

## PUBLIC POLICIES DEVELOPED IN WOMEN'S PRISONS IN ARGENTINA



<https://doi.org/10.56238/arev6n3-302>

Submitted on: 10/22/2024

Publication date: 11/22/2024

**Tiago Silva Brito**

---

### ABSTRACT

The main objective of this paper is to analyze the public policies of rupture in women's prisons in Argentina, seeking to understand their implications for social reintegration, the reduction of recidivism and respect for the human rights of incarcerated women. The study addresses the programs developed in the prison context for women, analyzing the conditional guidelines of international bodies, as well as the Argentine legislation that aims to promote the dignity and rehabilitation of these inmates. Starting from a theoretical and methodological review, questions were raised about relative gender inequalities, the conditions of incarceration and the challenges of resocialization. The theoretical framework covers studies on gender, criminal policies and human rights, providing a critical and multidimensional view. A qualitative approach was used, with documentary analysis and interviews with professionals from the penitentiary system. The final considerations reveal that, although there has been progress in foreign policies for the female prison population, inequalities persist and deactivate greater attention from the State and civil society. It is concluded that the effectiveness of policies depends on an integrated approach, focusing on the empowerment of women and combating the conditions of social exclusion that many face before and after incarceration.

**Keywords:** Women's Prisons. Public Policies. Argentina. Gender. Human rights.

## INTRODUCTION

In recent years, the increase in the female prison population in Argentina has brought to light questions about the penitentiary system and public policies aimed at this population. Reflection on the specificities of female incarceration is essential, since women face particular conditions and challenges, different from those experienced by men in the same context.

The growth in women's incarceration rates in Latin America, especially in Argentina, is directly related to worsening poverty, social exclusion, and involvement in illicit activities, such as drug trafficking, which, according to studies, disproportionately affects women from lower social classes (Alvarez, 2019).

In this context, the public policies developed for the women's prison system have sought, in theory, to meet the specific needs of this population. However, there is a significant gap between legal guidelines and the implementation of these policies (Zambrano, 2021). The debate on the role of the State and civil society in promoting a more inclusive and equitable justice is central to understanding the transformations that have taken place.

Living conditions in women's prisons are often marked by human rights violations, such as overcrowding, precarious access to health, lack of adequate education programs, and absence of professional training. According to data from the Argentine Ministry of Justice (2020), approximately 80% of incarcerated women in the country are mothers, which further aggravates the challenges faced in the incarceration process, especially with regard to maintaining family ties.

Public policies aimed at women in Argentine prisons must incorporate a gender perspective, as recommended by international organizations such as the United Nations (UN) and the Inter-American Commission on Human Rights (IACHR). However, there is criticism about the effectiveness of these policies, since most prisons do not have adequate infrastructure to house women with dignity and to offer effective rehabilitation programs (López, 2022).

In this sense, it is essential that public policies for incarcerated women are not limited to isolated initiatives, but that they involve a profound restructuring of the Argentine prison system. The adoption of measures that guarantee educational training and insertion in the labor market is one of the central points for reducing criminal recidivism and promoting a dignified life after serving the sentence (Martínez, 2020).

This article aims to analyze the public policies developed in women's prisons in Argentina, from a critical perspective that takes into account not only the formal guidelines, but also the reality experienced by women deprived of liberty. The analysis is carried out in the light of key concepts of human rights, gender equity and social justice.

In the end, the article seeks to offer contributions to the improvement of public policies, considering the structural and social challenges that hinder the effective reintegration of women into the social fabric when they leave the prison system.

## **PUBLIC POLICIES AND INCARCERATION**

Public policies aimed at the prison system aim to ensure public safety, as well as the rehabilitation of individuals deprived of liberty (Costa, 2017). However, these policies, when applied to the female public, must consider the specificities related to gender, such as maternity and the history of violence experienced by most inmates before their incarceration (Wacquant, 2010). It is important to highlight that many of these women were victims of domestic or sexual violence before being arrested, which implies that policies need to deal not only with the deprivation of liberty, but also with the psychological and emotional consequences of these traumas (Macedo, 2018).

