

# Cause for Alarm:

The Incarceration of Women for Drug Offences in Europe and Central Asia, and the need for Legislative and Sentencing Reform



**HARM REDUCTION  
INTERNATIONAL**

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## The Incarceration of Women for Drug Offences in Europe and Central Asia, and the need for Legislative and Sentencing Reform

Eka Iakobishvili

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## **About Harm Reduction International**

Harm Reduction International is one of the leading international non-governmental organisations promoting policies and practices that reduce the harms from psychoactive substances, harms that include not only the increased vulnerability to HIV and hepatitis C infection among people who use drugs, but also the negative social, health, economic and criminal impacts of drug laws and policies on individuals, communities and society.

Our vision is a world in which individuals and communities benefit from drug laws, policies and practices that promote health, dignity and human rights.

We work to reduce drug-related harms by promoting evidence-based public health policy and practices and human rights-based approaches to drug policy through an integrated programme of research, analysis, advocacy and collaboration with civil society partners.

## **About Harm Reduction International's Human Rights Programme**

Our human rights programme aims to promote a human rights-based approach to international drug policy. We advocate for an international legal and policy environment that is conducive to the expansion of harm reduction policies and services and to the realisation of the human rights of people who use drugs and those who are affected by drug use, drug policies and the drug trade.

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Europe and Central Asia

- *over 112,000 women in prison*
- *31,000 for drug offences*

# Introduction and Overview



## Key Findings

- Over 112,000 women are in prison across Europe and Central Asia
- 31,000 of these women are incarcerated for drug offences. This represents 28%, or more than one in four, of all women in prison in the region
- In some countries, up to 70% of female prisoners are incarcerated for drug offences
- Countries with the highest incarceration percentage of women for drug offences are Tajikistan (70%), Latvia (68%), Portugal (47.6%), Estonia (46), Spain (45.5%), Greece (43.7%), Italy (42.9%), Sweden (41%) and Georgia (34%)
- Southern Europe is the sub-region with the highest percentage of females incarcerated for drug offending (over 42%), followed by Eastern Europe (over 27%) and Eurasia (over 24%)
- Russia incarcerates almost 20,000 women for drugs - more than double the total number of women in prison in all the countries of the European Union combined

**This report sets out to answer two basic questions.**

- 1. How many women are in prison for drugs in Europe and Central Asia?**
- 2. What proportion of the total female prison population do these women comprise?**

It represents the first attempt to collate such figures for the whole region, and the answers highlight a growing problem. Namely that too many women are in prison for non-violent drug offences in the region. The answers also raise numerous other questions that beg further research.

Every year, an increasing number of women come into conflict with the law. There are now more than half a million women and girls in penal institutions around the world.<sup>1</sup> It has also been estimated that over 100,000 women are incarcerated in European prisons on any given day.<sup>2</sup>

Harm Reduction International's research of fifty-one European and Central Asian countries suggests that there are over 112,500 women in prison across the region. Of these, 28% – or 31,400 women – are in prison for drug offences.<sup>3</sup> This represents more than one in four incarcerated women in the region, demonstrating the impact of drug laws and drug enforcement on rates of imprisonment of women. In fact, drug offences outstrip by a considerable margin all others as the reason for women entering prison.

<sup>1</sup> 'Women in Detention', International Review of the Red Cross, Vol. 92, No. 877, March 2010.

<sup>2</sup> 'Kyiv Declaration on women's health in prison: correcting gender inequity in prison health', World Health Organization Regional Office for Europe & United Nations Office on Drugs and Crime, 2009, p.11

<sup>3</sup> For a definition of drug offences see 'Methodology', below.

This percentage, however, hides considerable national variation. In a few countries, less than 10% of women in prison are serving sentences for drugs. But in others this figure is between 40—50%, and in some cases reaches as high as 70%.

It should always be remembered, however, that behind these statistics are real individuals; women whose individual circumstances and lives are masked by the top-line numbers. The vast majority are in prison for non-violent drug offences, for which women are disproportionately imprisoned. In some countries, many are 'drug mules'. They are mostly women from socially and economically marginalised backgrounds, whose crimes are driven by poverty. A large number struggle with mental health or drug dependence issues, or both. Low literacy levels are all too common, as are histories of sexual and physical abuse. Many are also mothers.

This report is intended to shed light on these problems, beginning with the influence of drug enforcement on female prison populations. Given the high percentage of women incarcerated across the European and Central Asian region for drug offences, it is clear that legal and sentencing reform is an urgent requirement.

As the UN Special Rapporteur on Violence against Women said over a decade ago, '[M]any of the drug-related offences for which women are incarcerated....may be more appropriately handled by a community-based system of welfare and social support.'<sup>4</sup> More than ten years later, this is clearly not happening.

Far more research is needed, however, on the laws and policies of specific countries. For example, this report does not look at the length of sentences being served, at sentencing guidelines in each country, at threshold and quantity issues, at police conduct and arrest targets, at diversion programmes and the role of harm reduction in them or many other factors. In other words, this report does not analyse why the variation in percentages across countries is so wide. It was not the intention to cross-compare laws and policies in this manner at this stage.

What is presented is direction for governments, donors and civil society of where more research is needed to understand the problem of the over-incarceration of women for drug offences, and reforms needed given the clearly disproportionate nature of women in prison for drugs throughout the region.

The situation in many countries is clearly a cause for alarm.

This report should serve as a baseline against which to measure progress across the region. Far beyond the numbers arrested, prosecutions secured and kilos seized, a reduction in the female prison population for drug offences would be a genuine measure of success in European and Central Asian drug policy.

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<sup>4</sup> 'Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy' (4 January 1999) UN Doc. No. E/CN.4/1999/68/Add.2, para. 17.

