

The Criminalisation of Women

Summarised by Luz Maria Martinez

Isis International-Manila took on the topic of women in prison in an attempt to see what lies behind the data and premise that more women in various countries around the world are entering the penal system. Why is the population of incarcerated women increasing, not only in developed countries but also in underdeveloped ones? Have women become more violent and criminal? Are present circumstances pushing more women into jail?

The topic of women in prison is not new in countries that nursed liberation movements and witnessed the toppling of oppressive regimes. In such settings, both women and men are jailed for their political beliefs. But what about those women jailed not because of what they stand for but for actions that society consider criminal?

Isis organised an online discussion of four experts from the Philippines, United States and Malaysia that are working within the penology system or in advocacy on women's issues. The participants were asked three general questions:

- 1) Do they think the population of women in prison in their countries has increased, and why?*
- 2) What role does media play in perpetuating stereotypes of women in prison?*
- 3) What challenges lie ahead in the advocacy for incarcerated women and/or prison reform?*

Please note that we did not edit the contributions of the participants in terms of content. Women in Action does not necessarily share all of their views expressed in this online discussion.

The conference took place on November 21 (Manila and Malaysia time) or November 20 (U.S. time) with the moderator calling the discussion to order.

luzma_martinez2000 (moderator): Okay—can we start with introductions? My name is Luz Maria Martinez; I'll serve as chair of this meeting. I was selected as chair not for my experience [on the subject], but for my interest in it and an ability to conduct this kind of online conferences.

rachel_ruelo: I am Superintendent Rachel Duran Ruelo, the Head of Correctional Institution for Women (CIW, for short), Mandaluyong City, Philippines. CIW is the only prison institution in the Philippines for female offenders sentenced more than three years, including those with life and death sentences.

xtina411: I'm Christina Wilson, project coordinator for the California Coalition for Women Prisoners. We have branches throughout California; the one I am housed at is in the Bay Area (San Francisco/Oakland).

janetisserlis: I'm Janet Isserlis. I've worked in adult language and literacy since 1980, and with women in prison (only two, directly) since the end of 1999. I've also been part of a teaching team of a course on race, gender and incarceration this semester at the university where I'm based in Rhode Island, USA.

mvtcabreraballeza: Hello everyone. I'm Mavic Cabrera-Balleza. I manage the programme (of Isis International-Manila) that's organising this discussion. We look forward to this exchange, as it will be one of our feature articles in a future issue of our magazine *Women in Action*.

aa_rizan: Zarizana Abdul Aziz (participating as aa_rizan), a Malaysian lawyer who volunteers for the Women's Centre for Change in Penang, Malaysia, joined the conference a little later due to technical difficulties. She is actively involved in law reform.

Why are more women being charged for violent crimes?

luzma_martinez2000: Thank you. Can we begin with the first question? In recent years, more and more countries are seeing an increase in women prisoners, and more women are being charged for violent crimes. Why do you think this is happening?

janetisserlis: There seems to be an opinion that women commit fewer violence crimes than men, but that when they do, (especially in instances where an intimate partner has battered women), they commit seriously violent crimes. I can't cite numbers at the moment, but wonder if you all find this notion to have any truth?

xtina411: In the U.S., two main forces have propelled the huge increase in the women's prison population. The first

is the War on Drugs, which incarcerates many women for being “conspirators” of drug crimes by being in homes with drug dealers, etc. The second, which is related, is that many women who are incarcerated were in some sort of domestic violence situation involved in the commission of the crime.

