

Systematic violation of women's human rights in prisons – study of four cases

The goal of this text is to analyse situations of drastic deviation from the international rules that should be generally applied to prisons and to penitentiary institutions for the deprivation of liberty of women in particular. Research and media reports are used as sources, and the text is organized according to a comparative penological study of four cases: rebellion in the Northern Irish prison of Armagh, Honduras - recent riots in women's prisons with several killed inmates, China – Sinkiang prison for Ujgur women, Transgender (trans women) persons in prisons. Finding drastic cases of systematic violations of women's human rights in all the mentioned cases are the main results of this text. The conclusion connects the situations in the mentioned cases of women's prisons with the general social and political situation in the countries where they are located. The widespread violation of human rights outside penitentiary institutions has a direct impact on the situation in women's prisons. The position of women (trans women as well) outside penitentiary institutions is also reflected in the situation in women's prisons. The "normality" of such organized penitentiary institutions, which are possible if there is a lack of functioning democratic institutions and constant lack of independent control of the situation in women's prisons, is alarming.

Keywords: women's prisons, Armagh, Honduras prison riots, transwomen in prisons, "normality" of women's rights violation

Introduction

Women in prisons face a multitude of challenges globally, many of which are rooted in systemic issues related to gender inequality, poverty, discrimination, and inadequate social support systems. Gender-specific risks and vulnerabilities are mentioned in all cases. Women in prisons are at heightened risk of experiencing gender-based violence, including sexual assault, harassment, and exploitation, both by fellow inmates and prison staff. Transgender and gender non-conforming individuals may face additional challenges and risks related to their gender identity.

Addressing these issues requires a holistic approach that prioritizes gender-responsive and rights-based policies and interventions within the criminal justice system. This includes implementing alternatives to incarceration for non-violent offenses, improving access to gender-specific healthcare and support services, enhancing rehabilitation and reintegration programs, and promoting gender equality and social inclusion both within and outside of prison settings.

Armagh

The prison Armagh was the scene of a protest by female Irish republican prisoners demanding the reinstatement of political status, although the numbers involved were much smaller than in the Maze (also known as Long Kesh) men's prison. As all women prisoners in Northern Ireland already had the right to wear their own clothes, they did not stage any

sort of “blanket” protest, but instead the “no-wash” protest included the smearing of menstrual blood on the cell walls.

The rebellion at Armagh Prison in 1980 lasted for several months. It began in February 1980 when female Republican prisoners staged a protest against the conditions within the prison. The rebellion garnered significant attention both locally and internationally, and negotiations between the prisoners and the authorities lasted for months. Ultimately, the protest ended in June 1980, following talks between the prisoners and the British government, which led to some concessions being made regarding the conditions within the prison. Throughout the duration of the rebellion, there were ongoing discussions and efforts to resolve the situation peacefully, and it remained a focal point for activism and advocacy regarding the treatment of women prisoners in Northern Ireland.

For the first time, we heard about the Northern Irish prison Armagh (Armaa) in 1970, when Bernadette Devlin, a member of the British Parliament, was sent to it for taking part in street riots (Mršević, 1994). Until then, only a small number of women served a short sentence there. It mainly served as a shelter for prostitutes, drunken women and vagrants. In 1971, when new laws were introduced in Ireland, the prison population grew to unprecedented proportions due to the introduction of the status of internees who were held without trial and without charge. Torture of those arrested was also introduced, and the courts began to impose draconian sentences. Women sentenced to ten, twenty or more years and even life imprisonment started coming to Armagh. Until 1976, the situation in the prison itself was tolerable, because female prisoners had the status of political prisoners, and it was usual to reduce sentences by half.

In 1976, the British government withdrew the special status of political prisoners after a public campaign to explain that the cause of the problem in Ireland was not the presence of its armed forces but inter-communal conflicts, caused by alleged criminal elements. All women convicted after March 1 of that year were given the status of criminals. They responded with a protest that consisted in refusing to participate in prison duties (washing, cleaning, etc.). In response, prison authorities locked them in their cells for 19 hours a day, only being released for meals and one hour a day for a walk. They were allowed to visit their relatives once a month for half an hour. The prospect of shortening the sentence was also abolished, which terribly affected those sentenced to life imprisonment.