# Methodology

## *Aims*

The focus of the research presented in this report is to determine the number of women incarcerated in Europe and Central Asia, and the number of these who are in prison for drug offences. This report represents the first time that the numbers of women incarcerated for drug offences in Europe and Central Asia has been collated.

## *Definition of 'drug offences'*

In this report, terms such as 'drug offence' and 'drug crime' are used interchangeably, as are terms such as 'incarcerated for drug offences' and 'in prison for drugs'.

The European Monitoring Centre on Drugs and Drug Addiction (EMCDDA) defines drug related crimes as psychopharmacological crimes (crimes committed under the influence of a psychoactive substance, as a result of its acute or chronic use); economic-compulsive crimes (crimes committed in order to obtain money (or drugs) to support drug use); systemic crimes (crimes committed within the functioning of illicit drug markets, as part of the business of drug supply, distribution and use); and drug law offences (crimes committed in violation of drug and other related legislation).<sup>5</sup>

The focus of this report, however, is on women convicted of offences specific to the possession, sale, supply or production of drugs. Therefore only two elements of the EMCDDA definition have been used:

- Crimes committed within the functioning of illicit drug markets, as part of the business of drug supply, distribution
- Drug law offences (crimes committed in violation of drug and other related legislation)

This includes a range of offences including possession, preparation, production, purchase, keeping, shipment, transfer or sale, illegal import or export, international transit shipment, illicit growing or cultivating of illicit plants.

The report does not include crimes committed under the influence of drugs, or acquisitive crimes (theft) committed to obtain money for drugs. If it did, the numbers presented would be far higher. That said, many women may be involved in the drug trade due to drug dependency. They are captured in the data in this report inasmuch as they were convicted of a drug law or a systemic crime.

In addition, the report does not include women who are in contact with the criminal justice system but not in prison. Again, the inclusion of such figures would increase the numbers presented.

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<sup>5</sup> European Monitoring Centre on Drugs and Drug Addiction, 'Drug-related crime', available at <http://www.emcdda.europa.eu/themes/monitoring/crime> (date of last access 15 February 2012).



## Scope and data sources

Data were collected from fifty-one European and Central Asian<sup>6</sup> countries between August 2011 and February 2012. The information was obtained from government agencies (national prison services, ministries of justice and drug agencies) as well as from academic researchers and civil society organisations. Data providers were asked for the most recent, available stock numbers of national female prison populations, both the total number and the number for drug offences, as defined above.

The countries included in the present analysis were clustered into five groups, based on the United Nations Statistics Division geographical sub-regions.<sup>7</sup> The five sub-regions for the analyses are:

- **Northern Europe** (Denmark, Estonia, Finland, Iceland, Ireland, Latvia, Lithuania, Norway, Sweden, United Kingdom)
- **Southern Europe** (Albania, Andorra, Bosnia and Herzegovina, Croatia, Cyprus, Greece, Italy, Malta, Montenegro, Portugal, San Marino, Serbia, Slovenia, Spain, Macedonia)
- **Eastern Europe** (Belarus, Bulgaria, Czech Republic, Hungary, Poland, Moldova, Romania, Russia, Slovakia, Ukraine)
- **Western Europe** (Austria, Belgium, France, Germany, Liechtenstein, Luxembourg, Monaco, Netherlands, Switzerland)
- **Eurasia** (Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkey)

The figures presented are largely from 2011 and 2012, representing the actual stock numbers on the particular date. In a few cases, when it was not possible to obtain the most up-to-date data (a serious problem at country level in many cases), data from 2010, 2009 (France), 2008 (Council of Europe Annual Penal Statistics, SPACE I – 2008 were used) and 2007 (Austria) was used. They include the numbers of women in both pre-trial and post-trial prisons, but are not disaggregated in this way.

## Data analysis

Statistical information was received from data providers in absolute numbers and percentages. The absolute numbers were presented as received in data tables. In countries where only percentages were provided, absolute numbers for female drug offenders were calculated using the total female prison population numbers from the same year.

Where only absolute numbers were presented, the proportion of women in prison for drug offences was calculated as a percentage of the whole.

The same process was repeated for all fifty-one countries, for each sub-region, and for the Annex on the European Union.

The total female population for each country was presented to add further context. For this purpose, information for the total female population of each country was taken from United Nations Statistics Division, Department of Economic and Social Affairs. 'World Population Prospects: The 2008 Revision'.<sup>8</sup>

<sup>6</sup> Kazakhstan, Kyrgyzstan and Tajikistan. Information was not available for Turkmenistan or Uzbekistan.

<sup>7</sup> United Nations Statistics Division, 'Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings', available at <http://unstats.un.org/unsd/methods/m49/m49regin.htm> (date of last access 15 February 2012).

<sup>8</sup> United Nations Statistics Division, Department of Economic and Social Affairs. 'World Population Prospects: The 2008 Revision', available at [http://www.geohive.com/earth/pop\\_gender.aspx](http://www.geohive.com/earth/pop_gender.aspx) (date of last access 16 February 2012).

### ***Limitations and data quality***

There were a number of limitations inherent to the data collection process.

Information was not received in the same format from all countries. In some states, statistical information was provided, while in others the total female prison population and percentages for drug offences were gathered. This required additional analysis, rather than displaying the raw figures collected.

The data are not all from the same year, and are therefore only approximately comparable. The accuracy in the numbers and comparability is further compromised by differing practices across countries. In some jurisdictions, for example, pre-trial and post-trial women are calculated cumulatively. In others, these numbers are separated (in which case they were added back together). As such, what is presented in this report represents a best estimate, based on the available information.

The report does not look closely at laws, policies and practices in each country. This requires focused research in specific countries to understand the identified variations across the region, and what reforms are necessary to address high rates of incarceration of women for drug offences.

