

## The Incarceration of Women

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# The Incarceration of Women

## Punishing Bodies, Breaking Spirits

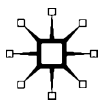
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# Contents

<i>Preface</i>	vi
<i>Acknowledgements</i>	ix
1 Women behind Bars	1
2 Agency, Violence and Regulation in the Incarceration of Women	28
3 Researching Prison, Women's Voices	54
4 Women's Imprisonment, Conflict and Transition	72
5 Inside a Deteriorating Regime	98
6 Self-Harm and Suicide	120
7 Tale of Two Inquests	149
8 The Prison Within	172
9 The Pain of Confinement and Decarceration	203
<i>Appendix: Campaign Organizations against Women's Imprisonment</i>	235
<i>Bibliography</i>	238
<i>Index</i>	249

# Preface

At a range of levels, the research process underpinning this book is unique. It spans a decade of in-depth, investigative enquiry and analysis during a defining period of political transition and conflict transformation in the North of Ireland – the discrete jurisdiction of Northern Ireland. Initiated and funded by the Northern Ireland Human Rights Commission following its serious concerns about the conditions under which women and girls were incarcerated, the research focused on potential breaches of Articles 2 (right to life) and 3 (inhuman and degrading treatment) of the European Convention on Human Rights. As girls were held in the women's prison, the research extended to cover potential breaches of the UN Convention on the Rights of the Child. We negotiated access to women incarcerated in the Mourne House Unit of the maximum-security and predominantly male jail at Maghaberry. Soon after completion of the first phase of the research, women and girl prisoners were transferred to the medium-security male Young Offenders' Centre at Hydebank Wood where the second phase was conducted.

In both jails, women and girl prisoners were held as a minority population within almost exclusively male environments. The independent, primary research conducted in both institutions over a three-year period is unprecedented, drawing on significant primary testimonies of women combined with close observation of the regimes in process. The story of the research, however, extends beyond the two phases of primary research. While methodology textbooks and ethical guidelines seek to establish clear boundaries between the researcher and 'subject' to establish and sustain 'distance', as if the place of study does not involve directly the 'presence' of the researcher, this is a false aspiration in the real world of conflicted interests and human tension. Prisons and the relationships within are not laboratories; they are closed institutions of volatility, unpredictability, discipline and control. As the research progressed we engaged, institutionally and publicly, in controversies regarding the deaths of women in custody, a hunger strike concerning the status of politically affiliated women prisoners, media revelations of inappropriate behaviour towards women by male prison guards, the use

of punitive strip searches and punishment cells for vulnerable women and the debilitating and destructive force of a stagnating regime.

The boundaries we negotiated at the outset of the research dissolved as we took responsibility while the research was ongoing to reveal the harsh realities of the regime's operation not only to the funders, the Commission, but also to prisoners' lawyers and journalists. We understood that such a decision could compromise research access but the reality of 'bearing witness' to institutionalized neglect and, on occasion, cruelty transcends formalized agreements that reduce researchers to spectators. Thus a moral and political judgement has to be taken concerning when, how and in whose best interest researchers move from chronicling to intervening in events. We were well aware that previous researchers had heard disturbing testimonies from the women and girls inside and had chosen to remain silent. With the full support of the Commission, we chose a different path. Based on our research observations and interviews, our immediate interventions were as follows: writing affidavits; giving oral evidence at a judicial review hearing; writing statements and giving extensive oral evidence at two inquests; giving interviews for several television documentaries, radio debates and newspaper articles; and being interviewed by a Prison Review Team appointed by the Northern Ireland Assembly Department of Justice. This generated hostility from the Northern Ireland Prison Service, prison managers and guards and, inevitably, drew claims that the research was 'political' rather than 'academic'.

As this book demonstrates, the sustained impact of the primary research owes much to its access within the jail granted reluctantly via the powers of the Commission. It is also indebted to the openness and honesty of women in informal and formal interviews, focus groups, in prison meetings and in casual conversation. While the women's prison population in Northern Ireland is small, the number of women interviewed and involved in the research well exceeded the population on any given date. Freedom of movement within the prison allowed us to interact not only with women prisoners but also with the regime in operation. Despite an itinerary agreed daily with prison managers, we responded, often spontaneously, to events as they happened. Such rare access was complemented by disclosure of documents, including internal investigation reports on deaths in custody – the Commission was an agreed 'interested party' at the inquests – and the files of women considered 'at risk'. The longitudinal element of the research, although unintended, has enabled a systematic review of the impact of the research alongside the recording of the slow progress of a reform

agenda delayed by defensive management and operational practices that should have been consigned to history. Their durability is a key feature of what regularly has been characterized a 'dinosaur mentality' within managerial and staff cultures.

