent; Greece 3.7 per cent; Ireland 2.3 per cent (Council of Europe, 2001).

Yet, even though women are still a small proportion of the total prison population in Spain, their numbers have increased quite spectacularly in recent years. As can be seen from Table 1, in 1983 the female prison population was 3.2 per cent of the total prison population compared with 8.7 per cent in 2002. Furthermore, this increase in women prisoners has been proportionally much higher than the increase in male prisoners.

But in Spain, between 1985 and 1998, the number of female prisoners increased 291 per cent compared with the 87.5 per cent of their male counterparts. If we just include the period between 1985 and 1994, when prison populations showed most growth, especially women's, the numbers are even higher: 333.3 per cent against 99.3 per cent in the case of men. None the less, even though the female prison population has experienced rapid growth women still form a small part of the total prison population in Europe, including Spain. The reason for the increase can be attributed to five main processes.

TABLE 1 Prison population in Spain 1983–2002

	MEN	WOMEN	TOTAL	% WOMEN PRISONERS
1983	13558	441	13999	3.2
1985	21751	1051	22802	4.6
1991	34376	3183	37559	8.5
1994	43351	4554	47905	9.5
1998	40751	4121	44872	9.1
2000	41451	3653	45104	9
2002	47750	4132	51882	8.7

Source: Own elaboration from Centre d'Estudis Jurídics; Formació Especialitzada (1995), Dirección General de Instituciones Penitenciarias (1999, 2000) and Instituto Nacional de Estadística (2004).

The precarious development of social services in the Spanish prison system

In comparison with neighbouring European countries, the development of the welfare state in Spain has been precarious. As several authors (Smart, 1976; Walker and Beaumont, 1985; Faccioli, 1987) have argued, European countries with a strong development in social services, like the Scandinavian countries for example, have traditionally channelled the problems posed by female delinquency through the resources offered by their basic social services or community services. However, when these services are not well developed, as is the case in Spain, many problems which might be better seen as social problems go directly through criminal courts, and as a result there are more prison sentences than in countries which have the option of a welfare, rather than a penal, response. Although conclusive comparative data are not available, it would be risky to claim that there are more women lawbreakers in Spain than in the rest of the European countries. Rather, women in Spain are imprisoned much more often. At the same time, the lack of development in the welfare state has resulted in the non-existence of social services aimed at crime prevention and delinquency rehabilitation. Only prisons offer social services and these depend administratively and functionally on the prison administration itself. From an efficiency point of view, it would be much more reasonable for these services to provide assistance, in the same way as do other general penitentiary services (education, health, etc.) within the public social service network and not the prison administration. This would therefore make the social welfare administration responsible for the services in prison. However, reality is not such. Without a doubt, the lack of co-ordination between the two administrations causes serious dysfunction and limitations in offering effective social assistance inside the penitentiary system (Almeda, 2002). In order to carry out the primary functions of social work – to meet the needs of those under preventative supervision, either imprisoned or freed; to facilitate integration into the community; and/or to make use of private social resources for those already existing within the social service network – penitentiary social service professionals need to work closely with the social welfare administration. As the latter is a network of different services, effective co-ordination

can prove to be very difficult. In addition, when, as in some autonomous communities, such as Catalunya, there are two political parties, each with a different political orientation within the administration of both sectors, the co-ordination becomes yet more complicated. On the other hand, no specific legal framework for regulation of co-ordination exists between the social services of the penitentiary administration and the network of public social services. Due to this, the co-ordination between both services ends up depending upon, in many cases, the skill and availability of their professionals.

The precarious development of the social services, in general, in our country (Montagut, 2000; Moreno, 2000) is another of the reasons for the administrative disarticulation between the penitentiary social services and the network of public social services. The welfare state in Spain has developed later and on a smaller scale than in other European countries. It has, among other areas, developed a smaller public social service network. Evidently, this has had negative repercussions in the development of penitentiary assistance, which has been one of the most forgotten and neglected areas of welfare by the political powers. Conversely, however, it has indirectly benefited from the Catholic Church both through its institutions and through associations and groups related to the Catholic Church. These groups and associations continue today to play an important role in the social assistance programmes of Spanish prisons. In fact, until the penal law of 1979 went into effect, social work in Spanish prisons was thought to be exclusively a Christian charity activity.