# Overview

Country	Nº of women in prisons	Nº of women in prison for drug offences	% of female prisoners serving sentences for drugs	Female population in the country
Albania	73	9	12.3	1,597,981
Andorra	6	~	~	40,753
Armenia	196	28	14	1,645,985
Austria	165	18	11	4,285,367
Azerbaijan	347	103	30	4,515,456
Belarus	3,000	210	7	5,154,164
Belgium	471	142	30.1	5,432,623
Bosnia & Herzegovina	52	7	13.4	1,954,241
Bulgaria	300	40	14	3,896,823
Croatia	177	42	23.7	2,288,572
Cyprus	45	4	8.8	446,895
Czech Republic	1,493	168	13.4	5,280,608
Denmark	136	18	14	2,758,756
Estonia	136	62	46	722,266
Finland	216	35	17	2,715,370
France	2,200	308	14	32,030,798
Georgia	1,169	386	34	2,256,415
Germany	3,318	511	16	41,880,940
Greece	526	230	43.7	5628,221
Hungary	1,253	62	4.9	5,249,210
Iceland	7	4	57.1	157,449
Ireland	138	32	23.1	2,254,301
Italy	2,913	1,252	42.9	30,744,127
Kazakhstan	4,237	1,080	25.4	8,189,953
Kyrgyzstan	300	100	33.3	2,777,222
Latvia	278	191	68.7	1,212,656
Liechtenstein	0	~	~	18,254
Lithuania	421	88	20.9	1,748,624

Country	Nº of women in prisons	Nº of women in prison for drug offences	% of female prisoners serving sentences for drugs	Female population in the country
Luxembourg	39	8	20.5	245,017
Macedonia	52	~	~	1,022,501
Malta	39	~	~	205,154
Monaco	4	~	~	16,891
Montenegro	30	7	23.3	317,411
Netherlands	627	197	31.4	8,368,118
Norway	206	67	32.5	2,419,969
Poland	2,604	82	3.1	19,709,069
Portugal	682	325	47.6	5,522,407
Republic of Moldova	303	15	4.9	1,891,895
Romania	1,370	177	12.9	10,932,250
Russia	59,000	19,628	33.1	75,777,199
San Marino	0	~	~	15,777
Serbia	300	~	~	4,976,678
Slovakia	477	131	27.4	2,783,408
Slovenia	68	16	23.5	1,033,426
Spain	6,461	2935	45.4	22,763,627
Sweden	289	119	41	4,659,255
Switzerland	347	35	9.9	3,871,429
Tajikistan	600	420	70	3,519,960
Turkey	4,728	739	15.6	37,236,294
Ukraine	6,108	610	10	2,4631,770
United Kingdom	4,668	759	16-18	31,363,239
<b>TOTAL</b>	<b>112,575</b>	<b>31,400</b>	<b>27.8</b>	<b>440,166,774</b>



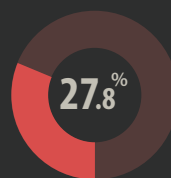
Number of Women Prisoners:

**112,575**



Number of Women in Prison for Drug Offences:

**31,400**



% of female prisoners serving sentences for drugs

There are over 112,500 women in prisons in Europe and Central Asia. Over 31,000 of them – approximately 28% – are serving sentences for drug offences. This represents that the disproportionate incarceration of women for drugs is a problem across the region. However, within these figures are a number of surprising national variations, as well as questions for further research.

Perhaps the greatest surprise is the high proportion of women incarcerated for drug offences in countries that boast comparatively strong health programmes for people who use drugs and less punitive approaches to drugs.

While it was no shock that the highest number of women in prison, and the highest number in prison for drugs, was found in Russia (with 59,000 and 19,628 respectively), it was a surprise that it was followed by Spain (6,461 and 2,935). Moreover, the Netherlands and Portugal – countries with relatively progressive drugs laws – have a large percentage of drug offenders in their female prison populations, 31.4%, and 47.6% respectively.

Indeed, countries where the number of drug offenders represent 40–50% of the entire female prison population include Portugal (47.6%, or 325 out of 682), Estonia (46%, or 62 out of 136), Spain (45.4%, or 2,935 out of 6,461), Greece (43.7%, or 230 out of 526), Italy (42.9%, or 1,252 out of 2,913) and Sweden (41%, or 119 out of 289).

The highest percentage of women in prisons for drug offences was found in Tajikistan (70%, or 420 out of 600), followed closely by Latvia (68%, or 191 out of 278). The lowest percentage was found in Poland, where only 82 women are in prison for drugs out of a total of 2,604, representing 3.1% of the entire female prison population.

Belarus, a country known for a repressive legal framework, has a relatively small number of women in prison for drugs (7%, or 210 out of 3,000). Other countries with a low percentage of women incarcerated for drug offences include Cyprus (8.8%, or 4 out of 45), Switzerland (9.9%, or 35 out of 347), Moldova (4.9%, or 15 out of 303) and Hungary (4.9%, or 62 out of 1,253).

However, there are some limitations to percentage-based comparisons, especially where the base numbers are small. For example, Iceland has only seven women in prison, four of whom are convicted of drug related crimes. This represents 57% of the entire prison population, although in actual numbers it only reflects a small number of incarcerated women.

Sub-regionally, Eastern Europe<sup>9</sup> has the highest number of women in prison (75,908), over 27% of whom (21,123) are incarcerated for drug offences. This figure is driven by the extremely high number of women prisoners generally, and women incarcerated for drugs specifically, in the Russian Federation.

The lowest overall number of women in prisons was found in Northern Europe<sup>10</sup> (6,495) followed by Western Europe<sup>11</sup> (7,171). These sub-regions also had the lowest percentages of women in prison for drugs, at 21.1% and 16.9% respectively.

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9 Belarus, Bulgaria, Czech Republic, Hungary, Poland, Moldova, Romania, Russia, Slovakia, Ukraine.