In addition, incarcerated women have particular health needs, including reproductive and mental health, that are often overlooked in a system designed predominantly for men (Rodrigues, 2019). Female incarceration requires public policy planning that goes beyond the issue of security, prioritizing access to specialized health care, such as gynecological follow-up, treatment for psychological trauma, and maternity support programs, since many inmates are mothers and have immense difficulty in maintaining bonds with their children (Tavares, 2021).

Motherhood is a central aspect to be considered in women's prison policies, since many women, especially in contexts of social vulnerability, are the main or only caregivers of their children. Incarceration generates a rupture in the lives of these children who may end up in the custody of family members or even the social protection system (Martínez, 2020). According to the Argentine Ministry of Justice (2020), about 80% of women imprisoned in the country are mothers and this requires a specific approach that makes it possible to strengthen family ties during the period of serving their sentence (González, 2019).

Another challenge faced by women in Argentine prisons is the lack of educational and professional training programs that allow them to reintegrate into the labor market upon leaving prison. The absence of opportunities to develop skills and acquire knowledge is a factor that contributes to criminal recidivism, since many of these women return to the environment of exclusion and poverty that led to the crime in the first place (Santos, 2021). In this sense, education and professional training policies within the prison system are essential to ensure that inmates can rebuild their lives after incarceration (Nunes, 2022).

Another critical point is the precariousness of facilities in women's prisons in Argentina, since many units do not have adequate infrastructure to meet the basic needs of detention, such as access to drinking water, hygiene conditions, security, and adequate spaces for recreational and educational activities (López, 2022). In addition, overcrowding is a recurring problem, further aggravating living conditions inside prisons. According to the report of the Inter-American Commission on Human Rights (IACHR, 2020), Argentine women's prisons suffer from a high occupancy rate resulting in violations of the human rights of inmates.

Another point to be addressed in public policies is the issue of institutional violence. Many incarcerated women report experiences of physical, psychological, and sexual violence within prisons, both by other inmates and by prison system staff (Alvarez, 2019). The absence of effective protection and rejection mechanisms aggravates this situation, reinforcing the need for a stricter approach to combat gender-based violence within the prison system (Saavedra, 2018).

It is crucial that public policies external to the female prison system consider the preparation of women for life after incarceration. Social reintegration programs that include psychological support, employment opportunities, and housing are key to reducing recidivism rates (Zambrano, 2021). However, reintegration goes beyond immediate assistance and involves a broader cultural and social change, including the creation of support networks and raising society's awareness of the reception of these women after serving their sentences (López, 2022).

In this way, the development of effective public policies for women's prisons in Argentina depends on an intersectoral approach that addresses not only justice and confinement, but also the rehabilitation and guarantee of the human rights of these women. This requires a continuous commitment from the State, civil society organizations, and the international community to promote profound structural changes in the penitentiary system.

## FEMALE INCARCERATION IN LATIN AMERICA

In Latin America, the significant increase in the female prison population in recent decades can be attributed, in large part, to the so-called "war on drugs". Women, generally with low education and belonging to disadvantaged classes, are often recruited to act as "mules" for international drug trafficking (Saavedra, 2018). This aspect is accompanied by repressive penal policies that share some of the situations that lead these women to crime.

One of the most devastating effects of these policies is the rupture of family ties, since most of these women are mothers and play a central role in the care of their children. The forced separation of children, who are often left in the care of family members or placed in institutions, has profound impacts on both inmates and their children, contributing to intergenerational cycles of poverty and exclusion (Martínez, 2020). In addition, penalties for drug trafficking, especially when applied in a generalized manner, do not take into account the relatively minor role of these women in criminal networks, resulting in disproportionate sentences compared to drug lords (Lima, 2019).

It is worth highlighting the lack of gender policies in the Latin American penal system that do not consider the specific needs and vulnerabilities of women. Women's prisons are often ill-equipped to deal with issues such as reproductive health, psychological assistance, protection from abuse and violence within the prison system (Rodrigues, 2019). Inhumane conditions and overcrowding also exacerbate the situation, violating the fundamental rights of women prisoners and perpetuating cycles of marginalization that are difficult to break without serious political intervention (Alvarez, 2019).