The structural situation of the penitentiary assistance being administered within the judicial framework and within the welfare administration results in the following: low efficiency in the work of the social service professionals; serious difficulties in co-ordinating with their counterparts in the public social service network; and a major lack of knowledge of existing resources and how to access those resources. As a consequence, the penitentiary social system currently plays a subsidiary role and holds a marginal position within the Spanish general prison structure. Rather than being one of the principal instruments in the reinsertion of prisoners into society, its functions are reduced to barely justifiable tasks within the penitentiary system such as administrative tasks.

The increase in the numbers of women being sentenced for drug-related crimes

Prison population statistics show clearly that, in one sense, the increase in the prison population of Spain as well as in other Southern European countries is mainly a consequence of drug-related crimes. Proportionally, this affects women delinquents more than men. In Spain women commit proportionally twice as many drug-related crimes as men (see Table 2). So the large increase in the female prison population may be attributable to the increase in crime related to drugs and drug smuggling. The majority of these crimes are related to small-time drug dealing and just a few offences are connected to large-scale narco-trafficking organizations and networks. So in most cases, women who commit an offence against the public health are small-scale drug dealers or smugglers.

Drugs offences were severely penalized in previous legislation, but in the more recent legislation of 1996, they are even more so. Drug smuggling sentences that in the previous legislation carried a six-month to six-year prison sentence have been increased to three to nine years' imprisonment. This in itself could result in a new increase in female prisoners in the following years. Moreover, and unlike other European countries,

TABLE 2 Offences typology of prison population by sex and main offences, Spain 2002

TYPE OF OFFENCE	MEN	%	WOMEN	%	TOTAL	%
Offences against property	18694	53.7	1344	39	19857	51.9
Drug related offences	9850	28.3	1824	53	11916	31.2
Rest of crimes	6265	18	275	8	6479	16.9
Total	34809	100	3443	100	38252	100

Source: Own elaboration from Instituto Nacional de Estadística (2004).

Spain has very few rehabilitation centres for drug-addicts, and the few resources given to women's prisons do not include any systematic rehabilitation for addiction cases.

An increasing number of foreign women are also in prison for drug-related offences in Spain and they currently constitute approximately 20 to 30 per cent of all incarcerated women. These foreign women are mainly from Latin-American countries, especially from Colombia, and they most often receive nine-year prison sentences, which is more than double the length of the average custodial sentence for women prisoners in Spain (Almeda et al., 2001).

Lack of alternative measures to prison sentences, especially in the case of women with children

Most European studies show that female lawbreakers are those who most frequently receive alternative sentences to imprisonment (Walker and Beaumont, 1985; Bertrand, 1998; Carlen, 1998, among others). This is because women are one of the most socially vulnerable prison groups. They have less economic, work and education resources and more female offenders than male offenders have family responsibilities. Because of this most countries use alternative methods to imprisonment as much as they can, in an attempt to avoid harming children by separating them from their mothers. Women who break the law, more often than not commit non-violent crimes and they are overwhelmingly first offenders. In Spain, however, there are few alternatives to custody and Spain's larger proportion of women prisoners is most certainly related to the lack of alternatives to prison. Neither the old legislation nor the new contemplates any special measures for women who have children or family responsibilities.

The lack of co-ordination between the penitentiary social services and the general social services, an issue that has been already mentioned, is one of the factors that have slowed the development of alternative means of imprisonment in our country (for example, probation, community work, home arrest or weekend imprisonment, reconciliation between victim and delinquent, social centres). The alternative methods for denial of liberty are handled, in many western countries which apply such measures like the United States, Sweden, France, Holland, Belgium, Luxemburg, Great Britain, Italy, Portugal among others, by the social service professionals who are responsible for following up and controlling the cases. Nevertheless, when there is a large fragmentation between the penitentiary social services and the public social services, as in the case of Spain, it is very difficult to foster teams of professional social workers who can take into practice such alternatives. Consequently, the possibility therefore lays within the reduced

capacity of the penitentiary social services which, being very underdeveloped and lacking in human resources and materials, are unable to implement these methods adequately.

The fact that in our country a wide variety of alternatives to incarceration do not exist must, in the first place, be attributed to the limited development of the Spanish welfare state. Second, there has been a lack of social debate in this field and third this is also due to the small influence that social movements have had in calling for alternative options to incarceration. From a comparative point of view, it can once again be said that countries with more developed social services and with more alternative and critical social movements regarding the penitentiary institutions have been precisely those countries that have fostered a larger variety of community-based alternatives to imprisonment (Rivera, 1992). Social policy can shape the alternatives to prison, while the social movements sensitize societies to the need for these alternatives.