10 Denmark, Estonia, Finland, Iceland, Ireland, Latvia, Lithuania, Norway, Sweden, United Kingdom.

11 Austria, Belgium, France, Germany, Liechtenstein, Luxembourg, Monaco, Netherlands, Switzerland.

In Southern Europe<sup>12</sup> the overall number of female prisoners is 11,424, of which 42.2% are serving sentences for drugs. This is the highest rate in the entire region, followed by Eastern Europe (27.8%, or 21,123 out of 75,908) and Eurasia<sup>13</sup> (24.6%, or 2,856 out of 11,577).

Nationally, the total numbers also display considerable variations not always accounted for by the female population in each country. While Sweden has less than twice Denmark's female population, it has more than five times the number of women in prison for drugs. Germany's population is considerably higher (by ten million) than the UK, but has 200 less women in prison for drugs. Russia imprisons almost twice as many women for drugs as all the other fifty countries combined, this despite the fact that the total number of women in those fifty countries is almost five times greater than the number of women in Russia.

The variations above clearly demonstrate the need to look further into the national contexts to better understand these differences. For example, are women being imprisoned in greater numbers in countries used as transit countries by drug traffickers? Do these numbers reflect differences in national or local law enforcement priorities or practices? For which offences, specifically, are women being imprisoned (possession, supply, production, trafficking) in different countries, and why?

Overall, one in four women in prison in Europe and Central Asia are incarcerated for non-violent drug offences. This illustrates the urgent need for law and sentencing reform across the region. However, although these numbers demonstrate a regional problem, policy prescriptions are likely to be found in the national context.

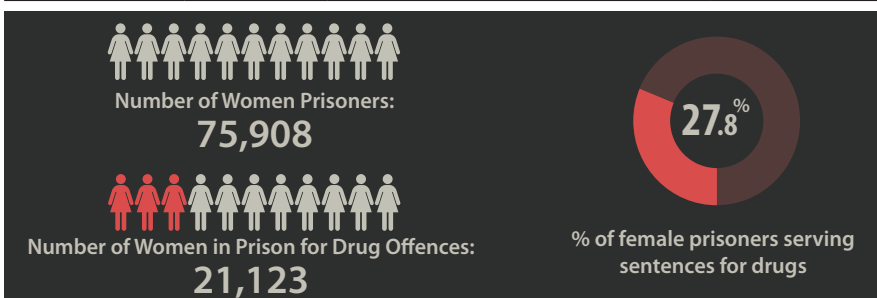
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<sup>12</sup> Albania, Andorra, Bosnia and Herzegovina, Croatia, Cyprus, Greece, Italy, Malta, Montenegro, Portugal, San Marino, Serbia, Slovenia, Spain, Macedonia.

<sup>13</sup> Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkey.

## Eastern Europe

Country	Nº of women in prisons	Nº of women in prison for drug offences	% of female prisoners serving sentences for drugs	Female population in the country
Belarus	3,000	210	7	5,154,164
Bulgaria	300	40	14	3,896,823
Czech Republic	1,493	168	13.4	5,280,608
Hungary	1,242	62	4.9	5,249,210
Poland	2,604	82	3.1	19,709,069
Moldova	303	15	4.9	1,891,895
Romania	1,370	177	12.9	10,932,250
Russia	59,000	19,628	33.1	75,777,199
Slovakia	477	131	27.4	2,783,408
Ukraine	6,108	610	10	24,631,770
<b>TOTAL</b>	<b>75,908</b>	<b>21,123</b>	<b>27.8</b>	<b>155,306,396</b>



There are nearly 76,000 women in prisons in the Eastern European region, nearly one-third of whom (21,123) are incarcerated for drug offences.

Ninety-three per cent of all women incarcerated for drug offences in these countries are imprisoned in Russia (19,628 out of 21,123). This represents the highest number by far of all fifty-one countries studied in this report, and amounts to two and a half times the number of women incarcerated for drugs in the entire European Union. This despite Russia having less than half the female population of the EU (see Annex). Russia also has the highest proportion of women in prison for drugs among these countries (33.1%, or 19,628 out of 59,000), followed by Slovakia at (27.4%, or 131 out of 477).

Bulgaria, the Czech Republic and Romania have similar percentages of women in prison for drugs, between approximately 13—14%.

In both Hungary and Moldova, just under 5% of incarcerated women are in prison for drugs, while in Poland this figure is 3.1%. These numbers are very low when compared with all other countries studied, and are clustered in this sub-region. Further research is required to confirm these percentages, and, if they are accurate, to understand the reasons for this low rate. Similarly, given national policy on drugs (in particular recent developments that include reduction of thresholds for the criminal liability for the use and possession of certain drugs on the scale of drug injection problem),<sup>14</sup> the figure of 10% of women in prison being sentenced for drug offences in Ukraine is surprising.

For the Czech Republic, Hungary, Poland, Slovakia and Moldova, the figures were obtained from the prison service, while the numbers for Russia were available to the public from the prison service official website. Information on Bulgaria was provided through the Bulgarian Helsinki Committee and based on their own original research. The Ukrainian Helsinki Human Rights Union provided data for Ukraine. For Romania, information was collected through the National Council for Combating Discrimination in Romania and for Belarus information was provided through a local NGO.

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<sup>14</sup> For more information, please see M Golichenko and S Merkinaite, 'In breach of international law: Ukrainian drug legislation and the European Convention for the Protection of Human Rights and Fundamental Freedoms', Canadian HIV/AIDS Legal Network and Eurasian Harm Reduction Network, 2011.



