



## Economic and Social Council

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### Commission on the Status of Women

#### Fifty-ninth session

9-20 March 2015

**Follow-up to the Fourth World Conference on Women and  
to the special session of the General Assembly entitled  
“Women 2000: gender equality, development and peace for  
the twenty-first century”**

### **Statement submitted by IDPC Consortium, a non-governmental organization in consultative status with the Economic and Social Council\***

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31

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\* The present statement is issued without formal editing.



## **Statement**

The number of women incarcerated for drug-related offenses has increased since the 1980s, rising sharply since the 1990s. This has occurred worldwide, in particular across Latin America. Indeed, although the number of women in prison continues to be significantly lower than men, the proportion of women incarcerated for drug offences is much higher, and is on the increase.

In Argentina, 68 per cent of the female prison population is incarcerated for drug-related crimes. Numbers are similar in other Latin American countries — with 48 per cent in Bolivia, 53.9 per cent in Brazil, 68.8 per cent in Chile, 80 per cent in Colombia, 65 per cent in Costa Rica and reaching 80 per cent in Mexican federal prisons.

This practice has not only incapacitated already overburdened criminal justice systems, it has also had a significant impact on the lives and human rights of women across the region.

### **Factors for women's involvement in the drug trade**

In the region, women mainly work as growers, collectors, low-level dealers or couriers ("mules), and transport drugs into prisons. Women in Latin America mostly engage in the drugs trade because of socio-economic circumstances. Indeed, the region has the world's highest rate of economic inequality and a large percentage of the population — mostly women — live in situations of poverty and indigence. Women face significant barriers to accessing legal employment and are often faced with no other choice but to turn to the illicit trade for their own and their children's survival. This is known as the feminisation of poverty and is seen in both urban and rural settings.

Gender relations are another causative factor related to why women commit drug-related offences, as they tend to be involved in drug-related activities through romantic relationships as partners, wives, mothers or daughters, fulfilling the roles assigned by gender relations marked by asymmetry between men and women.

### **Profile of women incarcerated for drug offences**

Most women incarcerated for drug offences in Latin America come from marginalised and excluded social strata and lack the economic means, legal knowledge and social capital to mount an adequate defence in court.

Most women are first-time offenders, accused of a non-violent offence, usually heads of single-parent households, with two or more children, from marginalised households and with life stories marked by various forms of violence and sexual abuse. Most are the sole supporters of their children and often other people. They have a low level of formal education and had little or no stable employment before their incarceration.

After their arrest, women in prison tend to be abandoned to their fate and left defenceless. The situation is exacerbated in the case of foreign or indigenous women or those whose families lack the means to help them (if they are in touch with their family at all).

**Failure of the criminal justice system to respond to women’s vulnerabilities: a triple sentence**

Far from responding to these circumstances with an equitable judicial approach, most Latin American countries have drug laws that establish pretrial detention and disproportionate prison sentences without the right to participate in pre-release programmes.

In their contact with the criminal justice and penitentiary system, women tend to be subjected to specific forms of violence. The fact that they are a minority in all the penitentiary systems in the world underlies their lack of visibility and the subsequent discrimination they experience in the prison system. Various studies of this topic mention factors such as the lack of separate centres for women; rape and sexual abuse by prison staff; the existence of trafficking networks between men’s and women’s sections; the lack of attention to mental health problems, which are more prevalent among women than men in prison; the harm done to the children of women in prison, both those who live with their mothers and those outside; and the lack of educational, job and training opportunities, among other things.

**Women incarcerated for drug offences are therefore affected by a triple sentence:**

Discriminatory factors that begin outside the prison walls and which are related to ongoing discriminatory practices and asymmetrical relationships of power between men and women in the public and private spheres;

Like men who participate in drug offences, they are subjected to disproportionate sentences;

They suffer from specific forms of discrimination and violence in prison (no adequate access to legal defence, lack of access to basic health services, few opportunities for work, job training and education, restrictions on their sexual rights and conjugal visits — running against the Bangkok Rules). Indigenous women may suffer from additional ethnic and racial discrimination.

As many women incarcerated are single mothers, many women are imprisoned with their children, or their children end up without any support from their caregiver, increasing their vulnerability to poverty and to getting caught in the web of criminal organisations.

**Recommendations**

There is an urgent need to address the issue of female over-incarceration for minor drug offences in Latin America. In light of our findings, we propose the following recommendations with the hope that the 59th Session of the Commission on the Status of Women will undertake the task of discussing this issue at its meeting on 9th to 20th March 2015:

- We recommend developing quantitative and qualitative data around the situation of prisoners in Latin America, broken down by sex, information about offences, profiles of those condemned, data on specific groups (foreigners, indigenous groups, etc.), family situation, any issue on problematic drug use, etc.
- We recommend developing prevention programmes targeted at specific groups that could become involved in drug offences. These programmes should be

designed to reduce the vulnerability of women from getting coerced into the drug trade by male partners or their socio-economic situation.

- We recommend that each country in the region implements the Bangkok Rules within their prisons to ensure a gender-sensitive system (including access to healthcare, employment opportunities, being incarcerated close to their homes to ensure that they keep bonds with their families, reintegration post-incarceration, etc.).
- Finally, we recommend that Latin American countries review their drug laws and policies to ensure that the sentences imposed on low-level, non-violent drug traffickers are proportionate, and take into account mitigating factors, such as socio-economic vulnerability, coercion, role in the drug chain, etc. Governments should also eliminate mandatory pretrial detention for first-time non-violent offenders who are in situations of vulnerability. Finally, alternative sanctions should be designed, in particular for women who are the caretakers of their children, to reduce cycles of poverty and vulnerability.

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