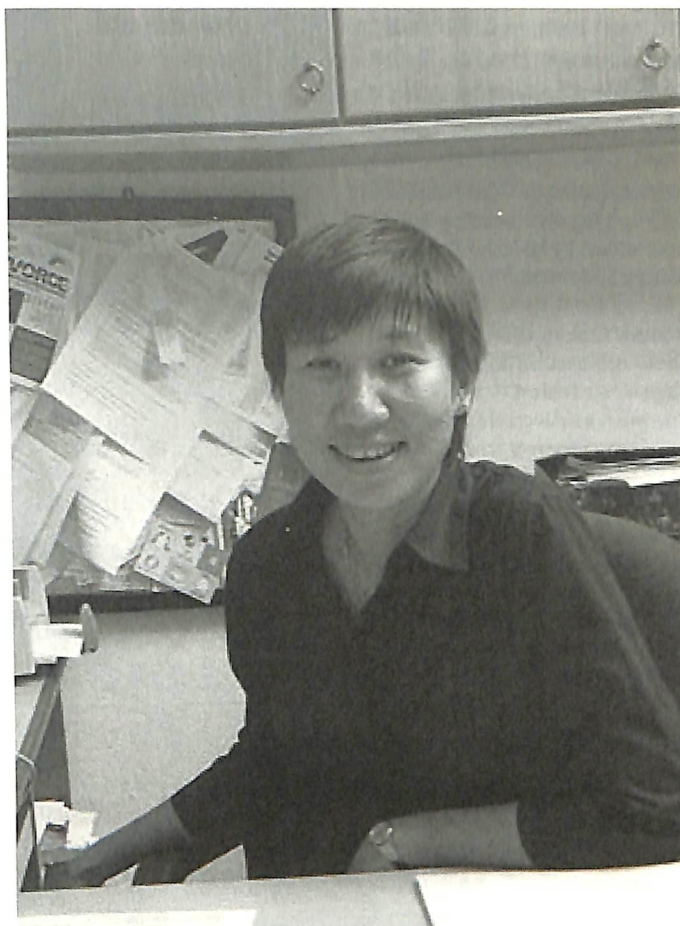
rachel_ruelo: I agree that more women are now being charged for violent crimes. When I started as head of CIW in 1995, our inmate population was only more than a hundred. Now, we have a total population of 1,060 inmates, with 28 death convicts. Five years ago, for the crimes of parricide and murder, we have 14 and 52 inmates, respectively. Now we have 20 female offenders for parricide and 82 for murder. In our crime statistics, the crime against property (they call it embezzlement in other countries) is the highest—more than 50 percent. Second is the drug-related cases, and the third is crimes against persons (parricide, murder, homicide, etc.).

luzma_martinez2000: From what I’ve read and what Rachel and Janet say, there seems to be more violent crimes among women. What in society is prompting women to participate in such crimes?

aa_rizan: [This is] really difficult to pinpoint. One of the reasons may be that society is less tolerant of women committing offences. An example, and this is not about violent crimes, was a woman charged with bigamy here. Many men commit this crime in Malaysia but there was only one incidence in recent history that a person was charged [for bigamy]. She was female and the picture showed her handcuffed and brought to court. Now you do not handcuff a person charged with a non-violent crime. And no man has been charged, so she was treated worse than if a man who may have committed any crime.

rachel_ruelo: Developments in society are not that [relevant an influence] on crime trends than a person’s character, and the economic situation...for example, poverty. As early as when a person starts to grow up, he or she already knows what’s right from wrong, but modernisation changes the person’s character. For example, our Filipino women, who [used to] just stay home, [were] simple, naive and unsophisticated, but now, they smoke, drink, stay [out] late at night and cannot avoid bad influences.

aa_rizan: There seems to be a breakdown in the social fabric. Families used to take care of their own members, but now, each person has to take care of himself/herself. Thus women start participating in all areas, in legal as



courtesy of Lynn Oh

Zarizana Abdul Aziz, a Malaysian lawyer who volunteers for the Women’s Centre for Change in Penang, Malaysia

well as illegal ones. Sometimes also, in relation to crime, when they work with a group, women are assigned certain “jobs” because they do not draw so much suspicion. So you see increase in women’s criminal arrest as well.

rachel_ruelo: Women commit parricide because of emotional and mental depression caused by jealousy, insecurity, financial problems and domestic problems. For murder, it could be at the spur of the moment—out of anger or hatred, physical or sexual abuse. Drug-related cases are due to family problems, poverty, insecurities, bad influences from the community, school or peer group. Others just want to try but could not avoid the consequences.

xtina411: Many of the women I work with are incarcerated for murdering their batterer, or committing manslaughter, or attempted manslaughter. It’s amazing—the prevalence of domestic violence among women we work with when it comes to violent crimes.

aa_rizan: Perhaps it is because society gives less attention to crimes committed against women that they are pushed to desperation for a “solution” to end their plight.

janetisserlis: Absolutely. A couple of years ago, one of the women I worked with pointed her finger [to the rest of the inmates in] the common room and basically asserted that almost every woman on the wing was there because of issues of domestic violence.