# Eurasia

Country	Nº of women in prisons	Nº of women in prison for drug offences	% of female prisoners serving sentences for drugs	Female population in the country
Armenia	196	28	14	1,645,985
Azerbaijan	347	103	30	4,515,456
Georgia	1,169	386	34	2,256,415
Kazakhstan	4,237	1,080	25.4	8,189,953
Kyrgyzstan	300	100	33.3	2,777,222
Tajikistan	600	420	70	3,519,960
Turkey	4,728	739	15.6	37,236,294
<b>TOTAL</b>	<b>11,577</b>	<b>2,856</b>	<b>24.6</b>	<b>60,141,285</b>



The total number of women prisoners in the countries surveyed in this region is 11,577. Data from Uzbekistan and Turkmenistan were not available. The number of these women incarcerated for drugs was 2,856, or one-quarter of the total female prison population.

The highest number of women imprisoned was found in Turkey (4,728). Turkey has the highest female population by a considerable margin, and a relatively low percentage of women in prison for drugs. Although low in percentage terms, the figure still amounts to over 700 women, second only to Kazakhstan in absolute numbers, and requiring urgent attention in the country.

The lowest number of incarcerated women was in Armenia (196), which also has the lowest female population and the lowest percentage of women in prisons for drug offences (14%, or 28 out of 196).

The highest percentage of women in prisons for drug offences was found in Tajikistan (70%), followed by Georgia (34%), Kyrgyzstan (33.3%) and Azerbaijan (30%).

In south Caucasus, there are 386 women in prison in Georgia for drug offences, one-third of the total female prison population of 1,169 (the highest in this sub-region). Georgia incarcerates almost four times as many women for drugs as Azerbaijan, which has almost twice the female population. That said, 30% of women in prison in Azerbaijan are there for drugs (103 of 347).

In Central Asia, Kazakhstan incarcerates the highest number of women (4,237), a figure that almost equals that of Turkey despite the population differences. Of these, over 25% (1,080 women) are in prison for drug offences, 341 more than in Turkey. This highlights a serious problem of incarceration of women for drugs in the country. This is followed by Tajikistan, with 600 women in prisons, 70% (420) of those for drugs. This is an exceptionally high proportion and a genuine concern. In Kyrgyzstan, one-third of the 300 women in prison are there for drugs. Across the three Central Asian countries surveyed, there are 1,600 women in prison for drug offences, 31% of the female prison population.

Statistical data in this region proved difficult to obtain. Many countries in the region make such information unavailable or inaccessible for civil society and/or other interested groups. For example, in Kyrgyzstan, the prison service replied to requests for statistical information with the notice that numbers of women in prisons in Kyrgyzstan are not subject to public disclosure.<sup>15</sup> The prison numbers for the country have been provided by the local NGO, Coalition for Democracy and Civil Society in Kyrgyzstan.

In Turkey, Harm Reduction International partnered with the local organisation, Civil Society in the Penal System, which obtained the numbers from the prison administration. Similarly, in Armenia, the Civil Society Institute acted on behalf of HRI to collect the data from the prison service. The Human Rights Centre of Azerbaijan provided numbers for that country. In Georgia, the figures were gathered through the local NGO, Alternativa Georgia. Data from Kazakhstan were gained through Penal Reform International's regional office through its original research. The figures for Tajikistan have been obtained via the communications from the US Embassy in Tajikistan, and from Wikileaks.

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<sup>15</sup> Response on file with the author.

# Northern Europe

Country	Nº of women in prisons	Nº of women in prison for drug offences	% of female prisoners serving sentences for drugs	Female population in the country
Denmark	136	18	14	2,758,756
Estonia	136	62	46	722,266
Finland	216	35	17	2,715,370
Iceland	7	4	57.1	157,449
Ireland	138	32	23.1	2,254,301
Latvia	278	191	68.7	1,212,656
Lithuania	421	88	20.9	1,748,624
Norway	206	67	32.5	2,419,969
Sweden	289	119	41	4,659,255
United Kingdom	4,668	759*	16-18	31,363,239
<b>TOTAL</b>	<b>6,495</b>	<b>1,375</b>	<b>21.2</b>	<b>50,011,885</b>



Almost 6,500 women are in prison for drugs in Northern European countries, with over one-fifth, or 1,375, incarcerated for drugs.

The highest number of women in prison for drugs was found in the United Kingdom. The UK, however, also has the highest population by a very wide margin, and one of the lowest percentages of women in prison for drugs as a proportion of the total female prison population. There are, in any case, over 750 women in prison for drugs in the UK, potentially close to 800.<sup>16</sup>

The highest percentage of women drug offenders in prison was found in Latvia (69%, or 191) out of 278. However, it should be noted that Latvia's female population is relatively low. Ten times as many women are in prison for drugs in Latvia as in Denmark, despite Denmark having a more than twice the population.

\* Excluding Scotland – the number could not be obtained in time for publication of this report.

<sup>16</sup> It should be noted that the number of women in prison for drugs in Scotland was not obtained on time for publication. The total number of women in prison in Scotland was included, however, which affected the percentage, leading to a range from 16–17%.

In Sweden, 41% of the 289 women in prison (119) are incarcerated for drugs, while in Estonia this figure is 46%. To put this in some context, at 62 women, Estonia imprisons almost twice as many women for drugs as Finland, while having less than a third of Finland's female population. Almost one-quarter of women prisoners in Ireland are there for drugs, while the lowest percentage of women incarcerated for drug offences in Northern Europe was found in Denmark with 14% (18 out of 136).