The lengthening of prison sentences, especially for women offenders

Several studies have found that the rate of imprisonment for women has increased much more quickly than the rate of female criminality (e.g. Cario, 1990). One of the explanations put forward is that harsher sentences have meant more people in prison, but especially more women. Research conducted in Spain shows that judges and courts have, in the 1990s given many more prison sentences to women than in previous times, even though the prison terms that these women serve are shorter than before (Sepulveda, 1995). But at the same time, more women have been given longer sentences. Thus, during the last 15 years in Spain the rates of preventive imprisonment have consistently been higher for women than for men, and this has also increased the female prison population (Miranda, 1997).

The paucity of organizations that do support work for women in prison

In Spain there are very few organizations that carry out support work and assistance for prisoners. There is also very little participation of citizens in groups or associations related to prevention and social resettlement. This situation is especially true for women prisoners. Very few organizations work exclusively with the rehabilitation of female prisoners, and the few that exist – no more than 10 – are very critical of the prison administration. For this reason they have many difficulties and obstacles when trying to access prisons and undertake support work for any length of time. In addition, the Spanish feminist movement has shown little sympathy for imprisoned women, much less than feminists have shown in other countries where campaigning groups have been the promoters of alternative measures to imprisonment, especially in the case of women (for example, the campaigning group Women in Prison in England).

Evidently, this does not mean to say that those women who consider themselves to be feminists have not criticized the situation of the female prison population. In fact, the group 'Women and Prisoners', one of the main support and assistance groups for women prisoners in Catalunya, is the only group in all of Spain which has been developed within the framework of women's movements. In reality, it has been the only organization that has presented claims in the diverse conferences that have taken place in Madrid (1993), Barcelona (1996) or Cordova (2000).

As has been demonstrated throughout this article so far, women prisoners in Spain

constitute one of the women's groups that has been subject to the most gender discrimination. It is thus difficult to understand the absence of support groups for these women within organized feminist groups. This is probably due to the course of feminism's development within the Spanish state; it has prioritized other areas of action related to work and politics.

MAIN FEATURES OF WOMEN'S PRISONS IN SPAIN

Whereas all male prisoners in Spain are housed in men's prisons specifically designed and organized for men, female prisoners are distributed in two types of very different locations: small modules or units situated inside men's prisons, or prisons that are exclusively for women. There are approximately 75 female custodial units throughout Spain, each holding 15 to 40 women in male prisons; but there are only 3 establishments exclusively for women (with a capacity of 200 to 300 prisoners). These women-only prisons are found in Madrid, Avila (Castilla-León) and Alcalá de Guadaira (Andalusia). Thus, most women prisoners are located in prisons initially organized for male prisoners and not specifically designed with women's needs in mind. Therefore, many women prisoners are further penalized by having to serve their sentences in areas far away from their homes. This limits their visits from family and friends, and, in some cases, weakens already-tenuous ties to families and friends.

The living conditions and custodial regimes of women in prison in Spain differ according to the type of establishment they are in. It is the general consensus among researchers that the women located in units inside men's prisons suffer more inconveniences and disadvantages than those centres that are exclusively for women. The main reasons why all these women's units suffer disadvantages are:

- First, because they are situated in prisons initially designed and organized for male prisoners, women in men's prisons are usually contained in proportionately much smaller areas of male prisons and therefore have much less space in which to move about than do their male counterparts. Annexes are often less sturdy than the main building and usually have little space for activities or specific treatment programmes. However, nowadays even in all-women purpose-built prisons, the overcrowding is such that all women in prison in Spain are housed in more crowded conditions than male prisoners.
- Second, although there are separate modules or small units for women in men's macro-prisons, they are all under the same governor, and since the majority of prisoners are male, the policies usually tend to benefit the male majority at the expense of the female minority. Thus, fewer financial resources are allocated to the women's units, whether general or personal, which in turn means fewer possibilities for rehabilitation and treatment, fewer productive workshops, fewer cultural and recreational activities and fewer opportunities for education. At the same time, because the centres are segregated within male prisons, women have more restricted access – provided access is even permitted – to common recreational facilities in the prison (gymnasium, library, auditorium, etc.).
- Third, because the women's units located in prisons are organized for housing men, they are not easily adaptable (and therefore have not been adapted) to the needs

and family circumstances of women. These units are especially unable to cater for those who are mothers or have their children with them in prison. Many women's units in Spain do not have sufficient space for nurseries, so those prisoners who are mothers are unable to receive their children on visiting days. There is not enough space either for those women who want – or could choose – to have their children living with them in prison.