I think that in the U.S., there are certain things that sanction and support state violence against women, both U.S.-born and immigrant women. Immigration laws are such that so many immigrant women have to rely on men for their survival. Our welfare laws are such so that women have to depend on the income for their families’ support.

luzma_martinez2000: Zari has raised a good point—how law applications differ. Are laws applied to women differently than to men?

janetisserlis: They’re certainly applied differently to women of colour, and also to working and poor women. Again, there is that huge overlap of drug laws and domestic violence at work here.

luzma_martinez2000: Absolutely true in the U.S. is the issue of colour. The issue of class is world-wide. What is the experience in Malaysia and Philippines?

aa_rizan: Oh, of course class is a relevant issue. Class gives you immunity.

rachel_ruelo: In the Philippines, the penal laws have no special consideration for women, whatever punishment is meted to men are also applied to our female offenders.

aa_rizan: That is true in the formal laws but its application is another matter.

xtina411: In terms of policy, once law enforcement figures into the equation, the case for women doesn’t get any better. In terms of the role of the state prisons, of rehabilitation versus punishment, the state replicates the abusive relationship on women as a solution to crime. They

perpetuate the violence when the root cause is violence! If you overlay the example of a relationship characterised by domestic violence on top of prison conditions, they are the same: geographic isolation, economic control, threat, coercion, sexual assault, etc.

aa_rizan: So more women end up in jail. Janet mentioned that most women are in for domestic violence. Men would not even be vulnerable to domestic violence against them. So this is a gender-specific problem. How many [women] go in for domestic violence?

janetisserlis: I can look for those stats and e-mail them to you all later. Not sure if you know, Christina?

xtina411: Not off the top of my head, but I have some statistics I can send afterwards. In the U.S., close to 70 percent of women in prison have been victims of sexual or physical violence in their lives. That is not the same statistic for the prevalence of domestic

violence being directly related to the commission of the crime.

aa_rizan: The “authority” men exert over women sanctions violence committed by these men against women. I remember visiting a prison in Pakistan. Most women were there either on account of family members accused of inappropriate sexual conduct or to protect a relative from the family’s [retribution] for such alleged conduct.

rachel_ruelo: In the Philippines, [the upsurge in crime] is due to poverty, the desire to survive or for material wealth. More than 50 percent of our female offenders were convicted of crimes against property, including embezzlement, illegal recruitment, robbery, and theft (mostly among domestic helpers). Of the 28 female death convicts in the Philippines, only one was charged with parricide—for killing her husband while the man was asleep. She was a battered wife and suffers mental depression until now. All other cases are for kidnapping for ransom and drug trafficking.

aa_rizan: Do the women sentenced for kidnapping/drug trafficking work alone or in groups? That would be interesting, to see how women get involved in these crimes.

xtina411: Here’s some information regarding battered

Unsensitised media portrays women criminals worse than male criminals. It emphasises and plays upon society’s attitude towards women criminals, as society is less forgiving of women who commit crimes.

women in prison. A study of 42 women charged with killing or seriously injuring their mates in 15 states from 1980-1983 and a comparison group of 205 women in abusive relationships who did not use lethal actions revealed that many of them stayed with the abuser because they were beaten up after trying to escape or because they believed an attempt to escape would cause their partner to retaliate with further violence. Almost all of the battered women surveyed thought the abuser could or would kill them. Many, especially in the homicide group, were convinced that they could not escape this danger by leaving (Angela Browne, *When Battered Women Kill*, New York: The Free Press, 1987, p. 113).

aa_rizan: These are basic instincts for men and women, only that now, women are giving in to these instincts because they have to take care of themselves.

luzma_martinez2000: What about the role of the state in perpetuating violence through its jails and police. For example, in the Philippines, 22 percent of women surveyed in a study reported sexual rape and violence by police officers.

janetisserlis: One of my students reported being raped by a guard in another prison (she'd been sent out of state for several months).

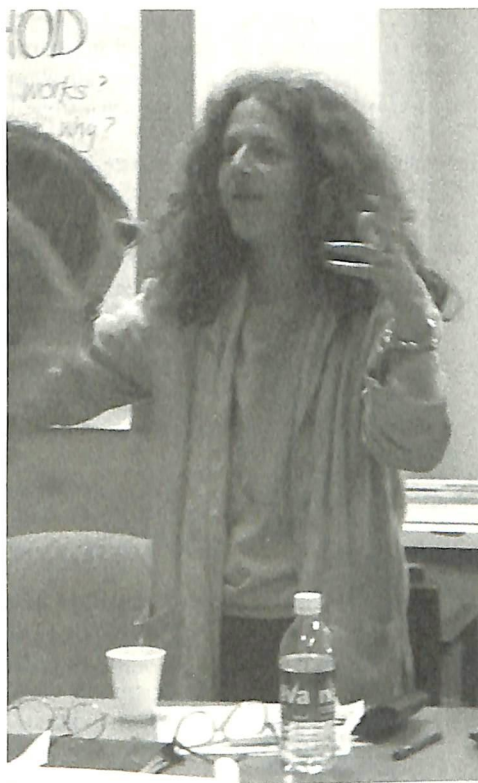
aa_rizan: Did she report it?