Diseases were ravaging the prison, and the situation outside was getting worse. There was almost no female prisoner whose immediate family was not killed or imprisoned. Harassment of female prisoners was aggravated by not responding to their bells, due to vomiting, menstruation, diarrhoea, because of which night containers had to be introduced, which stank for hours in the cells because the guards did not open the door to empty them.

On February 7, 1980, external reinforcements were brought in to crush the resistance of the protesting women in Wing B with a new wave of terror. The reinforcements in the form of male guards took all the women out of the cells. All private belongings were confiscated, and the women were beaten, doused with jets of cold water from a hose, interrogated and abused in other ways. During these extraordinary circumstances, the doors were not opened for three days, so they were not able to use the toilet and sanitary facilities. Once a day, they

were taken out for a walk for an hour, regardless of the weather, rain, storm, etc. from which many got pneumonia.

Women were expected to change their minds and agree to work in the prison laundry, thus symbolically accepting their status as criminals, while refusing would mean portraying themselves as political prisoners while announcing to the world that the war in Northern Ireland was an integral part of life. They opted for the second option, which specifically meant the so-called "dirty strike".

They used their cells as a toilet, did not wash, comb, brush their teeth or hair. The cells reeked of menstrual blood, faeces and urine. They were closed for 23 hours every day, deprived of daylight, because the windows and ventilation openings were riveted to prevent night vessels from emptying through all the openings. Night containers were emptied in the passages between the cells when they were opened for meals or were smeared on the walls of the cells.

Television, radio and written material of any kind was prohibited. They changed their clothes once every three months, wearing the same underwear, pants and sweaters for ninety days. The beds had no sheets. Blood-soaked sanitary napkins were mandatorily searched for the alleged search for hidden tobacco. Women were losing weight due to poor food and inability to receive packages from outside, frequent bouts of vomiting and diarrhoea. They had the right to visit once a month, after which they were thoroughly searched by six members of the prison staff. In order to force them to accept the status of political prisoners, sanitary napkins were allowed in a limited number, insufficient for normal needs. When they got into a serious condition due to infections, exhaustion and weight loss, the old Cat and Mouse Law that once applied to female suffragettes didn't even apply. Releasing even the sickest from prison was out of the question, because it was considered that female prisoners had the opportunity to improve their position in the prison itself by accepting the status of criminals.

A few miles away at Long Cash Men's Prison seven men were dying on hunger strike; several hundred were on a dirty strike wearing only blankets. Both demanded the status of political prisoners and refused to accept the treatment intended for criminals. Women's organizations, formed in Catholic, patriarchal and conservative Ireland, entered the British political scene at that time. They had the primary goal of providing support to prisoners in Armagh prison, but their role is more comprehensive. They asked the public and themselves: can there be national liberation without the liberation of women, that is, can there be women's liberation without national liberation?

After a series of protests organized in Britain, Europe and America, the world public was engaged on the side of the women imprisoned in Armagh prison. In December 1980, the British government accepted most of the demands. Strikes and protests in men's and women's prisons stopped.

The women's movement has strengthened numerically and experientially, facing a new challenge - involvement in the struggle for national liberation. The women's experience of the Armagh prison protest is interesting, because usually human rights movements in some of their branches deal with women's rights, and in others, with the rights of prisoners.

Sometimes parts of the movement engage in the specific matter of defending the rights of female prisoners.

The protest of women in Armagh prison and the support they had from the outside went in the opposite direction: from the narrow, particular rights of a small group of women - prisoners in that prison, there was engagement for the rights of prisoners in general, then to the growth of the movement for national liberation and human rights. This was possible, because the real female prisoner is not some isolated, narrow issue that ultimately concerns themselves and their relatives, but rather a test question whose answer unequivocally points to the essence of a society's problems, and especially the position of women in it. This finally proves that the interest in the rights of one, no matter how small and specific, group of prisoners spreads very easily, focusing through that prism on the essential problems of the discriminated position of women and disrespect for human rights. The prison was closed in 1986. Armagh Prison was the subject of one of the so-called "black spider" memos² written by Charles, Prince of Wales to the Secretary of State for Northern Ireland in 2004. In 2009 it was announced that the prison was to become a hotel.