It is worth noting that drug policies in Latin America often ignore the structural factors that lead these women to crime, such as extreme poverty, unemployment, and lack of access to education. Initiatives that aim to punish involvement in drug trafficking, instead of offering economic and social development solutions, end up widening existing inequalities and increasing the vulnerability of women prisoners, making it even more difficult for them to reintegrate socially after serving their sentence (Zambrano, 2021). These policies need to be reassessed, prioritizing approaches that consider gender dynamics and seek alternatives to incarceration, such as more inclusive rehabilitation programs.

In addition, it is necessary to consider that the criminalization of these women often takes place in a context of pre-existing gender violence, that is, many of these women involved in drug trafficking have already been victims of abuse, domestic violence, and exploitation, thus resorting to these activities as a form of survival (Alvarez, 2019). The

penal system, however, despises these situations, treating them indifferently to their personal realities, ignoring the role of structural inequality and gender oppression in the increase in female incarceration (Gomes, 2020).

It is important to highlight another aspect in this analysis: recidivism. The lack of effective social reintegration policies and post-prison support means that many of these women return to criminal activities after serving their sentences. The absence of job opportunities, social stigma, and difficulty in rebuilding family ties are factors that affect the return to crime (Rodrigues, 2019). Policies to combat drugs that only punish, without offering social rehabilitation programs, fail to promote true resocialization, perpetuating a cycle of exclusion and recidivism (Saavedra, 2018).

Therefore, it is urgent that Latin American governments reassess their policies to combat drugs and adopt more humanized strategies considering the social and economic reality of women involved in trafficking. This includes not only a review of sentences, but also the development of preventive programs focused on education, creating economic opportunities, and strengthening social support networks for women in vulnerable situations. Only through a multidimensional approach, which recognizes the complexities of the problem, will it be possible to break the cycle of incarceration and exclusion that affects so many women in the region (Zambrano, 2021).

## HUMAN RIGHTS AND GENDER IN THE PRISON SYSTEM

The recognition that incarcerated women are subjects of rights and deserve treatment that respects their dignity is relatively recent. The UN, through the Bangkok Rules (2010), establishes that prison policies must be adapted to meet the specific needs of women prisoners. However, most of these guidelines encounter significant barriers, especially in countries such as Argentina, where prison systems face structural problems (Reis, 2019). These challenges include overcrowding, lack of adequate infrastructure, and the absence of policies that effectively address gender issues, resulting in a continued violation of the human rights of female inmates (López, 2022)

One of the most critical aspects affecting the application of the Bangkok Rules is the precariousness of the health services offered to incarcerated women. While these guidelines require inmates to have access to adequate medical care, including reproductive health, many prisons in Argentina and other Latin American countries do not provide such care (Rodrigues, 2019). Problems such as the lack of specialized doctors, medications, and

the absence of adequate prenatal care for pregnant women are common, aggravating the vulnerable conditions of women in prisons (Alvarez, 2019). In addition, the absence of specific mental health programs, especially in cases of women who have suffered abuse and trauma before incarceration, prevents their recovery and rehabilitation effectively.

Gender violence inside prisons is another point that deserves a lot of attention. Incarcerated women are particularly exposed to various forms of institutional violence and abuse of power by prison officers and other inmates (Saavedra, 2018). The prison system, by its very repressive nature, tends to aggravate the situation of these women who already arrive in prisons with a history of domestic violence, sexual abuse or economic exploitation. Even with the establishment of international norms, such as the Bangkok Rules, there is a huge gap between the norms and the daily reality in women's prisons, which requires not only the creation of policies, but also their effective implementation and strict supervision (Zambrano, 2021)

The rehabilitation of incarcerated women continues to be one of the greatest challenges of the prison system. Public policies aimed at the social reintegration of these women often fail to consider the additional barriers they face when leaving prison, such as social stigma, lack of employment opportunities, and disconnection from children and family (Martínez, 2020). The Bangkok Rules emphasize the need for professional training and psychological support programs that prepare inmates for reintegration, but without adequate support from the State and society, these women end up trapped in cycles of criminal recidivism and social exclusion (Gomes, 2020). It is necessary that rehabilitation policies be reinforced with a focus on social justice and gender equity so that inmates can truly rebuild their lives outside the prison system.