Thus the research explores the dynamics of institutional denial and failure to reform, despite a series of critical inspection and independent monitoring reports, each of which has made recommendations founded on the urgent necessity of a small, discrete women's prison supported by appropriate and effective alternatives to punishment and custody which meet the complex needs of women. As the chapters that follow note, these are not 'new ideas' and have been the established priorities of penal reform and decarceration across democratic societies for half a century. In 2011 the recommendations were endorsed by an independent Prison Review Team established by the Department of Justice when its critical report called for the closure of the women's unit at Hydebank Wood and the creation of a small unit based on therapeutic principles. Subsequently, the Minister of Justice announced plans to progress the development of a discrete women's unit by 2018, 13 years after our first research report was published.

Our research has extended to include these developments, incorporating analysis of the consequences and aftermath of the 2010 devolution of policing and justice powers from the UK Government to the Northern Ireland Assembly. Women in prison in Northern Ireland comprise a small population in a small jurisdiction. Yet, the research and analysis is not limited to place. Clearly, the history of Ireland, the role of the British State, the legacy of the Conflict and the advent of the 'peace process' are each significant to establishing and interpreting the context and circumstances of incarceration during a period of political transition. The wider relevance of this research is its contribution, theoretically and politically, to the growth in international scholarship on the gendered politics, realities and resistances of women's incarceration. It is within that international context that our research and analysis is located.



# Acknowledgements

*The Incarceration of Women* is the culmination of a decade's academic research, diverse publications and public engagement focusing on the lives and experiences of women and girls imprisoned and detained in the North of Ireland. While the research took place in the years following the advent of the Peace Process and the release of politically affiliated prisoners, as this book shows, the legacy of the Conflict has remained a dominant feature in the jails, their regimes and their culture. 'Ordinary' women prisoners have been caught in a double-bind of marginalization. First, they are women in a male penal estate that exudes masculinity in its patriarchal, deeply gendered custom and practice. Second, they are 'ordinary' prisoners in a context of resistance and reform that has prioritized the rights and interests of politically affiliated prisoners. It is instructive that while there are several organizations committed to supporting politically affiliated former prisoners, there have been no similar initiatives working on behalf of the majority prison population.

Research into the prevailing conditions under which women and girls were held in jail was initiated by the Northern Ireland Human Rights Commission. Two extensive research reports were published by the Commission and much of the evidence of the impact of incarceration on the lives of women and girls presented in the book is derived in that primary research. While acknowledging the support for the research from within the Commission, we are profoundly grateful for, and deeply respectful of, the commitment and trust shown to us by women and girl prisoners, former prisoners and prisoners' families whose personal experiences are presented in the core chapters of the book. Our work is predicated on the principle that critical research has a duty to enquire, investigate and bear witness to what happens behind the formidable walls, physical and psychological, of closed institutions. Historically, prisoners individually and collectively have formed alliances and movements demonstrating great strength and resilience in resisting the openly hostile and the quietly subtle manifestations of power in the routines of incarceration.

As the primary research chapters demonstrate, research in prison is contentious. Prison cells, access landings and recreation rooms are prisoners' 'homes'. Yet, there is no privacy. Under constant surveillance,

intrusion into a prisoner's space by guards and their managers is forever a turning key. Every moment of 'agency' – the relative freedom of personal action – is also a moment of potential constraint. Every moment of resistance is also a moment of potential punishment. Researchers walk the landings not as guests of prisoners, their presence assumed to be an extension of prison's discretionary reach into the lives of the incarcerated. Critical researchers have a profound ethical responsibility to establish and maintain independence from the penal system, to show respect to all prisoners taking care not to intrude or enquire unless invited. Prisons are not zoos, prisoners are not exhibits, their lives defined solely by a criminal record and a sentence. The validity of research from the inside, the 'view from below', is that it gives the space and opportunity for silenced voices to be heard, it chronicles often contentious and punishing events and it informs public debates about what is done behind closely guarded walls 'in our name'.

\* \* \*

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The commissioners of the Northern Ireland Human Rights Commission contracted, endorsed and published the initial primary research on which this book is based (neither they nor the Commission are responsible for the contents of, or views expressed herein). The commissioners who initially visited Maghaberry Prison and identified the urgency for an investigation into the treatment of women prisoners showed considerable insight. Chief Commissioner, Professor Brice Dickson, was at all times supportive and his successor, Professor Monica McWilliams, continued to progress the issues and work for the rights of women in prison. Thank you to the staff who worked at the Human Rights Commission during the period of the research, especially Nadia Downing who worked technically to produce the primary research reports

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Finally, and most significantly, we pay tribute to the courage and trust shown by women prisoners in participating in this independent research, discussing often deeply personal issues. This extends to women in the community, including former prisoners, and their families who contributed to the research. We acknowledge particularly the resilience of the families of Annie Kelly and Roseanne Irvine for their openness before, during and after the inquests into the deaths of their loved ones.

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