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System still failing women prisoners – new report

Last week in the *North Belfast News*, we reported how women prisoners in Northern Ireland were found to be suffering serious human rights abuses at Hydebank Wood. The Northern Ireland Human Rights Commission (NIHRC) last Thursday (5 July) released a report into the conditions of women prisoners here, with one of the report's authors accusing the Northern Ireland Prisons System (NIPS) of "failing in its duty of care".

This week we look at the report in detail, showing how the prison system is failing women in Northern Ireland.

Speaking at the launch of *The Prison Within*, NIHRC head Monica McWilliams said that the way women are treated in custody here breaches two main areas of the European Convention on Human Rights – the right to life (Article 2) and the right not to be subjected to inhuman and degrading treatment (Article 3). The most obvious example of this was the placing of women at risk of self-harm or suicide in isolation or punishment cells for up to 23 hours a day, she said.

After Armagh Gaol closed in 1986, women prisoners in Northern Ireland were moved to Mourne House, a unit within Maghaberry. It was classed as a maximum security unit – even though in 2004 a third of women being held there were there for not paying fines. 80 per cent of the staff were men, against Rule 53 of the UN Standard Minimum Rules for the Treatment of Prisoners, which says that women prisoners should be staffed by women officers.

In 2004, female prisoners at Maghaberry were moved to Ash House, a unit within young male offenders' centre Hydebank. The NIHRC argued at the time that the move was "inappropriate", because it was still a unit within a male centre, and so was not set up specifically for women. It was at Ash House where the NIHRC interviewed women and girls as part of their latest report.

One of the report's authors, Professor Phil Scraton, said that the report shows the state "is failing" women in the prison system.

"The state has a duty of care [towards women in prison], and so does the prison system," he said at last week's launch. "We're arguing very strongly that the state is failing in its duty of care. The Northern Ireland Prison Service is in denial, without question.

"There was a report in 2002 into conditions in Mourne House, then there was the Human Rights Commission's 2004 report *The Hurt Inside*. In November 2004 inspectors visited Ash House. They agreed with all the concerns in the report, and raised some more. We find that the majority of services are found wanting. The only conclusion I can make is that the prison service is denying the depth and scope of the issues."

This is a damning conclusion, and one that the Northern Ireland Prison Service (NIPS) does not accept. But the NIHRC report, by Phil Scraton and Dr Linda Moore, makes no less than 55 recommendations of how the prison system for women in Ash House can be improved.

While men in prison also obviously have a difficult time, it has long been recognised that women in prison have particular and separate needs. They are more likely to be the primary carer of any children or relatives, adding to their trauma at being separated from their families. They are much more likely to have suffered domestic, physical or sexual abuse, with all its accompanying mental health problems and vulnerability, and they are more likely to be imprisoned for minor offences such as not paying fines.

In Northern Ireland, these problems are exacerbated. The fact that there is no separate unit for women prisoners here means that many vulnerable women are being held in a medium security prison where they are strip searched on arrival. There is no separate health centre for women in Hydebank, despite the high levels of emotional and mental ill health among any female prison population. And, as many women have reported, they are subject to high levels of sexualised verbal abuse from male prisoners who are transported to Hydebank in the same vans as them.

Suicide

The first recommendation of the NIHRC report is that there should be a full independent inquiry into the deaths of Roseanne Irvine and Annie Kelly, who both died by suicide in Mourne House, Maghaberry.

Roseanne Irvine died on 3 March 2004. The inquest into her death was held in February this year. Coroner John Leckey said the health care regime in Maghaberry at the time, where female prisoners were always treated after men, “seemed sexist”.

“One can't help but get the impression that female prisoners were treated as second class citizens,” he said. Meanwhile, prison psychiatric nurse Rhonda Fagan, when asked why men were always seen by the prison doctor first, said, “That was just the way it was.” Roseanne was on suicide watch at the time she died, had a history of mental illness and alcohol dependency, and had tried to kill herself while in custody before. Like the majority of women in prison, Roseanne was there on remand and for a non-violent offence.

“She was put into a cell on her own even though staff knew she'd taken an overdose before, and the day before she was tearing lumps out of her hair,” Phil Scraton said last week. “But this was the custom and practice, it was the institutionalised thing. We're not blaming any one member of staff here – they acted according to the practice at the time.” Roseanne's inquest also found there was a “severe lack of communication and inadequate recording” of her case, a “failure to act” on her risk assessment of self harm and suicide and a general “lack of healthcare and resources for women prisoners”.

Annie Kelly died on 7 September 2002, aged 19. Her inquest was held in November 2004. The jury ruled that the Prison System had been “deficient at all levels”, and criticised the lack of female facilities in Mourne House when Annie died.

Annie Kelly was also at risk of self-harm or suicide at the time of her death, but was held, alone, in a strip cell, which was not checked for ligatures. The jury’s final concerns at the inquest were that she should not have been in prison at all, but in a “therapeutic community” equipped to deal with her mental ill-health.

There are “serious human rights issues” in sending women at risk of self-harm or suicide to an isolation or punishment cell, Monica McWilliams says. And Phil Straton and Linda Moore say that most women in Hydebank should not be in prison at all.

“We would question the sentencing of women per se,” says Phil Straton. “We would argue that a very high percentage of the women in jail in Northern Ireland in one year should not be there, full stop. Jailing women for non payment of fines is a ridiculous situation. It disrupts families and it disrupts children.

“Women in Northern Ireland are among the most expensive to hold in prison because of their small numbers. So even on an economic basis it makes economic sense to put this money into keeping them out of prison.”

“We could remove half the women in prison who are there now,” Linda Moore says. “There’s also the issue of children’s rights. Mothers of young children and babies should only be locked up in the most serious circumstances. Even if it’s only for a few days, it can have a big impact on a child [when a mother is locked up].”

But with the lack of places in bail hostels, women are being sent to jail and held on remand when they shouldn’t be, says Monica McWilliams.

“There aren’t as many places in bail hostels for women as there are for men, so women who could be on bail are being held. That’s an equality issue.”

The NIPS responded to last week’s report by saying there have been “significant improvements” in Ash House in the 18 months since the NIHRC research was carried out. Max Murray, Head of Operations in the Prison Service, said that women at Hydebank have since been moved “to fully re-furbished modern accommodation, which is among the best in the prison estate.”

There are “plans” to provide a dedicated health care facility for women at Hydebank, and Prisons’ Minister Paul Goggins has “stressed he wants to develop a more appropriate response” to women offenders, he says.

“The Northern Ireland Prison Service accepts that Ash House is not a suitable long term solution for accommodating female prisoners,” he adds. “The Service is presently undertaking a Strategic Development Programme looking at the future needs of the whole of the estate including the provision of a replacement prison for Magilligan.”

But Monica McWilliams has hit out at the delay in providing a separate women’s facility. “The Human Rights Commission are concerned that although the prison service gave a commitment to a separate discreet facility for women in NI, it has either fallen off the agenda or not been given a date,” she says.

“There is a huge impact in women’s lives by housing women in Hydebank.”

There is no quick answer about why conditions are so bad for women in custody here. It could be a legacy of the conflict, where it was seen as automatic that anyone going into custody was a high security risk. It could be, like in so many countries around the world, that the prison system was designed to hold men and so the specific needs of women were not considered. It could be the fact that women are more likely than men to be jailed for minor offences. But whatever the reasons, until there is a separate facility for women in custody here, the problems are likely to continue.

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