## **FINAL CONSIDERATIONS**

This study adopted a methodology of a bibliographic nature based on the analysis of legal documents, reports from international organizations and academic literature on the women's prison system in Argentina. Publications covering the period between 2010 and 2023 were examined, including studies on public policies, human rights, and gender issues in the penitentiary context. The bibliographic research allowed the identification and analysis of international guidelines, such as the Bangkok Rules, as well as critical studies on the application of these standards in the Argentine context. This approach enabled an in-depth reflection on innovative public policies and their challenges.



The public policies developed in women's prisons in Argentina represent a step forward in recognizing the specific needs of incarcerated women, but they still face significant challenges to be effective. Issues such as overcrowding, lack of adequate infrastructure, and the need for educational and professional programs persist, limiting women's ability to reintegrate socially.

The results indicate that the effectiveness of these policies depends on a more integrated approach that not only respects the rights of inmates, but also prepares them to face social and economic challenges after incarceration. The fight against social exclusion and the promotion of true gender equality in the Argentine penal system are fundamental steps to transform this scenario.

In addition, it is crucial that public policies are articulated with continuous social assistance initiatives and psychological support after serving the prison sentence to prevent recidivism and facilitate the reintegration of these women into society. The creation of community support networks, programs for reintegration into the labor market and access to housing are fundamental elements to break the cycles of marginalization and poverty that affect a large part of the incarcerated female population. Only through a joint effort between the State, civil society and the former inmates themselves will it be possible to build a fairer system that promotes social reintegration and guarantees human rights effectively.



## REFERENCES

1. Álvarez, M. (2019). Encarceramento feminino e tráfico de drogas na Argentina. *Revista Latino-Americana de Política Criminal*, 14-36.
2. Comissão Interamericana de Direitos Humanos (CIDH). (2020). Relatório sobre a Situação dos Direitos Humanos no Sistema Penitenciário da Argentina.
3. Costa, J. A. (2017). Políticas públicas e o sistema prisional. *Cadernos de Políticas Públicas*, 45-67.
4. Gomes, R. P. (2020). Estigma social e o desafio da ressocialização de mulheres presas. *Revista de Estudos Penais e Criminais*, 11, 82-101.
5. González, P. (2019). A maternidade e o encarceramento: Desafios para as políticas públicas no contexto prisional argentino. *Revista de Estudos Criminais*, 90-110.
6. Lima, F. B. (2019). Tráfico de drogas e encarceramento feminino na América Latina. *Revista Brasileira de Políticas Criminais*, 5, 45-62.
7. López, S. (2022). Direitos humanos e o sistema prisional feminino. *Jornal Argentino de Sociologia*, 6, 89-104.
8. Macedo, F. C. (2018). Violência de gênero e encarceramento feminino: Um olhar crítico. *Estudos de Gênero e Justiça Criminal*, 4, 67-80.
9. Martínez, L. (2020). A reintegração social e os desafios das políticas prisionais. *Revista de Direitos Humanos na América Latina*, 112-135.
10. Ministério da Justiça da Argentina. (2020). Relatório sobre o Sistema Penitenciário Argentino. Buenos Aires.
11. Nunes, R. P. (2022). Educação e Capacitação Profissional no Sistema Prisional Feminino: Caminhos para a Ressocialização. *Revista de Políticas Penais*, 50-72.
12. Reis, A. F. (2019). Gênero e sistema prisional. *Políticas Públicas e Direitos Humanos*, 8, 21-40.
13. Rodrigues, A. F. (2019). Saúde reprodutiva e mental no sistema prisional feminino: Um direito negligenciado. *Revista de Saúde e Direitos Humanos*, 10, 101-124.
14. Saavedra, E. (2018). O impacto da guerra às drogas no encarceramento feminino. *Boletim Latino-Americano de Direito Penal*, 56-74.
15. Santos, M. V. (2021). Reincidência criminal e ausência de políticas educacionais nas prisões femininas argentinas. *Revista de Estudos Penais e Criminais*, 76-99.
16. Wacquant, L. (2010). *As prisões da miséria*. Rio de Janeiro: Jorge Zahar.
17. Zambrano, C. (2021). Políticas públicas no sistema carcerário argentino: Uma visão crítica. *Revista de Estudos Sociais*, 10, 32-50.