

## **CEDAW 43. Session – German NGO Alternativereport**

### **Issue of DISCRIMINATIONS against GIRLS IN PRISON Fact Sheet**

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We<sup>1</sup> wish to draw the Committee's attention to the matter of discrimination against girls in juvenile prisons<sup>2</sup> in Germany. This is of growing significance.

About 270 girls spend time in juvenile prisons in average every year. Girls serving prison sentences are not taken to separate juvenile penal institutions for girls only adapted to their needs, as called for by international codes and recommendations<sup>3</sup> and specialists associations<sup>4</sup>. This violates the German Juvenile Penal Code (Jugendstrafvollzugsgesetz<sup>5</sup>), which constitutes that the penalty process has to take place in special institutions for juveniles. Juveniles are not to be accomodated together with adults. While male adolescents have their own prisons girls share prison together with adult women. Not many prisons have juvenile units within their own management structure, teams and specialist services trained to work gender sensitive with young people.

As there are not enough juvenile institutions and only five separate women's prisons in Germany, many of the girls in prison suffer double disadvantage<sup>6</sup>: while prison for women is dominated by the criteria of male institutions, prison for female juveniles is subservient to institutions for adult women. This fact is discriminating as we know that female adults and juveniles commit different crimes than men. Women and girls are mainly being arrested for stealing, taking drugs or prostitution. Men on the other hand are in prison for crimes associated with a high level of violence like murder. This explains the high security standards in prisons, which would not be necessary for women or girls.

As there are only five prisons the girls are usually housed far away from their homes. Thus they are very seldomly visited by their families or friends.

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<sup>1</sup> Staatsbürgerinnen Verband-NRW e.V.: The report is founded on visits to juvenile prisons in Vechta and Cologne, expert discussions and the conference "Einbahnstrasse Jugendhaft" in August 2008

<sup>2</sup> Cf. CEDAW Articles 10, especially (g), 11 and 15 (2)

<sup>3</sup> UN Minimum Standards for the Treatment of Prisoners: Art. 6 (1), 8, 8 (a), 8 (d). 58-78

<sup>4</sup> Declaration of 13 February 2007 on the minimum standards for juvenile prisons at the Deutsche Vereinigung für Jugendgerichte und Jugendgerichtshilfen (DVJJ): "Mindeststandards im Jugendstrafvollzug"

<sup>5</sup> §§ 91, 92 Jugendstrafvollzugsgesetz (JGG)

<sup>6</sup> Jansen, Irma: "Gender Mainstreaming im Jugendstrafvollzug", in: Jugendstrafvollzug in Deutschland; Walkenhorst, Philipp (ed.), Mönchengladbach, 2008, p. 243. The author was consulted for the purpose of this report. The research confirms the observations referred to in fn 20.

90 % of the girls in prison are sexually traumatized and have a long history of both physical and mental violence. The non-gender-specific treatment of girls (children) in German prisons for adult women is re-traumatizing these girls. When these girls show a behaviour that is considered a typical juvenile or adolescent behaviour they will be punished for that as they are treated like adult women. Any privileges, like leaving prison for a certain time, are denied to them. But this is a requirement for visiting school. Therefore many girls do not have the opportunity to go to school.

Furthermore, since most girls suffered sexual violence many of them are not able to go to school together with boys. They either cannot tolerate to be educated with boys and therefore leave school. Or they refuse the cooperation, disturb the lectures and get expelled from school.

As a result of that situation female juveniles in prison cannot finish school or begin a vocational training.

The whole situation causes inadequate psycho-social and health provision and a lack of access to equal rights to education, vocational training and work. Anything achieved by the enforcement of sentences is undermined by a lack of follow-up provision after release: Many girls are therefore repeat offenders and cannot escape the vicious circle.

Experts have advised that this group should no longer be placed in closed institutions but as a matter of principles in open juvenile law enforcement institutions. The girls would have a chance if they could put behind the risks they encounter in the family home (drugs and violence). They would need enough time to stabilise and to learn how to learn. And in addition the prison staff must have enough time to promote and challenge them. Then consequently the girls concerned could re-integrate into society.

Recent jurisdiction and the new Penal Law (Strafvollzugsgesetz) put pressure onto the Laender of the Federal Republic of Germany to improve the situation of girls in prison. Though some Laender have announced such improvements, no concrete action has yet been taken. The current financial crisis gives reason to fear that the marginalized situation of girls in prison and their discriminations will be disregarded.

The situation is still unsustainable and nothing has changed yet.