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| **“Women, incarceration and drug policy: Specific vulnerabilities that call for focused responses”**  Wednesday 20 March, 9:00 – 9:50, Conference Room M7  Introduction and moderation by Ivana Radačić, Chair of the UN Working Group on discrimination against women in law and in practice |

Dear panellists,

Dear participants,

Thank you for inviting me as the Chair of the UN Working Group on discrimination against women in law and in practice to be part of this very important event “Women, incarceration and drug policy”. Our Working Group is a five-member Special Procedure mechanism of the Human Rights Council, mandated to identify good practices in elimination of laws and practices that discriminate against women. As other Special Procedure mandate holders, we have a three-fold function: we submit an annual report to the Human Rights Council, conduct up to three country visits per year and communicate with the Governments in relation to the complaints about individual’s rights violation or discriminatory laws, policies or practices, that we receive. We also aim to ensure that gender is mainstreamed with the UN system, and women’s concerns addressed in all UN fora.

The Working Group has a great interest in women’s incarceration generally, and particularly for drug offences. In our report on the pathways of deprivation of liberty for women, which is going to be submitted to the Human Rights Council this June, we included the issue of women’s incarceration for drug offences in the broad area of women’s deprivation of liberty, which also includes confinement in different social institutions as well as in the private sphere. We have identified the main causes of women’s deprivation of liberty as: gender-based discrimination and stereotypical social norms, economic deprivation and violence against women. Specifically, in relation to women’s incarceration for drug offences, we have issued a press release urging the Governments to address women’s needs in their policy making on drugs, on the occasion of the high-level meeting of the Commission on Narcotic Drugs.

The Working Group is of the view that the global ‘war on drugs’, which has resulted in harsh drug laws and policies, has significant human rights implications, many of which are gendered. The current approach of the international system of drug control, with its dependence on law enforcement and criminal sanctions, has failed, primarily because it does not acknowledge various realities of drug use, dependence and trafficking. The excessively punitive regime has resulted in countless human rights violations, while not achieving it health goals.

One of the implications of the ‘war on drugs’ has been an increase of female prisoner population, particularly in certain parts of the world. Proportionally, more women than men are serving prison sentences in relation to drug offences. Despite their often low-level, non-violent and first-time involvement in such crimes, women are more exposed to health and safety risks than men and the risks of being caught as drug carriers. They are also often disproportionately punished.

Women’s pathways to drug related offending are often gendered. It is the situation of socio-economic marginalization, poverty, gender-based violence, lack of job opportunities and absence of social protection from the State, together with the need to support their family or involvement with men who use drugs, that can drive women into committing drug related offences. Gender sensitive drug policies must address the root causes of structural inequality and discrimination which place women in a subordinate role in society including in the family, leading to a life experience of violence and domination. Repressive approaches only reinforce the vicious cycle of victimisation and have detrimental impact on the women themselves and the families they support.

In addition, women’s experiences of administration of justice as well as imprisonment are gendered. Women often face obstacles to enjoyment of the right to a fair trial and suffer gender specific abuses in prison. Often, due to their economic marginalization, they cannot afford effective legal counselling and representation. Moreover, they face gender stereotyping and lack of gender-sensitive administration of justice. Within the criminal justice system, women are often subjected to moral judgments based on social expectations. The expectation that women should be “better behaved” than men may also lead to women’s sentencing to heavier penalties than men for the same crimes, while often mitigating circumstances, such as socio-economic deprivation, are not considered. In the prison, in addition to bad conditions faced by all prisoners, women often experience gender-based violence and a lack of access to sexual and reproductive health services.

Finally, the consequences of women’s incarceration are also gendered. Women’s incarceration has not only a disproportionate impact on their own lives (women often suffer more from depression in detention, being stigmatised, less visited than men) but also on the lives of their families, as women are often primary care takers of the children and have increasingly become heads of households. As provided by the Bangkok Rules on Incarceration of Women, the Working Group, together with other Special Procedures mandate holders, has been advocating for alternatives to incarceration for women, in particular for women with young children. In the Working Group’s country visits reports (Chile, Senegal, United States, Kuwait, Chad, Honduras), the appalling situation of incarcerated women has been widely documented, including in relation to drug policies.

Due to gendered implications of drug policies, States and the international community should ensure that women, including former and current prisoners, are included at all stages of the development, implementation, monitoring and evaluation of drug policies and programmes. Good practices from countries which have invested in providing women with the much needed counselling assistance, access to harm reduction and drug dependence treatment services, job opportunities, should be drawn upon.

States must fulfil their international commitments to protect women’s human rights. They must urgently take concrete measures in order to give meaning to their commitments to mainstreaming a gender perspective in drug policies and programmes, expressed repeatedly in numerous resolutions and declarations in recent years. This cannot happen if specific issues and concerns of women remain invisible and neglected. The Working Group will continue devoting considerable attention to the issue of women and drug related policies, calling on States to meaningfully address the specific concerns of women in international and national drug policies.