Honduras: two riots in women's prisons with many killed inmates

Honduras is known for corruption and gang violence, which has infiltrated government institutions, leading to a rise in homicide rates (Armstrong et al, 2023). Along with neighbours El Salvador and Guatemala, the country is a major transit route for cocaine coming from South America to the United States. It also has a history of deadly prison riots, which are often linked to organized crime. Four years before the incident in women's prison in June 2023, at least 18 people were killed in gang violence in Teli prison, a northern port city in 2019. Prisons in Honduras, which often house members of warring gangs, are notorious for violence, but mostly in the male sector.

But before the killing of 46 women inmates in 2023, in 2020 happened the first mass incident in women's prison when six inmates were killed (Beta, 2020). A group of female inmates in Honduras killed six women in a prison while guards were busy putting out an arson attack. The incident started during the night, around 11:00 p.m. when a female prisoner put fire in the part of the prison where two newly arrived women were in 14-day quarantine due to the corona virus. A group of female prisoners took advantage of the confusion caused by the fire to escape from the other two cells, after which they headed to the prison gym, where they killed six women who had recently come to serve their sentences.

The second mass killing of women inmates, when at least 46 women were killed during clashes at a women's prison in Honduras, happened in June 2023. in women's prison, which

² The "black spider" memos are letters and memorandums written by Charles III of the United Kingdom, during his tenure as Prince of Wales, to British government ministers and politicians over several years. As the modern British monarch remains politically neutral by convention, the letters were controversial as meddling in public issues. The letters were sent by Charles in a private capacity, but concerns have been raised that they may represent the exercise of undue influence over British government ministers. Issues about which Charles has expressed public views include farming, genetic modification, global warming, social deprivation, planning and architecture. This led the press to label Charles as a "meddling prince".

is located about 25 kilometres north of the capital Tegucigalpa. There are about 900 female prisoners in this institution. A fight broke out between two opposing clans, after which the members of one group started a fire.

Officials say most died from the fire and smoke, while others were shot, stabbed or beaten to death. An investigation is underway that will determine how the convicts smuggled automatic weapons and machetes into the prison. President Xiomara Castro, who announced last year that she was "going to fight the clans", wrote on social networks that she was "shocked by the monstrous murders of women" and that she would take "drastic measures" in response. The president dismissed Security Minister Ramon Sabilon and replaced him with police chief Gustavo Sanchez.

Survivors of the horrific incident told local media that the clashes were started by members of the two most notorious criminal gangs in Central America: the "18th Street Clan" and "MS-13". As they said, the members of one gang first mocked their rivals, who in turn set fire to the mattresses in their cells. Although the warring factions are imprisoned in different parts of the prison, the wings are located close to each other. The unrest broke out early morning time. The survivors also said that many of the deceased women sought refuge from the flames in the bathroom. Their burnt bodies were found piled on top of each other. Others were killed and stabbed in the corridors and prison yard.

Some of the victims are not believed to be connected to either of the two gangs but happened to be there during the incident. Among them is a former policewoman who served a 15-year prison sentence after confessing to the murder of a fellow policeman. One of those killed was only a few days away from being released, because she had served her sentence for kidnapping.

China, minorities and accusations: Prisoners from the Uyghur camp - the systematic rape of women

Sinkiang officially are not prison camps, but places for "professional development and training centres". Women in China's Uighur "re-education" camps are exposed to systematic rape, sexual abuse and torture. According to independent estimates, more than a million men and women are being held in a vast network of camps that China says are aimed at "re-educating" Uyghurs and other minorities. „Transformation through education of key groups" is the term as a general euphemism in China for the indoctrination of Uighurs. In one document from Kunes, the process of education" is described as "washing the brain, purifying the heart, enhancing righteousness and eliminating evil" (Hil, et al., 2021).