janetisserlis: I don't believe so—she told me only about a year after she returned to the prison here (in Rhode Island). She didn't want to talk about it, and I didn't push her to.

aa_rizan: That is understandable, seeing what happens to women who report rape in detention. Crimes perpetuated against women in detention are hard.

luzma_martinez2000: Rachel, as an attorney working in the jail system, how often do women report rape, sexual harassment by police officers?

rachel_ruelo: Sexual abuses committed in jails are under the jurisdiction of local governments. So far, there are only



Janet Isserlis worked in adult language and literacy since 1980 and with women in prison since the end of 1999.

few women, not more than five, with complaints of sexual abuse while in detention. No such thing [has] ever occurred in CIW, which is a national penitentiary. No male guard is assigned inside the prison compound. Male guards are assigned to the post towers and other security areas outside the prison walls. If a woman inmate has to go out to attend a court hearing or for medical referral, she is escorted by one male and one female guard. In my eight years of experience as head of CIW, no sexual abuse has been committed against our inmates. There is also nothing of that sort in the more than 70 years of existence of CIW.

What role does media play in perpetuating stereotypes of women in prison?

luzma_martinez2000: I would like for us to move on to the second question. We have already touched on the changing roles of women in society and how some of these changes are

making women more vulnerable to violence, which in turn makes women react more violently, and or leads to their being charged unjustly (or harshly) for certain crimes. We have also identified poverty, family, male violence, a life of violence, mobilisation from one country to another as relevant issues. But what about the media? How does media play a role in this? How does media reflect women as criminals? What stereotypes does it strengthen? What misconceptions does it perpetuate? Or is the media helping society recognise and acknowledge the issues of women in prisons?

aa_rizan: Unsensitised media portrays women criminals worse than male criminals. It emphasises and plays upon society's attitude towards women criminals, as society is less forgiving of women who commit crimes.

janetisserlis: The media tends to "fetishise" women in prison—at least in the west. There are reality television shows depicting daily life, and fictional films that essentially play out all the stereotypes you can imagine—toughness, being wrongly accused, being evil, being violent. The control of how the inmates' stories are told is held by those who incarcerate them.

women in prisons

Irene R. Chialiss International-Manila

rachel_ruelo: In the Philippines, media has different approaches to our offenders. There are those who are judgmental, they are negative to our offenders just for their being women. They look upon [women in prisons] as plain criminals, not as persons any more. They [hype up] stories to attract readers' attention, [fabricating] details or information. It is unfair to portray offenders who are on appeal, called "detention prisoners," as criminals and as bad persons pending the decision of the appellate courts.

xtina411: The issue of battered women in prison has received much media attention in California, at least. As for how the women are perceived, in many instances, women are invisible in terms of how their lives intersect with the criminal justice system. At the same time, those who stand outside the "traditional norms" laid out for women are more heavily punished. For example, in South Carolina, a woman was sentenced to death for doing drugs while she was pregnant, which led to a miscarriage. The idea of a drug-doing mother, whether pregnant, on welfare, prostituting to support herself, or simply unable to make ends meet, is demonised in the media and in the criminal justice system. The big patriarchal system is pissed at the mother and will use institutions and the criminal justice system to deliver the punishment.

janetisserlis: Mainstream society is thus easily allowed to continue to demonise prisoners. Their humanity is essentially stripped from them.

At this point Christina had to leave the conference.

aa_rizan: Bye, Christina... Yes, I agree, but it is also important to note the difference in media's treatment of incarcerated women and incarcerated men.

rachel_ruelo: There are media people with a positive attitude to our women inmates. Their portrayals [of these women] on TV, radio, newspapers and magazines are sympathetic, giving more emphasis not on their character but on the reasons behind the crime. In one way or another, media helps society acknowledge the issues of women in prisons. This is evident in the support coming from NGOs, civic organisations, and religious and student groups in response to media's call to visit the CIW and extend assistance to inmates.

luzma_martinez2000: The recent sensational media stories of women are about women caregivers who kill those they care for... Are these sensational cases helping or hurting... How are these women perceived? For example, there is a report about how Argentine women who killed their children are being portrayed as 'monsters' by media. The chances of these women getting a fair trial are almost zilch. No one wants to know what drove her to kill her children.

janetisserlis: It's too easy to flat out condemn a woman who kills her children. Learning about root causes, not 'excuses,' but underlying causes, doesn't happen. Women who kill, especially those who killed their children, are the easiest to dismiss as monsters. They have "slightly" better odds if they kill their batterers, but still, the underlying systemic causes (poverty, racism, etc.) remain untouched.