In fact, in those units in male prisons where women prisoners do live with their children, there are often no child care services or services specific to the needs of mothers and children. The children who live in these prisons are forced to live under the same conditions as their mothers and in the same spaces allocated to the remainder of women prisoners. The few prisons that are exclusively for women almost always have child care facilities as well as specific units for the mother and her children.

In Spain, women prisoners have fewer opportunities than male prisoners to be included in treatment programmes. This is very discriminatory, especially as, by and large, women do not commit those offences that are generally considered 'dangerous'. In addition, women prisoners are often heads of families and therefore they should have support to access programmes to prepare them for release. Apart from disregarding the penitentiary law of 1979 that precisely required that all penitentiary centres have available special units for prisoners who are completing the final phase of their incarceration, this condition is fulfilled in most penitentiary facilities for men but it is not applied to women. Therefore, women who find themselves in this situation are obliged to complete the final phase of their sentence under the same conditions in which they commenced it.

PROFILES OF WOMEN IN PRISON

According to Spanish law, prior to the grading of inmates according to their conduct, there has to be a separation made depending on gender, age, whether awaiting trial or already convicted, first timers or repeat offenders, their state of health or the risk they pose to the public. With regards to age, the legislation says that young people aged between 18 and 21, whether men or women, should be placed in separate centres or departments inside the adult prison. At present in Spain, this rule is only carried out in relation to men. In women's centres there is no proper separation between imprisoned women according to the circumstances of their crime, their penal situation or their risk assessment.

Women in prison in Spain come from a great diversity of backgrounds and can have a range of very different problems. Women from different age groups, offences and at different stages of their trial or sentence all live together. This diversity of situations makes it difficult to carry out adequate rehabilitation treatments for each case and to give special attention to women's needs; and tends to increase, via the tension caused by so many differently troubled women living in such cramped living quarters, the problems and pain of all the prisoners. None the less, despite this diversity of background and personal circumstances, once they are in prison all women prisoners' custodial experiences are, to some degree, shaped by the stereotypes of women prisoners that have been noted in other countries (especially Carlen, 1983).

Based on my empirical research of women's prisons in Spain, I have been able to determine several sociological profiles which, broadly speaking, could be summarized by the following (Almeda, 2003). Two-thirds of imprisoned women are between the ages of 26 and 40 years old and the remaining third are distributed in similar proportions among the younger 21 to 25-year-old group and the over 40-year-old group. Most are single, although almost all claim to have been co-habiting with a partner before entering prison. One-quarter are separated. A small minority of less than 10 per cent are married and an even smaller proportion are widows. As the younger women make up the group of single women, the married and separated women are not much more than 30 years old. Practically 75 per cent of these women are mothers of 1 or 2 children of which a majority are under 14 years of age. Of the few women who do have older children, at least one of those children is also imprisoned.

If we relate the civil status to the presence of children we can clearly state that a large majority of imprisoned women are single mothers. Single parenthood is a predominant factor among women prisoners and, in consequence, it is also these women who assume the responsibility of managing and supporting the family. In many cases, female single parent prisoners receive help from the maternal side of their families, which is generally who cares for the children when women are imprisoned. In reality, single parenthood does not only define the family reality before imprisonment. The imprisonment in itself causes women prisoners to have to bear the full responsibility of the children due to the fact that they either do not have contact with the fathers of their children or they cannot count on the father's mutual support for the children.

About half of the cases in which the habitual residence of the women prior to imprisonment or during imprisonment when they are granted home leave for the weekend is the home residence of the parents. Only a minority of women prisoners live alone or with their partner. The remaining third, claim not to have any set residence and spend the night, before being imprisoned as well as during home leave, in pensions, hostels or shelters but without any type of stability.

Single mothers live mainly with their parents whereas separated women usually do not have a permanent residence. Within this last group, we can also find a large majority of foreign women prisoners who, because they do not have any family attachments, are denied weekend leave or, if such shelter happens to be available, they are obliged to spend the night in some sort of social shelter, usually religious, that will house them for the weekend.