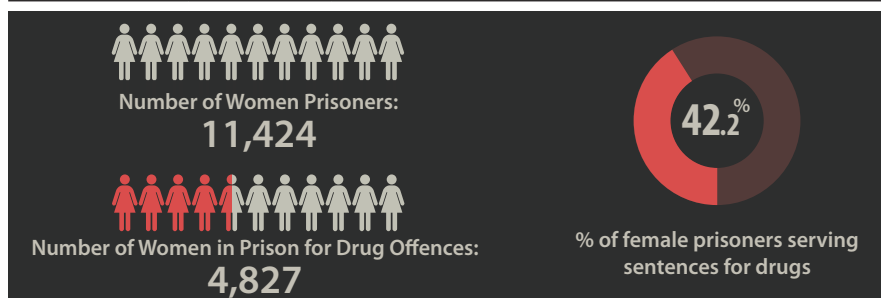
Among Scandinavian countries (Denmark, Finland, Iceland, Norway, Sweden), Sweden has the highest number of women in prisons (289) as well as the highest number incarcerated for the drug offences (119). While the country also has the highest population of this group, the percentage of women incarcerated for drugs (41%) far surpasses other Scandinavian countries (with the exception of Iceland, which has only seven women in prison). The lowest proportions of women in prison for drugs are found in Finland and Denmark. Over 28% of the female prison population in Scandinavia are incarcerated for drugs (243 out of 854 women).

In the Baltic states (Estonia, Latvia, Lithuania), the highest percentages of women in prison for drugs are in Latvia (68.7%) and Estonia (46%). Lithuania has the most women in prison for drugs, but the lowest percentage at just over 20% (88 out of 421). There are 341 women in prison for drugs across the three countries, 40% of the total female prison population.

For Northern European countries, information was gained directly from either the prison services or ministries of justice. The one exception was Lithuania, where the Eurasian Harm Reduction Network provided assistance.

## Southern Europe

Country	Nº of women in prisons	Nº of women in prison for drug offences	% of female prisoners serving sentences for drugs	Female population in the country
Albania	73	9	12.3	1,597,981
Andorra	6	~	~	40,753
Bosnia and Herzegovina	52	7	13.4	1,954,241
Croatia	177	42	23.7	2,288,572
Cyprus	45	4	8.8	446,895
Greece	526	230	43.7	5,628,221
Italy	2,913	1,252	42.9	30,744,127
Malta	39	~	~	205,154
Montenegro	30	7	23.3	317,411
Portugal	682	325	47.6	5,522,407
San Marino	0	~	~	15,777
Serbia	300	~	~	4,976,678
Slovenia	68	16	23.5	1,033,426
Spain	6,461	2,935	45.4	22,763,627
Macedonia	52	~	~	1,022,501
<b>SUB-TOTAL</b>	<b>11,424</b>	<b>4,827</b>	<b>42.2</b>	<b>78,557,771</b>



More than 11,400 women are in prison in Southern Europe, over 4,800 of them incarcerated for drug offences (42.2% of the entire female prison population in the region).

Half of all women in prison among these countries are found in Spain (6,461). Spain also imprisons more women for drugs than any other in this region (2,935, approximately three-fifths of the total). Following Spain are Italy (2,913 in prison, 1,252 for drugs), Portugal (682 in prison, 325 for drugs) and Greece (526 in prison, 230 for drugs).

It should be noted that Spain imprisons more than twice as many women in total for drugs than does Italy, despite having a considerably smaller population. Similarly, Spain accounts for well over half of all women in prison for drugs among these countries, while having just over one-quarter of the female population. It is acknowledged that Spain has a serious problem with the imprisonment of drug mules from Latin America.<sup>17</sup>

The highest proportions of women in prison for drugs are found in Portugal (47.6%), followed by Spain (45.4%), Greece (43.7%) and Italy 42.9%.

The situation in Portugal is of particular interest given the much publicised decriminalisation of personal possession of all drugs in 2001, which has otherwise had many positive impacts.<sup>18</sup> Despite this policy shift, it is clear that a high proportion of women are still going to prison for drug offences in the country requiring further research on which offences are involved and what effects decriminalisation had on the overall number of women in prisons.

In Croatia, Montenegro and Slovenia, approximately one-quarter of all women in prison are there for drugs. The lowest proportion of women in prison for drug offences is found in Cyprus (.8%).

For Bosnia and Herzegovina, Croatia, Cyprus, Slovenia, Serbia and Spain, the figures were obtained directly from the prison services in those countries. Local partners collected data from prison services in Albania, Greece, Italy, Montenegro and Portugal.

It proved impossible to obtain numbers on women in prison from Andorra, San Marino, and Macedonia. In these cases, Council of Europe Annual Penal Statistics, SPACE I – 2008, were used. Data on women in prisons in Malta were found in the US state department annual human rights report.

However, the number of women in prison for drug offences could not be identified in Andorra, San Marino, and Macedonia, as well as in Serbia.

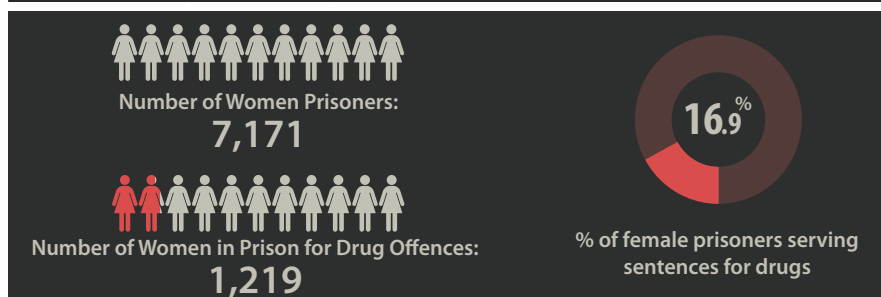
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<sup>17</sup> Interview with the Prison Administration of Spain (17 January 2012). Copy on file with author.

<sup>18</sup> For more information, please see C Hughes and A Stevens, 'What can we learn from the Portuguese decriminalisation of illicit drugs?' (2010) *British Journal of Criminology*, 50(6), 999–1022.