At the beginning of arrival nothing much happened for the first month or two. Women inmates were forced to watch propaganda shows in their cells, and their hair was forcibly cut short. In addition to the cells, another central feature of the camp included the classrooms. Teachers have been hired to "re-educate" the prisoners - a process activists say is designed to strip Uyghurs and other minorities of their culture, language and religion, indoctrinating them with mainstream Chinese culture. Depriving of food is so brutal. Female prisoners were denied food for such infractions as failing to memorize passages from a book on Xi Jinping Rape has than become regular. They are gang-raped, and the Chinese police officers not only rape them, but expose them to electric shocks. They were subjected to gruesome

torture. Screams echoed throughout the buildings. There were four types of electric shocks - chair, glove, helmet and anal rape with a stick. The women were forcibly placed inside the uterine device or sterilized. Forced sterilization of Uyghurs is a widespread practice in Xinjiang, according to Xinjiang's birth rate has plummeted in recent years, according to an independent study - an effect that the analysts have described as "demographic genocide". Anyone who leaves the camp was broken due to surveillance, confinement, indoctrination, dehumanization, sterilization, torture, rape. It is unlikely that Xi or any other high-ranking party official would personally order or authorize rape or torture, but they certainly know about it. At the top they prefer to turn a blind eye to it. A directive was issued to enforce this policy with great rigor, and that is exactly what is happening.

Transgender persons in prisons

Transwomen. The problem of transgender (but not transmen) convicts in the predominant number of cases, or even almost exclusively, is the problem of transwomen, persons born as biological men whose gender identity is incongruent with their anatomy and who are in various stages of realizing their gender aspirations to physically realize themselves as women. The problem arises because of the placement of such women in male prison institutions. The opposite problem is not recorded in the literature, i.e. it is unknown whether transmen, i.e. persons born as biological women whose gender identity is incongruent with their anatomy and who are in various stages of realizing their aspirations to physically realize themselves as men have the same regular and intense experiences of violence, sexual abuse, discrimination and threats to human dignity in prisons as which is the case with transwomen (Mršević, 2016a).

The review of position of transgender persons serving prison sentences raises the level of knowledge about the existence of high exposure to violence and sexual abuse of that group when deprived of liberty. The necessary answers are to some of the issues of crucial importance, for example, once when in prison, where are they supposed to be placed, among women or men, and could they upon request, change (reassignment) sex while in prison. Necessary are answers to basic questions of prison accommodation of transgender prisoners: in accordance with their acquired (desired, or wished) rather than with their anatomical, biological gender. How to protect them from violence, how to answer to demands of transgender people to continue hormone treatment started before serving a prison sentence, as well as on their request to begin with the process of gender reassignment process while in a prison. In situation where there is a significant lack of research data documenting involvement of trans issues in the contemporary security studies, it opens a lot of room for improvement in that area. Although it seems easy to continue ignoring penological aspects of transgender issues, failure to discuss raising level of respect for human dignity in the prison system would be irresponsible. Especially given that this group, while becoming visible in our society after legalized process of gender reassignment within the health system of the Republic of Serbia, financed by the health funds, at the same time becomes subject of further discrimination and violence (Mršević, 2016b).

Violence. The main problem of transgender persons deprived of their freedom is their exposure to violence, especially sexual, as well as endangering human dignity in various

rude and humiliating ways. Invisibility. The next problem is the relative invisibility of transgender persons deprived of their liberty. Almost nowhere are convicted persons officially registered for belonging to any third category, neutral or different from the binary division to women and men. Partly because official documents do not include the possibility of non-binary, but also because of the justified fear of transgender people from publicly declaring their gender identity.

Fewness. The number of transgender convicts serving a prison sentence constantly and everywhere represents a small, statistically insignificant percentage of the total prison population. Two different categories. There are two categories of transgender convicts, one of which is made up of those who have completed the operative process of gender adjustment (sex change, reassignment), and the other is made up of those who can be called "pre-operative" in the broadest sense, that is, who are in different stages of hormone therapy. While in the case of the first category, in most countries there is no dilemma that in the penological sense they should be treated in accordance with their acquired sex, especially in countries where the process of transition is accompanied by a change of documents, a big problem is posed by those whose gender identity differs from their physical appearance.

Laws and public policies. Prison treatment of transgender persons is generally not resolved through legal regulations. Sometimes these are documents from the domain of public policies, such as in Scotland. In Italy, there is an Action Plan and a ministerial decree, as well as the practices of certain prison institutions (Mršević, 2017).