The majority of the women prisoners come from large families of four or five siblings. In general, the educational level of the parents is very low, especially in the case of mothers. Almost half of the mothers are illiterate. The majority of these women work as housewives and raise the children. Only a small proportion of the mothers of women prisoners work out of the home, mainly in cleaning jobs. In the case of the fathers, a large majority have completed their primary studies and their work is mostly as sub-contracted construction workers or as door-to-door salesmen. The average income of the women prisoners' families is low. In the largest women's unit in a men's prison in Catalunya, the family income, in 2001, did not amount to 9000 euros annually – a sum that reflects the precarious economic situation of these families.

An important fact is that a large majority of women who have had a relationship, either through marriage or co-habitation, had or still have partners who are imprisoned.

Half of the women have been victims of abuse and/or have been sexually assaulted by their partners or husbands and in some cases, their fathers. Yet, because this information about abuse does not appear on any document or in the personal files of the penitentiary centres, it is not included as a factor or variable to be considered in the design of prison care services or treatment.

There is not one single factor which determines criminal activity but rather a combination of inter-related ones. None the less, in the last 20 years, a predominant motive above all others for female lawbreaking has been the need to support a drug addiction. The majority of the women interviewed claimed that the urgency to obtain enough money for purchase of the daily dose of a drug which would feed their habit was the principal reason for which they had engaged in either prostitution or property crime. Yet, aside from the drug addiction which obviously does not affect all women alike (as each has her own particular problems) one must add as a second motive for a majority of crimes, namely, the serious economic problems which these women all suffer, especially if they have children and have to support them on their own, as is the case of most imprisoned women.

The majority of women prisoners are Spanish (70–80%) but 25 per cent are gypsies (Hernández et al., 2001). This signifies an over-representation of this group that makes up 1.4 per cent of the total Spanish population. Between 20 and 30 per cent of the women come from Latin America with Colombia as the predominant country (Almeda et al., 2001). The sociological profile of foreign women in prison is differentiated from the Spanish in several aspects. In general, foreign women are older than the Spanish. The majority are more than 35 years old and many are more than 45. Most of these women are legally separated or divorced and have on average two or more children in their country of origin. Although they come from very diverse social conditions, according to the material and documents reviewed, their level of education is mid-level and, as a group, higher than the average Spanish women prisoner. Before having been imprisoned, almost all of the foreign women held jobs, though low-level and poorly paid.

With respect to education, Spanish women have in general, a low level of education and more than two-thirds have only completed primary studies (68%). We can find a group of women with secondary studies (16%), basically with occupational training, and then a small yet significant group who have had no educational training at all and, in more than half of the cases, are illiterate. Only a very small group of women prisoners (5%) have completed university studies.

We can say that a large number of these women have had, at some time in their lives, some sort of paid work and only a small number, below 10 per cent, have dedicated their lives to housework and raising their children. Of the women who have had paid work, more than half have held temporary positions and approximately a third have worked exclusively in prostitution. So, if we also include the number of women who have occasionally worked in this profession, the number of women who have worked as prostitutes multiplies. With respect to the women who have had temporary jobs, most were related to domestic service – primarily in private homes or seasonal work in hotels. Lastly, there were those who worked in a combination of diverse occupations, which range from door-to-door sales, to jobs in casinos and bingo houses, to child or elderly care services. In all of these cases, the contractual situation, if it existed at all, was for short-term employment. In fact, according to the women interviewed, the

average time that one stayed at a job did not exceed one year. Consequently, the majority of the women held between two and four different jobs throughout their employment life. In almost a fifth of the cases, the average number of jobs held was eight. Many women prisoners expressed having had many difficulties finding work and therefore spent long periods of time unemployed and on welfare. The majority of these women, however, started to work at the early age of 14, the age that precisely coincides with the moment when many quit school and left home.

MYTHS AND MOTHERHOOD IN SPANISH WOMEN'S PRISONS

The stereotype of 'domesticity'

Spanish women's prisons have very few rehabilitative programmes. Furthermore, the specific treatment, work or cultural programmes offered are inferior in number, diversity and quality to the ones in men's prisons.