## Western Europe

Country	Nº of women in prisons	Nº of women in prison for drug offences	% of female prisoners serving sentences for drugs	Female population in the country
Austria	165	18	11	4,285,367
Belgium	471	142	30.1	5,432,623
France	2,200	308	14	32,030,798
Germany	3,318	511	16	41,880,940
Liechtenstein	0	~	~	18,254
Luxembourg	39	8	20.5	245,017
Monaco	4	~	~	16,891
Netherlands	627	197	31.4	8,368,118
Switzerland	347	35	9.9	3,871,429
<b>SUB-TOTAL</b>	<b>7,171</b>	<b>1,219</b>	<b>16.9</b>	<b>96,149,437</b>



There are over 7,100 women incarcerated in Western Europe, with just under 17% (1,219) for drug offences.

The highest number of women in prisons, and the largest number for drug offences, was found in Germany (3,318 in total, 511 for drugs) and France (2,200 in total, 308 for drugs). Both, however, have the largest populations among these countries by a considerable margin. While they are not grouped together here, it is worth comparing the number in France with neighbouring Spain. Spain imprisons almost ten times as many women for drugs as does France, yet has ten million less women in its population. The position of Spain as a transit country for drug trafficking may be significant in influencing these figures.

The highest percentage of women incarcerated for drug offences in Western European countries was found in the Netherlands (31.4%, or 197 out of 627). This is followed by Belgium (30.1%, or 142 out of 471). The lowest percentage of women in prisons for drug offences was found in Switzerland (9.9%, or 35 out of 347), Austria (11%, or 18 out of 165), France (14%, or 308 out of 2,200) and Germany (16%, 511 out of 3,318). This shows there is considerable variation in these figures across the region.

The figures for Switzerland, Netherlands, Belgium and Germany were provided directly from the prisons services or ministries of justice.

The numbers of women in prison for drugs were not available for Liechtenstein and Monaco. Austria and France also proved the most difficult in the region from which to obtain information through governmental channels. Austria does not disaggregate prison populations by gender, and for that reason, the figures were not available. Therefore, the figures used in this report were provided by a local partner, Broken Rainbow. Data for France were collected through Professor Philippe Combessie at the University of Paris.

For Luxemburg, data were obtained through an independent expert, Ms Rita Felten. The figures for Liechtenstein and Monaco were obtained through Council of Europe Annual Penal Statistics – SPACE I – 2008.

## Conclusion: A Priority for Law and Sentencing Reform

The objective of this report was to determine how many women are in prison for drugs in Europe and Central Asia, and what proportion of the total female prisoner population these women comprise. The results represent the first time that such data has been collated on a region-wide basis, and the findings are cause for significant concern.

Too many women are in prison for non-violent drug offences in the region – over 31,000 in all. This represents 28% – or more than one in four – of all women incarcerated for any reason in the fifty-one European and Central Asian countries reviewed.

Drug laws and drug enforcement practices are having a disproportionate impact on the rate of imprisonment of women. Indeed, this report found that drug offences outstrip by a considerable margin all others as a reason for women entering prison.

The offences represented in the statistics in this report are not committed in a social or economic vacuum. UN Women, the new UN agency working on women's rights and their economic social empowerment, noted in 2011 that 'most offences for which women are imprisoned are "crimes of poverty" and are nonviolent, property or drug-related'.<sup>19</sup> States across the world, and within Europe and Central Asia, have designed their drug policies and sentencing mechanisms as part of the broad punitive approach to drugs reflected in international and regional law and policy. These are too often detached from the realities and needs of women in conflict with the law.

Women living in poverty, for example, are particularly vulnerable to being detained because they cannot pay fines for petty offences or to post bail.<sup>20</sup> As a result, women, particularly those from poor backgrounds, are overrepresented among those held in pre-trial detention. This is a figure captured by the data in this report, but is not disaggregated. It requires further research.

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<sup>19</sup> 'Progress of the World's Women, 2011—12: In Pursuit of Justice', UN Women, 2011, pp. 62-64.

<sup>20</sup> *ibid.*



Research shows that many women convicted of drug offences have histories of sexual and physical abuse, coexisting psychiatric disorders, low self-esteem, low literacy and/or are living with HIV or hepatitis C.<sup>21</sup> They are unskilled and (often single) mothers, with a lack of familial support. They may also be financially dependent on a male partner involved in the drug trade.<sup>22</sup>

Drug dependence among women in prison is common. Female prisoners in the European Union, for example, are more likely to inject drugs than male prisoners.<sup>23</sup> In Estonia, out of the total above of 136 women in prison, 81 are diagnosed as drug dependant.<sup>24</sup> In Italy, the number of women prisoners dependent on drugs has doubled over the past few years and most of these women require systemic health interventions.<sup>25</sup> A study in England and Wales showed that 75% of women in prison had taken an illicit drug in the six months before imprisonment, whereas only 12% of the general population had taken an illicit drug in the same time period.<sup>26</sup> In Russia, a survey showed that half of the women convicted for drug offences are themselves people who use drugs, and are often imprisoned for the drugs they had in their possession for personal use although charged either for possession or supply.<sup>27</sup> In many European and Central Asian countries, harm reduction in women's prisons is not available, nor on the agenda for respective governments in the near future.<sup>28</sup> The 'Kyiv Declaration on Women's Health in Prison', however, adopted during the WHO International Conference on Prison Health in November 2008 establishes standards for special gender sensitive drug treatment and harm reduction facilities inside the prisons.<sup>29</sup>

In addition, the offences documented in this research are non-violent, and in some cases reflect women being imprisoned for the possession of small quantities of drugs.<sup>30</sup> The UN Committee on the Elimination of Discrimination against Women has expressed its concerns about the incarceration of women with petty offending backgrounds, including drug offences. In relation to the United Kingdom, the Committee expressed concerns at the number of women 'imprisoned for drug offences or because of the criminalization of minor infringements, which in some instances seem indicative of women's poverty.'<sup>31</sup> The Committee recommended, 'that the Government intensify its efforts to understand the causes for the apparent increase in women's criminality and to seek alternative sentencing and custodial strategies for minor infringements.'<sup>32</sup>

The female prison population is increasing across the region, and it is apparent that drug offences are a major driver of that phenomenon. Yet studies have shown that there is no correlation between repressive or punitive national drug laws and rates of drug use.<sup>33</sup> As noted by the Global Commission on Drug Policy in its 2011 report,

**[M]any countries that have enacted harsh laws and implemented widespread arrest and imprisonment of drug users and low-level dealers have higher levels of drug use and related**

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21 Penal Reform International, 'Women in prison: incarcerated in a man's world', Penal Reform Briefing No. 3, 2008 (1).