Superintendent Rachel Duran Ruelo (left), Head of Correctional Institution for Women in Mandaluyong City, Philippines with Luz Maria Martinez, facilitator of the online discussion.

aa_rizan: Because society has deep-seated perceptions about women. It's the same with incest. It becomes worse if the mother is the one who commits this because it goes against the grain that women are supposed to be more caring and "reliable" than men. In Malaysia, among the more conservative communities, a woman is frowned upon if she [initiates] the divorce, no matter what the reason. The first question people ask is, "What of the children?" If it's the man getting the divorce, nobody asks that question.

aa_rizan: Thus the monster bit... if she breaches these norms and expectations.

luzma_martinez2000: Rachel did say there are media people interested in showing women prisoners as women.

janetisserlis: Rachel, can you say more about that, please?

aa_rizan: Yes, of course. I was generalising. I am sure there are sensitised media people.

rachel_ruelo: Yes, women [inmates] are portrayed differently than men. In our country, where media sees the conditions in male prisons and female prisons, they find women inmates more disciplined. CIW is a clean, orderly and a peaceful prison community. It is very rare that an irregularity is reported, unlike in our male prisons where the prisoners continue to indulge in drugs, gambling and other vices.

What challenges lie ahead in the advocacy for incarcerated women and/or prison reform?

luzma_martinez2000: As feminists working on issues of incarcerated women, what are the challenges you face and foresee? This is the last question.

janetisserlis: Inequity in sentencing, surveillance; state control of women's bodies (welfare rights, reproduction), racism (as we discussed earlier), lack of access to educational opportunities for women before and after incarceration. For some women, prison provides a 'stable' enough place to engage in studies... Generally, though, from the perspective of women's rights and progressive social change, it seems that prisoner advocacy issues have to be tied to the "larger" women's issues, especially in the areas of physical and sexual violence.

aa_rizan: The treatment of women in prisons. We must ensure that women need not be in prison to be safe. For example, when detention of women is used for their own safety.

rachel_ruelo: I consider it a challenge to convince the criminal justice system to give special consideration to our women in terms of punishment as they are not hardened criminals, [that the justice system be persuaded] not to adopt long incarceration as women have more attachment

to their families and have more domestic responsibilities. A home or a family can continue to exist with a mother and without a father, but not without a mother even if there is a father.

aa_rizan: If you break certain perceptions, then society can be as forgiving of a woman's commission of a crime. The issue of women and children is another area that needs attention.

janetisserlis: The challenges lie in building, with women, safer communities; in recognising that the incarceration of men AND women disrupts communities and families as well. If society can understand how it is complicit in creating/condoning crime, I wonder how things might change, although this sounds idealistic.

aa_rizan: Therefore, [we need] alternatives to prisons as the form of sentencing for women.

janetisserlis: Yes!

luzma_martinez2000: What kind of alternatives?

aa_rizan: Looking at the needs of family, etc., and the purpose of sentencing.

janetisserlis: Education and treatment (addictions, mental health) seem to be two big possibilities as alternatives, as well as the need to educate 'mainstream' society about underlying causes of crime/criminality.

aa_rizan: Does it help women (or men) to be imprisoned?

rachel_ruelo: I have submitted several position papers for our Department of Justice to relax its rules in granting parole and executive clemencies on women. If a mother stays for so many years, say 10 years or more, the children are neglected in terms of love, care and support, and they become an additional burden of society, and may even become offenders.

janetisserlis: Sorry, but I need to be leaving soon. It's nearly 9 p.m. I'm at the office and need to get home in a bit.

aa_rizan: Yes, I need to get to work soon as well. It is almost 10 a.m. here and I'm hiding away at home. Otherwise, it would be impossible to do this.

janetisserlis: I'm done, thank you all very much.

aa_rizan: Bye, Janet. A pleasure.

luzma_martinez2000: Thank you all for your time and patience. We will be in touch. ☺