Yet even in prisons where there are education, work and cultural programmes, the education programmes consist mainly of sewing, embroidery, cooking, cosmetics, hair-dressing, etc. – all activities buttressing the traditional role of women in society. Cultural activities focus on make-up, ceramics, macramé, manual arts, music and theatre; while in the productive area the jobs are often ones which have been rejected by the men's prison either because they are badly paid or too difficult; for example: carpet making and clothing manufacture, or making pin-cushions, cloth dolls, plastic flowers and Christmas trees. In fact, many of the jobs women prisoners do are those ones that have been rejected by men's prisons because they are either badly paid or more difficult. Men's prisons, by contrast have a range and variety of courses and productive workshops, including the more masculine occupations of construction, mechanics, electricity, welding, gas installations, sound technician, carpenter, painting. Prison authorities always explain the lack of rehabilitation programmes by arguing that the small number of imprisoned women does not justify the high cost that rehabilitative programmes carry (Almeda, 2003).

This different imprisonment politics between men and women is not something pertaining only to Spanish prisons. The emphasis of domesticity in women's prisons in their formative and occupational programmes is a constant that repeats itself in the majority of women's prisons in the western world. In prison, women are educated to work at home and to sustain their commitments in their private life and this tends to reproduce the female stereotypes, asserting and reaffirming women in their domestic role. These types of programmes do not prepare women for work but make them more dependent on their home and on domestic tasks of everyday life. Yet many of them do not even have a home! There is no doubt at all that this does not make it easy for women to be rehabilitated into outside jobs when they leave prison. One of the objectives of the rehabilitation programmes in women's prisons in Spain is without any doubt the 'feminization' of imprisoned women.

Pain of motherhood in Spanish women's prisons

Imprisoned women suffer more from affective dependency and from loneliness than men in the same situation because of their stronger links with their family and especially

with their children. Pregnant women suffer both for themselves and for the unborn child in prison. A woman with her children in prison suffers even when the children live with her in prison centres, and the imprisoned mothers with their children outside are afflicted by their separation.

Obviously, this situation is dealt with differently if the children are living with family nearby, generally with the mother's side of the family, or if they are living in institutions or with families who have legal custody over the children. In most cases, if the first option is possible, the imprisoned mother can continue to have contact with the children. By contrast, when the legal custody passes to another family or to a competent public institution, the separation is practically total.

Women with children in prison have many difficulties as the penitentiary situation still continues to be deficient in all areas pertaining to the well-being of prisoners' children. Generally, the children are not given enough space or the necessary means to develop adequately. The condition of life in prison is very hard and, on many occasions, children do not receive the medical attention necessary. Due to this, many suffer from flu, bronchitis or digestive disorders caused by the deficient food that they receive. All the studies that make reference to maternity inside prisons indicate that the situation is very serious and lamentable (Giménez-Salinas, 1989).

Until recently Spanish penal legislation allowed women to have their children in prison with them until they were 6 years old. But with the coming into force of the new legislation of 1996, the age of minors has been cut to 3 years old. Thus the Spanish legislation has followed the general tendency to limit and progressively restrict children's stay in prison. However, in much of the penal legislation of other western countries the tendency, as of a few decades, has been to gradually protect the minor by way of avoiding having the minor live with an imprisoned mother. It is considered to be an imposition contrary to the protection of childhood. These rights, in the end, are to be considered above other rights. There remains room in this argument to ask how one can speak of opposing rights and interests between mother and child when the incarceration of the mother could, in most cases, be avoided because of the comparatively minor nature of her criminal activity.

The new penal legislation of 1996 makes a small move forward to improve the situation of mothers with children in prison, by establishing the so-called 'independent units' for mothers with children. These are independent units located outside the prisons, generally in apartments or sheltered houses so that imprisoned women with children of less than 3 years old may receive a prison classification allowing them to finish their sentence in partial freedom. These centres, which can house some 10 women with their children, are run mainly by religious orders and are assisted by a small group of specialized professionals and quite often with a group of voluntary persons. These units can be found in almost all Spanish cities, but the percentage of women housed in these centres does not even represent 3 per cent of the total women imprisoned.

Nevertheless, the majority of imprisoned women have children outside the prison and the forced separation of the inmates from their children is one of the most distressing effects of imprisoning mothers. Besides, contrary to what happens in the imprisoned male population, the imprisonment of women with small children brings about, in many cases, the disintegration of the family. Some of the reasons for frequent family disruption could be explained by the following factors. First, when women enter prison

affective relationships between couples are almost always broken, either because the other partner is also in prison or because he/she has abandoned her. Second, even though the female prisoner can keep up the relationship with her children, the visits of minor children to prisons are not always regular and the ties that unite them can gradually weaken, especially if the woman is serving a long sentence.