In social environments where there is still a high degree of homophobia and transphobia, the position of transgender convicts is very bad, as indicated by rare reports from independent bodies, as is the case in Bulgaria, Ukraine, Russia, and Turkey.

In societies where there is both legal recognition of transgender identity and the practice of actualizing legal regulations in cooperation with transgender activism, the position of transgender persons serving a prison sentence is much better regulated, in the sense of the existence of numerous examples of searching for the most optimal solutions.

There is no the best. There is still no "best" model of prison treatment of transgender people serving prison terms that could be recommended for adoption in domestic settings. Neither penology, nor activism, nor interviewed trans convicts, nor the transgender community itself have a consensus about the preferred model of the prison regime for transgender people.

Solutions of a systemic nature favourable to transgender convicted persons (Mršević, 2017a): 1. separate institutions . Risks: ghettoization, pathology of closed groups, feeling rejected and classified as "abnormal", inability to use programs, activities and treatments available to other convicted persons, e.g. work, continuing education, sports, library. 2. separate wings within existing prisons with or without communication links with women's prison wards. The risks are the same as with separate institutions, but they can be solved with good organization 3. protective, non-isolating arrangements within the general male prison population (they cost the least, there are already similar arrangements for older convicts, unpopular categories, e.g. informants). Risk: pretending to be transgender to ensure more favourable treatment, relocation, fulfilment of sexual aspirations and violence, etc. 4.

individual solutions, from case to case, in accordance with the specifics of each of them. Risk: unequal treatment, uneven practice leading to discrimination, neglect of transmen. 5. enabling operated transwomen to be placed in women's prisons and transmen in men's prisons. Risks: the female prison population rejects transwomen, in the case of incomplete surgeries, some transmen may still have a vagina, making them targets for sexual assault, the possible violation of confidentiality regarding the existence of a gender reassignment operation exposes such persons to violence and rejection from the prison population, the insensitivity of prison staff about the nature of transgenderism.

Favourable treatment of transgender persons deprived of liberty (Mršević, 2017b):

1) regulation of body searches by choice or by an official of their gender identity. 2) protective, non-isolating accommodation and treatments in the general population, with preserved working, educational, therapeutic and communication opportunities with the prison community. 3) it is possible to continue the hormonal treatment started before arriving in prison. 4) it is possible to start hormonal treatment. 5) enabling the use of the procedures of the national health systems provided for operational gender adjustment of people at large. 6) psychological and other individually necessary treatments for gender dysphoria. 7) enabled regular communication with transgender activists outside the prison, regulation of all these specific situations with protocols that regulate official procedures in detail, 8) the existence of training to sensitize prison staff to the specifics of the trans population, but also a general approach to the rights and specifics of LGBTIQ people. It is necessary (and possible) to do in Serbia:

Conduct research (the first of its kind in Serbia) on the position of LGBT persons serving a prison sentence, with special reference to the position of transgender persons as a special category, in cooperation with organizations for the human rights of the LGBT population.

Lobby for the adoption of the Law on Gender Identity, because it is the only right path to the official recognition of the legal status of transgender persons deprived of their liberty as well as those at liberty.

Organize the education of prison staff on minority sexual orientation and non-binary gender identities in order to increase their understanding and acceptance of those aspects/modalities of human existence, in cooperation with organizations for the human rights of the LGBT population.

Organize scientific and professional gatherings with the aim of introducing representatives of interested and authorized institutions to the problem of transgender persons in prisons for their possible synergistic action, in cooperation with organizations for the human rights of the LGBT population.

Organize study trips to Italy, Scotland, Norway, Denmark with the aim of getting to know practical solutions for the treatment of transgender people in those countries.

Conclusion

The widespread violation of human rights outside penitentiary institutions has a direct impact on the situation in women's prisons. The situations in all mentioned cases of women's prisons are connected with general social and political situation in the countries where they

are located. The position of women (trans women as well) outside penitentiary institutions is also reflected in the situation in women's prisons. Alarming is the "normality" of such organized penitentiary institutions, which are possible if there is a lack of functioning democratic institutions and constant lack of independent control of the situation in women's prisons. All four mentioned cases also have a mutual, warning message that something similar could happen in other countries if the human rights of all persons deprived of their liberty, especially women, are not strictly respected.

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