22 *ibid.*

23 C Brentari, B Hernandez & S Tripodi, 'Attention to Women Drug Users in Europe (DCDII guidelines)', European Project 'Democracy, Cities and Drugs II – 2008-2010', Thematic Platform 'Women and drugs', February 2011 (in press), p. 7.

24 Communication with Social Rehabilitation Division of the Penitentiary Department at the Ministry of Justice of Estonia (12 January 2012). Copy on file with author.

25 'Crime Repression Costs in Context, Drug-related crimes research final results, Italy', European Commission project on the 'Integrating and strengthening the European Research Area', 2009.

26 'Kyiv Declaration on Women's Health in Prison', *op. cit.* p.26.

27 В.А. Казаковар; Под научной редакцией профессора В.И.Селиверстова, 'Женщины, отбывающие лишение свободы (характеристика отдельных категорий): по материалам специальной переписи осужденных и лиц, содержащихся под стражей', 12 – 18 ноября 2009 г.

28 R Jurgens, R Lines & C Cook, 'Out of sight, out of mind: Harm reduction in prisons and other places of detention' in C Cook (ed.), *The Global State of Harm Reduction: Key Issues for Broadening the Response*, International Harm Reduction Association, 2010, pp. 105–112.

29 'Kyiv Declaration on Women's Health in Prison', *op. cit.*

30 In Georgia, for example, quantities for which women spend 7-10 years in prisons often do not exceed 0.5 gm heroin.

31 UN Committee on the Elimination of Discrimination against Women, 'State Party Report, United Kingdom of Great Britain and Northern Ireland' (1999) UN Doc. No. CEDAW/C/UK/3 and Add.1 and 2, and CEDAW/C/UK/4 and Add.1, para. 312.

32 *ibid.*, para. 313.

33 L Degenhardt, W-T Chiu, N Sampson, RC Kessler, JC Anthony, et al., 'Toward a Global View of Alcohol, Tobacco, Cannabis, and Cocaine Use: Findings from the WHO World Mental Health Surveys', (2008) *PLoS Med* 5(7): e141. doi:10.1371/journal.pmed.0050141.

problems than countries with more tolerant approaches. Similarly, countries that have introduced decriminalization, or other forms of reduction in arrest or punishment, have not seen the rises in drug use or dependence rates that had been feared.<sup>34</sup>

However, this research shows that the proportion of women in prison for drug offences in Portugal, which decriminalised possession in 2001, is still very high at 47.6% of the female prison population. This suggests that further reforms are needed in relation to offences relating to supply and trafficking, in particular relating to ‘drug mules’.

Given what is now known about the limitations and, ultimately, the inefficacy of criminal law and incarceration as means to address both demand and supply reduction, any argument of a ‘public interest’ in incarcerating so many women is not sustainable. Incarceration is not appropriate for most of the drug offences for which women are imprisoned in Europe and Central Asia. When it comes to possession for personal use, in particular, criminalisation itself is not justifiable.

In 2010, the *UN Standards for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules)* became the first UN-adopted document specific to women prisoners. It states that,

[W]omen offenders shall not be separated from their families and communities without due consideration being given to their backgrounds and family ties. Alternative ways of managing women who commit offences, such as diversionary measures and pretrial and sentencing alternatives, shall be implemented wherever appropriate and possible.<sup>35</sup>

This is clearly not happening consistently across Europe and Central Asia today when it comes to drug offences.

The immediate need, brought into stark relief by the numbers presented above, is clear. Far more women must be diverted from prison, and, wherever possible, from the criminal justice system altogether. Drug law and sentencing reforms are an immediate priority if countries in the region to achieve this. This must include:

- Decriminalisation of personal possession in order to divert minor possession offences from the criminal justice system
- Presumptions against incarcerating mothers, with authorities acting always in the best interests of the child
- National reviews of laws and regulations relating to thresholds and quantities, and
- The establishment of clear guidelines on mitigating factors, including where exploitation is evident

Each country will have to address these challenges in its own way, and some may be making progress already. Indeed, as noted by the Global Commission on Drug Policy, ‘The challenge now is for governments to look at diversion options for the “little fish”, or to amend their laws to make a clearer and more proportionate distinction between the different types of actors in the drug market.’<sup>36</sup>

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34 Global Commission on Drug Policy, ‘Report of the Global Commission on Drug Policy’ (June 2011), p. 10.

35 UN General Assembly, ‘United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)’ (16 March 2011) UN Doc. No. A/RES/65/229, Rule 59.

36 Global Commission on Drug Policy, *op. cit.*, p. 16.

## Annex: The EU Female Prison Population for Drug Offences

Country	Nº of women in prisons	Nº of women in prison for drug offences	% of female prisoners serving sentences for drugs	Female population in the country
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Sweden	289	119	41	4,659,255
United Kingdom	4,668	759	16-18	31,363,239
<b>TOTAL</b>	<b>31,333</b>	<b>7,910</b>	<b>25.2</b>	<b>253,872,555</b>



Number of Women Prisoners:

**31,333**



Number of Women in Prison for Drug Offences:

**7,910**



% of female prisoners serving sentences for drugs