For the imprisoned mother with children outside, children represent an additional burden that she has to bear along with all the other damage of being in prison. The female prisoner is never sure of what kind of care her children are getting, worries that her children may be put into state institutions or with other families who might be given legal custody.

Whether they have their children with them or not, being an imprisoned mother is one of the most serious problems for incarcerated women. This may be the area where imprisonment for men and for women is most different. Women with young children are one group of prisoners for whom non-custodial measures should always be used when appropriate. In fact, in many European countries, alternative measures of imprisonment are already in use for women, especially in cases of motherhood, although there are jurisprudential issues that need to be addressed.

CONCLUSION

Spanish prisons have a series of problems that should be attributed to the endemic deficiencies of the Spanish penitentiary system itself – an inheritance of Francism, a conservative punitive system not tolerating change and the historical tardiness in the development of the welfare state. The latter caused the lack of specific social systems to be developed which focus on the prevention of delinquency and on the re-integration of ex-prisoners into society. In addition, we must take into account the general absence of alternatives to the deprivation of liberty as a sentence, the precarious investment in the penitentiary infrastructure in the areas of health care, cultural programmes and work and finally, the inexistence of an adequate social services network that will carry out assistance tasks and defend the rights of the incarcerated population.

Although the situation in women's prisons should provide a framework for the general context of the Spanish penitentiary system, these establishments present a series of specific characteristics that suppose significant differences between men and women. Not only because in several ways women have a worse deal than male prisoners, but also because the particularities and problems specific to imprisoned women are not taken into account by the prison system. In women's prisons, there is a precarious allocation of funds, inadequate spaces often designed for the needs of male prisoners, inappropriate facilities, few rehabilitative programmes and prison officers who are ill prepared to deal with the needs of women. The penal treatment is based on a stereotypical focus that reinforces the traditional role of women. Discipline and control are excessively severe. There is a lack of assistance and attention for women with family responsibilities. This combination of discriminatory situations leads to an especially severe sentence for women. In addition, it consolidates and intensifies gender inequalities in these protectionist and paternalistic penitentiary institutions – gender inequalities that also exist in the society at large.

Official denial or ignorance of the special requirements of female prisoners in Spain

is a continuing issue in Spanish prisons. Even today, discrimination against imprisoned women is theoretically and politically justified by arguments inherited from the traditional explanations of female delinquency, without taking into account the contributions of contemporary critical sociology in analysing the crime. In Spain, women offenders are still seen as having some inherent pathology and, consequently, psychotherapeutic ideology shapes the few rehabilitative approaches that exist. The ultimate objective of women's prisons, therefore, is about censuring imprisoned women, not only because they have broken the penal code, but because they have socially transgressed their traditional domestic role. Imprisoned women in Spain suffer from inequality not only because of their sex, but also because of their race and class. The sexist programmes that are applied in women's prisons aggravate this inequality of class, as inside prisons women are not prepared for employment. In prison, women are not given enough training to prepare them for work or to face current labour demands. Their incarceration has taken years away from their lives yet it has not permitted them to build new and different life styles. Even though so many women prisoners are single parents, the traditionalist concept of women that permeates the penitentiary political arena does not assume that they should ever be able to perform as heads of family and/or as the member in the family responsible for the lives and economic situations of their families. This is based on the assumption that women prisoners are going to share their lives with a male partner who will take charge of the income for the nuclear family. In fact, they seldom do.

In Spain, discrimination against women prisoners has been strengthened since the time of the emergence of the first institutions of women's imprisonment in the 17th century. Slowly but steadily a prison treatment and a disciplinary control has evolved that has defined the subject of imprisoned woman; a woman transgressor not only of penal law (crime deviation), but also of social norms that regulate what should be her feminine condition (social deviation). In Spain this concept came into being almost four centuries ago, at Sister Genoveva of Saint Jerome Galeres, and continued at the House of Mercy, at the Reformatory Houses and at Franco's prisons. The institutions were directed, managed and organized by religious orders with a strong moral drive. Today, institutional practices with religious roots persist in the majority of women's prisons, under forms that are more modern and in the hands of the State. In Spain the new prisons for women continue to discriminate against women. They are not new model prisons. Rather they are a recycled version of the model of the women's prisons of the past.

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